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

-----X
WHATFIX INC.,
Petitioner,
- against -
WALKME LTD.,
Patent Owner.
Patent No. 10,819,644
Inter Partes Review No. IPR2023-01368
-----X

VIDEOTAPED DEPOSITION OF
IVAN ZATKOVICH
New York, New York
October 7, 2024

Reported By:
ERIC J. FINZ
Shorthand Reporter and Notary Public
JOB No. 6918952

PAGES 1 - 175

1 Videotaped Deposition of IVAN
2 ZATKOVICH, taken by Petitioner, pursuant
3 to Notice, at the offices of Morrison &
4 Foerster LLP, 250 West 55th Street, New
5 York, New York, before ERIC J. FINZ, a
6 Shorthand Reporter and Notary Public
7 within and for the State of New York,
8 commencing at 9:53 a.m., October 7, 2024.

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Page 2

1 A P P E A R A N C E S: (All Via Remote)

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I N D E X

WITNESS	PAGE
IVAN ZATKOVICH	
By Ms. Nguyen	8

1	IVAN ZATKOVICH	
2	THE VIDEOGRAPHER: Good	09:52:23
3	morning. We are going on the	09:52:23
4	record at 9:53 a.m. on October 7,	09:52:24
5	2024.	09:52:30
6	This is media unit 1 of the	09:52:31
7	videotaped deposition of Ivan	09:52:34
8	Zatkovich, in the matter Whatfix,	09:52:38
9	Inc. v. WalkMe Ltd., filed in the	09:52:43
10	United States Patent and Trademark	09:52:54
11	Office, No. IPR 2023-01368.	09:52:58
12	And the deposition is being	09:53:05
13	held at 250 West 55th Street, New	09:53:06
14	York, New York.	09:53:11
15	My name is Matthew Chin-Quee	09:53:12
16	representing Veritext, and I'm the	09:53:14
17	videographer. The court reporter	09:53:16
18	is Eric Finz from the firm	09:53:17
19	Veritext.	09:53:20
20	Will all parties please state	09:53:21
21	your appearances.	09:53:23
22	MS. NGUYEN: Jean Nguyen of	09:53:26
23	Morrison & Foerster representing	09:53:28
24	petitioner. With me is my	09:53:31
25	colleague Mehran Arjomand.	09:53:33

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1	IVAN ZATKOVICH	
2	MR. MACEDO: Charles Macedo	09:53:36
3	from Amster Rothstein & Ebenstein,	09:53:38
4	representing patent owner in all	09:53:41
5	three IPRs, including IPR	09:53:43
6	2023-01368 that you mentioned, as	09:53:47
7	well as IPR 2023-01379 and IPR	09:53:51
8	2024-0065. With me is my colleague	09:53:56
9	Thomas Hart.	09:53:59
10	THE VIDEOGRAPHER: Thank you.	09:54:02
11	The court reporter can swear in the	09:54:03
12	witness.	09:54:04
13	IVAN ZATKOVICH,	09:54:04
14	having been first duly sworn by the	09:54:04
15	Notary Public (Eric J. Finz), was	09:54:04
16	examined and testified as follows:	09:54:04
17	MS. NGUYEN: Before we begin,	09:54:19
18	petitioner would just like to put	09:54:20
19	on the record that patent owner's	09:54:22
20	counsel has brought in binders for	09:54:24
21	the witness totalling hundreds of	09:54:26
22	pages. That these binders include	09:54:28
23	exhibits that are not part of the	09:54:31
24	record submitted to the PTAB. And	09:54:32
25	should have not been submitted to	09:54:35

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1	IVAN ZATKOVICH	
2	the PTAB.	09:54:37
3	We object to these documents	09:54:38
4	and ask that the witness not refer	09:54:39
5	to them until we have time to	09:54:40
6	review them.	09:54:42
7	We have tried to review them	09:54:45
8	before the deposition, but in the	09:54:47
9	interest of time our review has not	09:54:48
10	been completed?	09:54:49
11	MR. MACEDO: And, counsel, to	09:54:50
12	clarify the record, the witness has	09:54:52
13	brought into the room copies of the	09:54:54
14	exhibits which include the patents	09:54:55
15	in suit, Dr. Beigi's declaration in	09:54:58
16	each IPR, his declaration in each	09:55:01
17	IPR and his supplemental	09:55:04
18	declaration, as well as copies of	09:55:06
19	key exhibits related to the prior	09:55:08
20	art. Including, to the extent that	09:55:10
21	they were used in Dr. Beigi's prior	09:55:13
22	deposition, copies from there.	09:55:16
23	He has created one document	09:55:17
24	which is his copy of the claims, so	09:55:19
25	he has a single document in front	09:55:22

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1	IVAN ZATKOVICH	
2	of him.	09:55:24
3	As well as we created at his	09:55:26
4	request a table of contents for	09:55:28
5	each of Dr. Beigi's three	09:55:33
6	declarations because petitioner did	09:55:35
7	not provide any table of contents	09:55:37
8	for that and he wanted it for ease	09:55:38
9	of reference.	09:55:40
10	The witness is welcome to use	09:55:42
11	any documents he wants. You have	09:55:44
12	copies of everything that he has	09:55:45
13	brought into the room.	09:55:47
14	And we also note that we did	09:55:48
15	get here and were ready at 9:30 to	09:55:50
16	start the deposition, and that you	09:55:53
17	took the time before we started to	09:55:55
18	go through the binders which you're	09:55:57
19	certainly welcome to do.	09:56:00
20	EXAMINATION BY	09:56:00
21	MS. NGUYEN:	09:56:06
22	Q. Please state and spell your	09:56:06
23	name for the record.	09:56:07
24	A. Ivan Zatkovich. I-v-a-n,	09:56:08
25	Z-a-t-k-o-v-i-c-h.	09:56:11

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1	IVAN ZATKOVICH	
2	Q. Good morning, Mr. Zatkovich.	09:56:15
3	A. Good morning.	09:56:17
4	Q. Do you understand that you	09:56:18
5	have taken an oath to tell the truth?	09:56:19
6	A. I do.	09:56:21
7	Q. And is there any reason why	09:56:22
8	you cannot give complete and accurate	09:56:25
9	testimony for today?	09:56:27
10	A. No.	09:56:29
11	Q. Mr. Zatkovich, how many times	09:56:29
12	have you served as an expert on prior	09:56:32
13	cases?	09:56:35
14	A. Upwards of -- upwards of 80	09:56:36
15	times.	09:56:42
16	Q. Okay. And to your knowledge,	09:56:42
17	has a court ever excluded your opinion	09:56:43
18	that you offered?	09:56:46
19	A. Once or twice a court has	09:56:49
20	excluded portions of my expert report or	09:56:51
21	declaration.	09:56:56
22	Q. Okay. Do you know why the	09:56:56
23	court has excluded portions of your	09:56:58
24	expert declaration or report?	09:57:01
25	A. The best I could explain it	09:57:02

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1	IVAN ZATKOVICH	
2	would be is sections were not relevant or	09:57:04
3	they felt a section was not pertinent to	09:57:09
4	the opinions I was asked to give.	09:57:12
5	Q. Okay. And do you recall which	09:57:14
6	court excluded these portions of your	09:57:16
7	expert report?	09:57:19
8	A. I can recall one or two	09:57:22
9	occasions specifically.	09:57:25
10	Q. Okay. And which court would	09:57:26
11	it be?	09:57:28
12	A. The specific court I don't	09:57:29
13	recall. I can remember the case.	09:57:31
14	Q. Okay. And then with respect	09:57:32
15	to the sections that were not relevant,	09:57:34
16	do you recall what you were providing an	09:57:37
17	analysis on?	09:57:39
18	A. In one case I was asked to	09:57:41
19	provide an analysis on the monetary value	09:57:43
20	of electronically published material. I	09:57:46
21	was -- I am not an expert in damages or	09:57:51
22	valuation, but I was aware of license,	09:57:55
23	typical licensing fee in the industry.	09:57:58
24	But the court believed that I was not	09:58:01
25	qualified to perform an evaluation. So	09:58:05

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1	IVAN ZATKOVICH	
2	that last section of my report was	09:58:09
3	removed.	09:58:11
4	Q. Okay. Do you remember the	09:58:12
5	other case?	09:58:14
6	A. The other case was against The	09:58:14
7	New York Times. There was a section of	09:58:17
8	my report, it was another electronic	09:58:22
9	publishing case, where the section of my	09:58:28
10	report indicated my opinion as to whether	09:58:30
11	The New York Times would be aware if they	09:58:34
12	were violating a license agreement for	09:58:37
13	electronic publishing.	09:58:40
14	The court felt that I was	09:58:42
15	opining on intent. So they decided to	09:58:45
16	exclude that portion of my report.	09:58:49
17	Q. Okay. Any other cases where	09:58:50
18	you had portions of your report excluded	09:58:56
19	or criticized?	09:58:58
20	A. There might be one or two	09:59:00
21	other occasions. I can't remember the	09:59:01
22	specific matters at this time.	09:59:03
23	Q. And do you remember the name	09:59:05
24	of the cases that you talked about	09:59:10
25	previously?	09:59:12

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1	IVAN ZATKOVICH	
2	A. The New York Times was Dahlal	09:59:13
3	versus New York Times. And that was the	09:59:17
4	second one that I mentioned. The first	09:59:19
5	one was -- I forget the plaintiff. The	09:59:21
6	plaintiff versus U.S. Government.	09:59:26
7	Q. Okay. You said The New York	09:59:35
8	Times was Dahlal versus New York Times?	09:59:37
9	A. Correct.	09:59:41
10	Q. How do you spell Dahlal?	09:59:41
11	A. D-a-h-l-a-l.	09:59:44
12	Q. Okay. And, Mr. Zatkovich,	09:59:48
13	you're an expert that was hired by	09:59:54
14	WalkMe. Is that correct?	09:59:57
15	A. Correct.	09:59:57
16	Q. And how many times have you	09:59:58
17	represented WalkMe?	10:00:00
18	A. This will be my first time.	10:00:01
19	Q. Okay. And how many times have	10:00:02
20	you worked with the law firm of Amster	10:00:04
21	Rothstein & Ebenstein?	10:00:09
22	A. I would say six or seven	10:00:09
23	times.	10:00:12
24	Q. Do you recall the names of the	10:00:13
25	cases where you worked with the law firm	10:00:33

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1	IVAN ZATKOVICH	
2	of Amster Rothstein & Ebenstein?	10:00:36
3	A. Specifically I could recall	10:00:40
4	some of them. I worked on several IPRs	10:00:43
5	for Amster Rothstein. Under the	10:00:48
6	petitioning party's name of Askeladden.	10:00:53
7	Q. Okay.	10:01:00
8	A. I worked with Amster Rothstein	10:01:01
9	on two separate litigations. The	10:01:03
10	plaintiff party was Island IP. And I	10:01:12
11	believe I worked on an inter partes --	10:01:18
12	I'm sorry, a patent re-examination case.	10:01:23
13	And the party was XpertUniverse.	10:01:26
14	Q. Do you know whether these	10:01:44
15	litigations that you worked with Amster	10:01:46
16	Rothstein were related to the IPRs?	10:01:48
17	MR. MACEDO: Objection to	10:01:51
18	form.	10:01:52
19	A. Sorry, could you ask that	10:01:52
20	again?	10:01:54
21	Q. Yes. Do you know whether the	10:01:54
22	litigations that you worked with Amster	10:01:56
23	Rothstein related to the IPRs?	10:02:01
24	MR. MACEDO: Objection to	10:02:03
25	form.	10:02:03

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1 IVAN ZATKOVICH

2 A. I don't believe they were 10:02:04

3 related to each other. 10:02:05

4 MR. MACEDO: Counsel, when you 10:02:14

5 say the IPRs, do you mean the 10:02:15

6 current IPRs? Or to IPRs in 10:02:17

7 general? 10:02:19

8 MS. NGUYEN: Counsel, that's a 10:02:22

9 question your witness can ask if he 10:02:23

10 has issues with clarity on the 10:02:25

11 question. Not a question you 10:02:27

12 should ask. 10:02:29

13 MR. MACEDO: I have an 10:02:29

14 objection to form. And you can 10:02:30

15 lose your answer if you want -- if 10:02:31

16 you don't want to clarify, it's up 10:02:32

17 to you. 10:02:34

18 Q. Mr. Zatkovich, what did you do 10:02:34

19 to prepare for your deposition today? 10:02:36

20 A. I reviewed my declarations, 10:02:38

21 Dr. Beigi's declarations, the petitions, 10:02:44

22 the patents being petitioned, as well as 10:02:50

23 the prior art exhibits. 10:02:59

24 Q. Did you review any documents 10:03:10

25 that were not cited in your declaration? 10:03:12

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1	IVAN ZATKOVICH	
2	A. I don't believe so.	10:03:13
3	Q. Okay. Did you perform any	10:03:14
4	research outside of -- sorry, strike	10:03:15
5	that.	10:03:20
6	Who did you meet with to	10:03:20
7	prepare for your deposition today?	10:03:23
8	A. I met with counsel.	10:03:25
9	Q. Okay. Going back to my	10:03:26
10	question about the documents that you	10:03:46
11	reviewed. Did you review any dictionary	10:03:48
12	definitions?	10:03:50
13	A. I don't believe I did, no.	10:03:53
14	Q. If I may, let me place in	10:03:55
15	front of you what has been previously	10:04:15
16	marked as Exhibit 2002 in the '664 IPR.	10:04:18
17	Do you recognize this	10:04:28
18	document?	10:04:29
19	A. I do.	10:04:29
20	Q. What is it?	10:04:30
21	A. It's my CV.	10:04:30
22	Q. Okay. So if I could direct	10:04:32
23	your attention to the bottom of the page.	10:04:33
24	Right under education. It says BS	10:04:37
25	computer science.	10:04:40

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1	IVAN ZATKOVICH	
2	Do you see that?	10:04:42
3	A. I do.	10:04:43
4	Q. Okay. And that's from the	10:04:43
5	University of Pittsburgh. Right?	10:04:46
6	A. That's correct.	10:04:48
7	Q. Is there a specific area of	10:04:48
8	computer science that you focused on	10:04:51
9	while at the University of Pittsburgh?	10:04:54
10	A. I spent a lot of time studying	10:04:57
11	network communication. As well as	10:05:00
12	electronic -- digital circuit design.	10:05:05
13	Q. Okay. So would you say that	10:05:10
14	by the time you graduated from the	10:05:14
15	University of Pittsburgh with a BS in	10:05:16
16	computer science, you had experience in	10:05:20
17	network communication?	10:05:22
18	A. Yes.	10:05:24
19	Q. Okay. And would you also say	10:05:25
20	that by the time you graduated from the	10:05:28
21	University of Pittsburgh with a bachelors	10:05:30
22	of science in computer science, you had	10:05:32
23	experience in electronic digital circuit	10:05:35
24	design?	10:05:40
25	A. Yes.	10:05:40

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1	IVAN ZATKOVICH	
2	Q. Okay. Did you have experience	10:05:40
3	in any other areas by the time you	10:05:42
4	graduated?	10:05:45
5	A. Other than software design and	10:05:46
6	algorithms in general, I would say that	10:05:51
7	pretty much covers it. I also took	10:05:55
8	engineering classes.	10:05:58
9	Q. Okay.	10:05:59
10	A. At the University of	10:06:00
11	Pittsburgh. Several engineering and	10:06:01
12	architecture.	10:06:05
13	Q. And then same section of your,	10:06:14
14	I believe you called it a CV. Is that	10:06:17
15	right?	10:06:19
16	A. Correct.	10:06:19
17	Q. It says master's study and	10:06:20
18	thesis in computer networks. What year	10:06:24
19	was this master's study and thesis in	10:06:27
20	computer networks?	10:06:31
21	A. That was the end of 1979 and	10:06:32
22	the beginning of 1980. I'm sorry, my	10:06:34
23	master's study was primarily in 1980.	10:06:44
24	Q. So turning to page 4 of your	10:06:51
25	CV, Exhibit 2002. After you graduated in	10:06:53

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1	IVAN ZATKOVICH	
2	1980 from the University of Pittsburgh,	10:07:01
3	you worked at Digital Equipment Corp. Is	10:07:04
4	that right?	10:07:08
5	A. That's correct.	10:07:08
6	Q. And then following that, on	10:07:08
7	the top of page 4, it says in 1987 you	10:07:16
8	started working at Verizon/GTE.	10:07:21
9	A. That's correct.	10:07:25
10	Q. And in your CV, it says you	10:07:27
11	were a project manager at Verizon/GTE.	10:07:39
12	And it also says you managed large call	10:07:43
13	center implementations using speech	10:07:45
14	recognition for menu selection and	10:07:48
15	natural language commands.	10:07:51
16	A. That's correct.	10:07:54
17	Q. And did these large call	10:07:54
18	center implementations that you managed	10:07:57
19	involve chatbots?	10:08:00
20	A. Well, I would consider IVRs,	10:08:02
21	interactive voice response units, to be a	10:08:07
22	type of chatbot, yes.	10:08:09
23	Q. By IVRs, is that what you're	10:08:11
24	referring to in your CV as speech	10:08:15
25	recognition for menu selection?	10:08:18

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1	IVAN ZATKOVICH	
2	A. Correct.	10:08:20
3	Q. So would you say that you're	10:08:25
4	fairly knowledgeable about chatbots?	10:08:27
5	A. Yes.	10:08:30
6	Q. Would it be fair to say that	10:08:41
7	chatbots were known as of 1996?	10:08:44
8	A. Yes, I would say chatbots have	10:08:51
9	evolved over the years, but they existed	10:08:54
10	to some extent, at least in the	10:08:57
11	embodiment of interactive voice response	10:09:01
12	units, as early as 1996 and prior.	10:09:04
13	Q. And what are interactive voice	10:09:12
14	response units?	10:09:14
15	A. They are basically the	10:09:15
16	interactive menus. If you want to call	10:09:16
17	up your bank and confirm a deposit or get	10:09:19
18	a balance, you could do that through an	10:09:22
19	interactive voice response unit. The	10:09:25
20	earlier IVRs would pose questions to you,	10:09:30
21	to receive a balance press 1, to confirm	10:09:35
22	a deposit press 2. Later IVRs would ask	10:09:39
23	you to respond vocally, either with a	10:09:46
24	numeric response or keywords or phrases	10:09:49
25	to indicate what type of function you	10:09:53

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1	IVAN ZATKOVICH	
2	want to perform.	10:09:55
3	Q. So with these IVRs, when you	10:09:57
4	respond vocally either with a numeric	10:10:09
5	response or keyword or phrases, does that	10:10:12
6	involve natural language processing?	10:10:16
7	A. Yes, it can. It depends on	10:10:18
8	what type of -- well, what level of	10:10:21
9	intelligence the IVR has. This is a	10:10:24
10	topic that Dr. Beigi mentioned in his	10:10:27
11	deposition as well, communicating through	10:10:32
12	IVRs.	10:10:34
13	Q. Okay. And then what are	10:10:42
14	natural language commands, as you've	10:10:45
15	stated here on page 4 of Exhibit 2002?	10:10:47
16	A. Natural language commands are	10:10:51
17	basically what I would consider freeform	10:10:53
18	commands where the receiver of those	10:10:57
19	commands would interpret those using	10:11:00
20	some -- at least some level of	10:11:04
21	grammatical analysis.	10:11:05
22	Q. What do you mean by "interpret	10:11:09
23	those using at least some level of	10:11:11
24	grammatical analysis"?	10:11:13
25	A. So there is different ways	10:11:15

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1	IVAN ZATKOVICH	
2	that chatbots can interpret a user's	10:11:17
3	response.	10:11:22
4	Q. Uh-huh.	10:11:22
5	A. The administrator can program	10:11:23
6	a set of keywords to say if you hear the	10:11:25
7	term billing, assume that they're going	10:11:27
8	to be transferred to the billing	10:11:29
9	department. If you hear the keyword	10:11:30
10	account status, you can have them	10:11:33
11	transferred somewhere else, or ask	10:11:35
12	another question.	10:11:37
13	If you want to become more	10:11:38
14	sophisticated, then the software	10:11:44
15	interpreting the user's response would	10:11:46
16	attempt to use some form of grammatical	10:11:49
17	analysis. Minimally that could include	10:11:52
18	syntactic parsing, such as identifying	10:11:55
19	the subject and the verb and the object	10:11:58
20	of the sentence. And then doing some	10:12:01
21	semantic analysis of that to identify	10:12:02
22	what their intent was. Based on the	10:12:06
23	subject and the verb or the verb and the	10:12:08
24	object.	10:12:11
25	Q. Okay.	10:12:18

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1	IVAN ZATKOVICH	
2	A. That's a fairly common	10:12:18
3	description of natural language	10:12:20
4	processing.	10:12:22
5	Q. So going to the bottom of page	10:12:46
6	3, Exhibit 2002. It says between 1996 to	10:12:48
7	1999 you were a director at Utility	10:12:53
8	Partners, Incorporated.	10:12:59
9	A. Correct.	10:12:59
10	Q. And at Utility Partners it	10:13:00
11	says you developed and customized utility	10:13:04
12	company software for scheduling service	10:13:08
13	appointments, assigning and routing	10:13:10
14	mobile work force, field technicians, and	10:13:12
15	dispatching and coordinating resources	10:13:15
16	during power outage.	10:13:17
17	A. That's correct.	10:13:19
18	Q. What were you dispatching	10:13:20
19	while you were working at Utility	10:13:23
20	Partners?	10:13:26
21	A. Field technicians. Either for	10:13:26
22	service orders, where field technicians	10:13:30
23	would have to go out into the field and	10:13:32
24	do hookups, do repairs, install	10:13:34
25	equipment. But also for outages. We set	10:13:38

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1	IVAN ZATKOVICH	
2	up a call center IVR system where users	10:13:41
3	could report power outages and verify	10:13:47
4	against previously reported outages, and	10:13:50
5	then dispatch repair personnel for those	10:13:54
6	outages.	10:13:57
7	Q. So by dispatching it means you	10:14:05
8	have multiple field technicians?	10:14:07
9	A. Correct.	10:14:09
10	Q. And you're assigning or in	10:14:09
11	other words coordinating the resources to	10:14:11
12	these field technicians?	10:14:13
13	A. I'd say that's a great	10:14:14
14	description.	10:14:17
15	Q. Okay. So if we can keep	10:14:17
16	going, same page 3 of Exhibit 2002, 1999	10:14:20
17	to 2002 you started working at Tanning	10:14:25
18	Technology and IMRGlobal.	10:14:29
19	A. Correct.	10:14:32
20	Q. What did your job at Tanning	10:14:32
21	Technology and IMRGlobal entail?	10:14:35
22	A. Primarily working with network	10:14:38
23	infrastructure, what we call channel	10:14:41
24	integration for financial markets. Where	10:14:44
25	we would help larger companies either	10:14:47

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1	IVAN ZATKOVICH	
2	develop eCommerce applications or	10:14:53
3	automate some of their processes.	10:14:57
4	Q. So these larger companies, are	10:15:04
5	they Eckerd Pharmacy, GEICO, Hartford	10:15:06
6	Insurance, Citicorp Bank, Smith Barney,	10:15:11
7	Medwerks, are those some examples?	10:15:15
8	A. Correct.	10:15:17
9	Q. And when you were working with	10:15:17
10	these companies, you developed systems	10:15:18
11	such as software systems. Is that right?	10:15:24
12	A. Correct.	10:15:26
13	Q. Okay. And when you developed	10:15:27
14	these software systems, did you keep any	10:15:33
15	of the details of the software systems	10:15:35
16	confidential?	10:15:37
17	A. Yes, I would say there would	10:15:40
18	be some level of trade secrets involved	10:15:42
19	in some of the technology we were	10:15:45
20	developing for the companies. At least	10:15:47
21	at that time.	10:15:51
22	Q. And what would be the reason	10:15:57
23	for keeping some of the details of the	10:15:59
24	software systems confidential?	10:16:01
25	A. Well, in some cases it would	10:16:04

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1	IVAN ZATKOVICH	
2	give a competitive edge to some of the	10:16:07
3	clients for the automated processes we	10:16:10
4	were developing for them.	10:16:12
5	Q. Okay. And were there any NDAs	10:16:26
6	involved in any of these projects?	10:16:37
7	A. I would say -- yes. When I	10:16:40
8	would contract through Tanning and	10:16:46
9	IMRGlobal with these companies, we would	10:16:50
10	sign an engagement, which would involve	10:16:53
11	some level of nondisclosure agreements.	10:16:56
12	And designation of work for hire versus	10:17:05
13	intellectual property development.	10:17:10
14	Q. Would there be any other	10:17:18
15	reasons for keeping the details of the	10:17:19
16	software systems confidential?	10:17:22
17	A. I would say it's common	10:17:27
18	industry practice for consultants not to	10:17:32
19	openly publish or discuss current	10:17:36
20	development projects for clients.	10:17:39
21	Q. Why is that?	10:17:43
22	A. Again, they're being hired by	10:17:45
23	their clients to develop in some cases	10:17:48
24	new technology, which the clients are	10:17:50
25	paying for, to give them a competitive	10:17:53

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1	IVAN ZATKOVICH	
2	edge. If they lose -- they would lose	10:17:55
3	their competitive edge if that	10:17:58
4	information was disclosed.	10:17:59
5	Q. And for all of these	10:18:01
6	companies, I guess there are six of them,	10:18:07
7	did the projects always involve new	10:18:10
8	technology?	10:18:12
9	A. Not necessarily new	10:18:17
10	technology. For example, for GEICO we	10:18:19
11	were developing what I would consider new	10:18:21
12	technology for contact center development	10:18:22
13	to automatically process, in some cases	10:18:26
14	chatbots or IVRs, for processing customer	10:18:30
15	service requests. In the case of Eckerd	10:18:35
16	Pharmacy, for example, we were developing	10:18:39
17	an eBusiness web marketing plan for what	10:18:42
18	later became CVS Pharmacies.	10:18:48
19	So again, it's a business	10:18:51
20	plan, development plan for them,	10:18:53
21	personalized specifically for them. They	10:18:55
22	would not want that to be publicized, I'm	10:18:57
23	sure.	10:19:00
24	Q. Okay. And then turning to	10:19:08
25	page 2, and I believe it also continues	10:19:11

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1	IVAN ZATKOVICH	
2	on to page 3, we are now 2002 to 2017,	10:19:19
3	eBusiness director at Eva-Tone?	10:19:24
4	A. Eva-Tone.	10:19:26
5	Q. What did your job -- what did	10:19:27
6	it entail as an eBusiness director at	10:19:29
7	Eva-Tone?	10:19:33
8	A. Basically setting up strategic	10:19:34
9	eBusiness or eCommerce projects for	10:19:38
10	larger customers.	10:19:41
11	Q. Okay. If we could flip back	10:19:55
12	to the first page of Exhibit 2002. There	10:19:57
13	is a table in the middle of page 1. What	10:20:03
14	is that table?	10:20:07
15	A. It's summarizing different	10:20:08
16	areas in which I specialized throughout	10:20:12
17	my career.	10:20:16
18	Q. So would it be fair to say the	10:20:17
19	left column in the table on page 1 of	10:20:19
20	Exhibit 2002 is a summary of the	10:20:23
21	technology for the projects?	10:20:26
22	A. Yes. It highlights -- I mean,	10:20:29
23	it's certainly not complete. But it	10:20:33
24	highlights certain aspects of, you know,	10:20:34
25	my 30-plus years career, to identify	10:20:37

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1	IVAN ZATKOVICH	
2	specific types of projects that I've	10:20:43
3	worked in.	10:20:44
4	Q. Okay. And then the middle	10:20:45
5	column is the number of years of	10:20:46
6	experience?	10:20:49
7	A. Roughly number of years in	10:20:49
8	which I performed those types of	10:20:51
9	projects. There is a lot of overlap. So	10:20:55
10	for example, for GEICO, I would say that	10:20:57
11	would involve both call center and some	10:21:02
12	eCommerce. So the time that I worked on	10:21:04
13	that project would contribute to both of	10:21:09
14	those categories.	10:21:10
15	Q. Okay. And with respect to the	10:21:12
16	third row that says commercial web,	10:21:16
17	eCommerce, eMarketing. Does that refer	10:21:20
18	to your Eva-Tone job?	10:21:23
19	A. I would consider that both	10:21:25
20	Eva-Tone and Tanning Technology.	10:21:29
21	Q. And then on the right-hand	10:21:41
22	column of table 1, is that a more	10:21:44
23	detailed description of your experience?	10:21:47
24	A. Yes. Again, just examples of	10:21:50
25	types of projects in those categories.	10:21:54

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1 IVAN ZATKOVICH

2 Q. Okay. Third row, right 10:21:58

3 column, it says chatbot automation. What 10:22:03

4 is chatbot automation? 10:22:06

5 A. Again, chatbot automation, 10:22:08

6 which I would consider would be involved 10:22:12

7 with things that I did for Verizon, for 10:22:14

8 Tanning Technology, such as with GEICO, 10:22:17

9 as well as projects that I worked on at 10:22:20

10 eComp Consultants. 10:22:24

11 Q. Let me ask the question again 10:22:34

12 because I didn't quite understand the 10:22:35

13 answer. 10:22:37

14 What is chatbot automation, 10:22:37

15 aside from Verizon, Tanning Technologies 10:22:40

16 and GEICO? 10:22:43

17 MR. MACEDO: Objection to 10:22:45

18 form. 10:22:46

19 A. I would consider projects that 10:22:46

20 I worked on in Verizon and for Tanning 10:22:50

21 Technology and for eComp Consultants to 10:22:55

22 include types of chatbot automation. 10:23:00

23 Q. Okay. And what are examples 10:23:02

24 of types of chatbot automation? 10:23:04

25 A. Well, for Verizon, as I 10:23:06

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1	IVAN ZATKOVICH	
2	mentioned before, we would do chatbot	10:23:08
3	automation either using rules-based IVR	10:23:11
4	scripts or in some cases natural language	10:23:17
5	processing for IVR automation.	10:23:22
6	For Tanning Technology, the	10:23:24
7	project we did with GEICO included	10:23:28
8	chatbot technology to handle both text	10:23:33
9	message processing, email processing and	10:23:38
10	interactive voice response for automating	10:23:42
11	incoming customer service requests, and	10:23:50
12	either directly responding or based on	10:23:53
13	the queries that they were providing,	10:23:55
14	through natural language processing, we	10:23:57
15	would either respond directly or route	10:24:00
16	that to a particular call center	10:24:03
17	representative based on the type of	10:24:04
18	request being made.	10:24:07
19	And then for more recently at	10:24:08
20	eComp Consultants, I was engaged in doing	10:24:13
21	what I would consider chatbot automation	10:24:16
22	for hyperlocal mesh network technology.	10:24:19
23	Where the client wanted to develop a	10:24:24
24	hyperlocal social media platform where	10:24:28
25	they could request information about	10:24:31

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1	IVAN ZATKOVICH	
2	people, places, events, in a very	10:24:35
3	specific close geographical location.	10:24:40
4	Q. Going back to what you had	10:24:56
5	just said about Tanning Technology. You	10:24:58
6	discussed automating incoming customer	10:25:01
7	service requests. Do you recall that?	10:25:03
8	A. I do.	10:25:05
9	Q. Do you have examples of	10:25:06
10	incoming service requests that you	10:25:09
11	automated while at Tanning Technology?	10:25:12
12	A. Sure. Probably one of the	10:25:14
13	more difficult ones was email requests.	10:25:18
14	Email requests would come in with	10:25:21
15	sometimes lengthy requests or questions	10:25:24
16	or problems that they were having. So if	10:25:26
17	a policyholder or even a new potential	10:25:29
18	client was emailing to GEICO, they would	10:25:33
19	request certain coverage information or	10:25:38
20	clarifications on their policy coverage	10:25:43
21	or recommendations for either how to	10:25:46
22	increase their coverage or to get more	10:25:50
23	economical coverage. Or just questions	10:25:52
24	about products in general that GEICO	10:25:56
25	offered.	10:25:59

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1	IVAN ZATKOVICH	
2	So we would -- we used a tool	10:25:59
3	called Blue Fish, which used natural	10:26:04
4	language processing, to parse the email	10:26:08
5	to determine the intent of the customer.	10:26:09
6	And if they determined -- if Blue Fish	10:26:11
7	determined that it was a simple request,	10:26:13
8	they would respond either directly with	10:26:15
9	recommendations or send product	10:26:18
10	information directly to the customer. Or	10:26:21
11	they would route that request to a	10:26:24
12	customer service representative that	10:26:26
13	would -- could best handle that	10:26:28
14	particular request.	10:26:30
15	Q. So would you consider these	10:26:44
16	automated incoming customer service	10:26:52
17	requests an automation process?	10:26:54
18	A. Yes.	10:26:58
19	MR. MACEDO: Objection to	10:27:01
20	form.	10:27:03
21	Q. And would you consider	10:27:10
22	yourself familiar with automation	10:27:11
23	processes?	10:27:14
24	A. Yes.	10:27:15
25	MR. MACEDO: Objection to	10:27:16

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1	IVAN ZATKOVICH	
2	form.	10:27:17
3	Q. Have you ever worked as an	10:27:20
4	expert on any matters involving	10:27:21
5	automation processes?	10:27:23
6	MR. MACEDO: Objection to	10:27:25
7	form.	10:27:27
8	A. So I'm looking at page 7 of my	10:28:00
9	CV. The first one listed there is	10:28:02
10	Progressive versus State Farm. That	10:28:05
11	involved technology related to	10:28:08
12	telematics. Where you would place a	10:28:15
13	device in the vehicle that would monitor	10:28:18
14	the vehicle. And then make automatic	10:28:21
15	determinations about the person's driving	10:28:27
16	habits, gather information about	10:28:29
17	distances traveled within a particular	10:28:34
18	period of time. It would monitor things	10:28:38
19	like how fast they accelerated or how	10:28:40
20	quickly they stopped.	10:28:43
21	And then the processing	10:28:44
22	software would automate the analysis of	10:28:47
23	that and come up with a particular report	10:28:50
24	for the insurance company basically to	10:28:53
25	rate that driver.	10:28:57

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1	IVAN ZATKOVICH	
2	I would consider that a type	10:28:58
3	of automation process.	10:29:00
4	Q. This Progressive v. State Farm	10:29:08
5	case, is that one of the cases where you	10:29:10
6	worked on with Amster?	10:29:12
7	A. No.	10:29:14
8	Q. What about the next case,	10:29:14
9	Black Hills v. Samsung, did you work on	10:29:15
10	Black Hills v. Samsung with Amster?	10:29:23
11	A. No. And I would not	10:29:25
12	consider -- I wouldn't necessarily	10:29:27
13	consider that a process automation	10:29:29
14	project.	10:29:30
15	Q. Right.	10:29:31
16	A. The next one, Rembrandt versus	10:29:36
17	Facebook.	10:29:38
18	Q. Uh-huh.	10:29:40
19	A. That was more about	10:29:42
20	optimizing -- optimizing aspects of the	10:29:50
21	user interface and privacy features.	10:29:52
22	Indacon versus Facebook --	10:29:58
23	this was, I would consider that process	10:30:08
24	automation.	10:30:10
25	GeoTag, automation from the	10:30:11

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1	IVAN ZATKOVICH	
2	perspective of scanning large databases,	10:30:15
3	large DL, data location, databases, in	10:30:21
4	order to make recommendations to drivers	10:30:25
5	for nearby locations.	10:30:31
6	ComplementSoft versus SAS,	10:30:38
7	that was mostly database analysis tools.	10:30:44
8	Again, it would automate -- it would look	10:30:47
9	at a database -- it would look at a	10:30:49
10	database and automatically create data	10:30:53
11	relation tables and other analysis.	10:30:56
12	Media Rights versus Capital	10:31:03
13	One, I don't consider that an automation	10:31:06
14	process.	10:31:09
15	But you're primarily	10:31:10
16	interested in which cases would be	10:31:12
17	considered automation processes; right?	10:31:13
18	Q. For now, yes.	10:31:17
19	A. Okay.	10:31:18
20	Q. But while you're going through	10:31:25
21	that list, if you could also identify	10:31:26
22	which ones you worked with Amster on.	10:31:28
23	A. Okay.	10:31:30
24	Bottom of page 8. Versata	10:31:59
25	Software versus Callidus. This was sales	10:32:02

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1	IVAN ZATKOVICH	
2	force automation technology. It would	10:32:08
3	perform work flow automation and	10:32:11
4	determine which sales leads to pursue, in	10:32:16
5	some cases automatically sending out	10:32:21
6	notifications or personalization	10:32:23
7	information to potential clients. As	10:32:25
8	well as recommending doing	10:32:31
9	recommendations on cross-sell and up-sell	10:32:33
10	to assist sales personnel.	10:32:36
11	Towards the top of page 9,	10:33:12
12	Macropoint versus FourKites. This was	10:33:14
13	similar to the Progressive matter that I	10:33:17
14	first mentioned. Which would be, again,	10:33:24
15	collecting telematics from fleet vehicles	10:33:27
16	and then automatically processing that to	10:33:31
17	identify not just driver habits, but	10:33:35
18	route optimization as well.	10:33:38
19	That's also related to the	10:33:43
20	next one, Macropoint versus Ruiz Food.	10:33:45
21	Same technology, different defendant.	10:33:49
22	Towards the bottom of page 9,	10:34:14
23	there's three Global Tel IPRs and CBMs	10:34:17
24	related to the analysis of speech	10:34:26
25	information, speech recognition. And	10:34:32

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1	IVAN ZATKOVICH	
2	doing automated transcription of calls.	10:34:36
3	Most of the Global Tel	10:34:42
4	products and technology were primarily	10:34:46
5	used in prisons to automatically monitor,	10:34:48
6	transcribe, record, in some cases verify	10:34:53
7	caller's speech for those environments.	10:34:58
8	At the top of page 10,	10:35:13
9	CaptionCall versus Ultratec, that was	10:35:16
10	IPRs involved in automatically call	10:35:19
11	routing and switching for hearing	10:35:21
12	impaired individuals. So that you can	10:35:22
13	both do automatic transcription of speech	10:35:28
14	recognized conversations, as well as	10:35:31
15	allowing a third-party to join to do	10:35:37
16	manual translation if necessary. Again,	10:35:40
17	for the hearing impaired.	10:35:43
18	The middle of page 10 there is	10:36:15
19	three Askeladden IPRs. Those were all	10:36:18
20	done through the firm Amster Rothstein.	10:36:25
21	Q. For the three Askeladden IPRs,	10:36:36
22	do you recall how many hours you worked	10:36:41
23	on for each case?	10:36:42
24	A. That was six years ago. I'd	10:36:46
25	have to say, I would say in the --	10:36:51

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1	IVAN ZATKOVICH	
2	average for all three, between 30 and 60	10:36:55
3	hours each.	10:37:00
4	In the middle of page 11,	10:37:38
5	Noble Systems versus Kabbage, that was	10:37:40
6	involved in IVR, intelligent IVR systems	10:37:42
7	to handle incoming calls for processing	10:37:47
8	mortgage applications, loan applications	10:37:54
9	and providing automated responses to	10:37:57
10	customers in that environment.	10:38:00
11	Q. Did this Noble v. Kabbage	10:38:04
12	matter involve an automation process?	10:38:08
13	A. Yes. Again -- well, to the	10:38:10
14	extent that it would either route,	10:38:14
15	automatically route the call to an	10:38:18
16	appropriate customer service rep, or	10:38:22
17	request additional information based on	10:38:26
18	the response from the user, or provide a	10:38:28
19	direct response to the user if they felt	10:38:30
20	they understood the customer's request.	10:38:32
21	Q. Mr. Zatkovich, in looking at	10:38:51
22	your list of litigation matters, can you	10:38:52
23	identify which one involved the U.S. case	10:38:57
24	you discussed earlier when I asked about	10:39:02
25	your opinion being excluded?	10:39:04

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1	IVAN ZATKOVICH	
2	MR. MACEDO: Counsel, have you	10:39:05
3	withdrawn your prior question since	10:39:07
4	he hasn't finished going through	10:39:08
5	his dozens of pages?	10:39:10
6	Q. You can continue.	10:39:13
7	MR. MACEDO: So which question	10:39:15
8	are you asking right now?	10:39:17
9	MS. NGUYEN: We will continue	10:39:19
10	with the original question.	10:39:20
11	A. LivePerson versus 24/7	10:39:26
12	Customer, Inc., that involved chatbot	10:39:32
13	processing for, primarily, online	10:39:35
14	shoppers.	10:39:42
15	Q. Mm-hmm.	10:39:42
16	A. When there was - the	10:39:43
17	technology would monitor the behavior of	10:39:44
18	the online shopper and then determine if	10:39:47
19	and when it felt the customer would want	10:39:49
20	assistance or advice. And then the	10:39:53
21	chatbot would automatically pop up, said,	10:39:55
22	I see that you placed this item in your	10:39:58
23	shopping cart, but have not been able to	10:40:01
24	complete your purchase, can we assist in	10:40:05
25	this product. And then it the user can	10:40:07

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1	IVAN ZATKOVICH	
2	ask questions and the chatbot can respond	10:40:10
3	to that.	10:40:13
4	Page 12, towards the bottom,	10:40:55
5	Karamelion versus AT&T Digital Life.	10:41:01
6	This was using automation processes to	10:41:05
7	monitor home automation systems. Where	10:41:08
8	you would request information about your	10:41:14
9	home or a commercial property, send	10:41:19
10	commands to be interpreted, you know,	10:41:23
11	environmental commands or security	10:41:26
12	commands to be interpreted through the	10:41:28
13	system. So that would be an automation	10:41:30
14	process.	10:41:31
15	The middle of page 13,	10:42:22
16	Ubiquitous Connectivity versus TXU Energy	10:42:24
17	Retail Company. That also involved home	10:42:29
18	automation. Primarily using technology	10:42:32
19	called mesh networks, where the devices,	10:42:35
20	in addition to communicating through the	10:42:39
21	internet, for example, would also	10:42:41
22	communicate directly with each other.	10:42:44
23	The middle of page 15, a	10:44:06
24	series of Arendi versus Google and other	10:44:09
25	defendants. This involved user device	10:44:14

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1	IVAN ZATKOVICH	
2	automation for user interfaces. You	10:44:20
3	would interpret what the user was	10:44:24
4	inputting either in an input field or in	10:44:26
5	a text document and analyze that to	10:44:30
6	determine if it could automatically	10:44:34
7	complete that or do a smart lookup to	10:44:36
8	provide suggestions.	10:44:39
9	It's a type of, I guess, spell	10:44:42
10	correction. Only, again, trying to	10:44:45
11	either complete the word or the phrase or	10:44:47
12	the sentence that the user was typing	10:44:49
13	based on the context. So that would be	10:44:51
14	an automation process.	10:44:54
15	Bottom of page 15, NICE versus	10:45:16
16	CallMiner. This again would be a call	10:45:20
17	center technology to do automatic speech	10:45:22
18	recognition and analysis of the call	10:45:30
19	event, and then categorize it based on	10:45:32
20	user emotion. They would determine both	10:45:37
21	on the speech pattern and the vocal	10:45:42
22	patterns of the caller as to whether they	10:45:45
23	were pleased, whether they were angry,	10:45:48
24	whether they were frustrated. And this	10:45:50
25	was the type of quality assurance for	10:45:52

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1	IVAN ZATKOVICH	
2	call centers.	10:45:55
3	Middle of page 16, Alorica	10:46:21
4	versus Fortinet. This was primarily	10:46:24
5	network communication technology for call	10:46:30
6	centers. But there was a lot of	10:46:32
7	automation involved in terms of call	10:46:36
8	routing, making sure a particular user	10:46:39
9	inquiry coming into the call center would	10:46:42
10	be directed to the appropriate customer	10:46:44
11	service representative.	10:46:46
12	Middle of page 16, Island	10:47:02
13	Intellectual Property, that was a case	10:47:07
14	that I did with Amster Rothstein.	10:47:08
15	Q. Do you recall how many hours	10:47:17
16	you spent working on Island Intellectual	10:47:19
17	Property?	10:47:22
18	A. That was probably in the	10:47:22
19	neighborhood of 200 hours for that one.	10:47:23
20	Bottom of page 16, B.E.	10:47:43
21	Technology versus Google and Twitter.	10:47:47
22	That would be doing analysis of the	10:47:51
23	user's interaction with either a website	10:47:57
24	or an application. And then	10:47:59
25	automatically determining the best	10:48:02

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1	IVAN ZATKOVICH	
2	advertisement to display to that user	10:48:04
3	based on what their current activity was,	10:48:07
4	what the demographics are. That would be	10:48:10
5	a type of automated process.	10:48:15
6	The top of page 17,	10:48:32
7	Applications in Time versus Salesforce.	10:48:36
8	This is involving patents for automating	10:48:39
9	the development of customer sales force	10:48:44
10	software. The technology allowed users	10:48:49
11	to identify specific type of	10:48:55
12	functionality, such as based on a	10:48:57
13	particular sales event, to alert certain	10:49:01
14	salespeople or based on the type of	10:49:03
15	information it was to collect,	10:49:06
16	automatically generate the user interface	10:49:08
17	for that. Which is an integral part of	10:49:11
18	the Salesforce application products.	10:49:14
19	Toward the bottom of page 17,	10:49:33
20	we see several additional Askeladden	10:49:36
21	IPRs. Those were done for Amster	10:49:42
22	Rothstein.	10:49:45
23	Q. Do you recall how much time	10:49:49
24	you spent on each IPR?	10:49:51
25	A. Again, roughly 30 to 50 hours	10:49:53

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1	IVAN ZATKOVICH	
2	for those.	10:49:56
3	The bottom of page 18, Parus	10:50:28
4	Holdings versus Capital One Bank. This	10:50:32
5	was a telecom speech recognition	10:50:34
6	specifically involving natural language	10:50:38
7	processing in order to provide automated	10:50:40
8	customer responses for IVR voice	10:50:46
9	commands.	10:50:49
10	The top of page 19, again,	10:50:53
11	Parus Holdings versus a separate	10:50:56
12	defendant, slightly different patents,	10:51:00
13	but similar technology; natural language	10:51:04
14	processing and automating IVR, the	10:51:06
15	processing of IVR voice commands. Again,	10:51:09
16	voice chatbot commands.	10:51:15
17	Page 19, towards the top,	10:51:30
18	XpertUniverse versus Cisco. That was a	10:51:33
19	patent re-examination that I did with	10:51:36
20	Amster Rothstein. And that was, again,	10:51:40
21	regarding the automation of call routing	10:51:43
22	or request routing to a specific subject	10:51:48
23	matter expert based on the type of query	10:51:50
24	being made.	10:51:54
25	Q. And did you spend 30 to 50	10:52:07

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1	IVAN ZATKOVICH	
2	hours on that XpertUniverse matter?	10:52:09
3	A. I'd say that's about right.	10:52:11
4	I would say from this list,	10:52:24
5	that generally covers things that I would	10:52:28
6	consider automation processes.	10:52:31
7	Q. Okay. Mr. Zatkovich, it	10:52:32
8	sounds like you're fairly knowledgeable	10:52:34
9	about automation processes?	10:52:36
10	A. Yes, I would say so.	10:52:38
11	Q. And would it be fair to say	10:52:39
12	that automation processes were known as	10:52:40
13	of 2002?	10:52:43
14	A. Yes.	10:52:48
15	Q. And then going back to my	10:52:49
16	earlier question of the matters listed in	10:52:52
17	your CV, which one is the U.S. case that	10:52:56
18	you had talked about earlier?	10:53:00
19	A. That was probably outside the	10:53:02
20	date range. I think this concluded --	10:53:04
21	most -- all of everything in the last	10:53:09
22	five years, most of the stuff in the last	10:53:10
23	ten years. So I don't believe that was	10:53:12
24	on this list. It was prior to -- more	10:53:15
25	than ten years ago.	10:53:21

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1	IVAN ZATKOVICH	
2	Q. Okay. And do you recall any	10:53:42
3	other details related to the U.S. case to	10:53:44
4	help you identify it?	10:53:47
5	A. It involved the publishing of	10:53:48
6	information related to FEMA emergency	10:53:53
7	events. My client had published a book,	10:53:56
8	or I would consider more like a manual	10:54:01
9	for how to respond to FEMA type	10:54:03
10	emergencies.	10:54:07
11	The department of FEMA	10:54:09
12	actually took that document and published	10:54:10
13	portions of that on their website.	10:54:13
14	Q. Okay. And then you said there	10:54:21
15	was a second case where part of your	10:54:24
16	opinion was excluded. Was that second	10:54:26
17	case listed in your CV?	10:54:28
18	A. No, again, that was prior to	10:54:29
19	ten years ago.	10:54:31
20	Q. And do you recall the name of	10:54:34
21	the second case?	10:54:36
22	A. Yeah. That was Dahlal versus	10:54:36
23	New York Times.	10:54:42
24	MR. MACEDO: Counsel, whenever	10:54:46
25	is a good break, we should do it.	10:54:47

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1	IVAN ZATKOVICH	
2	But whatever is convenient is fine.	10:54:50
3	MS. NGUYEN: Okay. Let's take	10:54:53
4	a break.	10:55:12
5	THE VIDEOGRAPHER: We are	10:55:13
6	going off the record at 10:55 a.m.	10:55:13
7	(A recess was taken.)	10:55:17
8	THE VIDEOGRAPHER: We're back	11:11:24
9	on the record at 11:12 a.m.	11:11:57
10	BY MS. NGUYEN:	11:12:00
11	Q. Mr. Zatkovich, during the	11:12:01
12	break did you communicate with counsel at	11:12:03
13	all about the proceeding or this	11:12:05
14	deposition?	11:12:06
15	A. Well, counsel just reminded me	11:12:07
16	to take my time in responding. But other	11:12:09
17	than that, no.	11:12:12
18	Q. Mr. Zatkovich, I just wanted	11:12:12
19	to remind that you during the breaks or	11:13:10
20	until the close of the deposition, you're	11:13:13
21	not allowed to talk to counsel about the	11:13:14
22	proceeding or the deposition. We can	11:13:16
23	address that later. But for the future	11:13:18
24	breaks, please don't do so.	11:13:21
25	A. Okay.	11:13:23

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1	IVAN ZATKOVICH	
2	Q. So turning back to Exhibit	11:13:23
3	2002 --	11:13:26
4	MR. MACEDO: Objection to	11:13:27
5	form.	11:13:28
6	Q. Looking at the list of cases	11:13:28
7	in your case history. Are there any	11:13:32
8	cases that you saw where the court	11:13:36
9	excluded your opinion, in Exhibit 2002?	11:13:39
10	A. Not that I recall.	11:13:44
11	MR. MACEDO: Objection to	11:13:45
12	form.	11:13:47
13	A. Not specifically that I	11:13:47
14	recall.	11:13:49
15	MS. NGUYEN: Let me introduce	11:13:58
16	to you previously marked Exhibit	11:14:00
17	1001.	11:14:03
18	MR. MACEDO: Previously marked	11:14:07
19	where?	11:14:08
20	MS. NGUYEN: In the IPR	11:14:09
21	proceeding.	11:14:10
22	Q. Do you recognize this	11:14:11
23	document?	11:14:12
24	A. I do.	11:14:12
25	Q. What is it?	11:14:13

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1	IVAN ZATKOVICH	
2	A. This is the patent that I'm	11:14:13
3	referring to as the '664.	11:14:16
4	Q. Okay. And, Mr. Zatkovich, how	11:14:18
5	much time did you spend reviewing the	11:14:20
6	'664 patent?	11:14:23
7	MR. MACEDO: Objection to	11:14:27
8	form.	11:14:27
9	A. This document specifically or	11:14:27
10	the '664 IPR in general?	11:14:34
11	Q. Right. How much time did you	11:14:38
12	spend reviewing Exhibit 1001, the '664	11:14:41
13	patent to the '664 IPR?	11:14:44
14	MR. MACEDO: Objection to	11:14:47
15	form.	11:14:48
16	A. Again, several hours. But	11:14:48
17	again, I would refer to it repeatedly	11:14:51
18	while I was writing my declaration. But	11:14:55
19	I couldn't put an exact hour or minutes	11:14:59
20	as to how often I or how long I referred	11:15:03
21	to this document. But several hours.	11:15:07
22	Q. Okay. Would you say ten	11:15:09
23	hours?	11:15:11
24	A. Specifically on this document?	11:15:13
25	Perhaps. I would say probably within the	11:15:16

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1	IVAN ZATKOVICH	
2	range of five to ten hours.	11:15:20
3	Q. Okay. And did you read the	11:15:21
4	entirety of Exhibit 1001, the '664	11:15:23
5	patent?	11:15:27
6	A. I did.	11:15:27
7	Q. And do you understand	11:15:28
8	everything described within Exhibit 1001,	11:15:29
9	the '664 patent?	11:15:33
10	MR. MACEDO: Objection to	11:15:34
11	form.	11:15:36
12	A. Yes, I believe so.	11:15:36
13	Q. Let's turn to Claim 1 of the	11:15:37
14	'664 patent.	11:15:42
15	In your opinion, what does	11:15:57
16	Claim 1 of the '664 patent encompass?	11:15:59
17	MR. MACEDO: Objection to	11:16:01
18	form.	11:16:02
19	A. I would say primarily Claim 1	11:16:53
20	encompasses the use of a first and second	11:16:57
21	natural language input from the user. As	11:17:02
22	well as a response and a natural language	11:17:08
23	feedback. And then based on the first	11:17:13
24	and second natural language inputs,	11:17:15
25	determining an automation process to be	11:17:18

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1	IVAN ZATKOVICH	
2	performed primarily with the use of a	11:17:22
3	sequence of interactions that are	11:17:26
4	displayed on the user interface of a	11:17:28
5	computer program that would simulate the	11:17:30
6	user interactions.	11:17:33
7	And then once that	11:17:34
8	determination had been made, executing	11:17:35
9	that automation process utilizing that	11:17:37
10	displayed user interface of the computer	11:17:40
11	program.	11:17:43
12	Q. Anything else?	11:17:50
13	A. I mean, I could read the text	11:17:51
14	itself. But I would say that captures	11:17:53
15	the primary steps of the claims.	11:17:57
16	Q. Okay. In your opinion, does	11:17:58
17	Claim 1 of the '664 patent encompass all	11:18:02
18	of the embodiments disclosed in the '664	11:18:06
19	specification?	11:18:10
20	MR. MACEDO: Objection to	11:18:10
21	form.	11:18:38
22	A. I would say no.	11:18:38
23	Q. Okay. Which embodiments of	11:18:44
24	the '664 patent specification are	11:18:48
25	excluded from Claim 1 of the '664 patent?	11:18:50

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IVAN ZATKOVICH

A. Well, for example, Claim 1 11:18:54
describes receiving input in a natural 11:19:02
language conversation, but it doesn't 11:19:08
entail the defining of that conversation. 11:19:12
Which is an embodiment of the 11:19:17
specification. 11:19:19

It describes that that natural 11:19:21
language conversation will be used to 11:19:27
determine an automation process, but it 11:19:28
doesn't describe or it doesn't identify 11:19:32
defining that automation process. Which 11:19:35
is an embodiment of the specification. 11:19:39

It discusses using links as an 11:19:42
identifier for passing information or 11:19:58
making selections. That -- I don't think 11:20:00
that specific embodiment is identified in 11:20:12
Claim 1, although -- yeah, I would say 11:20:15
that embodiment is not incorporated in 11:20:22
there. 11:20:28

I mentioned that it doesn't 11:20:47
discuss the defining of a conversation 11:20:49
which would include embodiments 11:20:53
identifying conversational flow, 11:20:56
different elements such as question 11:21:00

1	IVAN ZATKOVICH	
2	elements and action elements.	11:21:02
3	There is an embodiment	11:21:58
4	describing the use of a similarity score	11:22:00
5	to identify a particular -- in order to	11:22:03
6	identify a particular user interface	11:22:05
7	element. Although I think that's a	11:22:07
8	general teaching of the patent itself.	11:22:09
9	And the concept of being able to identify	11:22:16
10	user interface elements when simulating	11:22:24
11	the user interface of the computer	11:22:29
12	program, that would be one particular	11:22:32
13	method of doing that, it doesn't	11:22:37
14	explicitly include the method of using	11:22:39
15	scoring to identify that user interface	11:22:44
16	element.	11:22:46
17	I don't believe that Claim 1	11:24:25
18	specifically requires the use of a	11:24:29
19	third-party communication service such as	11:24:32
20	WhatsApp or Telegram. Although it could	11:24:35
21	be implemented using that, it doesn't	11:24:40
22	require it.	11:24:41
23	In some embodiments it	11:25:51
24	describes the use of a conversation in	11:25:54
25	order to identify -- actually automation	11:25:58

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1	IVAN ZATKOVICH	
2	processes to identify split steps or to	11:26:05
3	redirect to a URL. I don't believe those	11:26:08
4	are specifically required by Claim 1,	11:26:11
5	although it could be incorporated into	11:26:12
6	Claim 1.	11:26:15
7	The specification identifies	11:26:50
8	an embodiment where it uses a unique	11:26:52
9	identifier to identify a user interface	11:26:56
10	element. Again, that could clearly be	11:26:58
11	utilized in Claim 1, but it would not be	11:27:03
12	required.	11:27:06
13	Waiting for a pre-defined time	11:27:29
14	step, including specific time step	11:27:32
15	variables, could be incorporated into	11:27:41
16	Claim 1, but not required.	11:27:44
17	There is an embodiment that	11:28:23
18	identifies the use of a third-party	11:28:26
19	platform or third-party website. Again,	11:28:28
20	that could be incorporated into Claim 1,	11:28:32
21	but it would not be required.	11:28:35
22	It describes the process of	11:29:06
23	publishing a process in the	11:29:09
24	specification. Again, that could be	11:29:13
25	utilized in Claim 1, but would not be	11:29:14

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1	IVAN ZATKOVICH	
2	required.	11:29:18
3	It identifies an embodiment	11:30:51
4	where you might provide a suggestions	11:30:53
5	list when prompting a user in a	11:30:58
6	conversation. Again, that could be	11:31:02
7	utilized in Claim 1, but it would not be	11:31:04
8	required.	11:31:06
9	The specification identifies	11:32:21
10	additional methods for defining and	11:32:25
11	updating automation processes that would	11:32:28
12	not be required in Claim 1.	11:32:31
13	The specification also	11:33:16
14	identifies some specific physical devices	11:33:18
15	on which you could implement the system	11:33:23
16	and the methods described here. I don't	11:33:26
17	think it would be necessary to	11:33:30
18	incorporate any of the specifics	11:33:33
19	identified here other than what would be	11:33:36
20	necessary to accommodate a computer	11:33:39
21	program.	11:33:41
22	I think that pretty much	11:33:51
23	covers the primary embodiments that would	11:33:54
24	not be required in Claim 1.	11:33:57
25	Q. Okay. Does Claim 1 of the	11:33:59

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1	IVAN ZATKOVICH	
2	'664 patent require that the natural	11:34:03
3	language interface and the automation	11:34:05
4	process be performed by the same computer	11:34:07
5	device?	11:34:09
6	A. I do not think it's a	11:35:08
7	requirement that the natural language	11:35:10
8	conversation and the automation process	11:35:12
9	occur on the same computer, no.	11:35:16
10	Q. What about the natural	11:35:27
11	language interface and automation	11:35:28
12	process, does the natural language	11:35:30
13	interface and automation process, must	11:35:32
14	they be performed on the same computer	11:35:38
15	device, according to Claim 1 of the '664	11:35:40
16	patent?	11:35:43
17	A. Well, to the extent that the	11:35:46
18	automation process must utilize the	11:35:49
19	displayed user interface of a computer	11:35:53
20	program, it would be my understanding	11:35:56
21	that the displayed user interface of the	11:35:58
22	computer program would occur on the same	11:36:02
23	device with the same computer. But the	11:36:05
24	natural language interface that gathers	11:36:10
25	the first and second input from the user	11:36:13

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1	IVAN ZATKOVICH	
2	could be on a different computer than the	11:36:15
3	automation process that's utilizing the	11:36:18
4	user interface of the computer program.	11:36:22
5	Q. Let me hand to you also	11:36:38
6	Exhibit 1001. This is the '317 IPR.	11:36:42
7	Mr. Zatkovich, do you	11:36:51
8	recognize this document?	11:36:52
9	A. I do.	11:36:53
10	Q. What is it?	11:36:54
11	A. It's the patent that I'm	11:36:57
12	referring to as the '317 patent.	11:36:59
13	Q. Okay. And about how much time	11:37:02
14	did you spend reviewing Exhibit 1001,	11:37:03
15	also known as the '317 patent in the '317	11:37:05
16	IPR?	11:37:10
17	A. I would say specifically this	11:37:10
18	document, somewhere between five and ten	11:37:12
19	hours.	11:37:14
20	Q. Okay. And did you read the	11:37:17
21	entirety of Exhibit 1001?	11:37:19
22	A. I did.	11:37:21
23	Q. The '317 patent.	11:37:22
24	Do you understand everything	11:37:24
25	described within Exhibit 1001, the '317	11:37:25

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1	IVAN ZATKOVICH	
2	patent?	11:37:29
3	A. I believe so.	11:37:29
4	Q. Let's turn to Claim 1 for the	11:37:30
5	'317 patent. And in your opinion, what	11:37:36
6	does Claim 1 of the '317 patent	11:37:51
7	encompass?	11:37:54
8	A. I would say in general it	11:38:51
9	refers to a chatbot program, where that	11:38:53
10	chatbot program receives user instruction	11:38:57
11	using a natural language interface. It	11:39:01
12	then uses that user instruction to	11:39:11
13	determine and then implement an	11:39:13
14	automation process on a target system.	11:39:16
15	As part of that automation	11:39:23
16	process, it will collect information,	11:39:25
17	presumably from the user, to be used as	11:39:28
18	part of that. In order to implement the	11:39:31
19	automation process, the process will	11:39:42
20	interact with the graphic user interface	11:39:44
21	of a web-based target system, simulating	11:39:47
22	the user input of the GUI, and that	11:39:52
23	automation process will be performed on a	11:39:56
24	third-party web-based target system.	11:40:00
25	Without relying on an application	11:40:03

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1	IVAN ZATKOVICH	
2	programming interface, an API.	11:40:06
3	That automation process will	11:40:16
4	automatically, without user input, fill	11:40:18
5	in the text input fields of the GUI of	11:40:21
6	the target system, and automatically	11:40:25
7	interact with a widget in the GUI of the	11:40:27
8	target system.	11:40:30
9	Q. Does Claim 1 of the '317	11:40:39
10	patent require the natural language	11:40:42
11	interface and the automation process be	11:40:45
12	performed by the same computer device?	11:40:49
13	A. No, I don't believe so. I'm	11:41:26
14	sorry, when you say "performed," do you	11:41:30
15	mean operating on? Because the	11:41:33
16	automation process does, part of its	11:41:34
17	performance is interacting with the	11:41:39
18	graphic user interface. From my	11:41:42
19	perspective, the graphic user interface	11:41:45
20	of the web-based target system would be	11:41:48
21	located within the same computer. But	11:41:51
22	that may -- that does not have to be the	11:41:56
23	same computer as the natural language	11:41:59
24	interface, and it could be a different	11:42:03
25	computer than the -- where the automation	11:42:05

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1	IVAN ZATKOVICH	
2	process is operating from.	11:42:07
3	Q. Let me hand to you Exhibit	11:43:02
4	1001 in the '732 IPR.	11:43:13
5	Mr. Zatkovich, do you	11:43:17
6	recognize Exhibit 1001?	11:43:19
7	A. I do.	11:43:19
8	Q. What is it?	11:43:19
9	A. It's what I'm referring to as	11:43:20
10	the '732 patent.	11:43:21
11	Q. And about how much time did	11:43:23
12	you spend reviewing Exhibit 1001, the	11:43:24
13	'732 patent?	11:43:28
14	A. Again, approximately five to	11:43:29
15	ten hours.	11:43:30
16	Q. And did you read the entirety	11:43:31
17	of Exhibit 1001, the '732 patent?	11:43:32
18	A. I did.	11:43:35
19	Q. Do you understand everything	11:43:35
20	described within Exhibit 1001, the '732	11:43:37
21	patent?	11:43:40
22	A. Yes, I would say so.	11:43:41
23	Q. Let's turn to Claim 1 of the	11:43:43
24	'732 patent. And in your opinion, what	11:43:46
25	does Claim 1 of the '732 patent	11:43:51

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1	IVAN ZATKOVICH	
2	encompass?	11:43:53
3	A. Well, I believe that Claim 1	11:44:11
4	of the '732 patent requires the defining	11:44:13
5	of an automation process, where that	11:44:16
6	automation process would be invoked in	11:44:19
7	response to a natural language interface	11:44:24
8	conversation.	11:44:27
9	It requires the defining of	11:44:32
10	the conversation itself that would be	11:44:34
11	implemented using the natural language	11:44:37
12	interface. And that natural language	11:44:40
13	user interface would require the	11:44:42
14	collection from the user of one or more	11:44:47
15	values or parameters to be input to the	11:44:49
16	automation process.	11:44:52
17	It requires the association of	11:44:53
18	the defined conversation with the defined	11:44:57
19	automation process. And the automation	11:45:02
20	process must be configured to utilize a	11:45:08
21	displayed user interface of a computer	11:45:14
22	program to simulate the sequence of	11:45:16
23	interactions with the displayed user	11:45:18
24	interface.	11:45:21
25	And that would include using	11:45:22

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1	IVAN ZATKOVICH	
2	parameters or parameterized automation	11:45:29
3	process through that user interface.	11:45:34
4	Then it would also require the	11:45:39
5	publishing of the defined conversation to	11:45:41
6	make that accessible to the user.	11:45:43
7	Meaning that the user could interact with	11:45:48
8	the natural language interface based on	11:45:50
9	the defined conversation.	11:45:53
10	And then the parameterized	11:45:55
11	automation process is invoked using that	11:45:59
12	natural language interface.	11:46:02
13	Q. Does Claim 1 of the '732	11:46:20
14	patent require a conversation flow?	11:46:22
15	A. I'm going to refer to my	11:46:47
16	declaration for the '732 IPR.	11:46:49
17	I'm referring to page 44 of my	11:47:32
18	declaration for the '732 IPR. The claim	11:47:35
19	construction.	11:47:39
20	Q. Which paragraph number?	11:47:53
21	A. It's the chart on page -- I'm	11:47:54
22	sorry, it's the chart on page 44.	11:47:57
23	Q. Paragraph 100?	11:48:00
24	A. Correct.	11:48:01
25	My construction of the phrase	11:48:06

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1	IVAN ZATKOVICH	
2	"defining a conversation" would involve	11:48:11
3	the generation of a conversation flow.	11:48:13
4	And its associated parameters.	11:48:16
5	Q. Does Claim 1 of the '732	11:49:01
6	patent require that the natural language	11:49:03
7	interface be generated by software	11:49:05
8	different from the computer program?	11:49:08
9	MR. MACEDO: Objection to	11:49:12
10	form.	11:49:14
11	A. I would think a person of	11:49:48
12	ordinary skill in the art would	11:49:49
13	understand that the purpose of defining a	11:49:52
14	conversation would be to implement	11:49:53
15	something that's not currently in the	11:49:57
16	computer program in order to automate	11:49:59
17	that computer program. So I think a	11:50:01
18	person of ordinary skill in the art would	11:50:05
19	understand that the conversation and the	11:50:07
20	tool for defining the conversation would	11:50:08
21	not be part of the computer program.	11:50:10
22	Q. Mr. Zatkovich, is there	11:50:54
23	anywhere in the specification of the '732	11:50:55
24	patent that you can point to regarding	11:50:58
25	the natural language interface being	11:51:02

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1	IVAN ZATKOVICH	
2	generated by software different from the	11:51:05
3	computer program?	11:51:07
4	MR. MACEDO: Objection to	11:51:08
5	form.	11:51:09
6	A. I would say starting with	11:53:05
7	column 1, rows 50 through 65, describes a	11:53:07
8	process for utilizing a conversation to	11:53:18
9	gather parameters where those parameters	11:53:24
10	would then be input to the user interface	11:53:26
11	of a separate computer program. In other	11:53:28
12	words, the computer program has an	11:53:32
13	existing user interface. And we're	11:53:34
14	defining a method to gather parameters	11:53:38
15	separately from that user interface to	11:53:44
16	then be input to the user interface of	11:53:45
17	that computer program.	11:53:48
18	To me that specifically	11:53:48
19	indicates that the computer program does	11:53:51
20	not have a method for inputting data	11:53:54
21	using a natural language interface,	11:53:59
22	therefore the conversation's defined to	11:54:02
23	gather that information using a natural	11:54:06
24	language interface and then using the	11:54:09
25	existing user interface of the computer	11:54:10

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1	IVAN ZATKOVICH	
2	program to input those parameters.	11:54:13
3	That to me clearly suggests	11:54:15
4	they are two separate entities, one	11:54:17
5	intending to provide a method that	11:54:20
6	doesn't exist in the computer program.	11:54:22
7	Continue.	11:54:29
8	Column 2, starting at row 26	11:55:13
9	through 30, describes the use of a	11:55:18
10	third-party messaging service to	11:55:21
11	implement the natural language interface.	11:55:25
12	Clearly being defined as a third-party	11:55:29
13	messaging service that explicitly	11:55:32
14	identifies that that would not be part of	11:55:35
15	the computer program.	11:55:38
16	Continuing on column 2,	11:56:26
17	basically rows 40 through 60, talks about	11:56:30
18	a multistep process. First, defining an	11:56:34
19	automation process to be invoked in	11:56:38
20	response to a conversation. That	11:56:41
21	automation process then invokes a	11:56:46
22	computer program utilizing the computer	11:56:49
23	program's user interface. In other	11:56:51
24	words, there is an intermediate, there is	11:56:52
25	the conversation, there is the automation	11:56:56

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1	IVAN ZATKOVICH	
2	process, and there is the computer	11:56:57
3	program.	11:56:59
4	So clearly three distinct	11:57:00
5	steps. If the conversation was	11:57:02
6	implemented as part of the computer	11:57:11
7	program, there would not be -- it would	11:57:12
8	not be necessary to involve an	11:57:17
9	intervening automation process to connect	11:57:19
10	the conversation with the computer	11:57:21
11	program. So that's another indication	11:57:23
12	that those are two distinct entities.	11:57:25
13	In column 3, rows 19 through	11:58:23
14	23, again describes a third-party	11:58:27
15	messaging service, this time configured	11:58:31
16	to generate and provide a user with a	11:58:35
17	link, where the link would be causing	11:58:39
18	execution to the automation process.	11:58:43
19	Again, this explicitly	11:58:45
20	identifies a third-party service	11:58:47
21	implementing the natural language	11:58:50
22	interface. So that would not be part of	11:58:51
23	the computer program.	11:58:53
24	The top of column 5, we see	12:00:49
25	that there is a, let's see, rows 1	12:00:52

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1	IVAN ZATKOVICH	
2	through 13, describes that a chatbot may	12:00:58
3	be a service, indicating a separate	12:01:05
4	operation, which is used to separately	12:01:09
5	collect data from the user. And then	12:01:13
6	pass that to the target system using the	12:01:17
7	pre-defined automation flow.	12:01:20
8	That would indicate that the	12:01:22
9	natural language interface and the target	12:01:24
10	system were two separate entities.	12:01:27
11	Column 5, rows 49 through 61,	12:02:12
12	describes a technical problem where the	12:02:18
13	computer program of the target system may	12:02:22
14	be modified, and describes how this	12:02:25
15	invention would be utilized to identify	12:02:31
16	the user interface element of that target	12:02:36
17	system or computer program in order to	12:02:41
18	provide the necessary parameters. If the	12:02:42
19	natural language interface and the	12:02:46
20	computer program were one in the same	12:02:49
21	program or one in the same entity, you	12:02:52
22	would not need the capability of	12:02:54
23	identifying how that computer program or	12:02:59
24	target system has been modified.	12:03:03
25	Top of column 6, rows 3	12:03:13

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1	IVAN ZATKOVICH	
2	through 10. Identifies the method of	12:03:54
3	defining an automation process by using	12:04:00
4	the GUI of the computer program rather	12:04:03
5	than the API. I think it's clear that	12:04:06
6	the intent of the patent is that you want	12:04:12
7	to be able to use the conversation and	12:04:14
8	the automation process to interface with	12:04:19
9	programs that you cannot control. In	12:04:24
10	other words, you cannot control whether	12:04:27
11	the computer program has a specific API	12:04:29
12	that you can utilize, therefore it's	12:04:32
13	providing a method to communicate with	12:04:35
14	that separate computer program by	12:04:37
15	utilizing the GUI rather than the API.	12:04:40
16	The very next quote talks	12:04:44
17	about, probably enhances that paragraph,	12:04:58
18	first paragraph in column 6 from lines 11	12:05:04
19	to 16. It says, the purpose of the	12:05:07
20	chatbot conversation is basically a way	12:05:11
21	of abstracting away the underlying	12:05:16
22	system. In other words, abstracting away	12:05:23
23	the computer program. I don't think, if	12:05:25
24	you had -- if you were intending to	12:05:30
25	incorporate the conversation in natural	12:05:34

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1	IVAN ZATKOVICH	
2	language interface into the underlying	12:05:36
3	system that had the GUI interface, that	12:05:37
4	your intent would be to abstract it away	12:05:40
5	if they are the same entity.	12:05:42
6	In, further on in column 6,	12:05:55
7	from rows 17 through 25, it talks about	12:06:01
8	different functionalities that may be	12:06:06
9	implemented in the chatbot in the	12:06:08
10	conversation using a natural language	12:06:11
11	interface. It's indicating that you	12:06:14
12	would use that to go beyond the	12:06:15
13	capability of the underlying target	12:06:18
14	system or computer program. In other	12:06:23
15	words, it's saying that since the chatbot	12:06:24
16	and the natural language interface is	12:06:29
17	separate from that computer program,	12:06:31
18	you're not tied to just the capabilities	12:06:33
19	of that computer program.	12:06:35
20	I would say column 6, lines 26	12:09:05
21	through 31, indicates that the chatbot	12:09:08
22	may be implemented on a different system	12:09:17
23	than the target system itself.	12:09:21
24	Indicating that they may operate on the	12:09:23
25	same platform or they may operate on	12:09:25

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1	IVAN ZATKOVICH	
2	independent platforms. But again,	12:09:28
3	they're identifying the chatbot as a	12:09:30
4	separate entity to the target system.	12:09:34
5	But indicates they might be operating on	12:09:36
6	the same platform.	12:09:38
7	Column 7, lines 30 through 42,	12:11:15
8	describes a method so that the widget of	12:11:27
9	the target system could be identified	12:11:35
10	using a particular manner. In other	12:11:39
11	words, the automation process that	12:11:42
12	gathers the inputs from the natural	12:11:45
13	language interface would identify the	12:11:48
14	widget to be used in the computer program	12:11:52
15	as a target system, if the natural	12:11:56
16	language interface and conversation were	12:11:59
17	part of that computer program or target	12:12:03
18	system, it would not be necessary to	12:12:05
19	identify a method for identifying the	12:12:07
20	widget, they would just be integrated as	12:12:11
21	part of that program.	12:12:15
22	Q. Mr. Zatkovich, just in the	12:12:41
23	interest of time, perhaps I could turn	12:12:43
24	you to figure 5B.	12:12:44
25	A. Okay.	12:12:47

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1	IVAN ZATKOVICH	
2	Q. And move on to the next	12:12:47
3	question.	12:12:49
4	Do you recognize figure 5B?	12:12:50
5	MR. MACEDO: Counsel, just to	12:12:53
6	be clear, he didn't finish	12:12:55
7	reviewing the spec.	12:12:56
8	MS. NGUYEN: I asked him for	12:12:58
9	one example in the specification.	12:12:59
10	He's provided several.	12:13:00
11	MR. MACEDO: I'm not	12:13:02
12	disputing. I'm just making it	12:13:04
13	clear for the record that he didn't	12:13:05
14	finish reviewing the spec, so he	12:13:07
15	may have additional examples which	12:13:09
16	he has not yet addressed.	12:13:12
17	Q. Do you recognize this figure?	12:13:13
18	A. I do.	12:13:14
19	Q. Okay. In the middle of figure	12:13:15
20	5B are buttons. One of them says, add	12:13:17
21	message 552.	12:13:23
22	Do you see that?	12:13:23
23	A. The middle of figure 5B. Add	12:13:28
24	message.	12:13:33
25	I see that, yes.	12:13:35

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1 IVAN ZATKOVICH

2 Q. Okay. What happens when the 12:13:36

3 user clicks on the add message button 12:13:38

4 552? 12:13:42

5 A. Presumably a message defined 12:13:44

6 by the user gets added to the 12:13:46

7 conversation flow. 12:13:48

8 Q. Does anything else happen? 12:13:49

9 A. Column 15 of the specification 12:14:40

10 describes figure 5B, starting at row 52, 12:14:43

11 describes an exemplary embodiment where a 12:14:54

12 conversation flow may be defined. The 12:15:03

13 user may add steps to the conversation. 12:15:12

14 The add message button 552 may be 12:15:16

15 configured to add a message step in which 12:15:19

16 the message to be provided by the chatbot 12:15:21

17 to the user is defined. 12:15:24

18 Then it describes that that 12:15:29

19 message may be used to personalize that 12:15:31

20 implementation. I believe that's the 12:15:37

21 extent to which they describe that 12:15:45

22 button. 12:15:48

23 Q. And then do you see the button 12:15:48

24 to the right of it that says, add 12:15:51

25 condition 556? 12:15:56

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1 IVAN ZATKOVICH

2 MR. MACEDO: I'm sorry, it 12:15:58

3 says what? I couldn't hear you 12:15:59

4 because of the background noise. 12:16:02

5 MS. NGUYEN: It should be on 12:16:04

6 your screen. 12:16:06

7 MR. MACEDO: Add condition? 12:16:07

8 MS. NGUYEN: Correct. 12:16:10

9 A. I see that. 12:16:10

10 Q. What happens when the user 12:16:11

11 clicks on the add condition button 556? 12:16:13

12 A. Presumably it would add a 12:16:27

13 condition step to the conversation. 12:16:29

14 Q. Would anything else happen? 12:16:33

15 A. Presumably once the 12:16:43

16 conversation is published, you would then 12:16:46

17 look at the conditions being tested and 12:16:49

18 take a particular branch based on 12:16:52

19 information received from the user. 12:16:55

20 Q. And then do you see the 12:16:59

21 buttons add question 554 and add action 12:17:01

22 558? 12:17:06

23 A. I do. 12:17:06

24 Q. Is there a reason why there 12:17:07

25 are four separate buttons for adding a 12:17:10

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1	IVAN ZATKOVICH	
2	message, adding a question, adding a	12:17:13
3	condition and adding an action?	12:17:15
4	A. Because a conversation can	12:17:17
5	incorporate each of those elements as	12:17:21
6	part of it. Where a message would	12:17:24
7	portray information to the user during	12:17:29
8	the conversation. The question would ask	12:17:31
9	information from the user. The condition	12:17:33
10	would take into account responses from	12:17:35
11	the user to make a particular branch	12:17:38
12	within the conversation. Then an action	12:17:43
13	would presumably use responses from the	12:17:45
14	user in order to perform an action.	12:17:48
15	Q. So there are four separate	12:17:55
16	buttons to allow the user to	12:17:56
17	independently add a message, question,	12:17:59
18	condition or action. Is that right?	12:18:02
19	A. To a conversation, yes.	12:18:04
20	Q. Okay.	12:18:05
21	MR. MACEDO: Counsel, can we	12:18:09
22	just go off the record for one	12:18:12
23	minute? We can go back on.	12:18:14
24	MS. NGUYEN: Sure. What are	12:18:18
25	we going off the record for?	12:18:20

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1	IVAN ZATKOVICH	
2	THE VIDEOGRAPHER: We're going	12:18:22
3	off the record at 12:19 p.m.	12:18:23
4	(A recess was taken.)	12:18:30
5	THE VIDEOGRAPHER: We're back	12:23:56
6	on the record at 12:24 p.m.	12:24:02
7	BY MS. NGUYEN:	12:24:06
8	Q. Mr. Zatkovich, do you recall	12:24:13
9	at the last break at 11:12 a.m. where I	12:24:17
10	asked you whether you communicated with	12:24:22
11	counsel at all about the proceeding?	12:24:24
12	A. Yes.	12:24:26
13	Q. Or the deposition.	12:24:26
14	What was the communication	12:24:27
15	between you and counsel during the break?	12:24:30
16	A. We were discussing something	12:24:32
17	unrelated. But before we went back in,	12:24:35
18	Mr. Macedo indicated that, remember to	12:24:38
19	take your time when answering questions.	12:24:41
20	Q. Okay. Was anything else said?	12:24:43
21	A. No, not that I recall.	12:24:46
22	MS. NGUYEN: Shall we take a	12:25:17
23	lunch break, lunch is here?	12:25:19
24	MR. MACEDO: Sure.	12:25:21
25	THE VIDEOGRAPHER: We're going	12:25:23

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IVAN ZATKOVICH

off the record at 12:26 p.m. 12:25:23

(Luncheon recess: 12:26 p.m.) 12:25:27

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1 IVAN ZATKOVICH
2 A F T E R N O O N S E S S I O N 12:25:27
3 1:31 p.m. 13:32:06
4 THE VIDEOGRAPHER: We are back 13:32:06
5 on the record at 1:32 p.m. 13:32:11
6 IVAN ZATKOVICH,
7 resumed, having been previously duly
8 sworn, was examined and testified further
9 as follows:
10 CONTINUED EXAMINATION
11 BY MS. NGUYEN: 13:32:16
12 Q. Mr. Zatkovich, during the 13:32:16
13 lunch break did you talk to counsel at 13:32:18
14 all about the substance of the deposition 13:32:20
15 or the proceeding? 13:32:22
16 A. No. 13:32:23
17 Q. Let me place in front of you 13:32:23
18 Exhibit 1018. 13:32:44
19 Do you recognize this 13:32:51
20 document? 13:32:52
21 A. I do. 13:32:53
22 Q. What is it? 13:32:53
23 A. It's what I refer to in my 13:32:54
24 declaration as the Radhakrishnan prior 13:32:55
25 art. 13:32:59

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1	IVAN ZATKOVICH	
2	MR. MACEDO: Counsel, which	13:33:02
3	proceedings did you take this out	13:33:03
4	of?	13:33:05
5	MS. NGUYEN: '664. It is also	13:33:05
6	part of the '732 and '317 IPR.	13:33:09
7	Same exhibit numbers.	13:33:18
8	Q. Mr. Zatkovich, how much time	13:33:23
9	did you spend reviewing Exhibit 1018,	13:33:26
10	Radhakrishnan?	13:33:29
11	A. Again, I would have referred	13:33:33
12	to it off and on when I was preparing	13:33:35
13	each of my declarations. So it's hard to	13:33:38
14	say a total. But I would say at least	13:33:40
15	four to five hours.	13:33:43
16	Q. And did you read the entirety	13:33:45
17	of Exhibit 1018, Radhakrishnan?	13:33:47
18	A. I did.	13:33:56
19	Q. And do you understand	13:33:57
20	everything described within	13:33:58
21	Radhakrishnan?	13:33:59
22	A. Yes, I believe I do.	13:34:00
23	Q. If we could, please turn to	13:34:04
24	column 6. Starting at line 21.	13:34:06
25	A. Line 21?	13:34:18

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1	IVAN ZATKOVICH	
2	Q. Yes.	13:34:19
3	A. I see that.	13:34:20
4	Q. Okay. And column 6, line 21,	13:34:20
5	the sentence reads, "By leveraging	13:34:24
6	robotic process automation technology,	13:34:27
7	the present invention reduces the amount	13:34:30
8	of computing resources required to	13:34:32
9	execute tasks when compared with	13:34:35
10	executing the same tasks using a	13:34:38
11	traditional application programming	13:34:41
12	interface, API."	13:34:43
13	Do you see that?	13:34:45
14	A. I do.	13:34:45
15	Q. Do you agree with this	13:34:45
16	sentence?	13:34:47
17	MR. MACEDO: Objection to	13:34:48
18	form.	13:35:14
19	A. I do, I do disagree with that.	13:35:14
20	Q. Sorry, you said -- my question	13:35:18
21	was do you agree with the sentence, and	13:35:23
22	your answer was "I do, do I disagree with	13:35:25
23	this sentence."	13:35:28
24	A. Oh. I do not agree with it.	13:35:29
25	Q. Why is that?	13:35:32

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1	IVAN ZATKOVICH	
2	A. For the simple fact that the	13:35:33
3	computing resources needed to execute an	13:35:34
4	API is simply gathering parameters and	13:35:38
5	making that function call. That can be	13:35:41
6	done in several instructions. Whereas	13:35:43
7	leveraging robotic process automation	13:35:45
8	technology requires an entire separate	13:35:48
9	service rather than a few simple	13:35:50
10	services -- a few simple instructions to	13:35:54
11	call an API function.	13:35:56
12	Q. Let me place in front of you	13:36:35
13	Exhibit 1016 to all three proceedings,	13:36:37
14	the '664 IPR, '732 IPR and '317 IPR.	13:36:42
15	Mr. Zatkovich, do you	13:36:53
16	recognize this document?	13:36:55
17	A. I do.	13:36:55
18	Q. What is it?	13:36:56
19	A. It's what I refer to in my	13:36:56
20	declaration as the Krishnan prior art	13:36:58
21	reference.	13:37:01
22	Q. Okay. And similar to my	13:37:01
23	question before, how much time did you	13:37:04
24	spend reviewing Krishnan Exhibit 1016?	13:37:05
25	A. I'd say in the neighborhood of	13:37:10

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1	IVAN ZATKOVICH	
2	five to ten hours.	13:37:14
3	Q. Okay. And did you read the	13:37:15
4	entirety of Krishnan Exhibit 1016?	13:37:17
5	A. I did.	13:37:19
6	Q. Do you understand everything	13:37:20
7	described within Krishnan?	13:37:22
8	A. Yes, I believe I do.	13:37:23
9	Q. So let's turn to figure 1 of	13:37:25
10	Krishnan.	13:37:31
11	A. I have that.	13:37:33
12	Q. Okay. Do you recognize this	13:37:34
13	figure?	13:37:35
14	A. I do.	13:37:35
15	Q. What is figure 1 showing?	13:37:36
16	A. Figure 1 shows an example of a	13:37:39
17	conversation for executing a book flight	13:38:01
18	dialogue.	13:38:09
19	Q. Is figure 1 showing a	13:38:14
20	graphical user interface?	13:38:17
21	MR. MACEDO: Objection to	13:38:20
22	form.	13:38:21
23	A. It's not showing the graphical	13:38:27
24	user interface of a computer program or	13:38:30
25	target system of the claims. But I would	13:38:33

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1	IVAN ZATKOVICH	
2	consider it to be a type of graphical	13:38:35
3	user interface.	13:38:39
4	Q. And what is 110 shown in	13:38:48
5	figure 1?	13:38:50
6	A. 110 represents an entry typed	13:38:51
7	in by the customer.	13:38:58
8	Q. Okay. And after the chatbot	13:38:59
9	receives 110, the chatbot responds with	13:39:10
10	120A. Is that right?	13:39:15
11	A. Correct.	13:39:18
12	MR. MACEDO: Objection to	13:39:18
13	form.	13:39:22
14	Q. After 120A is 120B received by	13:39:22
15	the chatbot. Correct?	13:39:27
16	MR. MACEDO: Objection to	13:39:28
17	form.	13:39:29
18	A. Yes, that's correct.	13:39:29
19	Q. Then after 120B, the user	13:39:32
20	provides input 130. Is that right?	13:39:39
21	MR. MACEDO: Objection to	13:39:41
22	form.	13:39:42
23	A. That's my understanding.	13:39:42
24	Q. Okay. So let's turn to column	13:41:00
25	2. Line 40.	13:41:02

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1 IVAN ZATKOVICH

2 A. I have that. 13:41:18

3 Q. Okay. It reads, "The chatbot 13:41:19

4 may respond to customer input by 13:41:27

5 retrieving and providing the requested 13:41:29

6 information, requesting additional input 13:41:31

7 or information from the user or 13:41:35

8 performing an action and providing the 13:41:38

9 user with status updates about the 13:41:40

10 progress of the action." 13:41:42

11 Do you see that? 13:41:49

12 A. I do. 13:41:49

13 Q. Mr. Zatkovich, what does this 13:41:50

14 sentence mean to you? 13:41:55

15 MR. MACEDO: Objection to 13:41:58

16 form. 13:42:11

17 A. Well, presumably the customer 13:42:11

18 is providing input to the chatbot. And 13:42:14

19 the chatbot would most likely respond to 13:42:17

20 that by providing information if the 13:42:22

21 customer's requesting information, or 13:42:26

22 additional -- or additional input if 13:42:28

23 that's what they -- that's what it's 13:42:33

24 programmed to do. 13:42:37

25 Q. Anything else? 13:42:53

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1	IVAN ZATKOVICH	
2	A. It mentions performing an	13:42:54
3	action. Again, based on any interaction	13:42:55
4	with the user.	13:43:03
5	Q. Let me place in front of you	13:43:58
6	Exhibit 1014 to all three proceedings,	13:44:01
7	which is the '664 IPR, '732 IPR and '317.	13:44:05
8	Mr. Zatkovich, do you	13:44:13
9	recognize this document?	13:44:14
10	A. I do.	13:44:15
11	Q. What is it?	13:44:15
12	A. It's what I'm referring in my	13:44:16
13	declaration as the Allen prior art.	13:44:19
14	Q. And how much time did you	13:44:22
15	spend reviewing Allen?	13:44:23
16	A. I would say between five and	13:44:24
17	ten hours.	13:44:26
18	Q. Did you read the entirety of	13:44:29
19	Allen?	13:44:31
20	A. I did.	13:44:31
21	Q. And is there anything in Allen	13:44:32
22	that you did not understand?	13:44:34
23	A. I don't believe so.	13:44:36
24	Q. Let's go to column 10, line	13:44:36
25	12.	13:44:42

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1	IVAN ZATKOVICH	
2	A. Line 12?	13:44:51
3	Q. Yes.	13:44:52
4	A. I see that.	13:44:53
5	Q. It says "Figure 6 shows."	13:44:54
6	A. Yes.	13:44:57
7	Q. And would you agree that	13:44:57
8	column 10, lines 12 through line 53	13:44:59
9	describes figure 6?	13:45:02
10	A. Yes. About how the process	13:45:05
11	receives user input when executing the	13:45:13
12	automation process.	13:45:16
13	Q. Okay. If we look at column	13:45:20
14	10, line 25. It says, "In observing the	13:45:27
15	user's actions in teaching the step, PLOW	13:45:32
16	notes that the user has provided text	13:45:37
17	input which will be returned to the host	13:45:39
18	server as a definition of the variable	13:45:42
19	bt004."	13:45:44
20	A. I see that.	13:45:48
21	Q. Do you see that?	13:45:50
22	A. I do.	13:45:51
23	Q. Mr. Zatkovich, do you still	13:45:51
24	believe that figure 6 describes executing	13:45:53
25	the automation process?	13:45:56

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1	IVAN ZATKOVICH	
2	A. Yes, I do. It's specifically	13:45:57
3	tied to column 12, where it describes --	13:45:59
4	well, let's start at line 11.	13:46:11
5	Q. Of column 12?	13:46:14
6	A. Yes. It discusses how the	13:46:17
7	reader will be teaching the system how to	13:46:23
8	buy a book. And it shows the step in	13:46:27
9	line 15 as, put the title field here.	13:46:32
10	At line 15, it says, "However,	13:46:37
11	rather than simply duplicating the steps	13:46:40
12	the user has demonstrated, PLOW creates	13:46:43
13	another intervening step. The user will	13:46:47
14	note that the task log that PLOW has	13:46:49
15	created the step find object blank. In	13:46:51
16	this inserted step, the system will	13:46:56
17	utilize the processes previously	13:46:59
18	described to search the HTML code."	13:47:01
19	In other words, it's not	13:47:04
20	intending to duplicate the user's	13:47:06
21	physical interaction with the screen,	13:47:10
22	it's taking the user's physical	13:47:13
23	interaction with the screen to identify	13:47:15
24	the user interface object by substituting	13:47:18
25	that with what the HTML code identifies	13:47:21

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1	IVAN ZATKOVICH	
2	as the text object.	13:47:26
3	So that when you want to	13:47:28
4	execute that automation process, it's	13:47:30
5	going to refer to, instead of using the	13:47:32
6	user interface object, it's going to	13:47:35
7	refer to the text object. Which is	13:47:37
8	exactly what's referred to in column 10.	13:47:40
9	At line 24 it says, "The HTML	13:47:46
10	uses an object name bt004 to receive the	13:47:49
11	text input corresponding to the title of	13:47:54
12	the book."	13:47:56
13	In other words, when it comes	13:47:57
14	time to automate the purchase of a book,	13:47:58
15	it's going to display a form, figure 6,	13:48:01
16	it's going to accept the user's input to	13:48:10
17	that form typed into that field, and	13:48:13
18	return the variable bt004 rather than	13:48:17
19	interacting with the user interface of	13:48:21
20	the target system.	13:48:25
21	MR. MACEDO: Counsel, do you	13:49:48
22	have another question?	13:49:49
23	MS. NGUYEN: Of course I do.	13:49:50
24	Q. Mr. Zatkovich, when did you	13:51:18
25	begin working on this matter?	13:51:22

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1	IVAN ZATKOVICH	
2	A. I'd have to check my records.	13:51:27
3	I would say at least three months ago.	13:51:29
4	Q. And how many hours would you	13:51:32
5	estimate you've spent working on this	13:51:34
6	matter?	13:51:38
7	A. For all three IPRs? Including	13:51:38
8	deposition prep?	13:51:42
9	Q. Yes.	13:51:43
10	A. I would say approximately 200	13:51:44
11	hours.	13:52:01
12	Q. And if I could have you refer	13:52:12
13	to Exhibit 2001, your declaration in the	13:52:15
14	'664 IPR.	13:52:21
15	A. I'm sorry, which declaration?	13:52:25
16	Q. '664, IPR Exhibit 2001.	13:52:28
17	MR. MACEDO: You want him to	13:52:34
18	look at the book he brought in?	13:52:35
19	MS. NGUYEN: Sure.	13:52:37
20	MR. MACEDO: Or you want to	13:52:38
21	give him something that you	13:52:39
22	authenticated?	13:52:40
23	MS. NGUYEN: We can use what	13:52:42
24	you brought.	13:52:43
25	MR. MACEDO: Excellent.	13:52:43

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1	IVAN ZATKOVICH	
2	A. 2001.	13:52:44
3	MR. MACEDO: It's the book	13:52:48
4	that says '664.	13:52:49
5	THE WITNESS: '664, got it.	13:52:52
6	MR. MACEDO: And it's	13:52:55
7	referring to your tab 3, which is	13:52:56
8	your declaration.	13:53:00
9	For the record, that's IPR	13:53:03
10	2023-1368, Exhibit 2001.	13:53:06
11	BY MS. NGUYEN:	13:53:35
12	Q. If you could please go to page	13:53:36
13	181.	13:53:39
14	A. I'm going to use the page	13:53:41
15	numbers at the top of the page, 181.	13:53:43
16	Q. Native 181.	13:53:46
17	A. Native 181, okay. Yes. The	13:53:48
18	signature page.	13:53:54
19	Q. Mr. Zatkovich, did you draft	13:53:55
20	your '664 declaration?	13:53:57
21	A. I didn't type every word. But	13:54:00
22	yes, this reflects all the opinions that	13:54:02
23	I have regarding this particular	13:54:05
24	petition.	13:54:06
25	Q. And can you explain the	13:54:07

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1	IVAN ZATKOVICH	
2	process in which you prepared your '664	13:54:09
3	declaration?	13:54:15
4	A. Sure. I studied the patent,	13:54:15
5	the '664 patent. I studied the submitted	13:54:21
6	petition. And the PTAB initial decision.	13:54:24
7	I studied Dr. Beigi's declaration	13:54:30
8	regarding that.	13:54:33
9	Then I met with counsel. And	13:54:35
10	we outlined the general opinions I had	13:54:38
11	regarding that petition. And Dr. Beigi's	13:54:44
12	report. I identified particular opinions	13:54:50
13	that I had with the specific claim	13:54:54
14	elements. We outlined those. I drafted	13:55:00
15	some portions of the report. Counsel	13:55:04
16	assisted in providing some of the	13:55:09
17	content, for example, the summary of the	13:55:14
18	patents, things like that.	13:55:16
19	We produced a final draft. I	13:55:19
20	reviewed that and made some final	13:55:21
21	comments, and submitted a final	13:55:26
22	declaration.	13:55:28
23	Q. Okay. And when you mentioned	13:55:29
24	that you met with counsel, who exactly	13:55:33
25	did you meet with?	13:55:38

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1	IVAN ZATKOVICH	
2	A. Primarily Mr. Macedo and	13:55:39
3	Mr. Hart.	13:55:44
4	Q. Is there somebody else?	13:55:45
5	A. There was an Israeli counsel,	13:55:48
6	the drafter of the claims, Ziv, I don't	13:55:52
7	recall his last name.	13:55:56
8	Q. By the drafter of the claims,	13:56:00
9	are you referring to the patent claims?	13:56:02
10	A. The attorney participating in	13:56:05
11	the prosecution of the patent itself.	13:56:09
12	The '664 patent.	13:56:12
13	Q. The '664 patent.	13:56:14
14	MR. MACEDO: Counsel, if I	13:56:17
15	may? It's up to you. But I can	13:56:19
16	clarify for you. He's talking	13:56:21
17	about --	13:56:25
18	MR. ARJOMAND: Hold up.	13:56:25
19	MS. NGUYEN: Are you	13:56:27
20	testifying on his behalf? I don't	13:56:28
21	understand.	13:56:29
22	MR. MACEDO: I'm just	13:56:29
23	clarifying who he's referring to.	13:56:31
24	He's the person that was at the	13:56:33
25	deposition is who he's referring	13:56:35

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1	IVAN ZATKOVICH	
2	to.	13:56:37
3	MS. NGUYEN: Okay. I don't	13:56:38
4	think it's proper to testify on his	13:56:39
5	behalf.	13:56:41
6	MR. MACEDO: I'm not	13:56:43
7	testifying on his behalf.	13:56:45
8	MS. NGUYEN: You're filling in	13:56:46
9	words into his mouth.	13:56:48
10	MR. MACEDO: I'm not filling	13:56:48
11	in any words. I'm telling you it's	13:56:50
12	the person you met at the	13:56:53
13	deposition of Dr. Beigi.	13:56:54
14	MS. NGUYEN: I'm not quite	13:56:56
15	sure who you're referring to.	13:56:57
16	MR. MACEDO: He was sitting in	13:56:58
17	the same room from you across from	13:57:00
18	you.	13:57:02
19	MS. NGUYEN: If I needed	13:57:02
20	clarity I would ask him. This is a	13:57:03
21	deposition between me and your	13:57:06
22	expert. And you're not supposed to	13:57:07
23	be answering the questions that I'm	13:57:09
24	asking.	13:57:10
25	MR. MACEDO: I'm not answering	13:57:11

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1	IVAN ZATKOVICH	
2	the question. I'm just explaining	13:57:12
3	to you who he's referring to.	13:57:14
4	MS. NGUYEN: I didn't ask for	13:57:15
5	an explanation from you.	13:57:16
6	MR. MACEDO: Counsel, go	13:57:19
7	ahead.	13:57:20
8	Q. Mr. Zatkovich, about how many	13:58:01
9	hours would you say you worked with	13:58:03
10	counsel to prepare your '664 declaration?	13:58:05
11	A. Not counting deposition prep?	13:58:08
12	Q. Correct.	13:58:11
13	A. I would say at least 30 hours.	13:58:13
14	Q. And then aside from	13:58:30
15	Mr. Macedo, Mr. Hart and?	13:58:33
16	A. Ziv, Z-i-v.	13:58:39
17	Q. Ziv, the attorney	13:58:44
18	participating in the prosecution of the	13:58:49
19	patent, did you talk to any other	13:58:50
20	individuals to prepare -- in the	13:58:53
21	preparation of your '664 declaration?	13:58:55
22	A. Not that I recall.	13:58:57
23	Q. In preparation for your	13:58:59
24	deposition today, who did you meet with?	13:59:03
25	A. Same counsel: Mr. Macedo,	13:59:04

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1	IVAN ZATKOVICH	
2	Mr. Hart and Ziv.	13:59:09
3	Q. And did you meet in person?	13:59:11
4	A. No, via Zoom.	13:59:13
5	Q. About how much time did you	13:59:15
6	spend preparing for this deposition with	13:59:17
7	counsel and Ziv?	13:59:23
8	A. I'd say between twelve and	13:59:24
9	fifteen hours.	13:59:26
10	Q. Do you know Ziv's last name?	13:59:27
11	A. I don't recall. But he was --	13:59:29
12	again, he attended Dr. Beigi's	13:59:35
13	deposition.	13:59:38
14	Q. Did you meet with anybody	13:59:46
15	else?	13:59:48
16	A. Not that I recall.	13:59:49
17	Q. Did you talk with Senne	13:59:50
18	Symons?	13:59:54
19	A. No.	13:59:55
20	Q. Did you talk with Wouter	13:59:56
21	Baetens?	13:59:58
22	A. No.	13:59:58
23	Q. Have you ever talked with	13:59:58
24	Senne Symons?	14:00:10
25	A. Pardon?	14:00:12

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1	IVAN ZATKOVICH	
2	Q. Have you ever talked with	14:00:12
3	Senne Symons?	14:00:14
4	A. No.	14:00:15
5	Q. Have you ever talked with	14:00:15
6	Wouter Baetens?	14:00:17
7	A. No.	14:00:18
8	Q. Let's turn to paragraph 94 of	14:00:18
9	your declaration.	14:00:26
10	Paragraph 94 of your '664	14:00:46
11	declaration describes your opinion of the	14:00:49
12	meaning of "computer program." Is that	14:00:51
13	right?	14:00:55
14	A. Yes.	14:00:55
15	Q. And in your opinion, "computer	14:00:55
16	program" has a special meaning. Correct?	14:01:00
17	A. It has a particular meaning.	14:01:04
18	I don't know if I would call it special.	14:01:10
19	But yes, it has a particular meaning.	14:01:12
20	Q. What is the difference between	14:01:15
21	special and particular?	14:01:25
22	A. I guess it's just an	14:01:26
23	adjective. I said special meaning of	14:01:28
24	computer program. But it just means it	14:01:32
25	has a particular meaning, a specific	14:01:34

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1	IVAN ZATKOVICH	
2	meaning. In my opinion.	14:01:36
3	Q. Okay. And then in paragraph	14:01:49
4	94 of your '664 declaration, there is a	14:01:51
5	passage, column 8, line 9 to 16, that you	14:01:54
6	cite from the '664 specification.	14:01:59
7	A. Correct.	14:02:06
8	Q. And you rely on this passage,	14:02:07
9	column 8, line 9 to 16, to support your	14:02:10
10	opinion that "computer program" has a	14:02:13
11	special meaning. Is that right?	14:02:16
12	A. Yes.	14:02:19
13	Q. And the passage at column 8,	14:02:28
14	lines 9 to 16, states, "The target	14:02:32
15	system, generally referred to as the	14:02:36
16	computer program, may be a website, a	14:02:38
17	web-based system, a native mobile	14:02:45
18	application, a desktop application or the	14:02:47
19	like." Right?	14:02:50
20	A. That's correct.	14:02:53
21	Q. What is a desktop application?	14:02:53
22	A. A desktop application would be	14:02:56
23	a native installed and operated	14:03:01
24	application residing on a desktop	14:03:06
25	computer.	14:03:11

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1	IVAN ZATKOVICH	
2	Q. Can you give me examples of	14:03:11
3	desktop applications?	14:03:15
4	A. Microsoft Word, for example.	14:03:17
5	If you installed the Office application	14:03:19
6	on your computer as opposed to executing	14:03:23
7	from the web. There would be various	14:03:25
8	games. Again, anything that you install	14:03:27
9	locally on your desktop that operates,	14:03:30
10	runs instructions on the desktop	14:03:33
11	computer, I would consider a desktop	14:03:39
12	application.	14:03:40
13	Q. Okay. And is there anything	14:03:41
14	else within the '664 specification that	14:03:49
15	supports your opinion as to the meaning	14:03:54
16	of "computer program" other than the	14:03:56
17	passage at column 8, lines 9 to 16?	14:03:59
18	A. I'm sure there's other	14:04:10
19	references within the specification that	14:04:13
20	would contribute to that. But I would	14:04:17
21	say at least this particular paragraph	14:04:20
22	provides a good summary of what I	14:04:25
23	consider to be a computer program.	14:04:28
24	Q. Can you point to the other	14:04:43
25	references within the specification that	14:04:45

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1	IVAN ZATKOVICH	
2	contribute to the meaning of "computer	14:04:46
3	program"?	14:04:49
4	A. Sure. I would say the	14:04:50
5	abstract that describes a similar	14:05:41
6	concept, where it says, using a natural	14:05:46
7	language interface receiving user input,	14:05:49
8	and then based on that your input	14:05:53
9	determining an automation process of a	14:05:55
10	computer program having a user interface	14:05:58
11	to be executed.	14:06:00
12	Column 2, lines 34 to 36.	14:06:21
13	Again, summarizes a portion of the	14:06:24
14	paragraph in my report describing a	14:06:29
15	computer program as a web-based	14:06:31
16	application, native mobile application or	14:06:33
17	a desktop program.	14:06:36
18	Column 3, paragraph beginning	14:07:55
19	on row 47. In the middle of that	14:08:03
20	paragraph it indicates that the natural	14:08:14
21	language interface receives input from a	14:08:17
22	user, and then determines, based on that	14:08:20
23	user input, an automation process to be	14:08:23
24	executed, wherein the automation process	14:08:27
25	is an automation process of a computer	14:08:31

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1	IVAN ZATKOVICH	
2	programming -- I'm sorry, a computer	14:08:32
3	program, having a user interface and	14:08:34
4	executing the automation process.	14:08:36
5	The bottom of column 5	14:08:54
6	discusses that the execution of the	14:10:11
7	automated process occurs without	14:10:14
8	utilizing an API, an application	14:10:17
9	programming interface, of the computer	14:10:20
10	program.	14:10:22
11	Column 6, about row 47, I	14:10:57
12	think also repeats a similar attribute of	14:11:04
13	the computer program where the automation	14:11:10
14	process to figure -- is configured to	14:11:14
15	utilize a user interface of a computer	14:11:17
16	program to input data thereto or execute	14:11:20
17	functionality thereof.	14:11:25
18	In column 8, the paragraph	14:12:21
19	beginning at line 17, it gives an example	14:12:23
20	of a computer program, specifically	14:12:28
21	starting at line 20, the bank's website	14:12:36
22	that is capable of asking all the	14:12:40
23	relevant information for filling the	14:12:43
24	online stock purchase form and then run a	14:12:45
25	pre-defined automation on top of the	14:12:48

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1	IVAN ZATKOVICH	
2	bank's website. In this case the bank's	14:12:50
3	website would represent the computer	14:12:53
4	program.	14:12:55
5	Column 8, beginning at line	14:13:10
6	37. Describes a couple of examples of	14:13:15
7	the functions that a computer program	14:13:20
8	might perform. It's, starting on row 38,	14:13:23
9	it says, enterprises may use different	14:13:28
10	software tools for different purposes,	14:13:30
11	such as HR, customer service	14:13:32
12	relationship, finance, task management,	14:13:34
13	project planning, or the like.	14:13:36
14	And in my opinion those are	14:13:38
15	examples of functions that the computer	14:13:41
16	program would perform that the invention	14:13:44
17	was just to automate.	14:13:49
18	In column 9, starting about 6,	14:14:38
19	it describes how the automation process	14:14:41
20	would interact with the computer program.	14:14:43
21	And in almost all the incidents where it	14:14:48
22	mentions a GUI of the target system, it's	14:14:54
23	discussing the user interface of the	14:14:57
24	computer program.	14:14:59
25	In column 9, starting in row	14:15:20

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1	IVAN ZATKOVICH	
2	14, it describes that you can potentially	14:15:23
3	reuse an existing conversation with a	14:15:26
4	different target system or computer	14:15:28
5	program.	14:15:31
6	I would say pretty much the	14:16:43
7	entirety of column 10 is regarding	14:16:45
8	utilizing elements of the computer	14:16:50
9	program user interface, including	14:16:55
10	widgets.	14:16:58
11	In column 11, starting at row	14:17:22
12	4 through 12. Discusses that the purpose	14:17:24
13	of interfacing with the computer program	14:17:30
14	through the GUI is so that you would use	14:17:32
15	that in place of the API.	14:17:35
16	Again, the intent being that	14:17:37
17	you cannot necessarily control what	14:17:44
18	interface occurs through an API that's	14:17:49
19	defined by the target system or the	14:17:53
20	computer program. However, you still	14:17:55
21	could have all accesses to the computer	14:17:58
22	program by using the GUI.	14:18:00
23	Further on in column 11, it's	14:18:21
24	describing if modifications are performed	14:18:23
25	to the target system or computer program,	14:18:26

1	IVAN ZATKOVICH	
2	the conversation and automated process	14:18:33
3	could compensate for those changes.	14:18:36
4	Q. Which line is that?	14:18:45
5	A. Starting with line 27. It	14:18:49
6	says, basically it says if the target	14:19:08
7	system interface -- let me re-read that.	14:19:12
8	Basically it talks about how	14:19:38
9	to abstract the separate target system or	14:19:40
10	computer program by having the automation	14:19:42
11	process and the association -- the	14:19:48
12	associated conversation with the	14:19:52
13	automation process. Allowing the user to	14:19:53
14	continue to use the same user interface	14:20:00
15	of the automation process, even though	14:20:03
16	the underlying user interface of the	14:20:05
17	target system has been modified.	14:20:09
18	Column 12, beginning at line	14:21:36
19	44 through 59, discusses how the	14:21:38
20	automation execution module might utilize	14:21:46
21	the client side code of the website	14:21:51
22	target system by intercepting -- by	14:21:56
23	intercepting the HTML or JavaScript code,	14:22:03
24	and then injecting additional code to	14:22:07
25	facilitate the automation process and	14:22:10

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1	IVAN ZATKOVICH	
2	potentially the conversation.	14:22:12
3	Q. So, Mr. Zatkovich, before you	14:22:37
4	continue, perhaps we could just refer	14:22:39
5	back to your previous testimony.	14:22:41
6	Is there anything, of all the	14:22:44
7	passages that you've identified thus far,	14:22:47
8	that indicates "computer program" should	14:22:49
9	be given a particular meaning?	14:22:52
10	MR. MACEDO: Objection to	14:22:54
11	form. And are you withdrawing your	14:22:55
12	prior question? Counsel? Are you	14:22:57
13	withdrawing your prior question,	14:23:05
14	because you stopped him before he	14:23:07
15	finished his answer?	14:23:08
16	MS. NGUYEN: Yes.	14:23:10
17	MR. MACEDO: I'm sorry, yes?	14:23:11
18	MS. NGUYEN: Yes.	14:23:14
19	A. Could you ask that question	14:23:15
20	again?	14:23:16
21	Q. Referring back to the previous	14:23:16
22	testimony that you gave, all the cites,	14:23:18
23	what in particular with these cites	14:23:21
24	informs that "computer program" should be	14:23:25
25	given a particular meaning?	14:23:30

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1	IVAN ZATKOVICH	
2	MR. MACEDO: Objection to	14:23:33
3	form.	14:23:39
4	A. Well, in addition to the	14:23:40
5	paragraph that I cited on page 47 of my	14:23:41
6	declaration, it describes examples of	14:23:46
7	computer programs that fit this	14:23:48
8	description, ways in which the automation	14:23:50
9	process or conversation might utilize the	14:23:54
10	computer program. And examples of how	14:23:57
11	computer programs of the claims might be	14:24:03
12	configured.	14:24:07
13	Q. So as long as the description	14:24:09
14	provides examples, the term should be	14:24:12
15	given a particular meaning. Is that	14:24:17
16	right?	14:24:18
17	MR. MACEDO: Objection to	14:24:18
18	form.	14:24:22
19	A. No. No, not at all. I	14:24:22
20	believe that I'm providing a description	14:24:25
21	of what I believe is a computer program.	14:24:28
22	This paragraph on page 47 of my	14:24:32
23	declaration provides what I consider a	14:24:36
24	good summary of that extracted from the	14:24:39
25	specification. And then I was providing	14:24:42

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1	IVAN ZATKOVICH	
2	additional detail that supports this and	14:24:46
3	provided examples within the	14:24:49
4	specification.	14:24:52
5	Q. Is there anything in	14:24:53
6	particular that you can point to as one	14:24:54
7	example that indicates that "computer	14:24:59
8	program" should be given a special	14:25:06
9	meaning?	14:25:08
10	MR. MACEDO: Objection to	14:25:09
11	form.	14:25:12
12	A. Yes, the paragraph at the top	14:25:12
13	of page 47 in my declaration.	14:25:14
14	Q. And the paragraph at the top	14:25:22
15	of page 47 in your declaration is column	14:25:24
16	8, lines 9 to 16 of the '664 patent. Is	14:25:28
17	that right?	14:25:33
18	A. Correct. It would be a	14:25:33
19	different meaning of the term "computer	14:25:35
20	program" that would be used in general	14:25:37
21	within the industry.	14:25:39
22	Q. So when you use the word	14:25:42
23	"special," do you mean a different	14:25:44
24	meaning than ordinary and customary	14:25:46
25	meaning?	14:25:51

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1 IVAN ZATKOVICH

2 A. Yes, I would say so. 14:25:51

3 Q. Okay. And when you use the 14:25:52

4 word "particular," does that have the 14:25:54

5 same meaning as "special"? 14:25:56

6 A. When I say the word 14:25:59

7 "particular" I believe that means I can 14:26:03

8 cite to specific attributes of the 14:26:09

9 computer program of the specification. 14:26:15

10 And when I cite to a particular 14:26:17

11 description, that indicates that the 14:26:19

12 computer program has a special meaning 14:26:21

13 over and above the plain and ordinary 14:26:24

14 meaning in the industry. 14:26:29

15 Q. What do you mean by "over and 14:26:31

16 above the plain and ordinary meaning"? 14:26:34

17 A. There is a plain and ordinary 14:26:37

18 meaning of a computer program, which 14:26:41

19 would be a very broad definition of 14:26:43

20 software in general. I would say that 14:26:46

21 would be an underlying basis for the 14:26:51

22 meaning of "computer program" within the 14:26:57

23 specifications, but the specifications 14:27:02

24 limit the plain and ordinary meaning of 14:27:04

25 "computer program" to specific examples, 14:27:06

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1	IVAN ZATKOVICH	
2	specific uses, and specific descriptions	14:27:08
3	in the specification.	14:27:10
4	Q. Limited by the passages you	14:27:16
5	just identified?	14:27:21
6	A. Correct. And that are used	14:27:24
7	within the claims.	14:27:26
8	Q. So by "over and above," do you	14:27:36
9	mean narrower than plain and ordinary?	14:27:37
10	A. Yes.	14:27:40
11	Q. Based on specific users of the	14:27:40
12	specification?	14:27:49
13	A. And usage within the claims.	14:27:50
14	Q. Okay. Looking at column 8,	14:28:00
15	lines 9 to 16. Passage in paragraph 94	14:28:02
16	of your declaration.	14:28:08
17	A. I'm sorry, column 8?	14:28:11
18	Q. Yes.	14:28:12
19	A. Of the '664?	14:28:13
20	Q. Correct.	14:28:16
21	A. Okay.	14:28:16
22	Q. The same passage that you	14:28:17
23	identified on page 47 of your	14:28:18
24	declaration. Right?	14:28:22
25	A. Correct.	14:28:22

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1	IVAN ZATKOVICH	
2	Q. So the first sentence of	14:28:27
3	column 8, line 9 states, "The target	14:28:29
4	system, generally referred to as the	14:28:32
5	computer program," et cetera?	14:28:34
6	A. Yes.	14:28:40
7	Q. So in your opinion, "target	14:28:40
8	system" and "computer program" are	14:28:42
9	synonymous. Is that right?	14:28:43
10	A. Yes.	14:28:45
11	Q. And is there anything outside	14:28:45
12	of the '664 specification that supports	14:29:06
13	your opinion as to the meaning of	14:29:08
14	"computer program" for the '664 claims?	14:29:10
15	A. Again, it would be the	14:29:16
16	specification and the use of the term	14:29:20
17	"target system" or "computer program"	14:29:23
18	within the claims. Would inform my	14:29:26
19	opinion on what is the special meaning of	14:29:32
20	the term "computer program."	14:29:35
21	MS. NGUYEN: Let's take a	14:29:51
22	break.	14:29:52
23	THE VIDEOGRAPHER: We are	14:29:53
24	going off the record at 2:30 p.m.	14:29:53
25	(A recess was taken.)	14:29:56

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1	IVAN ZATKOVICH	
2	THE VIDEOGRAPHER: We're back	14:51:16
3	on the record at 2:52 p.m.	14:51:17
4	BY MS. NGUYEN:	14:51:22
5	Q. So, Mr. Zatkovich, before the	14:51:22
6	break we were looking at the '664 patent.	14:51:24
7	A. Correct.	14:51:27
8	Q. If I could have you take a	14:51:28
9	look at the '664 patent again, that would	14:51:30
10	be great.	14:51:33
11	Column 22. Starting at line	14:51:40
12	60.	14:51:49
13	A. I have that.	14:51:54
14	Q. And the two sentences that	14:51:55
15	form that paragraph, column 22, lines 60	14:51:58
16	to 65. If you could read that.	14:52:03
17	A. Out loud?	14:52:25
18	Q. No. Just let me know when	14:52:27
19	you're done.	14:52:29
20	A. I've read that.	14:52:29
21	Q. Do you agree with these three	14:52:30
22	sentences?	14:52:32
23	A. I believe it's discussing a	14:52:32
24	computer program product, which is a	14:52:34
25	different term than the claims use.	14:52:35

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1	IVAN ZATKOVICH	
2	Q. Is there a specific term that	14:52:41
3	you're referring to when you say a	14:52:42
4	different term that the claims use?	14:52:44
5	A. The claim is using, either	14:52:45
6	uses the term "computer program" or	14:52:48
7	"target system." This is using a more	14:52:50
8	generic term of "computer program	14:52:53
9	product."	14:52:57
10	Q. What's the difference between	14:53:01
11	a computer program and a computer program	14:53:03
12	product, in your mind?	14:53:04
13	A. They're describing how you	14:53:12
14	might package or market the invention.	14:53:14
15	And again, the invention clearly does not	14:53:18
16	include a target system, the invention	14:53:20
17	includes the ability to define a	14:53:22
18	conversation in an automated process --	14:53:24
19	automation -- yeah, automation process.	14:53:27
20	Not to package a target system.	14:53:34
21	So it's describing how you	14:53:37
22	might package this particular invention	14:53:38
23	as a computer program product. Not as a	14:53:41
24	computer program, as used in the terms.	14:53:44
25	Q. When you say package a target	14:53:52

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1	IVAN ZATKOVICH	
2	system, what does that refer to?	14:53:54
3	A. So let's take an example of a	14:53:58
4	target system. It gives an example of an	14:54:01
5	HR system, where you can add employees,	14:54:14
6	for example.	14:54:16
7	Q. Can you tell me which column	14:54:17
8	and line number you're looking at?	14:54:19
9	A. Sure. I'm primarily looking	14:54:21
10	at, for example, 5B.	14:54:24
11	Q. Figure 5B?	14:54:28
12	A. Yes. Figure 5B.	14:54:30
13	Q. Okay.	14:54:32
14	A. It describes defining a	14:54:33
15	conversation to automate a process for --	14:54:35
16	of adding a new employee.	14:54:38
17	Q. Mm-hmm.	14:54:39
18	A. The invention is not talking	14:54:43
19	about a product that adds -- that	14:54:46
20	includes HR software to add a new	14:54:53
21	employee. It's talking about a	14:54:55
22	conversation in an automated process to	14:54:58
23	automate an existing computer program	14:55:01
24	used by HR.	14:55:05
25	So it's clear that the	14:55:07

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1	IVAN ZATKOVICH	
2	paragraph at the bottom of column 22 is	14:55:10
3	talking about the invention, not about a	14:55:14
4	target system. Target system is an	14:55:17
5	existing system which we're trying to	14:55:19
6	automate.	14:55:20
7	Q. Let me ask again because I	14:55:47
8	didn't quite understand.	14:55:49
9	Earlier you testified about	14:55:51
10	packaging a target system. What does	14:55:52
11	"packaging a target system" mean?	14:55:58
12	A. I said, we're not talking	14:56:02
13	about packaging a target system, we're	14:56:04
14	packaging the invention. It says, "The	14:56:07
15	present invention may be a system, a	14:56:09
16	method and/or a computer program	14:56:12
17	product." So a computer program product	14:56:14
18	identifies a way that you might package	14:56:17
19	this invention.	14:56:19
20	Q. Mm-hmm.	14:56:21
21	A. You would create software.	14:56:21
22	Q. Okay.	14:56:23
23	A. Put it on a thumb drive or put	14:56:24
24	it on the internet so you could download	14:56:26
25	and install somewhere. Okay, that's a	14:56:29

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1	IVAN ZATKOVICH	
2	computer program product.	14:56:31
3	And it's talking about	14:56:33
4	creating a program, a computer program	14:56:34
5	product from the invention. Which is	14:56:36
6	defining a conversation and defining an	14:56:39
7	automation process.	14:56:41
8	That doesn't have any -- it	14:56:44
9	doesn't cover the scope of the target	14:56:49
10	system or a computer program of the	14:56:51
11	claims. The computer program of the	14:56:54
12	claims and the target system is some	14:56:56
13	existing corporate application, such as	14:56:58
14	HR, okay. You wouldn't -- you couldn't	14:57:01
15	package that as part of this invention.	14:57:05
16	The purpose of the invention is to sit on	14:57:09
17	top of that and automate that existing	14:57:11
18	target system.	14:57:13
19	Q. So by packaging, do you mean	14:57:27
20	it's not a product that you can sell?	14:57:32
21	MR. MACEDO: Objection to	14:57:36
22	form.	14:57:37
23	A. The invention is not talking	14:57:37
24	about the HR system that you're trying to	14:57:39
25	automate. The HR system is an existing	14:57:42

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1	IVAN ZATKOVICH	
2	system. An existent target system. This	14:57:45
3	sentence simply says, the present	14:57:52
4	invention, in other words, the new	14:57:55
5	technology that this specification	14:57:57
6	describes, may be a system, a method	14:57:59
7	and/or a computer program product. In	14:58:01
8	other words, you could implement it in	14:58:04
9	computer software and sell it as a	14:58:06
10	product.	14:58:08
11	It certainly would not include	14:58:11
12	the target system as part of that. It	14:58:12
13	couldn't.	14:58:14
14	Q. So in your opinion, is the	14:58:51
15	target system an existing system? Do I	14:58:57
16	have that right?	14:59:03
17	A. Yes.	14:59:03
18	Q. And the computer program	14:59:04
19	product cannot -- sorry.	14:59:08
20	The target system cannot be	14:59:11
21	part of the computer program product	14:59:12
22	because the computer program product is	14:59:15
23	not an existing system. Is that right?	14:59:17
24	A. It's the invention, the	14:59:19
25	computer program product is this	14:59:21

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1	IVAN ZATKOVICH	
2	invention: The defining of a	14:59:22
3	conversation, the defining of an	14:59:25
4	automation process.	14:59:27
5	Q. Okay. Let me have you turn	15:00:10
6	back to your '664 declaration, Exhibit	15:00:12
7	2001. I think it's right in front of	15:00:15
8	you.	15:00:18
9	A. Okay. Where at?	15:00:20
10	Q. Paragraph 144.	15:00:22
11	A. 144.	15:00:24
12	Q. In paragraph 144 of your '664	15:00:39
13	declaration, you talk about Symons. Is	15:00:42
14	that right?	15:00:50
15	A. In 144 I talk about my	15:00:50
16	opinion, yes.	15:00:53
17	Q. And the first bullet point in	15:00:53
18	paragraph 144 says, "This video was put	15:00:57
19	together very quickly," then in	15:01:00
20	parentheses, "17 days after Mr. Symons	15:01:04
21	began working at RoboRana as a showcase."	15:01:08
22	Do you see that?	15:01:13
23	A. I do.	15:01:13
24	Q. Mr. Zatkovich, how do you know	15:01:13
25	that the Symons video was put together in	15:01:15

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1	IVAN ZATKOVICH	
2	less than 17 days after Symons began	15:01:17
3	working at RoboRana?	15:01:19
4	A. I was looking at the timeline	15:01:23
5	as to when Mr. Symons joined RoboRana.	15:01:24
6	And the time that this was, proposedly,	15:01:29
7	this demo was given.	15:01:31
8	Q. So taking the time when he	15:01:34
9	began working there and subtracting or	15:01:36
10	counting the number of days until the	15:01:41
11	demo.	15:01:43
12	A. Right.	15:01:45
13	Q. Is it possible that the video	15:01:46
14	could have been put together before	15:01:48
15	Symons began working at RoboRana?	15:01:49
16	A. I'd have to re-read his	15:01:55
17	declaration. But my understanding was	15:01:58
18	that he was doing this as a member of	15:01:59
19	RoboRana when he joined the RoboRana	15:02:04
20	company. In other words, this was one of	15:02:07
21	his first assignments he was given when	15:02:09
22	he joined the company.	15:02:11
23	Q. And so are you assuming that	15:02:12
24	he was the only one that worked on the	15:02:24
25	video?	15:02:26

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1	IVAN ZATKOVICH	
2	A. My understanding, he was the	15:02:30
3	only one that worked on the program, the	15:02:32
4	chatbot program in order to produce the	15:02:38
5	video.	15:02:40
6	Q. And then in your declaration	15:02:48
7	when you say this video was put together	15:02:49
8	very quickly, less than 17 days, are you	15:02:51
9	referring to the video or are you	15:02:57
10	referring to the system?	15:02:58
11	A. I think I'm referring to both.	15:03:02
12	You produced -- Mr. Symons produced a	15:03:06
13	system where a chatbot communicated with	15:03:10
14	an RPA, and then produced a video of that	15:03:14
15	system.	15:03:17
16	Q. All within 17 days, or less	15:03:21
17	than 17 days?	15:03:25
18	A. Yes. Assuming that this was	15:03:26
19	one of his first assignments joining that	15:03:28
20	company.	15:03:31
21	Q. Do you know whether this was	15:03:34
22	one of his first assignments joining that	15:03:37
23	company?	15:03:40
24	A. Again, I would have to review	15:03:40
25	the declaration again, but I believe that	15:03:42

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1	IVAN ZATKOVICH	
2	was the impression that I got from it.	15:03:43
3	Q. Okay. And then moving on to	15:03:45
4	the second bullet point. It says, "The	15:04:13
5	Arinti chatbot that was identified as	15:04:18
6	being used was not publicly available at	15:04:22
7	this time -- at that time."	15:04:26
8	How do you know the chatbot	15:04:30
9	was not publicly available at the time?	15:04:32
10	A. I found no evidence of that.	15:04:33
11	And my understanding is that Dr. Beigi	15:04:35
12	identified the same thing.	15:04:38
13	Q. When you say Dr. Beigi	15:04:42
14	identified the same thing?	15:04:44
15	A. He was not able to identify	15:04:45
16	any Arinti chatbot at that particular	15:04:46
17	time.	15:04:50
18	Q. So would it be correct that	15:04:51
19	when you say the Arinti chatbot that was	15:04:58
20	identified as being used was not	15:05:01
21	identified by yourself or Dr. Beigi at	15:05:05
22	the time?	15:05:10
23	MR. MACEDO: Objection to	15:05:10
24	form.	15:05:11
25	A. Or Symons or anybody else that	15:05:13

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1	IVAN ZATKOVICH	
2	might have been involved in the demo.	15:05:16
3	They never indicated what version of the	15:05:18
4	chatbot, whether it existed as a piece of	15:05:20
5	software or what functionality it had.	15:05:23
6	Q. But how do you know it was not	15:05:28
7	publicly available at the time?	15:05:29
8	A. That is my opinion.	15:05:31
9	Q. I see.	15:05:34
10	And then do you know when	15:05:38
11	Arinti started working on the chatbot?	15:05:39
12	A. I do not.	15:05:42
13	Q. And for the Symons chatbot	15:05:42
14	RPA, in your opinion is the chatbot	15:06:11
15	separate from the RPA?	15:06:15
16	A. Yes, that is my understanding.	15:06:18
17	Q. Okay. And why is it that your	15:06:20
18	opinion is that the chatbot is separate	15:06:24
19	from the RPA?	15:06:26
20	A. Because they're performed on	15:06:27
21	two separate computers.	15:06:31
22	Q. Okay. And in your opinion,	15:06:33
23	the chatbot is separate from an RPA	15:06:36
24	server. Is that right?	15:06:38
25	A. Yes.	15:06:40

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1	IVAN ZATKOVICH	
2	Q. Okay. And in your opinion,	15:06:40
3	the chatbot --	15:06:44
4	A. Well, are you asking in	15:06:45
5	general or in this particular case, that	15:06:48
6	the chatbot is separate from the RPA	15:06:51
7	server?	15:06:53
8	Q. In Symons. Let me ask the	15:06:54
9	question again.	15:06:56
10	In Symons, is the chatbot	15:06:57
11	separate from an RPA server?	15:06:59
12	A. Yes, that is my opinion.	15:07:01
13	Q. And in Symons, is the chatbot	15:07:02
14	transmitting information to the RPA	15:07:04
15	server?	15:07:07
16	MR. MACEDO: Objection to	15:07:07
17	form.	15:07:08
18	A. It's not clear. Neither I nor	15:07:08
19	Dr. Beigi could make that determination	15:07:13
20	as to how or if that information is	15:07:15
21	transmitted.	15:07:19
22	Q. Okay. And how do you know	15:07:19
23	that in Symons an RPA server is involved?	15:07:21
24	MR. MACEDO: Objection to	15:07:26
25	form.	15:07:26

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1	IVAN ZATKOVICH	
2	A. That was the representation of	15:07:26
3	the Cronos server.	15:07:29
4	Q. So in your opinion, the Cronos	15:07:41
5	server represented that an RPA server	15:07:46
6	existed?	15:07:50
7	A. Yes.	15:07:51
8	Q. Can you point me to the	15:07:52
9	evidence that shows where there is	15:07:54
10	discussion of an RPA server?	15:07:56
11	A. I'm in my first binder labeled	15:08:12
12	assorted exhibits.	15:08:14
13	Actually, I may look at my	15:08:45
14	declaration instead.	15:08:48
15	Actually, if we look at the	15:09:50
16	video itself, the video itself. If we	15:09:52
17	look at page -- well, native page 56 on	15:09:58
18	my declaration for the '664, which will	15:10:02
19	be tab 3.	15:10:10
20	Q. Okay.	15:10:35
21	A. So at the top of page 56, I	15:10:36
22	have a thumbnail of the Cronos server.	15:10:38
23	And the title at the bot says, the	15:10:43
24	chatbot triggers the RPA bot. And I'm	15:10:46
25	assuming it's referring to the Cronos	15:10:50

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1	IVAN ZATKOVICH	
2	server.	15:10:52
3	Q. Because the title, or, sorry,	15:10:58
4	what you call the thumbnail says RPA bot?	15:11:00
5	A. Correct.	15:11:04
6	Q. So is every RPA bot a server?	15:11:04
7	A. Not necessarily, no.	15:11:07
8	Q. What indicates that the Cronos	15:11:08
9	RPA bot is a server?	15:11:16
10	A. Well, on the previous screen,	15:11:18
11	native page 54, we're describing the	15:11:23
12	chatbot. And we see the interaction with	15:11:29
13	the chatbot with the user. Then we see,	15:11:31
14	after completing the chatbot	15:11:37
15	conversation, it switches to a second	15:11:41
16	computer and displays the Cronos server.	15:11:42
17	And the title of that screen is -- the	15:11:50
18	chatbot that we previously discussed,	15:11:53
19	triggers, theoretically, what's being	15:11:56
20	displayed on the screen now, which is the	15:12:00
21	Cronos server, which it's identifying as	15:12:04
22	the RPA bot.	15:12:06
23	Q. And then in your opinion, in	15:12:27
24	Symons, the chatbot transmits information	15:12:30
25	to the RPA bot via an HTML method called	15:12:36

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1 IVAN ZATKOVICH
2 post a URL. Is that right? 15:12:42
3 MR. MACEDO: Objection to 15:12:46
4 form. 15:12:48
5 A. I'm not sure that's the case. 15:12:48
6 Again, neither Dr. Beigi or I had any 15:12:52
7 view into the internals of how that 15:12:56
8 worked. So I could not verify that 15:12:59
9 particular method. 15:13:03
10 Q. Let me put in front of you 15:13:57
11 Exhibit 1008 to all three proceedings, 15:14:00
12 which is the '664, '732 and '317 IPRs. 15:14:03
13 Mr. Zatkovich, have you seen 15:14:11
14 this document before? 15:14:12
15 A. Yes, I have. 15:14:13
16 Q. What is it? 15:14:14
17 A. It's the declaration of 15:14:15
18 Mr. Symons. 15:14:17
19 Q. Going back to the question I 15:14:43
20 had earlier. Mr. Zatkovich, how do you 15:14:45
21 know that the Symons video was put 15:14:47
22 together in less than 17 days after 15:14:49
23 Symons began working at RoboRana? 15:14:50
24 A. Well, among other things, in 15:14:58
25 paragraph 2 of his declaration, he says 15:15:02

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1	IVAN ZATKOVICH	
2	he started in October 2017. He doesn't	15:15:03
3	give a specific date. But if we look at	15:15:08
4	paragraph 5, we know that the article was	15:15:13
5	made publicly available online by October	15:15:19
6	19th, which would require the	15:15:22
7	construction of the system, the creation	15:15:26
8	of the video, so that he could refer to	15:15:31
9	them in the article.	15:15:34
10	I'm trying to recall why I	15:15:42
11	decided -- so giving him the benefit of	15:15:43
12	the doubt, assuming that he started the	15:15:46
13	earliest possible October 1st, that would	15:15:49
14	be 19 days. I'm trying to decide why I	15:15:51
15	decided 17 days instead. Unless there is	15:15:54
16	something else I can refer to. It	15:16:03
17	certainly wouldn't be any more than 19	15:16:04
18	days.	15:16:07
19	Q. Okay. And is there anything	15:16:08
20	that indicates in Exhibit 1008 that	15:16:11
21	Symons was the only one that worked on	15:16:21
22	the Symons chatbot RPA?	15:16:25
23	A. Well, given the fact that he	15:17:01
24	was hired as an automation developer, and	15:17:03
25	that he published the article and	15:17:13

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1	IVAN ZATKOVICH	
2	produced the video, I clearly assumed	15:17:16
3	that he was the primary author of both	15:17:23
4	the description of the project, as well	15:17:27
5	as the significant contributor of the	15:17:35
6	project itself.	15:17:37
7	Q. But you don't know whether	15:18:30
8	anybody else worked on Symons before he	15:18:31
9	joined RoboRana. Is that right?	15:18:44
10	A. I saw no indication of anybody	15:18:46
11	also who worked on the project, no.	15:18:50
12	Q. But it's possible that	15:18:52
13	somebody else could have been working on	15:18:53
14	the Symons product before he joined	15:18:55
15	RoboRana?	15:18:57
16	A. I guess it's possible.	15:18:59
17	Q. So if we could turn to your	15:19:15
18	'732 declaration. Which would be Exhibit	15:19:19
19	2001 in the '732 IPR.	15:19:30
20	A. I have that.	15:19:36
21	Q. Then if you could turn to page	15:19:48
22	242.	15:19:51
23	A. Native 242? Signature page, I	15:19:52
24	have that.	15:19:56
25	Q. And this is your signature.	15:19:56

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1	IVAN ZATKOVICH	
2	Is that right?	15:19:58
3	A. It is.	15:19:58
4	Q. Did you draft your '732	15:19:59
5	declaration?	15:20:01
6	A. I did.	15:20:02
7	Q. Did you draft it from start to	15:20:02
8	finish?	15:20:05
9	A. No. I primarily used the same	15:20:05
10	process that I described for the '664.	15:20:09
11	Q. Do you recall whether you	15:20:12
12	worked on the '732 declaration before the	15:20:14
13	'664 declaration?	15:20:18
14	A. No. The '664 was the first	15:20:20
15	declaration that I worked on.	15:20:23
16	Q. And how many hours would you	15:20:28
17	say you worked with counsel to prepare	15:20:30
18	your '732 declaration?	15:20:31
19	A. Of the 200, roughly 200 hours	15:20:33
20	I estimated for the collection of the	15:20:48
21	three, I'd have to say approximately a	15:20:50
22	third of that.	15:20:52
23	Q. And when you say that you	15:21:08
24	primarily worked on the same process for	15:21:10
25	the '732 as you did for the '664, does	15:21:12

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1	IVAN ZATKOVICH	
2	that mean you also met with Mr. Macedo	15:21:15
3	and Mr. Hart in preparing your '732	15:21:17
4	declaration?	15:21:21
5	A. I did.	15:21:21
6	Q. And did you also meet with	15:21:22
7	Ziv, whose last name is unknown, for the	15:21:25
8	'732 declaration preparation?	15:21:30
9	A. I did.	15:21:30
10	Q. So if we could turn to	15:21:31
11	paragraph 100 of the '732 declaration.	15:21:34
12	There is a table actually on page 53 of	15:22:06
13	your declaration. This table includes	15:22:09
14	your definitions of several claim terms	15:22:13
15	of the '732 patent. Is that right?	15:22:15
16	A. That's correct.	15:22:17
17	Q. And in your opinion, all of	15:22:18
18	these terms have specific meanings. Is	15:22:20
19	that right?	15:22:24
20	A. They do.	15:22:24
21	Q. In your opinion, is there a	15:22:26
22	difference between a specific meaning and	15:22:28
23	a special meaning?	15:22:31
24	MR. MACEDO: Objection to	15:22:39
25	form.	15:22:49

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1	IVAN ZATKOVICH	
2	A. I think I used the term	15:22:49
3	"special" when the term may be identified	15:22:53
4	or might be the same as a term of art in	15:22:58
5	the industry versus just the term itself.	15:23:01
6	So in this particular case I used the	15:23:04
7	word "special" meaning to indicate that,	15:23:07
8	for example, defining a conversation	15:23:12
9	doesn't -- is not a term of art or it	15:23:13
10	doesn't have a particular meaning in the	15:23:15
11	industry.	15:23:16
12	So as far as the, I used two	15:23:17
13	different words in identifying the terms	15:23:19
14	in the claim construction versus	15:23:21
15	identifying the term "computer program,"	15:23:24
16	that would probably be the difference	15:23:26
17	between "specific" versus "special."	15:23:28
18	Q. So in your opinion, defining a	15:23:53
19	conversation has a special meaning	15:23:57
20	because it is not a term of the art. Is	15:24:06
21	that right?	15:24:09
22	A. I'm not sure I applied that	15:24:09
23	special of a methodology to whether I	15:24:13
24	said specific or special. But in this	15:24:15
25	particular case, I would say that is	15:24:19

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1	IVAN ZATKOVICH	
2	true, that defining a conversation does	15:24:22
3	not necessarily have a particular meaning	15:24:25
4	in the industry.	15:24:26
5	Q. Defining a conversation does	15:24:31
6	not necessarily have a particular meaning	15:24:33
7	in which industry?	15:24:35
8	A. Both software development and	15:24:36
9	process automation.	15:24:43
10	Q. And is it your opinion that	15:24:50
11	"defining" does not have a particular	15:24:52
12	meaning in the industry as well?	15:24:57
13	A. Correct.	15:25:00
14	Q. What about defining an	15:25:02
15	automation process, does that have a	15:25:05
16	particular meaning in the industry?	15:25:07
17	A. I believe one would have an	15:25:10
18	understand -- one -- a person of ordinary	15:25:13
19	skill in the art would have the concept	15:25:17
20	of defining an automation process, but	15:25:20
21	the '732 gives specific meaning to that	15:25:25
22	particular term.	15:25:36
23	Q. So if the '732 gives a	15:26:00
24	specific meaning to defining an	15:26:02
25	automation process, does that mean	15:26:07

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1	IVAN ZATKOVICH	
2	"defining an automation process" is a	15:26:12
3	term of the art?	15:26:14
4	A. I would say an automation	15:26:17
5	process is a term of the art. Defining	15:26:19
6	an automation process would have no	15:26:22
7	particular meaning other than a process	15:26:25
8	to define an automation -- a process for	15:26:28
9	defining an automation process. Again,	15:26:33
10	the patent itself makes it very clear	15:26:36
11	what it means by defining an automation	15:26:41
12	process.	15:26:43
13	Q. Okay. And then "computer	15:26:55
14	program." Do you see that in the table?	15:26:57
15	A. I do.	15:27:00
16	Q. Does that have a specific or	15:27:01
17	special meaning?	15:27:04
18	A. Within the context of the	15:27:09
19	patent, yes.	15:27:10
20	Q. Okay. And is that a term of	15:27:11
21	the art, computer program?	15:27:15
22	A. "Computer program" would be a	15:27:16
23	general term of the art, yes. But I	15:27:17
24	believe it has a more specific meaning	15:27:20
25	within the patent.	15:27:22

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1 IVAN ZATKOVICH

2 Q. What about "displayed user 15:27:30

3 interface," is that a term of the art? 15:27:32

4 A. Not displayed user interface. 15:27:35

5 User interface would have a meaning in 15:27:38

6 the industry. Displayed usual interface 15:27:40

7 wants to distinguish between that and 15:27:46

8 some other type -- some, for example, an 15:27:49

9 API that's specific there -- the 15:27:53

10 invention, the purpose of the invention 15:27:59

11 is to say we want to automate a computer 15:28:01

12 program or target system by utilizing 15:28:03

13 displayed user interface as opposed to 15:28:08

14 some other mechanism, such as an API. 15:28:10

15 Q. So in your opinion, an API is 15:28:22

16 not a displayed user interface? 15:28:26

17 A. Correct. 15:28:28

18 Q. And then associating the 15:28:28

19 conversation with the automation process, 15:28:30

20 is that a term of the art? 15:28:32

21 A. No, I don't believe so. 15:28:38

22 Q. Does associating the 15:28:40

23 conversation with the automation process 15:28:41

24 have a specific meaning? 15:28:43

25 A. Yes, within the context of the 15:28:48

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1	IVAN ZATKOVICH	
2	'732, yes.	15:28:51
3	Q. What about publishing the	15:28:51
4	conversation, does that -- is that a term	15:28:57
5	of the art?	15:29:01
6	A. I wouldn't say so, no.	15:29:01
7	Q. And does publishing the	15:29:04
8	conversation have a specific meaning?	15:29:07
9	A. Within the context of the	15:29:10
10	'732, yes.	15:29:12
11	Q. Okay. So if we turn to the	15:29:13
12	first term shown in the table on page 53	15:29:20
13	of your declaration, paragraph 100 of the	15:29:25
14	'732, "defining."	15:29:31
15	Do you see that?	15:29:31
16	A. I do.	15:29:33
17	Q. What constitutes a novice or	15:29:33
18	novices?	15:29:37
19	A. I would say a novice would be	15:29:41
20	someone who was not trained in techniques	15:30:35
21	for defining automation processes or	15:30:45
22	defining user interface conversations.	15:30:47
23	Q. Not trained at all?	15:30:58
24	A. In other words, I wouldn't	15:31:00
25	consider that part -- a primary task of	15:31:01

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1	IVAN ZATKOVICH	
2	their day-to-day work is defining	15:31:04
3	automation processes or defining natural	15:31:08
4	language interfaces.	15:31:12
5	Q. What about somebody who	15:31:15
6	defines automation processes or defines	15:31:17
7	natural language interfaces as a hobby?	15:31:21
8	A. I would have to understand the	15:31:26
9	amount of training. If they are serious,	15:31:31
10	passionate hobbyist and they read	15:31:36
11	technical articles and they understand	15:31:38
12	various methods of defining automation	15:31:40
13	processes or natural language interface	15:31:42
14	conversations, then I think by definition	15:31:44
15	they would not be a novice. They would	15:31:50
16	be highly active in the field, they're	15:31:52
17	training themselves on various techniques	15:31:54
18	on doing that.	15:31:57
19	Q. So by training are you	15:32:11
20	referring to reading technical articles?	15:32:13
21	A. I would say reading technical	15:32:14
22	articles as well as practicing, either	15:32:16
23	defining automation processes or defining	15:32:22
24	natural language interface conversations.	15:32:24
25	Q. So somebody who practices	15:32:27

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1	IVAN ZATKOVICH	
2	defining automation processes or defining	15:32:31
3	natural language interfaces as a hobby	15:32:33
4	for one year, would they be considered a	15:32:37
5	novice?	15:32:40
6	A. If they're knowledgeable about	15:32:43
7	various techniques to do that, then I	15:32:46
8	would not consider them a novice, no.	15:32:48
9	Q. What about two years?	15:32:50
10	A. Same. Again, if they're not a	15:32:52
11	novice for one year they wouldn't be a	15:32:54
12	novice for two years.	15:32:56
13	Q. Sorry. If an individual has	15:32:57
14	been practicing defining automation	15:33:01
15	processes or defining natural language	15:33:03
16	interfaces as a hobby for two years,	15:33:06
17	would you consider that person a novice?	15:33:10
18	A. If they were not? Again, I	15:33:13
19	would say if they were practicing various	15:33:18
20	techniques and reading industry articles	15:33:22
21	for less than a year as a hobbyist, they	15:33:25
22	may be considered a novice.	15:33:29
23	Q. What about more than a year?	15:33:31
24	A. If they were passionate,	15:33:32
25	active hobbyist, practicing different	15:33:37

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1	IVAN ZATKOVICH	
2	techniques, researching different	15:33:40
3	techniques, no, I wouldn't consider them	15:33:43
4	a novice.	15:33:45
5	In other words, they would	15:33:47
6	understand various aspects or various	15:33:48
7	techniques for defining automation	15:33:55
8	processes. The whole point of the	15:33:59
9	invention is so that they don't have to	15:34:01
10	spend significant time training or being	15:34:03
11	aware of multiple techniques for doing	15:34:05
12	this. We're providing them a user	15:34:08
13	friendly interface for doing that.	15:34:11
14	Q. So, Mr. Zatkovich, how do you	15:34:23
15	draw the line between determining whether	15:34:25
16	or not someone is a novice?	15:34:27
17	A. I think I just did. I think	15:34:41
18	someone who spends at least a year either	15:34:43
19	formally or informally training	15:34:48
20	themselves on the various techniques, and	15:34:50
21	practicing the art of defining automation	15:34:54
22	processes and natural language interface	15:34:57
23	conversations, I think that would be the	15:35:01
24	level of which they no longer are novice.	15:35:04
25	Q. What about a non-programming	15:35:08

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1	IVAN ZATKOVICH	
2	user, what is a non-programming user?	15:35:24
3	A. Someone who has not been	15:35:25
4	trained or does not regularly practice	15:35:28
5	software programming.	15:35:30
6	Q. So then somebody who does not	15:35:33
7	regularly practice software programming,	15:35:34
8	are they a non-programming user or are	15:35:37
9	they a novice?	15:35:39
10	A. A novice deals with the aspect	15:35:51
11	of their knowledge of the different tools	15:35:53
12	and techniques in the industry for	15:35:55
13	defining automation processes and natural	15:35:57
14	language interface conversations. That's	15:36:00
15	one category of users. Another category	15:36:01
16	of users might be software programmers	15:36:04
17	that would understand different methods	15:36:10
18	for integrating a chatbot with an	15:36:11
19	automation process. For example, using	15:36:14
20	an API or using software programs to do	15:36:15
21	that.	15:36:18
22	Q. And you said earlier that the	15:36:32
23	whole point of the '732 invention is to	15:36:33
24	provide a user friendly interface. Is	15:36:39
25	that right?	15:36:42

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1	IVAN ZATKOVICH	
2	A. Correct. Such that you	15:36:42
3	neither have to be a programmer to	15:36:44
4	implement an integration between a	15:36:47
5	chatbot and an automation process, or	15:36:50
6	have significant knowledge on the	15:36:55
7	techniques for tools and other systems	15:36:59
8	that do that.	15:37:01
9	Q. In other words, the user	15:37:13
10	friendly interface makes defining a	15:37:16
11	trivial task. Is that right?	15:37:24
12	MR. MACEDO: Objection to	15:37:26
13	form.	15:37:28
14	A. Makes the defining possible	15:37:28
15	for the novice user and non-programmers.	15:37:32
16	Q. The user friendly interface	15:37:45
17	makes it possible. So does that mean	15:37:51
18	that it's impossible without the user	15:37:57
19	friendly interface for a novice or	15:37:58
20	non-program user to define?	15:38:01
21	MR. MACEDO: Objection to	15:38:04
22	form.	15:38:05
23	A. Without a user friendly	15:38:06
24	interface to define an automation process	15:38:07
25	or natural language interface	15:38:10

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1	IVAN ZATKOVICH	
2	conversation, it would be extremely	15:38:14
3	difficult for either a non-programmer or	15:38:17
4	a novice to do that.	15:38:19
5	Q. Right.	15:38:21
6	So the user --	15:38:22
7	A. I wouldn't go as far as saying	15:38:26
8	it would make it trivial. I would say it	15:38:27
9	definitely makes it possible and usable.	15:38:31
10	I mean, the intent is for non-programmers	15:38:34
11	and novices to use this invention.	15:38:37
12	Q. But doesn't the user friendly	15:38:38
13	interface make it simpler for the	15:38:41
14	non-programmer and novice?	15:38:42
15	A. Sure. I wouldn't say it's	15:38:44
16	trivial, but yes, it makes it much	15:38:46
17	simpler.	15:38:48
18	Q. Because it's user friendly?	15:38:48
19	A. Correct. Well, user friendly	15:38:50
20	in -- let me put it this way:	15:38:55
21	Integrating a chat with an automated	15:38:59
22	process such as an RPA, is complicated.	15:39:05
23	Q. Okay.	15:39:07
24	A. The purpose of this invention	15:39:08
25	is to make it simpler, especially for	15:39:10

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1	IVAN ZATKOVICH	
2	non-programmers and novices.	15:39:14
3	MS. NGUYEN: Let's take a	15:39:42
4	break.	15:39:44
5	THE VIDEOGRAPHER: We are	15:39:44
6	going off the record at 3:40 p.m.	15:39:44
7	(A recess was taken.)	15:39:48
8	THE VIDEOGRAPHER: We're back	15:56:56
9	on the record at 3:57 p.m.	15:57:02
10	BY MS. NGUYEN:	15:57:07
11	Q. Mr. Zatkovich, during the	15:57:13
12	break did you talk to counsel at all	15:57:15
13	about the substance of the proceeding or	15:57:17
14	deposition?	15:57:19
15	A. No.	15:57:19
16	Q. And before the break, we were	15:57:21
17	looking at the table of claim terms from	15:57:23
18	page 53 of the '732 declaration.	15:57:27
19	A. Correct.	15:57:31
20	Q. Okay. Sticking with the claim	15:57:32
21	term "defining."	15:57:34
22	Do you see that?	15:57:34
23	A. Mm-hmm.	15:57:37
24	Q. Towards the end of the	15:57:38
25	construction you provided for "defining,"	15:57:41

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1	IVAN ZATKOVICH	
2	it says dedicated -- sorry, it says,	15:57:45
3	"without needing to use dedicated API	15:57:50
4	programming languages or the like."	15:57:54
5	Do you see that?	15:57:57
6	A. I do.	15:57:57
7	Q. What's a dedicated API?	15:57:57
8	A. A dedicated API is an API	15:58:00
9	defined by the target program or the	15:58:06
10	computer program itself. In other words,	15:58:08
11	an API that it purports to be a valid way	15:58:09
12	of interfacing for specific functionality	15:58:13
13	of that program. As opposed to some	15:58:18
14	informal API that you might be able to	15:58:21
15	inject something into the database or	15:58:24
16	something like that without having been	15:58:27
17	formally recognized by the computer	15:58:28
18	program.	15:58:29
19	Q. So would a nondedicated API	15:58:31
20	satisfy your construction?	15:58:39
21	A. I think the intent of this is	15:58:40
22	to identify the fact that target systems	15:58:43
23	or computer programs have defined APIs.	15:58:47
24	Which allow external systems or users to	15:58:54
25	interface with that. But they would be	15:58:59

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1	IVAN ZATKOVICH	
2	limited to simply what that API provides.	15:59:03
3	I would say it would certainly	15:59:07
4	include non-supported APIs as well. But	15:59:09
5	that's just another option.	15:59:19
6	The term -- the term "API"	15:59:22
7	could mean various methods to interface	15:59:26
8	with the program, both formal and	15:59:30
9	informal. I think I'm just identifying	15:59:33
10	formal APIs here because that would be --	15:59:45
11	the two most common methods of	15:59:47
12	interfacing with a computer program would	15:59:49
13	be through a dedicated API or a displayed	15:59:52
14	user interface, okay.	15:59:56
15	Q. Okay.	15:59:57
16	A. A person of skill in the art	15:59:58
17	would only think to, if they wanted to	16:00:00
18	have a supported automated process, that	16:00:03
19	they know would continue to work, would	16:00:06
20	use one of those two methods. They could	16:00:08
21	use a nondedicated API, but again, that	16:00:10
22	would -- could easily break if they	16:00:14
23	modified the computer program. A	16:00:16
24	dedicated API is something that the	16:00:19
25	computer program says, this is what we're	16:00:22

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1	IVAN ZATKOVICH	
2	going to support and we'll continue to	16:00:25
3	support it even if we modify our	16:00:27
4	application.	16:00:30
5	Q. So I don't think you answered	16:00:36
6	my question.	16:00:38
7	Would a nondedicated API	16:00:39
8	satisfy your construction?	16:00:42
9	MR. MACEDO: Objection to	16:00:43
10	form.	16:00:47
11	A. I think I -- I think I'm	16:00:47
12	saying I did not consider that scenario.	16:00:52
13	Because normally you would not consider	16:00:55
14	using an informal or a nondedicated API	16:00:57
15	as a legitimate form of interfacing with	16:01:01
16	a computer program.	16:01:04
17	Q. So sitting here today, do you	16:01:06
18	believe a nondedicated API should be	16:01:10
19	included in your construction?	16:01:14
20	MR. MACEDO: Objection to	16:01:15
21	form.	16:01:16
22	A. Yes, I think it would be	16:01:16
23	applicable. The intent is to basically	16:01:18
24	rely purely on the displayed user	16:01:22
25	interface, at least within the asserted	16:01:25

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1	IVAN ZATKOVICH	
2	claims, for interfacing between the	16:01:27
3	automation process and the target system.	16:01:32
4	Q. So if you could modify your	16:01:48
5	construction, would you modify it to say	16:01:51
6	without needing to use dedicated APIs,	16:01:53
7	nondedicated APIs, programming languages	16:01:56
8	or the like?	16:01:59
9	MR. MACEDO: Objection to	16:02:00
10	form.	16:02:08
11	A. I mean, if you wanted to be	16:02:08
12	inclusive of every conceivable method of	16:02:11
13	interfacing with a program, yes. That	16:02:14
14	wasn't the intent. My intent was to	16:02:17
15	cover what a POSITA would consider the	16:02:20
16	likely methods of interfacing with a	16:02:25
17	software program -- I'm sorry, a computer	16:02:28
18	program.	16:02:32
19	Q. Just to be clear with my	16:02:33
20	question, if you could modify your	16:02:51
21	construction of "defining," would you	16:02:53
22	modify your construction of "defining" to	16:02:56
23	end with, without needing to use	16:03:01
24	dedicated APIs, nondedicated APIs,	16:03:04
25	programming languages or the like?	16:03:07

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1	IVAN ZATKOVICH	
2	MR. MACEDO: Objection to	16:03:08
3	form.	16:03:10
4	A. No, I don't think I would	16:03:10
5	modify it.	16:03:12
6	Q. So your construction of	16:03:24
7	"defining" does not include nondedicated	16:03:26
8	APIs. Is that right?	16:03:29
9	MR. MACEDO: Objection to	16:03:30
10	form.	16:03:31
11	A. I would think nondedicated	16:03:31
12	APIs would still require some form of	16:03:33
13	programming languages to interface with	16:03:35
14	it. So I would think that would still be	16:03:38
15	covered under that scenario with this	16:03:40
16	construction.	16:03:42
17	Q. Okay. And what is covered	16:03:46
18	under "the like" in your construction of	16:03:48
19	"defining"?	16:03:53
20	A. I'd have to come up with all	16:04:03
21	the possible, conceivable methods of	16:04:07
22	getting information into or out of a	16:04:10
23	software program. Including hacking,	16:04:14
24	things like that.	16:04:16
25	So again, this covers -- the	16:04:19

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1	IVAN ZATKOVICH	
2	intention is to cover the most likely	16:04:23
3	methods of getting information into and	16:04:26
4	out of a computer program where dedicated	16:04:28
5	APIs and computer languages would be the	16:04:33
6	most likely. We could conceivably come	16:04:36
7	up with other examples that are	16:04:41
8	equivalent to that. So as far as that's	16:04:42
9	concerned, I believe this construction	16:04:45
10	covers that.	16:04:49
11	Q. Mr. Zatkovich, if you could	16:05:31
12	turn to paragraph 98 of your '732	16:05:35
13	declaration.	16:05:38
14	A. I have that.	16:05:40
15	Q. In paragraph 98 of your '732	16:05:41
16	declaration, you summarize your	16:05:44
17	understanding of the legal standard for	16:05:46
18	claim construction. Is that right?	16:05:49
19	A. I do.	16:05:50
20	Q. What is your understanding of	16:05:51
21	how to construe patent claims under	16:05:53
22	United States patent law?	16:05:56
23	A. That claim terms should be	16:05:59
24	given their ordinary and customary	16:06:03
25	meaning as would be understood by a	16:06:05

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1	IVAN ZATKOVICH	
2	person of ordinary skill in the art,	16:06:08
3	given the context of the specification	16:06:12
4	and the prosecution history, the claims	16:06:14
5	and extrinsic evidence, including expert	16:06:16
6	and inventor testimonies, dictionaries	16:06:22
7	and learned treatises.	16:06:26
8	Q. Are you required to construe	16:06:38
9	the claims from the perspective of a	16:06:40
10	patent examiner?	16:06:44
11	MR. MACEDO: Objection to	16:06:46
12	form.	16:06:47
13	A. Only if a patent examiner --	16:06:47
14	patent examiner would be considered a	16:07:07
15	person of ordinary skill in the art.	16:07:10
16	Q. Are you required to construe	16:07:15
17	the claims from the perspective of an	16:07:17
18	expert?	16:07:19
19	MR. MACEDO: Objection to	16:07:21
20	form.	16:07:23
21	A. Again, if that expert meets	16:07:23
22	the definition of a person of ordinary	16:07:29
23	skill in the art as well. But only on	16:07:32
24	the basis of a person of ordinary skill	16:07:37
25	in the art.	16:07:39

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1	IVAN ZATKOVICH	
2	Q. And when performing claim	16:07:43
3	construction, are you required to	16:07:45
4	consider dictionary definitions of the	16:07:46
5	term?	16:07:54
6	MR. MACEDO: Objection to	16:07:54
7	form.	16:07:55
8	A. Yes, you could consider	16:07:55
9	dictionary definitions.	16:08:09
10	Q. Are you required to consider	16:08:10
11	dictionary definitions of a term when	16:08:15
12	performing claim construction?	16:08:17
13	MR. MACEDO: Objection to	16:08:19
14	form.	16:08:20
15	A. If someone doesn't have an	16:08:20
16	understanding of what a dictionary	16:08:29
17	definition of a term may be, then yes, I	16:08:31
18	would say they would have to consult a	16:08:33
19	dictionary.	16:08:35
20	Q. Who is that someone?	16:08:36
21	A. The person construing the	16:08:59
22	term.	16:09:00
23	Q. Could it be anybody?	16:09:03
24	A. I would say it has to be at	16:09:07
25	least a person of skill in the art.	16:09:08

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1 IVAN ZATKOVICH

2 Q. And how does someone who 16:09:10

3 doesn't have an understanding of what a 16:09:14

4 dictionary definition of a term is, know 16:09:17

5 that they don't have an understanding of 16:09:20

6 that term? 16:09:22

7 MR. MACEDO: Objection to 16:09:28

8 form. 16:09:29

9 A. I think someone who is working 16:09:29

10 in the industry for one to two years, and 16:09:32

11 that terminology is used within the 16:09:37

12 industry, they would have an 16:09:39

13 understanding of the dictionary 16:09:41

14 definition of that. 16:09:43

15 Q. And if a dictionary defines a 16:09:56

16 claim term, does that term have the 16:10:02

17 meaning that is set forth in the 16:10:05

18 dictionary definition? 16:10:06

19 MR. MACEDO: Objection to 16:10:08

20 form. 16:10:16

21 A. Unless the specification 16:10:16

22 provides some other meaning that may 16:10:19

23 limit it or would require it to be 16:10:23

24 construed differently than the plain and 16:10:30

25 ordinary meaning. 16:10:35

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1	IVAN ZATKOVICH	
2	Q. And when construing a claim	16:10:57
3	term, are you required to interpret the	16:11:00
4	claim term from the perspective of	16:11:03
5	someone reading the patent in the	16:11:05
6	present?	16:11:08
7	MR. MACEDO: Objection to	16:11:09
8	form.	16:11:12
9	A. No. You would want to read	16:11:12
10	the patent from the perspective of at the	16:11:14
11	time of the invention. In other words,	16:11:21
12	the priority date of that patent.	16:11:23
13	Q. How do you determine the	16:11:26
14	priority date of a patent?	16:11:27
15	A. I couldn't tell you the exact	16:11:29
16	process. But basically it has to do with	16:11:32
17	whether the patent is a continuation of a	16:11:35
18	previous patent, when the patent was	16:11:38
19	submitted, when a provisional patent has	16:11:40
20	been submitted. It would be a legal	16:11:43
21	definition.	16:11:48
22	Q. And if a patent specification	16:11:53
23	describes an example of the invention,	16:11:56
24	must the claims cover that example?	16:11:59
25	MR. MACEDO: Objection to	16:12:01

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1	IVAN ZATKOVICH	
2	form.	16:12:04
3	A. No. You can have examples in	16:12:04
4	the specification that are not	16:12:09
5	illustrated or required within the	16:12:13
6	claims. Was that your question?	16:12:16
7	Q. My question was, if a patent	16:12:19
8	specification describes an example of the	16:12:21
9	invention, must the claims cover that	16:12:23
10	example?	16:12:25
11	MR. MACEDO: Objection to	16:12:26
12	form.	16:12:28
13	A. No, I don't believe so.	16:12:28
14	Q. When do the claims not cover	16:12:31
15	an example described in the	16:12:44
16	specification?	16:12:46
17	A. You asked it the other way	16:12:47
18	around this time.	16:12:49
19	MR. MACEDO: Objection to	16:12:51
20	form.	16:12:51
21	A. You can have examples and	16:12:52
22	embodiments in the specification that are	16:12:54
23	not required in the claims.	16:12:56
24	Q. Mm-hmm.	16:12:59
25	A. But everything that are in the	16:13:00

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1	IVAN ZATKOVICH	
2	claims has to be either enabled or have	16:13:01
3	written description or be understood by a	16:13:07
4	person of ordinary skill in the art.	16:13:11
5	Q. Okay. And in what scenario	16:13:15
6	would it be the case where you have	16:13:21
7	examples in a specification that are not	16:13:24
8	required by the claims?	16:13:27
9	A. I think we discussed some	16:13:29
10	earlier today. Examples of the '664	16:13:31
11	claims that -- the parts of the	16:13:39
12	specification that are not required. So	16:13:45
13	defining a conversation is described as	16:13:48
14	an example of a method, a functionality	16:13:52
15	that's in the specification. Claim 1 of	16:13:55
16	the '664 does not require the definition	16:13:57
17	of a conversation.	16:14:01
18	So that would be an example --	16:14:03
19	that would be something that was an	16:14:06
20	example in the specification that would	16:14:07
21	not be covered by the claims.	16:14:09
22	Q. And why is that an example of	16:14:10
23	something that would not be covered by	16:14:15
24	the claims?	16:14:18
25	A. Because the '664, at least	16:14:18

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1	IVAN ZATKOVICH	
2	it's Claim 1 of the '664, does not	16:14:22
3	require you to define a conversation in	16:14:25
4	order for a conversation to take place.	16:14:28
5	Q. Okay. If you have Claim 1 of	16:14:30
6	a patent that requires a certain	16:14:33
7	limitation, but the specification	16:14:40
8	provides an example of that same	16:14:45
9	limitation, does Claim 1 require that	16:14:47
10	example?	16:14:50
11	MR. MACEDO: Objection to	16:14:50
12	form.	16:14:51
13	A. Not necessarily that	16:14:52
14	particular example. It depends.	16:14:56
15	Q. What does it depend on?	16:15:00
16	A. Again, this is a legal	16:15:02
17	concept, I'm not an expert in legal	16:15:05
18	interpretations. But my understanding is	16:15:07
19	that if it is, and in some cases the only	16:15:11
20	embodiment of a limitation, it could be	16:15:18
21	construed as being required by the patent	16:15:22
22	claims. I don't know if there is other	16:15:25
23	examples. Again, we're getting into	16:15:29
24	legal territory.	16:15:31
25	Q. And in cases where it's not	16:15:32

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1	IVAN ZATKOVICH	
2	the only embodiment described in the	16:15:34
3	specification, are the claims limited to	16:15:37
4	only one embodiment?	16:15:40
5	MR. MACEDO: Objection to	16:15:42
6	form.	16:15:43
7	A. Again, it would be my	16:15:43
8	understanding that it would not be	16:15:45
9	limited to only one embodiment.	16:15:46
10	Q. And if the patent	16:16:08
11	specification describes an example, are	16:16:09
12	the claims limited to that example?	16:16:11
13	MR. MACEDO: Objection to	16:16:12
14	form.	16:16:14
15	A. Again, it depends on the	16:16:14
16	example. So for example, defining an	16:16:19
17	automation process is a limitation in the	16:16:22
18	claims. In all cases within the	16:16:27
19	specification, defining an automation	16:16:30
20	process has one central meaning, meaning	16:16:34
21	the ability to define that automation	16:16:38
22	process by generating a non-programming	16:16:42
23	user -- by allowing a non-programming	16:16:46
24	user to define an automation process	16:16:48
25	flow, including a sequence of	16:16:52

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1	IVAN ZATKOVICH	
2	interactions in a manner practicable by	16:16:53
3	novices and non-programmers. That's my	16:16:57
4	description of defining automation	16:16:59
5	process that carries throughout the	16:17:02
6	entire specification, with no other	16:17:03
7	counter-examples or contradictory	16:17:07
8	examples to that.	16:17:11
9	Q. Okay, Mr. Zatkovich, if I	16:18:16
10	could have you turn to your '317	16:18:17
11	declaration. Which would be Exhibit 2002	16:18:20
12	in the '317 IPR.	16:18:26
13	A. I have that.	16:18:37
14	Q. In your opinion, what's the	16:18:39
15	difference between the '317 patent and	16:18:49
16	the '664 patent claims?	16:18:52
17	A. Are we looking at my printout	16:19:00
18	of all the claim terms of all three	16:19:02
19	patents? '317 and that '664, that's what	16:19:04
20	we're comparing?	16:19:15
21	Q. Yes. And more specifically,	16:19:15
22	Claim 1 of the '317 compared to Claim 1	16:19:18
23	of the '664.	16:19:21
24	A. All right, let's start with	16:20:05
25	the claims that are in the '317 that are	16:20:06

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1	IVAN ZATKOVICH	
2	not in the '664. The '317 uses a user	16:20:08
3	instruction from a natural language	16:20:14
4	interface to determine to implement an	16:20:18
5	automation process on a web-based target	16:20:22
6	system.	16:20:25
7	The '664 utilizes a first	16:20:26
8	natural language input and a second	16:20:32
9	natural language input to determine an	16:20:36
10	automation process. And the '664, Claim	16:20:37
11	1 does not necessarily require a	16:20:47
12	web-based targeting system.	16:20:49
13	The '317 collects information,	16:20:52
14	element C collects information to be used	16:21:00
15	as part of the automation process. The	16:21:02
16	'664, again, only requires a first	16:21:14
17	natural language input and a second	16:21:17
18	language -- natural language input. As	16:21:18
19	opposed to just general collection of	16:21:22
20	information.	16:21:24
21	I would say both the '664 and	16:21:33
22	the '317 in Claim 1 implement the	16:21:38
23	automation process by interacting with	16:21:41
24	the graphic user interface of the target	16:21:43
25	system of the computer program. Both of	16:21:45

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1	IVAN ZATKOVICH	
2	them simulating the user input to the GUI	16:22:00
3	of that computer system.	16:22:03
4	In the '317, the automation	16:22:07
5	process is performed with respect to a	16:22:11
6	third-party web-based target system. The	16:22:13
7	'664 is silent both on the web-based	16:22:21
8	system and the third-party.	16:22:23
9	The '317 specifically requires	16:22:34
10	that you do not rely on the application	16:22:39
11	programming interface exposed by the	16:22:42
12	web-based target system in order to	16:22:46
13	implement the automation process. The	16:22:50
14	'664 is silent on the use of an API.	16:22:57
15	The '317 identifies element G,	16:23:08
16	where the implementation of the	16:23:24
17	automation process requires automatically	16:23:25
18	and without user input filling in a text	16:23:28
19	field in the GUI of the target system.	16:23:31
20	The '664, again, simply requires a first	16:23:35
21	natural language input and a second	16:23:42
22	natural language input to implement the	16:23:43
23	automation process. It's silent as to	16:23:45
24	whether that would include filling in the	16:23:48
25	text input field.	16:23:50

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1	IVAN ZATKOVICH	
2	And element H of the '317,	16:23:52
3	automatically and without user input	16:23:59
4	interacting with the widget in the GUI to	16:24:01
5	cause the web-based target system to	16:24:05
6	perform a pre-defined functionality.	16:24:07
7	Again, the '664 is silent on requiring a	16:24:10
8	GUI widget. Again, it's simply requiring	16:24:14
9	only a first natural language input and a	16:24:19
10	second natural language input.	16:24:22
11	I'd say that covers the	16:24:25
12	primary differences between the two.	16:24:28
13	Q. And what about the differences	16:24:48
14	between the '317 Claim 1 and '732 Claim	16:24:49
15	1?	16:24:56
16	A. '317 and the '732?	16:24:56
17	Q. Correct.	16:25:08
18	A. Well, first and foremost, the	16:25:44
19	372 [sic] Claim 1 requires a method for	16:25:48
20	defining an automation process. In other	16:25:52
21	words, there would have to be some	16:25:55
22	disclosure or teaching of the process for	16:26:00
23	defining an automation process. The '317	16:26:03
24	does not require that.	16:26:06
25	The '732 also requires the	16:26:09

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1	IVAN ZATKOVICH	
2	teaching or disclosure of defining a	16:26:16
3	conversation. That is not required in	16:26:19
4	the '317.	16:26:24
5	The 372 [sic] requires	16:26:25
6	associating the defined conversation with	16:26:34
7	the defined automation process. That's	16:26:37
8	not a specific requirement of the '317.	16:26:41
9	Q. Sorry, you meant '732,	16:26:46
10	correct?	16:26:49
11	A. That's a requirement of the	16:26:49
12	'732, associating, but not the '317.	16:26:53
13	The 372 requires --	16:27:12
14	MR. MACEDO: Excuse me. 372	16:27:17
15	or '732?	16:27:19
16	THE WITNESS: Sorry, '732.	16:27:22
17	A. The '732 requires simulating a	16:27:31
18	sequence of interactions with the	16:27:39
19	displayed user interface, wherein the	16:27:42
20	automation process is parameterized.	16:27:45
21	'317 also requires simulating user input	16:27:49
22	to the GUI of the target system, but does	16:27:53
23	not necessarily indicate that it has to	16:27:58
24	be parameterized.	16:28:00
25	The '732 requires the	16:28:01

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1	IVAN ZATKOVICH	
2	publishing of the defined conversation so	16:28:04
3	that it would be accessible to the user	16:28:07
4	via natural language interface. The '317	16:28:11
5	just identifies a natural language	16:28:15
6	interface. Not the publishing process.	16:28:19
7	The '732 -- hmm. The '732,	16:28:24
8	claim element 1-E, describes the	16:28:49
9	parameterized automation process is	16:28:54
10	invoked automatically by the natural	16:28:58
11	language interface using one or more	16:29:00
12	values provided by the user to the	16:29:01
13	natural language interface. For the one	16:29:06
14	or more parameters. The '317 requires	16:29:10
15	the invoking of the automation process	16:29:17
16	using a natural language interface where	16:29:24
17	the user provides an instruction but not	16:29:26
18	necessarily one or more parameters.	16:29:29
19	But other than to collect	16:29:35
20	information.	16:29:39
21	I would say those are the	16:29:43
22	primary differences between the 372 [sic]	16:29:45
23	and the '317.	16:29:48
24	(Reporter clarification.)	16:29:56
25	A. '732.	16:30:01

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1	IVAN ZATKOVICH	
2	Q. So turning back to your '317	16:30:07
3	declaration. Page 153.	16:30:09
4	A. Do you have the page number	16:30:27
5	from the top?	16:30:29
6	Q. It would be 153.	16:30:30
7	A. 153, okay.	16:30:32
8	Yes, that's my signature page.	16:30:43
9	Q. Okay. And did you draft the	16:30:45
10	'317 declaration?	16:30:48
11	A. I did.	16:30:49
12	Q. And did you begin working on	16:30:49
13	the '317 declaration before the '732	16:30:51
14	declaration?	16:30:55
15	A. No. I believe the order would	16:30:55
16	have been '664, 372 [sic] and the '317.	16:30:59
17	But I don't think -- in other words, I	16:31:06
18	don't think I started, for example, the	16:31:16
19	'317 after the '664 was complete. I	16:31:22
20	drafted portions of each of them,	16:31:26
21	starting with the '664, then the 372	16:31:31
22	[sic], then the '317. Then I basically	16:31:34
23	completed the '664, then completed the	16:31:37
24	'732 and then completed the '317.	16:31:41
25	MR. MACEDO: Counsel, when he	16:31:45

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1	IVAN ZATKOVICH	
2	said 372, I think we can clarify he	16:31:46
3	meant '732. Is that okay?	16:31:48
4	MS. NGUYEN: Yes.	16:31:50
5	Q. Can you explain the process in	16:31:56
6	which you prepared your '317 declaration?	16:31:58
7	A. Sure. It was very much like I	16:32:01
8	did for the '664 and the '732. I	16:32:04
9	reviewed the declaration of Dr. Beigi. I	16:32:08
10	reviewed the petition and the PTAB	16:32:14
11	decision. I reviewed the prior art. And	16:32:17
12	then prepared an outline of what	16:32:20
13	potential arguments or rebuttals I think	16:32:25
14	were applicable based on the grounds of	16:32:29
15	the petition in Dr. Beigi's declaration.	16:32:36
16	After outlining that, I met	16:32:40
17	with counsel, we discussed how I might	16:32:43
18	present those in my declaration. I	16:32:44
19	performed some of the drafting of the	16:32:48
20	content. Counsel performed some of the	16:32:50
21	drafting of the content. For example,	16:32:53
22	the overviews and other information.	16:32:55
23	When we completed the draft, I reviewed	16:33:01
24	that with counsel. Then I provided	16:33:03
25	updates and revisions to that. And then	16:33:10

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1	IVAN ZATKOVICH	
2	submitted a final draft.	16:33:12
3	Q. So other than the declaration	16:33:19
4	of Dr. Beigi, the petition, the PTAB	16:33:22
5	decision and the prior art, did you	16:33:25
6	review anything else?	16:33:27
7	A. Well, I have a list of	16:33:32
8	materials considered. So I reviewed	16:33:35
9	those in whole or in part as well.	16:33:38
10	Q. Do you recall which ones you	16:33:41
11	reviewed in part?	16:33:43
12	A. So I'm looking at page 1.	16:34:20
13	Page 1 of my declaration. And that	16:34:28
14	contains a table, continuing on pages 2	16:34:33
15	and 3.	16:34:38
16	Exhibit No. 1004 I reviewed in	16:34:42
17	whole.	16:34:45
18	Exhibit 1005 I reviewed in	16:34:46
19	whole.	16:34:48
20	Exhibit 1006 I reviewed in	16:34:51
21	whole.	16:34:53
22	1009 I reviewed in whole.	16:34:55
23	1011 I reviewed in whole.	16:34:59
24	1013, I believe I reviewed in	16:35:09
25	whole.	16:35:15

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1	IVAN ZATKOVICH	
2	1014, the Allen patent, I	16:35:18
3	reviewed in whole.	16:35:21
4	1016, the Krishnan patent, I	16:35:23
5	reviewed in whole.	16:35:26
6	Application 1017, the	16:35:29
7	provisional application to Krishnan, I	16:35:33
8	reviewed in whole.	16:35:36
9	The 1018 by Krishnan I	16:35:38
10	reviewed in whole.	16:35:43
11	1026, Melendez, I reviewed in	16:35:44
12	whole.	16:35:48
13	1028, "Robotic Automation	16:35:53
14	Emerges As a Threat to Traditional	16:36:00
15	Low-Cost Outsourcing," I reviewed that at	16:36:03
16	least in part.	16:36:05
17	1029 I reviewed at least in	16:36:13
18	part.	16:36:17
19	1030 I reviewed at least in	16:36:19
20	part.	16:36:21
21	1031 I reviewed at least in	16:36:22
22	part.	16:36:26
23	1032 I reviewed in whole.	16:36:30
24	1033 I reviewed in whole.	16:36:34
25	Q. And how many hours would you	16:36:47

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1	IVAN ZATKOVICH	
2	say you worked with counsel to prepare	16:36:48
3	your '317 declaration?	16:36:49
4	A. Again, of the 30 to 40 hours I	16:36:52
5	spent with counsel on all three of these,	16:37:03
6	I would say at least a third of that for	16:37:06
7	the '317.	16:37:09
8	Q. A third of that, meaning 10 --	16:37:13
9	A. Previously you asked how much	16:37:18
10	time I spent with counsel on this matter.	16:37:19
11	And I said in preparing my declarations,	16:37:24
12	30 to 40 hours. In Zoom meetings with	16:37:28
13	counsel. And specifically related to	16:37:31
14	'317, I would say about a third of that	16:37:36
15	time.	16:37:38
16	Q. A third of 30 to 40 hours?	16:37:38
17	A. Correct.	16:37:40
18	Q. For the '317?	16:37:40
19	A. Correct.	16:37:42
20	Q. Alone?	16:37:43
21	A. That's right.	16:37:44
22	Q. Let's turn to paragraph 296 of	16:37:46
23	your '317 declaration.	16:37:50
24	A. 296, I have that.	16:38:14
25	Q. Okay. And 296 spans pages 137	16:38:16

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1	IVAN ZATKOVICH	
2	and 138 of your declaration.	16:38:20
3	A. That's correct.	16:38:23
4	Q. On page 138, the latter part	16:38:23
5	of paragraph 296 of your '317	16:38:28
6	declaration, it says, fourth sentence --	16:38:32
7	fourth line from the top, "This is a mere	16:38:36
8	script execution and does not perform an	16:38:39
9	automation process."	16:38:41
10	Do you see that?	16:38:44
11	MR. MACEDO: Objection to	16:38:44
12	form.	16:38:45
13	A. I see that.	16:38:45
14	Q. What's the difference between	16:38:46
15	a script automation -- sorry, a script	16:38:48
16	execution and an automation process?	16:38:51
17	MR. MACEDO: Objection to	16:38:52
18	form.	16:39:54
19	A. Well, put simply it's not	16:39:54
20	using a natural language interface. It's	16:39:56
21	using a simple rules-based on simple	16:39:58
22	script to gather the information. That's	16:40:02
23	quite evident in the description of	16:40:05
24	Krishnan, which defines how it retrieves	16:40:11
25	and interprets information from the user.	16:40:14

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1	IVAN ZATKOVICH	
2	Q. So in your opinion, Krishnan	16:40:31
3	does not teach an automation process	16:40:36
4	because it teaches a simple script. Is	16:40:38
5	that right?	16:40:45
6	MR. MACEDO: Objection to	16:40:45
7	form.	16:40:46
8	A. It does not teach an	16:40:46
9	automation process of the claims that	16:40:49
10	interacts with the GUI element of the	16:40:54
11	target system. And it doesn't represent	16:40:57
12	an automation process which requires	16:40:59
13	input from natural language inputs.	16:41:02
14	Because Krishnan does not support natural	16:41:07
15	language processing.	16:41:11
16	Q. So in your declaration,	16:41:23
17	paragraph 296, when you say "this is a	16:41:25
18	mere script execution," what are you	16:41:29
19	referring to?	16:41:32
20	MR. MACEDO: Objection to	16:41:32
21	form.	16:41:36
22	A. It's identifying -- Krishnan	16:41:36
23	describes defining a conversation using	16:41:40
24	very special rote examples. Not	16:41:45
25	analyzing the user's grammar, not trying	16:41:48

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1	IVAN ZATKOVICH	
2	to parse the syntax of the user's	16:41:52
3	response. It defines a set of options of	16:41:54
4	what responses it expects. And it	16:41:57
5	matches to one of those responses. So	16:41:59
6	that's not using natural language	16:42:02
7	interface.	16:42:03
8	It's also not using that	16:42:04
9	information collected to implement an	16:42:08
10	automation process that interacts with	16:42:16
11	the GUI of the target system. Because	16:42:19
12	Krishnan does not integrate with the	16:42:24
13	target system using the GUI, it	16:42:26
14	integrates directly with the back end of	16:42:28
15	the target system.	16:42:32
16	Q. What do you mean by	16:42:42
17	"integrate?"	16:42:43
18	A. Integrate. How does Krishnan	16:42:45
19	use the information that it collected	16:42:50
20	with its interaction with the user in	16:42:54
21	order to automate the back end process.	16:42:56
22	Q. So in your opinion, does	16:42:59
23	"integrate" and "interact" have the same	16:43:01
24	meaning?	16:43:03
25	A. Well, "interact," in the	16:43:04

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1	IVAN ZATKOVICH	
2	context of the patents, discusses	16:43:07
3	interacting with the user. Interacting,	16:43:11
4	I would say interacting between, for	16:43:15
5	example, a chatbot and a back end target	16:43:17
6	system, that would be more like	16:43:23
7	integrated. Or interfacing. I wouldn't	16:43:28
8	call it necessarily interacting.	16:43:34
9	Q. So "interacting" means between	16:43:37
10	the chatbot and a user. Correct?	16:43:42
11	A. As far as I'm aware, the term	16:43:45
12	"interacting" within the patent is only	16:43:48
13	used to describe the user interacting	16:43:50
14	with the chatbot.	16:43:52
15	Q. And "interfacing" means	16:43:53
16	between the chatbot and a back end target	16:43:55
17	system?	16:44:01
18	A. No, it's not exclusive to that	16:44:06
19	either. The passing of information from	16:44:11
20	one to the other. You can pass	16:44:14
21	information from the user to the chatbot.	16:44:15
22	Q. Mm-hmm?	16:44:17
23	A. You can pass information from	16:44:18
24	the chatbot to the automation process.	16:44:19
25	You can pass information from the	16:44:22

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1	IVAN ZATKOVICH	
2	automation process to the target system.	16:44:23
3	Whether you use the word "interface" or	16:44:27
4	"integrate" or "interact," they're all	16:44:30
5	performing the same thing. They're	16:44:36
6	exchanging information.	16:44:38
7	So what I'm representing to	16:44:39
8	you is that the interaction or the	16:44:40
9	interface or the integration between the	16:44:47
10	chatbot and the target system does not	16:44:49
11	occur by using the target system's GUI or	16:44:51
12	user interface.	16:44:58
13	MS. NGUYEN: Why don't we take	16:45:40
14	a break.	16:45:42
15	THE VIDEOGRAPHER: We are	16:45:42
16	going off the record at 4:46 p.m.	16:45:43
17	(A recess was taken.)	16:45:47
18	THE VIDEOGRAPHER: We're back	16:55:38
19	on the record at 4:56 p.m.	16:55:39
20	MS. NGUYEN: Mr. Zatkovich, I	16:55:43
21	just want to remind you not to talk	16:55:46
22	to counsel until you've been passed	16:55:47
23	over to them, which would be not	16:55:49
24	today. And we will be concluding	16:55:51
25	for the day, picking up for the	16:55:53

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IVAN ZATKOVICH

remainder of the deposition 16:55:56

tomorrow. 16:55:58

MR. MACEDO: And objection to 16:55:58

form. 16:55:59

THE VIDEOGRAPHER: We're going 16:56:01

off the record at 4:56 p.m. 16:56:02

(Time noted: 4:56 p.m.) 16:56:04

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IVAN ZATKOVICH
C E R T I F I C A T E

I, ERIC J. FINZ, a Shorthand
Reporter and Notary Public within and for
the State of New York, do hereby certify:

That IVAN ZATKOVICH, the witness
whose deposition is hereinbefore set
forth, was duly sworn by me and that such
deposition is a true record of the
testimony given by the witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage, and that I
am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 11th day of October, 2024.



ERIC J. FINZ, a Shorthand
Reporter and Notary Public

1 CHARLES R. MACEDO, ESQ.

2 cmacedo@arelaw.com

3 October 11, 2024

4 RE: Whatfix, Inc. v. Walkme, Ltd.

5 10/7/2024, Expert Ivan Zatkovich (#6918955)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 (production-ca@veritext.com).

16 Return completed errata within 30 days from
17 receipt of testimony.

18 If the witness fails to do so within the time
19 allotted, the transcript may be used as if signed.

20
21
22 Yours,

23 Veritext Legal Solutions
24
25

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IVAN ZATKOVICH
INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

1 Whatfix, Inc. v. Walkme, Ltd.

2 Expert Ivan Zatkovich (#6918955)

3
4 E R R A T A S H E E T

5 PAGE_____ LINE_____ CHANGE_____

6 _____
7 REASON_____

8 PAGE_____ LINE_____ CHANGE_____

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21 _____
22 REASON_____

23
24 _____
25 Expert Ivan Zatkovich Date

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Whatfix, Inc. v. Walkme, Ltd.
Expert Ivan Zatkovich (#6918955)

ACKNOWLEDGEMENT OF DEPONENT

I, Expert Ivan Zatkovich, do hereby declare that I have read the foregoing transcript, I have made any corrections, additions, or changes I deemed necessary as noted above to be appended hereto, and that the same is a true, correct and complete transcript of the testimony given by me.

Expert Ivan Zatkovich

Date

*If notary is required

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