

Page 1

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

BRYCER LLC, BRYCER MANAGEMENT)
INC.,)
Petitioners,)
v.)
Case No. IPR2023-01196
TEGRIS, INC.,)
Patent No. 11,126,966
Patent Owner.)

VIDEOTAPED DEPOSITION OF ANDREW MOREN

June 14, 2024

9:02 a.m. Eastern Daylight Time

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

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1 INDEX TO EXAMINATION

2 WITNESS: ANDREW MOREN

3

4 EXAMINATION BY

PAGE

5 MR. COLSHER

4

6

7 INDEX TO EXHIBITS

8 PREVIOUSLY MARKED EXHIBITS

9 PRIOR MARKED EXHIBITS

FIRST REFERRAL

10 Exhibit 1001, Patent 11,126,966 48

11 Exhibit 1002, File History 55

12 Exhibit 1005, Key reference 32

13 Exhibit 1034, Tegriss website, 8/2/16 149

14 Exhibit 1035, Tegriss website, 3/21/16 153

15 Exhibit 2004, Lynnwood Case Study 114

16 Exhibit 2015, Moren's declaration 18

17 Exhibit 2025, Richland Case Study 123

18 Exhibit 2040, City of Tumwater RFP 102

19 Exhibit 2041, Hubele e-mail 127

20 Exhibit 2018, claim chart 99

21

22

Page 4

1 FRIDAY, JUNE 14, 2024, 9:02 a.m. EST

2 PROCEEDINGS

3 * * *

4 Whereupon,

5 ANDREW MOREN,

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

9 * * *

10 MR. COLSHER: Patrick Colsher for
11 the petitioners, and with me is my colleague,
12 Matt Berkowitz.

13 MR. LEHRER: Richard Lehrer from
14 FisherBroyles representing patent owner
15 Tegriss and the witness.

16 EXAMINATION

17 BY MR. COLSHER:

18 Q. Good morning, Mr. Moren.

19 A. Good morning.

20 Q. Could you please state your full
21 name for the record.

22 A. Andrew Moren.

1 Q. And what city and state are you
2 currently located in for today's deposition?

3 A. Port Orchard, Washington.

4 Q. And what city and state do you
5 reside?

6 A. Port Orchard, Washington.

7 Q. And you understand that you are here
8 today to provide deposition testimony in
9 connection with the declaration you submitted on
10 behalf of Tegriss in an inter partes review
11 proceeding involving Brycer and Tegriss's U.S.
12 patent number 11,126,966; is that correct?

13 A. Yes.

14 MR. LEHRER: Objection, form.

15 BY MR. COLSHER:

16 Q. And I'm going to refer to the patent
17 as the '966 patent for short. Is that okay?

18 A. Yes.

19 Q. Is there any reason that would
20 impair your ability to give your best and
21 truthful testimony today?

22 A. No.

1 Q. Are you on any medications that
2 would impair your ability to give your best and
3 truthful testimony today?

4 A. No.

5 Q. Do you have any hard copy materials
6 with you in the room today?

7 A. Yes.

8 Q. What are those materials?

9 A. Those are the patent, the '966
10 patent, my declaration, the challenged claims
11 that maps to Tegriss Fire. The claim chart for
12 Brycer. The Key patent, the Sweeney patent, the
13 Shohan patent, and the McKinney patent. That is
14 everything.

15 Q. And do those materials have any
16 notations on them?

17 A. Nothing.

18 Q. And I understand from counsel that
19 these materials that you have the hard copy
20 correspond to the exhibits that were produced and
21 submitted in connection with the inter partes
22 review.

1 Is that your understanding as well?

2 A. Yes.

3 Q. Okay. Apart from those documents,
4 do you have any other hard copy materials with
5 you in the room?

6 A. No.

7 Q. And other than your deposition video
8 Zoom screen, do you have any other windows or
9 programs open on your computer?

10 A. I have the e-mail that has the Zoom
11 link open, behind the screen.

12 Q. Okay. Can you close that e-mail?

13 A. Yes. Okay, it is closed.

14 Q. Mr. Moren, have you ever been
15 deposed before?

16 A. No.

17 Q. Just, since you haven't been deposed
18 before and since we are doing this in a remote
19 setting, let me just go over a few ground rules
20 so we can get on the same page. Is that okay?

21 A. Yes.

22 Q. Okay. First and foremost, your

1 answers need to be spoken, they need to be oral

2 so that the court reporter can transcribe it.

3 The court reporter can't take down head nods,

4 thumbs up, things of that nature.

5 Does that make sense?

6 A. Yes.

7 Q. Okay. And it is important that we

8 try not to speak over each other. I will try to

9 let you finish your answer. You try to let me

10 finish your question. That will just help the

11 court reporter get a clean record.

12 Does that make sense?

13 A. Yes.

14 Q. Your attorney may object to certain

15 questions. When that happens, you still need to

16 answer my question. It is just something for the

17 record, unless your attorney instructs you not to

18 answer, and you take that advice.

19 Do you understand?

20 A. Yes.

21 Q. Okay. If you don't understand a

22 question, please feel free to ask. I will do my

Page 9

1 best to clarify. I'm just trying to get a clean
2 record here.

3 If you don't ask, I will assume that
4 you understand my question. Is that okay?

5 A. Yes.

6 Q. Okay. What did you do to prepare
7 for your deposition today?

8 A. I read through the materials that I
9 had listed that I have hard copies of.

10 Q. Okay. And you read through the
11 materials that you had hard copies of; is that
12 correct?

13 A. Correct.

14 Q. Did you do anything else to prepare
15 for your deposition today?

16 A. Not that I can think of.

17 Q. Did you speak with anyone in
18 preparation for your deposition today?

19 A. Yes. I spoke with my attorneys.

20 Q. When did you first speak with your
21 attorneys about the deposition today?

22 A. When the IPR was introduced, we

1 discussed the steps of an IPR, and that
2 deposition would be potentially one of those
3 parts.

4 MR. LEHRER: I'm just going to --
5 excuse me. I'm just going to caution the
6 witness not to divulge the content of any
7 communications with counsel.

8 You can discuss who, when, how long,
9 just not the content.

10 THE WITNESS: Okay.

11 BY MR. COLSHER:

12 Q. Other than the first time that you
13 spoke with your attorneys about the deposition,
14 did you have any occasion at any other time to
15 speak with your attorneys regarding the
16 preparation for this deposition?

17 A. Yes.

18 Q. And when did that occur?

19 MR. LEHRER: Objection, form.

20 THE WITNESS: Yesterday.

21 BY MR. COLSHER:

22 Q. Approximately how long did you speak

1 with your attorneys yesterday?

2 A. Two hours.

3 Q. Other than those two hours that you
4 spoke with your attorneys yesterday and reading
5 through the materials that you identified, did
6 you do anything else to prepare for your
7 deposition today?

8 A. No.

9 Q. Did you take any notes during any of
10 your preparations?

11 A. No.

12 Q. Other than with your attorneys, have
13 you discussed this inter partes review with
14 anyone?

15 A. No.

16 Q. Are you familiar with Mr. David
17 Hilliard Williams?

18 A. Yes.

19 Q. Who is Mr. Williams?

20 A. He is an expert witness that our
21 attorneys were working with, that we are working
22 with.

1 Q. Have you ever discussed this inter
2 partes review with Mr. Williams?

3 A. Not the IPR. We discussed the prior
4 art claims.

5 Q. When you refer to prior art claims,
6 what do you mean?

7 A. Well, I take that back. In our
8 discussion we never talked about Key or Sweeney
9 or Shohan or McKinney.
10 I think we talked about my, my
11 experience as a person of ordinary skill in the
12 art in the fire industry.

13 Q. Do you recall when that discussion
14 took place?

15 A. I would say approximately two months
16 ago.

17 Q. Other than approximately two months
18 ago, did you have the occasion to speak with
19 Mr. Williams at any other point in time?

20 A. No.

21 Q. How many times have you spoken with
22 Mr. Williams?

1 A. Twice.

2 Q. Did both of those communications
3 occur approximately two months ago?

4 A. Yes.

5 Q. Have you ever exchanged any written
6 materials with Mr. Williams?

7 A. Not that I can recall.

8 Q. Are you familiar with Jim Ribail?

9 A. Yes.

10 Q. Who is Mr. Ribail?

11 A. Jim Ribail is the Vice President of
12 Tegriss.

13 Q. Have you ever discussed this IPR
14 with Mr. Ribail?

15 A. Yes.

16 Q. What did you discuss with
17 Mr. Ribail?

18 MR. LEHRER: Again, I'm going to
19 caution the witness. If you had discussions
20 in the presence of counsel, those discussions
21 are privileged.

22 Any other discussions, you are free

1 to explain or talk about.

2 THE WITNESS: Jim helped develop

3 with me the claims charts.

4 BY MR. COLSHER:

5 Q. And that is the claim chart that was
6 submitted in this case concerning Tegriss; is that
7 correct?

8 A. Yes. Tegriss and with Brycer.

9 Q. Other than you and Mr. Ribail, was
10 anyone else involved in the preparations of the
11 claim charts that were submitted in this
12 proceeding?

13 A. No.

14 Q. During the course of the
15 preparations of these claim charts, were any
16 changes made?

17 MR. LEHRER: Objection, form.

18 THE WITNESS: Yes.

19 BY MR. COLSHER:

20 Q. Do you recall what those changes
21 were?

22 A. As we found better examples, more

1 examples, we added.

2 Q. Are you familiar with the '966
3 patent?

4 A. Yes.

5 Q. Have you ever discussed the '966
6 patent with anyone?

7 A. I discussed it with my attorneys. I
8 have discussed it with Jim. And I have discussed
9 it with the coinventor, my father, Robert Moren.

10 Q. Other than your father, Mr. Moren,
11 Mr. Ribail and your attorneys, have you discussed
12 the '966 patent with anyone?

13 A. I discussed it with my wife.

14 Q. Anyone else?

15 A. No.

16 Q. And you are a named inventor on the
17 '966 patent, correct?

18 MR. LEHRER: Objection, form.

19 THE WITNESS: Yes.

20 BY MR. COLSHER:

21 Q. Did you complete any college
22 education?

1 A. Yes.

2 Q. What college education did you
3 complete?

4 A. It was a seminary college, Covenant
5 Bible Seminary. Bachelor's of theology and a
6 Master's in biblical study.

7 Q. Other than your Bachelor's of
8 theology and a Master's in biblical study, did
9 you complete any other college education?

10 A. No.

11 Q. Did you attend the University of
12 Washington?

13 A. Yes.

14 Q. How long did you attend the
15 University of Washington?

16 A. Five years.

17 Q. Did you complete any degrees from
18 the University of Washington?

19 A. No.

20 Q. When did you begin at the University
21 of Washington?

22 A. 1991.

1 Q. And you left in 1996; is that
2 correct?

3 A. I think that is correct.

4 Q. Okay. And after you -- strike that.
5 When did you begin working at
6 Tegriss?

7 A. Difficult question, because my
8 father started Tegriss in 1981, and it was our
9 family business. And I had helped from the
10 beginning with smaller tasks.

11 But, my participation, my work there
12 probably as a paid person started in 1991.

13 Q. And other than your work at Tegriss,
14 have you had any other jobs since you graduated
15 high school?

16 MR. LEHRER: Objection, form.

17 THE WITNESS: Yes.

18 BY MR. COLSHER:

19 Q. What were those jobs?

20 A. I had several. I worked at Fire
21 Shield starting in 1998.

22 Q. What is Fire Shield?

1 A. Fire Shield is a fire protection
2 contractor.

3 Q. What does a fire protection
4 contractor do?

5 A. We are contracted to design and
6 install fire protection systems.

7 Q. Do you currently work for Fire
8 Shield?

9 A. Yes.

10 Q. Do you currently work for Tegriss?

11 A. Yes.

12 Q. Let's just, if you could pull out
13 your declaration which is Exhibit 2015. Let me
14 know when you have that.

15 (Whereupon, previously marked
16 Exhibit 2015,
17 first referral.)

18 THE WITNESS: I have that.

19 BY MR. COLSHER:

20 Q. And if you will go to the second
21 page. It is in Section 2, Background and
22 Qualifications.

1 A. I see it.

2 Q. Okay. And does this section
3 summarize your professional experience since you
4 graduated high school?

5 A. Yes.

6 Q. Okay. If we could go to Page 3
7 which is part of Paragraph Number 8. And about
8 halfway down, there is a shorthand reference to
9 NFPA.

10 Do you see that?

11 A. Yes, starting NFPA-13.

12 Q. Yeah, yeah. What does NFPA stand
13 for?

14 A. The National Fire Protection
15 Association.

16 Q. Can you describe generally what the
17 National Fire Protection Association is?

18 MR. LEHRER: Objection, form.

19 THE WITNESS: The National Fire
20 Protection Association is an association to
21 define standards for the fire protection
22 industry.

1 BY MR. COLSHER:

2 Q. And so that NFPA-13 that you had
3 mentioned a minute ago, that is one of the
4 standard codes that is developed by the NFPA?

5 MR. LEHRER: Objection, form.

6 THE WITNESS: Yes.

7 BY MR. COLSHER:

8 Q. Okay. And the same with NFPA-14?

9 MR. LEHRER: Objection, form.

10 THE WITNESS: Yes.

11 BY MR. COLSHER:

12 Q. Same with NFPA-291?

13 A. Yes.

14 Q. If we keep going down to the next
15 sentence which says, "I am an expert in these
16 codes and have designed and commissioned over
17 1,100 life safety systems using these codes."

18 Do you have an understanding of what
19 a life safety system is that you are referring to
20 in this Paragraph Number 8?

21 A. Yes.

22 Q. What is your understanding of a life

1 safety system?

2 A. A system that prevents and protects
3 people from fire and emergency dangers.

4 Q. Can you give me an example of a life
5 safety system?

6 A. Fire sprinkler system.

7 Q. And that is the system that is
8 covered by NFPA-25. Is that correct?

9 MR. LEHRER: Objection, form.

10 THE WITNESS: NFPA-25 covers the
11 inspection, testing and maintenance for
12 water-based fire sprinkler systems.

13 NFPA-13 is a standard of
14 installation for sprinkler systems.

15 BY MR. COLSHER:

16 Q. So, it is NFPA-13 and NFPA-25 that
17 would relate to the code for sprinkler systems;
18 is that correct?

19 A. Among others, yes.

20 Q. Are you being compensated for your
21 time in this proceeding?

22 A. No.

1 Q. Do you stand to benefit from the
2 outcome of this proceeding?

3 A. Yes.

4 Q. How are you going to benefit?

5 A. I am a named inventor in the patent.

6 Q. Do you stand to benefit in any other
7 way from this proceeding?

8 A. The outcome of this IPR will impact
9 the complaint we have in Federal Court against
10 Brycer.

11 Q. Have you ever programmed any
12 software?

13 A. Yes.

14 Q. What software have you programmed?

15 A. Nothing professionally. Just as a
16 hobby.

17 Q. And what did you program as a hobby?

18 A. Tools for work, games.

19 Q. Did you program any code for Tegriss
20 Fire?

21 A. No.

22 Q. Have you ever built a database?

1 A. Yes.

2 Q. What database did you build?

3 A. For work. A database through
4 Access.

5 Q. And that is Microsoft Access you are
6 referring to?

7 A. Correct.

8 Q. And what was this Microsoft Access
9 database used for?

10 MR. LEHRER: Objection, form.

11 THE WITNESS: Tracking material and
12 time sheets.

13 BY MR. COLSHER:

14 Q. What material were you tracking?

15 A. Equipment material for job sites.

16 Q. And whose time sheets were being
17 tracked?

18 MR. LEHRER: Objection, form.

19 THE WITNESS: Employees.

20 BY MR. COLSHER:

21 Q. What was the company that these
22 employees were employed by?

1 A. Fire Shield.

2 Q. Other than this Microsoft Access
3 database, have you built any other databases?

4 A. No.

5 Q. Do you have an understanding of what
6 a database is?

7 A. Yes.

8 Q. What is your understanding of a
9 database?

10 A. It is a system to store data in
11 meaningful ways that can be analyzed and viewed.

12 Q. What do you mean by meaningful ways?

13 A. To sort and to group the data in
14 ways that a person would want to view the data.

15 Q. Are you familiar with Microsoft
16 Excel?

17 A. Yes.

18 Q. Would you qualify Microsoft Excel as
19 a database?

20 A. No.

21 Q. Why not?

22 A. Well, it has always been on the gray

1 area, I suppose, looking at Excel.

2 It depends on how you use it. You
3 could probably use Excel in advanced ways that
4 would replicate, I think, what a database is.

5 Q. And how would you -- strike that.

6 What would be the advanced ways
7 needed to replicate what a database is?

8 MR. LEHRER: Objection, form.

9 Beyond the scope.

10 THE WITNESS: I'm not an expert to
11 detail the difference between Access and
12 Excel and their full functionalities.

13 BY MR. COLSHER:

14 Q. Let's go down to Paragraph 18 of
15 your declaration, Exhibit 2015. Let me know when
16 you are there.

17 A. Does that say based on my education?

18 Q. Yes.

19 A. I am there.

20 Q. Okay. In the last sentence you
21 state that you have extensive experience
22 developing a software platform Tegriss Fire

1 trademark specific focus in driving compliance
2 for the fire and life safety ITM industry.

3 Do you see that?

4 A. Yes.

5 Q. What was your involvement in
6 developing this software platform?

7 A. Tegriss hired a, an outside software
8 development company, and I was involved in
9 meetings and -- ongoing meetings regarding the
10 architecture, the data to be stored, the work
11 flows.

12 Q. Do you recall approximately what
13 year these meetings took place?

14 A. I believe it was around 2007, 2008.

15 Q. What was the outside software
16 development company that you used?

17 A. Nagarro.

18 Q. Let's go to Paragraph Number 27 of
19 your declaration. And it is on Page Number 11 of
20 Exhibit 2015.

21 A. I see it.

22 Q. Okay. What does NICET stand for?

1 A. NICET is the National Institute
2 Certification For Engineered Technicians --
3 Technologies. Sorry.

4 Q. What is the role of NICET?

5 A. NICET develops the testing based on
6 the codes supplied by an NFPA. They develop the
7 testing standards.

8 Q. And that, the codes, for example,
9 the NFPA-13 for fire sprinklers that you
10 reference in paragraph 27?

11 A. That is one of the standards they
12 use.

13 Q. Okay. And then there is also a
14 standard, NFPA-291, for fire hydrants that you
15 reference in Paragraph 27; is that correct?

16 A. Correct.

17 Q. And there is also a standard NFPA-14
18 for standpipe and hose systems.

19 MR. LEHRER: Objection, form.

20 THE WITNESS: Yes.

21 BY MR. COLSHER:

22 Q. And then I also see separate

1 standards for fire pumps, fire water tanks, fire
2 service mains. Is that correct?

3 MR. LEHRER: Objection, form.

4 Are you asking him what you see?

5 MR. COLSHER: I'm asking him if
6 these are standards developed by the NFPA.

7 MR. LEHRER: I understand. Read
8 back your question.

9 MR. COLSHER: Strike that. I will
10 ask another question.

11 BY MR. COLSHER:

12 Q. NFPA -- strike that.

13 Does NFPA develop standards for
14 different systems?

15 A. Yes.

16 Q. And NFPA-13 is an example of a
17 standard for a fire sprinkler system. Is that
18 correct?

19 MR. LEHRER: Objection, form.

20 THE WITNESS: Yes.

21 BY MR. COLSHER:

22 Q. And NFPA-291 is an example of a

1 different system for fire hydrants; is that
2 correct?

3 MR. LEHRER: Objection, form.

4 THE WITNESS: Yes. NFPA refers to
5 several systems in 13 and systems within 291.
6 And there is cross-referencing between the
7 two as well.

8 BY MR. COLSHER:

9 Q. Are each of the different systems
10 that you reference in Paragraph Number 27
11 examples of life safety systems, according to
12 your definition?

13 A. Yes.

14 Q. Okay. And why do you need different
15 standard codes for each of these different
16 systems or assets?

17 MR. LEHRER: Objection, form.

18 THE WITNESS: I don't know why NFPA
19 divides the standards up the way they do.

20 BY MR. COLSHER:

21 Q. Let's go to Paragraph Number 31.
22 That is on Page 13 of your declaration,

1 Exhibit 2015.

2 A. I see it.

3 Q. Okay. And the first sentence reads,
4 "Fire protection systems are unique assets that
5 each have a very specific set of codes that
6 regulate the inspection, testing and maintenance
7 requirements."

8 What are the fire protection systems
9 that you are referencing?

10 A. All of them. I don't have a subset.
11 All fire protection systems.

12 Q. And those are the fire protection
13 systems that you reference, for example, in
14 Paragraph 27 of your declaration, including
15 those?

16 MR. LEHRER: Objection, form.
17 Sorry.

18 MR. COLSHER: I will ask again.

19 BY MR. COLSHER:

20 Q. And those fire protection systems
21 include those that are referenced in Paragraph 27
22 of your declaration?

1 MR. LEHRER: Objection, form.

2 THE WITNESS: 27 lists the
3 standards. Those standards have several
4 types of systems that it describes within
5 them.

6 And those would be inclusive in my
7 reference to fire protection systems in 31.

8 BY MR. COLSHER:

9 Q. Okay. So, a fire sprinkler would be
10 an example of an asset that falls within the fire
11 protection system?

12 A. A fire sprinkler system would be an
13 example of a fire protection system.

14 Q. And the standpipe and hose system
15 would also be an example of a fire protection
16 system?

17 MR. LEHRER: Objection, form.

18 THE WITNESS: Yes.

19 BY MR. COLSHER:

20 Q. And a fire pump would be an example
21 of a fire protection system?

22 MR. LEHRER: Objection, form.

1 THE WITNESS: Yes.

2 BY MR. COLSHER:

3 Q. And a fire hydrant would be an
4 example of a fire protection system?

5 MR. LEHRER: Objection, form.

6 THE WITNESS: Yes.

7 BY MR. COLSHER:

8 Q. And a fire water tank would be an
9 example of a fire protection system?

10 MR. LEHRER: Objection, form.

11 THE WITNESS: Yes.

12 BY MR. COLSHER:

13 Q. Would a fire service mains be an
14 example of a fire protection system?

15 A. Yes.

16 Q. All right. Can you pull out the Key
17 reference that you have in your stack which is
18 Brycer Exhibit 10015 [sic] and let me know when
19 you have that.

20 (Whereupon, previously marked

21 Exhibit 1005

22 first referral.)

1 MR. LEHRER: Patrick, can you put
2 that up in the chat room, please?

3 MR. COLSHER: Oh, sure, absolutely.

4 MR. LEHRER: Appreciate it.

5 BY MR. COLSHER:

6 Q. Mr. Moren, you are welcome to look
7 at your hard copy or at the electronic version
8 that was just put into the chat in the Zoom.

9 A. Okay, I have Key.

10 Q. Okay, great. Okay. Let's go to
11 Paragraph Number 006 of the Key reference
12 Exhibit 2 -- excuse me, Exhibit 1005. And that
13 is on Page Number 23 of the exhibit numbering, if
14 that is helpful.

15 A. Did you say 0006?

16 Q. Yes, sir.

17 A. Yes, I see that.

18 Q. All right. And you see the first
19 sentence where it says, "In the 1800s, boiler and
20 pressure vessel explosions were common. Several
21 explosions that resulted in significant loss of
22 life prompted the adoption of codes that dictated

1 the design specifications and performance
2 requirements for new equipment."

3 A. Yes. Actually, can you repeat that?
4 I don't know if I did follow that. This is 0006.

5 Q. Sure. Paragraph 0006 which begins,
6 "In the 1800s."

7 A. Oh. I'm showing that as 0007.

8 MR. LEHRER: That is weird.

9 THE WITNESS: Can I show you?

10 MR. LEHRER: We can't see that.

11 MR. COLSHER: I can't see that.

12 Okay. I don't know. Let's just try to get
13 on the same page real quick to see if the
14 hard copy is going to work.

15 Is the lower left-hand corner -- or
16 excuse me the lower right-hand corner of the
17 document, does it say Brycer Exhibit 1005?

18 THE WITNESS: No.

19 MR. COLSHER: Okay.

20 MR. LEHRER: Andrew, look at the
21 document in the chat room.

22 MR. COLSHER: Yes, let's just --

1 before you do that, could you go to the cover
2 page and read the application or publication
3 number of this reference that you are looking
4 at?

5 THE WITNESS: Publication number
6 U.S. 2007/0179912 A1.

7 BY MR. COLSHER:

8 Q. Okay. So, that -- and who is the
9 listed inventor?

10 A. Jeffrey Manuel Key.

11 Q. Okay. So for the record, that is
12 not the Key reference that is Exhibit 1005, which
13 is publication number U.S. 2002/0029222.

14 Okay. So, let's use the electronic
15 version that was put this the chat if you are
16 able to download that, Mr. Moren.

17 THE WITNESS: I might need help.

18 MR. LEHRER: So, if you click on it,
19 a box should -- a window should open telling
20 you where you are saving it.

21 THE WITNESS: And where do I click?

22 MR. LEHRER: Did you click on the

1 exhibit in the chat room? Do you see the
2 chat room?

3 THE WITNESS: Yes, let me go to the
4 chat room. Okay, yes.

5 MR. LEHRER: So, if you click on
6 that, a window should open telling you where
7 it wants to save it.

8 THE WITNESS: Okay.

9 MR. LEHRER: Obviously you could
10 save it wherever you want, but just remember
11 where you save it.

12 THE WITNESS: Understood. Okay. I
13 want to open that up.

14 Okay. I have it open and I am
15 scrolling down to 0006.

16 BY MR. COLSHER:

17 Q. Okay, great.

18 A. Yes.

19 Q. Okay. And this version of 0006,
20 does it begin, "In the 1800s, boiler and pressure
21 vessel explosions were common"?

22 A. Yes.

1 Q. Okay. And then the next sentence
2 reads, "Several explosions that resulted in
3 significant loss of life prompted the adoption of
4 codes that dictated the design specifications and
5 performance requirements for new equipment."

6 Do you see that?

7 A. Yes.

8 Q. And so would you agree that boiler
9 and pressure vessels are important to regulate to
10 prevent loss of life?

11 MR. LEHRER: Objection, form.

12 THE WITNESS: Not in the same way a
13 fire protection system is.

14 BY MR. COLSHER:

15 Q. Okay. That is not my question.

16 My question is, would you agree that
17 boiler and pressure vessels are important to
18 regulate to prevent loss of life?

19 A. No, I wouldn't put it that way.

20 Q. Okay. So, you disagree with the
21 teachings of Key in Paragraph Number 6?

22 A. No, I disagreed with the way that

1 you phrased that.

2 Q. Do you agree with the statements
3 made in Paragraph 6 of Key?

4 A. I think I would rather say I don't
5 disagree with it. I can't, I can't speak to
6 their understanding of boilers, but I don't
7 disagree with their statement.

8 Q. Would you agree it is important to
9 regulate an asset that may result in significant
10 loss of life?

11 A. Sure.

12 Q. Would you agree that a pressure
13 vessel is an example of such an asset?

14 A. Sure.

15 Q. Would you agree that a boiler is
16 such an asset?

17 A. I think anything could be an asset.
18 If you don't take care of it, could be dangerous.

19 Q. So, if an asset could be dangerous,
20 it would be important in your opinion to provide
21 regulatory codes to make sure it was functioning
22 properly?

1 A. No.

2 Q. Why not?

3 A. I see any asset in the world could
4 be dangerous. That doesn't necessarily mean to
5 me that it needs to be regulated.

6 Q. When you refer to asset, what do you
7 mean?

8 A. Any broad item.

9 Q. What do you mean by any broad item?

10 A. Any object in the world --

11 Q. Okay.

12 A. -- could be considered dangerous if
13 it is not used properly.

14 Q. Do you have an understanding of what
15 the word "asset" means?

16 A. I believe I do.

17 Q. And what is your understanding of
18 what the term "asset" means?

19 MR. LEHRER: Objection, form.

20 THE WITNESS: Something of value.

21 An object of value to a person or
22 organization.

1 BY MR. COLSHER:

2 Q. Let's go to the next page of Key,
3 which is Page 24 of the exhibit. And if we can
4 take a look at Paragraph Number 15. Let me know
5 when you are there.

6 MR. LEHRER: Patrick, we have been
7 going about an hour, so after this line of
8 questioning, if you want to take a break.

9 MR. COLSHER: Sure.

10 THE WITNESS: Did you say

11 Paragraph 0015?

12 BY MR. COLSHER:

13 Q. Yes, sir.

14 A. Yes, I am there.

15 Q. Okay. And the last sentence of
16 Paragraph 0015 of Key Exhibit 1005 reads, "The
17 systems applicable to pressure vessels, boilers,
18 elevators, amusement park rides and other
19 required jurisdictional inspection objects."

20 Do you see that?

21 A. Yes.

22 Q. Is a pressure vessel an example of

1 an asset?

2 A. Yes.

3 Q. And is a boiler an example of a
4 separate asset?

5 A. Yes.

6 Q. And is an elevator an example of a
7 separate asset?

8 A. Yes.

9 Q. Okay. And last one. An amusement
10 park ride, is it an example of a separate asset?

11 A. Yes.

12 Q. Okay. And then it gives this
13 catchall at the end of the sentence in
14 Paragraph 15, "and other required jurisdictional
15 inspection objects."

16 So, those other objects would be
17 additional separate assets; is that correct?

18 A. I think that could be interpreted
19 that way.

20 Q. Is that the way that you interpret
21 it?

22 A. Can you repeat your question on the

1 last part again?

2 Q. Sure. In the catchall, at the end
3 of Paragraph 15 which states, "other required
4 jurisdictional inspections of objects," those
5 other objects would be additional examples of
6 separate assets; is that correct?

7 MR. LEHRER: Objection, calls for
8 speculation.

9 THE WITNESS: I think that is a fair
10 interpretation.

11 MR. COLSHER: Okay. Let's -- we can
12 go off the record.

13 (Recess taken -- 12:59 p.m.)

14 (After recess -- 1:12 p.m.)

15 BY MR. COLSHER:

16 Q. Welcome back, Mr. Moren. If we can
17 turn back to your declaration, and in particular
18 I want to go to Page 19 of your declaration,
19 Exhibit 2015. And that is a section that begins,
20 Subsection C.

21 Can you let me know when you are
22 there?

1 A. Yes, I see it.

2 Q. Okay. And if we can go to the next
3 page, which is Page Number 20, and beginning with
4 Paragraph Number 52.

5 And Paragraph Number 52 begins, "The
6 owner is a critical stakeholder in the process."

7 Do you see that?

8 A. Yes.

9 Q. What do you mean by critical in the
10 process?

11 A. I mean that NFPA defines the
12 property owner as the responsible party. And
13 that the entire inspection, testing and
14 maintenance work flow has to include them.

15 Q. And when you refer to the property
16 owner as the responsible party, is that the -- is
17 that another way of saying it is the owner of the
18 asset?

19 MR. LEHRER: Objection, form.

20 THE WITNESS: That is my
21 understanding.

22 BY MR. COLSHER:

1 Q. Okay. Now, if we go down to
2 Paragraph Number 54, and it is the third
3 sentence. And it says, "Again, this would be
4 contrary to code requirements in the fire and
5 life safety industry and misplace the assignment
6 of responsibility."

7 Do you see that?

8 A. I do.

9 Q. What did you mean by assignment of
10 responsibility in this sentence in Paragraph 54?

11 A. Referring back again to NFPA's
12 definition that responsibility, they assign that
13 responsibility to the owner.

14 Q. And what is the responsibility that
15 is assigned to the owner?

16 MR. LEHRER: Objection, form.

17 THE WITNESS: To ensure the ITM
18 process is completed.

19 BY MR. COLSHER:

20 Q. What is ITM?

21 A. ITM in our industry is inspection,
22 testing and maintenance.

1 Q. If we can go to Page 22 of your
2 declaration, Exhibit 2015.

3 And there is a subheading D called
4 Strict Assignment of Roles to At Least Three
5 Users.

6 What did you mean by strict
7 assignment of roles to at least three users?

8 A. ITM process in the fire and life
9 safety industry by code and the law requires a
10 fire marshal as an example of an authority having
11 jurisdiction and an inspection contractor to
12 perform the work and a property owner to be the
13 responsible party.

14 Q. So, the role of an owner could not
15 be substituted for an inspector; is that correct?

16 A. In NFPA, those are two separate
17 roles and they could not be substituted for each
18 other.

19 Q. Is the same true of your invention
20 in the '966 patent?

21 A. In our patent, we define three
22 separate roles: the property owner, the

1 inspection contractor and the authority having
2 jurisdiction.

3 Q. And so the inspection contractor
4 must be the one itself that performs the
5 functions assigned to it, in your invention in
6 the '966 patent; is that correct?

7 A. Can you repeat that?

8 Q. Of course. So, the inspection
9 contractor must be the one that performs the
10 functions assigned to it, in your invention in
11 the '966 patent; is that correct?

12 A. That role, the inspection contractor
13 role is responsible for the inspection
14 responsibilities.

15 Q. So, the owner could not take on that
16 inspection responsibilities; is that correct?

17 A. That's correct.

18 Q. Okay. And conversely, the owner
19 must, itself must be the one that performs the
20 function assigned to it, in your invention in the
21 '966 patent; is that correct?

22 A. Yes.

1 Q. Okay. So, more generally, one party
2 cannot be substituted for -- strike that.

3 So, more generally, one class of
4 user cannot be substituted for another class of
5 user relative to their roles in the context of
6 your invention; is that correct?

7 A. In a broad sense, yes.

8 Q. What do you mean by in a broad
9 sense?

10 A. The property owner would seek help
11 from an inspection contractor. They would play
12 separate roles in our system.

13 Q. How would a property owner seek help
14 from an inspection contractor?

15 A. He would hire him.

16 Q. And what would they hire him for?

17 A. To do their inspection.

18 Q. And the three classes of user in
19 your invention are distinct; is that correct?

20 MR. LEHRER: Objection, form.

21 THE WITNESS: Yes.

22 BY MR. COLSHER:

1 Q. What is the role of the approval
2 authority in your invention?

3 A. The authority is responsible for
4 notifying -- providing some of the content in a
5 notification to a property owner.

6 He is responsible for reviewing the
7 inspection report and providing whether it is
8 approved or denied. And then determining if a
9 deficiency needs further clarification.

10 Q. What do you mean by deficiency?

11 A. If an inspection reveals a part of
12 the system or a component that needs further
13 attention, then it may be marked as a deficiency.

14 Q. Okay. Let's pull out Exhibit 1001,
15 which is the '966 patent. I believe you have a
16 hard copy of that, Mr. Moren.

17 (Whereupon, previously marked
18 Exhibit 1001,
19 first referral.)

20 THE WITNESS: Yes.

21 BY MR. COLSHER:

22 Q. Just for the record, does the

1 version you are looking at have a label, Brycer
2 Exhibit 1001, in the lower right-hand corner?

3 A. No.

4 Q. Okay. I suspect it is the same.

5 But just to make sure we have a clear record,
6 what I'm going to do is I'm going to put again in
7 the chat Exhibit 1001, so we can all look at the
8 same thing.

9 We are not going to look at, do too
10 many page flipping, so I don't think it should be
11 an issue.

12 Let me know when you are able to
13 access that.

14 A. I am downloading it.

15 Q. And the good thing is, I think this
16 is the last one where we may have this issue, so
17 we don't have to do this too many more times.

18 A. Do you want me to close the last
19 one, 1005?

20 Q. We are done with that. You can put
21 that to the side. That is fine.

22 A. Okay. I have that file open.

1 Q. Okay. Great. Let's take -- just
2 real quick, on the cover page, there is a number
3 75 in parentheses, and then it says Inventors.

4 Do you see that?

5 A. Yes.

6 Q. And are you the Andrew Stanton Moren
7 listed as an inventor?

8 A. Yes.

9 Q. And the Robert J. Moren is your
10 father that you were mentioning earlier?

11 A. Yes.

12 Q. Okay, great. Are you familiar with
13 this document, Mr. Moren?

14 A. Yes.

15 Q. Do you have an understanding of what
16 the field of the invention for the '966 patent
17 is?

18 A. Yes.

19 Q. And what is your understanding of
20 the field of invention for the '966 patent?

21 A. Can you clarify what you mean?

22 Q. You answered that you have an

1 understanding of the field of the invention for
2 the '966 patent.

3 And so what I would like to try to
4 figure out is what your understanding of the
5 field of invention for the '966 patent is in your
6 view.

7 A. Just -- what do you mean by field?
8 So I can answer you correctly.

9 Q. Okay. So, you do not have an
10 understanding of the field of invention for the
11 '966 patent, as I asked that question earlier?

12 I'm just trying to get a clean
13 record here.

14 A. I believe I do. I have a good
15 understanding of the entire patent.

16 I just want to make sure I know what
17 you mean when you say field of invention.

18 I would say -- I could answer the
19 field of invention is a system or method for a
20 web based inspection compliance registry and
21 communication tool.

22 Q. Okay. And what is the system or

1 method for a web based inspection compliance and
2 registry and communication tool intended to be
3 used for?

4 MR. LEHRER: Objection, form.

5 THE WITNESS: It is a tool to
6 improve the inspection compliance work flow
7 regarding those three stakeholders.

8 BY MR. COLSHER:

9 Q. Mr. Moren, can you turn to the page
10 number, I believe it is 27 of the label. It is
11 the first page after the drawings.

12 And, in particular, I want to look
13 at Column Number 1.

14 Can you let me know when you are
15 there?

16 A. Starting, "This application claims"?

17 Q. Yes. It is that, it is that page.
18 I just want to scroll down a little bit farther
19 to the Background of the Invention section.

20 Do you see that?

21 A. Yes.

22 Q. Okay. And in the first sentence of

1 the Background of Invention section which begins
2 around Line 19 of Column Number 1 of Exhibit 1001
3 states, "There are many assets that are owned
4 around the world that require compliance with a
5 code, local rule, state law or federal law.

6 "Compliance in most of these cases
7 requires a periodic inspection of the owned
8 assets."

9 And then, "An example of owned
10 assets requiring annual regular inspections are
11 fire sprinkler systems, fire alarm systems,
12 kitchen hood systems, fire extinguishers," and
13 then it goes on to provide a bunch of lists -- a
14 bunch of different assets?

15 Do you see that?

16 A. I see that.

17 Q. Okay. And now each of these
18 examples of owned assets -- strike that.

19 The list of examples are providing
20 examples of different assets that are to be used
21 within your invention; is that right?

22 A. Our patent was more limited to fire

1 safety systems.

2 Q. So, your '966 patent does not cover
3 all of the examples of the various assets listed
4 in the Background section beginning at Column 19
5 through -- or excuse me, Line 19 of Column 1
6 through 38. Is that right?

7 MR. LEHRER: Objection, calls for
8 legal conclusion.

9 THE WITNESS: Can you repeat the
10 question?

11 BY MR. COLSHER:

12 Q. Sure. So, your '966 patent does not
13 cover all of the examples of the various assets
14 listed in the Background section, beginning at
15 Line 19 of Column 1 through Line 38; is that
16 right?

17 MR. LEHRER: Same objection. Beyond
18 the scope.

19 THE WITNESS: My understanding was
20 that my invention was limited by the examiner
21 to the fire safety systems.

22 BY MR. COLSHER:

1 Q. And is it fair to say that it was
2 limited to fire hydrants?

3 MR. LEHRER: Objection, form.

4 THE WITNESS: No.

5 BY MR. COLSHER:

6 Q. I'm going to put into the chat
7 Exhibit 1002, which is the file history for the
8 application leading to your '966 patent.

9 (Whereupon, previously marked
10 Exhibit 1002,
11 first referral.)

12 BY MR. COLSHER:

13 Q. Let me know when you are able to
14 download that.

15 A. Okay, I have that open.

16 Q. Okay. And if you could go to
17 Page Number 60, which is the Combined Declaration
18 and Power of Attorney and Patent Application.

19 Let me know when you are there.

20 A. Of the 709 pages in this document,
21 which page number is it?

22 Q. Page 60.

1 A. 60. Yes, I have that open.

2 Q. Okay. And are you the Andrew Moren
3 that is listed on Page 60 of Exhibit 1002?

4 A. Yes.

5 Q. Okay. And if you scroll down to
6 Page 62 of Exhibit 1002, is that your signature
7 over the name, Andrew Moren?

8 MR. LEHRER: Objection to form.

9 THE WITNESS: Yes.

10 BY MR. COLSHER:

11 Q. Okay. And let's go back to Page
12 Number 60 again. And it is the fourth paragraph,
13 fourth indentation there which states, "I have
14 reviewed and understand the contents of the above
15 identified patent application, including the
16 claims."

17 Do you see that?

18 A. Yes.

19 Q. Okay. And you attested that you
20 have an understanding of your patent application
21 and the claims, correct?

22 MR. LEHRER: Objection, form.

1 THE WITNESS: Yes.

2 BY MR. COLSHER:

3 Q. Okay. And is it true that you have
4 an understanding of your patent application and
5 claims?

6 MR. LEHRER: Objection, form.

7 THE WITNESS: Yes.

8 BY MR. COLSHER:

9 Q. Okay. Did you participate in the
10 prosecution of the application leading to your
11 '966 patent?

12 A. Yes.

13 Q. How did you participate in the
14 prosecution of the application leading to your
15 '966 patent?

16 A. I consulted with our attorneys.

17 Q. Did you review any office actions
18 from the Patent Office that were issued in
19 connection with the application leading to your
20 '966 patent?

21 A. Yes.

22 Q. And how would you learn about those

1 office actions that were issued by the Patent
2 Office?

3 A. I was notified by our attorneys.

4 Q. Did you monitor the prosecution of
5 the application leading to your '966 patent?

6 A. What do you mean by monitor?

7 Q. Did you ever review the Patent
8 Office website for the status of your application
9 leading to the '966 patent?

10 A. No.

11 Q. All right. Let's go down to Page
12 Number 604 of Exhibit 1002.

13 Let me know when you are there,
14 Mr. Moren.

15 A. 604. Okay.

16 Q. Yes. And this is an Amendment and
17 Response to Final Office Action.

18 Is that correct?

19 A. That is the title I see.

20 Q. Okay. And it states that, "This
21 paper is responsive to the outstanding Final
22 Office Action mailed August 3, 2020. Amendments

1 to the claims begin on Page 2 and remarks begin
2 on Page 11."

3 Do you see that?

4 A. Yes.

5 Q. Okay. And then if we go to the next
6 page, 605, it states In the Claims. And Claim 1
7 was amended, among other things, to add a fire
8 hydrant management software system.

9 Is that correct?

10 A. That is the underlined portion.

11 Q. Okay. Do you have an understanding
12 of what the underlined portion means in a claim
13 amendment?

14 A. It was edited.

15 Q. It was added; is that correct?

16 A. Repeat your question?

17 Q. It was added; is that correct?

18 A. No. It was edited.

19 Q. Okay. And does an underline
20 indicate that it was an addition made to the
21 claim?

22 MR. LEHRER: Objection, form.

1 THE WITNESS: I'm not sure the full
2 edit of that line. I would have to check the
3 past reference.

4 BY MR. COLSHER:

5 Q. Okay. And let's go down to
6 Page 611. And you see Claim 21.

7 A. Which page?

8 Q. Page 611 of Exhibit 1002. And it is
9 Claim 21 in particular.

10 A. Is this Page 609?

11 Q. 611.

12 A. I am on Page 611, Item 21.

13 Q. Yes. And that also has some
14 underlines in Claim 21 that add, among other
15 things, a fire hydrant management software; is
16 that correct?

17 A. I recognize that line was edited.

18 Q. Okay. Okay. Let's go down to
19 Page 614 of Exhibit 1002, which is Page 11 of
20 this response, beginning a remarks section that
21 we had mentioned earlier.

22 Let me know when you are there.

1 A. Yes.

2 Q. Okay. And then it states under the
3 section, Rejection of Claims Under 35 USC Section
4 101, in the second paragraph, it states,
5 "Applicant respectfully suggests that the present
6 claims as amended are eligible pursuant to 35 USC
7 101.

8 "The Office Action specifically
9 calls out that the prior version of the claims
10 did not reflect features such as standard format
11 or fire hydrant management software and was
12 therefore ineligible.

13 "The amended claims include these
14 specific eligible features. Each claim recites
15 an incredibly specific turnkey fire hydrant
16 management invention.

17 "As a result, the present amended
18 claims are allowable under 35 USC Section 101."

19 Does this inform your understanding
20 of whether the claims that we were talking about
21 were added to include a fire hydrant management
22 software?

1 A. No.

2 Q. So, you do not have any
3 understanding of whether the amended claims were
4 added to add these specific eligible features as
5 stated in this paragraph on Page 614 of
6 Exhibit 1002?

7 A. The amended claim was edited to
8 include fire hydrant management software.

9 Q. So, it was edited to limit the claim
10 to fire hydrant management software; is that
11 correct?

12 A. I wouldn't agree with the word
13 "limited".

14 Q. Do the claims require fire hydrant
15 management software?

16 A. Can you repeat that?

17 Q. Do your claims of the '966 patent
18 require fire hydrant management software?

19 A. I don't know if that is the
20 limitation, if that is -- the way that you are
21 saying that, I'm not sure if that makes sense to
22 me.

1 I don't think that we are limited to
2 fire hydrant -- I know we are not limited to fire
3 hydrant.

4 Q. Okay. We will get to that.

5 And on Page 614 of Exhibit 1002, it
6 states that, "Each claim recites an incredibly
7 specific turnkey fire hydrant management
8 invention."

9 Do you see that?

10 A. Which page?

11 Q. Page 614. The second paragraph,
12 fourth sentence under the Rejection of Claims.

13 A. Yes, I see that.

14 Q. Okay. And it states that, "Each
15 claims recites an incredibly specific turnkey
16 fire hydrant management invention."

17 A. Yes.

18 Q. Okay. And you would agree that your
19 claims recite an incredibly specific turnkey fire
20 hydrant management invention, right?

21 A. Yes.

22 MR. COLSHER: Okay. We can put that

1 down. Let's go back to the '966 patent.

2 And let's get the claims out so that
3 we can have those in front of you when I ask
4 these questions.

5 Let me know when you are ready.

6 A. Okay. I have the '966 patent open.

7 Q. Okay. Great. And we are
8 specifically going to go to the very last page,
9 which is Page Number 34 of Exhibit 1001.

10 And it will be Column 15, beginning
11 around claim -- excuse me, Column 15, Line 16.
12 And in particular we are looking at Claim Number
13 8 of the '966 patent.

14 Let me know when you are there.

15 A. I'm there.

16 Q. Okay. And, it begins, "A
17 computer-implemented method for using a fire
18 hydrant management software."

19 Do you see that?

20 A. Yes.

21 Q. Okay. "And a web-based registry to
22 track requisite inspection of an owned asset

1 comprising:"

2 And then it is, "Granting remote
3 access to a web-based registry system, wherein
4 the web-based registry is configured to run a
5 fire hydrant management software, to at least
6 three classes of user."

7 Do you see that?

8 A. Yes.

9 Q. Okay. And you would agree that
10 Claim 8 requires a fire hydrant management
11 software, right?

12 A. Yes.

13 Q. Okay. And it is not just any
14 management software?

15 A. Management software including fire
16 hydrant.

17 Q. So -- okay. And Claim 8 recites an
18 incredibly specific turnkey fire hydrant
19 management invention, as you explained during
20 prosecution of your '966 patent, right?

21 A. Can you repeat that?

22 Q. Sure. Claim 8 of the '966 patent

1 recites an incredibly specific turnkey fire
2 hydrant management invention, as you explained
3 during the prosecution of the application leading
4 to the '966 patent, correct?

5 A. Yes.

6 Q. Okay. Does Claim 8 include any
7 codes?

8 A. Can you clarify what you mean by
9 does it include?

10 Q. Yes, let me strike that and try to
11 ask a better question.

12 Earlier we were talking about codes
13 that were developed, for example, by the NFPA.

14 Do you recall that discussion?

15 A. Yes.

16 Q. Does Claim 8 of your '966 patent
17 claim any particular codes?

18 A. It includes code-required items in
19 the process.

20 Q. Okay. And what are those
21 code-required items that are included in the
22 process?

1 A. The three classes of users.

2 Q. Is there anything else other than
3 the three classes of users that is concluded
4 within Claim 8 of your '966 patent?

5 A. Inspection is a requirement.

6 Q. And that is the inspection for the
7 fire hydrant; is that right?

8 A. Yes.

9 Q. Is there anything else in the
10 Claim 8 of the '966 patent that is a required
11 item for the codes?

12 A. The fire marshal's responsibility to
13 review.

14 Q. And the fire marshal, is that the
15 approval authority in your claim?

16 A. Yes.

17 Q. Other than what you have listed, is
18 there any other required item for the codes that
19 are part of the Claim 8 of the '966 patent?

20 A. I would say the code dictates how
21 each of those roles are to interact with the ITM
22 workflow.

1 Q. Did you invent any codes in your
2 invention in the '966 patent?

3 A. Can you clarify what you mean by
4 codes?

5 Q. I can try. I am talking in the
6 context of the jurisdictional codes that we have
7 been discussing that dictate how each of the
8 roles are to interact within the ITM work flow.

9 And so my specific question is, did
10 you invent in the context of your '966 patent
11 invention any of the codes that dictate how each
12 of these roles are to interact within the ITM
13 workflow?

14 A. I would say yes.

15 Q. And what codes did you invent in the
16 context of your '966 patent that dictate how each
17 of these roles interact within the ITM workflow?

18 MR. LEHRER: Objection, form.

19 THE WITNESS: In our partnership
20 with municipalities, the approval
21 authorities, we have helped them write codes
22 that dictate responsibility of the other

1 stakeholders within their city to report,
2 provide reports to the Tegriss software.

3 BY MR. COLSHER:

4 Q. And those codes require that the
5 Tegriss software be used; is that right?

6 MR. LEHRER: Objection, form.

7 THE WITNESS: Yes.

8 BY MR. COLSHER:

9 Q. So, those codes drive the demand for
10 the use of the Tegriss software; is that right?

11 A. They would be one component that
12 drives the software.

13 Q. If we could turn to Paragraph 45 of
14 your declaration, Exhibit 2015, which is on
15 Page 18.

16 Can you let me know when you are
17 there, Mr. Moren.

18 A. Page 18, claim -- or Paragraph 45.
19 I'm looking at it.

20 Q. Yes, yes. And in Paragraph 45, you
21 are talking about Claim 8. And in the second
22 sentence it says, "This rather long claim is

1 meant to be read in its entirety to preserve
2 those regulated and ordered steps required for
3 successful compliance in the fire and safety
4 industry and distinguish it from the prior art."

5 What distinguishes your Claim 8 from
6 the prior art?

7 A. There is a lot of things that
8 distinguish us from the prior art.

9 In this paragraph that you are
10 citing, we bring up the idea of the regulated
11 steps that are required by the code and the order
12 that we put the Claim 8 in, those steps.

13 Q. So, the regulated and ordered steps
14 are what distinguishes Claim 8 from the prior
15 art. Is that right?

16 A. That is one thing that distinguishes
17 us from the prior art.

18 Q. What else distinguishes you from the
19 prior art?

20 A. Which prior art are you referring
21 to?

22 Q. I'm referring to the prior art that

1 you referred to in Paragraph 45 of your
2 declaration.

3 So, I will ask, what prior art are
4 you referring to that distinguishes Claim 8 in
5 Paragraph 45?

6 MR. LEHRER: Objection, form.

7 THE WITNESS: In this paragraph
8 under the section of Ordered Steps, we are --
9 I am discussing here the regulated steps, the
10 ordered steps are what distinguish -- are one
11 of the things that distinguish us from the
12 prior art.

13 BY MR. COLSHER:

14 Q. Okay. And what prior art are you
15 referring to in Paragraph 45?

16 A. Key, Sweeney, Shohan, McKinney.

17 Q. Is there any other prior art that
18 you are considering when forming your opinion in
19 Paragraph 45 of your declaration?

20 A. Those were the ones that we are
21 considering. Those four are the ones that I
22 considered.

1 Q. In forming the opinions in your
2 declaration, Exhibit 2015, other than Key,
3 Sweeney, Shohan and McKinney, did you consider
4 any other prior art?

5 A. Not for this declaration.

6 Q. In your declaration, Exhibit 2015,
7 did you offer any constructions for any terms in
8 Claim 8 of the '966 patent?

9 A. Repeat that again, please.

10 Q. Of course. In your declaration,
11 Exhibit 2015, did you offer any constructions
12 interpreting any terms in Claim 8 of the '966
13 patent?

14 A. I'm not sure what you mean by
15 constructions.

16 Q. In your declaration, Exhibit 2015,
17 did you attempt to interpret any claim terms in
18 Claim 8 of the '966 patent in forming your
19 opinions?

20 A. I apologize. I don't understand
21 your question.

22 Can you state it a different way?

1 Q. Let me try.

2 A. Yes.

3 Q. You offered your opinion that Tegriss
4 Fire practices Claim 8 of the '966 patent,
5 correct?

6 A. Yes.

7 Q. And you offered your opinion that
8 the Brycer compliance engine, or TCE for short,
9 practices Claim 8 of the '966 patent, right?

10 A. Yes.

11 Q. In forming the opinions that you
12 offered in your declaration, did you attempt to
13 interpret any of the claim terms in the '966
14 patent in forming your opinion?

15 MR. LEHRER: Objection to form.

16 THE WITNESS: Did I attempt? You
17 are asking if I attempted to -- please repeat
18 that last question again.

19 BY MR. COLSHER:

20 Q. I will ask a different question.

21 A. Okay.

22 Q. In forming your opinions in your

1 declaration, Exhibit 2015, did you interpret the
2 meaning of any claim terms in Claim 8 of the '966
3 patent?

4 A. Did I interpret any of the claims?
5 I read Claim 8. And, interpreted it as I had
6 written it and applied that in my understanding
7 in my declarations.

8 Q. Okay. And did you explain your
9 interpretations in your declaration anywhere?

10 A. I felt like I did.

11 Q. Can you point me to where you
12 explained your interpretation of Claim 8 in the
13 '966 patent within your declaration,
14 Exhibit 2015?

15 A. Well, using the example that you
16 cited in Paragraph 45, I read Claim 8.

17 And when I say that it was ordered
18 steps, that was based on how I have read -- how I
19 read Claim 8.

20 Q. Other than interpreting Claim 8 to
21 require ordered steps, did you provide any other
22 interpretations in your declaration concerning

1 the meaning of the claim terms in Claim 8 of the
2 '966 patent?

3 A. I think the word I am getting hung
4 up here on is interpreted.

5 Is reading it the same as
6 interpreting it?

7 Q. Do you know what claim construction
8 is, Mr. Moren?

9 A. I have a nonlegal understanding of
10 claim construction.

11 Q. And what is your understanding of
12 claim construction?

13 MR. LEHRER: Objection, form.

14 THE WITNESS: I would say
15 constructing or putting together different
16 elements of a claim and constructing them
17 into a single claim.

18 BY MR. COLSHER:

19 Q. All right. Let's go back to
20 Exhibit 1001, Page 34, which is -- and we are
21 going to look at Claim 8 again in Column 15.

22 A. Which?

1 Q. Exhibit 1001, which is the '966
2 patent. And in particular we are going to look
3 at the very last page, Page 34. And we are going
4 to take a look again at Claim Number 8.

5 A. Yes.

6 Q. Okay, great. Let me know when you
7 are there.

8 A. I am there.

9 Q. And so Claim Number 8 goes from
10 Column 15 around Line 16 to Column 16 around
11 Line 13; is that right?

12 A. Yes, that looks correct.

13 Q. Okay. And in the first step in
14 Claim 8 says, "Granting remote access to a
15 web-based registry system."

16 Do you see that?

17 A. I see that.

18 Q. Do you have an understanding of what
19 a web-based registry system means in the context
20 of Claim 8 of your '966 patent?

21 A. Yes.

22 Q. And what is your understanding of

1 what a web-based registry system means in the
2 context of Claim 8 of your '966 patent?

3 A. A system with data registered to
4 different assets and properties that is
5 accessible via the web, the internet.

6 Q. And then if we go down to the next
7 step which is, "Retrieving by a computer-based
8 fire hydrant management software system,
9 real-time records of assets from a database, the
10 database being accessible and augmentable by a
11 classes of users."

12 Do you have an understanding of what
13 a database is in the context of Claim 8 of your
14 '966 patent?

15 A. Yes.

16 Q. And what is a database in the
17 context of your '966 patent?

18 MR. LEHRER: Objection, form.

19 THE WITNESS: It is a collection of
20 data.

21 BY MR. COLSHER:

22 Q. Do you have an understanding of what

1 real time means in the context of Claim 8 of your
2 '966 patent?

3 A. Yes.

4 Q. And what is your understanding of
5 real time in Claim 8 of the '966 patent?

6 MR. LEHRER: Objection, form.

7 THE WITNESS: It means current
8 information.

9 BY MR. COLSHER:

10 Q. What makes information current?

11 A. It is correct and accurate, up to
12 the minute that it is accessed.

13 MR. LEHRER: Patrick, we have been
14 going about an hour. Whenever you get a
15 chance for a break.

16 MR. COLSHER: Let's do it now. We
17 can go off the record.

18 (Recess taken -- 2:12 p.m.)

19 (After recess -- 2:21 p.m.)

20 BY MR. COLSHER:

21 Q. Mr. Moren, do you still have

22 Exhibit 1001, the '966 pulled up, looking at

1 Claim Number 8?

2 A. Yes.

3 Q. Okay. And, if we go to Line
4 Number 33 of Column 15 in Claim 8 it says, "Based
5 on the analysis, notifying an owner of an asset
6 of a notification event wherein the notice
7 includes a standard format description of the
8 type of inspection and the cost associated with
9 the type of inspection."

10 Do you have an understanding of what
11 a notification event is in if Claim 8 of your
12 '966 patent?

13 A. Yes.

14 Q. And what is your understanding of a
15 notification event?

16 A. The system having an upcoming due
17 date for an inspection.

18 Q. And do you see where it says
19 "Wherein the notice," do you have an
20 understanding of what the notice is referring to
21 in Claim 8 of the '966 patent?

22 A. Were you referring to the same

1 paragraph?

2 Q. Yes, it is the Line Number 34. It
3 continues, "Wherein the notice." And my question
4 is, do you have an understanding of what the
5 notice is referring to in Claim 8 of the '966
6 patent?

7 A. Yes.

8 Q. Okay. And what is the notice
9 referring to in the '966 patent in Claim 8?

10 A. A method for notifying the owner.

11 Q. So, this notice in the '966 patent
12 is going to the owner; is that right?

13 A. Notifying an owner of an asset of a
14 notification event.

15 Q. And this notice must include certain
16 information in the claim, right?

17 MR. LEHRER: Objection, form.

18 THE WITNESS: Yes.

19 BY MR. COLSHER:

20 Q. Okay. And one of the items that the
21 notice to the owner of the asset must include is
22 a standard format description of the type of

1 inspection. Is that right?

2 A. Yes.

3 Q. Okay. And another piece of
4 information that this notice to the owner of the
5 asset must include is the cost associated with
6 that type of inspection. Is that right?

7 A. Yes.

8 Q. Okay. Do you have an understanding
9 of what a standard format description is, in the
10 context of Claim 8 of the '966 patent?

11 A. Yes.

12 Q. And what is your understanding of a
13 standard format description?

14 MR. LEHRER: Objection, form.

15 THE WITNESS: A notice that has a
16 typical formatted explanation.

17 BY MR. COLSHER:

18 Q. What makes a formatted explanation
19 typical?

20 A. The type of event such as an
21 inspection that is due.

22 Q. Is there anything else that would

1 make a formatted explanation typical?

2 A. Yes.

3 Q. And what would that be?

4 A. The standard letterhead, a date on
5 the notification, instructions to the owner.

6 Q. And all of these are required to
7 make it a standard format description; is that
8 right?

9 MR. LEHRER: Objection, form. Calls
10 for a legal conclusion.

11 THE WITNESS: Those are examples of
12 what would be required for standard format.

13 BY MR. COLSHER:

14 Q. And the notice also includes a cost
15 associated with the type of inspection.

16 Do you have an understanding of what
17 a cost means in the context of Claim 8 of the
18 '966 patent?

19 A. Yes.

20 Q. And what is your understanding?

21 A. The effort that it will take the
22 owner.

1 Q. And what are you basing your
2 interpretation of cost as effort in Claim 8 of
3 the '966 patent?

4 A. Effort is a definition of cost.

5 Q. So, you would agree that your '966
6 patent always uses cost in the context of money,
7 correct?

8 A. No.

9 Q. Can you point me to an example in
10 the '966 patent that does not use cost in the
11 context of money?

12 A. This paragraph as an example.

13 Q. What paragraph are you referring to,
14 Mr. Moren?

15 A. Claim 8.

16 Q. So, outside of Claim 8, can you
17 point me to an example in the '966 patent
18 specification that does not use cost in the
19 context of money?

20 A. I would have to review the full text
21 of the claim.

22 Q. Okay. But you, sitting here today,

1 do not have any opinion as to where in the '966
2 patent I could look to support your opinion
3 outside of Claim 8 that cost means something
4 other than money.

5 Is that right?

6 A. Can you repeat that question?

7 Q. Sitting here today, you do not have
8 any opinion as to where in the '966 patent I
9 could look, outside of Claim 8, to support your
10 opinion that cost means anything other than
11 money. Is that right?

12 A. No.

13 Q. If we keep looking at that same,
14 that based on the notice of notifying an owner.

15 If we go down a little farther, it
16 is Line Number 38. And it says, "Wherein, the
17 owner of the asset upon remotely accessing the
18 fire hydrant management software compliance
19 registry may update and review the status of the
20 assets."

21 Do you have an understanding of what
22 the fire hydrant management software compliance

1 registry is referring to in Claim 8 of the '966
2 patent?

3 A. Was this paragraph starting, "Based
4 upon the analysis sending a standard format
5 notice"?

6 Q. No, it is the one right above.

7 Let me just ask again to get us
8 back.

9 So, if you are looking at, the based
10 on the analysis step notifying an owner, which
11 begins at Line Number 33 of Column 15.

12 Within that step at Line Number 39,
13 approximately, of Column 15, it states, "And
14 wherein the owner of the asset upon remotely
15 accessing the fire hydrant management software
16 compliance registry may update and review the
17 status of the assets."

18 Do you have an understanding of what
19 the fire hydrant management software compliance
20 registry is referring to in the claim?

21 A. Yes.

22 Q. And what is that understanding?

1 A. The software that is available
2 online.

3 Q. So, is the fire hydrant management
4 software compliance registry that is discussed at
5 Lines 40 and 41 of Column 15 referring to a fire
6 hydrant management software that is claimed in
7 Line Number 20 and 21 of Column 15?

8 A. The software that we are referring
9 to in Lines 40 is the same software we are
10 referring to in Line 21.

11 Q. Okay. And this is the software that
12 the owner must access in order to perform the
13 steps of updating and reviewing the status of the
14 assets; is that right?

15 A. That is the software the owner uses.

16 Q. And that is the software that the
17 owner uses to update and review the status of the
18 assets, right?

19 MR. LEHRER: Objection to form.

20 THE WITNESS: Yes.

21 BY MR. COLSHER:

22 Q. And if we look at the next "Based

1 upon the analysis" clause in Column 15, beginning
2 at Line 43 of Claim 8, it says, "Sending a
3 standard format notice to the approval authority
4 of the status of the assets assigned to the
5 approval authority."

6 Do you see that?

7 A. Yes.

8 Q. What does it mean to send a standard
9 format notice to the approval authority?

10 A. The typical method for notifying the
11 fire marshal or approval authority.

12 Q. What is a typical method for
13 notifying the fire marshal approval authority?

14 A. Any method available.

15 Q. What are the methods that are
16 available?

17 A. Nonlimiting to include e-mail, text,
18 phone call. Access through their dashboard.

19 Q. And each of those examples would
20 qualify as sending a standard format notice to
21 the approval authority; is that right?

22 MR. LEHRER: Objection. Calls for a

1 legal conclusion.

2 THE WITNESS: Yes.

3 BY MR. COLSHER:

4 Q. And if we keep going in this same
5 clause. If we go down to Line 45 through 48, it
6 says, "And wherein the approval authority upon
7 accessing the web-based registry may update and
8 review the status of the assets assigned."

9 So, in your Claim 8, it is the
10 approval authority that must be able to update
11 and review the status of the assets assigned; is
12 that right?

13 MR. LEHRER: Objection, form.

14 THE WITNESS: Can you repeat that
15 question?

16 BY MR. COLSHER:

17 Q. Yes. In Claim 8, it is correct that
18 the approval authority must be able to update and
19 review the status of the assets assigned, right?

20 A. Yes.

21 Q. So, this claim wouldn't be met if it
22 was the inspector that updated and reviewed the

1 assets assigned to the approval authority.

2 Is that right?

3 MR. LEHRER: Objection, calls for a
4 legal conclusion.

5 THE WITNESS: What do you mean by
6 status of assets?

7 BY MR. COLSHER:

8 Q. I mean, the status of assets
9 assigned as specified in Claim 8 of the '966
10 patent at Line Number 47 and 48.

11 A. In that claim, we are referring to
12 the approval authority having the status or a
13 notice to the approval authority of the status of
14 the assets assigned to them.

15 Q. So, it must be the approval
16 authority itself that is updating and reviewing
17 the status of the assets assigned in Claim 8.

18 Is that right?

19 MR. LEHRER: Objection to form.
20 Objection, calls for a legal conclusion.

21 THE WITNESS: The approval authority
22 is the role responsible for reviewing that

1 status of the assets.

2 BY MR. COLSHER:

3 Q. And so in Claim 8, the classes of
4 users themselves are the ones that must perform
5 the roles that are assigned to them.

6 Is that correct?

7 MR. LEHRER: Objection, asked and
8 answered.

9 THE WITNESS: I refer to my previous
10 answer.

11 BY MR. COLSHER:

12 Q. So, you are refusing to answer the
13 question?

14 A. I feel like I have answered that.

15 Q. And can you remind me of what your
16 answer was?

17 MR. LEHRER: Objection, form.

18 THE WITNESS: Can you re-ask the
19 question?

20 BY MR. COLSHER:

21 Q. Of course. In Claim 8 of the '966
22 patent, the claimed classes of users themselves

1 must be the ones that perform the roles that are
2 respectively assigned to them.

3 Is that correct?

4 MR. LEHRER: Same objection. Asked
5 and answered.

6 THE WITNESS: Yes.

7 BY MR. COLSHER:

8 Q. Okay. Let's -- we can put the '966
9 patent to the side for now.

10 Let's go to Section Number 7 of your
11 declaration, Exhibit 2015. And it begins on Page
12 Number 24 and goes through Page Number 28.

13 A. Yes, I am looking at it.

14 Q. Okay. And this is your opinion
15 about how the Tegriss system functions, right?

16 MR. LEHRER: Objection, form.

17 THE WITNESS: Yes.

18 BY MR. COLSHER:

19 Q. Okay. And did you write this
20 section?

21 A. I wrote part of it.

22 Q. Which part did you write? You can

1 tell me just maybe paragraph numbers or portions.

2 A. I contributed to Paragraph 66, which
3 refers to the Claim 8 of the patent. And I
4 confirmed all of the other paragraphs within that
5 section.

6 Q. What do you mean by you contributed
7 to Paragraph 66?

8 A. Paragraph 66 refers to the claims of
9 the patent which I contributed in the writings
10 for those.

11 Q. So, okay. Let me just make sure.

12 You contributed the claims
13 themselves in the patent which were then
14 transcribed into this Paragraph 66; is that
15 right?

16 A. Correct.

17 Q. Okay. You didn't write Paragraph 66
18 yourself?

19 A. No. 66 includes the first sentence,
20 "Challenge Claim 8 of 16 of the '966 patent
21 required a computer-implemented method for using
22 the fire hydrant management software and a

1 web-based registry to track requisite inspection
2 of an owned assets comprising."

3 I didn't author that. I agreed with
4 it.

5 Q. Did you draft your declaration?

6 A. Yes.

7 Q. What do you mean by you drafted your
8 declaration?

9 A. I provided content for the
10 declaration.

11 Q. Who wrote your declaration?

12 A. I wrote my, the declaration with the
13 help of the attorneys with the -- with the help
14 of my attorneys.

15 Q. Did you write the first draft of
16 your declaration?

17 A. What do you mean by first draft?

18 Q. Who wrote the first draft of your
19 declaration?

20 A. What do you mean by first draft?

21 Q. Did you have a draft of your
22 declaration prepared at any point?

1 A. Yes.

2 Q. And who prepared the draft of that
3 declaration?

4 A. My attorneys.

5 Q. And your attorneys provided you that
6 draft; is that correct?

7 MR. LEHRER: Objection, form.

8 THE WITNESS: Can you repeat the
9 question?

10 BY MR. COLSHER:

11 Q. And your attorneys provided you the
12 draft of your declaration; is that correct?

13 MR. LEHRER: Objection, form.

14 THE WITNESS: Yes.

15 BY MR. COLSHER:

16 Q. Do you recall any changes that you
17 made to your declaration after receiving it from
18 your attorneys?

19 A. Yes.

20 Q. And what were those changes that you
21 recall?

22 A. The majority of the content within

1 the declaration.

2 Q. Okay. We will come back to that.

3 In Paragraph Number 67, there is a
4 reference to Exhibit 2018.

5 Do you see that?

6 A. Which section?

7 Q. It is on Page 26 of your
8 declaration. And it is Paragraph Number 67.

9 A. Yes.

10 Q. Okay. And it says, "Exhibit 2018 is
11 a table that shows Tegriss Fire trademark
12 incorporates each of the elements of challenged
13 Claim 8. I prepared Exhibit 2018 based on my
14 knowledge of the '966 patent and my knowledge of
15 Tegriss Fire trademark."

16 Do you see that?

17 A. Yes.

18 Q. Did anyone help you prepare
19 Exhibit 2018?

20 A. Yes.

21 Q. And who was that?

22 A. The Tegriss Vice President, Jim

1 Ribail.

2 Q. And Exhibit 2018 and this Section 7
3 of your declaration constitutes the -- your
4 entire opinion concerning how Tegriss Fire
5 practices the challenge claims of the '966
6 patent; is that correct?

7 A. Which section are you referring to
8 again?

9 Q. It is Section 7 of your declaration
10 Exhibit 2015, which then also discusses
11 Exhibit 2018.

12 And I just want to confirm that is
13 the entirety of your opinion concerning Tegriss
14 Fire practicing the challenge claims.

15 A. When you say Section 7, where are
16 you referring to?

17 Q. I will do it a little bit
18 differently. Maybe this will help.

19 Is the entirety of your opinion
20 concerning Tegriss Fire system practicing the
21 challenge claims of the '966 patent contained in
22 Paragraph 65 through 77 of your declaration and

1 the incorporation of Exhibit 2018?

2 A. That was a long question. Can you
3 repeat it?

4 Q. Sure. What I'm trying to understand
5 is where I am looking for your opinion in your
6 declaration concerning the Tegriss Fire system.

7 And so what I am asking is your
8 opinion is found in Section 7, which spans
9 Paragraph 65 through 77 of your declaration,
10 which also discusses an Exhibit 2018, which is a
11 table that you had identified.

12 And so my question is, that is your
13 complete opinion as to Tegriss Fire practicing the
14 claims?

15 A. That is the opinion I have in my
16 declaration. I would reserve the right to add
17 more to that.

18 Q. Okay.

19 A. You said complete opinion. I would
20 say it is my presentation of this opinion.

21 Q. And so it is the presentation of
22 your opinion for the purposes of the declaration

1 that you submitted in this IPR proceeding; is
2 that correct?

3 A. That's correct.

4 Q. Great. Do you have access to the
5 Tegriss source code?

6 MR. LEHRER: Objection, ambiguous.

7 THE WITNESS: Are you asking if I
8 have access right now for the purposes of our
9 meeting?

10 BY MR. COLSHER:

11 Q. No, no. Sorry. I will strike that
12 and start again.

13 In the course of your role as the
14 President, I believe, of Tegriss, do you have
15 access to the source code for Tegriss Fire?

16 A. Yes.

17 Q. And that was not submitted for
18 purposes of this proceeding, right?

19 MR. LEHRER: Objection, form.

20 THE WITNESS: We did not submit the
21 source code --

22 BY MR. COLSHER:

1 Q. Okay.

2 A. -- for this proceeding.

3 Q. You have exhibit, a hard copy of
4 Exhibit 2018, which is the Tegriss Fire claim
5 chart, right?

6 (Whereupon, previously marked
7 Exhibit 2018,
8 first referral.)

9 THE WITNESS: Yes.

10 BY MR. COLSHER:

11 Q. Okay. Great. Can you pull that up
12 and let me know when you have it.

13 A. I do have it. It does not have the
14 Brycer indication in the corner.

15 Q. Okay. Well, this is an exhibit that
16 was submitted by your counsel.

17 So, it should, if we are looking at
18 the same version, in the upper right-hand corner
19 now say Exhibit 2018.

20 A. Yes.

21 Q. And we are looking at the same
22 thing. And it is just for recordkeeping, it is a

1 total of 34 pages. Is that right?

2 A. I have 34 pages.

3 Q. Okay. Perfect. I just wanted to
4 make sure we are still on the same page. Okay.

5 And if we look at Element 8C which
6 is, which you have labeled in the left-hand
7 column, and it spans Pages 3 and 4.

8 Do you see that?

9 A. Yes.

10 Q. Okay. And, are you familiar with
11 the screenshot that is -- or image, I should say,
12 on Page 4 of Exhibit 2018?

13 A. Yes.

14 Q. What is that image depicting?

15 A. This image depicts a function
16 available to the authority having jurisdiction
17 to --

18 Q. Okay.

19 A. -- identify system types and
20 notification frequencies, inspection frequencies.

21 Q. And this is what is seen when a user
22 logs on to the system; is that right?

1 MR. LEHRER: Objection, form.

2 THE WITNESS: This is viewable from
3 the authority's account.

4 BY MR. COLSHER:

5 Q. Okay. And if we go up to 8B, which
6 is directly above it, on Page Number 3, there is
7 a screenshot or image that is depicted.

8 Are you familiar with what this
9 image is?

10 A. Yes.

11 Q. And what is this image showing?

12 A. This is a pull-down menu for someone
13 signing on to the platform and being able to
14 choose which role.

15 Q. Okay. We can put that exhibit
16 aside.

17 Mr. Moren, have you ever had access
18 to Brycer source code?

19 A. No.

20 Q. Have you ever had access to --
21 strike that.

22 Let's go to, we are going to go to

1 Paragraph Number 90 of your declaration, which is
2 found on Page 31 of Exhibit 2015. And it
3 references an Exhibit 2040.

4 Do you have Exhibit 2040, which is
5 identified as being an RFP?

6 A. I don't have a printed version of
7 that.

8 Q. Okay. Great. I am going to put in
9 the chat, an electronic version of Exhibit 2040.

10 (Whereupon, previously marked
11 Exhibit 2040,
12 first referral.)

13 BY MR. COLSHER:

14 Q. And you can just let me know when
15 you have that.

16 A. I have that open.

17 Q. Okay. Great. Are you familiar with
18 Exhibit 2040?

19 A. Yes.

20 Q. And what is Exhibit 2040?

21 A. 2040 is a request for proposal
22 response from the City of Tumwater. It is

1 Brycer's proposal to that RFP.

2 Q. And when is it dated?

3 A. November 2nd, 2020.

4 Q. Do you know when your patent, the
5 '966 patent issued?

6 You can look at the exhibit if you
7 want. I'm not trying to make it a memory test.

8 A. Yes. I do.

9 Q. And when did it issue?

10 A. I know I just want to -- date of
11 patent is September 21st, 2021.

12 Q. Okay. So as of this RFP, you did
13 not have a patent that had been issued by the
14 Patent Office, that's correct?

15 A. We were patent pending.

16 Q. Okay. Thank you. How many reports
17 does Tegriss Fire process annually?

18 A. I don't know that exact number.

19 Q. Can you approximate it?

20 A. No.

21 Q. How many municipalities does Tegriss
22 Fire operate in?

1 A. I don't know that exact number.

2 Q. Can you approximate it?

3 A. Approximately 40.

4 Q. Do you know approximately how many
5 users there are of Tegriss Fire?

6 MR. LEHRER: Objection, beyond the
7 scope -- actually, withdraw that objection.

8 THE WITNESS: No.

9 BY MR. COLSHER:

10 Q. Okay. Do you know how much revenue
11 Tegriss generates on an annual basis from Tegriss
12 Fire?

13 A. Can you repeat that, again?

14 Q. Do you know how much revenue Tegriss
15 generates on an annual basis from Tegriss Fire?

16 A. Yes.

17 Q. And how much revenue is that on an
18 annual basis?

19 A. I would have to look at my records.

20 Q. So, sitting here today, you are
21 unable to tell me how much revenue Tegriss
22 generates on an annual basis from Tegriss Fire; is

1 that right?

2 A. Yes.

3 Q. How many copyrights does Tegriss
4 have?

5 MR. LEHRER: Objection, ambiguous.

6 BY MR. COLSHER:

7 Q. I will ask another question.

8 Let's go to Paragraph 97 of your
9 declaration.

10 And do you see where it says
11 copyrights? It is on Page 33.

12 A. Yes.

13 Q. Okay. Did Tegriss ever obtain any
14 copyrights relative to what you have referenced
15 in Paragraph 47 of your declaration?

16 A. Yes.

17 Q. And how many did Tegriss obtain that
18 were registered?

19 A. I don't know the exact number, but
20 it was more than two.

21 Q. All right. Let's pull back out
22 Exhibit 2040, which is the RFP. And let's go to

1 Page 4.

2 All right. Let me know when you are
3 there.

4 A. I am there.

5 Q. And the first paragraph it starts,
6 "The City of Tumwater."

7 Do you see that?

8 A. Yes.

9 Q. And then about halfway down, there
10 is a sentence beginning, "Led by co-founders Matt
11 Rice and Bryan Schultz, we are experiencing a
12 growth rate of 500 percent year over year."

13 Do you see that?

14 A. Yes.

15 Q. Okay. Does it say anything about
16 how many year over years that was?

17 A. In the first sentence they refer to
18 ten-plus years.

19 Q. And the ten-plus years is how long
20 Brycer had been in existence, right?

21 A. My understanding is that Brycer was
22 incorporated in 2012, and this RFP was 2020, so

1 that would be eight years.

2 Q. Okay. But that sentence of
3 500 percent year over year doesn't make any
4 particular reference to the number of years.
5 Correct?

6 A. That specific sentence doesn't have
7 a number of years.

8 Q. Okay. Thank you. Okay. Let's look
9 at Paragraph Number 104. Okay.

10 MR. LEHRER: Are you talking about
11 the declaration again?

12 MR. COLSHER: Yes, the declaration.
13 I'm sorry. Thank you.

14 BY MR. COLSHER:

15 Q. And let's take a look at
16 Paragraph 104 on Page 35 of Exhibit 2015.

17 Are you there?

18 A. Yes.

19 Q. Okay. And then the third sentence
20 says, "Tegriss was able to do the same exercise on
21 our own data to find that the average number of
22 annually processed reports per person in the

1 population was 4.4 percent."

2 Do you see that?

3 A. Yes.

4 Q. Okay. But you are not able to tell
5 me the number of reports that you annually
6 processed; is that right?

7 A. Not without referencing.

8 Q. Okay. So, we have no basis in this
9 declaration that you have provided for me to run
10 your calculations in order to try to figure out
11 the accuracy of the numbers that you have been
12 using in your declaration. Right?

13 A. Are you asking me what you are able
14 to do?

15 Q. I am asking, using the information
16 that you have provided and testified to today, I
17 have no way of figuring out the number of
18 annually processed reports, revenue, or users
19 that Tegriss had that would allow me to test any
20 of the numbers that you have provided in your
21 declaration. Right?

22 A. I would suggest you could do your

1 own research and come to the same conclusion.

2 Q. Okay. But you have not provided
3 that information, right?

4 A. I have provided the summary of that
5 information.

6 Q. Okay. But you have not provided any
7 of the underlying data; is that right?

8 A. That's correct.

9 Q. Okay. Let's go to Paragraph 107 of
10 your declaration, which is on Page 36 of
11 Exhibit 2015.

12 And it is a paragraph that states,
13 "One of the novel features Tegriss created was a
14 way for authorities having jurisdiction, AHJs, to
15 add their own fee to each report thereby creating
16 revenue stream for the AHJs?"

17 Do you see that?

18 A. Yes.

19 Q. And the next sentence says, "Brycer
20 copied the feature and many of its AHJs added an
21 AHJ feature ranging from 5 to \$60 per report with
22 some municipalities such as Chicago charging as

1 high as \$300 per report."

2 Do you see that?

3 A. Yes.

4 Q. Okay. And there is an id at the end
5 of that sentence, I-D.

6 What is that id referring to?

7 A. I don't know.

8 Q. Do you know what id refers to
9 generally?

10 A. No.

11 Q. Okay. So, each time you use id in
12 your declaration, you do not know what it is
13 referring to?

14 A. That was something that the legal
15 team was referring to.

16 Q. Okay. So, I have no way to figure
17 out based on this declaration, other than the
18 statement that you have in 107 which is
19 unsupported, that Brycer copied this feature,
20 that many AHJs added the feature and that some
21 municipalities such as Chicago charged as high as
22 \$300 per report; is that right?

1 MR. LEHRER: Objection,
2 argumentative.

3 BY MR. COLSHER:

4 Q. You can answer.

5 A. I have provided a summary of my
6 research.

7 Q. Okay. But I can't test your
8 research, based on the information that you have
9 provided, right?

10 A. I don't know your capability in
11 that. You could research it and come to the same
12 conclusion.

13 Q. Okay. But using the information
14 that you provided to me, I cannot test it; is
15 that correct?

16 A. You are asking me what you can do.
17 I don't know.

18 I have provided this information.
19 If you can't discover it from there, then you
20 can't.

21 Q. Okay. Thank you.

22 Would it surprise you that Chicago

1 had been charging this type of fee since the
2 1990's?

3 A. Partly.

4 Q. Okay. If we go back to
5 Exhibit 2040. And if we turn to Page Number 25,
6 which is labeled on the lower right-hand corner
7 of the document.

8 Let me know when you are there.

9 A. Can you repeat the page number?

10 Q. Oh, sure. Page 25, 2-5, of
11 Exhibit 2040.

12 A. Yes.

13 Q. Okay. And do you see in the middle
14 of Page 25 there is a table?

15 A. Yes.

16 Q. Okay. And then you see there are
17 system types?

18 A. Yes.

19 Q. Okay. And there are one, two,
20 three, four, five, six, seven, eight, nine, ten,
21 11, 12, 13 different system types that are
22 identified; is that right?

1 A. Yes.

2 Q. Okay. And only one of those is a
3 fire hydrant; is that right?

4 A. Yes.

5 Q. And you made no attempt in offering
6 your opinion to differentiate any potential
7 revenue that was being generated based on the
8 particular type of system that was being
9 inspected; is that right?

10 MR. LEHRER: Objection,
11 argumentative.

12 THE WITNESS: I did not attempt to
13 differentiate system types.

14 BY MR. COLSHER:

15 Q. And in this RFP, is the asset owner
16 the city of Tumwater?

17 A. I don't understand the question.
18 Are you asking me about Brycer's intention --

19 MR. COLSHER: Strike that. Strike
20 that. We can move on. It was a poor
21 question on my part. Sometimes that happens.

22 BY MR. COLSHER:

1 Q. I would like to turn to
2 Paragraph 37 -- excuse me, strike that.

3 Page 37 of your declaration,
4 Exhibit 2015. And in particular it is going to
5 be Section C and the first subparagraph is 110,
6 which references an Exhibit 2004.

7 So, my first question is going to
8 be, do you have a hard copy of Exhibit 2004?

9 A. No.

10 Q. Okay. And I will put -- I will put
11 Exhibit 2004 into the chat so that everybody can
12 look at the same thing.

13 (Whereupon, previously marked
14 2004 Exhibit,
15 first referral.)

16 BY MR. COLSHER:

17 Q. Let me know when you are able to
18 download it.

19 A. It is downloaded. I am waiting for
20 it to open.

21 Q. Thank you.

22 MR. LEHRER: And, Patrick, I don't

1 know how many questions you have about this
2 one, but we have been going about an hour.
3 Does it make sense to break now or wait after
4 the exhibit?

5 MR. COLSHER: I think we can get
6 through this one pretty quickly.

7 MR. LEHRER: Okay.

8 THE WITNESS: I have it open.

9 BY MR. COLSHER:

10 Q. Okay, great. And for the record,
11 Exhibit 2004 is labeled in the lower right-hand
12 corner.

13 A. Yes.

14 Q. Okay. And it is 21 pages?

15 A. Yes.

16 Q. Okay. Are you familiar with this
17 document that has been identified as
18 Exhibit 2004?

19 A. Yes.

20 Q. Okay. And what is this document
21 generally?

22 A. This is a case study.

1 Q. Okay. Great. Let's go to Page
2 Number 4 of Exhibit 2004.

3 And it is the -- it begins with the
4 Lynnwood model on that page.

5 A. Yes.

6 Q. Okay. And then, after all of those
7 bullets, there is a paragraph that begins,
8 "Preparation for the program simply involved the
9 signing up online for free account and setting up
10 their user preferences.

11 "After that the fire marshal simply
12 started requested and encouraging the inspection
13 service providers in his area to submit these
14 reports online via Tegriss Fire dot com."

15 And then later at the end it, says,
16 "During this time he developed local codes to
17 supplement the IFC and State codes that empowered
18 the fire marshal to require a copy of the
19 inspection reports and the manner by which they
20 are submitted."

21 Do you see that?

22 A. Yes.

1 Q. Okay. And then there is a code
2 path. Do you see that?

3 A. Yes.

4 Q. Okay. And, there is a couple of
5 codes. And then I see, IFC 104.1, which looks to
6 mandate the use of Tegriss Fire for submission of
7 reports.

8 Is that right?

9 A. I agree.

10 Q. Okay. And so, it was important to
11 the development of the Lynnwood system that the
12 code required the use of the Tegriss Fire
13 platform. Is that right?

14 MR. LEHRER: Objection, form.

15 THE WITNESS: Can you repeat that?

16 BY MR. COLSHER:

17 Q. Of course. And so, it was important
18 to the development of the Lynnwood system that
19 the code required the use of the Tegriss Fire
20 platform. Right?

21 MR. LEHRER: Objection, form.

22 THE WITNESS: When you say the

1 Lynnwood system, are you referring to their
2 set of codes that they have or the system,
3 the Tegriss system being employed?

4 BY MR. COLSHER:

5 Q. Sorry. Good. Fair point. Let me
6 try this again.

7 Lynnwood codifying the requirement
8 of the Tegriss Fire system was critical to the
9 adoption of the system within the Lynnwood
10 municipality. Is that right?

11 A. I wouldn't say it was critical. I
12 would say it was something that the fire marshal
13 felt like he needed to do.

14 Q. And why do you think the fire
15 marshal felt like he needed to mandate the use of
16 the Tegriss system?

17 MR. LEHRER: Objection, calls for
18 conjecture.

19 THE WITNESS: The culture of ITM
20 compliance at that time needed to be shifted
21 for the stakeholders to understand the
22 importance and the paradigm shift that was

1 about to occur.

2 So, the fire marshal seemed to want
3 to codify clearly so that there was no
4 ambiguity amongst the other stakeholders.

5 BY MR. COLSHER:

6 Q. Okay. Let's go to Page 9 of this
7 exhibit, 2004. Let me know when you are there.

8 A. Yes.

9 Q. Okay. And this is a table of
10 current data for Lynnwood, Washington Fire
11 Department as of the date of this case study; is
12 that right?

13 A. Yes.

14 Q. Okay. And, this case study doesn't
15 provide the underlying data that was used to
16 generate the numbers in this table; is that
17 right?

18 MR. LEHRER: Objection, form.

19 Mischaracterizes the facts.

20 THE WITNESS: I believe it includes
21 the data needed to understand the table.

22 BY MR. COLSHER:

1 Q. Okay. Where is the data needed to
2 understand the 32.8 percent compliance rate for
3 the initial date in September of 2010?

4 A. We provide explanations for those
5 numbers, including some data --

6 Q. Where is -- oh, I'm sorry. Finish
7 your answer.

8 A. -- in the rest of the case study.

9 Q. And where is the explanations for
10 those numbers included in the case study for the
11 32.8 percent compliance rate in September of
12 2010?

13 A. The 32.8 percent is explained in the
14 next paragraph and it is --

15 Q. Okay. So -- oh, sorry.

16 A. -- it is summarized in the next
17 paragraph --

18 Q. Okay.

19 A. -- but we didn't provide the data.

20 Q. I'm sorry. Did you say, but you
21 don't provide the data?

22 A. We didn't provide the data. We just

1 provided the summary of the 32.75 percent.

2 MR. COLSHER: Okay. I have some
3 more questions on this but this is going to
4 go longer than I had thought. So, why don't
5 we go off the record.

6 (Recess taken -- 12:31 p.m.)

7 (After recess -- 12:42 p.m.)

8 BY MR. COLSHER:

9 Q. Mr. Moren, if we can go to Page 8 of
10 Exhibit 2004. Let me know when you are there.

11 A. Yes.

12 Q. Okay. And, part way down, in bold
13 and underline, the second bold and underline it
14 says Database Quality. And under that there is a
15 bullet.

16 Do you see that?

17 A. Yes.

18 Q. Okay. And it says the number of
19 known properties with at least one system, and
20 then it provides the examples there.

21 A. Yes.

22 Q. Okay. And, this is the different

1 types of assets that were being included within
2 the Tegriss Fire database; is that right?

3 MR. LEHRER: Objection, form.

4 THE WITNESS: This was at least a
5 partial list.

6 BY MR. COLSHER:

7 Q. Okay. And it doesn't mention fire
8 hydrants anywhere, right?

9 A. It doesn't mention fire hydrant in
10 that line.

11 Q. Okay. And in fact, this document
12 itself, Exhibit 2004, never mentions fire
13 hydrants, right?

14 MR. LEHRER: Objection, form.

15 THE WITNESS: Without reading the
16 entire document, that is possible.

17 BY MR. COLSHER:

18 Q. Okay. We can put that document to
19 the side -- actually, strike that. One more
20 question.

21 This case study does not break down
22 compliance by asset type. Right?

1 A. Yes.

2 Q. Okay. All right. I'm going to put
3 into the chat an exhibit that was produced by
4 Tegriss in this case as Exhibit 2025.

5 (Whereupon, previously marked
6 Exhibit 2025,
7 first referral.)

8 BY MR. COLSHER:

9 Q. Can you let me know when you have
10 it.

11 A. Yes, I have it.

12 Q. Okay. Are you familiar with this
13 document that was produced as Exhibit 2025?

14 A. Yes.

15 Q. And what generally is this document?

16 A. This is a case study.

17 Q. And what is this case study about?

18 A. This is a case study for Richland
19 Fire Department --

20 Q. Okay.

21 A. -- in compliance by using the Tegriss
22 standard.

1 Q. Okay. And let's go to Page 9 of
2 Exhibit 2025.

3 I'm going to ask you some similar
4 questions as I did with the last case study.

5 Let me know when you are on Page 9.

6 A. Yes. I'm on Page 9.

7 Q. Okay. And Page 9 is a table that is
8 titled Statistics for Richland, Washington Fire
9 Department. Do you see that?

10 A. Yes.

11 Q. And you didn't provide the
12 underlying data that was used to calculate the
13 numbers that were provided on Page 9 of
14 Exhibit 2025, in connection with this proceeding.

15 Is that right?

16 MR. LEHRER: Objection, form.

17 Objection, misstates the document.

18 THE WITNESS: Can you repeat the
19 question?

20 BY MR. COLSHER:

21 Q. You didn't provide the underlying
22 data that was used to calculate the numbers on

1 Page 9 of Exhibit 2025 in connection with this
2 proceeding, correct?

3 MR. LEHRER: Same objection.

4 THE WITNESS: No. Not for this
5 particular 2025 compliance data.

6 BY MR. COLSHER:

7 Q. And there is no mention of fire
8 hydrant in this case study either, right?

9 MR. LEHRER: Objection, form.

10 THE WITNESS: Without reviewing the
11 entire document right now, that is possible.

12 BY MR. COLSHER:

13 Q. Okay. Let's just take a quick look
14 at Page 13.

15 And do you see the image that is
16 shown, with some text surrounding it? It is an
17 image that has property survey updating records.

18 A. Yes.

19 Q. Okay. And this is a list of the
20 property systems that were being analyzed; is
21 that right?

22 A. When you say analyzed, what do you

1 mean?

2 Q. The types of systems that were
3 being -- strike that.

4 Does this image represent the
5 different asset types that were being determined
6 whether they were within the Richland
7 municipality to update the records?

8 MR. LEHRER: Objection, form.

9 THE WITNESS: These were the assets
10 that were specifically listed on the property
11 survey.

12 BY MR. COLSHER:

13 Q. Okay. And that doesn't include fire
14 hydrants, right?

15 MR. LEHRER: Objection, form.

16 THE WITNESS: A fire hydrant is not
17 shown on this property survey list.

18 BY MR. COLSHER:

19 Q. Okay. I'm going to go back to
20 Page 5 which is -- of Exhibit 2025. And there is
21 this e-mail message that is excerpted.

22 And I'm going to put into the chat

1 an Exhibit 2041, which I understand to be the
2 e-mail itself.

3 (Whereupon, previously marked
4 Exhibit 2041,
5 first referral.)

6 BY MR. COLSHER:

7 Q. Can you let me know when you have
8 both Page 5 of Exhibit 2025 and then also the
9 exhibit that was put into the chat, Exhibit 2041?

10 A. I have that e-mail.

11 Q. Okay, great.

12 And in the e-mail, the last
13 paragraph says, "Just so you know at 90 days
14 overdue, we sent a correction letter and follow
15 that letter with a Notice of Civil Violation
16 letter."

17 Do you see that?

18 A. Yes.

19 Q. And this is indicating that Richland
20 sent out a correction letter and a Notice of
21 Civil Violation; is that right?

22 A. Yes.

1 Q. And at that time, those who received
2 this correction letter notice were noncompliant,
3 right?

4 MR. LEHRER: Objection, form.

5 THE WITNESS: It says that they are
6 90 days overdue.

7 BY MR. COLSHER:

8 Q. Okay. If we can go to Page Number 8
9 of Exhibit 2025, excuse me.

10 Do you see where Page 8 is?

11 A. Yes.

12 Q. Okay. And the last of the bold and
13 underlined statements says Departmental
14 Resources. And the first bullet talks about the
15 number of hours the department dedicates; is that
16 right?

17 A. I see it.

18 Q. Okay. And the second bullet talks
19 about the money dedicated to ITM compliance
20 activities. Do you see that?

21 A. I see that.

22 Q. Okay. And then the next sentence

1 says, "This amount factors the fully loaded cost
2 to the city for the department's ITM activities
3 based on the various positions."

4 And in this sentence, cost is
5 referring to money, right?

6 A. I think it refers to cost and time,
7 effort.

8 Q. Okay. That paragraph, that
9 subbullet, you would agree with me is talking
10 about money, right?

11 A. The department was summarizing their
12 costs into a dollar amount.

13 Q. Okay. And if we look at the last
14 page of this document, Exhibit 2025, and it is
15 Page Number 21. Okay.

16 And then you see the third sentence
17 it says, "With Tegriss, they have implemented a
18 complete no-cost program to the city."

19 And that no cost is referring to
20 money, right?

21 A. That no cost is referring to --
22 there is no cost for the software.

1 Q. And that is money, right?

2 A. In that instance that involved --
3 that was referring to the amount, to money.

4 Q. Okay. Thank you. We can put that
5 to the side -- actually, let's pull back out,
6 Exhibit 2025.

7 If you go to Page 5 and it straddles
8 on to Page 6, do you see the Subsection 2, Code
9 Development?

10 A. Let me reopen it.

11 Q. Great. Sorry.

12 A. Can you tell me which page again,
13 please?

14 Q. Sure. It is Page 5, at the very
15 bottom, scrolling over to Page 6, which is
16 Subpart 2, Code Development.

17 A. Yes.

18 Q. Okay. And it states, "The fire
19 marshal took the extra steps to ensure that
20 establishing Tegriss as their submittal standard
21 was enforceable by code. Along with the code,
22 the fire marshal established a simple but strict

1 process for handling individuals who might refuse
2 the standard.

3 "Having that process in place has
4 been enough of a deterrent to the few individuals
5 who were more than 90 days out of compliance."

6 Do you see that?

7 A. I do.

8 Q. Okay. And, you would agree that it
9 was important to the adoption of the Tegriss Fire
10 by the Richland municipality that it was made
11 enforceable by code; is that right?

12 MR. LEHRER: Objection,
13 argumentative.

14 THE WITNESS: Can you repeat the
15 question?

16 BY MR. COLSHER:

17 Q. Sure. And would you agree that it
18 was important to the adoption of Tegriss Fire that
19 it was mandated by the Richland municipality
20 within their code?

21 MR. LEHRER: Same objection.

22 THE WITNESS: I'm not sure if you

1 are referring to the additional steps that
2 the fire marshal took or the base codes that
3 require inspections.

4 BY MR. COLSHER:

5 Q. Did the Richman [sic] municipality
6 mandate by code the use of Tegriss?

7 A. Yes.

8 Q. And that was -- that mandated code
9 was important to the adoption of Tegriss Fire?

10 MR. LEHRER: Objection, form.

11 Objection, calls for speculation.

12 THE WITNESS: I don't know if the
13 fire marshal had the capability to enforce
14 this with or without code that he had written
15 more explicitly.

16 BY MR. COLSHER:

17 Q. Do you think the code was helpful in
18 the adoption of Tegriss Fire?

19 MR. LEHRER: Objection, calls for
20 speculation.

21 THE WITNESS: Yes.

22 BY MR. COLSHER:

1 Q. Let's go to Page 10 of this exhibit.

2 A. I am on 10.

3 Q. Okay. And on Page 10 the third full
4 paragraph starts, "Also unknown by the department
5 was the number of systems that were impaired or
6 had some kind of deficiency."

7 Do you see that?

8 And then the next sentence says,
9 "One common deficiency that is usually identified
10 during an inspection is the amount of grease
11 built up in a kitchen hood. Not unexpectedly,
12 this is a very common reason for fires."

13 A. Yes.

14 Q. Okay. And the data that you are
15 relying upon includes the inspections for kitchen
16 hood assets; is that right?

17 A. Which data are you referring to?

18 Q. The data that is in Exhibit 2025.

19 A. Are you talking about data for
20 kitchen hoods, specifically?

21 Q. I am talking about the compliance
22 data that you discuss in the case study in

1 Exhibit 2025.

2 A. Well, as it is written, one common
3 deficiency that is usually identified during an
4 inspection is the amount of grease buildup in a
5 kitchen hood.

6 That is how you prefaced the
7 question.

8 Q. Do you agree with that statement?

9 A. I do agree with that statement.

10 Q. And then the paragraph continues,
11 "They help identify a large range of issues such
12 as a box on a top shelf blocking a sprinkler head
13 to an offline fire panel that isn't communicating
14 with a monitor station.

15 "Nearly every system if left
16 untested and unexercised will eventually develop
17 deficiencies."

18 So, do you believe it is important
19 as part of a system to be able to monitor for the
20 compliance of sprinkler heads and fire panels?

21 A. Can you clarify what system you are
22 talking about?

1 Q. Do you believe it is important for
2 the Tegriss Fire system to monitor for the
3 compliance of sprinkler heads and fire panels?

4 A. Yes.

5 Q. And do you believe it is important
6 for the Tegriss system to monitor for compliance
7 regarding kitchen hoods?

8 MR. LEHRER: Objection, form.

9 THE WITNESS: Yes.

10 BY MR. COLSHER:

11 Q. And do you believe it is important
12 for the Tegriss Fire system to monitor for
13 compliance regarding fire alarms?

14 MR. LEHRER: Objection, form.

15 THE WITNESS: Yes.

16 BY MR. COLSHER:

17 Q. Let's take a look at the Screenshot
18 of Property Journal that appears on Page 12 of
19 Exhibit 2025.

20 A. Okay.

21 Q. Are you familiar with what a
22 property journal is?

1 A. Yes.

2 Q. And what is a property journal?

3 A. A property journal is a journal of
4 different activities that have occurred on a
5 specific property regarding inspection, testing
6 and maintenance.

7 Q. Are you familiar with Building
8 Reports dot com?

9 A. Yes.

10 Q. And Building Reports dot com
11 predates Tegriss, right?

12 MR. LEHRER: Objection, form.

13 BY MR. COLSHER:

14 Q. Strike that.

15 Building Properties dot com predates
16 Tegriss Fire; is that correct?

17 A. I don't know.

18 Q. Are you aware of whether Building
19 Reports dot com was ever used to reject any
20 pending claims during the prosecution of the
21 application that led to the '966 patent?

22 A. I vaguely remember a reference to

1 Building Reports dot com.

2 Q. Okay. Can you pull up Exhibit 1002.

3 And in particular we are going to go to Page 232.

4 1002 is the big file history exhibit.

5 A. 232.

6 Q. 232, yes.

7 A. Okay. I am on Exhibit 1002. I am

8 looking at that.

9 Q. Okay. And, this is an Office Action

10 issued by the United States Patent and Trademark

11 Office on May 9th, 2014.

12 Do you see that?

13 A. I see the notification date,

14 5/9/2014.

15 Q. Okay. And you see the United States

16 Patent and Trademark Office, on the top?

17 A. Yes.

18 Q. Okay. And if we go to the second

19 page. It says Disposition of Claims. And then

20 Box 7 is checked, which it says 1 through 8 and

21 21 through 31 is our rejected.

22 Do you see that?

1 A. Yes.

2 Q. Okay. And then if we go down to
3 Page 234 of Exhibit 2002, Claim Rejections,
4 35 USC Section 103.

5 And then the second number there,
6 which is Number 9. And it says Claims 1 through
7 8 and 21 through 30 are rejected under pre-AIA 35
8 USC 103(a) as being unpatentable over
9 www.buildingreports.com, any linkage
10 September 4, 2004, and then in view of these
11 other references.

12 Do you see that?

13 A. Which page?

14 Q. Page 234 at the bottom. It is the
15 Numbered 9 paragraph.

16 A. Yes, I see that.

17 Q. Do you recall ever seeing this
18 Office Action rejection before?

19 A. Yes.

20 Q. Okay. Do you happen to recall when
21 you first received it?

22 A. I don't.

1 Q. Okay. Would it have been some time
2 in 2014?

3 A. I don't remember when I first saw
4 it.

5 Q. Has anyone taken a license to your
6 '966 patent, Mr. Moren?

7 A. Not at this time. I would like to
8 say not as of today.

9 Q. If we can pull up 2015. This is
10 your declaration, and turn to Page 72.

11 A. Which page?

12 Q. 72. And we are going to look at
13 Paragraph 197.

14 A. Yes.

15 Q. Okay. And the first sentence says,
16 "There were five known third-party ITM compliance
17 providers in the industry (Tegriss, IROL, Building
18 Reports dot com, LIV and Brycer)."

19 Other than the five that are listed
20 here, are you aware of any other ITM compliance
21 providers in the industry?

22 A. Not as of today.

1 Q. In your declaration, did you provide
2 any analysis as to any product offerings from
3 IROL?

4 A. Can you repeat that question?

5 Q. In your declaration, did you provide
6 any analysis as to any product offerings from
7 IROL?

8 A. I didn't provide any analysis for
9 IROL in my declaration.

10 Q. And in your declaration, did you
11 provide any analysis for Building Reports dot
12 com?

13 A. Yes. I did. And I guess I also did
14 for IROL as well.

15 Q. And what was that analysis?

16 A. Within this paragraph and subsequent
17 paragraphs, I talk about Building Reports, the
18 acquisition of IROL.

19 That Building Reports attempted to
20 build an ITM compliance system, but they didn't
21 have the success they were expecting.

22 Q. In your declaration you didn't

1 provide any analysis as to whether Building
2 Reports dot com practices any claims of the '966
3 patent, correct?

4 A. For this declaration, I didn't
5 provide that.

6 Q. And in your declaration you didn't
7 provide any analysis as to whether any IROL
8 system or product practices any claim of the '966
9 patent, correct?

10 A. For this decoration, I didn't
11 provide that.

12 Q. And in your declaration you didn't
13 provide any analysis as to whether any LIV,
14 L-I-V, product or system practices any claim of
15 the '966 patent, right?

16 A. Not for this declaration.

17 Q. Let's go to Paragraph 108 of your
18 declaration, Exhibit 2015.

19 A. Section 208.

20 Q. Uh-huh.

21 A. Page 75.

22 Q. Yes. And in particular the fourth

1 sentence that states, "The most difficult
2 objection that Tegriss experiences when dealing
3 with prospective customers is why they would use
4 a third-party ITM compliance provider different
5 than a major city in their region."

6 Do you see that?

7 A. Yes.

8 Q. And so, a key to the adoption of a
9 particular ITM compliance is dictated by what the
10 city or municipality is using; is that right?

11 A. My experience has been when
12 discussing with fire marshals their choices that
13 they think they have for ITM compliance software,
14 they -- one of their factors and a key factor is
15 sometimes what their neighboring cities are
16 using.

17 Q. Thank you.

18 I'm going to take us back a little
19 bit in your declaration to Page 2015.

20 MR. LEHRER: 2015?

21 BY MR. COLSHER:

22 Q. I am sorry. That is -- all right.

1 Let's try -- man, it got longer. Let's try this
2 again.

3 We are going to go back in your
4 declaration to Page 33 of Exhibit 2015, and I
5 want to take a look at Paragraph 99.

6 A. Yes.

7 Q. Okay. And, it states, "In 2015,
8 Brian Schultz of Brycer proposed to acquire
9 Tegriss. Tegriss and Brycer entered into a
10 nondisclosure agreement and discussed Tegriss's
11 assets, including the then pending patent
12 application and registered copyright."

13 Do you recall anything you discussed
14 about the then pending patent application?

15 A. Yes.

16 Q. And what did you discuss?

17 A. We discussed with them that we were
18 patent pending for the same system that they were
19 proposing.

20 Q. At the time of your discussions in
21 2015, did you do anything to verify that your
22 application leading to the '966 patent was

1 actually pending?

2 A. Can you repeat that question again?

3 Q. Absolutely. At the time of your
4 discussions in 2015, referenced in Paragraph 99
5 of your declaration, did you do anything to
6 verify that your application leading to the '966
7 patent was actually pending?

8 A. Not specifically.

9 Q. During your discussions in 2015, did
10 you ever check with your attorneys to verify that
11 your application was actually pending?

12 A. Yes.

13 Q. And what did they tell you?

14 MR. LEHRER: I'm going to object as
15 privileged. I'm going to instruct the
16 witness not to answer.

17 BY MR. COLSHER:

18 Q. Mr. Moren, are you going to take
19 your counsel's advice?

20 A. I am taking his advice.

21 Q. Okay. Sorry. I didn't mean that as
22 confrontational. I just want to make sure that I

1 am not speaking over you.

2 In preparing your declaration,
3 including Paragraph 99, did you do anything to
4 verify that your application was, in fact,
5 pending in 2015?

6 A. Not in preparation for my
7 declaration.

8 Q. Are you aware of whether your
9 application was actually pending in 2015?

10 A. Yes.

11 Q. Was it actually pending in 2015?

12 A. That is my understanding.

13 Q. Okay. At any point did your
14 application ever become abandoned?

15 A. I would have to confer with my
16 attorneys on that.

17 Q. Okay. Let's take a look at
18 Exhibit 1002, Page 245.

19 Let me know when you are there.

20 A. Which one is 2045?

21 Q. Page 245 of Exhibit 1002. It is the
22 big file history that we are looking for.

1 A. I've got a lot of them open right

2 now, so --

3 Q. No problem.

4 A. Here we go. Okay. 1002. And can
5 you tell me the page again?

6 Q. Page 245.

7 A. Yes.

8 Q. Okay. And on Page 245, this is an
9 Office communication for the United States Patent
10 and Trademark Office with a notification date of
11 November 20th, 2014.

12 Do you see that?

13 A. Yes.

14 Q. Okay. And on the next page,
15 Page 246 of Exhibit 1002, it continues and states
16 Notice of Abandonment.

17 Do you see that?

18 A. This is Page 246?

19 Q. Yes.

20 A. Yes.

21 Q. Okay. And then Box Number 1 is
22 checked.

1 It says, "This application is
2 abandoned in view of application failure to
3 timely file a proper reply to the Office letter
4 mailed on May 7th, 2014?"

5 And then subpart D also check, "No
6 reply has been received."

7 So, as of this Notice of
8 Abandonment, your application was abandoned; is
9 that correct?

10 A. I would have to confer with my
11 attorneys on what that, what that means.

12 Q. Okay. And nothing happened with
13 respect to any attempt for three years; is that
14 right?

15 A. It is a legal question. I would
16 have to ask my attorneys on.

17 Q. Okay. Let's go to the next page.
18 247.

19 Do you see where it says Petition
20 For Revival of an Application For Patent
21 Abandoned?

22 A. Yes.

1 Q. Okay. And then on the next page it
2 is dated, which is Page 248 of Exhibit 1002, it
3 is dated January 20, 2017.

4 A. This is on Page 248.

5 Q. Yes.

6 A. Yes. I see the signature by Richard
7 Thomas Black and the date, January 20, 2017.

8 Q. Okay. And there is no communication
9 that you are aware of with the Patent Office
10 between the abandonment in November 2014, and
11 this petition that was filed in January of 2017.
12 Is that right?

13 A. I would have to check with the
14 attorneys on their communication.

15 Q. Okay. Do you recall ever being
16 informed that your application went abandoned?

17 A. No. I don't remember anything like
18 that.

19 Q. And in preparation of your
20 declaration did you consider that your
21 application was abandoned for -- strike that.

22 In preparation of your declaration,

1 did you consider that your application was
2 abandoned from November 2014 until some time in
3 2017?

4 A. No.

5 Q. Okay. And when you were meeting
6 with Brycer in 2015, would you have considered
7 them a competitor?

8 MR. LEHRER: Objection to form.

9 THE WITNESS: Yes.

10 BY MR. COLSHER:

11 Q. Okay. I'm going to introduce an
12 exhibit that I have marked as Exhibit 1034.

13 (Whereupon, previously marked
14 Exhibit 1034,
15 first referral.)

16 BY MR. COLSHER:

17 Q. Can you let me know when you are
18 able to access this?

19 A. All right. I have it open.

20 Q. Okay. Are you familiar with the
21 Wayback Machine?

22 A. No.

1 Q. Are you familiar with Archive dot
2 org?

3 A. What did you say?

4 Q. Are you familiar with Archive dot
5 org?

6 A. No.

7 Q. Okay. So, for the purpose of this
8 question I'm going to represent to you that this
9 is an archival copy of tegrissinc.com/node/109 as
10 of August 2nd, 2016.

11 Are you familiar with your website,
12 Mr. Moren?

13 A. Yes.

14 Q. Okay. So, you are familiar with
15 Tegriss Inc. dot com?

16 A. Yes.

17 Q. Okay. Do you ever post information
18 to Tegriss Inc. dot com?

19 A. Yes.

20 Q. Okay. Are you familiar with the
21 question on your website as of August 2nd, 2016,
22 asking "Who Are Your Competitors"?

1 A. Yes.

2 Q. And, are you familiar with the
3 answer that was provided on your website that
4 says, "Frankly, no one. (Well, maybe the file
5 cabinet)"?

6 A. Yes.

7 Q. So, you believed in 2016 that Tegriss
8 had no competitors?

9 A. In that sentence I wasn't
10 acknowledging the people that I believe were
11 infringing on that that had stolen the idea.

12 Q. Okay. So, this sentence that is on
13 your website as of 2016 is inaccurate; is that
14 right?

15 MR. LEHRER: Objection,
16 argumentative.

17 THE WITNESS: No, I don't believe it
18 was inaccurate.

19 BY MR. COLSHER:

20 Q. Okay. So, you stand by the
21 statement on your website in 2016 that Tegriss had
22 no competitors, right?

1 A. No. We acknowledge competitors in
2 that sentence, in that statement.

3 Q. Where in that statement do you
4 acknowledge any competitors?

5 A. "We've already seen fly-by-night
6 competitors come and go."

7 Q. Okay. So as of 2016, you believed
8 that any competitor had already come and gone; is
9 that right?

10 A. They are in the process of coming
11 and going.

12 Q. Okay. It says, "We've already seen
13 fly by competitors come and go." Correct?

14 A. Yes.

15 Q. It does not say coming and going,
16 right?

17 A. It is inclusive of what is happening
18 currently. It is not just the past tense.

19 We acknowledge further, "An old
20 process is our biggest competition." Not that it
21 is our only competition.

22 And we acknowledge in there as well,

1 "Of course there are companies out there that do
2 a great job providing ITM tools but are not
3 necessarily focused on improving compliance."

4 Q. Okay. I'm going to put into the
5 chat a document that I have labeled as
6 Exhibit 1035.

7 (Whereupon, previously marked
8 Exhibit 1035,
9 first referral.)

10 BY MR. COLSHER:

11 Q. If you can let me know when you are
12 able to download and access.

13 A. I have it open.

14 Q. Okay. Great. And similar to the
15 last one, I'm going to represent to you that this
16 is an archival copy of Tegriss, Inc. dot com, "Why
17 Choose Us," as of March 21, 2016.

18 Are you familiar with the web page
19 that is identified as Exhibit 1035?

20 A. As I'm looking at it now, I am.

21 Q. Do you see the first statement says,
22 "Patent Pending"?

1 A. Yes.

2 Q. Okay. At any point in time did you
3 ever do anything to verify the accuracy of the
4 statements regarding "Patent Pending" that were
5 made on your website?

6 A. Yes.

7 Q. And what did you do to verify the
8 accuracy of the statements regarding patent
9 pending that were made on your website?

10 MR. LEHRER: Objection, form.

11 Objection, beyond the scope.

12 THE WITNESS: We had submitted for
13 patent pending. We had submitted our patent
14 and was going through the process of getting
15 it approved.

16 BY MR. COLSHER:

17 Q. And you were involved in that
18 process, right?

19 A. Yes.

20 Q. And if you scroll down on that page
21 it says, "No Cost Services."

22 Do you see that paragraph?

1 It says, "We offer a substantial
2 amount of free services in Tegriss Fire. No sign
3 up costs. No annual maintenance costs. No
4 support or training costs?

5 "The only time a cost is incurred is
6 when a provider submits a report to the AHJ.
7 Everything else is free. No cost to AHJs. No
8 cost to property owners."

9 Do you see that?

10 A. Yes.

11 Q. And in that paragraph, cost is
12 referring to money. Right?

13 A. On this website. In this paragraph
14 it is referring to money.

15 MR. COLSHER: All right. Let's go
16 off the record for a minute.

17 (Recess taken -- 1:38 p.m.)

18 (After recess -- 1:42 p.m.)

19 MR. COLSHER: Thank you, Mr. Moren.
20 I have no further questions for you.

21 MR. LEHRER: Thank you. I have no
22 questions.

1 (Whereupon, signature not having been waived,
2 the deposition suspended at 1:42 p.m.)

3 * * *

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1 CERTIFICATE OF NOTARY

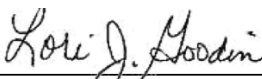
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in which this deposition was taken; and, further, that I am
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15 My Commission expires: May 12, 2028

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20 My Commission expires: September 9, 2025

21 STATE OF PENNSYLVANIA, COUNTY OF LEHIGH

22 My Commission expires: April 5, 2025

1 Andrew Moren, c/o

2 FISHERBROYLES, LLP

3 3340 Peachtree Road Northeast, Suite 1800

4 Atlanta, Georgia 30326

5

6 Case: Brycer, LLC et al. v. Tegriss, Inc.

7 Date of deposition: June 14, 2024

8 Deponent: Andrew Moren

9

10 Please be advised that the transcript in the above
11 referenced matter is now complete and ready for signature.

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14 or the deponent and/or counsel may waive the option of
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9 Deposition Date: June 14, 2024

10 I do hereby acknowledge that I have read
11 and examined the foregoing pages
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12
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A				
a.m 1:14 4:1	61:8 137:9	allowed 158:15	APPEARANC...	art 12:4,5,12 70:4
A1 35:6	138:18 157:7,9	ambiguity 119:4	2:1	70:6,8,15,17,19
abandoned	actions 57:17	ambiguous 98:6	appears 135:18	70:20,22 71:3
145:14 147:2,8	58:1	105:5	157:6	71:12,14,17
147:21 148:16	activities 128:20	amended 59:7	applicable 40:17	72:4
148:21 149:2	129:2 136:4	61:6,13,17 62:3	158:15	ARUNDEL
abandonment	add 59:7 60:14	62:7	Applicant 61:5	157:16
146:16 147:8	62:4 97:16	amendment	application 35:2	aside 101:16
148:10	109:15	58:16 59:13	52:16 55:8,18	asked 51:11 90:7
ability 5:20 6:2	added 15:1 59:15	Amendments	56:15,20 57:4	91:4
able 35:16 49:12	59:17 61:21	58:22	57:10,14,19	asking 28:4,5
55:13 88:10,18	62:4 109:20	amount 129:1,12	58:5,8 66:3	73:17 97:7 98:7
101:13 107:20	110:20	130:3 133:10	136:21 143:12	108:13,15
108:4,13	addition 59:20	134:4 155:2	143:14,22	111:16 113:18
114:17 134:19	additional 41:17	amusement	144:6,11 145:4	150:22
149:18 153:12	42:5 132:1	40:18 41:9	145:9,14 147:1	asset 31:10 38:9
absent 158:21	adoption 33:22	analysis 79:5	147:2,8,20	38:13,16,17,19
absolutely 33:3	37:3 118:9	85:4,10 87:1	148:16,21	39:3,6,15,18
144:3	131:9,18 132:9	140:2,6,8,11,15	149:1	41:1,4,7,10
access 23:4,5,8	132:18 142:8	141:1,7,13	applied 74:6	43:18 64:22
24:2 25:11	advanced 25:3,6	analyzed 24:11	Appreciate 33:4	79:5 80:13,21
49:13 65:3	advice 8:18	125:20,22	appropriate	81:5 84:17
76:14 86:12	144:19,20	and/or 158:13	159:11	85:14 113:15
87:18 98:4,8,15	advise 158:13	Andrew 1:12 3:2	approval 48:1	122:22 126:5
101:17,20	advised 158:10	4:5,22 34:20	67:15 68:20	assets 29:16 30:4
149:18 153:12	ago 12:16,18 13:3	50:6 56:2,7	87:3,5,9,11,13	41:17 42:6 53:3
accessed 78:12	20:3	158:1,8 159:8	87:21 88:6,10	53:8,10,14,18
accessible 77:5	agree 37:8,16	160:9	88:18 89:1,12	53:20 54:3,13
77:10	38:2,8,12,15	ANNE 157:16	89:13,15,21	77:4,9 84:20
accessing 84:17	62:12 63:18	annual 53:10	approved 48:8	85:17 86:14,18
85:15 88:7	65:9 83:5 117:9	104:11,15,18,22	154:15	87:4 88:8,11,19
account 101:3	129:9 131:8,17	155:3	approximate	89:1,6,8,14,17
116:9	134:8,9	annually 103:17	103:19 104:2	90:1 93:2 122:1
accuracy 108:11	agreed 93:3	107:22 108:5	approximately	126:9 133:16
154:3,8	agreement	108:18	10:22 12:15,17	143:11
accurate 78:11	143:10	answer 8:9,16,18	13:3 26:12	assign 44:12
acknowledge	AHJ 109:21	51:8,18 90:10	85:13 104:3,4	assigned 44:15
152:1,4,19,22	155:6	90:12,16 111:4	April 157:22	46:5,10,20 87:4
159:9	AHJs 109:14,16	120:7 144:16	architecture	88:8,11,19 89:1
acknowledging	109:20 110:20	151:3	26:10	89:9,14,17 90:5
151:10	155:7	answered 50:22	archival 150:9	91:2
acquire 143:8	al 158:6 159:7	90:8,14 91:5	153:16	assignment 44:5
acquisition	160:8	answers 8:1	Archive 150:1,4	44:9 45:4,7
140:18	alarm 53:11	159:12,15	area 25:1 116:13	associated 79:8
action 58:17,22	alarms 135:13	Apart 7:3	argumentative	81:5 82:15
	allow 108:19	apologize 72:20	111:2 113:11	association 19:15
	allowable 61:18	APPEAL 1:2	131:13 151:16	19:17,20,20

assume 9:3	B	better 14:22	Building 136:7	13:19
Atlanta 2:14	Bachelor's 16:5,7	66:11	136:10,15,18	certain 8:14
158:4	back 12:7 28:8	beyond 25:9	137:1 139:17	80:15
attached 159:14	42:16,17 44:11	54:17 104:6	140:11,17,19	CERTIFICATE
attempt 72:17	56:11 64:1	154:11	141:1	157:1
73:12,16 113:5	75:19 85:8 95:2	Bible 16:5	buildup 134:4	Certification
113:12 147:13	105:21 112:4	biblical 16:6,8	built 22:22 24:3	27:2
attempted 73:17	126:19 130:5	big 137:4 145:22	133:11	certify 157:5
140:19	142:18 143:3	biggest 152:20	bullet 121:15	challenge 92:20
attend 16:11,14	Background	bit 52:18 96:17	128:14,18	96:5,14,21
attention 48:13	18:21 52:19	142:19	bullets 116:7	challenged 6:10
attested 56:19	53:1 54:4,14	Black 148:7	bunch 53:13,14	95:12
attorney 8:14,17	base 132:2	blocking 134:12	business 17:9	chance 78:15
55:18 157:8	based 25:17 27:5	BOARD 1:2	C	Change 160:11
attorneys 9:19,21	51:20 52:1	boiler 33:19	C 42:20 114:5	changes 14:16,20
10:13,15 11:1,4	74:18 79:4	36:20 37:8,17	c/o 158:1	94:16,20
11:12,21 15:7	84:14 85:3,9	38:15 41:3	CA 157:4,15	159:13
15:11 57:16	86:22 95:13	boilers 38:6	cabinet 151:5	charged 110:21
58:3 93:13,14	110:17 111:8	40:17	calculate 124:12	charging 109:22
94:4,5,11,18	113:7 129:3	bold 121:12,13	124:22	112:1
144:10 145:16	basing 83:1	128:12	calculations	chart 3:20 6:11
147:11,16	basis 104:11,15	bottom 130:15	108:10	14:5 99:5
148:14	104:18,22	138:14	California 1:19	charts 14:3,11,15
augmentable	108:8	box 35:19 134:12	2:8 157:15	chat 33:2,8 34:21
77:10	beginning 17:10	137:20 146:21	call 87:18 158:16	35:15 36:1,2,4
August 58:22	43:3 54:4,14	159:11	called 4:6 45:3	49:7 55:6 102:9
150:10,21	60:20 64:10	break 40:8 78:15	calls 42:7 54:7	114:11 123:3
157:17	87:1 106:10	115:3 122:21	61:9 82:9 87:22	126:22 127:9
author 93:3	begins 34:5 42:19	Brian 143:8	89:3,20 118:17	153:5
authorities 68:21	43:5 53:1 64:16	bring 70:10	132:11,19	check 60:2
109:14	85:11 91:11	broad 39:8,9 47:7	capability 111:10	144:10 147:5
authority 45:10	116:3,7	47:8	132:13	148:13 159:11
46:1 48:2,3	behalf 5:10	Bryan 106:11	care 38:18	checked 137:20
67:15 87:3,5,9	believe 26:14	Brycer 1:3,3 2:2	case 1:7 3:15,17	146:22
87:11,13,21	39:16 48:15	2:2 5:11 6:12	14:6 115:22	Chicago 109:22
88:6,10,18 89:1	51:14 52:10	14:8 22:10	119:11,14	110:21 111:22
89:12,13,16,21	98:14 119:20	32:18 34:17	120:8,10	choices 142:12
100:16	134:18 135:1,5	49:1 73:8 99:14	122:21 123:4	choose 101:14
authority's 101:3	135:11 151:10	101:18 106:20	123:16,17,18	153:17
available 86:1	151:17	106:21 109:19	124:4 125:8	cited 74:16
87:14,16	believed 151:7	110:19 139:18	133:22 158:6	cities 142:15
100:16	152:7	143:8,9 149:6	159:7 160:8	citing 70:10
average 107:21	benefit 22:1,4,6	158:6 159:7	cases 53:6	city 3:18 5:1,4
aware 136:18	Berkowitz 2:6	160:8	catchall 41:13	69:1 102:22
139:20 145:8	4:12	Brycer's 103:1	42:2	106:6 113:16
148:9	best 5:20 6:2 9:1	113:18	caution 10:5	129:2,18 142:5
		build 23:2 140:20		142:10

Civil 127:15,21 claim 3:20 6:11 14:5,11,15 59:6 59:12,21 60:6,9 60:14 61:14 62:7,9 63:6 64:11,12 65:10 65:17,22 66:6 66:16,17 67:4 67:10,15,19 69:18,21,22 70:5,12,14 71:4 72:8,12,17,18 73:4,9,13 74:2 74:2,5,12,16,19 74:20 75:1,1,7 75:10,12,16,17 75:21 76:4,9,14 76:20 77:2,13 78:1,5 79:1,4 79:11,21 80:5,9 80:16 81:10 82:17 83:2,15 83:16,21 84:3,9 85:1,20 87:2 88:9,17,21 89:9 89:11,17 90:3 90:21 92:3,20 95:13 99:4 138:3 141:8,14 claimed 86:6 90:22 claims 6:10 12:4 12:5 14:3 52:16 56:16,21 57:5 59:1,6 61:3,6,9 61:13,18,20 62:3,14,17 63:12,15,19 64:2 74:4 92:8 92:12 96:5,14 96:21 97:14 136:20 137:19 138:6 141:2 clarification 48:9 clarify 9:1 50:21 66:8 68:3	134:21 class 47:3,4 classes 47:18 65:6 67:1,3 77:11 90:3,22 clause 87:1 88:5 clean 8:11 9:1 51:12 clear 49:5 clearly 119:3 click 35:18,21,22 36:5 close 7:12 49:18 closed 7:13 co-founders 106:10 code 21:17 22:19 44:4 45:9 53:5 67:20 70:11 98:5,15,21 101:18 117:1 117:12,19 130:8,16,21,21 131:11,20 132:6,8,14,17 code-required 66:18,21 codes 20:4,16,17 27:6,8 29:15 30:5 33:22 37:4 38:21 66:7,12 66:17 67:11,18 68:1,4,6,11,15 68:21 69:4,9 116:16,17 117:5 118:2 132:2 codify 119:3 codifying 118:7 coinventor 15:9 colleague 4:11 collection 77:19 college 15:21 16:2,4,9 Colsher 2:6 3:5 4:10,10,17 5:15 10:11,21 14:4	14:19 15:20 17:18 18:19 20:1,7,11 21:15 23:13,20 25:13 27:21 28:5,9,11 28:21 29:8,20 30:18,19 31:8 31:19 32:2,7,12 33:3,5 34:11,19 34:22 35:7 36:16 37:14 40:1,9,12 42:11 42:15 43:22 44:19 47:22 48:21 52:8 54:11,22 55:5 55:12 56:10 57:2,8 60:4 63:22 69:3,8 71:13 73:19 75:18 77:21 78:9,16,20 80:19 81:17 82:13 86:21 88:3,16 89:7 90:2,11,20 91:7 91:18 94:10,15 98:10,22 99:10 101:4 102:13 104:9 105:6 107:12,14 111:3 113:14 113:19,22 114:16 115:5,9 117:16 118:4 119:5,22 121:2 121:8 122:6,17 123:8 124:20 125:6,12 126:12,18 127:6 128:7 131:16 132:4 132:16,22 135:10,16 136:13 142:21 144:17 149:10 149:16 151:19	153:10 154:16 155:15,19 COLUMBIA 157:17 column 52:13 53:2 54:4,5,15 64:10,11 75:21 76:10,10 79:4 85:11,13 86:5,7 87:1 100:7 com 116:14 136:8 136:10,15,19 137:1 139:18 140:12 141:2 150:15,18 153:16 Combined 55:17 come 95:2 109:1 111:11 152:6,8 152:13 158:12 coming 152:10 152:15 Commission 157:14,15,16,17 157:18,20,22 commissioned 20:16 common 33:20 36:21 133:9,12 134:2 communicating 134:13 communication 51:21 52:2 146:9 148:8,14 communications 10:7 13:2 companies 153:1 company 23:21 26:8,16 compensated 21:20 competition 152:20,21 competitor 149:7 152:8 competitors	150:22 151:8 151:22 152:1,4 152:6,13 complaint 22:9 complete 15:21 16:3,9,17 97:13 97:19 129:18 158:11 159:12 159:14 completed 44:18 compliance 26:1 51:20 52:1,6 53:4,6 70:3 73:8 84:18,22 85:16,19 86:4 118:20 120:2 120:11 122:22 123:21 125:5 128:19 131:5 133:21 134:20 135:3,6,13 139:16,20 140:20 142:4,9 142:13 153:3 component 48:12 69:11 comprising 65:1 93:2 computer 7:9 computer-based 77:7 computer-impl... 64:17 92:21 concerning 14:6 74:22 96:4,13 96:20 97:6 concluded 67:3 conclusion 54:8 82:10 88:1 89:4 89:20 109:1 111:12 confer 145:15 147:10 configured 65:4 confirm 96:12 confirmed 92:4 confrontational
---	--	--	---	--

144:22 conjecture 118:18 connection 5:9 6:21 57:19 124:14 125:1 consent 158:22 consider 72:3 148:20 149:1 considered 39:12 71:22 149:6 considering 71:18,21 constitutes 96:3 constructing 75:15,16 construction 75:7 75:10,12 constructions 72:7,11,15 consulted 57:16 contained 96:21 content 10:6,9 48:4 93:9 94:22 contents 56:14 context 47:5 68:6 68:10,16 76:19 77:2,13,17 78:1 81:10 82:17 83:6,11,19 continues 80:3 134:10 146:15 contracted 18:5 contractor 18:2,4 45:11 46:1,3,9 46:12 47:11,14 contrary 44:4 contributed 92:2 92:6,9,12 conversely 46:18 copied 109:20 110:19 copies 9:9,11 copy 6:5,19 7:4 33:7 34:14 48:16 99:3 114:8 116:18	150:9 153:16 158:12 Copying 158:21 copyright 143:12 158:20 copyrights 105:3 105:11,14 corner 34:15,16 49:2 99:14,18 112:6 115:12 correct 5:12 9:12 9:13 14:7 15:17 17:2,3 21:8,18 23:7 27:15,16 28:2,18 29:2 41:17 42:6 45:15 46:6,11 46:16,17,21 47:6,19 56:21 58:18 59:9,15 59:17 60:16 62:11 66:4 73:5 76:12 78:11 83:7 88:17 90:6 91:3 92:16 94:6 94:12 96:6 98:2 98:3 103:14 107:5 109:8 111:15 125:2 136:16 141:3,9 147:9 152:13 159:12,14 correction 127:14 127:20 128:2 correctly 51:8 correspond 6:20 cost 79:8 81:5 82:14,17 83:2,4 83:6,10,18 84:3 84:10 129:1,4,6 129:19,21,22 154:21 155:5,7 155:8,11 costs 129:12 155:3,3,4 counsel 6:18 10:7 13:20 99:16	157:6,8 158:13 158:14 counsel's 144:19 COUNTY 157:14 157:16,19,21 couple 117:4 course 14:14 46:8 72:10 90:21 98:13 117:17 153:1 court 8:2,3,11 22:9 Covenant 16:4 cover 35:1 50:2 54:2,13 covered 21:8 covers 21:10 created 109:13 creating 109:15 critical 43:6,9 118:8,11 cross-referencing 29:6 CRR 1:18 157:3 157:12 CSR 1:19 157:4 157:15 culture 118:19 current 78:7,10 119:10 currently 5:2 18:7,10 152:18 customers 142:3	120:22 124:12 124:22 125:5 133:14,17,18,19 133:22 database 22:22 23:2,3,9 24:3,6 24:9,19 25:4,7 77:9,10,13,16 121:14 122:2 databases 24:3 date 79:17 82:4 103:10 119:11 120:3 137:13 146:10 148:7 158:7 159:8,17 159:22 160:10 160:22 dated 103:2 148:2,3 David 11:16 Daylight 1:14 days 127:13 128:6 131:5 DC 157:17 dealing 142:2 declaration 3:16 5:9 6:10 18:13 25:15 26:19 29:22 30:14,22 42:17,18 45:2 55:17 69:14 71:2,19 72:2,5 72:6,10,16 73:12 74:1,9,13 74:22 91:11 93:5,8,10,11,12 93:16,19,22 94:3,12,17 95:1 95:8 96:3,9,22 97:6,9,16,22 102:1 105:9,15 107:11,12 108:9,12,21 109:10 110:12 110:17 114:3 139:10 140:1,5 140:9,10,22	141:4,6,12,16 141:18 142:19 143:4 144:5 145:2,7 148:20 148:22 declarations 74:7 decoration 141:10 dedicated 128:19 dedicates 128:15 deficiencies 134:17 deficiency 48:9 48:10,13 133:6 133:9 134:3 define 19:21 45:21 defines 43:11 definition 29:12 44:12 83:4 degrees 16:17 DELAWARE 157:19 demand 69:9 denied 48:8 department 119:11 123:19 124:9 128:15 129:11 133:4 department's 129:2 Departmental 128:13 depends 25:2 depicted 101:7 depicting 100:14 depicts 100:15 deponent 158:8 158:12,13 deposed 7:15,17 deposition 1:12 5:2,8 7:7 9:7,15 9:18,21 10:2,13 10:16 11:7 156:2 157:4,6,7 158:7,14 159:8 159:10 160:10
---	--	--	---	--

describes 31:4	38:5,7	150:1,4,15,18	elevators 40:18	159:1 160:1
description 79:7	disagreed 37:22	153:16	eligible 61:6,14	exact 103:18
80:22 81:9,13	discover 111:19	download 35:16	62:4	104:1 105:19
82:7	discuss 10:8	55:14 114:18	emergency 21:3	examination 3:1
design 18:5 34:1	13:16 133:22	153:12	employed 23:22	3:4 4:6,16
37:4	143:16	downloaded	118:3 157:7,8	examined 4:7
designed 20:16	discussed 10:1	114:19	employee 157:8	159:10
detail 25:11	11:13 12:1,3	downloading	employees 23:19	examiner 54:20
determined	13:13 15:5,7,8	49:14	23:22	example 21:4
126:5	15:8,11,13 86:4	draft 93:5,15,17	empowered	27:8 28:16,22
determining 48:8	143:10,13,17	93:18,20,21	116:17	30:13 31:10,13
deterrent 131:4	discusses 96:10	94:2,6,12	encouraging	31:15,20 32:4,9
develop 14:2 27:6	97:10	drafted 93:7	116:12	32:14 38:13
28:13 134:16	discussing 68:7	drawings 52:11	enforce 132:13	40:22 41:3,6,10
developed 20:4	71:9 142:12	drive 69:9	enforceable	45:10 53:9
28:6 66:13	discussion 12:8	drives 69:12	130:21 131:11	66:13 74:15
116:16	12:13 66:14	driving 26:1	engine 73:8	83:9,12,17
developing 25:22	discussions 13:19	due 79:16 81:21	Engineered 27:2	examples 14:22
26:6	13:20,22	duly 4:7	ensure 44:17	15:1 29:11 42:5
development	143:20 144:4,9		130:19	53:18,19,20
26:8,16 117:11	Disposition	E	entered 143:9	54:3,13 82:11
117:18 130:9	137:19	e-mail 3:19 7:10	entire 43:13	87:19 121:20
130:16	distinct 47:19	7:12 87:17	51:15 96:4	Excel 24:16,18
develops 27:5	distinguish 70:4	126:21 127:2	122:16 125:11	25:1,3,12
dictate 68:7,11	70:8 71:10,11	127:10,12	entirety 70:1	excerpted 126:21
68:16,22	distinguishes	earlier 50:10	96:13,19	exchanged 13:5
dictated 33:22	70:5,14,16,18	51:11 60:21	equipment 23:15	excuse 10:5 33:12
37:4 142:9	71:4	66:12	34:2 37:5	34:16 54:5
dictates 67:20	DISTRICT	Eastern 1:14	errata 158:14	64:11 114:2
difference 25:11	157:17	edit 60:2	159:14 160:6	128:9
different 28:14	divides 29:19	edited 59:14,18	ESQUIRE 2:6,6	exercise 107:20
29:1,9,14,15	divulge 10:6	60:17 62:7,9	2:12	exhibit 3:10,11
53:14,20 72:22	document 34:17	education 15:22	EST 4:1	3:12,13,14,15
73:20 75:15	34:21 50:13	16:2,9 25:17	established	3:16,17,18,19
77:4 112:21	55:20 112:7	effort 82:21 83:2	130:22	3:20 18:13,16
121:22 126:5	115:17,20	83:4 129:7	establishing	25:15 26:20
136:4 142:4	122:11,16,18	eight 107:1	130:20	30:1 32:18,21
differentiate	123:13,15	112:20	et 158:6 159:7	33:12,12,13
113:6,13	124:17 125:11	either 125:8	160:8	34:17 35:12
differently 96:18	129:14 153:5	electronic 33:7	event 79:6,11,15	36:1 40:3,16
difficult 17:7	documents 7:3	35:14 102:9	80:14 81:20	42:19 45:2
142:1	doing 7:18	electronically	eventually	48:14,18 49:2,7
Digital 1:20	dollar 129:12	158:21	134:16	53:2 55:7,10
158:19,20	dot 116:14 136:8	Element 100:5	everybody	56:3,6 58:12
159:1 160:1	136:10,15,19	elements 75:16	114:11	60:8,19 62:6
directly 101:6	137:1 139:18	95:12	Evidence 1:20	63:5 64:9 69:14
disagree 37:20	140:11 141:2	elevator 41:6	158:19,20	72:2,6,11,16

74:1,14 75:20 76:1 78:22 91:11 95:4,10 95:13,19 96:2 96:10,11 97:1 97:10 99:3,4,7 99:15,19 100:12 101:15 102:2,3,4,9,11 102:18,20 103:6 105:22 107:16 109:11 112:5,11 114:4 114:6,8,11,14 115:4,11,18 116:2 119:7 121:10 122:12 123:3,4,6,13 124:2,14 125:1 126:20 127:1,4 127:8,9,9 128:9 129:14 130:6 133:1,18 134:1 135:19 137:2,4 137:7 138:3 141:18 143:4 145:18,21 146:15 148:2 149:12,12,14 153:6,8,19 exhibits 3:7,8,9 6:20 existence 106:20 expecting 140:21 experience 12:11 19:3 25:21 142:11 experiences 142:2 experiencing 106:11 expert 11:20 20:15 25:10 expires 157:15,16 157:17,18,20,22 explain 14:1 74:8 explained 65:19	66:2 74:12 120:13 explanation 81:16,18 82:1 explanations 120:4,9 explicitly 132:15 explosions 33:20 33:21 36:21 37:2 express 158:22 extensive 25:21 extinguishers 53:12 extra 130:19 F fact 122:11 145:4 factor 142:14 factors 129:1 142:14 facts 119:19 failure 147:2 fair 42:9 55:1 118:5 falls 31:10 familiar 11:16 13:8 15:2 24:15 50:12 100:10 101:8 102:17 115:16 123:12 135:21 136:7 149:20 150:1,4 150:11,14,20 151:2 153:18 family 17:9 farther 52:18 84:15 father 15:9,10 17:8 50:10 feature 109:20,21 110:19,20 features 61:10,14 62:4 109:13 February 157:16 federal 22:9 53:5 fee 109:15 112:1	feel 8:22 90:14 FELDBERG 2:5 felt 74:10 118:13 118:15 field 50:16,20 51:1,5,7,10,17 51:19 figure 51:4 108:10 110:16 figuring 108:17 file 3:11 49:22 55:7 137:4 145:22 147:3 151:4 filed 148:11 Final 58:17,21 financially 157:9 find 107:21 fine 49:21 finish 8:9,10 120:6 fire 6:11 12:12 17:20,22 18:1,1 18:3,6,7 19:14 19:17,19,21 21:3,6,12 22:20 24:1 25:22 26:2 27:9,14 28:1,1 28:1,17 29:1 30:4,8,11,12,20 31:7,9,10,12,13 31:15,20,21 32:3,4,8,9,13 32:14 37:13 44:4 45:8,10 53:11,11,12,22 54:21 55:2 59:7 60:15 61:11,15 61:21 62:8,10 62:14,18 63:2,2 63:7,16,19 64:17 65:5,10 65:15,18 66:1 67:7,12,14 70:3 73:4 77:8 84:18 84:22 85:15,19 86:3,5 87:11,13	92:22 95:11,15 96:4,14,20 97:6 97:13 98:15 99:4 103:17,22 104:5,12,15,22 113:3 116:11 116:14,18 117:6,12,19 118:8,12,14 119:2,10 122:2 122:7,9,12 123:19 124:8 125:7 126:13 126:16 130:18 130:22 131:9 131:18 132:2,9 132:13,18 134:13,20 135:2,3,12,13 136:16 142:12 155:2 fires 133:12 first 3:9 4:7 7:22 9:20 10:12 18:17 30:3 32:22 33:18 48:19 52:11,22 55:11 76:13 92:19 93:15,17 93:18,20 99:8 102:12 106:5 106:17 114:5,7 114:15 123:7 127:5 128:14 138:21 139:3 139:15 149:15 153:9,21 FisherBroyles 2:12 4:14 158:2 five 16:16 112:20 139:16,19 flipping 49:10 FLORIDA 157:14 flow 43:14 52:6 68:8 flows 26:11	fly 152:13 fly-by-night 152:5 focus 26:1 focused 153:3 follow 34:4 127:14 follows 4:8 forbidden 158:21 foregoing 157:6 159:10 foremost 7:22 form 5:14 10:19 14:17 15:18 17:16 19:18 20:5,9 21:9 23:10,18 25:8 27:19 28:3,19 29:3,17 30:16 31:1,17,22 32:5 32:10 37:11 39:19 43:19 44:16 47:20 52:4 55:3 56:8 56:22 57:6 59:22 68:18 69:6 71:6 73:15 75:13 77:18 78:6 80:17 81:14 82:9 86:19 88:13 89:19 90:17 91:16 94:7,13 98:19 101:1 117:14,21 119:18 122:3 122:14 124:16 125:9 126:8,15 128:4 132:10 135:8,14 136:12 149:8 154:10 format 61:10 79:7 80:22 81:9 81:13 82:7,12 85:4 87:3,9,20 formatted 81:16
---	--	--	--	---

81:18 82:1 forming 71:18 72:1,18 73:11 73:14,22 forward 158:14 found 14:22 97:8 102:2 four 71:21 112:20 fourth 56:12,13 63:12 141:22 Frankly 151:4 free 8:22 13:22 116:9 155:2,7 frequencies 100:20,20 FRIDAY 4:1 front 64:3 full 4:20 25:12 60:1 83:20 133:3 fully 129:1 function 46:20 100:15 functionalities 25:12 functioning 38:21 functions 46:5,10 91:15 further 48:9,12 152:19 155:20 157:7	157:14 give 5:20 6:2 21:4 given 159:12,15 gives 41:12 go 7:19 18:20 19:6 25:14 26:18 29:21 33:10 35:1 36:3 40:2 42:12,18 43:2 44:1 45:1 55:16 56:11 58:11 59:5 60:5 60:18 64:1,8 75:19 77:6 78:17 79:3 84:15 88:5 91:10 101:5,22 101:22 105:8 105:22 109:9 112:4 116:1 119:6 121:4,5,9 124:1 126:19 128:8 130:7 133:1 137:3,18 138:2 141:17 143:3 146:4 147:17 152:6 152:13 155:15 goes 53:13 76:9 91:12 going 5:16 10:4,5 13:18 20:14 22:4 34:14 40:7 49:6,6,9 55:6 64:8 75:21 76:2 76:3 78:14 80:12 88:4 101:22 102:8 114:4,7 115:2 121:3 123:2 124:3 126:19 126:22 137:3 139:12 142:18 143:3 144:14 144:15,18 149:11 150:8 152:11,15	153:4,15 154:14 good 4:18,19 49:15 51:14 118:5 Goodin 1:18 157:3,12 governing 158:15 graduated 17:14 19:4 Granting 65:2 76:14 gray 24:22 grease 133:10 134:4 great 33:10 36:17 50:1,12 64:7 76:6 98:4 99:11 102:8,17 115:10 116:1 127:11 130:11 153:2,14 ground 7:19 group 1:20 24:13 158:19,20 159:1 160:1 growth 106:12 guess 140:13	47:10,13 93:13 93:13 95:18 96:18 134:11 helped 14:2 17:9 68:21 helpful 33:14 132:17 hereto 157:8 hesitate 158:16 high 17:15 19:4 110:1,21 Hilliard 11:17 hire 47:15,16 hired 26:7 history 3:11 55:7 137:4 145:22 hobby 22:16,17 hood 53:12 133:11,16 134:5 hoods 133:20 135:7 hose 27:18 31:14 hour 40:7 78:14 115:2 hours 11:2,3 128:15 Hubele 3:19 hung 75:3 hydrant 32:3 59:8 60:15 61:11,15,21 62:8,10,14,18 63:2,3,7,16,20 64:18 65:5,10 65:16,18 66:2 67:7 77:8 84:18 84:22 85:15,19 86:3,6 92:22 113:3 122:9 125:8 126:16 hydrants 27:14 29:1 55:2 122:8 122:13 126:14	id 110:4,6,8,11 idea 70:10 151:11 identified 11:5 56:15 97:11 102:5 112:22 115:17 133:9 134:3 153:19 identify 100:19 134:11 IFC 116:17 117:5 image 100:11,14 100:15 101:7,9 101:11 125:15 125:17 126:4 impact 22:8 impair 5:20 6:2 impaired 133:5 implemented 129:17 importance 118:22 important 8:7 37:9,17 38:8,20 117:10,17 131:9,18 132:9 134:18 135:1,5 135:11 improve 52:6 improving 153:3 inaccurate 151:13,18 include 30:21 43:14 61:13,21 62:8 66:6,9 80:15,21 81:5 87:17 126:13 included 66:21 120:10 122:1 includes 66:18 79:7 82:14 92:19 119:20 133:15 including 30:14 56:15 65:15 120:5 143:11 145:3 158:21 inclusive 31:6
G games 22:18 generally 19:16 47:1,3 110:9 115:21 123:15 generate 119:16 generated 113:7 generates 104:11 104:15,22 Georgia 2:14 158:4 getting 75:3 154:14 GG987804				
		H halfway 19:8 106:9 handling 131:1 happen 138:20 happened 147:12 happening 152:17 happens 8:15 113:21 hard 6:5,19 7:4 9:9,11 33:7 34:14 48:16 99:3 114:8 head 8:3 134:12 heads 134:20 135:3 help 8:10 35:17		
			I I-D 110:5	

152:17 incorporated 106:22 incorporates 95:12 incorporation 97:1 incredibly 61:15 63:6,15,19 65:18 66:1 incurred 155:5 indentation 56:13 INDEX 3:1,7 indicate 59:20 indicating 127:19 indication 99:14 individuals 131:1 131:4 industry 12:12 19:22 26:2 44:5 44:21 45:9 70:4 139:17,21 ineligible 61:12 inform 61:19 information 78:8 78:10 80:16 81:4 108:15 109:3,5 111:8 111:13,18 150:17 informed 148:16 infringing 151:11 initial 120:3 inspected 113:9 inspection 21:11 30:6 40:19 41:15 43:13 44:21 45:11 46:1,3,8,12,13 46:16 47:11,14 47:17 48:7,11 51:20 52:1,6 53:7 64:22 67:5 67:6 79:8,9,17 81:1,6,21 82:15 93:1 100:20	116:12,19 133:10 134:4 136:5 inspections 42:4 53:10 132:3 133:15 inspector 45:15 88:22 install 18:6 installation 21:14 instance 130:2 Institute 27:1 instruct 144:15 instructions 82:5 instructs 8:17 intended 52:2 intention 113:18 inter 5:10 6:21 11:13 12:1 interact 67:21 68:8,12,17 interested 157:9 internet 77:5 interpret 41:20 72:17 73:13 74:1,4 interpretation 42:10 74:12 83:2 interpretations 74:9,22 interpreted 41:18 74:5 75:4 interpreting 72:12 74:20 75:6 introduce 149:11 introduced 9:22 invent 68:1,10,15 invention 45:19 46:5,10,20 47:6 47:19 48:2 50:16,20 51:1,5 51:10,17,19 52:19 53:1,21 54:20 61:16 63:8,16,20	65:19 66:2 68:2 68:11 inventor 15:16 22:5 35:9 50:7 Inventors 50:3 involved 14:10 26:8 116:8 130:2 154:17 involvement 26:5 involving 5:11 IPR 9:22 10:1 12:3 13:13 22:8 98:1 IPR2023-01196 1:7 IROL 139:17 140:3,7,9,14,18 141:7 issue 49:11,16 103:9 issued 57:18 58:1 103:5,13 137:10 issues 134:11 item 39:8,9 60:12 67:11,18 items 66:18,21 80:20 ITM 26:2 44:17 44:20,21 45:8 67:21 68:8,12 68:17 118:19 128:19 129:2 139:16,20 140:20 142:4,9 142:13 153:2	JORGENSEN 2:5 journal 135:18 135:22 136:2,3 136:3 June 1:13 4:1 157:18 158:7 159:8 160:10 jurisdiction 45:11 46:2 100:16 109:14 jurisdictional 40:19 41:14 42:4 68:6	121:10 123:9 124:5 127:7,13 132:12 136:17 145:19 149:17 153:11 knowledge 95:14 95:14 known 121:19 139:16
L				
L-I-V 141:14 L.L.C 159:1 label 49:1 52:10 labeled 100:6 112:6 115:11 153:5 large 134:11 law 45:9 53:5,5 leading 55:8 57:10,14,19 58:5,9 66:3 143:22 144:6 learn 57:22 led 106:10 136:21 left 17:1 134:15 left-hand 34:15 100:6 legal 54:8 82:10 88:1 89:4,20 110:14 147:15 LEHIGH 157:21 LEHMAN 2:5 Lehrer 2:12 4:13 4:13 5:14 10:4 10:19 13:18 14:17 15:18 17:16 19:18 20:5,9 21:9 23:10,18 25:8 27:19 28:3,7,19 29:3,17 30:16 31:1,17,22 32:5 32:10 33:1,4 34:8,10,20 35:18,22 36:5,9 37:11 39:19				
K				
keep 20:14 84:13 88:4 KENT 157:19 key 3:12 6:12 12:8 32:16 33:9 33:11 35:10,12 37:21 38:3 40:2 40:16 71:16 72:2 142:8,14 kind 133:6 kitchen 53:12 133:11,15,20 134:5 135:7 know 18:14 25:15 29:18 32:18 34:4,12 40:4 42:21 49:12 51:16 52:14 55:13,19 58:13 60:22 62:19 63:2 64:5 64:14 69:16 75:7 76:6 99:12 102:14 103:4 103:10,18 104:1,4,10,14 105:19 106:2 110:7,8,12 111:10,17 112:8 114:17 115:1 119:7				
J				
J 1:18 50:9 157:3 157:12 January 148:3,7 148:11 Jeffrey 35:10 Jim 13:8,11 14:2 15:8 95:22 job 23:15 153:2 jobs 17:14,19				

40:6 42:7 43:19 44:16 47:20 52:4 54:7,17 55:3 56:8,22 57:6 59:22 68:18 69:6 71:6 73:15 75:13 77:18 78:6,13 80:17 81:14 82:9 86:19 87:22 88:13 89:3,19 90:7,17 91:4,16 94:7,13 98:6,19 101:1 104:6 105:5 107:10 111:1 113:10 114:22 115:7 117:14 117:21 118:17 119:18 122:3 122:14 124:16 125:3,9 126:8 126:15 128:4 131:12,21 132:10,19 135:8,14 136:12 142:20 144:14 149:8 151:15 154:10 155:21 let's 18:12 25:14 26:18 29:21 33:10 34:12,22 35:14 40:2 42:11 48:14 50:1 56:11 58:11 60:5,18 64:1,2 75:19 78:16 91:8,10 101:22 105:8 105:21,22 107:8,15 109:9 116:1 119:6 124:1 125:13 130:5 133:1 135:17 141:17 143:1,1 145:17	147:17 155:15 letter 127:14,15 127:16,20 128:2 147:3 letterhead 82:4 license 139:5 life 20:17,19,22 21:4 26:2 29:11 33:22 37:3,10 37:18 38:10 44:5 45:8 limit 62:9 limitation 62:20 limited 53:22 54:20 55:2 62:13 63:1,2 line 40:7 53:2 54:5,15,15 60:2 60:17 64:11 76:10,11 79:3 80:2 84:16 85:11,12 86:7 86:10 87:2 88:5 89:10 122:10 160:11 Lines 86:5,9 link 7:11 linkage 138:9 list 53:19 122:5 125:19 126:17 listed 9:9 35:9 50:7 54:3,14 56:3 67:17 126:10 139:19 lists 31:2 53:13 little 52:18 84:15 96:17 142:18 LIV 139:18 141:13 LLC 1:3 2:2 158:6 159:7 160:1,8 LLP 2:5,12 158:2 loaded 129:1 local 53:5 116:16 located 5:2 logs 100:22	long 10:8,22 16:14 69:22 97:2 106:19 longer 121:4 143:1 look 33:6 34:20 40:4 49:7,9 52:12 75:21 76:2,4 84:2,9 86:22 100:5 103:6 104:19 107:8,15 114:12 125:13 129:13 135:17 139:12 143:5 145:17 looking 25:1 35:3 49:1 64:12 69:19 78:22 84:13 85:9 91:13 97:5 99:17,21 137:8 145:22 153:20 looks 76:12 117:5 Lori 1:18 157:3 157:12 loss 33:21 37:3,10 37:18 38:10 lot 70:7 146:1 lower 34:15,16 49:2 112:6 115:11 Lynnwood 3:15 116:4 117:11 117:18 118:1,7 118:9 119:10 M M 1:21 159:2 160:2 Machine 149:21 mailed 58:22 147:4 mains 28:2 32:13 maintenance 21:11 30:6 43:14 44:22	136:6 155:3 major 142:5 majority 94:22 man 143:1 management 1:3 2:3 59:8 60:15 61:11,16,21 62:8,10,15,18 63:7,16,20 64:18 65:5,10 65:14,15,19 66:2 77:8 84:18 84:22 85:15,19 86:3,6 92:22 mandate 117:6 118:15 132:6 mandated 131:19 132:8 manner 116:19 Manuel 35:10 maps 6:11 March 153:17 Marine 2:7 marked 3:8,9 18:15 32:20 48:13,17 55:9 99:6 102:10 114:13 123:5 127:3 149:12 149:13 153:7 marshal 45:10 67:14 87:11,13 116:11,18 118:12,15 119:2 130:19 130:22 132:2 132:13 marshal's 67:12 marshals 142:12 MARYLAND 157:16 Master's 16:6,8 material 23:11,14 23:15 materials 6:5,8 6:15,19 7:4 9:8 9:11 11:5 13:6	Matt 4:12 106:10 matter 158:11 MATTHEW 2:6 mberkowitz@r... 2:9 McKinney 6:13 12:9 71:16 72:3 mean 12:6 24:12 39:4,7,9 43:9 43:11 44:9 45:6 47:8 48:10 50:21 51:7,17 58:6 66:8 68:3 72:14 87:8 89:5 89:8 92:6 93:7 93:17,20 126:1 144:21 meaning 74:2 75:1 meaningful 24:11 24:12 means 39:15,18 59:12 76:19 77:1 78:1,7 82:17 84:3,10 147:11 meant 70:1 medications 6:1 meeting 98:9 149:5 meetings 26:9,9 26:13 memory 103:7 mention 122:7,9 125:7 mentioned 20:3 60:21 mentioning 50:10 mentions 122:12 menu 101:12 message 126:21 met 88:21 method 51:19 52:1 64:17 80:10 87:10,12 87:14 92:21 methods 87:15
---	--	---	---	--

Microsoft 23:5,8 24:2,15,18 middle 112:13 minute 20:3 78:12 155:16 Mischaracterizes 119:19 misplace 44:5 misstates 124:17 model 116:4 money 83:6,11,19 84:4,11 128:19 129:5,10,20 130:1,3 155:12 155:14 monitor 58:4,6 134:14,19 135:2,6,12 months 12:15,17 13:3 Moren 1:12 3:2 4:5,18,22 7:14 15:9,10 33:6 35:16 42:16 48:16 50:6,9,13 52:9 56:2,7 58:14 69:17 75:8 78:21 83:14 101:17 121:9 139:6 144:18 150:12 155:19 158:1,8 159:8 160:9 Moren's 3:16 morning 4:18,19 move 113:20 municipalities 68:20 103:21 109:22 110:21 municipality 118:10 126:7 131:10,19 132:5 142:10	159:8 160:9 named 15:16 22:5 National 19:14 19:17,19 27:1 nature 8:4 NE 2:13 Nearly 134:15 necessarily 39:4 153:3 need 8:1,1,15 29:14 35:17 needed 25:7 118:13,15,20 119:21 120:1 needs 39:5 48:9 48:12 neighboring 142:15 neither 157:6 never 12:8 122:12 new 34:2 37:5 NFPA 19:9,12 20:4 27:6 28:6 28:12,13 29:4 29:18 43:11 45:16 66:13 NFPA's 44:11 NFPA-13 19:11 20:2 21:13,16 27:9 28:16 NFPA-14 20:8 27:17 NFPA-25 21:8,10 21:16 NFPA-291 20:12 27:14 28:22 NICET 26:22 27:1,4,5 nine 112:20 no-cost 129:18 nods 8:3 noncompliant 128:2 nondisclosure 143:10	nonlegal 75:9 Nonlimiting 87:17 Northeast 158:3 Notary 157:1,4 157:12,14 159:22 notations 6:16 noted 159:13 notes 11:9 notice 79:6,19,20 80:3,5,8,11,15 80:21 81:4,15 82:14 84:14 85:5 87:3,9,20 89:13 127:15 127:20 128:2 146:16 147:7 noticing 158:14 notification 48:5 79:6,11,15 80:14 82:5 100:20 137:13 146:10 notified 58:3 notifying 48:4 79:5 80:10,13 84:14 85:10 87:10,13 noting 158:14 novel 109:13 November 103:3 146:11 148:10 149:2 number 5:12 19:7 20:20 26:18,19 29:10 29:21 33:11,13 35:3,5,13 37:21 40:4 43:3,4,5 44:2 50:2 52:10 52:13 53:2 55:17,21 56:12 58:12 64:9,12 76:4,9 79:1,4 80:2 84:16 85:11,12 86:7	89:10 91:10,12 91:12 95:3,8 101:6 102:1 103:18 104:1 105:19 107:4,7 107:9,21 108:5 108:17 112:5,9 116:2 121:18 128:8,15 129:15 133:5 138:5,6 146:21 157:14 Numbered 138:15 numbering 33:13 numbers 92:1 108:11,20 119:16 120:5 120:10 124:13 124:22 NW 1:21 159:2 160:2	89:3,19,20 90:7 90:17 91:4,16 94:7,13 98:6,19 101:1 104:6,7 105:5 111:1 113:10 117:14 117:21 118:17 119:18 122:3 122:14 124:16 124:17 125:3,9 126:8,15 128:4 131:12,21 132:10,11,19 135:8,14 136:12 142:2 149:8 151:15 154:10,11 objects 40:19 41:15,16 42:4,5 obtain 105:13,17 Obviously 36:9 occasion 10:14 12:18 occur 10:18 13:3 119:1 occurred 136:4 offer 72:7,11 155:1 offered 73:3,7,12 offering 113:5 offerings 140:2,6 office 1:1 57:17 57:18 58:1,2,8 58:17,22 61:8 103:14 137:9 137:11,16 138:18 146:9 146:10 147:3 148:9 158:12 158:16 offline 134:13 oh 33:3 34:7 112:10 120:6 120:15 okay 5:17 7:3,12 7:13,20,22 8:7 8:21 9:4,6,10
N Nagarro 26:17 name 4:21 56:7			O object 8:14 39:10 39:21 144:14 objection 5:14 10:19 14:17 15:18 17:16 19:18 20:5,9 21:9 23:10,18 25:8 27:19 28:3 28:19 29:3,17 30:16 31:1,17 31:22 32:5,10 37:11 39:19 42:7 43:19 44:16 47:20 52:4 54:7,17 55:3 56:8,22 57:6 59:22 68:18 69:6 71:6 73:15 75:13 77:18 78:6 80:17 81:14 82:9 86:19 87:22 88:13	

10:10 17:4 19:2 19:6 20:8 25:20 26:22 27:13 29:14 30:3 31:9 33:9,10,10 34:12,19 35:8 35:11,14 36:4,8 36:12,14,17,19 37:1,15,20 39:11 40:15 41:9,12 42:11 43:2 44:1 46:18 47:1 48:14 49:4 49:22 50:1,12 51:9,22 52:22 53:17 55:15,16 56:2,5,11,19 57:3,9 58:15,20 59:5,11,19 60:5 60:18,18 61:2 63:4,14,18,22 64:6,7,16,21 65:9,13,17 66:6 66:20 71:14 73:21 74:8 76:6 76:13 79:3 80:8 80:20 81:3,8 83:22 86:11 91:8,14,19 92:11,17 95:2 95:10 97:18 99:1,11,15 100:3,4,10,18 101:5,15 102:8 102:17 103:12 103:16 104:10 105:13 106:15 107:2,8,8,9,19 108:4,8 109:2,6 109:9 110:4,11 110:16 111:7 111:13,21 112:4,13,16,19 113:2 114:10 115:7,10,14,16 115:20 116:1,6 117:1,4,10	119:6,9,14 120:1,15,18 121:2,12,18,22 122:7,11,18 123:2,12,20 124:1,7 125:13 125:19 126:13 126:19 127:11 128:8,12,18,22 129:8,13,15 130:4,18 131:8 133:3,14 135:20 137:2,7 137:9,15,18 138:2,20 139:1 139:15 143:7 144:21 145:13 145:17 146:4,8 146:14,21 147:12,17 148:1,8,15 149:5,11,20 150:7,14,17,20 151:12,20 152:7,12 153:4 153:14 154:2 old 152:19 ones 71:20,21 90:4 91:1 ongoing 26:9 online 86:2 116:9 116:14 open 7:9,11 35:19 36:6,13 36:14 49:22 55:15 56:1 64:6 102:16 114:20 115:8 146:1 149:19 153:13 operate 103:22 opinion 38:20 71:18 73:3,7,14 84:1,2,8,10 91:14 96:4,13 96:19 97:5,8,13 97:15,19,20,22 113:6	opinions 72:1,19 73:11,22 option 158:13,13 oral 8:1 Orchard 5:3,6 order 70:11 86:12 108:10 ordered 70:2,13 71:8,10 74:17 74:21 ordinary 12:11 org 150:2,5 organization 39:22 original 158:14 outcome 22:2,8 157:9 outside 26:7,15 83:16 84:3,9 outstanding 58:21 overdue 127:14 128:6 owned 53:3,7,9 53:18 64:22 93:2 owner 1:10 2:11 4:14 43:6,12,16 43:17 44:13,15 45:12,14,22 46:15,18 47:10 47:13 48:5 79:5 80:10,12,13,21 81:4 82:5,22 84:14,17 85:10 85:14 86:12,15 86:17 113:15 owners 155:8	33:13 34:13 35:2 40:2,3 42:18 43:3,3 45:1 49:10 50:2 52:9,11,17 55:17,21,22 56:3,6,11 58:11 59:1,2,6 60:6,7 60:8,10,12,19 60:19 62:5 63:5 63:10,11 64:8,9 69:15,18 75:20 76:3,3 91:11,12 95:7 100:4,12 101:6 102:2 105:11 106:1 107:16 109:10 112:5,9,10,14 114:3 116:1,4 119:6 121:9 124:1,5,6,7,13 125:1,14 126:20 127:8 128:8,10 129:14,15 130:7,8,12,14 130:15 133:1,3 135:18 137:3 137:19 138:3 138:13,14 139:10,11 141:21 142:19 143:4 145:18 145:21 146:5,6 146:8,14,15,18 147:17 148:1,2 148:4 153:18 154:20 158:14 159:6 160:11 pages 55:20 100:1,2,7 115:14 159:10 paid 17:12 panel 134:13 panels 134:20 135:3 paper 58:21	paradigm 118:22 paragraph 19:7 20:20 25:14 26:18 27:10,15 29:10,21 30:14 30:21 33:11 34:5 37:21 38:3 40:4,11,16 41:14 42:3 43:4 43:5 44:2,10 56:12 61:4 62:5 63:11 69:13,18 69:20 70:9 71:1 71:5,7,15,19 74:16 80:1 83:12,13 85:3 92:1,2,7,8,14 92:17 95:3,8 96:22 97:9 102:1 105:8,15 106:5 107:9,16 109:9,12 114:2 116:7 120:14 120:17 127:13 129:8 133:4 134:10 138:15 139:13 140:16 141:17 143:5 144:4 145:3 154:22 155:11 155:13 paragraphs 92:4 140:17 parentheses 50:3 park 40:18 41:10 Parkway 2:7 part 19:7 42:1 48:11 67:19 91:21,22 113:21 121:12 134:19 partes 5:10 6:21 11:13 12:2 partial 122:5 participate 57:9 57:13 participation
---	---	---	---	---

17:11 particular 42:17 52:12 60:9 64:12 66:17 76:2 107:4 113:8 114:4 125:5 137:3 141:22 142:9 parties 157:7,8 Partly 112:3 partnership 68:19 parts 10:3 party 43:12,16 45:13 47:1 patent 1:1,2,9,10 2:11 3:10 4:14 5:12,16,17 6:9 6:10,12,12,13 6:13 15:3,6,12 15:17 22:5 45:20,21 46:6 46:11,21 48:15 50:16,20 51:2,5 51:11,15 53:22 54:2,12 55:8,18 56:15,20 57:4 57:11,15,18,20 58:1,5,7,9 62:17 64:1,6,13 65:20,22 66:4 66:16 67:4,10 67:19 68:2,10 68:16 72:8,13 72:18 73:4,9,14 74:3,13 75:2 76:2,20 77:2,14 77:17 78:2,5 79:12,21 80:6,9 80:11 81:10 82:18 83:3,6,10 83:17 84:2,8 85:2 89:10 90:22 91:9 92:3 92:9,13,20 95:14 96:6,21 103:4,5,11,13	103:14,15 136:21 137:10 137:16 139:6 141:3,9,15 143:11,14,18,22 144:7 146:9 147:20 148:9 153:22 154:4,8 154:13,13 path 117:2 Patrick 2:6 4:10 33:1 40:6 78:13 114:22 pcolsher@reic... 2:9 Peachtree 2:13 158:3 pending 103:15 136:20 143:11 143:14,18 144:1,7,11 145:5,9,11 153:22 154:4,9 154:13 PENNSYLVANIA 157:21 people 21:3 151:10 percent 106:12 107:3 108:1 120:2,11,13 121:1 Perfect 100:3 perform 45:12 86:12 90:4 91:1 performance 34:1 37:5 performs 46:4,9 46:19 period 158:15 periodic 53:7 person 12:11 17:12 24:14 39:21 107:22 petition 147:19 148:11 petitioners 1:5	2:2 4:11 phone 87:18 phrased 38:1 piece 81:3 place 12:14 26:13 131:3 platform 25:22 26:6 101:13 117:13,20 play 47:11 please 4:20 8:22 33:2 72:9 73:17 130:13 158:10 158:13,14,15 point 12:19 74:11 83:9,17 93:22 118:5 145:13 154:2 poor 113:20 population 108:1 Port 5:3,6 portion 59:10,12 portions 92:1 positions 129:3 possible 122:16 125:11 post 150:17 potential 113:6 potentially 10:2 Power 55:18 practices 73:4,9 96:5 141:2,8,14 practicing 96:14 96:20 97:13 pre-AIA 138:7 predates 136:11 136:15 prefaced 134:6 preferences 116:10 preparation 9:18 10:16 116:8 145:6 148:19 148:22 preparations 11:10 14:10,15 prepare 9:6,14	11:6 95:18 prepared 93:22 94:2 95:13 preparing 145:2 presence 13:20 present 61:5,17 presentation 97:20,21 preserve 70:1 President 13:11 95:22 98:14 pressure 33:20 36:20 37:9,17 38:12 40:17,22 pretty 115:6 prevent 37:10,18 prevents 21:2 previous 90:9 previously 3:8 18:15 32:20 48:17 55:9 99:6 102:10 114:13 123:5 127:3 149:13 153:7 printed 102:6 prior 3:9 12:3,5 61:9 70:4,6,8 70:14,17,19,20 70:22 71:3,12 71:14,17 72:4 privileged 13:21 144:15 probably 17:12 25:3 problem 146:3 Procedure 158:15 proceeding 5:11 14:12 21:21 22:2,7 98:1,18 99:2 124:14 125:2 PROCEEDINGS 4:2 process 43:6,10 44:18 45:8 66:19,22	103:17 131:1,3 152:10,20 154:14,18 processed 107:22 108:6,18 produced 6:20 123:3,13 product 140:2,6 141:8,14 professional 19:3 professionally 22:15 program 22:17 22:19 116:8 129:18 programmed 22:11,14 programs 7:9 prompted 33:22 37:3 proper 147:3 properly 38:22 39:13 properties 77:4 121:19 136:15 property 43:12 43:15 45:12,22 47:10,13 48:5 125:17,20 126:10,17 135:18,22 136:2,3,5 155:8 proposal 102:21 103:1 proposed 143:8 proposing 143:19 prosecution 57:10,14 58:4 65:20 66:3 136:20 prospective 142:3 protection 18:1,3 18:6 19:14,17 19:20,21 30:4,8 30:11,12,20 31:7,11,13,15
---	---	---	---	--

31:21 32:4,9,14 37:13 protects 21:2 provide 5:8 38:20 53:13 69:2 74:21 119:15 120:4,19,21,22 124:11,21 140:1,5,8,11 141:1,5,7,11,13 provided 93:9 94:5,11 108:9 108:16,20 109:2,4,6 111:5 111:9,14,18 121:1 124:13 151:3 provider 142:4 155:6 providers 116:13 139:17,21 provides 121:20 providing 48:4,7 53:19 153:2 Public 157:12 publication 35:2 35:5,13 pull 18:12 32:16 48:14 99:11 105:21 130:5 137:2 139:9 pull-down 101:12 pulled 78:22 pump 31:20 pumps 28:1 purchased 158:12 purpose 150:7 purposes 97:22 98:8,18 pursuant 61:6 put 33:1,8 35:15 37:19 49:6,20 55:6 63:22 70:12 91:8 101:15 102:8 114:10,10	122:18 123:2 126:22 127:9 130:4 153:4 putting 75:15 Q Qualifications 18:22 qualify 24:18 87:20 Quality 121:14 question 8:10,16 8:22 9:4 17:7 28:8,10 37:15 37:16 41:22 51:11 54:10 59:16 66:11 68:9 72:21 73:18,20 80:3 84:6 88:15 90:13,19 94:9 97:2,12 105:7 113:17,21 114:7 122:20 124:19 131:15 134:7 140:4 144:2 147:15 150:8,21 questioning 40:8 questions 8:15 64:4 115:1 121:3 124:4 155:20,22 158:15 159:13 159:15 quick 34:13 50:2 125:13 quickly 115:6 R range 134:11 ranging 109:21 rate 106:12 120:2 120:11 re-ask 90:18 read 9:8,10 28:7 35:2 70:1 74:5	74:16,18,19 159:9 reading 11:4 75:5 122:15 reads 30:3 37:2 40:16 ready 64:5 158:11 real 34:13 50:2 78:1,5 real-time 77:9 reason 5:19 133:12 recall 12:13 13:7 14:20 26:12 66:14 94:16,21 138:17,20 143:13 148:15 received 128:1 138:21 147:6 receiving 94:17 recess 42:13,14 78:18,19 121:6 121:7 155:17 155:18 recite 63:19 recites 61:14 63:6 63:15 65:17 66:1 recognize 60:17 record 4:21 8:11 8:17 9:2 35:11 42:12 48:22 49:5 51:13 78:17 115:10 121:5 155:16 recorded 159:13 159:15 recordkeeping 99:22 records 77:9 104:19 125:17 126:7 Redwood 2:8 refer 5:16 12:5 39:6 43:15 90:9 106:17	reference 3:12 19:8 27:10,15 29:10 30:13 31:7 32:17 33:11 35:3,12 60:3 95:4 107:4 136:22 referenced 30:21 105:14 144:4 158:11 references 102:3 114:6 138:11 referencing 30:9 108:7 referral 3:9 18:17 32:22 48:19 55:11 99:8 102:12 114:15 123:7 127:5 149:15 153:9 referred 71:1 referring 20:19 23:6 44:11 70:20,22 71:4 71:15 79:20,22 80:5,9 83:13 85:1,20 86:5,8 86:10 89:11 96:7,16 110:6 110:13,15 118:1 129:5,19 129:21 130:3 132:1 133:17 155:12,14 refers 29:4 92:3,8 110:8 129:6 reflect 61:10 refuse 131:1 refusing 90:12 regarding 10:15 26:9 52:7 135:7 135:13 136:5 154:4,8 region 142:5 registered 77:3 105:18 143:12 registry 51:20	52:2 64:21 65:3 65:4 76:15,19 77:1 84:19 85:1 85:16,20 86:4 88:7 93:1 regular 53:10 regulate 30:6 37:9,18 38:9 regulated 39:5 70:2,10,13 71:9 regulatory 38:21 REICHMAN 2:5 reject 136:19 rejected 137:21 138:7 rejection 61:3 63:12 138:18 Rejections 138:3 relate 21:17 related 157:6 relative 47:5 105:14 157:8 relying 133:15 remarks 59:1 60:20 remember 36:10 136:22 139:3 148:17 remind 90:15 remote 2:1 7:18 65:2 76:14 remotely 84:17 85:14 reopen 130:10 repeat 34:3 41:22 46:7 54:9 59:16 62:16 65:21 72:9 73:17 84:6 88:14 94:8 97:3 104:13 112:9 117:15 124:18 131:14 140:4 144:2 replicate 25:4,7 reply 147:3,6 report 48:7 69:1 109:15,21
---	---	---	---	---

110:1,22 155:6 Reported 1:18 reporter 8:2,3,11 reports 69:2 103:16 107:22 108:5,18 116:14,19 117:7 136:8,10 136:19 137:1 139:18 140:11 140:17,19 141:2 represent 126:4 150:8 153:15 representing 4:14 request 102:21 requested 116:12 require 53:4 62:14,18 69:4 74:21 116:18 132:3 required 40:19 41:14 42:3 67:10,18 70:2 70:11 82:6,12 92:21 117:12 117:19 requirement 67:5 118:7 requirements 30:7 34:2 37:5 44:4 requires 45:9 53:7 65:10 requiring 53:10 requisite 64:22 93:1 research 109:1 111:6,8,11 reserve 97:16 reside 5:5 Resources 128:14 respect 147:13 respectfully 61:5 respectively 91:2 response 58:17 60:20 102:22	responsibilities 46:14,16 responsibility 44:6,10,12,13 44:14 67:12 68:22 responsible 43:12 43:16 45:13 46:13 48:3,6 89:22 responsive 58:21 rest 120:8 result 38:9 61:17 resulted 33:21 37:2 Retrieving 77:7 reveals 48:11 revenue 104:10 104:14,17,21 108:18 109:16 113:7 review 5:10 6:22 11:13 12:2 57:17 58:7 67:13 83:20 84:19 85:16 86:17 88:8,11 88:19 158:12 reviewed 56:14 88:22 reviewing 48:6 86:13 89:16,22 125:10 Revival 147:20 RFP 3:18 102:5 103:1,12 105:22 106:22 113:15 Ribail 13:8,10,11 13:14,17 14:9 15:11 96:1 Rice 106:11 Richard 2:12 4:13 148:6 richard.lehrer... 2:15 Richland 3:17	123:18 124:8 126:6 127:19 131:10,19 Richman 132:5 ride 41:10 rides 40:18 right 32:16 33:18 53:21 54:6,16 58:11 63:20 65:11,20 67:7 69:5,10 70:15 73:9 75:19 76:11 80:12,16 81:1,6 82:8 84:5,11 85:6 86:14,18 87:21 88:12,19 89:2 89:18 91:15 92:15 97:16 98:8,18 99:5 100:1,22 105:1 105:21 106:2 106:20 108:6 108:12,21 109:3,7 110:22 111:9 112:22 113:3,9 117:8 117:13,20 118:10 119:12 119:17 122:2,8 122:13,22 123:2 124:15 125:8,11,21 126:14 127:21 128:3,16 129:5 129:10,20 130:1 131:11 133:16 136:11 141:15 142:10 142:22 146:1 147:14 148:12 149:19 151:14 151:22 152:9 152:16 154:18 155:12,15 right-hand 34:16 49:2 99:18	112:6 115:11 Road 2:13 158:3 Robert 15:9 50:9 role 27:4 45:14 46:12,13 48:1 89:22 98:13 101:14 roles 45:4,7,17,22 47:5,12 67:21 68:8,12,17 90:5 91:1 room 6:6 7:5 33:2 34:21 36:1,2,4 RPR 1:18 157:3 157:12 RSA 1:18 rule 53:5 rules 7:19 158:15 run 65:4 108:9 S safety 20:17,19 21:1,5 26:2 29:11 44:5 45:9 54:1,21 70:3 SARASOTA 157:14 save 36:7,10,11 saving 35:20 saw 139:3 saying 43:17 62:21 says 20:15 33:19 44:3 50:3 69:22 76:14 79:4,18 84:16 87:2 88:6 95:10 105:10 107:20 109:19 116:15 121:14 121:18 127:13 128:5,13 129:1 129:17 133:8 137:19,20 138:6 139:15 147:1,19 151:4 152:12 153:21 154:21 155:1	school 17:15 19:4 Schultz 106:11 143:8 scope 25:9 54:18 104:7 154:11 screen 7:8,11 screenshot 100:11 101:7 135:17 scroll 52:18 56:5 154:20 scrolling 36:15 130:15 second 18:20 61:4 63:11 69:21 121:13 128:18 137:18 138:5 section 18:21 19:2 42:19 52:19 53:1 54:4 54:14 60:20 61:3,3,18 71:8 91:10,20 92:5 95:6 96:2,7,9 96:15 97:8 114:5 138:4 141:19 see 19:1,10 26:3 26:21 27:22 28:4 30:2 33:17 33:18 34:10,11 34:13 36:1 37:6 39:3 40:20 43:1 43:7 44:7 50:4 52:20 53:15,16 56:17 58:19 59:3 60:6 63:9 63:13 64:19 65:7 76:16,17 79:18 87:6 95:5 95:16 100:8 105:10 106:7 106:13 108:2 109:17 110:2 112:13,16 116:21 117:2,5
--	---	---	---	---

121:16 124:9 125:15 127:17 128:10,17,20,21 129:16 130:8 131:6 133:7 137:12,13,15,22 138:12,16 142:6 146:12 146:17 147:19 148:6 153:21 154:22 155:9 seeing 138:17 seek 47:10,13 seen 100:21 152:5,12 selected 158:13 seminary 16:4,5 send 87:8 sending 85:4 87:2 87:20 sense 8:5,12 47:7 47:9 62:21 115:3 sent 127:14,20 sentence 20:15 25:20 30:3 33:19 37:1 40:15 41:13 44:3,10 52:22 63:12 69:22 92:19 106:10 106:17 107:2,6 107:19 109:19 110:5 128:22 129:4,16 133:8 139:15 142:1 151:9,12 152:2 separate 27:22 41:4,7,10,17 42:6 45:16,22 47:12 September 103:11 120:3 120:11 138:10 157:20 service 28:2 32:13 116:13	services 154:21 155:2 set 30:5 118:2 setting 7:19 116:9 seven 112:20 sheet 158:14 159:14 160:6 sheets 23:12,16 shelf 134:12 Shield 17:21,22 18:1,8 24:1 shift 118:22 shifted 118:20 Shohan 6:13 12:9 71:16 72:3 Shores 2:8 short 5:17 73:8 shorthand 19:8 show 34:9 showing 34:7 101:11 shown 125:16 126:17 shows 95:11 sic 32:18 132:5 side 49:21 91:9 122:19 130:5 sign 155:2 158:12 158:12 signature 56:6 148:6 156:1 158:11,14 159:6,17 160:22 signed 158:14 significant 33:21 37:3 38:9 signing 101:13 116:9 158:13 similar 124:3 153:14 simple 130:22 simply 116:8,11 Sincerely 158:18 single 75:17 sir 33:16 40:13	sites 23:15 sitting 83:22 84:7 104:20 six 112:20 skill 12:11 smaller 17:10 software 22:12 22:14 25:22 26:6,7,15 59:8 60:15 61:11,22 62:8,10,15,18 64:18 65:5,11 65:14,15 69:2,5 69:10,12 77:8 84:18,22 85:15 85:19 86:1,4,6 86:8,9,11,15,16 92:22 129:22 142:13 sorry 27:3 30:17 98:11 107:13 118:5 120:6,15 120:20 130:11 142:22 144:21 sort 24:13 source 98:5,15,21 101:18 spans 97:8 100:7 speak 8:8 9:17,20 10:15,22 12:18 38:5 speaking 145:1 specific 26:1 30:5 61:14,15 62:4 63:7,15,19 65:18 66:1 68:9 107:6 136:5 specifically 61:8 64:8 126:10 133:20 144:8 specification 83:18 specifications 34:1 37:4 specified 89:9 speculation 42:8 132:11,20	spoke 9:19 10:13 11:4 spoken 8:1 12:21 sprinkler 21:6,12 21:14,17 28:17 31:9,12 53:11 134:12,20 135:3 sprinklers 27:9 stack 32:17 stakeholder 43:6 stakeholders 52:7 69:1 118:21 119:4 stand 19:12 22:1 22:6 26:22 151:20 standard 20:4 21:13 27:14,17 28:17 29:15 61:10 79:7 80:22 81:9,13 82:4,7,12 85:4 87:3,8,20 123:22 130:20 131:2 standards 19:21 27:7,11 28:1,6 28:13 29:19 31:3,3 standpipe 27:18 31:14 Stanton 50:6 start 98:12 started 17:8,12 116:12 starting 17:21 19:11 52:16 85:3 starts 106:5 133:4 state 4:20 5:1,4 25:21 53:5 72:22 116:17 157:14,15,16,19 157:21 stated 62:5	statement 38:7 110:18 134:8,9 151:21 152:2,3 153:21 statements 38:2 128:13 154:4,8 states 1:1 42:3 53:3 56:13 58:20 59:6 61:2 61:4 63:6,14 85:13 109:12 130:18 137:10 137:15 142:1 143:7 146:9,15 station 134:14 Statistics 124:8 status 58:8 84:19 85:17 86:13,17 87:4 88:8,11,19 89:6,8,12,13,17 90:1 step 76:13 77:7 85:10,12 steps 10:1 70:2 70:11,12,13 71:8,9,10 74:18 74:21 86:13 130:19 132:1 stolen 151:11 store 24:10 stored 26:10 straddles 130:7 stream 109:16 Street 1:21 159:2 160:2 strict 45:4,6 130:22 strike 17:4 25:5 28:9,12 47:2 53:18 66:10 98:11 101:21 113:19,19 114:2 122:19 126:3 136:14 148:21 study 3:15,17 16:6,8 115:22
---	--	--	---	--

119:11,14	support 84:2,9	28:14 29:5,5,9	22:19 25:22	6:3 157:5
120:8,10	155:4	29:11,16 30:4,8	26:7 69:2,5,10	testing 21:11
122:21 123:16	suppose 25:1	30:11,13,20	73:3 91:15	27:5,7 30:6
123:17,18	sure 33:3 34:5	31:4,7 40:17	95:11,15,22	43:13 44:22
124:4 125:8	38:11,14,21	53:11,11,12	96:4,13,20 97:6	136:5
133:22	40:9 42:2 49:5	54:1,21 125:20	97:13 98:5,14	text 83:20 87:17
subbullet 129:9	51:16 54:12	126:2 133:5	98:15 99:4	125:16
subheading 45:3	60:1 62:21		103:17,21	Thank 103:16
submission 117:6	65:22 72:14	T	104:5,11,11,14	107:8,13
submit 98:20	92:11 97:4	table 95:11 97:11	104:15,21,22	111:21 114:21
116:13	100:4 112:10	112:14 119:9	105:3,13,17	130:4 142:17
submits 155:6	130:14 131:17	119:16,21	107:20 108:19	155:19,21
submittal 130:20	131:22 144:22	124:7	109:13 116:14	theology 16:5,8
submitted 5:9	surprise 111:22	take 8:3,18 11:9	117:6,12,19	thing 49:8,15
6:21 14:6,11	surrounding	12:7 38:18 40:4	118:3,8,16	70:16 99:22
98:1,17 99:16	125:16	40:8 46:15 50:1	122:2 123:4,21	114:12
116:20 154:12	survey 125:17	76:4 82:21	129:17 130:20	things 8:4 59:7
154:13	126:11,17	107:15 125:13	131:9,18 132:6	60:15 70:7
subparagraph	suspect 49:4	135:17 142:18	132:9,18 135:2	71:11
114:5	suspended 156:2	143:5 144:18	135:6,12	think 9:16 12:10
subpart 130:16	Sweeney 6:12	145:17	136:11,16	17:3 25:4 38:4
147:5	12:8 71:16 72:3	taken 42:13	139:17 142:2	38:17 41:18
Subsection 42:20	sworn 4:7 157:6	78:18 121:6	143:9,9 150:15	42:9 49:10,15
130:8	system 20:19	139:5 155:17	150:18 151:7	63:1 75:3 115:5
subsequent	21:1,2,5,6,7	157:7	151:21 153:16	118:14 129:6
140:16	24:10 28:17	talk 14:1 140:17	155:2 158:6	132:17 142:13
subset 30:10	29:1 31:11,12	talked 12:8,10	159:7 160:8	third 44:2 107:19
substantial 155:1	31:13,14,16,21	talking 61:20	Tegriss's 5:11	129:16 133:3
substituted 45:15	32:4,9,14 37:13	66:12 68:5	143:10	third-party
45:17 47:2,4	47:12 48:12	69:21 107:10	tegrissinc.com/n...	139:16 142:4
success 140:21	51:19,22 59:8	129:9 133:19	150:9	Thomas 148:7
successful 70:3	65:3 76:15,19	133:21 134:22	tell 92:1 104:21	thought 121:4
suggest 108:22	77:1,3,8 79:16	talks 128:14,18	108:4 130:12	three 45:4,7,21
suggests 61:5	91:15 96:20	tank 32:8	144:13 146:5	47:18 52:7 65:6
Suite 1:21 2:7,13	97:6 100:19,22	tanks 28:1	telling 35:19 36:6	67:1,3 112:20
158:3 159:2	112:17,21	tasks 17:10	ten 112:20	147:13
160:2	113:8,13	TCE 73:8	ten-plus 106:18	thumbs 8:4
summarize 19:3	117:11,18	teachings 37:21	106:19	time 1:14 10:12
summarized	118:1,2,3,8,9	team 110:15	tense 152:18	10:14 12:19
120:16	118:16 121:19	Technicians 27:2	term 39:18	21:21 23:12,16
summarizing	134:15,19,21	Technologies	terms 72:7,12,17	78:1,5 110:11
129:11	135:2,6,12	27:3	73:13 74:2 75:1	116:16 118:20
summary 109:4	140:20 141:8	Tegriss 1:8 2:11	test 103:7 108:19	128:1 129:6
111:5 121:1	141:14 143:18	3:13,14 4:15	111:7,14	139:1,7 143:20
supplement	systems 18:6	5:10 6:11 13:12	testified 4:7	144:3 149:2
116:17	20:17 21:12,14	14:6,8 17:6,8	108:16	154:2 155:5
supplied 27:6	21:17 27:18	17:13 18:10	testimony 5:8,21	158:15

timely 147:3	turnkey 61:15	75:11 76:18,22	67:3 77:11 90:4	96:12 103:7,10
times 12:21 49:17	63:7,15,19	77:12,22 78:4	90:22 104:5	119:2 143:5
title 58:19	65:18 66:1	79:10,14,20	108:18	144:22
titled 124:8	Twice 13:1	80:4 81:8,12	uses 83:6 86:15	wanted 100:3
today 5:8,21 6:3	two 11:2,3 12:15	82:16,20 84:21	86:17	wants 36:7
6:6 9:7,15,18	12:17 13:3 29:7	85:18,22	usually 133:9	Washington 1:21
9:21 11:7 83:22	45:16 105:20	106:21 145:12	134:3	5:3,6 16:12,15
84:7 104:20	112:19	Understood		16:18,21
108:16 139:8	type 79:8,9 80:22	36:12	V	119:10 124:8
139:22	81:6,20 82:15	unexercised	v 1:6 158:6 159:7	157:17 159:3
today's 5:2	112:1 113:8	134:16	160:8	160:3
tool 51:21 52:2,5	122:22	unexpectedly	vaguely 136:22	wasn't 151:9
tools 22:18 153:2	types 31:4 100:19	133:11	value 39:20,21	water 28:1 32:8
top 134:12	112:17,21	unique 30:4	various 54:3,13	water-based
137:16	113:13 122:1	United 1:1	129:3	21:12
total 100:1	126:2,5	137:10,15	verify 143:21	way 22:7 29:19
track 64:22 93:1	typical 81:16,19	146:9	144:6,10 145:4	37:12,19,22
tracked 23:17	82:1 87:10,12	University 16:11	154:3,7	41:19,20 43:17
tracking 23:11,14		16:15,18,20	version 33:7	62:20 72:22
trademark 1:1	U	unknown 133:4	35:15 36:19	108:17 109:14
26:1 95:11,15	U.S 5:11 35:6,13	unpatentable	49:1 61:9 99:18	110:16 121:12
137:10,16	Uh-huh 141:20	138:8	102:6,9	Wayback 149:21
146:10	unable 104:21	unsupported	vessel 33:20	ways 24:11,12,14
training 155:4	underline 59:19	110:19	36:21 38:13	25:3,6
transcribe 8:2	121:13,13	untested 134:16	40:22	We've 152:5,12
transcribed	underlined 59:10	upcoming 79:16	vessels 37:9,17	web 51:20 52:1
92:14	59:12 128:13	update 84:19	40:17	77:5 153:18
transcript 158:10	underlines 60:14	85:16 86:17	Vice 13:11 95:22	web-based 64:21
158:12 159:10	underlying 109:7	88:7,10,18	video 7:7	65:3,4 76:15,19
transcription	119:15 124:12	126:7	VIDEOTAPED	77:1 88:7 93:1
159:12,14	124:21	updated 88:22	1:12	website 3:13,14
TRIAL 1:2	understand 5:7	updating 86:13	view 24:14 51:6	58:8 150:11,21
true 45:19 57:3	6:18 8:19,21	89:16 125:17	138:10 147:2	151:3,13,21
159:12,14	9:4 28:7 56:14	upper 99:18	viewable 101:2	154:5,9 155:13
truthful 5:21 6:3	72:20 97:4	USC 61:3,6,18	viewed 24:11	weird 34:8
try 8:8,8,9 34:12	113:17 118:21	138:4,8	Violation 127:15	welcome 33:6
51:3 66:10 68:5	119:21 120:2	use 25:2,3 27:12	127:21	42:16
73:1 108:10	127:1	35:14 69:10		went 148:16
118:6 143:1,1	understanding	83:10,18	W	wife 15:13
trying 9:1 51:12	7:1 20:18,22	110:11 117:6	wait 115:3	Williams 11:17
97:4 103:7	24:5,8 38:6	117:12,19	waiting 114:19	11:19 12:2,19
Tumwater 3:18	39:14,17 43:21	118:15 132:6	waive 158:13	12:22 13:6
102:22 106:6	50:15,19 51:1,4	142:3	waived 156:1	window 35:19
113:16	51:10,15 54:19	user 47:4,5,18	want 24:14 36:10	36:6
turn 42:17 52:9	56:20 57:4	65:6 100:21	36:13 40:8	windows 7:8
69:13 112:5	59:11 61:19	116:10	42:18 49:18	withdraw 104:7
114:1 139:10	62:3 74:6 75:9	users 45:5,7 67:1	51:16 52:12,18	witness 2:11 3:2

4:6,15 10:6,10 10:20 11:20 13:19 14:2,18 15:19 17:17 18:18 19:19 20:6,10 21:10 23:11,19 25:10 27:20 28:20 29:4,18 31:2,18 32:1,6,11 34:9 34:18 35:5,17 35:21 36:3,8,12 37:12 39:20 40:10 42:9 43:20 44:17 47:21 48:20 52:5 54:9,19 55:4 56:9 57:1 57:7 60:1 68:19 69:7 71:7 73:16 75:14 77:19 78:7 80:18 81:15 82:11 86:20 88:2,14 89:5,21 90:9,18 91:6,17 94:8,14 98:7,20 99:9 101:2 104:8 113:12 115:8 117:15,22 118:19 119:20 122:4,15 124:18 125:4 125:10 126:9 126:16 128:5 131:14,22 132:12,21 135:9,15 144:16 149:9 151:17 154:12 157:5 158:12 159:8,17 160:9 word 39:15 62:12 75:3 work 17:11,13 18:7,10 22:18 23:3 26:10	34:14 43:14 45:12 52:6 68:8 worked 17:20 workflow 67:22 68:13,17 working 11:21,21 17:5 world 39:3,10 53:4 wouldn't 37:19 62:12 88:21 118:11 write 68:21 91:19 91:22 92:17 93:15 writings 92:9 written 13:5 74:6 132:14 134:2 158:22 wrote 91:21 93:11,12,18 www.buildingr... 138:9 X Y yeah 19:12,12 year 26:13 106:12,12,16 107:3,3 years 16:16 106:16,18,19 107:1,4,7 147:13 yesterday 10:20 11:1,4 Z Zoom 7:8,10 33:8 0 0006 33:15 34:4,5 36:15,19 0007 34:7 0015 40:11,16 006 33:11	1 1 52:13 53:2 54:5 54:15 59:6 137:20 138:6 146:21 157:18 1,100 20:17 1:12 42:14 1:38 155:17 1:42 155:18 156:2 10 133:1,2,3 100 2:7 1001 3:10 48:14 48:18 49:2,7 53:2 64:9 75:20 76:1 78:22 10015 32:18 1002 3:11 55:7,10 56:3,6 58:12 60:8,19 62:6 63:5 137:2,4,7 145:18,21 146:4,15 148:2 1005 3:12 32:21 33:12 34:17 35:12 40:16 49:19 101 61:4,7,18 102 3:18 103 138:4 103(a) 138:8 1034 3:13 149:12 149:14 1035 3:14 153:6,8 153:19 104 107:9,16 104.1 117:5 107 109:9 110:18 108 141:17 11 26:19 59:2 60:19 112:21 11,126,966 1:9 3:10 5:12 110 114:5 114 3:15 12 112:21 135:18	157:15 12:31 121:6 12:42 121:7 12:59 42:13 123 3:17 127 3:19 13 29:5,22 76:11 112:21 125:14 13959 1:19 157:4 157:15 14 1:13 4:1 158:7 159:8 160:10 149 3:13 15 40:4 41:14 42:3 64:10,11 75:21 76:10 79:4 85:11,13 86:5,7 87:1 153 3:14 16 64:11 76:10,10 92:20 1730 1:21 159:2 160:2 18 3:16 25:14 69:15,18 1800 2:13 158:3 1800s 33:19 34:6 36:20 19 42:18 53:2 54:4,5,15 197 139:13 1981 17:8 1990's 112:2 1991 16:22 17:12 1996 17:1 1998 17:21 2 2 18:21 33:12 59:1 130:8,16 157:17 2-5 112:10 2:12 78:18 2:21 78:19 20 43:3 86:7 148:3,7 2002 138:3	2002/0029222 35:13 20036 1:21 159:3 160:3 2004 3:15 114:6,8 114:11,14 115:11,18 116:2 119:7 121:10 122:12 138:10 2007 26:14 2007/0179912 35:6 2008 26:14 2010 120:3,12 2012 106:22 2014 137:11 139:2 146:11 147:4 148:10 149:2 2015 3:16 18:13 18:16 25:15 26:20 30:1 42:19 45:2 69:14 72:2,6,11 72:16 74:1,14 91:11 96:10 102:2 107:16 109:11 114:4 139:9 141:18 142:19,20 143:4,7,21 144:4,9 145:5,9 145:11 149:6 2016 150:10,21 151:7,13,21 152:7 153:17 2017 148:3,7,11 149:3 2018 3:20 95:4,10 95:13,19 96:2 96:11 97:1,10 99:4,7,19 100:12 202 1:22 159:4 202)-232-0646 158:16
---	--	--	--	---

202)232-0646 160:4 2020 58:22 103:3 106:22 2021 103:11 2024 1:13 4:1 158:7,20 159:8 160:10 2025 3:17 123:4,6 123:13 124:2 124:14 125:1,5 126:20 127:8 128:9 129:14 130:6 133:18 134:1 135:19 157:16,17,20,22 2026 157:18 2028 157:15 2040 3:18 102:3,4 102:9,11,18,20 102:21 105:22 112:5,11 2041 3:19 127:1,4 127:9 2045 145:20 208 141:19 20th 146:11 21 60:6,9,12,14 86:7,10 115:14 129:15 137:21 138:7 153:17 21st 103:11 22 45:1 157:16 23 33:13 232 137:3,5,6 232-0646 1:22 159:4 234 138:3,14 24 40:3 91:12 245 145:18,21 146:6,8 246 146:15,18 247 147:18 248 148:2,4 25 112:5,10,14 26 95:7 27 26:18 27:10,15	29:10 30:14,21 31:2 52:10 28 91:12 291 29:5 2nd 103:3 150:10 150:21 3 3 19:6 58:22 100:7 101:6 3/21/16 3:14 30 138:7 300 2:7 110:1,22 30326 2:14 158:4 31 29:21 31:7 102:2 137:21 32 3:12 32.75 121:1 32.8 120:2,11,13 33 79:4 85:11 105:11 143:4 3340 2:13 158:3 34 64:9 75:20 76:3 80:2 100:1 100:2 35 61:3,6,18 107:16 138:4,7 36 109:10 37 114:2,3 38 54:6,15 84:16 39 85:12 4 4 3:5 100:7,12 106:1 116:2 138:10 4.4 108:1 40 86:5,9 104:3 41 86:5 43 87:2 45 69:13,18,20 71:1,5,15,19 74:16 88:5 47 89:10 105:15 48 3:10 88:5 89:10	5 5 109:21 126:20 127:8 130:7,14 157:22 5/9/2014 137:14 500 106:12 107:3 52 43:4,5 54 44:2,10 55 3:11 6 6 37:21 38:3 130:8,15 60 55:17,22 56:1 56:3,12 109:21 604 58:12,15 605 59:6 609 60:10 611 60:6,8,11,12 614 60:19 62:5 63:5,11 62 56:6 65 96:22 97:9 650-623-1401 2:8 66 92:2,7,8,14,17 92:19 67 95:3,8 7 7 91:10 96:2,9,15 97:8 137:20 709 55:20 72 139:10,12 75 50:3 141:21 77 96:22 97:9 7th 147:4 8 8 19:7 20:20 64:13 65:10,17 65:22 66:6,16 67:4,10,19 69:21 70:5,12 70:14 71:4 72:8 72:12,18 73:4,9 74:2,5,12,16,19 74:20 75:1,21	76:4,9,14,20 77:2,13 78:1,5 79:1,4,11,21 80:5,9 81:10 82:17 83:2,15 83:16 84:3,9 85:1 87:2 88:9 88:17 89:9,17 90:3,21 92:3,20 95:13 121:9 128:8,10 137:20 138:7 8/2/16 3:13 812 1:21 159:2 160:2 845-519-9525 2:14 8B 101:5 8C 100:5 9 9 119:6 124:1,5,6 124:7,13 125:1 138:6,15 157:20 9:02 1:14 4:1 90 102:1 127:13 128:6 131:5 94065 2:8 966 5:17 6:9 15:2 15:5,12,17 45:20 46:6,11 46:21 48:15 50:16,20 51:2,5 51:11 54:2,12 55:8 57:11,15 57:20 58:5,9 62:17 64:1,6,13 65:20,22 66:4 66:16 67:4,10 67:19 68:2,10 68:16 72:8,12 72:18 73:4,9,13 74:2,13 75:2 76:1,20 77:2,14 77:17 78:2,5,22 79:12,21 80:5,9	80:11 81:10 82:18 83:3,5,10 83:17 84:1,8 85:1 89:9 90:21 91:8 92:20 95:14 96:5,21 103:5 136:21 139:6 141:2,8 141:15 143:22 144:6 97 105:8 99 3:20 143:5 144:4 145:3 9th 137:11
---	---	---	--	--