

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD
3

4 INERGY TECHNOLOGY, INC.,
5 Petitioner

6 v.

7 FORCE MOS TECHNOLOGY CO. LTD.,
8 Patent Owner

9 Inter Partes Review No. UPR2034-00094

10 U.S. Patent No. 7,812,409
11

12 -----
13 ZOOM AND VIDEOTAPED DEPOSITION OF
14 SYLVIA D. HALL-ELLIS, Ph.D.
15 AUGUST 6, 2024
16 -----

17
18 ZOOM AND VIDEOTAPED DEPOSITION OF SYLVIA
19 D. HALL-ELLIS, Ph.D., produced as a witness at the
20 instance of the PATENT OWNER, and duly sworn, was taken
21 in the above-styled and numbered cause on the 6th of
22 August, 2024, from 1:42 p.m. to 3:54 p.m., before TINA
23 TERRELL BURNEY, CSR in and for the State of Texas,
24 reported by machine shorthand, pursuant to 37 C.F.R.
25 4253 § and the COVID-19 Rules.

Page 1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

FOR THE PETITIONER:

Mr. Ziyong (Sean) Li
BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP
100 Pine Street, Suite 3100
San Francisco, CA 94111
628.600.2250
sli@beneschlaw.com

FOR THE PATENT OWNER:

Mr. Bryan Atkinson
DICKINSON WRIGHT, PLLC
607 W. 3rd Street, Suite 2500
Austin, TX 78701
512.770.4200
batkinson@dickinsonwright.com

ALSO PRESENT:

Mr. Jason Hopkins - Videographer

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

PAGE

Appearances..... 2

WITNESS: SYLVIA D. HALL-ELLIS, Ph.D.

Examination by Mr. Atkinson..... 4

Signature and Changes..... 60

Reporter's Certificate..... 62

(DOCUMENTS REFERENCED.)

DESCRIPTION PAGE

IEEE Transactions on Electron
Devices Article..... 36

Declaration of Sylvia
Hall-Ellis 10-27-23..... 22

MARC Record..... 23

Supplemental Attachment A to
Declaration of Sylvia Hall-Ellis
6-18-24..... 46

Supplemental Declaration of Sylvia
Hall-Ellis 6-18-24..... 43

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

THE VIDEOGRAPHER: Good afternoon. We're going on the record at 1:42 p.m. Central Time on August 6th, 2024. Please note that the deposition is being conducted remotely. The quality of the recording depends on the quality of the camera and the Internet connection of the participants. What is seen from the witness, heard on the screen is what will be recorded. The audio and video recording will continue to take place unless all parties agree to go off the record.

This is the video recorded deposition of Dr. Sylvia D. Hall-Ellis taken in the matter of Inergy Technology, Incorporated versus Force Mos Technology Company, Ltd., filed in the United States Patent and Trademark Office, Case Number IPR 2024-009-4.

My name is Jason Hopkins. I'm the videographer. Our court reporter is Tina Burney. We are both representing Veritext Texas. I am not related to any party in this action, nor am I financially interested in the outcome. If there are any objections to the proceedings, please state them at the time of your appearance.

Counsel, please state your appearances and affiliations for the record, beginning with the noticing attorney, after which our court reporter may

1 swear in the witness and we may proceed.

2 MR. ATKINSON: This is Bryan Atkinson
3 from the law firm Dickinson Wright, representing Patent
4 Owner Force Mos Technology, Ltd.

5 MR. LI: This is Zyong Li at Benesch
6 Friedlander for Petitioner Inergy Technology, Inc.

7 (Witness sworn.)

8 SYLVIA D. HALL-ELLIS, Ph.D.,
9 having been first duly sworn, testified as follows:

10 EXAMINATION

11 BY MR. ATKINSON:

12 Q. Good afternoon, Dr. Hall-Ellis. My name is
13 Bryan Atkinson and, as I just said, I represent the
14 Patent Owner Force Mos Technology in this IPR. Would
15 you mind stating your full name for the record, please.

16 A. My name is Sylvia, middle initial D, last name
17 Hall-Ellis.

18 Q. And have you brought any documents with you to
19 this deposition today?

20 A. I do have a copy of my declaration.

21 Q. I'm sorry?

22 A. I have a copy of my declaration.

23 Q. Okay. Do you know which declaration you have?
24 Is it your first declaration or your supplemental
25 declaration?

Page 5

1 A. I have both of them, whichever one you want to
2 talk about. The notice indicated it would be the first
3 one.

4 Q. Okay. Well, I think we're going to be talking
5 about both of them, but, anyway, that might be helpful
6 since we're having a little Exhibit Share issue. So you
7 mentioned that you have both declarations. Are they
8 clean copies of those declarations?

9 A. I have them on my computer, yes, indeed.

10 Q. Oh, they're on your computer?

11 A. Uh-huh.

12 Q. Okay. Do you have anything else with you here
13 today?

14 A. No.

15 Q. Okay. Have you been deposed before?

16 A. Yes.

17 Q. About how many times have you been deposed?

18 A. 40.

19 Q. And is that as an expert in the -- are those
20 40 depositions, were they all as an expert in library
21 science?

22 A. Yes.

23 Q. Okay. Is there anything you're aware of that
24 would prevent you from testifying truthfully and
25 accurately here today?

1 A. No.

2 Q. Are you taking any medication that would
3 affect your ability to testify here today?

4 A. I take no medications of any kind at any time.

5 Q. Okay. Dr. Hall-Ellis, where do you currently
6 reside, what city?

7 A. I live in unincorporated Arapaho County,
8 Colorado.

9 Q. Where did you say in Colorado?

10 A. Unincorporated Arapaho County.

11 Q. Okay. And you attached a CV to your first
12 declaration; is that correct?

13 A. I believe one was attached, yes.

14 Q. Do you know if that CV is up-to-date?

15 A. It would have been accurate at the time it was
16 attached.

17 Q. Do you know if you have any subsequent CVs
18 that have arisen since you attached that declaration --
19 or attached that CV to your declaration?

20 A. I really only update that about once a year.

21 Q. Do you know if you've -- do you know if you've
22 updated it since your declaration?

23 A. I don't know. If I have, it's nothing of very
24 much consequence.

25 Q. Does your CV include your complete educational

1 background?

2 A. I believe so.

3 Q. Is there anything that you're aware of that it
4 does not include?

5 A. I have no idea what you're after. What are
6 you --

7 Q. I'm asking if there's anything regarding your
8 educational background that wouldn't be included in your
9 CV.

10 A. I don't list things that I attend like
11 seminars and workshops, but I think my education is
12 more than most people have, and I think it's
13 sufficiently stated on the CV.

14 Q. Okay. At a high level, could you please
15 describe your educational background?

16 A. I have a bachelor's degree. I have a master's
17 degree in library information science. I have a
18 master's degree in professional studies. I have
19 postgraduate work in sociolinguistics, and I have a
20 Ph.D. in library information science.

21 Q. And at which institutions were those degrees
22 obtained?

23 A. I went to Rockford College. I went to the
24 University of North Texas, called North Texas State
25 University when I attended. I went to the University of

1 Texas in San Antonio and the University of Denver, and
2 my Ph.D. is from the University of Pittsburgh.

3 Q. I believe you said that you've been deposed
4 approximately 40 times; is that correct?

5 A. Yes, it is.

6 Q. How much of your work time involves consulting
7 or testifying for parties involved in legal proceedings?

8 A. I don't work full time. I have tried to
9 retire twice without success. I work about three days a
10 week on the average.

11 Q. And so would you estimate it being
12 approximately 24 hours a week?

13 A. Maybe. Sometimes more, sometimes less. It
14 depends on what's happening.

15 Q. And what percentage of those 24 hours would
16 you say is devoted to your work in connection with legal
17 proceedings?

18 A. All of it.

19 Q. Okay. What was the last position you had
20 before moving to exclusively support of legal
21 proceedings or supporting legal proceedings?

22 A. I was the director of grants and resource
23 development for the State of Colorado.

24 Q. And when did you leave that position?

25 A. September of 2016.

1 Q. Prior to this proceeding, have you -- have you
2 submitted declarations in support of any other inter
3 partes reviews, IPRs?

4 A. Since what time?

5 Q. Well, any time, any time prior to this case.

6 A. Yes.

7 Q. Do you know approximately how many IPRs you've
8 been involved in?

9 A. No.

10 Q. Out of the 40, do you have -- would it be more
11 or less than half that are IPRs?

12 A. Probably 85 or 90 percent.

13 Q. Okay. So I guess by that, patent-related work
14 forms the bulk of your expert practice?

15 A. Well, I wouldn't call it a practice, but in
16 addition to teaching for the university, it's where I
17 would spend a measurable amount of time.

18 Q. Have you served as an expert on issues other
19 than library sciences-related issues such as public
20 availability references?

21 MR. LI: Objection, vague. Form.

22 A. I'm consistent in that I write about matters
23 related to library information science and the
24 authenticity and public availability of documents.

25 Q. Approximately what percentage of your expert

1 work would you say is on behalf of petitioners in the
2 IPRs?

3 A. I can't tell you. I don't know.

4 Q. Have you done work as an expert for patent
5 owners in connection with IPRs?

6 A. Yes.

7 Q. Do you know what percentage of your work --
8 your IPR work would be in support of patent owners?

9 A. I do not know.

10 Q. Do you know if it would be more or less than
11 half?

12 A. I do not know.

13 Q. Prior to this proceeding, when was the last
14 time you testified either in a deposition or trial?

15 A. At a deposition, at the end of May. I don't
16 think I had one in June or July. I have another one
17 this week and one at the end of the month.

18 Q. Okay. Have you ever had an expert report or
19 expert declaration excluded by a court or judicial body?

20 A. Say it again, please. I didn't hear the end.

21 Q. Have you ever had one of your expert reports
22 or expert declarations excluded by a court or a judicial
23 body?

24 A. I can't hear you.

25 Q. Have you ever had an expert report or expert

1 declaration excluded by a court or judicial body?

2 A. Not to my knowledge.

3 Q. Have you ever testified as a lay witness at
4 any trial or judicial proceeding?

5 A. Lay witness, I don't know that term. What
6 does that mean?

7 Q. In a capacity other than as an expert.

8 A. I don't think so.

9 Q. Have you ever personally been a party to a
10 lawsuit?

11 A. No.

12 Q. When were you first contacted about this
13 proceeding?

14 A. Sometime in September 2023 I first heard of
15 this matter.

16 Q. And do you remember who contacted you?

17 A. Yes.

18 Q. Who contacted you?

19 A. A partner from the law firm that handled the
20 matter at that point in time.

21 Q. Do you remember that person's name?

22 A. Yes.

23 Q. Who was it?

24 A. Her name is Mackenzie Martin. She's a partner
25 in Baker & McKenzie.

1 Q. Did you request any documents in connection
2 with your rendering opinions in this case?

3 A. I don't understand the question. Can you
4 unpack that or be a little more specific?

5 Q. So when you became involved with this matter,
6 did you request any documents from anyone in support of
7 your work in rendering the opinions you provided?

8 A. Yes.

9 MR. LI: Objection, form.

10 A. Yes, I did.

11 Q. What documents did you request, if you
12 remember?

13 MR. LI: Objection, form.

14 A. I asked for a copy of the journal article that
15 is the focus of this declaration.

16 Q. And is that the -- is that the article that I
17 believe the first author is named Kikkawa?

18 A. I believe so, yes.

19 Q. Did you request any other documents besides
20 Kikkawa?

21 A. No.

22 Q. What is your rate that you're charging for
23 your services in this case?

24 A. \$350 an hour.

25 Q. Is that the only rate you charge, or do you

1 charge different rates in different proceedings?

2 A. It's not the only rate that I charge.

3 Q. Okay. What other rates do you charge besides
4 350?

5 A. I'm not sure that's any of your concern.

6 Q. So are you refusing to answer?

7 A. No. I'm just telling you I don't think you
8 need to know that.

9 Q. Well, so I mean --

10 A. Why -- why do you want to know?

11 Q. Well, I'm trying to figure out why the rate
12 would be different in this case as opposed to other
13 cases.

14 MR. LI: Counsel, I think what could be
15 helpful is if you explain how is that related to the IPR
16 issue.

17 Q. Okay. So how is your rate related to IPR?

18 MR. LI: I mean the difference. Like I
19 think she already told you about the rate for the IPR
20 case. The question is why would be the difference
21 related to the IPR case.

22 MR. ATKINSON: I'm not sure I understand
23 your suggestion.

24 Q. What causes you to charge different amounts in
25 different cases?

1 MR. LI: Objection, form.

2 A. Oh, that's an interesting question. There's
3 some clients for whom I've been working with for more
4 than a decade. I have some clients I've been working
5 with for more than a decade. Some of those rates are a
6 little bit different because I have a long relationship
7 with them.

8 My current rate for new work is higher
9 because I have higher costs. I produce a great number
10 of reports. I do a lot of photocopying. I print a lot
11 of material. It's very expensive. I have agents that
12 secure articles for me on occasion. I have copyright
13 costs to pay. Sometimes my rates are higher.

14 I can tell you next year they're going to be higher
15 yet, so the range is dependent. I have some clients
16 who've asked for a discount for early payment. I'm
17 amenable to talking about that. So my rates range right
18 now from \$200 an hour to 500.

19 Q. Okay. You cut out for a second there. Did
20 you say it ranges from \$100 an hour to 500?

21 A. 200.

22 Q. Oh, 200.

23 A. I have one client that pays 200.

24 Q. Okay. Do you know what percentage of your
25 clients currently pay more than 350?

1 MR. LI: Objection, form.

2 A. No. No, I don't.

3 Q. Do you know what percentage of your clients
4 currently pay less than 350?

5 MR. LI: Objection, form.

6 A. No. I have an accountant for that.

7 Q. Do you know how many clients you currently
8 have that are paying 350?

9 MR. LI: Objection, form.

10 A. No.

11 Q. Is it more than the petitioner in this matter?

12 A. I don't know. You seem very interested in the
13 money.

14 Q. I am very interested, yes.

15 A. You're much more interested in it than I am.

16 Q. So in the case that you're charging 500 an
17 hour, why are you charging more in that case than in
18 this case?

19 MR. LI: Objection, form.

20 A. I have a corporate confidential agreement. I
21 cannot discuss that, and I will not tell you anything
22 about it.

23 Q. Okay. So you're refusing to answer the
24 question?

25 A. I'm telling you I can't.

1 Q. Why --

2 MR. LI: Counsel, I will put this on
3 record. The question you asked is not relevant to this
4 case. I mean, you have not explained the relevancy.

5 MR. ATKINSON: Well, so thank you for the
6 speaking objection, but it is related to this case
7 because we apparently don't have a standard -- we don't
8 have a standard rate, we have a range, and I'm trying to
9 figure out what influences the placement of the
10 compensation in that range.

11 A. The answer to that is --

12 MR. LI: I'm not aware -- I'm not aware
13 of any IPR decisions that consider the rate in
14 determining the admissibility of an expert witness'
15 declaration. I mean, do you have an authority on that?

16 MR. ATKINSON: Well, no. I wasn't
17 anticipating this being an issue. I'm just don't think
18 she disclosed in her declaration that she had different
19 rates.

20 MR. LI: Well, is that required by law --

21 A. No.

22 MR. LI: -- the difference in rates?

23 MR. ATKINSON: Well, I think -- well,
24 correct me if I'm wrong, but --

25 MR. LI: It says in her declaration that

1 she has a normal consulting rate of 350 an hour. In
2 terms of that, we don't really have a normal consulting
3 rate other than 350 an hour. So what authority do you
4 have to say she has to disclose all the information you
5 are asking?

6 MR. ATKINSON: Well, if she refuses,
7 that's fine. We can take it -- we can discuss it with
8 the board.

9 MR. LI: Well, you know, I'm trying to --
10 I'm trying to be efficient here because this deposition
11 is about her declaration and if you think --

12 MR. ATKINSON: No. Her consulting rate
13 is in the declaration. We're not going to litigate this
14 right now. If she's refusing to answer the question,
15 that's fine. We can talk about it offline.

16 MR. LI: Yeah. So we can -- you can do
17 research and I can do research during a break. If you
18 can persuade me she has to tell you the information --

19 MR. ATKINSON: This isn't like the -- it
20 isn't my job to persuade you. The issue is we're in a
21 deposition.

22 THE WITNESS: We're taking a break.

23 MR. ATKINSON: I have relevant questions.
24 If she's refusing to answer the questions, then we can
25 -- we can -- the person that we will be taking the issue

1 to is the board.

2 THE WITNESS: I am taking a break. In
3 ten minutes from now, we can come back and you can calm
4 down.

5 MR. ATKINSON: Okay.

6 THE VIDEOGRAPHER: The time is 2:06 p.m.
7 We are off the record.

8 (Recess.)

9 THE VIDEOGRAPHER: We're back on the
10 record. The time is 2:19 p.m.

11 Q. Dr. Hall-Ellis, would you mind taking your --
12 opening your declaration -- opening your declaration
13 that we mentioned earlier, if you can?

14 A. Is this the one filed in October?

15 Q. I believe that's correct, yes.

16 A. Okay. And it's 27 pages long, I believe,
17 right? Is that the right one?

18 Q. Yes, that's the one.

19 A. Okay. Great. I have that on the screen. Are
20 you going to screen share it, or --

21 Q. No, no. If you could just look at it.

22 A. Okay. Fine.

23 Q. I guess it would probably be easier to just --

24 A. Okay. I'm on Page 1. So tell me where you
25 want me to go.

1 Q. On Page 1, would you turn to Paragraph 4,
2 please?

3 A. Uh-huh.

4 Q. And on the second line --

5 A. Uh-huh.

6 Q. -- in Paragraph 4, it says --

7 A. Uh-huh.

8 Q. It says, "My normal consulting rate of 350 per
9 hour."

10 A. Uh-huh.

11 Q. Do you see that?

12 A. I do.

13 Q. Why is your consulting rate of \$350 an hour
14 considered normal?

15 MR. LI: Objection, form.

16 A. I believe that is the rate that was prevailing
17 at the time for new clients, and, therefore, that is the
18 rate that I negotiated with the person who contacted me.

19 Q. Do you know if you had any clients that were
20 paying more than 350 an hour at the time you negotiated
21 it?

22 A. At that time, probably not.

23 Q. Okay. But now there are?

24 A. Yes.

25 Q. And the same time, there's also clients that

Page 20

1 you're currently doing work for at less than 350 an
2 hour; is that right?

3 A. Yes. Some of these cases go on for extended
4 periods of time.

5 Q. And as low as, I believe you said, \$200 an
6 hour on the low end?

7 A. Yes, there is a low limit of 200, uh-huh.

8 Q. Okay. How many matters are you currently
9 involved in, if you know, that are current, currently
10 active?

11 A. Currently active, I can tell you that. Give
12 me a minute. 23.

13 Q. I'm sorry, I didn't hear the answer.

14 A. 23.

15 Q. 23.

16 A. Uh-huh.

17 Q. Do you know what portion of the 23 are at 350
18 an hour?

19 MR. LI: Objection, form.

20 A. No, I do not.

21 Q. Do you know if there are others besides this
22 matter?

23 A. There are because some of these are -- I have
24 approaching trial dates on this list. I have
25 depositions on this list. I have items that have gone

1 on for a longer time, and they are at this rate.

2 Q. Would you mind turning to Page 24 of your
3 declaration?

4 A. Okay. Give me a minute here. 24, okay. I am
5 at 24 on Page 9. Is that right?

6 Q. Yes.

7 A. Okay. I'm there.

8 Q. You'll see at the very bottom of the page -- I
9 believe this paragraph is related to what's called a
10 MARC record; is that correct?

11 A. Yes, it is.

12 Q. And at the bottom of the page, it says the
13 publication date is recorded in Field 260 under the
14 Subfield C. Do you see that? It starts on the bottom
15 of Page 9 and goes on to Page Exhibit 1008.

16 A. Yeah, that's true.

17 Q. Okay. Let me see if I can do this. I'm going
18 to try and share.

19 A. Okay. Let me go back to that scroll.

20 Q. Let me see if I can share. Hold on. Okay.
21 Are you able to see my screen?

22 A. I can see that. It looks like the attachment
23 from the Linda Hall Library.

24 Q. Yes. I'll represent to you that this has been
25 filed as Exhibit 1014 in this matter.

Page 22

1 A. It is, uh-huh.

2 Q. And I think you answered my next question, but
3 you do recognize this document?

4 A. Absolutely.

5 Q. Let's see here. Hold on.

6 A. Oh, good gracious. There's a lot of documents
7 here.

8 Q. Oh, I'm sorry.

9 A. You've got more documents than I think I can
10 cope with at the moment.

11 Q. Actually I'm having a hard time getting it
12 back. Hold on. I'm sorry.

13 A. Okay. There it is.

14 MR. ATKINSON: Actually can we go off the
15 record so I can organize a bit?

16 A. I'm fine. How long do you need?

17 Q. I just need five minutes. I'm sorry.

18 A. No, that's fine.

19 THE VIDEOGRAPHER: The time is 2:26 p.m.
20 We're off the record.

21 (Recess.)

22 THE VIDEOGRAPHER: We're back on the
23 record. The time is 2:30 p.m.

24 Q. Okay. Let me -- let me share my screen again.
25 Do you recognize this as Exhibit 1014 that was attached

1 to your first declaration?

2 A. I recognize it as an attachment from that. I
3 guess it's from whatever number, but I recognize it,
4 absolutely.

5 Q. Okay. And as I mentioned, it says in
6 Paragraph 24 of your declaration that the publication
7 date is recorded in Field 260 under Subfield C.

8 A. That is true for monographs and treatises,
9 yes.

10 Q. Okay. Is that this -- is that -- this Line
11 260, it appears that on the left-hand side --

12 A. Uh-huh.

13 Q. Okay.

14 A. Okay. And what's your question?

15 Q. So where is the publication date in the entry
16 under 260?

17 A. Can you scroll up a little bit on that record?

18 Q. Yes.

19 A. Okay. We're good. Okay. What you see is
20 this is a MARC record for what we call a serial or a
21 continuing resource. Remember that MARC records deal
22 with at least eight different types of resources. We
23 call everything a resource. We call everything a work.

24 This is a serial. That is to say, as you
25 see in Field 362, it comes out with some regularity and

1 has been coming out for some period of time, as you'll
2 see in 362 and 310.

3 That means that the date that matters is
4 in the 008 field if you scroll up, and that tells us
5 that's the year that this title -- this title was
6 starting to be published, and that little c where your
7 cursor is tells me this is a continuing resource.

8 So I know it has come out since 1963. We
9 do not know when it will stop publication or be ceasing;
10 therefore, we have four nines which says, "This is open.
11 It continues to come out." But up there is the date in
12 260. We're looking at a monogram or a treatise or a
13 conference proceedings.

14 We're not. We're looking at a journal,
15 and, therefore, it's an open-ended date, which means it
16 does not appear in 260 at all. And you'll see there is
17 no Subfield C. If you look at the Library of Congress
18 requirements, which is what that footnote -- I think
19 it's 5 -- directed you to an explanation of how all this
20 works appears there.

21 But by and large, any librarian who does
22 cataloging, who understands MARC records at this level,
23 looks immediately and knows immediately this is a
24 serial, and it doesn't have an ending date. It doesn't
25 have a single date. It has a beginning date and an open

1 entry.

2 Q. Okay. So let's see if we can unpack that a
3 little bit. For this periodical, is what you're saying
4 that the very first, I guess, issue of the periodical
5 came out in 1963?

6 A. It did. If you scroll down to Field 362, it
7 says that. Now, it also tells us, if you scroll even
8 further down -- and you've got to get further down.
9 That is two pages, I think, on this one.

10 You'll see that in Field 780, this
11 journal originally started with a different title, which
12 is in Subfield T. So it ran for the first volumes for
13 nine years using a different title. And so we connect
14 those, and we call that linking.

15 But what we really see here that is
16 important is as of the title on the journal at this time
17 in 362, it started to come out in 1963.

18 Q. Okay. And how does -- where does the MARC
19 record indicate when any specific volume or issue of the
20 publication came out?

21 A. I don't understand the question. Are you
22 asking me how often it comes out or how I know it
23 continues to come out? Or I'm not sure what you're
24 asking me. But can you try to rephrase that?

25 Q. So if I know the volume and an issue number of

1 a periodical --

2 A. Uh-huh.

3 Q. -- how does this record tell me when that
4 specific volume and issue number of the periodical came
5 out?

6 A. As you see the display here, it doesn't.
7 There usually is another screen, which is a companion
8 screen and what you'll see in catalogs, and it says
9 holdings. And it will tell you that kind of
10 information.

11 At this library, the overriding practice
12 is they have every one, and because of that inquiry for
13 the one you want, volume whatever, and they tell you,
14 "Yes, we have it." So this record is not designed to
15 say that information in the way you want to see it, but
16 it is implied to be there in the way they have described
17 the work.

18 Q. So this record doesn't record when any -- when
19 any particular issue of the periodical came out?

20 A. No, it's not its purpose. It doesn't do that.
21 It says, "Here's a journal. Here's what it's called.
22 Here's who publishes it. Here's where you can find it,
23 and, yes, we have it in our library, every single issue
24 since 1963. Tell us which one you want."

25 Q. And if you'll turn to Paragraph 29 of your

1 declaration on Page 13, the bottom of Page 13.

2 A. All right. Let me get back there, 29. Let me
3 see. How do I do that? I'm trying to figure out how to
4 do that. All right. So then I do that. I can't do
5 that. You have to -- let me try that.

6 Q. I can maybe go to it. Hold on one second.

7 A. No, I'm there. 29, that's a few buttons.

8 Okay, 29. On Page 13, "When an OCLC member
9 institution," is that the paragraph?

10 Q. Right. That's the beginning of the paragraph.

11 A. Okay. That's it.

12 Q. If you look at the second sentence it says,
13 "The date of creation for the MARC record appears in the
14 fixed Field 008."

15 A. Uh-huh. I do see that.

16 Q. Is that the 008 field appearing in the third
17 line of Exhibit 114?

18 A. Let me look and see if I can see the fixed
19 field. I believe it is, but I can't look at the number
20 right now.

21 Q. Okay.

22 A. I'm viewing your screen, but I'm not -- oh,
23 Lord. I don't know. I'm sure that's what it was, but I
24 can't see it here. Let me try to get out of this. I
25 see it at the top, but I can't read it. It's too tiny.

Page 28

1 Q. Oh, let me see.

2 A. I'm sure that's what it is.

3 Q. So are you able to see like my screen?

4 A. No. I know what you're doing. I can't read
5 it. It's too small.

6 Q. Let me see if I can stop it and restart it
7 then.

8 A. Okay. That's fine.

9 Q. Are you able to see it now?

10 A. I can see it now.

11 Q. Okay.

12 A. Yeah, that's it.

13 Q. Okay. Yeah, so let's just keep looking at
14 this. So Paragraph 29, I'll just read it to you. It
15 says, "The date of creation for the MARC record appears
16 in the fixed field 008."

17 A. Right.

18 Q. And that's this field; is that right?

19 A. It is that field.

20 Q. And the date of creation, that's the 1963. Is
21 that the year?

22 A. No, no. The date of creation is the first six
23 characters, 740703. That's the date of creation, July
24 3rd, 1974.

25 Q. Okay. So it's the last two digits of the

1 year, then the month and day?

2 A. We didn't write it that way. Computer science
3 people write that.

4 Q. Well, so, you know, I understand --

5 A. I know.

6 Q. There was a big deal back 25 years ago
7 whenever we had the crossover to 2000.

8 A. Yeah, well, we had that same problem. It went
9 on for several years, but that's the date this record
10 was created during the period of a great amount of what
11 we called retrospective conversion, which was taking all
12 the paper records and making them machine readable.

13 That went on for, I don't know, ten or 15
14 years ago, and major institutions and others created
15 records that way because as a community of practice, we
16 needed that to happen. So we did a distributed work
17 model and this particular record was created at the
18 National Library of Medicine, but in 1974.

19 Q. So '74, that's the date that the MARC record
20 was created, not necessarily the date that any -- that
21 the periodical began or anything like that; is that
22 right?

23 A. That's right. The date of creation in this
24 case is several years after the publication started to
25 come out with this title from this publisher, so think

1 of ten or 11 years of paper records.

2 Q. In Paragraph -- I can either read it to you or
3 you can turn to it. If we go to Paragraph 31 --

4 A. Okay.

5 Q. -- of your declaration --

6 A. Uh-huh. What does it say?

7 Q. It says -- in the second sentence it says,
8 "Date of creation of the MARC record by a cataloger at
9 an OCLC member institution reflects when the underlying
10 item is accessible to the public."

11 A. Right. This record is available to the
12 public, not in this form. You know the average person
13 would rebel if we showed our records looking like this.

14 Q. Sorry, could you repeat that?

15 A. The average person would rebel if we tried to
16 show MARC records in this form.

17 Q. Okay. So how does the date creation of the
18 MARC record, which I think is '74 --

19 A. Okay.

20 Q. -- how does that reflect the date of public
21 availability for any underlying item?

22 A. It is reflected -- we talked about all the
23 issues from 1963, as shown in Field 362. We know there
24 is an issue every month as shown in Field 310. And we
25 know that every issue every month goes to this library.

1 There is nothing in the record that says, "We stopped
2 getting it. We don't get it anymore. We got a few. We
3 didn't get them all." There's none of that, so we know
4 that it's there.

5 This record goes beyond that and tells
6 you the series of 510 fields this journal, because this
7 is a periodical magazine, if you will, is indexed in the
8 following. And there is a list of 510 fields saying
9 this one, this one, this one, however many, so that we
10 know not only was the journal available but the indexing
11 was widely available as well and is present in this
12 library.

13 Q. Okay. What field gives information on when
14 each issue was publicly available at the institution?

15 A. None of this. That's not the purpose of this
16 record. It doesn't do that. It isn't designed to do
17 that, so it doesn't.

18 Q. And how does the record tell us when
19 underlying items are available to the public at the
20 institution?

21 A. It doesn't. That's not the purpose here.

22 Q. Okay. If you turn -- it may be easier to
23 turn to your declaration. Actually I'll stop sharing so
24 maybe it's easier.

25 A. Okay. Maybe I can get there yet. If you're

1 not sharing, maybe I can get there. Okay. What
2 paragraph do you want me to look at?

3 Q. Paragraph 34, please.

4 A. 34. Okay. "The foregoing process," is that
5 the paragraph?

6 Q. Yeah, yeah.

7 A. Okay.

8 Q. And so the foregoing process, is that
9 generally -- when you're referring to the foregoing
10 process, are you talking about -- which paragraphs are
11 you referring to?

12 A. 33 specifically, which talks about the fact
13 that we're only getting certain issues. We check to
14 make sure we're supposed to get it, it's in good
15 condition, that is, it's all there, not mangled or
16 ripped or damaged as it went through the postal service.

17 And we make sure that we're supposed to
18 receive it, and we stamp it with our name of our
19 institution and almost always the date we received it.
20 That process has been going on longer than I've been
21 doing library work, which means we're talking 55 or 60
22 years that this has been happening.

23 It is a way -- the way that we do it is a
24 checking process, which is on -- now it's online, but at
25 this time it was on a set of codex cards, and those were

1 paper records that showed, yes, it showed up, not
2 necessarily the date, but, yes, it showed up.

3 So this process of checking something in,
4 making sure we're supposed to get it, it's in good
5 condition, and I have placed a stamp with our name of
6 our institution or library and the date of receipt has
7 been going on for decades, and it continues to this day.

8 Q. Okay. And so when you say standard library
9 practice, what is the standard that you're referring to?
10 Is there a name for it or...

11 A. No. It's the check-in process for serials. I
12 don't know that it has a more formal name, but I've
13 given you the steps. It's what happens. It's usually
14 performed by a receiving clerk or library assistant or
15 some kind of nonprofessional helper who knows I do this,
16 I do this, I do this. And the magazine goes out into
17 the public area for people to see.

18 But I need to be sure we have received
19 it, we've stamped it, and it goes out to what we would
20 call the front of the house.

21 Q. Okay. So by standard library practice, you're
22 referring to what you believe to be the standard
23 practice at most libraries?

24 A. I know it to be the practice, yes.

25 Q. Do you know what the practice is at the Linda

1 Hall Library of Science, Engineering & Technology in
2 Kansas City, Missouri?

3 A. It is this process because evidence of that
4 appears on the exhibit, which is a copy of the journal
5 article, including the cover, which has indeed that
6 stamp with their name and a received date.

7 Q. Have you spoken with anyone at the Linda Hall
8 Library about -- about when they -- when they would have
9 made this article available?

10 A. Not recently. I have worked with them for
11 years and years, and this is what they do.

12 Q. Have you discussed -- have you talked to
13 anyone at the Linda Hall Library since you became
14 involved in this case?

15 A. I don't recall, and I certainly would not call
16 them for something like this as a question. I mean,
17 this is a standard process. There would be no need to
18 call them up and say, "Did you deviate or who did it?"
19 I would not ask that, no.

20 Q. Do you recall who told you about --

21 A. No.

22 Q. -- the standard process in general at the
23 Linda Hall Library?

24 A. No. I haven't talked to them about that sort
25 of thing in quite a while. I would have no reason to

1 ask. I look at material from them almost every week.

2 Q. Do you remember how many years ago it would
3 have been since you've talked to someone at the Linda
4 Hall Library about their process?

5 A. No.

6 Q. Do you know if it would be more than five?

7 A. It would be less than five, but I don't know.

8 Q. Let me pull up -- let me try sharing the
9 screen. Okay. Are you able to see my screen?

10 A. I knew we were going to see this. I can see
11 it. It's the cover of the issue.

12 Q. Okay, yeah. So the stamp you were talking
13 about --

14 A. Right.

15 Q. -- is that the -- before we get started, so
16 this is -- this document, I'll represent to you, is
17 Exhibit 1007, with the petition in this matter.

18 A. Okay. That's fine.

19 Q. The scan you're talking about, is that what
20 appears to be maybe red?

21 A. Yeah, it is red at this time, and it's a
22 circle at this time. It hasn't always been red, and it
23 hasn't always been a circle, but it is at this point in
24 time.

25 Q. Okay. And it's hard to read, but is it --

1 A. It is hard to read.

2 Q. Is it your understanding that it says Linda
3 Hall --

4 A. Absolutely.

5 Q. -- on the outside of the stamp? Is that what
6 it's saying?

7 A. Absolutely. They were known by that name up
8 until January -- before they amended their name, but
9 that is the name they've been known as for many, many
10 years.

11 Q. Okay. And so what appears in the middle, is
12 that supposed to be a date?

13 A. That is a date.

14 Q. Okay. It appears that the year of the date is
15 smudged a little bit, isn't it?

16 A. These stamps tend to get smudged because,
17 remember, the surface of the cover might be kind of
18 slick, or not, but it might be. In this case, I think
19 it's kind of slick. Yeah, it might be a little smudged,
20 because, remember, they don't put this on here for use
21 in lawsuits.

22 They put this on here because they want
23 to show it's ours, and we paid for it, and this is when
24 we got it.

25 Q. So do you know who affixed this stamp to this

1 article?

2 A. No. No. It doesn't matter who did it.
3 Someone who works at the library did it.

4 Q. Okay. And how did you determine that the date
5 of the stamp -- I believe you indicated that you thought
6 it was January 28th, 1993. How did you determine that
7 the stamp said January 28th, 1993?

8 A. I think it says the 26th. But you have to
9 enlarge these. Remember, I've been looking at stamps
10 like these for a long, long time, and you learn to read
11 them, and they're hard sometimes to read.

12 Sometimes they're more clear, but in this
13 case, it is a little smudgy. I agree with you. It is.
14 I wish it were a little more clear, but it's not, and
15 that's what the date says.

16 Q. Do you know how -- did you perform the scan of
17 the physical --

18 A. No.

19 Q. Go ahead.

20 A. No. I don't do scanning of articles in places
21 other than nearby. I don't have time for that.

22 Q. Do you know where this scan came from?

23 A. Well, of course.

24 Q. Where did it come from?

25 A. It came from the Linda Hall Library in Kansas

1 City, Missouri.

2 Q. Do you know who obtained this scan?

3 A. I asked for it. Their staff person provided
4 it to me. I paid a fee. IEEE got a royalty payment.
5 That's how it works.

6 Q. So I'm -- let's slow down and unpack that a
7 bit. So when you say they, who is the they that you
8 asked to scan -- to make the physical scan of this
9 article?

10 A. I have an account with these people because I
11 use them a lot.

12 Q. Who are these people?

13 A. The people at Linda Hall Library. I ask them
14 for many, many copies of conference papers, journal
15 articles, white papers, materials of that type. I have
16 an account. I fill out a form. It says, "Please send
17 to me a copy of fill in the blank."

18 Someone at the library downloads that
19 request, makes the copy for me and sends it to me
20 electronically.

21 Q. Do you know who made -- do you know the name
22 of the individual that made this copy?

23 A. No, nor does it matter.

24 Q. But it's your understanding that it was
25 somebody that works for the library?

1 A. Only someone from the library would be allowed
2 to do that.

3 Q. Why is that?

4 A. Libraries are very proprietary places. Not
5 just anybody can come in and do whatever they want.

6 Q. So is this periodical available to the public?

7 A. It is. They are open to the public. It is a
8 privately endowed library that is open to the public.
9 It has educational programs for the public, provides
10 research services to the public and supplies document
11 delivery services to the public.

12 Q. If you'd turn back to your declaration and if
13 you'd go to Paragraph 41.

14 A. 41. Okay. Major firm is H. W. Wilson?

15 Q. Right, right.

16 A. Okay. Yeah.

17 Q. If you'd go about five lines down, do you see
18 the sentence that says, "Each volume includes a
19 comprehensive index for 300 of the most popular and
20 important periodicals published in the United States and
21 Canada."

22 A. I do see that sentence.

23 Q. Do you know if this periodical is one of those
24 300 most popular and important periodicals?

25 A. I suspect that IEEE is not, and we can verify

Page 40

1 that by looking in the 510 fields for the MARC record.
2 It is much more likely that this particular journal is
3 included in what used to be known as the Applied Science
4 & Technology Index, which was black with a red stripe.
5 Much more likely it would appear there.

6 Q. So why were you referencing the Readers Guide
7 here in Paragraph 41?

8 A. I referenced that because it is much more
9 likely that a non-librarian, such as a lawyer or a
10 patent examiner, will understand Readers Guide to
11 Periodical Literature because you use that through high
12 school and college. And that is the most well-known
13 work from H. W. Wilson.

14 These other indices that they published
15 and sold are lesser known, unless you're moving at a
16 higher level into the discipline, and then you would
17 know them as well. But as a good example of the kind of
18 publication they have available, more people would have
19 a familiarity who say, "Yeah, I have heard of that one."

20 Q. Do you remember the last time you visited the
21 Linda Hall Library, you physically visited the Linda
22 Hall Library?

23 A. No. It's been quite a while.

24 Q. Certainly it's been longer than your
25 involvement in this case?

1 A. Oh, yeah, yeah.

2 Q. In your opening declaration, if you'll turn to
3 Paragraph 51 --

4 A. 51.

5 Q. It's close to the end.

6 A. Close to the end. Okay. Let me find it. 51,
7 that's my conclusion.

8 Q. Right?

9 A. Uh-huh.

10 Q. So you'll see the reference to Exhibit 1007 at
11 the top --

12 A. Okay.

13 Q. -- article.

14 A. I do.

15 Q. Were you asked to provide opinions past any
16 other documents or publications for your first
17 declaration?

18 A. No.

19 Q. So the only document that you referenced for
20 the first declaration -- or strike that.

21 The only document you provided opinions
22 on for the first declaration is the Kikkawa document; is
23 that right?

24 A. Yes. It's the only one in the declaration,
25 the only one I was asked to examine, and so it's the

1 only document with an opinion that appears in this
2 declaration.

3 Q. Okay. If we wanted to take a break, it would
4 probably be a good time --

5 A. Okay.

6 Q. -- or we can keep going if you want to.

7 A. No, I can use some more coffee. Do you want
8 to take how long of a break, five minutes, ten minutes?
9 What works?

10 Q. Let's go with a ten-minute break, if that's
11 okay.

12 A. Okay. Great. Let's do that.

13 THE VIDEOGRAPHER: The time is 3:04 p.m.
14 We're off the record.

15 (Recess.)

16 THE VIDEOGRAPHER: Back on the record.
17 The time is 3:23 p.m.

18 Q. Dr. Hall-Ellis, do you have the supplemental
19 declaration that you prepared, which I believe is dated
20 June 18th, available?

21 A. I do.

22 Q. Would you mind taking that out, please?

23 A. Okay. Tell me where.

24 MR. LI: Do you have an exhibit number
25 for that, by the way?

1 MR. ATKINSON: Oh, sure. It's -- I don't
2 think that you -- so I don't think it has an exhibit
3 number yet because I think the -- I think it was
4 provided as an attachment to the motion for supplemental
5 information, but I don't think it's been -- I don't
6 think -- I don't think it's been entered into the record
7 yet.

8 MR. LI: So I just want to make sure
9 we're on the same page. Do you mind sharing that when
10 you question her?

11 MR. ATKINSON: Sure. Sure. Let me get
12 that out. Hold on.

13 A. It wasn't mentioned in your request for
14 deposition either, I might add.

15 Q. Okay. Sorry about that.

16 A. That's a bigger mistake than that.

17 Q. Are you able to see my screen, Dr. Hall-Ellis?

18 A. I have it on my own screen, but, yeah, I know.
19 I've seen it.

20 Q. Okay.

21 MR. LI: Just to make sure we're all
22 talking about the same document, do you mind sending
23 this to the group chat so we have a copy of the one
24 you're using?

25 MR. ATKINSON: I would, except I don't

1 know how to get it into the group chat.

2 THE VIDEOGRAPHER: The chat doesn't work,
3 so you'd have to email it.

4 MR. ATKINSON: Oh.

5 MR. LI: Maybe you can just email us.

6 MR. ATKINSON: Yeah, I can email it to
7 you. Hold on. Actually can we go off the record?

8 THE VIDEOGRAPHER: The time is 3:26 p.m.
9 We're off the record.

10 (Recess.)

11 THE VIDEOGRAPHER: We're back on the
12 record. The time is 3:30 p.m.

13 Q. Okay, Dr. Hall-Ellis, would you turn to
14 Paragraph 18 of your supplemental declaration?

15 A. Okay. What would you like to know?

16 Q. So it says here that, "Fields 008 and 005 in
17 MARC records are indicators of the public accessibility
18 of works held at libraries."

19 A. That's true.

20 Q. How is that, given that as we discussed
21 earlier, I believe you indicated that Field 008 only
22 relates to the date that the MARC record was created?

23 A. Well, remember, this is at a very high level,
24 including all types of works. And so if something is
25 available after the date in 008, 005, if you read the

1 preceding paragraphs, is the date of the last
2 enhancement or revision. Those take place fairly often.

3 So availability is definitely after those
4 dates, but it doesn't mean that it couldn't have been
5 before those dates. So we can't ascribe too much
6 reliance without looking at a particular item and a
7 particular occurrence of publication of a work.
8 Generalities here can be made but often need
9 clarification with specifics.

10 Q. Okay. And I believe we discussed earlier that
11 the MARC record doesn't have any information regarding
12 any specific issue of a periodical; is that right?

13 A. That's correct. It does not do that.

14 Q. Okay. If you wouldn't mind turning to
15 Paragraph 24 of your supplemental declaration.

16 A. Okay. I have it.

17 Q. Okay. Here you're talking about Exhibit 1014,
18 which I believe is the MARC record that we were
19 discussing earlier; is that right?

20 A. If you say so.

21 Q. I can pull it up if you want me to.

22 A. I didn't call it Exhibit 1014, so if that's --

23 Q. Okay. So it's been marked as --

24 A. To me it's Attachment 1-A. I don't know what
25 you call it, but that's okay. If it's that MARC record

1 from Linda Hall, I'm fine.

2 Q. No, no. Well, so in Paragraph 24, you say
3 Exhibit 1014. Do you see that?

4 A. That's what this describes, how to find that
5 MARC record.

6 Q. So when you're referring to Exhibit 1014,
7 you're talking about Exhibit 1014 to the petition; is
8 that right?

9 A. I don't know what that number goes to. To me
10 this describes the way to find the MARC record for the
11 Linda Hall Library. That's what this is describing. If
12 that record is Exhibit 1014, that's fine.

13 Q. Let me see if I can put this up here. Hold
14 on.

15 A. Okay. I see it. It looks like it. It's a
16 little too small for me to read, but that's what it
17 looks like. Okay.

18 Q. Well, so if there's a way to like --

19 A. No, it's okay. It's okay. I know what that
20 looks like.

21 Q. Are you able to see in the lower right here it
22 says, "EX 1014"?

23 A. No. No, I can't see that, but I guess that's
24 what it says.

25 Q. Okay.

1 A. If my lawyer says it's right, I'm good with it
2 because I know what this looks like. That's fine.

3 Q. Okay.

4 A. Okay.

5 Q. And in Paragraph 24 of your declaration you
6 state, "To identify, download and save Exhibit 1014, I
7 took the following steps" --

8 A. Okay.

9 Q. -- and there's a list of steps.

10 A. Yeah.

11 Q. Are you the one that created Exhibit 1014, or
12 are these --

13 A. Well, yeah. Yeah. Who else would do it? Of
14 course, I did it.

15 Q. So you created 1014? You didn't just give
16 instructions to someone else that created it?

17 A. Well, I could do that if someone else worked
18 with me, but since that's not the case, I do all this
19 myself.

20 Q. Okay. That's my question is whether you
21 personally created Exhibit 1014.

22 A. It says I did.

23 Q. Okay. And if you'll turn to Paragraph 27 of
24 the supplemental declaration.

25 A. Okay. We're back to talking about Kikkawa?

1 Q. Yes.

2 A. Okay.

3 Q. Okay. It says, "I also explained that the
4 print copy of Kikkawa I obtained."

5 A. Uh-huh.

6 Q. And I think -- I just want to make sure that
7 fact is right. So when you say obtained, you don't mean
8 that you physically scanned that print copy of Kikkawa.
9 You mean that you obtained that copy from the Linda Hall
10 Library through, I guess, like some kind of an online
11 process; is that right?

12 A. I believe we talked about this earlier, and
13 this is the process to which I'm referring in Paragraph
14 27.

15 Q. And so the object of the word obtained,
16 that's --

17 A. They sent it to me.

18 Q. "They" being the Linda Hall Library?

19 A. Yes.

20 Q. And then when you say, "which I scanned," you
21 scanned the copy that was sent to you or you scanned the
22 physical --

23 A. I scanned the version they sent to me, and
24 that came as what is attached and what is shown here as
25 part of Exhibit 1007.

1 Q. Okay.

2 A. Okay. So we got that and we got that. I
3 don't know how to turn -- okay. I can do that.

4 Q. If you'll turn to Paragraph 38 of your
5 supplemental declaration.

6 A. 38. 38, I see 38.

7 Q. And you'll see a reference to a Sang-Gi Kim,
8 et al., paper.

9 A. Okay. Uh-huh.

10 Q. So you weren't asked to provide any testimony
11 in relation to your first declaration as to this Sang-Gi
12 Kim paper; is that right?

13 A. Let's go back to my original declaration. I
14 almost always have a sentence which says that the
15 citation of a work by others indicates public
16 availability, and I almost always write that.

17 I'm looking now to see where that appears
18 in the other declaration because, in fact, I reserved
19 the right to do that. And I do that because sometimes I
20 need to be sure that something else is cited and that
21 gives me evidence that something was publicly available.

22 So that is what this is because the
23 objection that your person raised led me to believe that
24 I needed yet more evidence that the paper was available.
25 So I did that.

Page 50

1 Q. Okay. Can you direct me in your opening -- in
2 your opening declaration where you discussed the Sang-Gi
3 Kim paper.

4 A. I did not discuss that paper there. I did
5 not, no, not yet. Let me see here that when my original
6 declaration -- I think it's this document. Oh, no, I'm
7 like you. I've got windows open. Let me look here.

8 Okay. I have that appearing in here in
9 Paragraph 43, Page Number 20 of my original declaration.
10 And you'll see that sentence gives me the option to talk
11 about something else if I choose to do so.

12 I didn't do it in the original
13 declaration, but I'm doing it in the supplemental.

14 Q. Okay. So if we can read that.

15 A. I'd be happy to read that to you.

16 Q. Sure, sure. Go ahead if you want to.

17 A. It says, "A citation of a document by another
18 is evidence that the document was publicly available and
19 in use no later than the publication date of the citing
20 document."

21 Q. Okay. And where is that referring to the Kim
22 article?

23 A. I decided to look around and see what else I
24 could find because there seemed to be an objection about
25 the public availability, and I thought "Well, maybe if

1 it's cited somewhere, I will find out that in fact it
2 had to have been available." So I went looking.

3 Q. Okay. But you didn't discuss the Kim article
4 at all --

5 A. No.

6 Q. -- while you were making your declaration?

7 A. No. No. No. All I'm doing is saying the
8 article of interest to me was cited in another paper,
9 and that means it had to be available, and that's what I
10 did here.

11 Q. Okay. And was the paper that you're referring
12 to?

13 A. Well, it was available because I have it in
14 Paragraph 38 and I have it again in Paragraph 39 and,
15 therefore, in a conclusion paragraph, Paragraph 40. So
16 I'm saying, "Here's the paper that cited the papers of
17 interest to me, and these dates fall in line
18 appropriately; therefore, the article of interest to me
19 had to have been available."

20 Q. Okay. So when you say the article, you're
21 referring to Kobayashi?

22 A. Uh-huh. That's exactly what I wrote. I mean
23 what I wrote, and I don't know how --

24 Q. Do you know what Kobayashi is?

25 A. I don't know.

1 Q. Do you know if it's a paper?

2 A. No, it's a document. I don't know. It's been
3 a long time. I don't know.

4 Q. So sitting here right now, you don't know what
5 Kobayashi is?

6 A. It looks to me like it was a conference paper.
7 Kim's paper was a conference paper.

8 Q. No, no. I'm not talking about Kim's paper.
9 I'm talking about Kobayashi.

10 A. No, I don't. I don't remember what type of
11 document it is. No, I don't.

12 MR. LI: So, Counsel, just for the
13 record, are we talking about a document attached to the
14 supplemental declaration or it's just -- it's just a
15 document that's mentioned somewhere there?

16 MR. ATKINSON: I'm not understanding the
17 question.

18 MR. LI: So because I don't see the
19 Kobayashi --

20 THE WITNESS: Attached?

21 MR. LI: -- anywhere, I'm just trying
22 to --

23 MR. ATKINSON: I don't think Kobayashi
24 was attached to the supplemental declaration.

25 THE WITNESS: No.

1 MR. ATKINSON: And I don't think it was
2 attached to the opening declaration either.

3 THE WITNESS: No.

4 MR. LI: Is that something you will send
5 me in the email or --

6 MR. ATKINSON: I think there's a
7 reference to Kobayashi in the petition, but I think this
8 is the only reference we have in the declarations.

9 THE WITNESS: Uh-huh.

10 MR. LI: Oh, so you're not showing the
11 witness anything? It's just a question?

12 THE WITNESS: No.

13 MR. ATKINSON: Well, I'm guessing. I'm
14 trying to -- I'm trying to determine what she meant when
15 she referred to Kobayashi.

16 A. Apparently that's your exhibit, not mine.

17 Q. Okay. Well, we haven't entered any exhibits
18 yet, so at best it would be your --

19 A. Somebody's. All right. And then I did look
20 at the Kim paper, which is discussed in Paragraph 39,
21 which I know from what I've written is a conference
22 paper.

23 Q. Do you remember reviewing the Kobayashi
24 reference?

25 A. No.

1 Q. Okay. So sitting here right now, you don't
2 know what it is?

3 A. I don't remember. It's been too long.

4 Q. Let me share this. Hold on.

5 A. Now, what is this? Okay. That's right. What
6 is it? Oh, okay. Yeah, this is --

7 Q. Do you recognize this document,
8 Dr. Hall-Ellis?

9 A. Not printed out like this I don't. Let me
10 look at it more. It looks like -- stop scrolling.

11 Q. Okay.

12 A. Let me see the top. Let me see the top.

13 Q. See the top, sure.

14 A. Somebody within IEEE's Xplore base. This must
15 be -- must be the one I printed out.

16 Q. Yes. This was attached as an attachment to
17 one of your supplemental declarations.

18 A. Right. Because you all don't have access to
19 this through my university where I teach and I do, so I
20 was in there, and this article, if you scan down, you'll
21 see is the Kim article.

22 Q. Is that the article you wanted me to scan to?

23 A. Oh, that's great. Yeah, this is the Kim
24 article that I retrieved that I wanted to use, so here
25 it is. And it's four pages, so it's fairly short.

1 Q. Okay.

2 A. It tells me information about this paper and
3 provides the potential to download the paper if I choose
4 to do that.

5 Q. So I didn't attend this conference; is that
6 correct?

7 A. I did not.

8 Q. Okay. Do you know anyone who did attend the
9 conference?

10 A. I know people who may have attended, but I
11 cannot say I know someone I definitely understand
12 attended.

13 Q. And in Paragraph 39 of declaration --

14 A. Now, wait a minute. Let me figure out how to
15 get back over there.

16 Q. Sure.

17 A. Okay. 39.

18 Q. I think it's the last sentence.

19 A. That says -- okay. The conference paper was
20 presented, blah, blah, and it was available in IEEE
21 Xplore. Okay. I see that.

22 Q. Okay. So what's the basis for your conclusion
23 that the paper was included in the conference volume for
24 May 22nd-25th, 2000?

25 A. All the reasons I believe that?

1 Q. Well, what are those reasons?

2 A. Okay. First of all, we're looking at IEEE
3 Xplore, which says this happened and that the paper was
4 prepared for a conference. It appears in the printed
5 version. The volume includes all of the papers and
6 starts on Page 87.

7 It also is a conference sponsored by
8 IEEE, and it is my belief that anyone in engineering who
9 tries to disagree with IEEE is going down a road that
10 will lead nowhere. I believe them. I know they sponsor
11 about 1,500 conferences a year. The papers from their
12 chronicles are put in their database. I believe that.

13 They have put -- they entered the
14 document into their database. They were building the
15 database around this time, going backward as they could
16 and forward as they needed to.

17 So those are the reasons I believe that
18 this is absolutely what I have reported it to be.

19 Q. Okay. Is that based on personal knowledge, or
20 is that based on your understanding as to IEEE?

21 A. Both.

22 Q. Okay. So what's the personal knowledge you
23 have?

24 A. I've been working with IEEE and their
25 documents in their databases for about 20 years, so I

1 have a pretty good idea of how they work and what
2 they're able to produce and how they're built. I've
3 also read depositions and affidavits that their staff
4 have provided, which further illuminate what goes on and
5 how it happens.

6 I have seen conference papers from their
7 conferences for years. I have seen many of them. I
8 have been doing this work so long that to me it's just
9 routine. What's difficult is for me to write how to do
10 this because it's so simple to me.

11 So my personal experiences, yeah, this is
12 how IEEE operates. This is what they do. This is how
13 they record their findings. They are a preeminent
14 international organization that if you're an engineer,
15 you need to pay attention to.

16 Q. We don't have any stamped copies of this
17 paper, do we -- or let me put it another way.

18 Have you seen any stamped copies of the
19 Kim paper?

20 A. I don't recall that I did because it was not
21 one I was asked to examine but rather provided evidence
22 of the existence of another paper, and I think the
23 download from their database was what I did.

24 Q. Did you see a copy of the Kim article prior to
25 your involvement in this proceeding?

1 A. I don't think so, but I would say no.

2 MR. ATKINSON: I think that's all I have.

3 A. Okay. Let me come back to the screen. Thank
4 you for sharing that. I appreciate that. I haven't
5 seen that for a while.

6 MR. ATKINSON: I can pass the witness.

7 THE WITNESS: Okay.

8 MR. LI: I have no further questions.

9 THE VIDEOGRAPHER: The time is 3:54 p.m.
10 We're off the record.

11 (Deposition concluded at 3:54 p.m.)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Reason Codes: (1) to clarify the record; (2) to conform to the facts; (3) to correct a transcription error; (4) other (please explain).

[illegible]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, SYLVIA D. HALL-ELLIS, have read the
foregoing deposition and hereby affix my signature that
same is true and correct, except as noted above.

SYLVIA D. HALL-ELLIS

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD
3

4 INERGY TECHNOLOGY, INC.,

5 Petitioner

6 v.

7 FORCE MOS TECHNOLOGY CO. LTD.,

8 Patent Owner

9 Inter Partes Review No. UPR2034-00094

10 U.S. Patent No. 7,812,409

11 REPORTER'S CERTIFICATION

12 ZOOM AND VIDEOTAPED DEPOSITION OF

13 SYLVIA D. HALL-ELLIS

14 AUGUST 8, 2024

15
16 I, Tina Terrell Burney, Certified
17 Shorthand Reporter in and for the State of Texas, hereby
18 certify to the following:

19 That the witness, SYLVIA D. HALL-ELLIS,
20 was duly sworn by the officer and that the transcript of
21 the oral deposition is a true record of the testimony
22 given by the witness;

23 I further certify that signature
24 ___XXX___ was requested by the deponent or a party
25 before the completion of the deposition and is to be

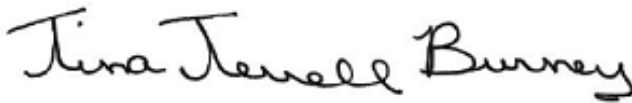
Page 62

1 returned within 30 days from date of receipt of the
2 transcript. If returned, the attached Changes and
3 Signature Page contains any changes and the reasons
4 therefor;

5 _____ was not requested by the deponent
6 or a party before the completion of the deposition.

7 I further certify that I am neither
8 attorney or counsel for, nor related to or employed by,
9 any of the parties or attorneys to the action in which
10 this deposition was taken. Further, I am not a relative
11 or employee of any attorney of record in this case, nor
12 am I financially interested in the outcome of the
13 action.

14 Subscribed and sworn to on this the
15 20th day of August, 2024.

16 
17

TINA TERRELL BURNEY, CSR No. 2908

18 Certified Shorthand Reporter

in and for the State of Texas

19 Certification expires 10/31/25

Veritext Legal Solutions

20 Firm Registration No. 571

300 Throckmorton Street, Suite 1600

21 Fort Worth, Texas 76102

817.654.4006 Fax 817.335.1203

Ziyoung Sean Li
sli@beneschlaw.com

August 20, 2024

RE: Inergy Technology Inc v. Force Mos Technology Co LTD
8/6/2024, Dr. Sylvia D. Hall-Ellis (#6842053)

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
errata-tx@veritext.com.

Return completed errata within 30 days from
receipt of testimony.

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

Yours,
Veritext Legal Solutions

Page 64

&	1974 29:24	26th 38:8	3:23 43:17
& 2:3 12:25 35:1 41:4	30:18	27 19:16 48:23	3:26 45:8
0	1993 38:6,7	49:14	3:30 45:12
005 45:16,25	1:42 1:22 4:3	28th 38:6,7	3:54 1:22 59:9
008 25:4 28:14	2	29 27:25 28:2,7	59:11
28:16 29:16	2 3:3 60:4	28:8 29:14	3rd 2:9 29:24
45:16,21,25	20 51:9 57:25	2908 63:17	4
1	64:3	2:06 19:6	4 3:5 20:1,6
1 19:24 20:1	200 15:18,21,22	2:19 19:10	60:5
46:24 60:4	15:23 21:5,7	2:26 23:19	40 6:18,20 9:4
1,500 57:11	2000 30:7	2:30 23:23	10:10 52:15
10-27-23 3:13	56:24	3	41 40:13,14
10/31/25 63:19	2016 9:25	3 60:5	41:7
100 2:4 15:20	2023 12:14	30 63:1 64:16	4253 1:25
1007 36:17	2024 1:14,22	300 40:19,24	43 3:17 51:9
42:10 49:25	4:4 60:3 62:13	63:20	46 3:16
1008 22:15	63:15 64:3	31 31:3	5
1014 22:25	2024-009-4	310 25:2 31:24	5 25:19
23:25 46:17,22	4:15	3100 2:4	500 15:18,20
47:3,6,7,12,22	20th 63:15	33 33:12	16:16
48:6,11,15,21	22 3:13	34 33:3,4	51 42:3,4,6
11 31:1	22nd 56:24	350 13:24 14:4	510 32:6,8 41:1
114 28:17	23 3:14 21:12	15:25 16:4,8	512.770.4200
12737 63:17	21:14,15,17	18:1,3 20:8,13	2:10
13 28:1,1,8	24 9:12,15 22:2	20:20 21:1,17	55 33:21
15 30:13	22:4,5 24:6	36 3:11	571 63:20
1600 63:20	46:15 47:2	362 24:25 25:2	6
18 45:14	48:5	26:6,17 31:23	6 1:14 60:3
18th 43:20	25 30:6	37 1:24	6-18-24 3:16,17
19 1:25	2500 2:9	38 50:4,6,6,6	60 3:6 33:21
1963 25:8 26:5	25th 56:24	52:14	607 2:9
26:17 27:24	260 22:13 24:7	39 52:14 54:20	62 3:7
29:20 31:23	24:11,16 25:12	56:13,17	628.600.2250
	25:16	3:04 43:13	2:5

6842053 64:5 6th 1:21 4:4	access 55:18 accessibility 45:17 accessible 31:10 account 39:10 39:16 accountant 16:6 accuracy 64:9 accurate 7:15 accurately 6:25 acknowledg... 64:12 action 4:19 63:9,13 active 21:10,11 actually 23:11 23:14 32:23 45:7 add 44:14 addition 10:16 admissibility 17:14 affect 7:3 affidavits 58:3 affiliations 4:24 affix 61:6 affixed 37:25 afternoon 4:2 5:12 agents 15:11 ago 30:6,14 36:2	agree 4:10 38:13 agreement 16:20 ahead 38:19 51:16 al 50:8 allotted 64:19 allowed 40:1 amenable 15:17 amended 37:8 amount 10:17 30:10 amounts 14:24 answer 14:6 16:23 17:11 18:14,24 21:13 answered 23:2 anticipating 17:17 antonio 9:1 anybody 40:5 anymore 32:2 anyway 6:5 apparently 17:7 54:16 appeal 1:2 62:2 appear 25:16 41:5 appearance 4:22 appearances 3:3 4:23	appearing 28:16 51:8 appears 24:11 25:20 28:13 29:15 35:4 36:20 37:11,14 43:1 50:17 57:4 applicable 64:8 applied 41:3 appreciate 59:4 approaching 21:24 appropriately 52:18 approximately 9:4,12 10:7,25 arapaho 7:7,10 area 34:17 arisen 7:18 aronoff 2:3 article 3:11 13:14,16 35:5 35:9 38:1 39:9 42:13 51:22 52:3,8,18,20 55:20,21,22,24 58:24 articles 15:12 38:20 39:15 ascribe 46:5 asked 13:14 15:16 17:3 39:3,8 42:15 42:25 50:10
7			
7,812,409 1:8 62:8 74 30:19 31:18 740703 29:23 76102 63:21 780 26:10 78701 2:9			
8			
8 62:13 8/6/2024 64:5 817.335.1203 63:21 817.654.4006 63:21 85 10:12 87 57:6			
9			
9 22:5,15 90 10:12 94111 2:4			
a			
ability 7:3 able 22:21 29:3 29:9 36:9 44:17 47:21 58:2 above 1:21 61:7 64:6 absolutely 23:4 24:4 37:4,7 57:18			

[asked - case]

58:21 asking 8:7 18:5 26:22,24 assistant 34:14 atkinson 2:8 3:5 5:2,2,11,13 14:22 17:5,16 17:23 18:6,12 18:19,23 19:5 23:14 44:1,11 44:25 45:4,6 53:16,23 54:1 54:6,13 59:2,6 attached 7:11 7:13,16,18,19 23:25 49:24 53:13,20,24 54:2 55:16 63:2 64:11 attachment 3:15 22:22 24:2 44:4 46:24 55:16 attend 8:10 56:5,8 attended 8:25 56:10,12 attention 58:15 attorney 4:25 63:8,11 64:13 attorneys 63:9 audio 4:9 august 1:14,22 4:3 60:3 62:13 63:15 64:3	austin 2:9 authenticity 10:24 author 13:17 authority 17:15 18:3 availability 10:20,24 31:21 46:3 50:16 51:25 available 31:11 32:10,11,14,19 35:9 40:6 41:18 43:20 45:25 50:21,24 51:18 52:2,9 52:13,19 56:20 64:6 average 9:10 31:12,15 aware 6:23 8:3 17:12,12	baker 12:25 base 55:14 based 57:19,20 basis 56:22 batkinson 2:10 began 30:21 beginning 4:24 25:25 28:10 behalf 11:1 belief 57:8 believe 7:13 8:2 9:3 13:17,18 19:15,16 20:16 21:5 22:9 28:19 34:22 38:5 43:19 45:21 46:10,18 49:12 50:23 56:25 57:10,12 57:17 benesch 2:3 5:5 beneschlaw.c... 2:5 64:2 best 54:18 beyond 32:5 big 30:6 bigger 44:16 bit 15:6 23:15 24:17 26:3 37:15 39:7 black 41:4 blah 56:20,20 blank 39:17 board 1:2 18:8 19:1 62:2	body 11:19,23 12:1 bottom 22:8,12 22:14 28:1 break 18:17,22 19:2 43:3,8,10 brought 5:18 bryan 2:8 5:2 5:13 building 57:14 built 58:2 bulk 10:14 burney 1:23 4:17 62:16 63:17 buttons 28:7
			c
			c 2:1 4:1 22:14 24:7 25:6,17 c.f.r. 1:24 ca 2:4 call 10:15 24:20,23,23 26:14 34:20 35:15,18 46:22 46:25 called 8:24 22:9 27:21 30:11 calm 19:3 camera 4:6 canada 40:21 capacity 12:7 cards 33:25 case 4:15 10:5 13:2,23 14:12

[case - continues]

14:20,21 16:16 16:17,18 17:4 17:6 30:24 35:14 37:18 38:13 41:25 48:18 63:11 cases 14:13,25 21:3 cataloger 31:8 cataloging 25:22 catalogs 27:8 cause 1:21 causes 14:24 ceasing 25:9 central 4:3 certain 33:13 certainly 35:15 41:24 certificate 3:7 certification 62:10 63:19 certified 62:16 63:18 certify 62:18,23 63:7 change 60:7 changes 3:6 60:1 63:2,3 64:10 characters 29:23 charge 13:25 14:1,2,3,24	charging 13:22 16:16,17 chat 44:23 45:1 45:2 check 33:13 34:11 checking 33:24 34:3 choose 51:11 56:3 chronicles 57:12 circle 36:22,23 citation 50:15 51:17 cited 50:20 52:1,8,16 citing 51:19 city 7:6 35:2 39:1 clarification 46:9 clarify 60:4 clean 6:8 clear 38:12,14 clerk 34:14 client 15:23 clients 15:3,4 15:15,25 16:3 16:7 20:17,19 20:25 close 42:5,6 code 60:7 codes 60:4	codex 33:25 coffee 43:7 college 8:23 41:12 colorado 7:8,9 9:23 come 19:3 25:8 25:11 26:17,23 30:25 38:24 40:5 59:3 comes 24:25 26:22 coming 25:1 community 30:15 companion 27:7 company 4:14 compensation 17:10 complete 7:25 completed 64:16 completion 62:25 63:6 comprehensive 40:19 computer 6:9 6:10 30:2 concern 14:5 concluded 59:11 conclusion 42:7 52:15 56:22	condition 33:15 34:5 conducted 4:5 conference 25:13 39:14 53:6,7 54:21 56:5,9,19,23 57:4,7 58:6 conferences 57:11 58:7 confidential 16:20 conform 60:4 congress 25:17 connect 26:13 connection 4:7 9:16 11:5 13:1 consequence 7:24 consider 17:13 considered 20:14 consistent 10:22 consulting 9:6 18:1,2,12 20:8 20:13 contacted 12:12,16,18 20:18 contains 63:3 continue 4:9 continues 25:11 26:23 34:7
---	---	---	---

[continuing - depositions]

continuing 24:21 25:7 conversion 30:11 cope 23:10 copies 6:8 39:14 58:16,18 64:14 coplan 2:3 copy 5:20,22 13:14 35:4 39:17,19,22 44:23 49:4,8,9 49:21 58:24 copyright 15:12 corporate 16:20 correct 7:12 9:4 17:24 19:15 22:10 46:13 56:6 60:5 61:7 costs 15:9,13 counsel 4:23 14:14 17:2 53:12 63:8 64:14 county 7:7,10 course 38:23 48:14 court 4:17,25 11:19,22 12:1 cover 35:5 36:11 37:17	covid 1:25 created 30:10 30:14,17,20 45:22 48:11,15 48:16,21 creation 28:13 29:15,20,22,23 30:23 31:8,17 crossover 30:7 csr 1:23 63:17 current 15:8 21:9 currently 7:5 15:25 16:4,7 21:1,8,9,11 cursor 25:7 cut 15:19 cv 7:11,14,19 7:25 8:9,13 cvs 7:17	30:9,19,20,23 31:8,17,20 33:19 34:2,6 35:6 37:12,13 37:14 38:4,15 45:22,25 46:1 51:19 60:3 63:1 dated 43:19 dates 21:24 46:4,5 52:17 day 30:1 34:7 63:15 days 9:9 63:1 64:16 deal 24:21 30:6 decade 15:4,5 decades 34:7 decided 51:23 decisions 17:13 declaration 3:12,15,17 5:20,22,23,24 5:25 7:12,18 7:19,22 11:19 12:1 13:15 17:15,18,25 18:11,13 19:12 19:12 22:3 24:1,6 28:1 31:5 32:23 40:12 42:2,17 42:20,22,24 43:2,19 45:14 46:15 48:5,24	50:5,11,13,18 51:2,6,9,13 52:6 53:14,24 54:2 56:13 declarations 6:7,8 10:2 11:22 54:8 55:17 definitely 46:3 56:11 degree 8:16,17 8:18 degrees 8:21 delivery 40:11 denver 9:1 dependent 15:15 depends 4:6 9:14 deponent 62:24 63:5 64:13 deposed 6:15 6:17 9:3 deposing 64:13 deposition 1:12 1:18 4:4,11 5:19 11:14,15 18:10,21 44:14 59:11 60:3 61:6 62:11,21 62:25 63:6,10 depositions 6:20 21:25 58:3
	d d 1:13,19 3:4 4:1,12 5:8,16 60:2 61:5,9 62:12,19 64:5 damaged 33:16 database 57:12 57:14,15 58:23 databases 57:25 date 7:14 22:13 24:7,15 25:3 25:11,15,24,25 25:25 28:13 29:15,20,22,23		

[describe - example]

describe 8:15 described 27:16 describes 47:4 47:10 describing 47:11 description 3:10 designed 27:14 32:16 determine 38:4 38:6 54:14 determining 17:14 development 9:23 deviate 35:18 devices 3:11 devoted 9:16 dickinson 2:8 5:3 dickinsonwri... 2:10 difference 14:18,20 17:22 different 14:1,1 14:12,24,25 15:6 17:18 24:22 26:11,13 difficult 58:9 digits 29:25 direct 51:1 directed 25:19	director 9:22 disagree 57:9 discipline 41:16 disclose 18:4 disclosed 17:18 discount 15:16 discuss 16:21 18:7 51:4 52:3 discussed 35:12 45:20 46:10 51:2 54:20 discussing 46:19 display 27:6 distributed 30:16 document 23:3 36:16 40:10 42:19,21,22 43:1 44:22 51:6,17,18,20 53:2,11,13,15 55:7 57:14 documents 3:9 5:18 10:24 13:1,6,11,19 23:6,9 42:16 57:25 doing 21:1 29:4 33:21 51:13 52:7 58:8 download 48:6 56:3 58:23	downloads 39:18 dr 4:12 5:12 7:5 19:11 43:18 44:17 45:13 55:8 64:5 duly 1:20 5:9 62:20 e e 2:1,1 4:1,1 earlier 19:13 45:21 46:10,19 49:12 early 15:16 easier 19:23 32:22,24 education 8:11 educational 7:25 8:8,15 40:9 efficient 18:10 eight 24:22 either 11:14 31:2 44:14 54:2 electron 3:11 electronically 39:20 ellis 1:13,19 3:4 3:13,15,17 4:12 5:8,12,17 7:5 19:11 43:18 44:17 45:13 55:8	60:2 61:5,9 62:12,19 64:5 email 45:3,5,6 54:5 employed 63:8 employee 63:11 ended 25:15 endowed 40:8 engineer 58:14 engineering 35:1 57:8 enhancement 46:2 enlarge 38:9 entered 44:6 54:17 57:13 entry 24:15 26:1 errata 64:11,13 64:15,16 error 60:5 estimate 9:11 et 50:8 evidence 35:3 50:21,24 51:18 58:21 ex 47:22 exactly 52:22 examination 3:5 5:10 examine 42:25 58:21 examiner 41:10 example 41:17
--	--	---	--

[except - goes]

except 44:25 61:7 excluded 11:19 11:22 12:1 exclusively 9:20 exhibit 6:6 22:15,25 23:25 28:17 35:4 36:17 42:10 43:24 44:2 46:17,22 47:3 47:6,7,12 48:6 48:11,21 49:25 54:16 exhibits 54:17 existence 58:22 expensive 15:11 experiences 58:11 expert 6:19,20 10:14,18,25 11:4,18,19,21 11:22,25,25 12:7 17:14 expires 63:19 explain 14:15 60:6 explained 17:4 49:3 explanation 25:19 extended 21:3	f fact 33:12 49:7 50:18 52:1 facts 60:5 fails 64:18 fairly 46:2 55:25 fall 52:17 familiarity 41:19 fax 63:21 fee 39:4 field 22:13 24:7 24:25 25:4 26:6,10 28:14 28:16,19 29:16 29:18,19 31:23 31:24 32:13 45:21 fields 32:6,8 41:1 45:16 figure 14:11 17:9 28:3 56:14 filed 4:14 19:14 22:25 fill 39:16,17 financially 4:19 63:12 find 27:22 42:6 47:4,10 51:24 52:1 findings 58:13 fine 18:7,15 19:22 23:16,18	29:8 36:18 47:1,12 48:2 firm 5:3 12:19 40:14 63:20 first 5:9,24 6:2 7:11 12:12,14 13:17 24:1 26:4,12 29:22 42:16,20,22 50:11 57:2 five 23:17 36:6 36:7 40:17 43:8 fixed 28:14,18 29:16 focus 13:15 following 32:8 48:7 62:18 follows 5:9 footnote 25:18 force 1:6 4:13 5:4,14 62:6 64:4 foregoing 33:4 33:8,9 61:6 form 10:21 13:9,13 15:1 16:1,5,9,19 20:15 21:19 31:12,16 39:16 formal 34:12 forms 10:14 fort 63:21 forward 57:16	four 25:10 55:25 francisco 2:4 friedlander 2:3 5:6 front 34:20 full 5:15 9:8 further 26:8,8 58:4 59:8 62:23 63:7,10
	g g 4:1 general 35:22 generalities 46:8 generally 33:9 getting 23:11 32:2 33:13 gi 50:7,11 51:2 give 21:11 22:4 48:15 given 34:13 45:20 62:22 gives 32:13 50:21 51:10 go 4:10 19:25 21:3 22:19 23:14 28:6 31:3 38:19 40:13,17 43:10 45:7 50:13 51:16 goes 22:15 31:25 32:5 34:16,19 47:9		

[goes - institution]

58:4 going 4:3 6:4 15:14 18:13 19:20 22:17 33:20 34:7 36:10 43:6 57:9,15 good 4:2 5:12 23:6 24:19 33:14 34:4 41:17 43:4 48:1 58:1 gracious 23:6 grants 9:22 great 15:9 19:19 30:10 43:12 55:23 group 44:23 45:1 guess 10:13 19:23 24:3 26:4 47:23 49:10 guessing 54:13 guide 41:6,10	37:3 38:25 39:13 41:21,22 43:18 44:17 45:13 47:1,11 49:9,18 55:8 60:2 61:5,9 62:12,19 64:5 hand 24:11 handled 12:19 happen 30:16 happened 57:3 happening 9:14 33:22 happens 34:13 58:5 happy 51:15 hard 23:11 36:25 37:1 38:11 hear 11:20,24 21:13 heard 4:8 12:14 41:19 held 45:18 helper 34:15 helpful 6:5 14:15 high 8:14 41:11 45:23 higher 15:8,9 15:13,14 41:16 hold 22:20 23:5 23:12 28:6 44:12 45:7 47:13 55:4	holdings 27:9 hopkins 2:13 4:16 hour 13:24 15:18,20 16:17 18:1,3 20:9,13 20:20 21:2,6 21:18 hours 9:12,15 house 34:20 huh 6:11 20:3,5 20:7,10 21:7 21:16 23:1 24:12 27:2 28:15 31:6 42:9 49:5 50:9 52:22 54:9	includes 40:18 57:5 including 35:5 45:24 incorporated 4:13 index 3:1 40:19 41:4 indexed 32:7 indexing 32:10 indicate 26:19 indicated 6:2 38:5 45:21 indicates 50:15 indicators 45:17 indices 41:14 individual 39:22 inergy 1:3 4:12 5:6 62:3 64:4 influences 17:9 information 8:17,20 10:23 18:4,18 27:10 27:15 32:13 44:5 46:11 56:2 initial 5:16 inquiry 27:12 instance 1:20 institution 28:9 31:9 32:14,20 33:19 34:6
h		i	
h 40:14 41:13 half 10:11 11:11 hall 1:13,19 3:4 3:13,15,17 4:12 5:8,12,17 7:5 19:11 22:23 35:1,7 35:13,23 36:4		idea 8:5 58:1 identify 48:6 ieee 3:11 39:4 40:25 56:20 57:2,8,9,20,24 58:12 ieee's 55:14 illuminate 58:4 immediately 25:23,23 implied 27:16 important 26:16 40:20,24 include 7:25 8:4 included 8:8 41:3 56:23	

[institutions - librarian]

institutions 8:21 30:14 instructions 48:16 inter 1:7 10:2 62:7 interest 52:8,17 52:18 interested 4:20 16:12,14,15 63:12 interesting 15:2 international 58:14 internet 4:6 involved 9:7 10:8 13:5 21:9 35:14 involvement 41:25 58:25 involves 9:6 ipr 4:15 5:14 11:8 14:15,17 14:19,21 17:13 iprs 10:3,7,11 11:2,5 issue 6:6 14:16 17:17 18:20,25 26:4,19,25 27:4,19,23 31:24,25 32:14 36:11 46:12 issues 10:18,19 31:23 33:13	item 31:10,21 46:6 items 21:25 32:19	41:17 49:10 knew 36:10 know 5:23 7:14 7:17,21,21,23 10:7 11:3,7,9 11:10,12 12:5 14:8,10 15:24 16:3,7,12 18:9 20:19 21:9,17 21:21 25:8,9 26:22,25 28:23 29:4 30:4,5,13 31:12,23,25 32:3,10 34:12 34:24,25 36:6 36:7 37:25 38:16,22 39:2 39:21,21 40:23 41:17 44:18 45:1,15 46:24 47:9,19 48:2 50:3 52:23,24 52:25 53:1,2,3 53:4 54:21 55:2 56:8,10 56:11 57:10 knowledge 12:2 57:19,22 known 37:7,9 41:3,12,15 knows 25:23 34:15 kobayashi 52:21,24 53:5 53:9,19,23	54:7,15,23 l	
	j	january 37:8 38:6,7 jason 2:13 4:16 job 18:20 journal 13:14 25:14 26:11,16 27:21 32:6,10 35:4 39:14 41:2 judicial 11:19 11:22 12:1,4 july 11:16 29:23 june 11:16 43:20	large 25:21 law 5:3 12:19 17:20 lawsuit 12:10 lawsuits 37:21 lawyer 41:9 48:1 lay 12:3,5 lead 57:10 learn 38:10 leave 9:24 led 50:23 left 24:11 legal 9:7,16,20 9:21 63:19 64:23 lesser 41:15 level 8:14 25:22 41:16 45:23 li 2:3 5:5,5 10:21 13:9,13 14:14,18 15:1 16:1,5,9,19 17:2,12,20,22 17:25 18:9,16 20:15 21:19 43:24 44:8,21 45:5 53:12,18 53:21 54:4,10 59:8 64:1 librarian 25:21 41:9	
	k	kansas 35:2 38:25 keep 29:13 43:6 kikkawa 13:17 13:20 42:22 48:25 49:4,8 kim 50:7,12 51:3,21 52:3 54:20 55:21,23 58:19,24 kim's 53:7,8 kind 7:4 27:9 34:15 37:17,19		

[libraries - minute]

libraries 34:23 40:4 45:18 library 6:20 8:17,20 10:19 10:23 22:23 25:17 27:11,23 30:18 31:25 32:12 33:21 34:6,8,14,21 35:1,8,13,23 36:4 38:3,25 39:13,18,25 40:1,8 41:21 41:22 47:11 49:10,18 likely 41:2,5,9 limit 21:7 linda 22:23 34:25 35:7,13 35:23 36:3 37:2 38:25 39:13 41:21,21 47:1,11 49:9 49:18 line 20:4 24:10 28:17 52:17 60:7 lines 40:17 linking 26:14 list 8:10 21:24 21:25 32:8 48:9 literature 41:11	litigate 18:13 little 6:6 13:4 15:6 24:17 25:6 26:3 37:15,19 38:13 38:14 47:16 live 7:7 llp 2:3 long 15:6 19:16 23:16 38:10,10 43:8 53:3 55:3 58:8 longer 22:1 33:20 41:24 look 19:21 25:17 28:12,18 28:19 33:2 36:1 51:7,23 54:19 55:10 looking 25:12 25:14 29:13 31:13 38:9 41:1 46:6 50:17 52:2 57:2 looks 22:22 25:23 47:15,17 47:20 48:2 53:6 55:10 lord 28:23 lot 15:10,10 23:6 39:11 low 21:5,6,7 lower 47:21	m machine 1:24 30:12 mackenzie 12:24 made 35:9 39:21,22 46:8 magazine 32:7 34:16 major 30:14 40:14 make 33:14,17 39:8 44:8,21 49:6 makes 39:19 making 30:12 34:4 52:6 mangled 33:15 marc 3:14 22:10 24:20,21 25:22 26:18 28:13 29:15 30:19 31:8,16 31:18 41:1 45:17,22 46:11 46:18,25 47:5 47:10 marked 46:23 martin 12:24 master's 8:16 8:18 material 15:11 36:1 materials 39:15	matter 4:12 12:15,20 13:5 16:11 21:22 22:25 36:17 38:2 39:23 matters 10:22 21:8 25:3 mckenzie 12:25 mean 12:6 14:9 14:18 17:4,15 35:16 46:4 49:7,9 52:22 means 25:3,15 33:21 52:9 meant 54:14 measurable 10:17 medication 7:2 medications 7:4 medicine 30:18 member 28:8 31:9 mentioned 6:7 19:13 24:5 44:13 53:15 middle 5:16 37:11 mind 5:15 19:11 22:2 43:22 44:9,22 46:14 mine 54:16 minute 21:12 22:4 43:10
--	--	---	--

[minute - opinion]

56:14 minutes 19:3 23:17 43:8,8 missouri 35:2 39:1 mistake 44:16 model 30:17 moment 23:10 money 16:13 monogram 25:12 monographs 24:8 month 11:17 30:1 31:24,25 mos 1:6 4:13 5:4,14 62:6 64:4 motion 44:4 moving 9:20 41:15	need 14:8 23:16 23:17 34:18 35:17 46:8 50:20 58:15 needed 30:16 50:24 57:16 negotiated 20:18,20 neither 63:7 new 15:8 20:17 nine 26:13 nines 25:10 non 41:9 nonprofessio... 34:15 normal 18:1,2 20:8,14 north 8:24,24 note 4:4 64:10 noted 61:7 notice 6:2 noticing 4:25 number 4:15 15:9 24:3 26:25 27:4 28:19 43:24 44:3 47:9 51:9 numbered 1:21	21:19 50:23 51:24 objections 4:20 obtained 8:22 39:2 49:4,7,9 49:15 occasion 15:12 occurrence 46:7 oclc 28:8 31:9 october 19:14 office 1:1 4:15 62:1 officer 62:20 offline 18:15 oh 6:10 15:2,22 23:6,8 28:22 29:1 42:1 44:1 45:4 51:6 54:10 55:6,23 okay 5:23 6:4 6:12,15,23 7:5 7:11 8:14 9:19 10:13 11:18 14:3,17 15:19 15:24 16:23 19:5,16,19,22 19:24 20:23 21:8 22:4,4,7 22:17,19,20 23:13,24 24:5 24:10,13,14,19 24:19 26:2,18 28:8,11,21 29:8,11,13,25	31:4,17,19 32:13,22,25 33:1,4,7 34:8 34:21 36:9,12 36:18,25 37:11 37:14 38:4 40:14,16 42:6 42:12 43:3,5 43:11,12,23 44:15,20 45:13 45:15 46:10,14 46:16,17,23,25 47:15,17,19,19 47:25 48:3,4,8 48:20,23,25 49:2,3 50:1,2,3 50:9 51:1,8,14 51:21 52:3,11 52:20 54:17 55:1,5,6,11 56:1,8,17,19,21 56:22 57:2,19 57:22 59:3,7 once 7:20 online 33:24 49:10 open 25:10,15 25:25 40:7,8 51:7 opening 19:12 19:12 42:2 51:1,2 54:2 operates 58:12 opinion 43:1
n			
n 2:1 4:1 name 4:16 5:12 5:15,16,16 12:21,24 33:18 34:5,10,12 35:6 37:7,8,9 39:21 named 13:17 national 30:18 nearby 38:21 necessarily 30:20 34:2	o 4:1 object 49:15 objection 10:21 13:9,13 15:1 16:1,5,9,19 17:6 20:15		

[opinions - physical]

opinions 13:2,7 42:15,21 opposed 14:12 option 51:10 oral 62:21 organization 58:14 organize 23:15 original 50:13 51:5,9,12 originally 26:11 outcome 4:20 63:12 outside 37:5 overriding 27:11 own 44:18 owner 1:6,20 2:7 5:4,14 62:6 owners 11:5,8	pages 19:16 26:9 55:25 paid 37:23 39:4 paper 30:12 31:1 34:1 50:8 50:12,24 51:3 51:4 52:8,11 52:16 53:1,6,7 53:7,8 54:20 54:22 56:2,3 56:19,23 57:3 58:17,19,22 papers 39:14 39:15 52:16 57:5,11 58:6 paragraph 20:1,6 22:9 24:6 27:25 28:9,10 29:14 31:2,3 33:2,3,5 40:13 41:7 42:3 45:14 46:15 47:2 48:5,23 49:13 50:4 51:9 52:14,14,15,15 54:20 56:13 paragraphs 33:10 46:1 part 49:25 partes 1:7 10:3 62:7 participants 4:7	particular 27:19 30:17 41:2 46:6,7 parties 4:10 9:7 63:9 partner 12:19 12:24 party 4:19 12:9 62:24 63:6 pass 59:6 past 42:15 patent 1:1,2,6,8 1:20 2:7 4:14 5:3,14 10:13 11:4,8 41:10 62:1,2,6,8 pay 15:13,25 16:4 58:15 paying 16:8 20:20 payment 15:16 39:4 pays 15:23 people 8:12 30:3 34:17 39:10,12,13 41:18 56:10 percent 10:12 percentage 9:15 10:25 11:7 15:24 16:3 perform 38:16 performed 34:14	period 25:1 30:10 periodical 26:3 26:4 27:1,4,19 30:21 32:7 40:6,23 41:11 46:12 periodicals 40:20,24 periods 21:4 person 18:25 20:18 31:12,15 39:3 50:23 person's 12:21 personal 57:19 57:22 58:11 personally 12:9 48:21 persuade 18:18 18:20 petition 36:17 47:7 54:7 petitioner 1:4 2:2 5:6 16:11 62:4 petitioners 11:1 ph.d. 1:13,19 3:4 5:8 8:20 9:2 photocopying 15:10 physical 38:17 39:8 49:22
p			
p 2:1,1 4:1 p.m. 1:22,22 4:3 19:6,10 23:19,23 43:13 43:17 45:8,12 59:9,11 page 3:2,10 19:24 20:1 22:2,5,8,12,15 22:15 28:1,1,8 44:9 51:9 57:6 60:7 63:3			

[physically - rate]

physically 41:21 49:8 pine 2:4 pittsburgh 9:2 place 4:10 46:2 placed 34:5 placement 17:9 places 38:20 40:4 please 4:4,21 4:23 5:15 8:14 11:20 20:2 33:3 39:16 43:22 60:6 pllc 2:8 point 12:20 36:23 popular 40:19 40:24 portion 21:17 position 9:19 9:24 postal 33:16 postgraduate 8:19 potential 56:3 practice 10:14 10:15 27:11 30:15 34:9,21 34:23,24,25 preceding 46:1 preeminent 58:13 prepared 43:19 57:4	present 2:12 32:11 presented 56:20 pretty 58:1 prevailing 20:16 prevent 6:24 print 15:10 49:4,8 printed 55:9,15 57:4 prior 10:1,5 11:13 58:24 privately 40:8 probably 10:12 19:23 20:22 43:4 problem 30:8 proceed 5:1 proceeding 10:1 11:13 12:4,13 58:25 proceedings 4:21 9:7,17,21 9:21 14:1 25:13 process 33:4,8 33:10,20,24 34:3,11 35:3 35:17,22 36:4 49:11,13 produce 15:9 58:2	produced 1:19 professional 8:18 programs 40:9 proprietary 40:4 provide 42:15 50:10 provided 13:7 39:3 42:21 44:4 58:4,21 provides 40:9 56:3 public 10:19,24 31:10,12,20 32:19 34:17 40:6,7,8,9,10 40:11 45:17 50:15 51:25 publication 22:13 24:6,15 25:9 26:20 30:24 41:18 46:7 51:19 publications 42:16 publicly 32:14 50:21 51:18 published 25:6 40:20 41:14 publisher 30:25 publishes 27:22 pull 36:8 46:21	purpose 27:20 32:15,21 pursuant 1:24 put 17:2 37:20 37:22 47:13 57:12,13 58:17 <tr> <td colspan="4">q</td></tr> <tr> <td colspan="4"> quality 4:5,6 question 13:3 14:20 15:2 16:24 17:3 18:14 23:2 24:14 26:21 35:16 44:10 48:20 53:17 54:11 questions 18:23 18:24 59:8 quite 35:25 41:23 </td></tr> <tr> <td colspan="4">r</td></tr> <tr> <td colspan="4"> r 2:1 4:1 raised 50:23 ran 26:12 range 15:15,17 17:8,10 ranges 15:20 rate 13:22,25 14:2,11,17,19 15:8 17:8,13 18:1,3,12 20:8 20:13,16,18 22:1 </td></tr>	q				quality 4:5,6 question 13:3 14:20 15:2 16:24 17:3 18:14 23:2 24:14 26:21 35:16 44:10 48:20 53:17 54:11 questions 18:23 18:24 59:8 quite 35:25 41:23				r				r 2:1 4:1 raised 50:23 ran 26:12 range 15:15,17 17:8,10 ranges 15:20 rate 13:22,25 14:2,11,17,19 15:8 17:8,13 18:1,3,12 20:8 20:13,16,18 22:1			
q																			
quality 4:5,6 question 13:3 14:20 15:2 16:24 17:3 18:14 23:2 24:14 26:21 35:16 44:10 48:20 53:17 54:11 questions 18:23 18:24 59:8 quite 35:25 41:23																			
r																			
r 2:1 4:1 raised 50:23 ran 26:12 range 15:15,17 17:8,10 ranges 15:20 rate 13:22,25 14:2,11,17,19 15:8 17:8,13 18:1,3,12 20:8 20:13,16,18 22:1																			

[rates - reserved]

rates 14:1,3 15:5,13,17 17:19,22 rather 58:21 read 28:25 29:4 29:14 31:2 36:25 37:1 38:10,11 45:25 47:16 51:14,15 58:3 61:5 64:9 readable 30:12 readers 41:6,10 really 7:20 18:2 26:15 reason 35:25 60:4,7 64:11 reasons 56:25 57:1,17 63:3 rebel 31:13,15 recall 35:15,20 58:20 receipt 34:6 63:1 64:17 receive 33:18 received 33:19 34:18 35:6 receiving 34:14 recently 35:10 recess 19:8 23:21 43:15 45:10 recognize 23:3 23:25 24:2,3 55:7	record 3:14 4:3 4:10,24 5:15 17:3 19:7,10 22:10 23:15,20 23:23 24:17,20 26:19 27:3,14 27:18,18 28:13 29:15 30:9,17 30:19 31:8,11 31:18 32:1,5 32:16,18 41:1 43:14,16 44:6 45:7,9,12,22 46:11,18,25 47:5,10,12 53:13 58:13 59:10 60:4 62:21 63:11 recorded 4:8 4:11 22:13 24:7 recording 4:5,9 records 24:21 25:22 30:12,15 31:1,13,16 34:1 45:17 red 36:20,21,22 41:4 reference 42:10 50:7 54:7,8,24 referenced 3:9 41:8 42:19 64:6 references 10:20	referencing 41:6 referred 54:15 referring 33:9 33:11 34:9,22 47:6 49:13 51:21 52:11,21 reflect 31:20 reflected 31:22 reflects 31:9 refuses 18:6 refusing 14:6 16:23 18:14,24 regarding 8:7 46:11 registration 63:20 regularity 24:25 related 4:18 10:13,19,23 14:15,17,21 17:6 22:9 63:8 relates 45:22 relation 50:11 relationship 15:6 relative 63:10 relevancy 17:4 relevant 17:3 18:23 reliance 46:6 remember 12:16,21 13:12 24:21 36:2	37:17,20 38:9 41:20 45:23 53:10 54:23 55:3 remotely 4:5 rendering 13:2 13:7 repeat 31:14 rephrase 26:24 report 11:18,25 reported 1:24 57:18 reporter 4:17 4:25 62:17 63:18 reporter's 3:7 62:10 reports 11:21 15:10 represent 5:13 22:24 36:16 representing 4:18 5:3 request 13:1,6 13:11,19 39:19 44:13 requested 62:24 63:5 required 17:20 requirements 25:18 research 18:17 18:17 40:10 reserved 50:18
--	--	--	---

[reside - short]

reside 7:6 resource 9:22 24:21,23 25:7 resources 24:22 restart 29:6 retire 9:9 retrieved 55:24 retrospective 30:11 return 64:13,16 returned 63:1,2 review 1:7 62:7 64:7 reviewing 54:23 reviews 10:3 revision 46:2 right 15:17 18:14 19:17,17 21:2 22:5 28:2 28:4,10,20 29:17,18 30:22 30:23 31:11 36:14 40:15,15 42:8,23 46:12 46:19 47:8,21 48:1 49:7,11 50:12,19 53:4 54:19 55:1,5 55:18 ripped 33:16 road 57:9 rockford 8:23	routine 58:9 royalty 39:4 rules 1:25 s s 2:1 4:1 san 2:4 9:1 sang 50:7,11 51:2 save 48:6 saying 26:3 32:8 37:6 52:7 52:16 says 17:25 20:6 20:8 22:12 24:5 25:10 26:7 27:8,21 28:12 29:15 31:7,7 32:1 37:2 38:8,15 39:16 40:18 45:16 47:22,24 48:1,22 49:3 50:14 51:17 56:19 57:3 scan 36:19 38:16,22 39:2 39:8,8 55:20 55:22 scanned 49:8 49:20,21,21,23 scanning 38:20 school 41:12 science 6:21 8:17,20 10:23 30:2 35:1 41:3	sciences 10:19 screen 4:8 19:19,20 22:21 23:24 27:7,8 28:22 29:3 36:9,9 44:17 44:18 59:3 scroll 22:19 24:17 25:4 26:6,7 scrolling 55:10 sean 2:3 64:1 second 15:19 20:4 28:6,12 31:7 secure 15:12 see 20:11 22:8 22:14,17,20,21 22:22 23:5 24:19,25 25:2 25:16 26:2,10 26:15 27:6,8 27:15 28:3,15 28:18,18,24,25 29:1,3,6,9,10 34:17 36:9,10 36:10 40:17,22 42:10 44:17 47:3,13,15,21 47:23 50:6,7 50:17 51:5,10 51:23 53:18 55:12,12,13,21 56:21 58:24	seem 16:12 seemed 51:24 seen 4:7 44:19 58:6,7,18 59:5 seminars 8:11 send 39:16 54:4 sending 44:22 sends 39:19 sent 49:17,21 49:23 64:14 sentence 28:12 31:7 40:18,22 50:14 51:10 56:18 september 9:25 12:14 serial 24:20,24 25:24 serials 34:11 series 32:6 served 10:18 service 33:16 services 13:23 40:10,11 set 33:25 several 30:9,24 share 6:6 19:20 22:18,20 23:24 55:4 sharing 32:23 33:1 36:8 44:9 59:4 sheet 64:11 short 55:25
---	--	---	--

[shorthand - sylvia]

shorthand 1:24 62:17 63:18 show 31:16 37:23 showed 31:13 34:1,1,2 showing 54:10 shown 31:23,24 49:24 side 24:11 sign 64:12 signature 3:6 60:1 61:6 62:23 63:3,17 signed 64:19 simple 58:10 single 25:25 27:23 sitting 53:4 55:1 six 29:22 sli 2:5 64:2 slick 37:18,19 slow 39:6 small 29:5 47:16 smudged 37:15 37:16,19 smudgy 38:13 sociolinguisti... 8:19 sold 41:15 solutions 63:19 64:23	somebody 39:25 55:14 somebody's 54:19 sorry 5:21 21:13 23:8,12 23:17 31:14 44:15 sort 35:24 speaking 17:6 specific 13:4 26:19 27:4 46:12 specifically 33:12 specifics 46:9 spend 10:17 spoken 35:7 sponsor 57:10 sponsored 57:7 staff 39:3 58:3 stamp 33:18 34:5 35:6 36:12 37:5,25 38:5,7 stamped 34:19 58:16,18 stamps 37:16 38:9 standard 17:7 17:8 34:8,9,21 34:22 35:17,22 started 26:11 26:17 30:24 36:15	starting 25:6 starts 22:14 57:6 state 1:23 4:21 4:23 8:24 9:23 48:6 62:17 63:18 stated 8:13 states 1:1 4:14 40:20 62:1 stating 5:15 steps 34:13 48:7,9 stop 25:9 29:6 32:23 55:10 stopped 32:1 street 2:4,9 63:20 strike 42:20 stripe 41:4 studies 8:18 styled 1:21 subfield 22:14 24:7 25:17 26:12 submitted 10:2 subscribed 63:14 subsequent 7:17 success 9:9 sufficiently 8:13 suggestion 14:23	suite 2:4,9 63:20 supplemental 3:15,17 5:24 43:18 44:4 45:14 46:15 48:24 50:5 51:13 53:14,24 55:17 supplies 40:10 support 9:20 10:2 11:8 13:6 supporting 9:21 supposed 33:14 33:17 34:4 37:12 sure 14:5,22 26:23 28:23 29:2 33:14,17 34:4,18 44:1,8 44:11,11,21 49:6 50:20 51:16,16 55:13 56:16 surface 37:17 suspect 40:25 swear 5:1 sworn 1:20 5:7 5:9 62:20 63:14 sylvia 1:13,18 3:4,12,15,17 4:12 5:8,16 60:2 61:5,9
---	---	---	--

62:12,19 64:5	tells 25:4,7 26:7	56:18 58:22	took 48:7
t	32:5 56:2	59:1,2	top 28:25 42:11
t 26:12	ten 19:3 30:13	third 28:16	55:12,12,13
take 4:9 7:4	31:1 43:8,10	thought 38:5	trademark 1:1
18:7 43:3,8	tend 37:16	51:25	4:15 62:1
46:2	term 12:5	three 9:9	transactions
taken 1:20 4:12	terms 18:2	throckmorton	3:11
63:10	terrell 1:23	63:20	transcript
talk 6:2 18:15	62:16 63:17	time 4:3,21 7:4	62:20 63:2
51:10	testified 5:9	7:15 9:6,8 10:4	64:6,19
talked 31:22	11:14 12:3	10:5,5,17	transcription
35:12,24 36:3	testify 7:3	11:14 12:20	60:5
49:12	testifying 6:24	19:6,10 20:17	treatise 25:12
talking 6:4	9:7	20:20,22,25	treatises 24:8
15:17 33:10,21	testimony	21:4 22:1	trial 1:2 11:14
36:12,19 44:22	50:10 62:21	23:11,19,23	12:4 21:24
46:17 47:7	64:9,17	25:1 26:16	62:2
48:25 53:8,9	texas 1:23 4:18	33:25 36:21,22	tried 9:8 31:15
53:13	8:24,24 9:1	36:24 38:10,21	tries 57:9
talks 33:12	62:17 63:18,21	41:20 43:4,13	true 22:16 24:8
teach 55:19	thank 17:5 59:3	43:17 45:8,12	45:19 61:7
teaching 10:16	therefor 63:4	53:3 57:15	62:21
technology 1:3	thing 35:25	59:9 64:18	truthfully 6:24
1:6 4:13,13 5:4	things 8:10	timeframe 64:8	try 22:18 26:24
5:6,14 35:1	think 6:4 8:11	times 6:17 9:4	28:5,24 36:8
41:4 62:3,6	8:12 11:16	tina 1:22 4:17	trying 14:11
64:4,4	12:8 14:7,14	62:16 63:17	17:8 18:9,10
tell 11:3 15:14	14:19 17:17,23	tiny 28:25	28:3 53:21
16:21 18:18	18:11 23:2,9	title 25:5,5	54:14,14
19:24 21:11	25:18 26:9	26:11,13,16	turn 20:1 27:25
27:3,9,13,24	30:25 31:18	30:25	31:3 32:22,23
32:18 43:23	37:18 38:8	today 5:19 6:13	40:12 42:2
telling 14:7	44:2,2,3,3,5,6,6	6:25 7:3	45:13 48:23
16:25	49:6 51:6	told 14:19	50:3,4
	53:23 54:1,6,7	35:20	

[turning - workshops]

turning 22:2 46:14 twice 9:9 two 26:9 29:25 tx 2:9 64:15 type 39:15 53:10 types 24:22 45:24	university 8:24 8:25,25 9:1,2 10:16 55:19 unpack 13:4 26:2 39:6 update 7:20 updated 7:22 upr2034-00094 1:7 62:7 use 37:20 39:11 41:11 43:7 51:19 55:24 used 41:3 64:19 using 26:13 44:24 usually 27:7 34:13	videotaped 1:12,18 62:11 viewing 28:22 visited 41:20 41:21 volume 26:19 26:25 27:4,13 40:18 56:23 57:5 volumes 26:12	white 39:15 who've 15:16 widely 32:11 wilson 40:14 41:13 windows 51:7 wish 38:14 witness 1:19 3:4 4:8 5:1,7 12:3,5 17:14 18:22 19:2 53:20,25 54:3 54:9,11,12 59:6,7 60:2 62:19,22 64:8 64:10,12,18 word 49:15 work 8:19 9:6,8 9:9,16 10:13 11:1,4,7,8 13:7 15:8 21:1 24:23 27:17 30:16 33:21 41:13 45:2 46:7 50:15 58:1,8 worked 35:10 48:17 working 15:3,4 57:24 works 25:20 38:3 39:5,25 43:9 45:18,24 workshops 8:11
u	use 37:20 39:11 41:11 43:7 51:19 55:24 used 41:3 64:19 using 26:13 44:24 usually 27:7 34:13	w	
u.s. 1:8 62:8 uh 6:11 20:3,5 20:7,10 21:7 21:16 23:1 24:12 27:2 28:15 31:6 42:9 49:5 50:9 52:22 54:9 under 22:13 24:7,16 underlying 31:9,21 32:19 understand 13:3 14:22 26:21 30:4 41:10 56:11 understanding 37:2 39:24 53:16 57:20 understands 25:22 unincorporated 7:7,10 united 1:1 4:14 40:20 62:1	v	w	
	v 1:5 62:5 64:4 vague 10:21 verify 40:25 64:9 veritext 4:18 63:19 64:14,23 veritext.com. 64:15 version 49:23 57:5 versus 4:13 video 4:9,11 videographer 2:13 4:2,17 19:6,9 23:19 23:22 43:13,16 45:2,8,11 59:9	w 2:9 40:14 41:13 wait 56:14 want 6:1 14:10 19:25 27:13,15 27:24 33:2 37:22 40:5 43:6,7 44:8 46:21 49:6 51:16 wanted 43:3 55:22,24 way 27:15,16 30:2,15 33:23 33:23 43:25 47:10,18 58:17 we've 34:19 week 9:10,12 11:17 36:1 went 8:23,23 8:25 30:8,13 33:16 52:2 whichever 6:1	

[worth - zyoung]

worth 63:21 wright 2:8 5:3 write 10:22 30:2,3 50:16 58:9 written 54:21 wrong 17:24 wrote 52:22,23	z
x	ziyong 2:3 ziyoung 64:1 zoom 1:12,18 62:11 zyong 5:5
xplore 55:14 56:21 57:3 xxx 62:24	
y	
yeah 18:16 22:16 29:12,13 30:8 33:6,6 36:12,21 37:19 40:16 41:19 42:1,1 44:18 45:6 48:10,13 48:13 55:6,23 58:11 year 7:20 15:14 25:5 29:21 30:1 37:14 57:11 years 26:13 30:6,9,14,24 31:1 33:22 35:11,11 36:2 37:10 57:25 58:7	

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted

fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.