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

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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

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

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I N D E X

WITNESS	PAGE
IVAN ZATKOVICH	
By Ms. Nguyen	8

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THE VIDEOGRAPHER: Good morning. We are going on the record at 9:53 a.m. on October 7, 2024. 09:52:23 09:52:23 09:52:24 09:52:30

This is media unit 1 of the videotaped deposition of Ivan Zatkovich, in the matter Whatfix, Inc. v. WalkMe Ltd., filed in the United States Patent and Trademark Office, No. IPR 2023-01368. 09:52:31 09:52:34 09:52:38 09:52:43 09:52:54 09:52:58

And the deposition is being held at 250 West 55th Street, New York, New York. 09:53:05 09:53:06 09:53:11

My name is Matthew Chin-Quee representing Veritext, and I'm the videographer. The court reporter is Eric Finz from the firm Veritext. 09:53:12 09:53:14 09:53:16 09:53:17 09:53:20

Will all parties please state your appearances. 09:53:21 09:53:23

MS. NGUYEN: Jean Nguyen of Morrison & Foerster representing petitioner. With me is my colleague Mehran Arjomand. 09:53:26 09:53:28 09:53:31 09:53:33

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

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

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

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

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

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

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

of Amster Rothstein & Ebenstein? 10:00:36
A. Specifically I could recall 10:00:40
some of them. I worked on several IPRs 10:00:43
for Amster Rothstein. Under the 10:00:48
petitioning party's name of Askeladden. 10:00:53
Q. Okay. 10:01:00
A. I worked with Amster Rothstein 10:01:01
on two separate litigations. The 10:01:03
plaintiff party was Island IP. And I 10:01:12
believe I worked on an inter partes -- 10:01:18
I'm sorry, a patent re-examination case. 10:01:23
And the party was XpertUniverse. 10:01:26
Q. Do you know whether these 10:01:44
litigations that you worked with Amster 10:01:46
Rothstein were related to the IPRs? 10:01:48
MR. MACEDO: Objection to 10:01:51
form. 10:01:52
A. Sorry, could you ask that 10:01:52
again? 10:01:54
Q. Yes. Do you know whether the 10:01:54
litigations that you worked with Amster 10:01:56
Rothstein related to the IPRs? 10:02:01
MR. MACEDO: Objection to 10:02:03
form. 10:02:03

A. I don't believe they were 10:02:04
related to each other. 10:02:05
MR. MACEDO: Counsel, when you 10:02:14
say the IPRs, do you mean the 10:02:15
current IPRs? Or to IPRs in 10:02:17
general? 10:02:19
MS. NGUYEN: Counsel, that's a 10:02:22
question your witness can ask if he 10:02:23
has issues with clarity on the 10:02:25
question. Not a question you 10:02:27
should ask. 10:02:29
MR. MACEDO: I have an 10:02:29
objection to form. And you can 10:02:30
lose your answer if you want -- if 10:02:31
you don't want to clarify, it's up 10:02:32
to you. 10:02:34
Q. Mr. Zatkovich, what did you do 10:02:34
to prepare for your deposition today? 10:02:36
A. I reviewed my declarations, 10:02:38
Dr. Beigi's declarations, the petitions, 10:02:44
the patents being petitioned, as well as 10:02:50
the prior art exhibits. 10:02:59
Q. Did you review any documents 10:03:10
that were not cited in your declaration? 10:03:12

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

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

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

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

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

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

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

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

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

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

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

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

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

specific types of projects that I've worked in. 10:20:43 10:20:44

Q. Okay. And then the middle column is the number of years of experience? 10:20:45 10:20:46 10:20:49

A. Roughly number of years in which I performed those types of projects. There is a lot of overlap. So for example, for GEICO, I would say that would involve both call center and some eCommerce. So the time that I worked on that project would contribute to both of those categories. 10:20:49 10:20:51 10:20:55 10:20:57 10:21:02 10:21:04 10:21:09 10:21:10

Q. Okay. And with respect to the third row that says commercial web, eCommerce, eMarketing. Does that refer to your Eva-Tone job? 10:21:12 10:21:16 10:21:20 10:21:23

A. I would consider that both Eva-Tone and Tanning Technology. 10:21:25 10:21:29

Q. And then on the right-hand column of table 1, is that a more detailed description of your experience? 10:21:41 10:21:44 10:21:47

A. Yes. Again, just examples of types of projects in those categories. 10:21:50 10:21:54

Q. Okay. Third row, right 10:21:58
column, it says chatbot automation. What 10:22:03
is chatbot automation? 10:22:06
A. Again, chatbot automation, 10:22:08
which I would consider would be involved 10:22:12
with things that I did for Verizon, for 10:22:14
Tanning Technology, such as with GEICO, 10:22:17
as well as projects that I worked on at 10:22:20
eComp Consultants. 10:22:24
Q. Let me ask the question again 10:22:34
because I didn't quite understand the 10:22:35
answer. 10:22:37
What is chatbot automation, 10:22:37
aside from Verizon, Tanning Technologies 10:22:40
and GEICO? 10:22:43
MR. MACEDO: Objection to 10:22:45
form. 10:22:46
A. I would consider projects that 10:22:46
I worked on in Verizon and for Tanning 10:22:50
Technology and for eComp Consultants to 10:22:55
include types of chatbot automation. 10:23:00
Q. Okay. And what are examples 10:23:02
of types of chatbot automation? 10:23:04
A. Well, for Verizon, as I 10:23:06

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

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

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

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

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

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

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

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

average for all three, between 30 and 60 hours each. 10:36:55 10:37:00

In the middle of page 11, Noble Systems versus Kabbage, that was involved in IVR, intelligent IVR systems to handle incoming calls for processing mortgage applications, loan applications and providing automated responses to customers in that environment. 10:37:38 10:37:40 10:37:42 10:37:47 10:37:54 10:37:57 10:38:00

Q. Did this Noble v. Kabbage matter involve an automation process? 10:38:04 10:38:08

A. Yes. Again -- well, to the extent that it would either route, automatically route the call to an appropriate customer service rep, or request additional information based on the response from the user, or provide a direct response to the user if they felt they understood the customer's request. 10:38:10 10:38:14 10:38:18 10:38:22 10:38:26 10:38:28 10:38:30 10:38:32

Q. Mr. Zatkovich, in looking at your list of litigation matters, can you identify which one involved the U.S. case you discussed earlier when I asked about your opinion being excluded? 10:38:51 10:38:52 10:38:57 10:39:02 10:39:04

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

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

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

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

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

for those. 10:49:56

The bottom of page 18, Parus 10:50:28
Holdings versus Capital One Bank. This 10:50:32
was a telecom speech recognition 10:50:34
specifically involving natural language 10:50:38
processing in order to provide automated 10:50:40
customer responses for IVR voice 10:50:46
commands. 10:50:49

The top of page 19, again, 10:50:53
Parus Holdings versus a separate 10:50:56
defendant, slightly different patents, 10:51:00
but similar technology; natural language 10:51:04
processing and automating IVR, the 10:51:06
processing of IVR voice commands. Again, 10:51:09
voice chatbot commands. 10:51:15

Page 19, towards the top, 10:51:30
XpertUniverse versus Cisco. That was a 10:51:33
patent re-examination that I did with 10:51:36
Amster Rothstein. And that was, again, 10:51:40
regarding the automation of call routing 10:51:43
or request routing to a specific subject 10:51:48
matter expert based on the type of query 10:51:50
being made. 10:51:54

Q. And did you spend 30 to 50 10:52:07

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

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

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

Q. So turning back to Exhibit 11:13:23
2002 -- 11:13:26
MR. MACEDO: Objection to 11:13:27
form. 11:13:28
Q. Looking at the list of cases 11:13:28
in your case history. Are there any 11:13:32
cases that you saw where the court 11:13:36
excluded your opinion, in Exhibit 2002? 11:13:39
A. Not that I recall. 11:13:44
MR. MACEDO: Objection to 11:13:45
form. 11:13:47
A. Not specifically that I 11:13:47
recall. 11:13:49
MS. NGUYEN: Let me introduce 11:13:58
to you previously marked Exhibit 11:14:00
1001. 11:14:03
MR. MACEDO: Previously marked 11:14:07
where? 11:14:08
MS. NGUYEN: In the IPR 11:14:09
proceeding. 11:14:10
Q. Do you recognize this 11:14:11
document? 11:14:12
A. I do. 11:14:12
Q. What is it? 11:14:13

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

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

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

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

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

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

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

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

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

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

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

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

encompass? 11:43:53

A. Well, I believe that Claim 1 11:44:11
of the '732 patent requires the defining 11:44:13
of an automation process, where that 11:44:16
automation process would be invoked in 11:44:19
response to a natural language interface 11:44:24
conversation. 11:44:27

It requires the defining of 11:44:32
the conversation itself that would be 11:44:34
implemented using the natural language 11:44:37
interface. And that natural language 11:44:40
user interface would require the 11:44:42
collection from the user of one or more 11:44:47
values or parameters to be input to the 11:44:49
automation process. 11:44:52

It requires the association of 11:44:53
the defined conversation with the defined 11:44:57
automation process. And the automation 11:45:02
process must be configured to utilize a 11:45:08
displayed user interface of a computer 11:45:14
program to simulate the sequence of 11:45:16
interactions with the displayed user 11:45:18
interface. 11:45:21

And that would include using 11:45:22

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

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

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

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

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

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

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

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

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

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

Q. Okay. What happens when the 12:13:36
user clicks on the add message button 12:13:38
552? 12:13:42
A. Presumably a message defined 12:13:44
by the user gets added to the 12:13:46
conversation flow. 12:13:48
Q. Does anything else happen? 12:13:49
A. Column 15 of the specification 12:14:40
describes figure 5B, starting at row 52, 12:14:43
describes an exemplary embodiment where a 12:14:54
conversation flow may be defined. The 12:15:03
user may add steps to the conversation. 12:15:12
The add message button 552 may be 12:15:16
configured to add a message step in which 12:15:19
the message to be provided by the chatbot 12:15:21
to the user is defined. 12:15:24
Then it describes that that 12:15:29
message may be used to personalize that 12:15:31
implementation. I believe that's the 12:15:37
extent to which they describe that 12:15:45
button. 12:15:48
Q. And then do you see the button 12:15:48
to the right of it that says, add 12:15:51
condition 556? 12:15:56

MR. MACEDO: I'm sorry, it 12:15:58
says what? I couldn't hear you 12:15:59
because of the background noise. 12:16:02
MS. NGUYEN: It should be on 12:16:04
your screen. 12:16:06
MR. MACEDO: Add condition? 12:16:07
MS. NGUYEN: Correct. 12:16:10
A. I see that. 12:16:10
Q. What happens when the user 12:16:11
clicks on the add condition button 556? 12:16:13
A. Presumably it would add a 12:16:27
condition step to the conversation. 12:16:29
Q. Would anything else happen? 12:16:33
A. Presumably once the 12:16:43
conversation is published, you would then 12:16:46
look at the conditions being tested and 12:16:49
take a particular branch based on 12:16:52
information received from the user. 12:16:55
Q. And then do you see the 12:16:59
buttons add question 554 and add action 12:17:01
558? 12:17:06
A. I do. 12:17:06
Q. Is there a reason why there 12:17:07
are four separate buttons for adding a 12:17:10

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

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

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

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

A F T E R N O O N S E S S I O N 12:25:27

1:31 p.m. 13:32:06

THE VIDEOGRAPHER: We are back 13:32:06

on the record at 1:32 p.m. 13:32:11

IVAN ZATKOVICH,

resumed, having been previously duly

sworn, was examined and testified further

as follows:

CONTINUED EXAMINATION

BY MS. NGUYEN: 13:32:16

Q. Mr. Zatkovich, during the 13:32:16

lunch break did you talk to counsel at 13:32:18

all about the substance of the deposition 13:32:20

or the proceeding? 13:32:22

A. No. 13:32:23

Q. Let me place in front of you 13:32:23

Exhibit 1018. 13:32:44

Do you recognize this 13:32:51

document? 13:32:52

A. I do. 13:32:53

Q. What is it? 13:32:53

A. It's what I refer to in my 13:32:54

declaration as the Radhakrishnan prior 13:32:55

art. 13:32:59

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

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

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

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

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

A. I have that. 13:41:18
Q. Okay. It reads, "The chatbot 13:41:19
may respond to customer input by 13:41:27
retrieving and providing the requested 13:41:29
information, requesting additional input 13:41:31
or information from the user or 13:41:35
performing an action and providing the 13:41:38
user with status updates about the 13:41:40
progress of the action." 13:41:42
Do you see that? 13:41:49
A. I do. 13:41:49
Q. Mr. Zatkovich, what does this 13:41:50
sentence mean to you? 13:41:55
MR. MACEDO: Objection to 13:41:58
form. 13:42:11
A. Well, presumably the customer 13:42:11
is providing input to the chatbot. And 13:42:14
the chatbot would most likely respond to 13:42:17
that by providing information if the 13:42:22
customer's requesting information, or 13:42:26
additional -- or additional input if 13:42:28
that's what they -- that's what it's 13:42:33
programmed to do. 13:42:37
Q. Anything else? 13:42:53

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

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

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

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

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

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

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

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

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

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

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

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

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

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

contribute to the meaning of "computer program"? 14:04:46 14:04:49

A. Sure. I would say the abstract that describes a similar concept, where it says, using a natural language interface receiving user input, and then based on that your input determining an automation process of a computer program having a user interface to be executed. 14:04:50 14:05:41 14:05:46 14:05:49 14:05:53 14:05:55 14:05:58 14:06:00

Column 2, lines 34 to 36. Again, summarizes a portion of the paragraph in my report describing a computer program as a web-based application, native mobile application or a desktop program. 14:06:21 14:06:24 14:06:29 14:06:31 14:06:33 14:06:36

Column 3, paragraph beginning on row 47. In the middle of that paragraph it indicates that the natural language interface receives input from a user, and then determines, based on that user input, an automation process to be executed, wherein the automation process is an automation process of a computer 14:07:55 14:08:03 14:08:14 14:08:17 14:08:20 14:08:23 14:08:27 14:08:31

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

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

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

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

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

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

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

A. Yes, I would say so. 14:25:51
Q. Okay. And when you use the 14:25:52
word "particular," does that have the 14:25:54
same meaning as "special"? 14:25:56
A. When I say the word 14:25:59
"particular" I believe that means I can 14:26:03
cite to specific attributes of the 14:26:09
computer program of the specification. 14:26:15
And when I cite to a particular 14:26:17
description, that indicates that the 14:26:19
computer program has a special meaning 14:26:21
over and above the plain and ordinary 14:26:24
meaning in the industry. 14:26:29
Q. What do you mean by "over and 14:26:31
above the plain and ordinary meaning"? 14:26:34
A. There is a plain and ordinary 14:26:37
meaning of a computer program, which 14:26:41
would be a very broad definition of 14:26:43
software in general. I would say that 14:26:46
would be an underlying basis for the 14:26:51
meaning of "computer program" within the 14:26:57
specifications, but the specifications 14:27:02
limit the plain and ordinary meaning of 14:27:04
"computer program" to specific examples, 14:27:06

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

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

THE VIDEOGRAPHER: We're back on the record at 2:52 p.m. 14:51:16 14:51:17

BY MS. NGUYEN: 14:51:22

Q. So, Mr. Zatkovich, before the break we were looking at the '664 patent. 14:51:22 14:51:24

A. Correct. 14:51:27

Q. If I could have you take a look at the '664 patent again, that would be great. 14:51:28 14:51:30 14:51:33

Column 22. Starting at line 60. 14:51:40 14:51:49

A. I have that. 14:51:54

Q. And the two sentences that form that paragraph, column 22, lines 60 to 65. If you could read that. 14:51:55 14:51:58 14:52:03

A. Out loud? 14:52:25

Q. No. Just let me know when you're done. 14:52:27 14:52:29

A. I've read that. 14:52:29

Q. Do you agree with these three sentences? 14:52:30 14:52:32

A. I believe it's discussing a computer program product, which is a different term than the claims use. 14:52:32 14:52:34 14:52:35

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

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

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

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

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

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

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

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

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

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

Q. Okay. And in your opinion, 15:06:40
the chatbot -- 15:06:44
A. Well, are you asking in 15:06:45
general or in this particular case, that 15:06:48
the chatbot is separate from the RPA 15:06:51
server? 15:06:53
Q. In Symons. Let me ask the 15:06:54
question again. 15:06:56
In Symons, is the chatbot 15:06:57
separate from an RPA server? 15:06:59
A. Yes, that is my opinion. 15:07:01
Q. And in Symons, is the chatbot 15:07:02
transmitting information to the RPA 15:07:04
server? 15:07:07
MR. MACEDO: Objection to 15:07:07
form. 15:07:08
A. It's not clear. Neither I nor 15:07:08
Dr. Beigi could make that determination 15:07:13
as to how or if that information is 15:07:15
transmitted. 15:07:19
Q. Okay. And how do you know 15:07:19
that in Symons an RPA server is involved? 15:07:21
MR. MACEDO: Objection to 15:07:26
form. 15:07:26

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

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

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

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

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

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

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

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

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

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

Q. What about "displayed user 15:27:30
interface," is that a term of the art? 15:27:32
A. Not displayed user interface. 15:27:35
User interface would have a meaning in 15:27:38
the industry. Displayed usual interface 15:27:40
wants to distinguish between that and 15:27:46
some other type -- some, for example, an 15:27:49
API that's specific there -- the 15:27:53
invention, the purpose of the invention 15:27:59
is to say we want to automate a computer 15:28:01
program or target system by utilizing 15:28:03
displayed user interface as opposed to 15:28:08
some other mechanism, such as an API. 15:28:10
Q. So in your opinion, an API is 15:28:22
not a displayed user interface? 15:28:26
A. Correct. 15:28:28
Q. And then associating the 15:28:28
conversation with the automation process, 15:28:30
is that a term of the art? 15:28:32
A. No, I don't believe so. 15:28:38
Q. Does associating the 15:28:40
conversation with the automation process 15:28:41
have a specific meaning? 15:28:43
A. Yes, within the context of the 15:28:48

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Q. And how does someone who 16:09:10
doesn't have an understanding of what a 16:09:14
dictionary definition of a term is, know 16:09:17
that they don't have an understanding of 16:09:20
that term? 16:09:22
MR. MACEDO: Objection to 16:09:28
form. 16:09:29
A. I think someone who is working 16:09:29
in the industry for one to two years, and 16:09:32
that terminology is used within the 16:09:37
industry, they would have an 16:09:39
understanding of the dictionary 16:09:41
definition of that. 16:09:43
Q. And if a dictionary defines a 16:09:56
claim term, does that term have the 16:10:02
meaning that is set forth in the 16:10:05
dictionary definition? 16:10:06
MR. MACEDO: Objection to 16:10:08
form. 16:10:16
A. Unless the specification 16:10:16
provides some other meaning that may 16:10:19
limit it or would require it to be 16:10:23
construed differently than the plain and 16:10:30
ordinary meaning. 16:10:35

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

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

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

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

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

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

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

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

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

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

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

Q. So turning back to your '317 declaration. Page 153. 16:30:07 16:30:09

A. Do you have the page number from the top? 16:30:27 16:30:29

Q. It would be 153. 16:30:30

A. 153, okay. 16:30:32

Yes, that's my signature page. 16:30:43

Q. Okay. And did you draft the '317 declaration? 16:30:45 16:30:48

A. I did. 16:30:49

Q. And did you begin working on the '317 declaration before the '732 declaration? 16:30:49 16:30:51 16:30:55

A. No. I believe the order would have been '664, 372 [sic] and the '317. But I don't think -- in other words, I don't think I started, for example, the '317 after the '664 was complete. I drafted portions of each of them, starting with the '664, then the 372 [sic], then the '317. Then I basically completed the '664, then completed the '732 and then completed the '317. 16:30:55 16:30:59 16:31:06 16:31:16 16:31:22 16:31:26 16:31:31 16:31:34 16:31:37 16:31:41

MR. MACEDO: Counsel, when he 16:31:45

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

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

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

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

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

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

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

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

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

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

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

CHARLES R. MACEDO, ESQ.
cmacedo@arelaw.com

October 11, 2024

RE: Whatfix, Inc. v. Walkme, Ltd.
10/7/2024, Expert Ivan Zatkovich (#6918955)

The above-referenced transcript is available for review.

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

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

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Expert Ivan Zatkovich (#6918955)

E R R A T A S H E E T

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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.

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& 2:3 3:3,13 5:23 6:3 12:21 13:2

1

1 1:25 5:6 19:21 27:13,19 28:22 50:13,16 50:19 51:17,25 52:2,18 53:17 54:4,6,11,16,20 54:25 55:7,12 55:24,25 56:15 58:4,6 59:9 60:23,25 61:3 62:13 63:5 64:7 66:25 81:9,15,16,19 82:5 151:15 152:2,5,9 154:22,22 155:11,22 157:14,15,19 159:8 162:12 162:13
10 37:8,18 68:2 84:24 85:8,14 87:8 101:7 164:8
10,819,644 1:10
10/7/2024 172:5
100 62:23 127:11 132:13
1001 48:17 49:12 50:4,8 57:6,14,21,25 60:4,6,12,17,20
1004 162:16
1005 162:18
1006 162:20
1008 123:11 124:20
1009 162:22
1011 162:23
1013 162:24
1014 84:6 163:2
1016 80:13,24 81:4 163:4
1017 163:6
10174 3:16
1018 77:18 78:9,17 163:9
1026 163:11
1028 163:13
1029 163:17
1030 163:19
1031 163:21
1032 163:23
1033 163:24
10:55 47:6
11 38:4 68:18 86:4 101:11,23 172:3
110 82:4,6,9
11:12 47:9 75:9
11th 171:18
12 40:4 84:25 85:2,8 86:3,5 101:12 102:18
120a 82:10,14
120b 82:14,19
12:19 75:3
12:24 75:6
12:26 76:2,3
13 40:15 67:2
130 82:20
137 164:25
138 165:2,4
14 101:2
144 115:10,11 115:12,15,18
15 40:23 41:15 72:9 86:9,10
153 160:3,6,7
16 42:3,12,20 68:19 96:5,9 96:14 97:17 105:16 107:15
16975 171:22
17 43:6,19 69:7 99:19 115:20 116:2 117:8,16 117:17 123:22 124:15
175 1:25
18 44:3
181 89:13,15,16 89:17
19 44:10,17 66:13 124:14 124:17
1979 17:21
1980 17:22,23 18:2
1987 18:7
1996 19:7,12 22:6
1999 22:7 23:16
19th 124:6
1:31 77:3
1:32 77:5
1st 124:13

2

2 19:22 26:25 65:8,16 82:25 98:12 123:25 162:14
20 99:21 175:19
200 42:19 88:10 126:19 126:19
2001 88:13,16 89:2,10 115:7 125:19
2002 15:16 17:25 20:15 22:6 23:16,17 27:2,12,20 45:13 48:3,9 154:11
2017 27:2 124:2
2023-01368 5:11 6:6

Veritext Legal Solutions
Calendar-CA@veritext.com 866-299-5127

2023-01379 6:7
2023-1368 89:10
2024 1:17 2:8 5:5 171:18 172:3
2024-0065 6:8
21 78:24,25 79:4
22 109:11,15 112:2
23 66:14
24 87:9
24/7 39:11
242 125:22,23
25 69:7 85:14
250 2:4 5:13
26 65:8 69:20
27 102:5
296 164:22,24 164:25 165:5 166:17
2:30 108:24
2:52 109:3

3

3 22:6 23:16 27:2 66:13 67:25 89:7 98:18 121:19 162:15
30 27:25 38:2 43:25 44:25 65:9 70:7 93:13 164:4,12 164:16 172:16 173:17
31 69:21
317 57:6,12,15 57:15,23,25 58:5,6 59:9 78:6 80:14 84:7 123:12 154:10,12,15 154:19,22,25 155:2,13,22 156:4,9,15 157:2,14,16,23 158:4,8,12,21 159:4,14,23 160:2,10,13,16 160:19,22,24 161:6 164:3,7 164:14,18,23 165:5
34 98:12
36 98:12
37 100:6
372 157:19 158:5,13,14 159:22 160:16 160:21 161:2
38 100:8
3:40 139:6
3:57 139:9

4

4 17:24 18:7 20:15 101:12
40 65:17 82:25 164:4,12,16
405 3:15
42 70:7
44 62:17,22 102:19
47 98:19 99:11 104:5,22 105:13,15 107:23
49 67:11
4:46 169:16
4:56 169:19 170:7,8

5

5 66:24 67:11 99:5 124:4
50 43:25 44:25 64:7
52 72:10
53 85:8 127:12 132:12 139:18
54 122:11
552 71:21 72:4 72:14
554 73:21
556 72:25 73:11
558 73:22
55th 2:4 5:13
56 121:17,21
59 102:19
5b 70:24 71:4 71:20,23 72:10 111:10,11,12

6

6 67:25 68:18 69:6,20 78:24 79:4 85:5,9,24 87:15 99:11 100:18
60 38:2 65:17 109:12,15
61 67:11
65 64:7 109:16
664 15:16 49:3 49:6,10,12,13 50:4,9,14,16 51:17,18,24,25 56:2,15 78:5 80:14 84:7 88:14,16 89:4 89:5,20 90:2,5 91:12,13 93:10 93:21 95:10 96:4,6 97:14 105:16 107:19 108:12,14 109:6,9 115:6 115:12 121:18 123:12 126:10 126:13,14,25 151:10,16,25 152:2 154:16 154:19,23 155:2,7,10,16 155:21 156:7 156:14,20 157:7 160:16 160:19,21,23

161:8
6918952 1:23
6918955 172:5 174:2 175:2

7

7 1:17 2:8 5:4 33:8 70:7
707 3:5
732 60:4,10,13 60:17,20,24,25 61:4 62:13,16 62:18 63:5,23 78:6 80:14 84:7 123:12 125:18,19 126:4,12,18,25 127:3,8,11,15 129:21,23 132:2,10,14 136:23 139:18 145:12,15 157:14,16,25 158:9,12,15,16 158:17,25 159:7,7,25 160:13,24 161:3,8

8

8 4:5 35:24 96:5,9,13 97:17 99:18 100:5 105:16 107:14,17 108:3
80 9:14

9

9 36:11,22 96:5 96:9,14 97:17 100:18,25 105:16 107:15 108:3
90017 3:6
94 95:8,10 96:4 107:15
98 145:12,15
9:30 8:15
9:53 2:8 5:4

a

a.m. 2:8 5:4 47:6,9 75:9
ability 110:17 153:21
able 39:23 53:9 68:7 118:15 140:14
above 106:13 106:16 107:8 172:6 175:9
abstract 69:4 98:5 102:9
abstracting 68:21,22
accelerated 33:19
accept 87:16
accesses 101:21
accessible 62:6 159:3
accommodate 55:20
account 21:10 74:10
accuracy 172:9
accurate 9:8 173:21
acknowledge... 175:4
acknowledg... 172:12
action 53:2 73:21 74:3,12 74:14,18 83:8 83:10 84:3 171:14
actions 85:15
active 133:16 134:25
activity 43:3
actually 46:12 53:25 121:13 121:15 127:12
add 71:20,23 72:3,13,14,15 72:24 73:7,11 73:12,21,21 74:17 111:5,20
added 72:6
adding 73:25 74:2,2,3 111:16
addition 40:20 104:4
additional 38:17 43:20 55:10 71:15 83:6,22,22 102:24 105:2
additions 175:8
address 47:23
addressed 71:16
adds 111:19
adjective 95:23
administrator 21:5
advertisement 43:2
advice 39:20
ago 37:24 45:25 46:19 88:3
agree 79:15,21 79:24 85:7 109:21
agreement 11:12
agreements 25:11
ahead 93:7
alert 43:13
algorithms 17:6
allen 84:13,15 84:19,21 163:2
allotted 172:19
allow 74:16 140:24

Veritext Legal Solutions
Calendar-CA@veritext.com 866-299-5127

allowed 43:10 47:21
allowing 37:15 102:13 153:23
alorica 42:3
amount 79:7 133:9
amster 3:13 6:3 12:20 13:2,5,8 13:15,22 34:6 34:10 35:22 37:20 42:14 43:21 44:20
analysis 10:17 10:19 20:21,24 21:17,21 33:22 35:7,11 36:24 41:18 42:22
analyze 41:5
analyzing 166:25
angeles 3:6
angry 41:23
answer 14:15 29:13 79:22 103:15
answered 142:5
answering 75:19 92:23,25
anybody 94:14 118:25 125:8 125:10 147:23
api 59:2 68:5 68:11,15 79:12 80:4,11 99:8 101:15,18 131:9,14,15 136:20 140:3,7 140:8,8,11,14 140:19 141:2,6 141:13,21,24 142:7,14,18 156:14
apis 140:23 141:4,10 143:6 143:7,24,24 144:8,12 145:5
appeal 1:2
appearances 5:21
appended 175:9
applicable 142:23 161:14 172:8
application 42:24 43:18 58:25 79:11 96:18,18,21,22 96:24 97:5,12 98:16,16 99:8 113:13 142:4 156:10 163:6,7
applications 24:2 38:8,8 43:7 97:3
applied 128:22
appointments 22:13
appropriate 38:16 42:10 173:7
approximately 60:14 88:10 126:21
architecture 17:12
area 16:7
areas 17:3 27:16
arelaw.com 3:18,20 172:2
arendi 40:24
arguments 161:13
arinti 118:5,16 118:19 119:11
arjomand 3:9 5:25 91:18
art 7:20 14:23 63:12,18 77:25 80:20 84:13 128:4,9,20 129:19 130:3,5 130:21,23 131:3,20 132:5 135:21 141:16 146:2,15,23,25 147:25 151:4 161:11 162:5
article 124:4,9 124:25
articles 133:11 133:20,22 134:20
aside 29:15 93:14
asked 10:4,18 38:24 71:8 75:10 150:17 164:9
askeladden 13:6 37:19,21 43:20
asking 39:8 92:24 99:22 120:4
aspect 136:10
aspects 27:24 34:20 135:6
asserted 142:25
assigning 22:13 23:10
assignments 116:21 117:19 117:22
assist 36:10 39:24
assistance 39:20
assisted 90:16
associated 63:4 102:12
associating 131:18,22 158:6,12
association 61:17 102:11

assorted 121:12
assume 21:7
assumed 125:2
assuming 116:23 117:18 121:25 124:12
assurance 41:25
at&t 40:5
attached 172:11 173:13
attempt 21:16
attended 94:12
attention 15:23
attorney 91:10 93:17 172:13 173:17
attorneys 3:4 3:14
attribute 99:12
attributes 106:8
authenticated 88:22
author 125:3
automate 24:3 33:22 35:8 63:16 87:14 100:17 111:15 111:23 112:6 113:17,25 131:11 167:21
automated 25:3 31:11 32:16 37:2 38:9 43:5 44:7 99:7 102:2 110:18 111:22 138:21 141:18
automatic 33:14 37:13 41:17
automatically 26:13 35:10 36:5,16 37:5 37:10 38:15 39:21 41:6 42:25 43:16 59:4,6 156:17 157:3 159:10
automating 30:10 31:6 43:8 44:14
automation 29:3,4,5,14,22 29:24 30:3,5 30:21 32:17,22 33:5 34:3,13 34:24,25 35:13 35:17 36:2,3 38:12 40:6,7 40:13,18 41:2 41:14 42:7 44:21 45:6,9 45:12 50:25 51:9 52:10,12 53:25 55:11 56:3,8,11,13,18 57:3 58:14,15 58:19,23 59:3 59:11,16,25 61:5,6,16,19,19 62:2,11 65:19 65:21,25 66:9 66:18 67:7 68:3,8 70:11 79:6 80:7 85:12,25 87:4 98:9,23,24,25 99:4,13,25 100:19 102:10 102:13,15,20 102:25 104:8 110:19,19 113:7 115:4 124:24 129:9 129:15,20,25 130:2,4,6,8,9 130:11 131:19 131:23 132:21 133:3,6,12,23 134:2,14 135:7 135:21 136:13 136:19 137:5 137:24 143:3 153:17,19,21 153:24 154:4 155:5,10,15,23 156:4,13,17,23 157:20,23 158:7,20 159:9 159:15 163:13 165:9,15,16 166:3,9,12 167:10 168:24 169:2
available 118:6 118:9 119:7 124:5 172:6
avenue 3:15
average 38:2
aware 10:22 11:11 135:11 168:11

b

b.e. 42:20
bachelors 16:21
back 15:9 27:11 31:4 45:15 47:8 48:2 74:23 75:5,17 77:4 103:5,21 109:2 115:6 123:19 139:8 160:2 167:14,21 168:5,16 169:18
background 73:4
baetens 94:21 95:6
balance 19:18 19:21
bank 19:17 24:6 44:4
bank's 99:21 100:2,2

barney 24:6
based 21:22 30:3,12,17 38:17 41:13,19 43:3,12,14 44:23 50:23 58:21,24 59:20 62:8 73:18 84:3 96:17 98:8,15,22 107:11 155:5 155:12 156:6,7 156:12 157:5 161:14 165:21
basically 19:15 20:17 27:8 33:24 65:17 68:20 102:6,8 142:23 149:16 160:22
basis 106:21 146:24
began 115:21 116:2,9,15 123:23
beginning 17:22 98:18 99:19 100:5 102:18
behalf 91:20 92:5,7
behavior 39:17
beigi 20:10 92:13 118:11 118:13,21 120:19 123:6 161:9 162:4
beigi's 7:15,21 8:5 14:21 90:7 90:11 94:12 161:15
believe 13:11 14:2 15:2,13 17:14 26:25 45:23 50:12 53:17 54:3 58:3 59:13 61:3 72:20 78:22 81:8 84:23 85:24 104:20,21 106:7 109:23 117:25 129:17 130:24 131:21 142:18 145:9 150:13 160:15 162:24
believed 10:24
benefit 124:11
best 9:25 32:13 42:25
beyond 69:12
billing 21:7,8
binder 121:11
binders 6:20,22 8:18
black 34:9,10
blank 86:15
blood 171:14
blue 32:3,6
board 1:2
book 46:7 81:17 86:8 87:12,14 88:18 89:3
bot 121:23,24 122:4,6,9,22,25
bottom 15:23 22:5 35:24 36:22 40:4 41:15 42:20 43:19 44:3 99:5 112:2
boulevard 3:5
branch 73:18 74:11
break 46:25 47:4,12 75:9 75:15,23 77:13 108:22 109:6 139:4,12,16 141:22 169:14
breaks 47:19 47:24
broad 106:19
brought 6:20 7:13 8:13 88:18,24
bs 15:24 16:15
bt004 85:19 87:10,18
bullet 115:17 118:4
business 26:19
button 72:3,14 72:22,23 73:11
buttons 71:20 73:21,25 74:16
buy 86:8

c

c 3:1 8:25 155:14 171:2,2
ca 172:15
california 3:6
call 18:12,17 19:16 23:2,23 28:11 30:16 37:10 38:15 41:16,18 42:2 42:5,7,9 44:21 80:5,11 95:18 122:4 168:8
called 17:14 32:3 40:19 122:25
caller 41:22
caller's 37:7
callidus 35:25
callminer 41:16
calls 37:2 38:7
capabilities 69:18
capability 67:22 69:13
capable 99:22
capital 35:12 44:4

captioncall 37:9
captures 51:14
career 27:17,25
carefully 173:5
carries 154:5
cart 39:23
case 10:13,18 11:5,6,9 13:12 26:15 34:5,8 37:23 38:23 42:13 45:17 46:3,15,17,21 48:7 100:2 120:5 123:5 128:6,25 151:6
cases 9:13 11:17,24 12:25 24:25 25:23 26:13 30:4 34:5 35:16 36:5 37:6 48:6 48:8 152:19,25 153:18
categories 28:14,25
categorize 41:19
category 136:15,15
cause 157:5
causing 66:17
cbms 36:23
center 18:13,18 23:2 26:12 28:11 30:16 41:17 42:9
centers 42:2,6
central 153:20
certain 27:24 31:19 43:13 152:6
certainly 8:19 27:23 114:11 124:17 141:3
certify 171:6,12
cetera 108:5
change 174:5,8 174:11,14,17 174:20
changes 102:3 172:10 173:12 175:8
channel 23:23
charles 3:17 6:2 172:1
chart 62:21,22
chat 138:21
chatbot 18:22 29:3,4,5,14,22 29:24 30:2,8 30:21 39:12,21 40:2 44:16 58:9,10 67:2 68:20 69:9,15 69:21 70:3 72:16 82:8,9 82:15 83:3,18 83:19 117:4,13 118:5,8,16,19 119:4,11,13,14 119:18,23 120:3,6,10,13 121:24 122:12 122:13,14,18 122:24 124:22 136:18 137:5 168:5,10,14,16 168:21,24 169:10
chatbots 18:19 19:4,7,8 21:2 26:14
check 88:2
chin 3:24 5:15
circuit 16:12,23
cisco 44:18
cite 96:6 106:8 106:10
cited 14:25 104:5
cites 103:22,23
citicorp 24:6
claim 50:13,16 50:19 51:17,25 52:2,18 53:17 54:4,6,11,16,20 54:25 55:7,12 55:24,25 56:15 58:4,6 59:9 60:23,25 61:3 62:13,18 63:5 90:13 110:5 127:14 128:14 139:17,20 145:18,23 147:2,12 148:16 149:2,4 151:15 152:2,5 152:9 154:18 154:22,22 155:10,22 157:14,14,19 159:8
claims 7:24 51:15 81:25 91:6,8,9 104:11 107:7 107:13 108:14 108:18 109:25 110:4 113:11 113:12 143:2 145:21 146:4,9 146:17 149:24 150:6,9,14,23 151:2,8,11,21 151:24 152:22 153:3,12,18 154:16,25 166:9
clarification 159:24
clarifications 31:20
clarify 7:12 14:16 91:16 161:2
clarifying 91:23

clarity 14:10 92:20
classes 17:8
clear 68:5 71:6 71:13 111:25 120:18 130:10 143:19
clearly 54:10 65:3,12 66:4 110:15 125:2
clicks 72:3 73:11
client 30:23 31:18 46:7 102:21
clients 25:3,20 25:23,24 36:7
close 31:3 47:20
cmacedo 3:18 172:2
code 86:18,25 102:21,23,24
colleague 5:25 6:8
collect 43:15 58:16 67:5 159:19
collected 167:9 167:19
collecting 36:15
collection 61:14 126:20 155:19
collects 155:13 155:14
column 27:19 28:5,22 29:3 64:7 65:8,16 66:13,24 67:11 67:25 68:18 69:6,20 70:7 72:9 78:24 79:4 82:24 84:24 85:8,13 86:3,5 87:8 96:5,9,13 97:17 98:12,18 99:5,11,18 100:5,18,25 101:7,11,23 102:18 105:15 107:14,17 108:3 109:11 109:15 111:7 112:2
come 31:14 33:23 144:20 145:6
comes 87:13
coming 42:9
commands 18:15 20:14,16 20:18,19 40:10 40:11,12 44:9 44:15,16
commencing 2:8
comments 90:21
commercial 28:16 40:9
common 22:2 25:17 141:11
communicate 40:22 47:12 68:13
communicated 75:10 117:13
communicating 20:11 40:20
communication 16:11,17 42:5 53:19 75:14
companies 23:25 24:4,10 24:20 25:9 26:6
company 22:12 33:24 40:17 116:20,22 117:20,23
compared 79:9 154:22
comparing 154:20
compensate 102:3
competitive 25:2,25 26:3
complements... 35:6
complete 9:8 27:23 39:24 41:7,11 160:19 175:10
completed 7:10 160:23,23,24 161:23 172:16
completing 122:14
complicated 138:22
computer 15:25 16:8,16 16:22 17:18,20 51:5,10 53:11 55:20 56:4,9 56:14,19,22,23 57:2,4 59:12 59:21,23,25 61:21 63:8,16 63:17,21 64:3 64:11,12,17,19 64:25 65:6,15 65:22,22 66:2 66:6,10,23 67:13,17,20,23 68:4,11,14,23 69:14,17,19 70:14,17 81:24 95:12,15,24 96:10,16,25 97:6,11,16,23 98:2,10,15,25 99:2,9,13,15,20 100:3,7,15,20

100:24 101:4,8 101:13,20,21 101:25 102:10 103:8,24 104:7 104:10,11,21 105:7,19 106:9 106:12,18,22 106:25 108:5,8 108:14,17,20 109:24 110:6,8 110:11,11,23 110:24 111:23 112:16,17 113:2,4,10,11 114:7,9,18,21 114:22,25 122:16 128:15 130:13,21,22 131:11 140:10 140:17,23 141:12,23,25 142:16 143:17 145:4,5 155:25 156:3
computers 119:21
computing 79:8 80:3
conceivable 143:12 144:21
conceivably 145:6
concept 53:9 98:6 129:19 152:17
concerned 145:9
concluded 45:20
concluding 169:24
condition 72:25 73:7,11,13 74:3,9,18
conditions 73:17
confidential 24:16,24 25:16
configured 61:20 66:15 72:15 99:14 104:12
confirm 19:17 19:21
connect 66:9
connectivity 40:16
consider 18:20 20:17 26:11 28:19 29:6,19 30:21 32:15,21 34:2,12,13,23 35:13 45:6 46:8 82:2 97:11,23 104:23 132:25 134:8,17 135:3 142:12,13 143:15 147:4,8 147:10
considered 35:17 134:4,22 146:14 162:8
constitutes 132:17
construction 62:19,25 124:7 128:14 139:25 140:20 142:8 142:19 143:5 143:21,22 144:6,16,18 145:9,18 147:3 147:12
construe 145:21 146:8 146:16
construed 148:24 152:21
construing 147:21 149:2
consult 147:18
consultants 25:18 29:10,21 30:20
contact 26:12
contains 162:14
content 90:17 161:20,21
contents 8:4,7
context 41:13 130:18 131:25 132:9 146:3 168:2
continuation 149:17
continue 39:6,9 65:7 102:14 103:4 141:19 142:2
continued 77:10
continues 26:25
continuing 65:16 162:14
contract 25:8
contradictory 154:7
contribute 28:13 97:20 98:2
contributor 125:5
control 68:9,10 101:17
convenient 47:2
conversation 52:4,5,9,22 53:24 55:6 56:8 61:8,10 61:18 62:5,9 62:14 63:2,3 63:14,19,20 64:8 65:20,25 66:5,10 68:7 68:20,25 69:10 70:16 72:7,12

72:13 73:13,16 74:4,8,12,19 81:17 101:3 102:2,12 103:2 104:9 110:18 111:15,22 113:6 115:3 122:15 128:8 128:19 129:2,5 131:19,23 132:4,8 138:2 151:13,17 152:3,4 158:3 158:6 159:2 166:23
conversation's 64:22
conversational 52:24
conversations 37:14 132:22 133:14,24 135:23 136:14
coordinating 22:15 23:11
copies 7:13,18 7:22 8:12 172:14
copy 7:24
corp 18:3
corporate 113:13
correct 12:9,14 12:15 16:6 17:16 18:5,9 18:16 19:2 22:9,17 23:9 23:19 24:8,12 62:24 73:8 82:11,15,18 93:12 95:16 96:7,20 105:18 107:6,20,25 109:7 118:18 122:5 127:16 129:13 131:17 137:2 138:19 139:19 157:17 158:10 164:17 164:19 165:3 168:10 175:10
correction 41:10
corrections 173:6,8 175:8
corresponding 87:11
cost 163:15
counsel 6:20 7:11 14:4,8 15:8 39:2 46:24 47:12,15 47:21 71:5 74:21 75:11,15 77:13 78:2 87:21 90:9,15 90:24 91:5,14 93:6,10,25 94:7 103:12 126:17 139:12 160:25 161:17 161:20,24 164:2,5,10,13 169:22 172:14
counter 154:7
counting 93:11 116:10
couple 100:6
course 87:23
court 5:17 6:11 9:17,19,23 10:6,10,12,24 11:14 48:8 173:21
cover 113:9 143:15 145:2 149:24 150:9 150:14
coverage 31:19 31:20,22,23
covered 144:15 144:17 151:21 151:23
covers 17:7 45:5 55:23 144:25 145:10 157:11
create 35:10 112:21
created 7:23 8:3 86:15
creates 86:12
creating 113:4
creation 124:7
criticized 11:19
cronos 121:3,4 121:22,25 122:8,16,21
cross 36:9
current 14:6 25:19 43:3
currently 63:15
customary 105:24 145:24
customer 26:14 30:11 31:6 32:5,10,12,16 38:16 39:12,19 42:10 43:9 44:8 82:7 83:4 83:17 100:11
customer's 38:20 83:21
customers 27:10 38:10
customized 22:11
cv 15:21 17:14 17:25 18:10,24 33:9 45:17 46:17
cvs 26:18

d

d 4:1 12:11
dahlal 12:2,8 12:10 46:22
damages 10:21
data 35:3,10 64:20 67:5

99:16
database 35:7 35:9,10 140:15
databases 35:2 35:3
date 45:20 124:3 149:12 149:14 173:10 174:25 175:14
day 133:2,2 169:25 171:18 175:19
days 115:20 116:2,10 117:8 117:16,17 123:22 124:14 124:15,18 172:16 173:17
deals 136:10
decide 124:14
decided 11:15 124:11,15
decision 90:6 161:11 162:5
declaration 7:15,16,18 9:21,24 14:25 49:18 62:16,18 77:24 80:20 84:13 88:13,15 89:8,20 90:3,7 90:22 93:10,21 95:9,11 96:4 104:6,23 105:13,15 107:16,24 115:6,13 116:17 117:6 117:25 121:14 121:18 123:17 123:25 125:18 126:5,12,13,15 126:18 127:4,8 127:11,13 132:13 139:18 145:13,16 154:11 160:3 160:10,13,14 161:6,9,15,18 162:3,13 164:3 164:23 165:2,6 166:16
declarations 8:6 14:20,21 78:13 164:11
declare 175:6
dedicated 140:2,3,7,8 141:13,24 143:6,24 145:4
deemed 173:20 175:8
defendant 36:21 44:12
defendants 40:25
define 110:17 130:8 137:20 137:24 152:3 153:21,24
defined 54:13 61:18,18 62:5 62:9 64:22 65:12 67:7 72:5,12,17 99:25 101:19 140:9,23 157:6 158:6,7 159:2
defines 133:6,6 148:15 165:24 167:3
defining 52:5 52:12,22 55:10 61:4,9 63:2,13 63:20 64:14 65:18 68:3 111:14 113:6,6 115:2,3 128:8 128:18 129:2,5 129:11,14,20 129:24 130:2,5 130:9,11 132:14,21,22 133:2,3,12,23 133:23 134:2,2 134:14,15 135:7,21 136:13 137:10 137:14 139:21 139:25 143:21 143:22 144:7 144:19 151:13 153:16,19 154:4 157:20 157:23 158:2 166:23
definitely 138:9
definition 85:18 106:19 133:14 146:22 147:17 148:4 148:14,18 149:21 151:16
definitions 15:12 127:14 147:4,9,11
demo 116:7,11 119:2
demographics 43:4
demonstrated 86:12
department 21:9 46:11
depend 152:15
depends 20:7 152:14 153:15
deponent 172:13 175:4
deposing 172:13 173:17
deposit 19:17 19:22
deposition 1:14 2:1 5:7,12 7:8 7:22 8:16 14:19 15:7 20:11 47:14,20 47:22 75:13 77:14 88:8

91:25 92:13,21 93:11,24 94:6 94:13 139:14 170:2 171:8,10 173:4,14,18,20
describe 52:11 72:21 168:13
described 50:8 55:16 57:25 60:20 78:20 81:7 86:18 126:10 150:15 151:13 153:2
describes 52:3 52:8 53:24 54:22 64:7 65:9 66:14 67:2,12,14 70:8 72:10,11 72:18 85:9,24 86:3 95:11 98:5 100:6,19 101:2 104:6 111:14 114:6 149:23 150:8 153:11 159:8 166:23
describing 53:4 98:14 101:24 110:13,21 122:11
description 22:3 23:14 28:23 104:8,13 104:20 106:11 125:4 151:3 154:4 165:23
descriptions 107:2
design 16:12,24 17:5
designation 25:12
desktop 96:18 96:21,22,24 97:3,9,10,11 98:17
detail 105:2
detailed 28:23
details 24:15 24:23 25:15 46:3
determination 51:8 120:19
determinations 33:15
determine 32:5 36:4 39:18 41:6,20 52:10 58:13 149:13 155:4,9
determined 32:6,7
determines 98:22
determining 42:25 50:25 98:9 135:15
develop 24:2 25:23 30:23
developed 22:11 24:10,13
developer 124:24
developing 24:20 25:4 26:11,16
development 25:13,20 26:12 26:20 43:9 129:8
device 33:13 40:25 56:5,15 56:23 59:12
devices 40:19 55:14
dialogue 81:18
dictionaries 146:6
dictionary 15:11 147:4,9 147:11,16,19 148:4,13,15,18
difference 95:20 110:10 127:22 128:16 154:15 165:14
differences 157:12,13 159:22
different 20:25 27:15 36:21 44:12 52:25 57:2 59:24 63:8 64:2 69:8 69:22 100:9,10 101:4 105:19 105:23 109:25 110:4 128:13 134:25 135:2 136:11,17
differently 148:24
difficult 31:13 138:3
digital 16:12,23 18:3 40:5
direct 15:22 38:19
directed 42:10
directly 30:12 30:15 32:8,10 40:22 167:14
director 22:7 27:3,6
disagree 79:19 79:22
disclosed 26:4 51:18
disclosure 157:22 158:2
discuss 25:19 52:22
discussed 31:6 38:24 122:18 151:9 161:17
discusses 52:14 86:6 99:6 101:12 102:19 168:2

discussing 75:16 100:23 109:23
discussion 121:10
dispatch 23:5
dispatching 22:15,18 23:7
display 43:2 87:15
displayed 51:4 51:10 56:19,21 61:21,23 122:20 131:2,4 131:6,13,16 141:13 142:24 158:19
displays 122:16
disputing 71:12
distances 33:17
distinct 66:4,12
distinguish 131:7
dl 35:3
document 7:23 7:25 15:18 41:5 46:12 48:23 49:9,21 49:24 57:8,18 77:20 80:16 84:9 123:14
documents 7:3 8:11 14:24 15:10
doing 21:20 30:20 36:8 37:2 42:22 53:13 116:18 133:18 135:11 135:13 173:9
doubt 124:12
download 112:24
dozens 39:5
dr 7:15,21 8:5 14:21 20:10 90:7,11 92:13 94:12 118:11 118:13,21 120:19 123:6 161:9,15 162:4
draft 89:19 90:19 126:4,7 160:9 161:23 162:2
drafted 90:14 160:20
drafter 91:6,8
drafting 161:19 161:21
draw 135:15
drive 112:23
driver 33:25 36:17
drivers 35:4
driving 33:15
duly 6:14 77:7 171:9
duplicate 86:20
duplicating 86:11

e

e 3:1,1 4:1 77:2 77:2 159:8 171:2,2 174:4 174:4,4
earlier 19:20 38:24 45:16,18 112:9 123:20 136:22 151:10
earliest 124:13
early 19:12
ease 8:8
easily 141:22
ebenstein 3:13 6:3 12:21 13:2
ebusiness 26:17 27:3,6,9
eckerd 24:5 26:15
ecommerce 24:2 27:9 28:12,17
ecomp 29:10,21 30:20
economical 31:23
edge 25:2 26:2 26:3
education 15:24
either 19:23 20:4 22:21 23:25 30:3,12 30:15 31:21 32:8 38:14 41:4,11 42:23 110:5 133:22 135:18 138:3 151:2 168:19
electronic 11:8 11:13 16:12,23
electronically 10:20
element 53:7 53:16 54:10 67:16 155:14 156:15 157:2 159:8 166:10
elements 52:25 53:2,2,10 74:5 90:14 101:8
email 30:9 31:13,14 32:4
emailing 31:18
emarketing 28:17
embodiment 19:11 52:6,13 52:17,19 53:3 54:8,17 55:3 72:11 152:20 153:2,4,9
embodiments 51:18,23 52:23 53:23 55:23 150:22

emergencies 46:10
emergency 46:6
emerges 163:14
emotion 41:20
employee 111:16,21
employees 111:5
enabled 151:2
encompass 50:16 51:17 58:7 61:2
encompasses 50:20
energy 40:16
engaged 30:20
engagement 25:10
engineering 17:8,11
enhances 68:17
entail 23:21 27:6 52:5
enterprises 100:9
entire 80:8 154:6
entirety 50:4 57:21 60:16 78:16 81:4 84:18 101:7
entities 65:4 66:12 67:10
entity 67:21 69:5 70:4
entry 82:6
environment 38:10
environmental 40:11
environments 37:7
equipment 18:3 22:25
equivalent 145:8
eric 1:21 2:5 5:18 6:15 171:4,23
errata 172:11 172:13,16 173:7,10,13,16
especially 138:25
esq 3:7,9,17,19 172:1
estimate 88:5
estimated 126:20
et 108:5
eva 27:3,4,7 28:18,20
evaluation 10:25
event 41:19 43:13
events 31:2 46:7
evidence 118:10 121:9 146:5
evident 165:23
evolved 19:9
exact 49:19 149:15
exactly 87:8 90:24
examination 8:20 13:12 44:19 77:10
examined 6:16 77:8
examiner 146:10,13,14
example 26:10 26:16 28:10 40:21 52:2 71:9 81:16 90:17 97:4 99:19 105:7 111:3,4,6,10 128:8 131:8 136:19 149:23 149:24 150:8 150:10,15 151:14,18,20 151:22 152:8 152:10,14 153:11,12,16 153:16 160:18 161:21 168:5
examples 24:7 28:24 29:23 31:9 71:15 97:2 100:6,15 104:6,10,14 105:3 106:25 145:7 150:3,21 151:7,10 152:23 154:7,8 166:24
excellent 88:25
exchanging 169:6
exclude 11:16
excluded 9:17 9:20,23 10:6 11:18 38:25 46:16 48:9 51:25
exclusive 168:18
excuse 158:14
execute 79:9 80:3 87:4 99:16
executed 98:11 98:24
executing 51:8 79:10 81:17 85:11,24 97:6 99:4
execution 66:18 99:6 102:20 165:8 165:16 166:18
exemplary 72:11

exhibit 15:16 17:25 20:15 22:6 23:16 27:12,20 48:2 48:9,16 49:12 50:4,8 57:6,14 57:21,25 60:3 60:6,12,17,20 77:18 78:7,9 78:17 80:13,24 81:4 84:6 88:13,16 89:10 115:6 123:11 124:20 125:18 154:11 162:16 162:18,20
exhibits 6:23 7:14,19 14:23 121:12
exist 65:6
existed 19:9 119:4 121:6
existent 114:2
existing 64:13 64:25 101:3 111:23 112:5 113:13,17,25 114:15,23
expects 167:4
experience 16:16,23 17:2 28:6,23
expert 9:12,20 9:24 10:7,21 12:13 33:4 44:23 92:22 146:5,18,21 152:17 172:5 174:2,25 175:2 175:6,14
explain 9:25 89:25 161:5
explaining 93:2
explanation 93:5
explicitly 53:14 65:13 66:19
exposed 156:11
extent 7:20 19:10 38:14 56:17 72:21
external 140:24
extracted 104:24
extremely 138:2
extrinsic 146:5

f

f 77:2 171:2
facebook 34:17 34:22
facilitate 102:25
fact 80:2 124:23 140:22
fail 173:19
fails 172:18
fair 19:6 27:18 45:11
fairly 19:4 22:2 45:8
familiar 32:22
far 103:7 128:12 138:7 145:8 168:11
farm 33:10 34:4
fast 33:19
features 34:21
fee 10:23
feedback 50:23
felt 10:3 11:14 38:19 39:19
fema 46:6,9,11
field 22:14,21 22:22,23 23:8 23:12 41:4 86:9 87:17 133:16 156:19 156:25
fields 59:5
fifteen 94:9
figure 70:24 71:4,17,19,23 72:10 81:9,13 81:15,16,19 82:5 85:5,9,24 87:15 99:14 111:11,12
filed 5:9
fill 59:4
filling 92:8,10 99:23 156:18 156:24
final 90:19,20 90:21 162:2
finance 100:12
financial 23:24
find 86:15
fine 47:2
finish 71:6,14 126:8
finished 39:4 103:15
finz 1:21 2:5 5:18 6:15 171:4,23
firm 5:18 12:20 12:25 37:20
first 6:14 12:4 12:18 27:12 33:9 36:14 50:20,23 56:25 65:18 68:18 108:2 115:17 116:21 117:19 117:22 121:11 126:14 132:12 155:7,16 156:20 157:9 157:18
fish 32:3,6
fit 104:7
five 45:22 50:2 57:18 60:14 78:15 81:2 84:16
fleet 36:15

flight 81:17
flip 27:11
flow 36:3 52:24 62:14 63:3 67:7 72:7,12 153:25
focused 16:8
foerster 2:4 3:3 5:23
following 18:6
follows 6:16 77:9
food 36:20
force 22:14 36:2 43:9
foregoing 175:7
foremost 157:18
forget 12:5
form 13:18,25 14:14 21:16 29:18 32:20 33:2,7 48:5,12 49:8,15 50:11 50:18 51:21 63:10 64:5 79:18 81:22 82:13,17,22 83:16 87:15,17 99:24 103:11 104:3,18 105:11 109:15 113:22 118:24 120:17,25 123:4 127:25 137:13,22 142:10,15,21 143:10 144:3 144:10,12 146:12,20 147:7,14 148:8 148:20 149:8 150:2,12,20 152:12 153:6 153:14 165:12 165:18 166:7 166:21 170:5
formal 141:8 141:10
formally 135:19 140:17
forth 148:17 171:9
fortinet 42:4
found 118:10
four 73:25 74:15 78:15
fourkites 36:12
fourth 165:6,7
freeform 20:17
friendly 135:13 136:24 137:10 137:16,19,23 138:12,18,19
front 7:25 15:15 77:17 80:12 84:5 115:7 123:10
frustrated 41:24
function 19:25 80:5,11
functionalities 69:8
functionality 43:12 99:17 119:5 140:12 151:14 157:6
functions 100:7 100:15
further 69:6 77:8 101:23 171:12
future 47:23

g

g 156:15
games 97:8
gather 33:16 64:9,14,23 165:22
gathering 80:4
gathers 56:24 70:12
geico 24:5 26:10 28:10 29:8,16 30:7 31:18,24
general 14:7 17:6 31:24 49:10 53:8 58:8 90:10 105:20 106:20 120:5 130:23 155:19
generally 45:5 96:15 108:4
generate 43:16 66:16
generated 63:7 64:2
generating 153:22
generation 63:3
generic 110:8
geographical 31:3
geotag 34:25
getting 144:22 145:3 152:23
give 9:8 10:4 25:2,25 88:21 97:2 124:3
given 103:9,25 104:15 105:8 116:7,21 124:23 145:24 146:3 171:11 175:11
gives 99:19 111:4 129:21 129:23
giving 124:11
global 36:23 37:3
go 8:18 22:23 69:12 74:22,23 84:24 89:12

93:6 138:7
going 5:3 15:9 21:7 22:5 23:16 31:4 35:20 39:4 45:15 47:6 62:15 74:25 75:2,25 87:5,6 87:15,16 89:14 108:24 123:19 139:6 142:2 169:16 170:6
good 5:2 9:2,3 46:25 97:22 104:24
google 40:24 42:21
government 12:6
graduated 16:14,20 17:4 17:25
grammar 166:25
grammatical 20:21,24 21:16
graphic 58:20 59:18,19 155:24
graphical 81:20,23 82:2
great 23:13 109:10
grounds 161:14
gte 18:8,11
guess 26:6 41:9 95:22 125:16
gui 58:22 59:5 59:7 68:4,15 69:3 100:22 101:14,22 156:2,19 157:4 157:8 158:22 166:10 167:11 167:13 169:11

h

h 8:25 12:11 157:2 174:4
habits 33:16 36:17
hacking 144:23
hand 28:21 57:5 60:3 171:18
handle 30:8 32:13 38:7
happen 72:8 73:14
happens 72:2 73:10
hard 78:13
hart 3:19 6:9 91:3 93:15 94:2 127:3
hartford 24:5
hear 21:6,9 73:3
hearing 37:11 37:17
held 5:13
help 23:25 46:4
hereinbefore 171:8
hereto 175:9
hereunto 171:17
highlights 27:22,24
highly 133:16
hills 34:9,10
hire 25:12
hired 12:13 25:22 124:24
history 48:7 146:4
hmm 39:15 111:17 112:20 139:23 150:24 159:7 168:22
hobby 133:7 134:3,16
hobbyist 133:10 134:21 134:25
hold 91:18
holdings 44:4 44:11
home 40:7,9,17
hookups 22:24
host 85:17
hour 49:19
hours 37:22 38:3 42:15,19 43:25 45:2 49:16,21,23 50:2 57:19 60:15 78:15 81:2 84:17 88:4,11 93:9 93:13 94:9 126:16,19 163:25 164:4 164:12,16
hr 100:11 111:5,20,24 113:14,24,25
html 86:18,25 87:9 102:23 122:25
huh 21:4 34:18
hundreds 6:21
hyperlocal 30:22,24

i

identified 52:17 55:19 70:9 90:12 103:7 107:5,23 118:5,12,14,20 118:21 128:3
identifier 52:15 54:9
identifies 54:7 54:18 55:3,9 55:14 65:14 66:20 68:2 86:25 112:18 156:15 159:5

identify 21:21 27:25 35:21 36:17 38:23 43:11 46:4 52:11 53:5,6,9 53:15,25 54:2 54:9 67:15 70:13,19 86:23 118:15 140:22
identifying 21:18 52:24 67:23 70:3,19 122:21 128:13 128:15 141:9 166:22
illustrated 150:5
impaired 37:12 37:17
imperative 173:15
implement 55:15 58:13,18 63:14 65:11 114:8 137:4 155:4,22 156:13,22 167:9
implementati... 72:20 156:16
implementati... 18:13,18
implemented 53:21 61:11 66:6 69:9,22
implementing 66:21
impossible 137:18
impression 118:2
imrglobal 23:18,21 25:9
incidents 100:21
include 6:22 7:14 21:17 29:22 52:23 53:14 61:25 110:16 114:11 141:4 144:7 156:24
included 30:7 142:19
includes 110:17 111:20 127:13
including 6:5 7:20 54:14 88:7 101:9 144:23 146:5 153:25
inclusive 143:12
incoming 30:11 31:6,10 32:16 38:7
incorporate 55:18 68:25 74:5
incorporated 22:8 52:19 54:5,15,20
increase 31:22
indacon 34:22
independent 70:2
independently 74:17
indicate 19:25 67:8 128:7 158:23
indicated 11:10 75:18 119:3
indicates 64:19 69:21 70:5 98:20 103:8 105:7 106:11 122:8 124:20
indicating 67:3 69:11,24
indication 66:11 125:10
individual 134:13
individuals 37:12 93:20
industry 10:23 25:18 105:21 106:14 128:5 128:11 129:4,7 129:12,16 131:6 134:20 136:12 148:10 148:12
inform 108:18
informal 140:14 141:9 142:14
informally 135:19
information 26:4 30:25 31:19 32:10 33:16 36:7,25 38:17 40:8 43:15 46:6 52:15 58:16 64:23 73:19 74:7,9 83:6,7 83:20,21 99:23 120:14,20 122:24 144:22 145:3 155:13 155:14,20 159:20 161:22 165:22,25 167:9,19 168:19,21,23 168:25 169:6
informs 103:24
infrastructure 23:23
initial 90:6
inject 140:15
injecting 102:24
input 41:4 50:21 52:3 56:25 58:22

59:4,5 61:15 64:10,16 65:2 82:20 83:4,6 83:18,22 85:11 85:17 87:11,16 98:7,8,21,23 99:16 155:8,9 155:17,18 156:2,18,21,22 156:25 157:3,9 157:10 158:21 166:13
inputs 50:24 70:12 166:13
inputting 41:4 64:20
inquiry 42:9
inserted 86:16
install 22:24 97:8 112:25
installed 96:23 97:5
instruction 58:10,12 155:3 159:17
instructions 80:6,10 97:10 173:2
insurance 24:6 33:24
integral 43:17
integrate 167:12,17,18 167:23 169:4
integrated 70:20 168:7
integrates 167:14
integrating 136:18 138:21
integration 23:24 137:4 169:9
intellectual 25:13 42:13,16
intelligence 20:9
intelligent 38:6
intending 65:5 68:24 86:20
intent 11:15 21:22 32:5 68:6 69:4 101:16 138:10 140:21 142:23 143:14,14
intention 145:2
inter 1:11 13:11
interact 58:20 59:7 62:7 100:20 167:23 167:25 169:4
interacting 59:17 87:19 155:23 157:4 168:3,3,4,8,9 168:12,13
interaction 42:23 84:3 86:21,23 122:12 167:20 169:8
interactions 51:3,6 61:23 154:2 158:18
interactive 18:21 19:11,13 19:16,19 30:10
interacts 166:10 167:10
intercepting 102:22,23
interest 7:9 70:23
interested 35:16 171:15
interface 34:21 43:16 51:4,10 53:6,10,11,15 54:9 56:3,11 56:13,19,21,24 57:4 58:11,20 59:2,11,18,19 59:24 61:7,12 61:13,21,24 62:3,8,12 63:7 63:25 64:10,13 64:15,16,21,24 64:25 65:11,23 66:22 67:9,16 67:19 68:8 69:2,3,11,16 70:13,16 79:12 81:20,24 82:3 86:24 87:6,19 98:7,10,21 99:3,9,15 100:23 101:9 101:18 102:7 102:14,16 131:3,4,5,6,13 131:16 132:22 133:13,24 135:13,22 136:14,24 137:10,16,19 137:24,25 138:13 140:25 141:7,14 142:25 144:13 155:4,24 156:11 158:19 159:4,6,11,13 159:16 165:20 167:7 169:3,9 169:12
interfaces 41:2 133:4,7 134:3 134:16
interfacing 101:13 140:12 141:12 142:15 143:2,13,16 168:7,15
intermediate 65:24

internals 123:7
internet 40:21 112:24
interpret 20:19 20:22 21:2 41:3 149:3
interpretations 152:18
interpreted 40:10,12
interpreting 21:15
interprets 165:25
intervening 66:9 86:13
introduce 48:15
invention 67:15 79:7 100:16 110:14,15,16 110:22 111:18 112:3,14,15,19 113:5,15,16,23 114:4,24 115:2 131:10,10 135:9 136:23 138:11,24 149:11,23 150:9
inventor 146:6
invoked 61:6 62:11 65:19 159:10
invokes 65:21
invoking 159:15
involve 18:19 20:6 25:10 26:7 28:11 38:12 63:2 66:8
involved 24:18 25:6 29:6 33:11 37:10 38:6,23 39:12 40:17,25 42:7 46:5 119:2 120:23
involving 33:4 43:8 44:6
ip 13:10
ipr 5:11 6:5,7,7 7:16,17 15:16 43:24 48:20 49:10,13 57:6 57:16 60:4 62:16,18 78:6 80:14,14,14 84:7,7 88:14 88:16 89:9 125:19 154:12
ipr2023-01368 1:11
iprs 6:5 13:4,16 13:23 14:5,6,6 36:23 37:10,19 37:21 43:21 88:7 123:12
island 13:10 42:12,16
israeli 91:5
issues 14:10
item 39:22
ivan 1:15 2:1 4:4 5:1,7 6:1 6:13 7:1 8:1,24 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 77:6 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1 117:1 118:1 119:1 120:1 121:1 122:1 123:1 124:1 125:1 126:1 127:1 128:1 129:1 130:1 131:1 132:1 133:1 134:1 135:1 136:1 137:1 138:1 139:1 140:1 141:1 142:1 143:1 144:1 145:1 146:1 147:1 148:1 149:1 150:1 151:1 152:1 153:1 154:1 155:1 156:1 157:1 158:1 159:1 160:1 161:1

162:1 163:1 164:1 165:1 166:1 167:1 168:1 169:1 170:1 171:1,7 172:5 173:1 174:2,25 175:2 175:6,14
ivr 20:9 23:2 30:3,5 38:6,6 44:8,14,15
ivrs 18:20,23 19:20,22 20:3 20:12 26:14

j

j 1:21 2:5 6:15 171:4,23
javascript 102:23
jean 3:7 5:22
jnguyen 3:8
job 1:23 23:20 27:5 28:18
join 37:15
joined 116:5,19 116:22 125:9 125:14
joining 117:19 117:22

k

k 8:25
kabbage 38:5 38:11
karamelion 40:5
keep 23:15 24:14
keeping 24:23 25:15
key 7:19
keyword 20:5 21:9
keywords 19:24 21:6
know 9:22 13:14,21 27:24 40:10 94:10 95:18 109:18 115:24 117:21 118:8 119:6,10 120:22 123:21 124:4 125:7 141:19 148:4 152:22
knowledge 9:16 136:11 137:6
knowledgeable 19:4 45:8 134:6
known 19:7 45:12 57:15
krishnan 80:20 80:24 81:4,7 81:10 163:4,7 163:9 165:24 166:2,14,22 167:12,18

l

l 12:11,11
labeled 121:11
language 18:15 20:6,14,16 22:3 30:4,14 32:4 44:6,13 50:21,22,24 52:4,9 56:3,7 56:11,12,24 58:11 59:10,23 61:7,11,12 62:8,12 63:6 63:25 64:21,24 65:11 66:21 67:9,19 69:2 69:10,16 70:13 70:16 98:7,21 133:4,7,13,24 134:3,15 135:22 136:14 137:25 155:3,8 155:9,17,18,18 156:21,22 157:9,10 159:4 159:5,11,13,16 165:20 166:13 166:15 167:6
languages 140:4 143:7,25 144:13 145:5
large 18:12,17 35:2,3
larger 23:25 24:4 27:10
law 12:20,25 145:22
leads 36:4
learned 146:7
left 27:19
legal 145:17 149:20 152:16 152:17,24 172:23
legitimate 142:15
lengthy 31:15
level 20:8,20,23 24:18 25:11 135:24
leveraging 79:5 80:7
lexington 3:15
license 10:22 11:12
licensing 10:23
life 40:5
likely 83:19 143:16 145:2,6
limit 106:24 148:23
limitation 152:7,9,20 153:17
limited 107:4 141:2 153:3,9 153:12
line 78:24,25 79:4 82:25 84:24 85:2,8

85:14 86:4,9 86:10 87:9 96:5,9 99:19 99:21 100:5 102:4,5,18 108:3 109:11 111:8 135:15 165:7 174:5,8 174:11,14,17 174:20
lines 68:18 69:20 70:7 85:8 96:14 97:17 98:12 105:16 107:15 109:15
link 66:17,17
links 52:14
list 35:21 38:22 45:4,24 48:6 55:5 162:7
listed 33:9 45:16 46:17
litigation 38:22
litigations 13:9 13:15,22
liveperson 39:11
llp 2:4 3:3,13
loan 38:8
locally 97:9
located 59:21
location 31:3 35:3
locations 35:5
log 86:14
long 49:20 104:13
longer 135:24
look 35:8,9 73:17 85:13 88:18 109:9 121:13,15,17 124:3
looking 33:8 38:21 48:6 107:14 109:6 111:8,9 116:4 139:17 154:17 162:12
lookup 41:7
los 3:6
lose 14:15 26:2 26:2
lot 16:10 28:9 42:6
loud 109:17
low 163:15
lunch 75:23,23 77:13
luncheon 76:3

m

macedo 3:17 6:2,2 7:11 13:17,24 14:4 14:13 29:17 32:19,25 33:6 39:2,7 46:24 48:4,11,18 49:7,14 50:10 50:17 51:20 63:9 64:4 71:5 71:11 73:2,7 74:21 75:18,24 78:2 79:17 81:21 82:12,16 82:21 83:15 87:21 88:17,20 88:25 89:3,6 91:2,14,22 92:6,10,16,25 93:6,15,25 103:10,17 104:2,17 105:10 113:21 118:23 120:16 120:24 123:3 127:2,24 137:12,21 142:9,20 143:9 144:2,9 146:11 146:19 147:6 147:13 148:7 148:19 149:7 149:25 150:11 150:19 152:11 153:5,13 158:14 160:25 165:11,17 166:6,20 170:4 172:1
macropoint 36:12,20
made 30:18 44:24 51:8 90:20 124:5 173:8 175:7
make 33:14 35:4 62:6 74:11 120:19 138:8,13,25 173:5
makes 130:10 137:10,14,17 138:9,16
making 42:8 52:16 71:12 80:5
managed 18:12 18:18
management 100:12
manager 18:11
manner 70:10 154:2
manual 37:16 46:8
marked 15:16 48:16,18
market 110:14
marketing 26:17
markets 23:24
marojomand 3:10
marriage 171:14

master's 17:17 17:19,23
matches 167:5
material 10:20
materials 162:8
matter 5:8 36:13 38:12 44:23 45:2 87:25 88:6 164:10 171:16
matters 11:22 33:4 38:22 45:16
matthew 3:24 5:15
mean 14:5 20:22 27:22 51:13 59:15 83:14 105:23 106:15 107:9 112:11 113:19 127:2 129:25 137:17 138:10 141:7 143:11 167:16
meaning 62:7 95:12,16,19,23 95:25 96:2,11 97:15 98:2 103:9,25 104:15 105:9 105:19,24,25 106:5,12,14,16 106:18,22,24 108:13,19 127:22,23 128:7,10,19 129:3,6,12,16 129:21,24 130:7,17,24 131:5,24 132:8 145:25 148:17 148:22,25 153:20,20 164:8 167:24
meanings 127:18
means 23:7 95:24 106:7 130:11 168:9 168:15
meant 158:9 161:3
mechanism 131:14
media 5:6 30:24 35:12
medwerks 24:7
meet 15:6 90:25 93:24 94:3,14 127:6
meeting 95:17
meetings 164:12
meets 146:21
mehran 3:9 5:25
melendez 163:11
member 116:18
mentioned 6:6 12:4 20:10 30:2 36:14 52:21 90:23
mentions 84:2 100:22
menu 18:14,25
menus 19:16
mere 165:7 166:18
mesh 30:22 40:19
message 30:9 71:21,24 72:3 72:5,14,15,16 72:19 74:2,6 74:17
messaging 65:10,13 66:15
met 15:8 90:9 90:24 92:12 127:2 161:16
method 53:13 53:14 64:14,20 65:5 68:2,13 70:8,19 112:16 114:6 122:25 123:9 143:12 151:14 157:19
methodology 128:23
methods 55:10 55:16 133:12 136:17 141:7 141:11,20 143:16 144:21 145:3
microsoft 97:4
middle 27:13 28:4 37:18 38:4 40:15,23 42:3,12 71:19 71:23 98:19
mind 110:12
minimally 21:17
minute 74:23
minutes 49:19
mm 39:15 111:17 112:20 139:23 150:24 168:22
mobile 22:14 96:17 98:16
modifications 101:24
modified 67:14 67:24 102:17 141:23
modify 142:3 143:4,5,20,22 144:5
module 102:20
mofo.com 3:8 3:10
monetary 10:19
monitor 33:13 33:18 37:5

39:17 40:7
months 88:3
morning 5:3 9:2,3
morrison 2:3 3:3 5:23
mortgage 38:8
mouth 92:9
move 71:2
moving 118:3
multiple 23:8 135:11
multistep 65:18

n

n 3:1 4:1 8:24 77:2,2,2
name 5:15 8:23 11:23 13:6 46:20 87:10 91:7 94:10 127:7
names 12:24
narrower 107:9
native 89:16,17 96:17,23 98:16 121:17 122:11 125:23
natural 18:15 20:6,14,16 22:3 30:4,14 32:3 44:6,13 50:21,22,24 52:3,8 56:2,7 56:10,12,24 58:11 59:10,23 61:7,11,12 62:8,12 63:6 63:25 64:21,23 65:11 66:21 67:9,19 68:25 69:10,16 70:12 70:15 98:6,20 133:3,7,13,24 134:3,15 135:22 136:13 137:25 155:3,8 155:9,17,18 156:21,22 157:9,10 159:4 159:5,10,13,16 165:20 166:13 166:14 167:6
ndas 25:5
nearby 35:5
necessarily 26:9 34:12 101:17 122:7 129:3,6 152:13 155:11 158:23 159:18 168:8
necessary 37:16 55:17,20 66:8 67:18 70:18 173:5 175:8
need 67:22
needed 80:3 92:19
needing 140:3 143:6,23
neighborhood 42:19 80:25
neither 120:18 123:6 137:3
network 16:11 16:17 23:22 30:22 42:5
networks 17:18 17:20 40:19
never 119:3
new 1:16,16 2:4 2:5,7 3:16,16 5:13,14 11:7 11:11 12:2,3,7 12:8 25:24 26:7,9,11 31:17 46:23 111:16,20 114:4 171:6
nguyen 3:7 4:5 5:22,22 6:17 8:21 14:8 39:9 47:3,10 48:15 48:20 71:8 73:5,8 74:24 75:7,22 77:11 78:5 87:23 88:19,23 89:11 91:19 92:3,8 92:14,19 93:4 103:16,18 108:21 109:4 139:3,10 161:4 169:13,20
nice 41:15
noble 38:5,11
noise 73:4
non 135:25 136:2,8 137:15 137:20 138:3 138:10,14 139:2 141:4 153:22,23 154:3
nondedicated 140:19 141:21 142:7,14,18 143:7,24 144:7 144:11
nondisclosure 25:11
normally 142:13
notary 1:22 2:6 6:15 171:5,24 175:16,23
note 8:14 86:14 172:10
noted 170:8 173:12 175:9
notes 85:16
notice 2:3
notifications 36:6
novice 132:17 132:19 133:15 134:5,8,11,12 134:17,22

135:4,16,24 136:9,10 137:15,19 138:4,14
novices 132:18 138:11 139:2 154:3
number 28:5,7 62:20 111:8 116:10 160:4
numbers 78:7 89:15
numeric 19:24 20:4

o

o 8:25 77:2,2,2
oath 9:5
object 7:3 21:19,24 86:15 86:24 87:2,6,7 87:10
objection 13:17 13:24 14:14 29:17 32:19,25 33:6 48:4,11 49:7,14 50:10 50:17 51:20 63:9 64:4 79:17 81:21 82:12,16,21 83:15 103:10 104:2,17 105:10 113:21 118:23 120:16 120:24 123:3 127:24 137:12 137:21 142:9 142:20 143:9 144:2,9 146:11 146:19 147:6 147:13 148:7 148:19 149:7 149:25 150:11 150:19 152:11 153:5,13 165:11,17 166:6,20 170:4
observing 85:14
occasions 10:9 11:21
occur 56:9,22 169:11
occurs 99:7 101:18
october 1:17 2:8 5:4 124:2,5 124:13 171:18 172:3
offered 9:18 31:25
office 1:1 5:11 97:5
offices 2:3
oh 79:24
okay 9:16,22 10:5,10,14 11:4,17 12:7 12:12,19 13:7 15:3,9,22 16:4 16:13,19 17:2 17:9 20:13 21:25 23:15 24:13 25:5 26:24 27:11 28:4,15 29:2 29:23 35:19,23 45:7 46:2,14 47:3,25 49:4 49:22 50:3 51:16,23 55:25 57:13,20 70:25 71:19 72:2 74:20 75:20 79:4 80:22 81:3,12 82:8 82:24 83:3 85:13 89:17 90:23 92:3 96:3 97:13 106:3 107:14 107:21 111:13 112:22,25 113:14 115:5,9 118:3 119:17 119:22 120:2 120:22 121:20 124:19 130:13 130:20 132:11 138:23 139:20 141:14,15 144:17 151:5 152:5 154:9 160:7,9 161:3 164:25
once 9:19 51:7 73:15
ones 31:13 35:22 162:10
online 39:13,18 99:24 124:5
openly 25:19
operate 69:24 69:25
operated 96:23
operates 97:9
operating 59:15 60:2 70:5
operation 67:4
opining 11:15
opinion 9:17 11:10 38:25 46:16 48:9 50:15 51:16 58:5 60:24 95:11,15 96:2 96:10 97:15 100:14 108:7 108:13,19 114:14 115:16 119:8,14,18,22 120:2,12 121:4 122:23 127:17 127:21 128:18 129:10 131:15 154:14 166:2 167:22
opinions 10:4 89:22 90:10,12

opposed 97:6 131:13 140:13 155:19
optimization 36:18
optimizing 34:20,20
option 141:5
options 167:3
order 35:4 44:7 53:5,25 58:18 63:16 67:17 74:14 117:4 152:4 156:12 160:15 167:21
orders 22:22
ordinary 63:12 63:18 105:24 106:13,16,17 106:24 107:9 129:18 145:24 146:2,15,22,24 148:25 151:4
original 39:10 173:16
outage 22:16
outages 22:25 23:3,4,6
outcome 171:15
outline 161:12
outlined 90:10 90:14
outlining 161:16
outside 15:4 45:19 108:11
outsourcing 163:15
overlap 28:9
overviews 161:22
owner 1:9 3:14 6:4
owner's 6:19

p

p 3:1,1
p.m. 75:3,6 76:2,3 77:3,5 108:24 109:3 139:6,9 169:16 169:19 170:7,8
package 110:14 110:20,22,25 112:18 113:15
packaging 112:10,11,13 112:14 113:19
page 4:3 15:23 17:24 18:7 20:15 22:5 23:16 26:25 27:2,12,13,19 33:8 35:24 36:11,22 37:8 37:18 38:4 40:4,15,23 41:15 42:3,12 42:20 43:6,19 44:3,10,17 62:17,21,22 89:12,14,15,18 104:5,22 105:13,15 107:23 121:17 121:17,21 122:11 125:21 125:23 127:12 132:12 139:18 160:3,4,8 162:12,13 165:4 174:5,8 174:11,14,17 174:20
pages 1:25 6:22 39:5 162:14 164:25
paragraph 62:20,23 68:17 68:18 95:8,10 96:3 97:21 98:14,18,20 99:18 104:5,22 105:12,14 107:15 109:15 112:2 115:10 115:12,18 123:25 124:4 127:11 132:13 145:12,15 164:22 165:5 166:17
parameterized 62:2,10 158:20 158:24 159:9
parameters 61:15 62:2 63:4 64:9,9,14 65:2 67:18 80:4 159:14,18
pardon 94:25
parentheses 115:20
parse 32:4 167:2
parsing 21:18
part 6:23 43:17 46:15 58:15,18 59:16 63:21 65:14 66:6,22 70:17,21 74:6 78:6 113:15 114:12,21 132:25 155:15 162:9,11 163:16,18,20 163:22 165:4
partes 1:11 13:11
participating 91:10 93:18
particular 30:16 32:14 33:17,23 42:8 43:13 53:5,6 53:12 70:10 73:18 74:11 89:23 90:12 95:17,19,21,25 97:21 103:9,23

103:25 104:15 105:6 106:4,7 106:10 110:22 118:16 120:5 123:9 128:6,10 128:25 129:3,6 129:11,16,22 130:7 152:14
parties 5:20 171:13
partners 22:8 22:10,20
parts 151:11
party 13:10,13 37:15 53:19 54:18,19 58:24 65:10,12 66:14 66:20 156:6,8
party's 13:6
parus 44:3,11
pass 67:6 168:20,23,25
passage 96:5,8 96:13 97:17 107:15,22
passages 103:7 107:4
passed 169:22
passing 52:15 168:19
passionate 133:10 134:24
patent 1:1,2,9 1:10 3:14 5:10 6:4,19 13:12 44:19 49:2,6 49:13 50:5,9 50:14,16 51:17 51:24,25 53:8 56:2,16 57:11 57:12,15,23 58:2,5,6 59:10 60:10,13,17,21 60:24,25 61:4 62:14 63:6,24 68:6 90:4,5 91:9,11,12,13 93:19 105:16 109:6,9 127:15 130:10,19,25 145:21,22 146:10,13,14 149:5,10,12,14 149:17,18,18 149:19,22 150:7 152:6,21 153:10 154:15 154:16 163:2,4 168:12
patents 7:14 14:22 43:8 44:12 90:18 154:19 168:2
pattern 41:21
patterns 41:22
paying 25:25
people 31:2
perform 10:25 15:3 20:2 36:3 74:14 100:8,16 157:6 165:8
performance 59:17
performed 28:8 51:2 56:4,14 58:23 59:12,14 101:24 119:20 156:5 161:19 161:20
performing 83:8 84:2 147:2,12 169:5
period 33:18
person 63:11 63:18 91:24 92:12 94:3 129:18 134:17 141:16 146:2 146:15,22,24 147:21,25 151:4
person's 33:15
personalization 36:6
personalize 72:19
personalized 26:21
personnel 23:5 36:10
perspective 35:2 59:19 146:9,17 149:4 149:10
pertinent 10:3
petition 89:24 90:6,11 161:10 161:15 162:4
petitioned 14:22
petitioner 1:6 2:2 3:4 5:24 6:18 8:6
petitioning 13:6
petitions 14:21
pharmacies 26:18
pharmacy 24:5 26:16
phrase 41:11 62:25
phrases 19:24 20:5
physical 55:14 86:21,22
picking 169:25
piece 119:4
pittsburgh 16:5 16:9,15,21 17:11 18:2
place 15:14 33:12 77:17 80:12 84:5 101:15 152:4
placed 39:22
places 31:2
plain 106:13,16 106:17,24

107:9 148:24
plaintiff 12:5,6 13:10
plan 26:17,20 26:20
planning 100:13
platform 30:24 54:19 69:25 70:6
platforms 70:2
please 5:20 8:22 47:24 78:23 89:12 173:4,9
pleased 41:23
plow 85:15 86:12,14
plus 27:25
point 63:24 97:24 105:6 115:17 118:4 121:8 135:8 136:23
policy 31:20
policyholder 31:17
pop 39:21
portion 11:16 98:13
portions 9:20 9:23 10:6 11:18 46:13 90:15 160:20
portray 74:7
pose 19:20
posita 143:15
possible 116:13 124:13 125:12 125:16 137:14 137:17 138:9 144:21
post 123:2
potential 31:17 36:7 161:13
potentially 101:2 103:2
power 22:16 23:3
practicable 154:2
practice 25:18 136:4,7
practices 133:25
practicing 133:22 134:14 134:19,25 135:21
pre 54:13 67:7 99:25 157:6
prep 88:8 93:11
preparation 93:21,23 127:8
prepare 14:19 15:7 93:10,20 126:17 164:2
prepared 90:2 161:6,12
preparing 78:12 94:6 127:3 164:11
present 3:23 79:7 112:15 114:3 149:6 161:18
press 19:21,22
presumably 58:17 72:5 73:12,15 74:13 83:17
pretty 17:7 55:22 101:6
previous 103:5 103:21 122:10 149:18
previously 11:25 15:15 23:4 48:16,18 77:7 86:17 122:18 164:9
primarily 17:23 23:22 35:15 37:4 39:13 40:18 42:4 50:19 51:2 91:2 111:9 126:9,24
primary 51:15 55:23 125:3 132:25 157:12 159:22
printout 154:17
prior 7:19,21 9:12 14:23 19:12 39:3 45:24 46:18 77:24 80:20 84:13 103:12 103:13 161:11 162:5
priority 149:12 149:14
prisons 37:5
privacy 34:21
probably 31:12 42:18 45:19 49:25 68:17 128:16
problem 67:12
problems 31:16
proceeding 47:13,22 48:21 75:11 77:15 139:13
proceedings 78:3 80:13 84:6 123:11
process 26:13 32:17 34:3,13 34:23 35:14 38:12 40:14 41:14 43:5 50:25 51:9 52:10,12 54:22 54:23 56:4,8 56:12,13,18 57:3 58:14,16

58:19,19,23 59:3,11,16 60:2 61:5,6,16 61:19,20 62:3 62:11 64:8 65:18,19,21 66:2,9,18 68:3 68:8 70:11 79:6 80:7 85:10,12,25 87:4 90:2 98:9 98:23,24,25 99:4,7,14 100:19 102:2 102:11,13,15 102:25 104:9 110:18,19 111:15,22 113:7 115:4 126:10,24 129:9,15,20,25 130:2,5,6,7,8,9 130:12 131:19 131:23 136:19 137:5,24 138:22 141:18 143:3 149:16 153:17,20,22 153:24 154:5 155:5,10,15,23 156:5,13,17,23 157:20,22,23 158:7,20 159:6 159:9,15 161:5 165:9,16 166:3 166:9,12 167:10,21 168:24 169:2

processes 24:3 25:3 32:23 33:5 35:17 40:6 45:6,9,12 54:2 55:11 86:17 132:21 133:3,6,13,23 134:2,15 135:8 135:22 136:13

processing 20:6 22:4 26:14 30:5,9,9,14 32:4 33:21 36:16 38:7 39:13 44:7,14 44:15 166:15

produce 117:4

produced 90:19 117:12 117:12,14 125:2

product 32:9 39:25 109:24 110:9,12,23 111:19 112:17 112:17 113:2,5 113:20 114:7 114:10,19,21 114:22,25 125:14

production 172:15

products 31:24 37:4 43:18

program 21:5 51:5,11 53:12 55:21 56:20,22 57:4 58:9,10 61:22 63:8,16 63:17,21 64:3 64:11,12,17,19 65:2,6,15,22 66:3,7,11,23 67:13,17,20,21 67:23 68:4,11 68:14,23 69:14 69:17,19 70:14 70:17,21 81:24 95:12,16,24 96:10,16 97:16 97:23 98:3,10 98:15,17 99:3 99:10,13,16,20 100:4,7,16,20 100:24 101:5,9 101:13,20,22 101:25 102:10 103:8,24 104:10,21 105:8,20 106:9 106:12,18,22 106:25 108:5,8 108:14,17,20 109:24 110:6,8 110:11,11,23 110:24 111:23 112:16,17 113:2,4,4,10,11 114:7,18,21,22 114:25 117:3,4 128:15 130:14 130:21,22 131:12 137:20 140:9,10,13,18 141:8,12,23,25 142:16 143:13 143:17,18 144:23 145:4 155:25

program's 65:23

programmed 83:24

programmer 137:3 138:3,14

programmers 136:16 137:15 138:10 139:2 154:3

programming 59:2 79:11 99:2,9 135:25 136:2,5,7,8 140:4 143:7,25 144:13 153:22 153:23 156:11

programs 68:9 104:7,11 136:20 140:23

progress 83:10

progressive 33:10 34:4

36:13
project 18:11 28:13 30:7 34:14 100:13 125:4,6,11
projects 25:6 25:20 26:7 27:9,21 28:2,9 28:25 29:9,19
prompting 55:5
proper 92:4
property 25:13 40:9 42:13,17
proposedly 116:6
prosecution 91:11 93:18 146:4
provide 8:7 10:19 38:18 41:8 44:7 55:4 65:5 66:16 67:18 136:24
provided 71:10 72:16 85:16 105:3 139:25 159:12 161:24
provides 82:20 97:22 104:14 104:23 141:2 148:22 152:8 159:17
providing 10:16 30:13 38:9 68:13 83:5,8,18,20 90:16 104:20 104:25 135:12
provisional 149:19 163:7
ptab 6:24 7:2 90:6 161:10 162:4
public 1:22 2:6 6:15 171:5,24 175:23
publicized 26:22
publicly 118:6 118:9 119:7 124:5
publish 25:19
published 10:20 46:7,12 73:16 124:25
publishing 11:9 11:13 46:5 54:23 62:5 132:3,7 159:2 159:6
purchase 39:24 87:14 99:24
purely 142:24
purports 140:11
purpose 63:13 68:19 101:12 113:16 131:10 138:24
purposes 100:10
pursuant 2:2
pursue 36:4
put 6:18 49:19 86:9 112:23,23 115:18,25 116:14 117:7 123:10,21 138:20 165:19

q

qualified 10:25
quality 41:25
quee 3:24 5:15
queries 30:13
query 44:23
question 14:9 14:11,11 15:10 21:12 29:11 39:3,7,10 45:16 52:25 71:3 73:21 74:2,8,17 79:20 80:23 87:22 93:2 103:12,13,19 120:9 123:19 142:6 143:20 150:6,7
questions 19:20 31:15,23 40:2 75:19 92:23
quickly 33:20 115:19 117:8
quite 29:12 92:14 112:8 165:23
quote 68:16

r

r 3:1,17 77:2 171:2 172:1 174:4,4
radhakrishnan 77:24 78:10,17 78:21
range 45:20 50:2
rate 33:25
rather 68:4,15 80:9 86:11 87:18
read 50:3 51:13 57:20 60:16 78:16 81:3 84:18 102:7 109:16,20 116:16 133:10 149:9 172:9 173:4 175:7
reader 86:7
reading 133:20 133:21 134:20 149:5
reads 79:5 83:3
ready 8:15
reason 9:7 24:22 73:24 172:11 173:6 174:7,10,13,16

174:19,22
reasons 25:15
rebuttals 161:13
recall 10:5,8,13 10:16 12:24 13:3 31:7 37:22 42:15 43:23 46:2,20 48:10,14 75:8 75:21 91:7 93:22 94:11,16 124:10 126:11 162:10
receipt 172:17 173:18
receive 19:21 87:10
received 73:19 82:14
receiver 20:18
receives 58:10 82:9 85:11 98:21
receiving 52:3 98:7
recently 30:19
recess 47:7 75:4 76:3 108:25 139:7 169:17
recognition 18:14,25 36:25 41:18 44:5
recognize 15:17 48:22 57:8 60:6 71:4 71:17 77:19 80:16 81:12 84:9
recognized 37:14 140:17
recommendat... 31:21 32:9 35:4 36:9
recommending 36:8
record 5:4 6:19 6:24 7:12 8:23 37:6 47:6,9 71:13 74:22,25 75:3,6 76:2 77:5 89:9 108:24 109:3 139:6,9 169:16 169:19 170:7 171:10
records 88:2
redirect 54:3
reduces 79:7
refer 7:4 28:17 49:17 62:15 77:23 80:19 87:5,7 88:12 103:4 111:2 124:8,16
reference 8:9 80:21
referenced 172:6
references 97:19,25
referred 49:20 78:11 87:8 96:15 108:4
referring 18:24 49:3 57:12 60:9 62:17 84:12 89:7 91:9,23,25 92:15 93:3 103:21 110:3 117:9,10,11 121:25 133:20 166:19
refers 58:9
reflects 89:22
regarding 44:21 63:24 89:23 90:8,11 101:7
regularly 136:4 136:7
related 7:19 13:16,23 14:3 33:11 36:19,24 46:3,6 164:13 171:13
relation 35:11
relationship 100:12
relevant 10:2 10:15 99:23
rely 96:8 142:24 156:10
relying 58:25
remainder 170:2
rembrandt 34:16
remember 10:13 11:4,21 11:23 75:18
remind 47:19 169:21
reminded 47:15
remote 3:1
removed 11:3
rep 38:16
repair 23:5
repairs 22:24
repeatedly 49:17
repeats 99:12
report 9:20,24 10:7 11:2,8,10 11:16,18 23:3 33:23 90:12,15 98:14
reported 1:20 23:4
reporter 1:22 2:6 5:17 6:11 159:24 171:5 171:24
represent 100:3 166:11

representation 121:2
representative 30:17 32:12 42:11
represented 12:17 121:5
representing 5:16,23 6:4 169:7
represents 82:6
request 8:4 30:18,25 31:19 32:7,11,14 38:17,20 40:8 44:22
requested 83:5
requesting 83:6 83:21
requests 26:15 30:11 31:7,10 31:13,14,15 32:17
require 53:22 56:2 59:10 61:13 62:4,14 63:6 124:6 144:12 148:23 151:16 152:3,9 155:11 157:24
required 54:4 54:12,16,21 55:2,8,12,24 79:8 146:8,16 147:3,10 149:3 150:5,23 151:8 151:12 152:21 158:3 175:16
requirement 56:7 158:8,11
requires 53:18 61:4,9,17 80:8 152:6 155:16 156:9,17,20 157:19,25 158:5,13,17,21 158:25 159:14 166:12
requiring 157:7,8
research 15:4
researching 135:2
residing 96:24
resources 22:15 23:11 79:8 80:3
respect 10:14 28:15 156:5
respond 19:23 20:4 30:15 32:8 40:2 46:9 83:4,19
responding 30:12 47:16
responds 82:9
response 18:21 19:11,14,19,24 20:5 21:3,15 30:10 38:18,19 50:22 61:7 65:20 167:3
responses 38:9 44:8 74:10,13 167:4,5
resumed 77:7
retail 40:17
retrieves 165:24
retrieving 83:5
return 87:18 172:13,16 173:16
returned 85:17
reuse 101:3
review 1:11 7:6 7:7,9 14:24 15:11 117:24 162:6 172:7
reviewed 14:20 15:11 90:20 161:9,10,11,23 162:8,11,16,18 162:20,22,23 162:24 163:3,5 163:8,10,11,15 163:17,19,21 163:23,24
reviewing 49:5 49:12 57:14 60:12 71:7,14 78:9 80:24 84:15
revisions 161:25
right 15:24 16:5 17:15 18:4 24:11 28:21 29:2 34:15 35:17 39:8 45:3 49:11 72:24 74:18 82:10,20 95:13 96:11,19 104:16 105:17 107:24 108:9 114:16,23 115:7,14 116:12 119:24 123:2 125:9 126:2 127:15 127:19 128:21 136:25 137:11 138:5 144:8 145:18 154:24 164:21 166:5
rights 35:12
roborana 115:21 116:3,5 116:15,19,19 123:23 125:9 125:15
robotic 79:6 80:7 163:13
room 7:13 8:13 92:17
rote 166:24
rothstein 3:13 6:3 12:21 13:2 13:5,8,16,23

37:20 42:14 43:22 44:20
roughly 28:7 43:25 126:19
route 30:15 32:11 36:18 38:14,15
routing 22:13 37:11 42:8 44:21,22
row 28:16 29:2 65:8 72:10 98:19 99:11 100:8,25 101:11
rows 64:7 65:17 66:13,25 67:11,25 69:7
rpa 117:14 119:14,15,19 119:23 120:6 120:11,14,23 121:5,10,24 122:4,6,9,22,25 124:22 138:22
ruiz 36:20
rules 30:3 165:21
run 99:24
runs 97:10

s

s 3:1 77:2,2,2 174:4
sales 35:25 36:4,10 43:9 43:13
salesforce 43:7 43:18
salespeople 43:14
samsung 34:9 34:10
sas 35:6
satisfy 140:20 142:8
saw 48:8 125:10
saying 69:15 138:7 142:12
says 15:24 17:17 18:7,10 18:12 22:6,11 28:16 29:3 68:19 71:20 72:24 73:3 85:5,14 86:10 87:9 89:4 98:6 100:9 102:6,6 112:14 114:3 115:18 118:4 121:23 122:4 123:25 140:2,2 141:25 165:6
scanning 35:2
scenario 142:12 144:15 151:5
scheduling 22:12
science 15:25 16:8,16,22,22
scope 113:9
score 53:4
scoring 53:15
screen 73:6 86:21,23 122:10,17,20
script 165:8,15 165:15,22 166:4,18
scripts 30:4
search 86:18
second 12:4 46:15,16,21 50:20,24 56:25 118:4 122:15 155:8,17 156:21 157:10
secrets 24:18
section 10:3 11:2,7,9 17:13
sections 10:2 10:15
security 40:11
see 16:2 39:22 43:20 66:24,25 71:22,25 72:23 73:9,20 79:3 79:13 83:11 85:4,20,21 115:22 119:9 122:12,13 130:14 132:15 139:22 140:5 165:10,13
seen 123:13
selection 18:14 18:25
selections 52:16
sell 36:9,9 113:20 114:9
semantic 21:21
send 32:9 40:9
sending 36:5
senne 94:17,24 95:3
sent 172:14
sentence 21:20 41:12 79:5,16 79:21,23 83:14 108:2 114:3 165:6
sentences 109:14,22
separate 13:9 44:11 64:11 65:4 67:3,10 68:14 69:17 70:4 73:25 74:15 80:8 102:9 119:15 119:18,21,23 120:6,11
separately 64:15 67:4
sequence 51:3 61:22 153:25 158:18

series 40:24
serious 133:9
served 9:12
server 85:18 119:24 120:7 120:11,15,23 121:3,5,5,10,22 122:2,6,9,16,21
service 22:12 22:22 26:15 30:11 31:7,10 32:12,16 38:16 42:11 53:19 65:10,13 66:15 66:20 67:3 80:9 100:11
services 80:10
set 21:6 22:25 148:17 167:3 171:8,18
setting 27:8
seven 12:22
several 13:4 17:11 43:20 49:16,21 71:10 80:6 127:14
sheet 172:11 173:8,13,16
shopper 39:18
shoppers 39:14
shopping 39:23
shorthand 1:22 2:6 171:4,23
showcase 115:21
showing 81:15 81:19,23
shown 82:4 132:12
shows 81:16 85:5 86:8 121:9
sic 157:19 158:5 159:22 160:16,22
side 102:21
sign 25:10 172:12 173:9
signature 89:18 125:23,25 160:8 171:22
signed 172:19
significant 125:5 135:10 137:6
signing 173:11
silent 156:7,14 156:23 157:7
similar 36:13 44:13 80:22 98:5 99:12
similarity 53:4
simple 32:7 80:2,9,10 165:21,21 166:4
simpler 138:13 138:17,25
simply 80:4 86:11 114:3 141:2 156:20 157:8 165:19
simulate 51:5 61:22
simulating 53:10 58:21 156:2 158:17 158:21
single 7:25
sit 113:16
sitting 92:16 142:17
six 12:22 26:6 37:24
skill 63:12,18 129:19 141:16 146:2,15,23,24 147:25 151:4
slightly 44:12
smart 41:7
smith 24:6
social 30:24
software 17:5 21:14 22:12 24:11,14,15,24 25:16 33:22 35:25 43:10 63:7 64:2 100:10 106:20 111:20 112:21 114:9 119:5 129:8 136:5,7 136:16,20 143:17 144:23
solutions 172:23
somebody 91:4 125:13 133:5 133:25 136:6
sophisticated 21:14
sorry 13:12,19 15:4 17:22 59:14 62:22 73:2 79:20 88:15 99:2 103:17 107:17 114:19 122:3 134:13 140:2 143:17 158:9 158:16 165:15
sounds 45:8
space 173:7
spans 164:25
spec 71:7,14
special 95:16 95:18,21,23 96:11 105:8,23 106:5,12 108:19 127:23 128:3,7,17,19 128:23,24 130:17 166:24
specialized 27:16
specific 10:12 11:22 16:7 28:2 31:3 43:11 44:22

52:17 54:14 55:14 68:11 90:13 95:25 106:8,25 107:2 107:2,11 110:2 124:3 127:18 127:22 128:17 128:24 129:21 129:24 130:16 130:24 131:9 131:24 132:8 140:12 158:8
specifically 10:9 13:3 26:21 44:6 48:13 49:9,24 53:18 54:4 57:17 64:18 86:2 99:20 154:21 156:9 164:13
specification 51:19,24 52:7 52:13 54:7,24 55:9,13 63:23 71:9 72:9 96:6 97:14,19,25 104:25 105:4 106:9 107:3,12 108:12,16 114:5 146:3 148:21 149:22 150:4,8,16,22 151:7,12,15,20 152:7 153:3,11 153:19 154:6
specifications 106:23,23
specifics 55:18
speech 18:13 18:24 36:24,25 37:7,13 41:17 41:21 44:5
spell 8:22 12:10 41:9
spend 44:25 49:5,12 57:14 60:12 78:9 80:24 84:15 94:6 135:10
spends 135:18
spent 16:10 42:16 43:24 88:5 164:5,10
split 54:2
standard 145:17
start 8:16 86:4 126:7 154:24
started 8:17 18:8 23:17 119:11 124:2 124:12 160:18
starting 64:6 65:8 72:10 78:24 99:21 100:8,18,25 101:11 102:5 109:11 160:21
state 2:7 5:20 8:22 33:10 34:4 171:6 173:6
stated 20:15
states 1:1 5:10 96:14 108:3 145:22
status 21:10 83:9
step 54:14,14 72:15 73:13 85:15 86:8,13 86:15,16
steps 51:15 54:2 66:5 72:13 86:11
sticking 139:20
stock 99:24
stopped 33:20 103:14
strategic 27:8
street 2:4 5:13
strike 15:4
studied 90:4,5 90:7
study 17:17,19 17:23
studying 16:10
stuff 45:22
subject 21:19 21:23 44:22 173:11
submitted 6:24 6:25 90:5,21 149:19,20 162:2
subscribed 175:18
substance 77:14 139:13
substituting 86:24
subtracting 116:9
suggestions 41:8 55:4
suggests 65:3
suit 7:15
summarize 145:16
summarizes 98:13
summarizing 27:15
summary 27:20 90:17 97:22 104:24
supplemental 7:17
support 96:9 142:2,3 166:14
supported 141:4,18
supports 97:15 105:2 108:12
supposed 92:22
sure 26:23 31:12 42:8 74:24 75:24

88:19 90:4 92:15 97:18 98:4 111:9 123:5 128:22 138:15 161:7
swear 6:11
switches 122:15
switching 37:11
sworn 6:14 77:8 171:9 175:18
symons 94:18 94:24 95:3 115:13,20,25 116:2,5,15 117:12 118:25 119:13 120:8 120:10,13,23 122:24 123:18 123:21,23 124:21,22 125:8,14
synonymous 108:9
syntactic 21:18
syntax 167:2
system 23:2 40:13 55:15 58:14,21,24 59:6,8,20 67:6 67:10,13,17,24 68:22 69:3,14 69:22,23 70:4 70:9,15,18 81:25 86:7,16 87:20 96:15,17 100:22 101:4 101:19,25 102:7,9,17,22 108:4,8,17 110:7,16,20 111:2,4,5 112:4,4,5,10,11 112:13,15 113:10,12,18 113:24,25 114:2,2,6,12,15 114:15,20,23 117:10,13,15 124:7 131:12 143:3 155:6,12 155:25 156:3,6 156:8,12,19 157:5 158:22 166:11 167:11 167:13,15 168:6,17 169:2 169:10
system's 169:11
systems 24:10 24:11,14,15,24 25:16 38:5,6 40:7 137:7 140:22,24

t

t 8:25 77:2 171:2,2 174:4 174:4
tab 89:7 121:19
table 8:4,7 27:13,14,19 28:22 127:12 127:13 130:14 132:12 139:17 162:14
tables 35:11
take 47:3,16 73:18 74:10 75:19,22 78:3 108:21 109:8 111:3 139:3 152:4 169:13
taken 2:2 9:5 47:7 75:4 108:25 139:7 169:17
talk 47:21 77:13 93:19 94:17,20 115:13,15 139:12 169:21
talked 11:24 45:18 94:23 95:2,5
talking 91:16 111:18,21 112:3,12 113:3 113:23
talks 65:17 68:16 69:7 102:8
tanning 23:17 23:20 25:8 28:20 29:8,15 29:20 30:6 31:5,11
target 58:14,21 58:24 59:6,8 59:20 67:6,9 67:13,16,24 69:13,23 70:4 70:9,15,17 81:25 87:20 96:14 100:22 101:4,19,25 102:6,9,17,22 108:3,7,17 110:7,16,20,25 111:4 112:4,4 112:10,11,13 113:9,12,18 114:2,12,15,20 131:12 140:9 140:22 143:3 155:5,24 156:6 156:12,19 157:5 158:22 166:11 167:11 167:13,15 168:5,16 169:2 169:10,11
targeting 155:12

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task 86:14 100:12 132:25 137:11
tasks 79:9,10
teach 166:3,8
teaches 166:4
teaching 53:8 85:15 86:7 157:22 158:2
technical 67:12 133:11,20,21
technicians 22:14,21,22 23:8,12
techniques 132:20 133:17 134:7,20 135:2 135:3,7,11,20 136:12 137:7
technologies 29:15
technology 23:18,21 24:19 25:24 26:8,10 26:12 27:21 28:20 29:8,21 30:6,8,22 31:5 31:11 33:11 36:2,21 37:4 39:17 40:18 41:17 42:5,21 43:10 44:13 79:6 80:8 114:5
tel 36:23 37:3
telecom 44:5
telegram 53:20
telematics 33:12 36:15
tell 9:5 111:7 149:15
telling 92:11
ten 45:23,25 46:19 49:22 50:2 57:18 60:15 81:2 84:17
term 21:7 104:14 105:19 108:16,20 109:25 110:2,4 110:6,8 128:2 128:3,4,5,9,15 128:20 129:22 130:3,5,20,23 131:3,20 132:4 132:12 139:21 141:6,6 147:5 147:11,17,22 148:4,6,16,16 149:3,4 168:11
terminology 148:11
terms 42:7 110:24 127:14 127:18 128:13 139:17 145:23 154:18
territory 152:24
tested 73:17
testified 6:16 77:8 112:9
testify 92:4
testifying 91:20 92:7
testimonies 146:6
testimony 9:9 103:5,22 171:11 172:9 172:17 175:10
text 30:8 41:5 51:13 59:5 85:16 87:2,7 87:11 156:18 156:25
thank 6:10
thart 3:20
theoretically 122:19
thereof 99:17
thereto 99:16
thesis 17:18,19
thing 118:12,14 169:5
things 29:7 33:18 45:5 90:18 123:24 144:24
think 45:20 52:16 53:7 55:17,22 56:6 63:11,17 68:5 68:23 92:4 99:12 115:7 117:11 128:2 133:14 135:17 135:17,23 140:21 141:9 141:17 142:5 142:11,11,22 144:4,11,14 148:9 151:9 160:17,18 161:2,13
third 28:16 29:2 37:15 53:19 54:18,19 58:24 65:10,12 66:14,20 126:22 156:6,8 164:6,8,14,16
thirty 173:17
thomas 3:19 6:9
threat 163:14
three 6:5 8:5 36:23 37:19,21 38:2 66:4 80:13 84:6 88:3,7 109:21 123:11 126:21 154:18 164:5
thumb 112:23
thumbnail 121:22 122:4

tied 69:18 86:3
time 7:5,9 8:17 11:22 12:18 16:10,14,20 17:3 24:21 28:12 33:18 43:7,23 47:16 49:5,11 54:13 54:14 57:13 60:11 66:15 70:23 75:19 78:8 80:23 84:14 87:14 94:5 116:6,8 118:7,7,9,17,22 119:7 135:10 149:11 150:18 164:10,15 170:8 172:18
timeframe 172:8
timeline 116:4
times 9:11,15 11:7,11 12:2,3 12:8,8,16,19,23 46:23
title 86:9 87:11 121:23 122:3 122:17
today 9:9 14:19 15:7 93:24 142:17 151:10 169:24
together 115:19,25 116:14 117:7 123:22
tomorrow 170:3
tone 27:3,4,7 28:18,20
took 8:17 17:7 46:12
tool 32:2 63:20
tools 35:7 100:10 136:11 137:7
top 18:7 36:11 37:8 43:6 44:10,17 66:24 67:25 89:15 99:25 105:12 105:14 113:17 121:21 160:5 165:7
topic 20:10
total 78:14
totalling 6:21
toward 43:19
towards 36:11 36:22 40:4 44:17 139:24
trade 24:18
trademark 1:1 5:10
traditional 79:11 163:14
trained 132:20 132:23 136:4
training 133:9 133:17,19 135:10,19
transcribe 37:6
transcript 172:6,19 173:18,20 175:7,10
transcription 37:2,13
transferred 21:8,11
translation 37:16
transmits 122:24
transmitted 120:21
transmitting 120:14
traveled 33:17
treaties 146:7
trial 1:2
tried 7:7
triggers 121:24 122:19
trivial 137:11 138:8,16
true 129:2 171:10 175:10
truth 9:5
trying 41:10 112:5 113:24 124:10,14 166:25
turn 50:13 58:4 60:23 70:23 78:23 81:9 82:24 95:8 115:5 125:17 125:21 127:10 132:11 145:12 154:10 164:22
turning 17:24 26:24 48:2 160:2
twelve 94:8
twice 9:19
twitter 42:21
two 10:8 11:20 13:9 65:4 66:12 67:10 109:14 119:21 128:12 134:9 134:12,16 141:11,20 148:10 157:12
txu 40:16
type 18:22 19:25 20:8 30:17 34:2 41:9,25 43:5 43:11,14 44:23 46:9 82:2 89:21 131:8
typed 82:6 87:17
types 28:2,8,25 29:22,24

typical 10:23
typing 41:12

u

u.s. 12:6 38:23 45:17 46:3
ubiquitous 40:16
uh 21:4 34:18
ultratec 37:9
under 13:5 15:24 144:15 144:18 145:21
underlying 68:21 69:2,13 102:16 106:21
understand 9:4 29:12 50:7 57:24 60:19 63:13,19 78:19 81:6 84:22 91:21 112:8 129:18 133:8 133:11 135:6 136:17
understanding 56:20 82:23 116:17 117:2 118:11 119:16 145:17,20 147:16 148:3,5 148:13 152:18 153:8
understood 38:20 145:25 151:3
unique 54:8
unit 5:6 19:19
united 1:1 5:10 145:22
units 18:21 19:12,14
university 16:5 16:9,15,21 17:10 18:2
unknown 127:7
unrelated 75:17
updates 83:9 161:25
updating 55:11
upwards 9:14 9:14
url 54:3 123:2
usable 138:9
usage 107:13
use 8:10 21:16 50:20 51:2 53:4,18,24 54:18 65:9 68:7 69:12 74:13 88:23 89:14 100:9 101:14 102:14 105:22 106:3 108:16 109:25 110:4 138:11 140:3 141:20 141:21 143:6 143:23 156:14 167:19 169:3
used 7:21 32:2 32:3 37:5 52:9 58:17 67:4 70:14 72:19 105:20 107:6 110:24 111:24 118:6,20 126:9 128:2,6,12 148:11 155:14 168:13 172:19 173:21
user 34:21 38:18,19 39:25 40:25 41:2,3 41:12,20 42:8 43:2,16 50:21 51:4,6,10 53:6 53:10,11,15 54:9 55:5 56:19,21,25 57:4 58:10,12 58:17,20,22 59:4,18,19 61:13,14,21,23 62:3,6,7 64:10 64:13,15,16,25 65:23 66:16 67:5,16 72:3,6 72:13,17 73:10 73:19 74:7,9 74:11,14,16 81:20,24 82:3 82:19 83:7,9 84:4 85:11,16 86:12,13,24 87:6,19 98:7 98:10,22,23 99:3,15 100:23 101:9 102:13 102:14,16 122:13 131:2,4 131:5,13,16 132:22 135:12 136:2,2,8,24 137:9,15,16,18 137:20,23 138:6,12,18,19 141:14 142:24 153:23,24 155:2,24 156:2 156:18 157:3 158:19,21 159:3,12,17 165:25 167:20 168:3,10,13,21 169:12
user's 21:2,15 42:23 85:15 86:20,22 87:16 166:25 167:2
users 23:2 43:10 107:11 136:15,16 140:24
uses 54:8 58:12 87:10 107:2 110:6 155:2
using 18:13 20:19,23 30:3 40:6,18 52:14

53:14,21 58:11 61:11,25 62:11 64:21,23,24 67:6 68:3 69:10 70:10 79:10 87:5 98:6 101:22 110:5,7 136:19 136:20 142:14 159:11,16 165:20,21 166:23 167:6,8 167:13 169:11
usual 131:6
utility 22:7,10 22:11,19
utilize 56:18 61:20 68:12 86:17 99:15 102:20 104:9
utilized 54:11 54:25 55:7 67:15
utilizes 155:7
utilizing 51:9 57:3 64:8 65:22 68:15 99:8 101:8 131:12

v

v 5:9 8:24,25 34:4,9,10 38:11 93:16 172:4 174:1 175:1
valid 140:11
valuation 10:22
value 10:19
values 61:15 159:12
variable 85:18 87:18
variables 54:15
various 97:7 133:12,17 134:7,19 135:6 135:6,20 141:7
vehicle 33:13 33:14
vehicles 36:15
verb 21:19,23 21:23
verify 23:3 37:6 123:8 172:9
veritext 5:16,19 172:14,23
veritext.com 172:15
verizon 18:8,11 29:7,15,20,25
versata 35:24
version 119:3
versus 12:3,6,8 25:12 33:10 34:16,22 35:6 35:12,25 36:12 36:20 37:9 38:5 39:11 40:5,16,24 41:15 42:4,21 43:7 44:4,11 44:18 46:22 128:5,14,17
video 115:18 115:25 116:13 116:25 117:5,7 117:9,14 121:16,16 123:21 124:8 125:2
videographer 3:24 5:2,17 6:10 47:5,8 75:2,5,25 77:4 108:23 109:2 139:5,8 169:15 169:18 170:6
videotaped 1:14 2:1 5:7
view 123:7
violating 11:12
vocal 41:21
vocally 19:23 20:4
voice 18:21 19:11,13,19 30:10 44:8,15 44:16

w

waiting 54:13
walkme 1:8 5:9 12:14,17 172:4 174:1 175:1
want 14:15,16 19:16 20:2 21:13 26:22 39:19 68:6 87:3 88:17,20 131:11 149:9 169:21
wanted 8:8 30:23 47:18 141:17 143:11
wants 8:11 131:7
way 68:20 112:18 138:20 140:11 150:17 171:15
ways 20:25 104:8
web 26:17 28:16 58:21,24 59:20 96:17 97:7 98:15 155:5,12 156:6 156:7,12 157:5
website 42:23 46:13 54:19 96:16 99:21 100:2,3 102:21
welcome 8:10 8:19
went 75:17
west 2:4 5:13
whatfix 1:5 5:8 172:4 174:1 175:1
whatsapp 53:20

whereof 171:17
widget 59:7 70:8,14,20 157:4,8
widgets 101:10
wilshire 3:5
withdrawing 103:11,13
withdrawn 39:3
witness 4:3 6:12,21 7:4,12 8:10 14:9 89:5 158:16 171:7 171:11,17 172:8,10,12,18 173:2
word 41:11 89:21 97:4 105:22 106:4,6 128:7 169:3
words 23:11 64:12 65:24 68:10,22 69:15 70:11 86:19 87:13 92:9,11 114:4,8 116:20 128:13 132:24 135:5 137:9 140:10 149:11 157:21 160:17
work 22:14 25:12 34:9 36:3 133:2 141:19
worked 12:20 12:25 13:4,8 13:11,15,22 18:3 28:3,12 29:9,20 33:3 34:6 35:22 37:22 93:9 116:24 117:3 123:8 124:21 125:8,11 126:12,15,17 126:24 164:2
working 18:8 22:19 23:17,22 24:9 42:16 87:25 88:5 115:21 116:3,9 116:15 119:11 123:23 125:13 148:9 160:12
wouter 94:20 95:6
writing 49:18
written 151:3

x

x 1:4,11 4:1
xpertuniverse 13:13 44:18 45:2

y

yeah 46:22 52:18 110:19
year 17:18 134:4,11,21,23 135:18
years 19:9 27:25 28:5,7 37:24 45:22,23 45:25 46:19 134:9,12,16 148:10
york 1:16,16 2:5,5,7 3:16,16 5:14,14 11:7 11:11 12:2,3,7 12:8 46:23 171:6

z

z 8:25 93:16
zatkovich 1:15 2:2 4:4 5:1,8 6:1,13 7:1 8:1 8:24 9:1,2,11 10:1 11:1 12:1 12:12 13:1 14:1,18 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1,21 39:1 40:1 41:1 42:1 43:1 44:1 45:1,7 46:1 47:1,11,18 48:1 49:1,4 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1,7 58:1 59:1 60:1 60:5 61:1 62:1 63:1,22 64:1 65:1 66:1 67:1 68:1 69:1 70:1 70:22 71:1 72:1 73:1 74:1 75:1,8 76:1 77:1,6,12 78:1 78:8 79:1 80:1 80:15 81:1 82:1 83:1,13 84:1,8 85:1,23 86:1 87:1,24 88:1 89:1,19 90:1 91:1 92:1 93:1,8 94:1 95:1 96:1 97:1 98:1 99:1 100:1 101:1 102:1 103:1,3 104:1 105:1 106:1 107:1 108:1 109:1,5 110:1 111:1 112:1 113:1 114:1 115:1,24 116:1 117:1 118:1 119:1 120:1 121:1 122:1 123:1,13 123:20 124:1

125:1 126:1
127:1 128:1
129:1 130:1
131:1 132:1
133:1 134:1
135:1,14 136:1
137:1 138:1
139:1,11 140:1
141:1 142:1
143:1 144:1
145:1,11 146:1
147:1 148:1
149:1 150:1
151:1 152:1
153:1 154:1,9
155:1 156:1
157:1 158:1
159:1 160:1
161:1 162:1
163:1 164:1
165:1 166:1
167:1 168:1
169:1,20 170:1
171:1,7 172:5
173:1 174:2,25
175:2,6,14
ziv 91:6 93:16
93:17 94:2,7
127:7
ziv's 94:10
zoom 94:4
164:12