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Transcript of David Lett

Date: October 22, 2024

Case: Comcast Cable Communications, LLC -v- Touchstream Technologies, Inc.
(PTAB)

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

Touchstream Tech., Inc | Ex. 2026

Comcast, et al. v. Touchstream Tech., Inc. IPR2024-00322

1 UNITED STATES PATENT AND TRADEMARK OFFICE

2 -----

3 BEFORE THE PATENT TRIAL AND APPEAL BOARD

4 -----

5 COMCAST CABLE COMMUNICATIONS, LLC,

6 Petitioner,

7 v.

8 TOUCHSTREAM TECHNOLOGIES, INC.

9 Patent Owner,

10 -----

11 Case IPR2024-00322

12 U.S. Patent No. 8,356,251

13 -----

14
15 REMOTE VIDEOTAPED DEPOSITION OF

16 DAVID LETT

17 October 22, 2024

18
19
20
21 Reported by: Susan S. Klinger, RMR-CRR, CSR

22 Job No. 557082

Transcript of David Lett
Conducted on October 22, 2024

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October 22, 2024

9:08 a.m.

Remote Videotaped Deposition of DAVID LETT,
held before Susan S. Klinger, a Registered Merit
Reporter and Certified Realtime Reporter of the
State of Texas.

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P R O C E E D I N G S

VIDEOGRAPHER: Here begins Media Number 1
in the videotaped deposition of David Lett in the
matter of Comcast Cable Communications, LLC v.
Touchstream Technologies, Inc. in the United
States Patent and Trademark Office before the
Patent Trial and Appeal Board, Case Numbers
IPR2024-00322 and IPR2024-00324.

Today's date is October 22nd, 2024. The
time on the video monitor is 9:09 a.m. The remote
videographer is Jesse Castro representing Planet
Depos. All parties of this video deposition are
attending remotely.

Would counsel voice identify themselves
and state whom they represent?

MR. FRIESEN: I'm Kyle Friesen from Shook
Hardy & Bacon, LLP and I am representing patent
owner Touchstream Technologies, Inc.

MR. QUALEY: Paul Qualey from Banner
Witcoff for petitioner Comcast.

MR. MEEKER: Fred Meeker with the law firm
of Banner Witcoff representing Comcast Cable

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1	Communications, LLC.	09:09:54
2	MR. DAVENPORT: Josh Davenport with the	09:09:57
3	law firm Banner Witcoff representing Comcast Cable	09:10:01
4	Communications, LLC.	09:10:05
5	VIDEOGRAPHER: The court reporter today is	09:10:05
6	Susan Klinger also representing Planet Depos. The	09:10:09
7	witness will now be sworn.	09:10:12
8	DAVID LETT,	09:10:12
9	having been first duly sworn testified as follows:	09:10:23
10	MR. FRIESEN: Before we begin, I would	09:10:23
11	like to note for the record this deposition will	09:10:29
12	only be proceeding in the IPR Case Number	09:10:31
13	IPR2024-00322, since the Patent Trial and Appeal	09:10:38
14	Board granted rehearing on institution in	09:10:46
15	proceeding IPR2024-00324.	09:10:51
16	EXAMINATION	09:10:51
17	BY MR. FRIESEN:	09:10:51
18	Q Good morning, Mr. Lett.	09:11:03
19	A Good morning.	09:11:06
20	Q Can you state your full name for the	09:11:06
21	record, please?	09:11:09
22	A David Lett.	09:11:09

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1	Q And where are you testifying from this	09:11:10
2	morning?	09:11:16
3	A I'm in Duluth, Georgia at my house.	09:11:17
4	Q Have you ever been deposed before,	09:11:20
5	Mr. Lett?	09:11:25
6	A Yes.	09:11:25
7	Q How often would you say you have been	09:11:26
8	deposed?	09:11:31
9	A Once this year, so I don't know the	09:11:32
10	average over the years of how many times I've been	09:11:41
11	deposed.	09:11:43
12	Q In the past when you have been deposed,	09:11:46
13	has that been in connection with your work as a	09:11:50
14	technical consultant and/or expert witness in	09:11:54
15	litigation?	09:11:58
16	A Yes. Also I have been deposed as a fact	09:11:59
17	witness in cases when I worked for a company, and	09:12:08
18	as a 30(b)(6) representing the company in	09:12:14
19	technical matters.	09:12:20
20	Q What company was that that you were	09:12:22
21	working for at the time?	09:12:25
22	A Do you mean the 30(b)(6)?	09:12:26

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1	Q Sure, let's start with that?	09:12:31
2	A Scientific Atlanta.	09:12:33
3	Q What kind of work were you doing for	09:12:37
4	Scientific Atlanta?	09:12:40
5	A Working as an engineer or an engineering	09:12:41
6	manager or a vice president or a director of	09:12:45
7	engineering at the various levels. I can't	09:12:51
8	remember exactly what level I was when I did that.	09:12:55
9	Q And the 30(b)(6) deposition you are	09:12:59
10	talking about, that was only one time when you	09:13:03
11	were testifying as a 30(b)(6) witness?	09:13:05
12	A That's right.	09:13:08
13	Q So you're familiar with depositions	09:13:09
14	generally. I'll be quick going over just a few	09:13:19
15	refreshers on how this will go. I will ask	09:13:22
16	questions. You will -- you're under oath. You	09:13:26
17	will provide answers truthfully to those	09:13:32
18	questions.	09:13:36
19	The court reporter will be taking realtime	09:13:37
20	transcription of the proceedings, so I ask that	09:13:42
21	you wait for me to finish a question before you	09:13:48
22	start to answer and I will likewise wait for you	09:13:50

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1	to finish your answer before I ask another	09:13:53
2	question so that way we don't talk over each other	09:13:56
3	and we can help the court reporter do her job more	09:13:58
4	easily.	09:14:02
5	Does that sound fair?	09:14:02
6	A That sounds fair.	09:14:03
7	Q Your attorney defending you in this	09:14:05
8	deposition may make an objection in response to a	09:14:13
9	question. You still need to answer the question	09:14:18
10	unless your attorney specifically instructs you	09:14:24
11	not to answer the question. Do you understand?	09:14:25
12	A Yes.	09:14:28
13	Q Is there any reason why you could not give	09:14:29
14	complete and truthful and accurate testimony in	09:14:39
15	response to my questions today?	09:14:42
16	A Not that I'm aware of.	09:14:44
17	Q All right. And you have provided a	09:14:46
18	declaration in the IPR filed by Comcast against	09:14:58
19	Touchstream's patent; is that correct?	09:15:07
20	A Yes. The IPR in question that we're	09:15:11
21	talking about I have a copy in front of me of my	09:15:15
22	declaration, IPR2024-00322.	09:15:19

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1	Q And just to make sure that you and I have	09:15:22
2	the same -- have copies of the same thing, what is	09:15:28
3	the last numbered paragraph in that paper	09:15:36
4	declaration that you have in front of you?	09:15:40
5	A 376.	09:15:42
6	Q Okay. And what was the --	09:15:51
7	A Conclusion section.	09:15:53
8	Q Sorry, 376 and then you said something	09:15:54
9	after that?	09:15:59
10	A It is the conclusion paragraph.	09:15:59
11	Q And what was the date of your signature?	09:16:02
12	A 12/21/2023.	09:16:05
13	Q Okay. Thank you.	09:16:09
14	And do you have any other documents in	09:16:14
15	front of you in paper?	09:16:26
16	A Yes.	09:16:28
17	Q If you can briefly describe what those	09:16:29
18	documents are that you have in front of you?	09:16:35
19	A They're the exhibits, I think probably the	09:16:36
20	list of materials considered. So I've got a big	09:16:44
21	notebook with lots of exhibits, it is very thick.	09:16:50
22	And I was having trouble honestly being able to	09:16:57

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1	look at that notebook and move all the pages, so I	09:17:03
2	broke them up into a smaller section.	09:17:08
3	So I took some of the exhibits and I put	09:17:10
4	them in a smaller notebook, but they're all --	09:17:12
5	they all came together. Like, for example, it	09:17:17
6	says EX1101 and it goes go on in the numbering of	09:17:19
7	the exhibits number and the documents in the	09:17:23
8	notebooks.	09:17:26
9	Q Okay. And when you mentioned materials	09:17:28
10	considered, if you would turn to pages -- turn to	09:17:30
11	page 7 of your declaration --	09:17:37
12	A Yes. By the way --	09:17:42
13	Q -- paragraph 18.	09:17:44
14	A -- I should just mention one more thing by	09:17:45
15	the way. I went ahead, just because I thought it	09:17:46
16	might be handy to printout a separate document	09:17:49
17	that just has the materials considered, thought it	09:17:53
18	might help me refer quickly to which document	09:17:57
19	we're talking about. I also printed out a copy of	09:18:00
20	the claim elements for the '251, the claim listing	09:18:03
21	appendix. So I just have a separate copy of those	09:18:08
22	so I can just quickly get to them if I need to.	09:18:12

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1	Q Thank you.	09:18:15
2	MR. FRIESEN: I will ask you and your	09:18:17
3	counsel if you could coordinate scanning and	09:18:20
4	uploading copies of those to the court reporter	09:18:25
5	when this is done just to confirm that those are	09:18:28
6	what he says they are.	09:18:31
7	MR. QUALEY: Are you just asking about	09:18:34
8	those two separate printouts?	09:18:35
9	MR. FRIESEN: Yes.	09:18:37
10	MR. QUALEY: Okay.	09:18:38
11	MR. FRIESEN: Those things that he -- I	09:18:39
12	mean, he is using them to -- to prepare and	09:18:40
13	organize himself and I don't have a problem with	09:18:45
14	that. We just want to have them in the record.	09:18:46
15	MR. QUALEY: I think -- and David, maybe	09:18:49
16	you can clarify. I think they are just excerpts	09:18:51
17	directly from the declaration just printed.	09:18:54
18	A That's right. All I did was printout	09:18:57
19	these pages from the declaration that starts with	09:18:59
20	claim listing appendix and -- and claims 1 through	09:19:01
21	25. I can show you there is no notes on here or	09:19:06
22	any highlights or anything, you know, if you like.	09:19:10

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1	We can go through all of these.	09:19:15
2	Q I -- I would just ask that we -- rather	09:19:17
3	than go through that while we're on the record,	09:19:21
4	just scan it and send it. Maybe -- maybe even	09:19:23
5	just scan it and send it by email and we can	09:19:26
6	decide whether or not it needs to be an exhibit.	09:19:28
7	I mean, I'm fine with that as well.	09:19:30
8	A I mean, the other one is the same. It is	09:19:32
9	the materials considered printed out from my	09:19:34
10	declaration. And you can see I just went through	09:19:36
11	all of it. There is no highlights or notes.	09:19:39
12	Q I understand. I'm not going to be able to	09:19:42
13	read it from the screen, that is all.	09:19:47
14	A Okay, just trying to be helpful.	09:19:51
15	Q I appreciate that.	09:19:54
16	If you would, please, just for ease of	09:20:05
17	reference, why don't you go ahead and pullout the	09:20:09
18	following exhibit numbers to have them handy.	09:20:13
19	Maybe these are the same ones in that smaller	09:20:16
20	notebook that you have.	09:20:19
21	A Okay.	09:20:20
22	Q Exhibit 1101, which is the '251 patent;	09:20:20

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1	Exhibit 1112, which is an issued U.S. Patent	09:20:28
2	Number 9,490,998 identified as Danciu; Exhibit	09:20:36
3	1114, which is a published application identified	09:20:45
4	as Mahajan Publication Number 2009/0248802; and	09:20:49
5	Exhibit 1115, which is a published application,	09:21:01
6	been identified as Aldrey and it is Publication	09:21:07
7	Number 2009/0172757.	09:21:10
8	A Yes. Those are in my smaller notebook.	09:21:24
9	If it is okay I will just leave them in that	09:21:26
10	notebook.	09:21:30
11	Q That is fine.	09:21:30
12	A Okay. I can pull them out if I need to.	09:21:31
13	Q Does that smaller notebook also include	09:21:36
14	Exhibit 1111 identified as Calvert Published	09:21:46
15	Application Number 2004/0078812?	09:21:54
16	A Yes.	09:22:01
17	Q Okay. And Mr. Lett, would you be more	09:22:02
18	comfortable referring to these exhibits by the	09:22:16
19	names of the first named inventor or by the	09:22:18
20	exhibit numbers?	09:22:22
21	A I think I prefer the first name of the	09:22:24
22	inventor.	09:22:27

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1	Q Okay. And so we will all understand that	09:22:29
2	the names that I referred to as I was listing them	09:22:34
3	identified the exhibits that we just talked about?	09:22:38
4	A That works for me.	09:22:42
5	Q All right. Can you please turn to in your	09:22:47
6	declaration, page 76, paragraph 152.	09:22:53
7	A I have it.	09:23:08
8	Q All right. And actually before we get	09:23:11
9	into this, I will just remind you if you at any	09:23:14
10	time you need a break to get up and stretch your	09:23:18
11	legs, get a drink of water, for whatever reason,	09:23:20
12	please let me know and we can accommodate that. I	09:23:24
13	ask only that you wait until after you've finished	09:23:26
14	answering my question before you take a break,	09:23:31
15	okay?	09:23:36
16	A Yes.	09:23:36
17	Q Great. All right. So back to paragraph	09:23:36
18	152.	09:23:42
19	The first sentence there it says, Danciu	09:23:49
20	teaches that the servers direct the messages in a	09:23:53
21	session from the remote control to the controlled	09:23:56
22	device. Did I read that correctly?	09:23:59

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1	A Yes.	09:24:00
2	Q And you cite several passages from Exhibit	09:24:02
3	1112 there, that is -- that is Danciu, correct?	09:24:18
4	A Yes, I think, hang on. Yes.	09:24:23
5	Q Let's take a quick look at the second	09:24:29
6	passage that you have cited there, column 7, lines	09:24:36
7	17 to 29.	09:24:41
8	A Okay, I have it.	09:25:01
9	Q All right. Take a moment to refresh your	09:25:02
10	memory about the text from lines 17 to 29 of	09:25:09
11	column 7 in Danciu, if you would, and let me know	09:25:15
12	when you are done.	09:25:18
13	A (Reviewing document.) Okay, I read it.	09:25:18
14	Q So that passage of Danciu is describing	09:26:48
15	the process of a user using the remote control 14	09:26:54
16	to send a message to the server 24, which then	09:27:04
17	sends the message to the controlled device 18. Is	09:27:11
18	that a correct summary?	09:27:15
19	A It is not necessarily the same message	09:27:17
20	that goes from the remote to the server as the one	09:28:22
21	that goes from the server to the controlled	09:28:27
22	device.	09:28:30

1	Q Let me ask a slightly different question	09:28:30
2	then.	09:28:32
3	That passage of Danciu is describing the	09:28:33
4	process of a user using the remote control to send	09:28:40
5	a message to the server, which then uses a unique	09:28:43
6	identifier to determine which controlled device to	09:28:50
7	send it to. And it then -- and the server then	09:28:57
8	sends a message to the controlled device based on	09:29:01
9	the unique identifier and the message from the	09:29:08
10	remote control. Is that a fair summary?	09:29:10
11	A Would you mind breaking that up into	09:29:15
12	sections for me, so I can go one-by-one with each	09:29:19
13	of those sections?	09:29:22
14	Q Certainly. In that passage there is a	09:29:23
15	sentence that begins, "for example," at about line	09:29:32
16	19. Do you see that?	09:29:37
17	A Yes.	09:29:43
18	Q And that sentence says, for example, a	09:29:43
19	user may actuate one of controls 30 of remote	09:29:45
20	control 14 to alter the content displayed on	09:29:48
21	display 38 of controlled device 18.	09:29:50
22	So in that sentence, it is simply saying	09:29:54

1	that the user is interacting with the remote	09:29:58
2	control 14 to actuate a control -- one of the	09:30:00
3	controls 30, correct?	09:30:07
4	A I'm not sure. Controls 30, okay, hang on.	09:30:10
5	Let me look at the diagram and make sure I know	09:30:21
6	what we're talking about.	09:30:25
7	Q I believe the diagram you would be looking	09:30:37
8	for is Figure 1.	09:30:39
9	A Okay, thank you.	09:30:44
10	Q To be clear my question really is at that	09:31:03
11	point in the process that is described in that	09:31:05
12	sentence, the remote control hasn't transmitted	09:31:06
13	anything to any other devices yet, correct?	09:31:11
14	A Well, there is a whole process of adding	09:31:15
15	in the remote control and controlled device to the	09:31:29
16	session as stated in the first sentence before	09:31:33
17	that, so...	09:31:36
18	Q All right. In -- in that sentence that is	09:31:38
19	describing the user actuating one of the controls,	09:31:44
20	that sentence is not specifically describing any	09:31:46
21	transmission of a control command by the remote	09:31:48
22	control. That doesn't happen until the next	09:31:51

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1	sentence, right?	09:31:53
2	A I'm sorry, can you restate the question?	09:31:56
3	I'm -- I don't quite understand.	09:32:21
4	Q Let me -- let me move on to the next	09:32:23
5	sentence quickly and we will -- we will talk about	09:32:25
6	these two together, that might make this easier.	09:32:28
7	So the next sentence in that passage	09:32:30
8	reads, remote control 14 transmits a control	09:32:33
9	message that includes the unique identifier of	09:32:36
10	remote control 14 to servers 24 via network 22.	09:32:39
11	Do you see that?	09:32:45
12	A I'm sorry, can you give me the line	09:32:45
13	number? I was having trouble finding it as you	09:32:49
14	were reading it.	09:32:51
15	Q Yes. It is still in column 7, beginning	09:32:51
16	on line 21. The last word of line 21 is "remote"?	09:32:57
17	A Okay, I see it.	09:33:04
18	Q You can go ahead and read that sentence to	09:33:05
19	yourself and let me know when you are done.	09:33:19
20	A (Reviewing document.) I see it, yes, I	09:33:24
21	read it.	09:33:40
22	Q All right. And so this -- these two	09:33:41

1	sentences, the one before that that we were	09:33:48
2	talking about before and then the sentence that	09:33:51
3	you just read, together those two sentences	09:33:53
4	describe a user actuating one of controls 30, and	09:33:58
5	then the next sentence says that the remote	09:34:05
6	control 14 transmits a control message to the	09:34:09
7	server or servers 24.	09:34:13
8	And as you read that, do you understand	09:34:19
9	that the control message in the second sentence is	09:34:20
10	referring to -- strike that, I will start that	09:34:24
11	question over again.	09:34:31
12	The first of those two sentences describes	09:34:32
13	a user interacting with the interface of the	09:34:37
14	remote control and then the second sentence	09:34:39
15	describing the remote control transmitting a	09:34:45
16	message to the server in response to the user's	09:34:47
17	interaction with the interface; is that generally	09:34:50
18	correct?	09:34:55
19	A I'm very sorry, I'm not sure about when	09:34:55
20	you say two sentences, which two sentences you are	09:35:02
21	talking about. If you could just go one-by-one I	09:35:05
22	would appreciate it.	09:35:08

1 Q All right. I will -- I would like you to 09:35:10
2 keep in mind what both of these two sentences say, 09:35:19
3 because they work together. And it seemed like 09:35:25
4 you were having some confusion around when I was 09:35:28
5 asking you about the first question -- the first 09:35:31
6 sentence alone, but we are talking about the two 09:35:33
7 sentences roughly from line 19 to line 24. 09:35:35

8 And the first of those two sentences 09:35:50
9 refers to a user actuating one of -- one of the 09:35:54
10 controls on a remote control, and the second 09:35:57
11 sentence refers to the remote control transmitting 09:36:01
12 a control message to the servers 24. 09:36:04

13 A Well, it says it is transmitting a control 09:36:15
14 message that includes a unique identifier, a 09:36:18
15 remote control 14 to servers 24 via the network 09:36:21
16 22. 09:36:25

17 Q Absolutely. Yes. I'm not trying to get 09:36:26
18 you to say that it says less than what it actually 09:36:30
19 says. I just want to make sure that we are 09:36:33
20 generally on the page of -- on the same page when 09:36:37
21 it comes to when the devices are sending messages 09:36:40
22 and where those messages are going. 09:36:45

1 So in the first sentence the one beginning 09:36:50
2 line 19 that describes the user interacting with 09:36:55
3 the interface of the remote control. And it 09:37:00
4 doesn't refer to -- it doesn't talk about any 09:37:03
5 messages being sent between devices yet; is 09:37:05
6 that -- is that correct? 09:37:10

7 A Well, the previous sentence is talking 09:37:11
8 about sending messages. And so it says, for 09:37:15
9 example. So you know it is talking about sending 09:37:19
10 messages. 09:37:23

11 Q It is. And this is where I'm trying -- 09:37:24
12 this is where we're trying to get to. That first 09:37:27
13 sentence -- the previous sentence, the one that 09:37:29
14 begins line 17, which is the beginning of the 09:37:33
15 passage that you cited, that says servers 24 09:37:38
16 receive messages from remote control 14 and 09:37:42
17 controlled device 18 and route the messages to 09:37:47
18 other members of the session. 09:37:49

19 Did I read that correctly? 09:37:53

20 A Yes. 09:37:54

21 Q Okay. And then the next sentence begins, 09:37:56
22 for example. And you understand that that means 09:38:02

1	it is providing an example of what the previous	09:38:05
2	sentence is describing?	09:38:10
3	A Well, the previous section I would say	09:38:12
4	more accurately.	09:38:14
5	Q Okay. So setting aside the fact that	09:38:15
6	there might be other messages that have been	09:38:27
7	previously sent and that there very well could be	09:38:29
8	other messages that are sent after, I'm -- when	09:38:34
9	we're just looking at the -- at what is described	09:38:39
10	in the sentence that begins on line 19, that	09:38:43
11	sentence by itself in isolation is not describing	09:38:49
12	any messages being sent, correct?	09:38:53
13	A I cited a whole bunch of cites in this	09:38:59
14	paragraph. I didn't -- I didn't rely on one	09:39:04
15	particular passage in isolation when I rendered my	09:39:10
16	opinion --	09:39:14
17	Q And I didn't say that you did, sir.	09:39:14
18	A -- in paragraph 152 of my declaration.	09:39:16
19	Q I didn't say that you did, sir.	09:39:17
20	I'm trying to get to the heart of how --	09:39:19
21	how each of these passages is used to support your	09:39:23
22	opinion. And I understand that the -- that the	09:39:26

1 passage as a whole describes messages. And I want
2 to drill down sentence-by-sentence and figure out
3 where in this passage which messages it is talking
4 about, which messages you're talking about and
5 relying on in your -- in that sentence, paragraph
6 152.

09:39:30

09:39:34

09:39:37

09:39:42

09:39:45

09:39:48

7 So why don't -- why don't we try that.

09:39:55

8 Why don't you tell me, column 7, line 17 to 29,

09:39:58

9 which messages in that passage are you talking

09:40:05

10 about in paragraph 152 as messages being directed

09:40:08

11 by the server from the remote control to the

09:40:14

12 controlled device?

09:40:16

13 A If you look at column 7, line 26, it says

09:40:37

14 servers 24 then routes the control message

09:40:41

15 controlled device 18.

09:40:45

16 Q Okay. So that is one of the messages that

09:40:52

17 you are referring to in that sentence in paragraph

09:40:55

18 152. Are there any others in that -- in that

09:40:57

19 passage that you are relying on, any other

09:41:00

20 messages that you are relying on to support your

09:41:05

21 statement about servers directing messages from

09:41:08

22 the remote control to the controlled device?

09:41:11

1 A So earlier in this -- in this section it 09:41:21
2 is talking about sending the message from the 09:41:26
3 remote to the server and sending another message 09:41:28
4 from the server to the controlled device. And I 09:41:31
5 think we can probably look at the other passages 09:41:38
6 in the other sections cited to see that that is 09:41:41
7 supported. That my statement that Danciu teaches 09:41:47
8 that the servers direct the message in a session 09:41:51
9 from the remote control to the controlled device. 09:41:55

10 Q Okay. And in this message there is the 09:41:57
11 message from the remote control to the server, and 09:42:07
12 there is the message from the server to the 09:42:11
13 controlled device. Are there any other messages 09:42:14
14 described in this section involving other devices? 09:42:16
15 Well, strike that, simplify the question. 09:42:24

16 Are there any other messages among the 09:42:26
17 remote control, the server and the controlled 09:42:32
18 device that are described in this passage, column 09:42:34
19 7, lines 17 to 29? 09:42:39

20 A Can you repeat the question? 09:43:03

21 Q You will understand we're still talking 09:43:11
22 about the same passage, column 7, lines 17 to 29; 09:43:13

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26

1	right?	09:43:17
2	A I can look.	09:43:17
3	Q We are still talking about the same	09:43:25
4	passage, right? Okay, clarifying that.	09:43:27
5	Other than the message from the remote	09:43:31
6	control to the server and the message from the	09:43:33
7	server to the controlled device, is this	09:43:35
8	describing any other messages?	09:43:41
9	A Why am I -- why am I limited to only	09:44:34
10	answering a question about one specific passage?	09:45:08
11	In the context of the statement I made in my	09:45:13
12	declaration, I included many passages including 6,	09:45:17
13	50 through 60; 8, 11 through 34; 10, 45 through	09:45:26
14	53; 15, 42 to 58; 16, 24 through 17, 12.	09:45:29
15	Q I still need you to answer the question.	09:46:01
16	A Well, line 17 says, servers 24 received	09:46:09
17	messages, plural, from the remote control and	09:46:50
18	controlled device and route the messages, plural,	09:46:54
19	to other members of the session.	09:46:59
20	Q Understood. And the rest of that passage	09:47:02
21	is describing an example of how the server does	09:47:07
22	that, correct?	09:47:11

1	A It is giving an example --	09:47:15
2	Q Right.	09:47:17
3	A -- of the user actuating one of the	09:47:18
4	controls of the remote control to alter the	09:47:21
5	contents of the display on the controlled device.	09:47:25
6	Q Right. And then after the user does that,	09:47:27
7	the remote control transmits a control message	09:47:33
8	that includes a unique identifier. And then after	09:47:36
9	that happens, that message is sent to the servers.	09:47:42
10	And the servers identified that remote control	09:47:45
11	using the unique identifier. And then without any	09:47:48
12	other messages being sent or received by the	09:47:55
13	server, the server then routes a control message	09:47:58
14	and we will set aside whether that control message	09:48:04
15	is the same or different for the time being, but	09:48:08
16	it then routes the control message to the	09:48:11
17	controlled device.	09:48:13
18	So let me ask you this way: In between	09:48:14
19	the server receiving a control message from the	09:48:22
20	remote control that contains the unique	09:48:26
21	identifier, and the server then routing the	09:48:30
22	control message to the controlled device, the	09:48:34

1 server doesn't need to receive any other 09:48:37
2 information or messages between those two events 09:48:40
3 in order to route the control message; is that 09:48:47
4 correct? 09:48:52

5 A I mean, it already said in the first 09:48:53
6 sentence of that paragraph the adding the remote 09:50:00
7 control and the controlled device to the session 09:50:03
8 it added the remote controlled device to the 09:50:07
9 session. So this session includes the routing 09:50:09
10 from the remote control to the controlled device. 09:50:17

11 Q That last sentence of the passage you 09:50:25
12 cited says servers 24 then routes the control 09:50:32
13 message to controlled device 18, which is also a 09:50:38
14 member of the session. 09:50:46

15 Do you understand from that that the 09:50:46
16 controlled device has to already be a member of 09:50:48
17 the session for this routing to work? 09:50:53

18 A Well, this paragraph is talking about 09:50:54
19 messages after the session has been established. 09:51:01

20 Q Right. So the session would not be 09:51:07
21 established -- let me -- let me strike that. 09:51:13

22 There is the sentence that begins line 21 09:51:16

1 of that column there that talks about the remote 09:51:21
2 control transmitting a control message to the 09:51:24
3 servers over the network. If the controlled 09:51:30
4 device is not already part of the session with the 09:51:33
5 remote control when a remote control transmits 09:51:40
6 that control message, the server wouldn't be able 09:51:44
7 to route the message correctly, correct? You 09:51:49
8 know, let me ask that in a simpler fashion. 09:52:06
9 The session needs to be established with 09:52:09
10 both the remote control and the controlled device 09:52:11
11 in order for the server to route messages as 09:52:13
12 described here, do you agree? 09:52:16
13 A The paragraph is talking about messages 09:52:18
14 after the session has been established and giving 09:52:28
15 examples. 09:52:34
16 Q And this particular example of routing 09:52:37
17 messages wouldn't work if the session had not 09:52:40
18 already been established, right? 09:52:45
19 A It is hard to say, because he's talking 09:52:46
20 about specifically messages, you know, being 09:52:49
21 routed after the session is established. 09:52:54
22 Q Right. 09:53:00

1	A I think you need to read the whole	09:53:00
2	reference and see if there is another method	09:53:03
3	described.	09:53:09
4	Q Yeah, setting aside whether there is some	09:53:11
5	other method described somewhere else in the	09:53:14
6	reference, this method here is a method for	09:53:16
7	transmitting messages after the session has been	09:53:19
8	established, correct?	09:53:21
9	A This is an example of sending messages	09:53:30
10	after the message -- after the session has been	09:53:33
11	established.	09:53:38
12	Q And because the session has already been	09:53:38
13	established, the server has all the information it	09:53:43
14	needs to route the message once it receives that	09:53:51
15	message that includes the control -- that includes	09:53:56
16	the unique identifier; is that right?	09:53:59
17	A So you know, as I stated in my	09:54:07
18	declaration, the server may -- may query a	09:55:16
19	database as stored in identification numbers to	09:55:19
20	determine which controlled device is associated	09:55:23
21	with the session that includes a remote control	09:55:26
22	identifier. The server then transmits the control	09:55:30

1	information to the intended controlled device.	09:55:34
2	Q So in that instance, the server would be	09:55:40
3	-- would be querying information from a database	09:55:43
4	to complete the routing?	09:55:46
5	A It is an example where he's querying the	09:55:51
6	database.	09:55:56
7	Q Yes.	09:55:58
8	A Yes.	09:55:59
9	Q And that database -- do you know where	09:56:00
10	that database would be located?	09:56:13
11	A At the server, servers 24a through 24n.	09:56:20
12	Q Okay. It wouldn't be located on the	09:56:42
13	remote control 14?	09:56:46
14	A I don't think that is what he describes.	09:56:48
15	Q It also wouldn't be located on the	09:57:01
16	controlled device 18?	09:57:02
17	A He's describing it in -- at the session --	09:57:08
18	at the server I mean, the database.	09:58:07
19	Q Okay. In that sentence you read about	09:58:11
20	querying a database from your declaration, that is	09:58:17
21	a -- that is a quote from Danciu, correct?	09:58:20
22	A I think so, yes, 16, 56 through 61.	09:58:23

1 Q And that is part of a larger passage that 09:58:30
2 you cited in support of the previous sentence, 09:58:33
3 correct? 09:58:36

4 A I mean, it seems to be those exact line 09:58:36
5 numbers for that quote, unless I'm mistaken. 56 09:59:08
6 starts with, "for example," and 61 ends with 09:59:13
7 device 18, 210. 09:59:21

8 Q In that instance where a server is 09:59:27
9 querying a database that is also stored on the 09:59:38
10 server, the server is still -- the server is still 09:59:40
11 responsible for the routing once it receives the 09:59:50
12 control message from the remote control that 09:59:53
13 includes the unique identifier, correct? 09:59:55

14 A In this particular passage that is what it 10:00:02
15 is talking about. I don't know if Danciu is 10:00:54
16 limited to that. I would need to look to see if 10:00:58
17 there is other ways described. 10:01:02

18 Q All right. Let's go on to paragraph 153 10:01:06
19 of your declaration. And in that first sentence 10:01:14
20 you say, Danciu discloses using the session 10:01:31
21 identification numbers to route the messages to 10:01:34
22 other members of the session. 10:01:37

1	And that is -- that is referring to the	10:01:43
2	passage that we discussed from column 7, correct?	10:01:50
3	A Yes.	10:01:54
4	Q And again, in this example, Danciu is	10:01:55
5	describing the server using the routing	10:02:02
6	information from -- that it already has about the	10:02:09
7	session and the information contained in the	10:02:13
8	control message to route the control message; is	10:02:15
9	that correct?	10:02:23
10	A I mean, he's talking about using session	10:02:23
11	identification numbers to route the messages.	10:02:40
12	Q And because the session has already been	10:02:47
13	established, those session identification numbers	10:02:49
14	are already, you know, the server already has	10:02:53
15	those either in memory or in the database,	10:02:56
16	correct?	10:03:04
17	A I mean, it has a database of stored	10:03:04
18	identification numbers to control -- to determine	10:03:07
19	which controlled device is associated with this	10:03:09
20	session that includes the remote identifier.	10:03:13
21	Q Right. So that is describing sort of how	10:03:19
22	it keeps that information, but bottom line is it	10:03:21

1	has that information, right?	10:03:25
2	A I think I answered.	10:03:25
3	Q So still in paragraph 153 of your	10:03:31
4	declaration the next two sentences, not including	10:04:29
5	the citations as separate sentences. The next two	10:04:37
6	sentences you describe -- well, in your words, you	10:04:41
7	describe that there may be separate messages from	10:04:51
8	the remote control to the server and from the	10:04:54
9	server to the controlled device and then you	10:04:57
10	provide an example.	10:05:06
11	When you say "separate messages" there --	10:05:18
12	well, strike that.	10:05:25
13	In the last sentence when you are quoting	10:05:31
14	from Danciu, server 24 may process and/or	10:05:34
15	repackage the control information of the message	10:05:38
16	into a new message, does the server receive any	10:05:41
17	other message after it receives the message from	10:05:50
18	the controlled device that has the control	10:05:55
19	information or -- sorry, strike that.	10:05:58
20	Does the server receive any other message	10:06:00
21	after it receives the control information from the	10:06:08
22	remote control in order to process and/or	10:06:12

1 repackage the control information?

10:06:22

2 A I mean, as I state in paragraph 154 the
3 received messages include a session identifier and
4 control information generated by the remote
5 control for the controlled device. And this
6 section is talking about identifying a particular
7 media player for the video content.

10:06:26

10:06:52

10:06:54

10:06:57

10:07:00

10:07:02

8 Q Okay. So are you telling me that the
9 process and/or repackaging might require multiple
10 messages from the remote control to the server to
11 effectuate?

10:07:06

10:07:17

10:07:21

10:07:26

12 A To effectuate what?

10:07:32

13 Q The processing and/or repackaging?

10:09:42

14 A So at this point where, as shown in Figure
15 1 of Danciu illustrates, the same video is playing
16 on the remote control and on the controlled device
17 as you can see by the same picture shown in that
18 diagram on -- on 26 and 38.

10:09:51

10:10:22

10:10:28

10:10:33

10:10:42

19 Q That doesn't -- that doesn't answer my
20 question at all.

10:10:49

10:10:52

21 I'm trying to get at -- all right.

10:10:53

22 Let's take a -- let's back up a bit here,

10:11:02

1 because I want to get a sort of general -- the 10:11:07
2 general breakdown of your paragraphs 152 and 10:11:14
3 paragraphs 153. Paragraph 152 we've talked about 10:11:19
4 that and you're describing the server directing 10:11:28
5 messages in a session from the remote control to 10:11:33
6 the controlled device, right? 10:11:36

7 A That's the first sentence of the 10:11:39
8 paragraph. 10:11:44

9 Q Right. And in paragraph 153, you are 10:11:44
10 describing the server, in your opinion, might send 10:11:48
11 a different message or a separate message from -- 10:11:59
12 from the server to the controlled device, which is 10:12:04
13 to say something that is different from the 10:12:09
14 message it received from the remote control. Is 10:12:11
15 that generally correct? 10:12:20

16 A Yes. 10:12:22

17 Q Between these two paragraphs, we've got 10:12:48
18 two functions that the server is performing at 10:12:55
19 least. One is routing the message and the other 10:12:58
20 is what you quote as processing and/or repackaging 10:13:05
21 the control information. 10:13:10

22 Do you agree that those are two functions 10:13:15

1	the server is performing as you describe it?	10:13:17
2	A I think that is what I said in those two	10:13:21
3	paragraphs.	10:13:27
4	Q Okay.	10:13:30
5	A I would say rather than routing -- I mean,	10:13:35
6	the server is receiving the message from the	10:13:37
7	remote control.	10:13:41
8	Q And it is -- let's say it is -- it is	10:13:46
9	routing the control information whether that	10:13:55
10	information has been processed, repackaged or	10:13:57
11	otherwise altered, it is -- it is routing some	10:14:00
12	information to convey the -- the user's control to	10:14:05
13	the control -- to the controlled device. Is that	10:14:12
14	what you are saying?	10:14:18
15	A I'm sorry, the question is a little bit	10:14:19
16	confusing. Would you mind rephrasing it?	10:15:54
17	Q So you corrected yourself and said rather	10:15:57
18	than routing I mean, the server is receiving the	10:16:14
19	message from the remote control.	10:16:17
20	And I just want to be clear that the	10:16:22
21	server isn't just receiving the message from the	10:16:26
22	remote control, it is also sending a message to	10:16:28

1 the controlled device, right? 10:16:30

2 A Right, that is, like I stated in paragraph 10:16:38

3 152, Danciu teaches that the servers direct the 10:16:41

4 message in a session from the remote control to 10:16:46

5 the controlled device. 10:16:48

6 Q Okay. And so that is one of the functions 10:16:50

7 being performed by the server in these paragraphs 10:16:53

8 152 and 153. Another function that is being 10:16:57

9 performed by the server is described in the last 10:17:03

10 sentence of paragraph 153 where you quote from 10:17:06

11 Danciu saying server 24 may process and/or 10:17:12

12 repackage the control information of the message 10:17:15

13 into a new message, right? 10:17:17

14 A Yes, that is what I said. 10:17:20

15 Q Okay. And Danciu describes the server 10:17:26

16 performing both of these functions based on 10:17:43

17 receiving messages from the remote control; is 10:17:45

18 that right? 10:17:52

19 A At least from the remote control. 10:17:52

20 Q Can you point me to any description in 10:18:16

21 Danciu that shows that the server needs any other 10:18:18

22 information in order to perform these functions? 10:18:24

1 A So as I've described later, I'm talking
2 about how that the video file to be acted upon is
3 identified, and the particular media player is
4 identified.

5 Q And are those -- are you saying that the
6 video file is identified and the particular media
7 player is identified, that those two pieces of
8 information come from something other than a
9 message from the remote control?

10 A The description in the opinion I rendered
11 talks about that the same video content is playing
12 on both the remote and the controlled device. And
13 the command, whether it be play, stop or whatever,
14 is associated with that video. And in order to
15 work with a particular media player, the command
16 sometimes need to be translated for the particular
17 media platform of the controlled device for
18 display.

19 MR. FRIESEN: Move to strike the answer as
20 nonresponsive.

21 Q I am asking you whether or not the server
22 needs any information that comes from any source

10:18:33

10:18:39

10:18:51

10:19:03

10:19:07

10:19:13

10:19:16

10:19:20

10:19:23

10:19:28

10:19:44

10:19:48

10:19:56

10:20:03

10:20:16

10:20:27

10:20:33

10:20:38

10:20:45

10:20:47

10:20:48

10:20:56

1 other than a message from the remote control to 10:21:03
2 the server, in order to direct the message from 10:21:06
3 the remote control to the server or from the 10:21:14
4 remote control to the controlled device or to 10:21:17
5 process and/or repackage the control information. 10:21:23

6 So does the server need information that 10:21:29
7 comes from any source other than a message from 10:21:34
8 the remote control to do those things? 10:21:36

9 A So a user would using a remote control and 10:21:44
10 the interface there look and search for what video 10:24:01
11 he would like to watch and select a video and 10:24:07
12 start playing -- and select to start playing a 10:24:13
13 video, for example. 10:24:16

14 So there are other messages going to the 10:24:21
15 server. And at least the one selecting the video 10:24:25
16 to be watched from the available content and there 10:24:30
17 probably are more, but I can't think of any at 10:24:38
18 this time. 10:24:44

19 Q And that message -- 10:24:44

20 A I'm sure there is more. 10:24:45

21 Q And that message going -- strike that. 10:24:46

22 That message selecting a video to be 10:24:52

1	watched, that is a message from the remote control	10:24:58
2	to the server, correct?	10:25:03
3	A It is really an interactive session. So	10:25:06
4	in order to select a video to watch, the user	10:25:10
5	interface on the remote device, remote control I	10:25:15
6	should say has to receive messages from the server	10:25:20
7	indicating all the titles that are available to	10:25:26
8	watch, for example.	10:25:32
9	Q Let's go through --	10:25:43
10	A And they may select, okay, I'm not	10:25:43
11	interested in those titles, I want to see another	10:25:45
12	title -- set of titles, like, whether it be	10:25:47
13	YouTube or Hulu or whatever. I might want to go	10:25:51
14	navigate through all the choices of videos that	10:25:56
15	are -- that are potentially available for watching	10:25:59
16	using many messages between the server and the	10:26:03
17	remote to select the messages to be watched or,	10:26:06
18	excuse me, the video to be watched.	10:26:12
19	Q So you're describing messages going back	10:26:14
20	and forth between the server and the remote about	10:26:23
21	the user's content selection and the user's --	10:26:29
22	whatever the control information refers to and the	10:26:36

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1	unique identifier for the session. Those -- those	10:26:41
2	are all pieces of information sent from the remote	10:26:48
3	control to the server during that back and forth,	10:26:51
4	correct?	10:27:09
5	A Yes.	10:27:09
6	Q And at a certain point the server has	10:27:09
7	enough information to then direct a message to the	10:27:14
8	controlled device, correct?	10:27:19
9	A I thought we were talking about the	10:27:24
10	messages between the remote and the server.	10:27:29
11	Q Well, we are talking about the messages	10:27:32
12	from the remote control that are -- we're talking	10:27:38
13	about the messages that the server directs from	10:27:43
14	the remote control to the controlled device.	10:27:45
15	And so at a certain point in this back and	10:27:51
16	forth between the remote control and the server,	10:27:55
17	the server has enough information to direct a	10:27:58
18	message from the remote control to the controlled	10:28:02
19	device, correct?	10:28:05
20	A Yes.	10:28:07
21	Q And when it has enough information to do	10:28:09
22	that, the server just does it, right?	10:28:14

1 A There is more to it than just does it, 10:28:18
2 right. 10:28:28

3 Q The server initiates the processes that 10:28:30
4 are required to direct the message, but at the end 10:28:35
5 of those processes the server directs the message? 10:28:40

6 A Again, it is a different message. So 10:28:44
7 oftentimes translated from a universal command to 10:28:48
8 a specific command at the controlled -- to the 10:28:53
9 controlled device that is associated with the 10:28:59
10 media player or the platform. 10:29:06

11 MR. FRIESEN: Objection, strike as 10:29:13
12 nonresponsive everything after "different 10:29:15
13 message." 10:29:18

14 Q The server initiates the processes 10:29:25
15 required to direct a message to the controlled 10:29:27
16 device and that results in a message being sent to 10:29:32
17 the controlled device, correct, whatever message 10:29:37
18 that is? 10:29:44

19 A So as I've stated, the servers direct the 10:29:44
20 message in a session from the remote control to 10:30:08
21 the controlled device. 10:30:10

22 Q And my question is is there an 10:30:19

1 intermediary step between the server receiving all
2 the information it needs from the remote control
3 and the server transmitting a message to the
4 controlled device? Yes or no, is there an
5 intermediary step?

10:30:24

10:30:30

10:30:36

10:30:45

10:30:51

6 MR. QUALEY: Objection, form.

10:30:53

7 A As I've stated, the server system converts
8 universal commands from the remote control into a
9 new command sent to the controlled device.

10:31:02

10:31:15

10:31:22

10 Q When you say that you have stated that,
11 are you referring to the section of your
12 declaration that begins on page 90, paragraph 179?

10:31:31

10:31:38

10:31:40

13 A That is the section where I'm talking
14 about converting the universal playback command in
15 a corresponding programming code.

10:32:19

10:32:22

10:32:25

16 Q Okay. And so you're saying that that is
17 an intermediary step. Without getting into what
18 that -- what happens during that intermediary
19 step, are there any other intermediary steps that
20 need to happen before the server transmits the
21 message to the controlled device?

10:32:29

10:32:38

10:32:43

10:32:51

10:32:54

10:32:56

22 A So my declaration talks about lots of

10:33:08

1 things that have to happen between -- from the
2 server system to the display device.

3 Q Does your declaration cover all of the
4 intermediary steps that have to happen between the
5 server receiving information -- the information
6 from the remote control and then transmitting
7 control information to the controlled device in
8 Danciu?

9 A I don't believe I rendered an opinion on
10 that. I would need to think about that and study.
11 It is not something I would like to answer on the
12 fly.

13 Q All right. But as you're sitting here,
14 you can't think of anything else?

15 A I don't believe I rendered an opinion on
16 that. I would like for you to ask me about my
17 declaration.

18 Q You reviewed the prior art in preparing
19 your declaration, correct?

20 A Yes.

21 Q And you reviewed the Danciu reference in
22 preparing your declaration, correct?

10:33:58

10:34:02

10:34:21

10:34:24

10:34:29

10:34:32

10:34:39

10:34:44

10:34:48

10:35:11

10:35:16

10:35:18

10:35:19

10:35:22

10:35:25

10:35:26

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10:35:37

10:35:38

10:35:43

1	A Yes.	10:35:44
2	Q And you described the disclosure of the	10:35:46
3	Danciu reference in your declaration, correct?	10:35:50
4	A Yes.	10:35:53
5	Q And so I'm asking you questions about the	10:35:56
6	disclosure of the Danciu reference to determine	10:36:01
7	whether or not your declaration accurately	10:36:06
8	describes those parts of the disclosure. Do you	10:36:10
9	believe your declaration accurately describes the	10:36:15
10	process that happens as disclosed in Danciu when	10:36:19
11	the server directs control information from the	10:36:27
12	remote control to the controlled device?	10:36:33
13	A Yes.	10:36:36
14	Q To your knowledge, does your declaration	10:36:42
15	omit any part of that process disclosed in Danciu?	10:36:48
16	A I don't know. I believe that might be a	10:36:57
17	new opinion that I would need to study Danciu with	10:37:00
18	specific focus on that question.	10:37:05
19	Q So at present you don't have an opinion	10:37:11
20	whether you omitted any part of the process by	10:37:14
21	which the server directs control information from	10:37:20
22	the remote control to the controlled device in	10:37:23

1	Danciu?	10:37:27
2	A So my declaration used Danciu in	10:37:28
3	combination with Mahajan in this section as well	10:37:39
4	as the other combinations in the declaration.	10:37:46
5	Q And you understand that a combination of	10:37:56
6	references is talking about a combination of the	10:37:59
7	teachings disclosed in each of those references,	10:38:06
8	correct?	10:38:15
9	A Yes.	10:38:15
10	Q So the disclosure of Danciu is relevant to	10:38:17
11	the combination of Danciu and Mahajan, correct?	10:38:25
12	A Danciu is used for the architecture of the	10:38:30
13	system as we've been describing. We used Mahajan	10:38:34
14	for describing one method of translating commands	10:38:43
15	from one format to another.	10:38:55
16	MR. FRIESEN: Move to strike as	10:39:01
17	nonresponsive.	10:39:03
18	Q The disclosure of each reference in a	10:39:06
19	combination is relevant to what that combination	10:39:12
20	-- strike that.	10:39:20
21	Mr. Lett, you're not an attorney, are you?	10:39:20
22	A I am not.	10:39:51

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Conducted on October 22, 2024

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1	Q When it comes to an understanding of the	10:39:52
2	law of obviousness, did you rely on instructions	10:40:00
3	from your attorney? And by "your attorney" in	10:40:06
4	this instance I mean the attorneys representing	10:40:17
5	Comcast in this proceeding.	10:40:19
6	A So the declaration, it is mine, was a	10:40:21
7	collaborative document with attorneys. And on	10:41:12
8	paragraph 24, for example, I'm stating that I	10:41:23
9	understand that a showing of obviousness, to begin	10:41:33
10	that section. That section was written by my	10:41:37
11	attorneys.	10:41:45
12	Q And did you review that section in	10:41:48
13	reaching your opinions?	10:41:50
14	A Yes.	10:41:54
15	Q And did you do your best to follow the --	10:41:54
16	did you do your best to apply the understanding	10:42:01
17	described in those sections?	10:42:04
18	A I did.	10:42:07
19	Q And in paragraph 24 you state, I	10:42:07
20	understand that in consideration of the -- of the	10:42:22
21	issue of obviousness, it is important to identify	10:42:26
22	whether a reason existed at the time of the	10:42:28

1 invention that would have led a person of ordinary
2 skill in the pertinent art to combine elements of
3 the references in a way that yields the claimed
4 invention.

10:42:31

10:42:33

10:42:37

10:42:40

5 Do you see that?

10:42:43

6 A Yes.

10:42:44

7 Q And when it refers to "elements of the
8 references," do you agree that is referring to the
9 disclosure of those references?

10:42:44

10:42:48

10:42:54

10 A Yes.

10:42:59

11 Q And it also mentions a reason that would
12 have led a person of ordinary skill in the
13 pertinent art to combine those elements again
14 referring to the disclosure. Do you see that?

10:43:00

10:43:13

10:43:16

10:43:21

15 A Yes.

10:43:27

16 Q And if you would turn the page and look at
17 paragraph 27.

10:43:27

10:43:35

18 A Yes, but you didn't finish the sentence on
19 that paragraph that says, to combine elements of
20 the reference in a way that yields the claimed
21 invention.

10:43:37

10:43:42

10:43:46

10:43:49

22 Q And that refers to the claimed invention

10:43:51

1 of the '251 patent in this case?

10:43:53

2 A That's right. That is why I'm having
3 trouble answering your previous question, because
4 I was looking at the pertinent art to combine
5 elements of the references in a way that yields
6 the claimed invention per that last part of that
7 sentence.

10:43:56

10:44:02

10:44:07

10:44:11

10:44:14

10:44:20

8 Q The things that are being combined are
9 elements disclosed in the references, correct?

10:44:26

10:44:29

10 A Yes.

10:44:41

11 Q So it does matter whether we're looking at
12 -- strike that.

10:44:42

10:44:49

13 So what is disclosed in the references you
14 considered is an important consideration as part
15 of your analysis, correct?

10:44:49

10:44:53

10:44:56

16 A Yes, in a way that yields the claimed
17 invention.

10:45:01

10:45:06

18 Q Right. And if it discloses something in a
19 different way, that would matter too?

10:45:11

10:45:14

20 A It might describe multiple ways including
21 a different way, but if it describes the elements
22 in -- the references in a way that yields the

10:45:22

10:45:26

10:45:29

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Conducted on October 22, 2024

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1	claimed invention that is what I think we're	10:45:34
2	interested in for this analysis and this	10:45:35
3	disclosure.	10:45:39
4	MR. QUALEY: Counsel, we've been going	10:45:42
5	about an hour and a half. Do we have a break	10:45:44
6	coming up?	10:45:46
7	MR. FRIESEN: Yes, I was actually about to	10:45:46
8	suggest we take a break now.	10:45:48
9	A Actually that might be good for me, too.	10:45:49
10	Are we breaking for lunch?	10:45:53
11	MR. MEEKER: It is 11:45.	10:45:58
12	MR. FRIESEN: It is 11:45 Eastern, I	10:45:59
13	apologize. I'm Central Time, so I lost track of	10:46:01
14	that fact for you.	10:46:04
15	Sure, we can take a break for lunch, but	10:46:07
16	in the interest of trying to get it all done as	10:46:12
17	quickly as we can, can we keep it to, you know, 30	10:46:15
18	to 40 minutes for lunch?	10:46:18
19	THE WITNESS: I'm not sure I have -- this	10:46:21
20	is -- I don't know if this has to go on the	10:46:24
21	record, but I have Uber Eats coming between 11:45	10:46:27
22	and 12:15.	10:46:29

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Conducted on October 22, 2024

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1	VIDEOGRAPHER: Counsel, do you want to go	10:46:32
2	off record?	10:46:33
3	MR. FRIESEN: Let's go off the record.	10:46:33
4	VIDEOGRAPHER: We are going off the	10:46:35
5	record. The time is 10:46 a.m.	10:46:36
6	(Recess, 10:46 to 11:31 a.m.)	10:46:38
7	VIDEOGRAPHER: We are going back on the	11:31:31
8	record. The time is 11:31 a.m.	11:31:36
9	Q Welcome back, Mr. Lett. During the break	11:31:37
10	did you speak with anyone about your testimony so	11:31:44
11	far today?	11:31:48
12	A No.	11:31:49
13	Q All right. Let's proceed.	11:31:51
14	Would you -- we will talk about your	11:32:04
15	declaration some more, and I would like you to	11:32:11
16	turn to page 120 of your declaration.	11:32:13
17	A Okay.	11:32:35
18	Q And on page 120 -- hold on, give me just a	11:32:36
19	moment. My apologies, I will start over.	11:32:48
20	On page 120 you will see paragraph 270 and	11:32:50
21	an annotated copy of Figure 1 from, I believe,	11:33:00
22	that is from Aldrey; is that correct?	11:33:03

1	A Yes.	11:33:05
2	Q All right. And here I note in annotated	11:33:10
3	Figure 1 and paragraph 270 you identify STB -- you	11:33:20
4	identify a set-top box. It says, well -- strike	11:33:29
5	that.	11:33:34
6	It says, it refers to STB 101 in paragraph	11:33:35
7	270 of your declaration. Do you see that?	11:33:39
8	A Yes.	11:33:41
9	Q And STB stands for set-top box; is that	11:33:41
10	correct?	11:33:46
11	A Yes.	11:33:46
12	Q And if you look at Figure 1, there are	11:33:47
13	actually several set-top boxes 101a, 101b, 101n.	11:33:53
14	Do you see that?	11:34:03
15	A Yes.	11:34:04
16	Q And when you referred to STB 101, are you	11:34:05
17	distinguishing any one of those set-top boxes from	11:34:14
18	the others?	11:34:18
19	A Well, they're all called STBs, right, STB	11:34:29
20	101. But the user premises ones, 119, that are	11:34:38
21	identified as "a" and "b" are, you know, generally	11:34:43
22	considered at a -- at a residence. So not the	11:34:48

1	same residence, right, but at a residence as	11:34:53
2	opposed to just part of the work group, so those	11:34:56
3	are a little different --	11:34:59
4	Q Okay.	11:35:01
5	A -- in the diagram.	11:35:02
6	Q And for purposes of your opinion -- well,	11:35:03
7	strike that I will move on.	11:35:11
8	You're identifying one of those STBs as	11:35:13
9	being the display device for purposes of the	11:35:17
10	claim?	11:35:20
11	A Yeah, the discussion is about the one in	11:35:22
12	red, which is the one labeled 101a.	11:35:24
13	Q Okay. And I note that there is another	11:35:29
14	set-top box that is identified as 101n that has a	11:35:36
15	remote application 113c shows that it is on there?	11:35:45
16	A Yes.	11:35:50
17	Q Is it your understanding that any one of	11:35:50
18	these set-top boxes 101 could have a remote	11:35:54
19	application 113c?	11:35:58
20	A Yes.	11:36:02
21	Q And that includes the one you identified	11:36:03
22	as red?	11:36:04

1	A Yes.	11:36:05
2	Q And you also identify a remote -- sorry, a	11:36:08
3	remote application running on an end terminal 107	11:36:19
4	as a personal computing device and it is annotated	11:36:26
5	in blue. Do you see that?	11:36:30
6	A Yes.	11:36:31
7	Q And in your -- in your discussion of	11:36:32
8	Aldrey, the -- are both of those part of the -- of	11:36:42
9	what you considered to be the personal computing	11:36:49
10	device, both the end terminal 107 and the remote	11:36:50
11	application 113b?	11:36:56
12	A I think the personal computing device is	11:37:08
13	107 and the software running on the device 107 is	11:37:10
14	the remote application. It is the application	11:37:20
15	running on the device.	11:37:21
16	Q So it is an application running on the	11:37:26
17	device that you identify as the personal computing	11:37:28
18	device?	11:37:30
19	A In the case of -- yes, that block that's	11:37:35
20	enclosed includes 107 and 113b.	11:37:38
21	Q And if you will turn the page just one	11:37:40
22	page, the next page has paragraph 271. And above	11:37:58

1	it an annotated copy of Figure 2 from Aldrey. Do	11:38:04
2	you see that?	11:38:10
3	A Yes.	11:38:10
4	Q And in this figure there is a -- a set-top	11:38:10
5	box 201 that includes several components of the	11:38:22
6	set-top box, but all within one larger box	11:38:28
7	identified as set-top box 201?	11:38:34
8	A Yes.	11:38:36
9	Q What is the relationship between Figure 2	11:38:37
10	-- Figure 2 and Figure 1?	11:38:51
11	A Well, part of it is showing the elements	11:38:57
12	inside set-top box. It is labeled 201 here, but	11:39:08
13	it means 101. So it is essentially a more	11:39:13
14	detailed diagram of the inside of the set-top box.	11:39:16
15	Q So it is a more detailed depiction of the	11:39:23
16	inside of the same set-top box that was in Figure	11:39:26
17	1?	11:39:30
18	A Yes.	11:39:30
19	Q That is showing -- it is showing different	11:39:30
20	interactions that that set-top box can have with	11:39:38
21	the other components that are displayed -- that	11:39:42
22	are depicted around it?	11:39:45

1	A I mean, it shows arrows with -- indicating	11:39:49
2	communication to other devices as shown in the	11:39:56
3	diagram.	11:40:00
4	Q And one of those devices is 207, which	11:40:08
5	corresponds to the end terminal 107 on the	11:40:21
6	previous page?	11:40:25
7	A Yes.	11:40:25
8	Q And so remote application 209b corresponds	11:40:39
9	with remote application 113b?	11:40:47
10	A Yes.	11:40:51
11	Q And there is also a server 205 on page 121	11:40:52
12	on Figure 2 and it shows remote application 209a	11:41:01
13	on the server 205, do you see that? This is	11:41:06
14	Figure 2, page 121.	11:41:12
15	A Would you mind repeating that?	11:41:41
16	Q Yeah. Please look at page 121 of your	11:41:59
17	declaration and there is a copy of Figure 2 from	11:42:03
18	Aldrey. And at the bottom in the center there is	11:42:09
19	a box that says server 205. Do you see that?	11:42:12
20	A Yes.	11:42:15
21	Q And that server 205 -- strike that.	11:42:16
22	The figure also shows remote application	11:42:23

1	209a and there is -- and it is next to server 205.	11:42:25
2	Do you see that?	11:42:34
3	A Yes.	11:42:35
4	Q And there is little dashed lines from the	11:42:37
5	remote application indicating that it is running	11:42:42
6	on server 205, correct?	11:42:45
7	A I would like to refer to the text	11:42:50
8	describing that section to make sure that is	11:42:53
9	exactly what Aldrey is talking about in that	11:42:56
10	section.	11:42:59
11	Q Okay. I believe paragraph 42 is the	11:43:02
12	beginning of the discussion of Figure 2.	11:43:28
13	A So the remote application is shown running	11:44:53
14	on 107 and 101, 1 through -- "a" through "n" and	11:44:59
15	also server 105. So the remote application runs	11:45:11
16	on all of those devices.	11:45:17
17	Q Right. So there is a remote application	11:45:23
18	on the end terminal 107 that corresponds to the	11:45:36
19	remote application on end terminal 207 in Figure	11:45:41
20	2, correct?	11:45:45
21	A Yes.	11:45:45
22	Q And remote application 209a in Figure 2	11:45:50

1	corresponds to remote application 113a in Figure	11:45:58
2	1, correct?	11:46:02
3	A That's right.	11:46:06
4	Q Okay. Figure 2, 209c is a remote	11:46:06
5	application and it indicates that it is on	11:46:35
6	display -- well, it shows 209c running on an image	11:46:38
7	from display 219. So the image is 219, the	11:46:46
8	display is 221. Do you see that?	11:46:52
9	A No.	11:46:55
10	Q Do you see the box that says remote	11:47:33
11	application and it is --	11:47:35
12	A Okay, I see it now.	11:47:42
13	Q -- within where it says 219?	11:47:43
14	A Yes, I had trouble finding 219, but I see	11:47:46
15	it now.	11:47:50
16	Q Okay. So where is that remote application	11:47:50
17	running, the remote application 209c?	11:48:09
18	A It is running on set-top box.	11:48:15
19	Q Okay. So your opinion is that 209c is	11:48:24
20	running on the set-top box 201. Is it also your	11:48:26
21	opinion that it corresponds to remote application	11:48:29
22	113c in Figure 1?	11:48:32

1 A Yes, however, you know, they don't show
2 all the boxes and so on. You know, Figure 1 is
3 more high level than Figure 2.

4 Q Okay. Now, in paragraph 272 you say
5 Aldrey teaches that the remote application which
6 can be connected via the internet may be loaded as
7 an overlay on the media content in order to
8 control the media being displayed. That is 272 --
9 paragraph 272 of your declaration. Do you see
10 that?

11 A Yes.

12 Q Which remote application are you talking
13 about?

14 A So the remote application can run on any
15 of the devices as we talked about. And as I
16 describe in Section 12.22.4, which is referenced
17 by paragraph 272, we're talking about the remote
18 application running on the presentation device.

19 Q Okay. So the remote application that you
20 are talking about in paragraph 272 is the remote
21 application running on the set-top box?

22 A Again, the remote application can run on

1 the set-top box, on the server and on 207 which is

11:51:59

2 the -- what is the word he uses for 207, on 207.

11:52:21

3 Q I want to understand what you're trying to
4 say. Are you saying that there is one application
5 that is running on three different devices or are
6 you saying that there is one application running
7 simultaneously on different devices?

11:52:35

11:52:37

11:52:41

11:52:46

11:52:50

8 A I'm not sure if Aldrey discloses if it is
9 the same application running on all three devices,
10 but I have no reason to think that it would be
11 different.

11:52:59

11:53:01

11:53:05

11:53:15

12 Perhaps it could be an application that
13 supports a lot of features and functionalities.
14 And subsets are used on the particular devices
15 that you want to use, but clearly in Section
16 12.22.4 I'm talking about the remote application
17 running on the presentation device.

11:53:15

11:53:18

11:53:21

11:53:26

11:53:34

11:53:41

18 Q And again, when you say "presentation
19 device," you are referring to the set-top box?

11:53:48

11:53:54

20 A Well, Aldrey shows more than set-top boxes
21 as presentation devices, so, you know, for the
22 sake of the argument regarding the claim that

11:54:00

11:54:04

11:54:09

1 we're addressing in Section 12.22.4, the one we're
2 pointing out is the media player playing on the
3 display device, which could be the set-top box,
4 right? It could be other things in Aldrey's
5 architecture.

6 And, you know, I referred to a display
7 device red as a set-top box, so -- but it is not
8 limited to that, but that is the one I'm pointing
9 out.

10 Q I want to go back to your -- you said an
11 application that supports a lot of features and
12 functionalities and subsets are used on the
13 particular devices that you want to use.

14 I want to understand what you mean when
15 you say that. Are you saying that there would be
16 essentially subsets of features and
17 functionalities on -- within each of the remote
18 applications A, B and C that all work together
19 with each other?

20 A What I was trying to point out is that the
21 remote application runs on different devices. And
22 that could be different remote applications or

11:54:18

11:54:24

11:54:37

11:54:46

11:54:51

11:54:59

11:55:00

11:55:05

11:55:08

11:55:11

11:55:49

11:55:51

11:55:54

11:55:59

11:56:03

11:56:15

11:56:20

11:56:28

11:56:35

11:56:39

11:56:53

11:56:59

1 that could be the same remote application and that
2 is based on the knowledge of a POSITA. I'm not
3 disclosing that Aldrey describes either one of
4 those methods. Disclosing may not be the right
5 word. I'm not sure Aldrey describes either one of
6 those methods. I was just talking from the point
7 of view of a POSITA based on looking at and
8 reading Aldrey.

11:57:02
11:57:06
11:57:18
11:57:22
11:57:35
11:57:38
11:57:41
11:57:46

9 Q Let's take a look at Aldrey. If you can
10 go ahead and pull that one up. And on page 13
11 using the numbers at the bottom of paragraph 38 in
12 the left column about halfway down the page?

11:58:02
11:58:08
11:58:17
11:58:21

13 A I see that.

11:58:58

14 Q Right. At the beginning of that paragraph
15 it says, in various embodiments of the service
16 provider network 103 may include one or more video
17 and/or audio as well as control command,
18 processing modules not shown. This is a long
19 sentence, so I would like to stop there for a
20 moment.

11:58:59
11:59:11
11:59:13
11:59:17
11:59:20
11:59:23
11:59:27

21 It says -- where it says, service provider
22 network 103, take a look at Figure 1. Figure 1

11:59:27
11:59:30

1 shows service provider network 103 as kind of a 11:59:46
2 cloud shape that includes media service provider, 11:59:51
3 E.G., IPTV system 117 and user profile 127, 11:59:59
4 correct? 12:00:04

5 A Yes. 12:00:04

6 Q Right. So then it says that service 12:00:05
7 provider network may include one or more video 12:00:22
8 and/or audio as well as control command processing 12:00:26
9 modules not shown. Is it your understanding that 12:00:29
10 "not shown" means that those processing modules 12:00:35
11 are not shown in Figure 1? 12:00:38

12 A He's talking about various embodiments. 12:00:44
13 And in the various embodiments that he's 12:00:49
14 describing here he's not showing the processing -- 12:00:51
15 processing modules. 12:00:55

16 Q Well, what do you mean -- what I'm getting 12:00:59
17 at is a person of ordinary skill in the art 12:01:01
18 reading this sentence would understand that the 12:01:06
19 phrase "not shown" refers to that he's not showing 12:01:08
20 it in Figure 1, correct? 12:01:13

21 A A POSITA would understand that this remote 12:01:17
22 application and in particular the inside of the 12:01:23

1 set-top box, for example, the memory processor is 12:01:32
2 not shown in that diagram either. Obviously it 12:01:38
3 has got a microprocessor, and so the set-top box 12:01:40
4 has processing to run applications. It is obvious 12:01:47
5 to a POSITA. 12:01:49

6 Q Okay. But it says service provider 12:01:50
7 network 103 may include? 12:01:58

8 A It says what? 12:02:00

9 Q I mean, you are starting -- why are you 12:02:01
10 responding and talking about the remote 12:02:06
11 application of the set-top box? This sentence is 12:02:08
12 saying the service provider network 103 may 12:02:13
13 include. Are you saying that the service provider 12:02:16
14 network includes the set-top box? 12:02:23

15 A No. 12:02:29

16 Q Okay. 12:02:31

17 A One could say it does if you just draw the 12:02:32
18 diagram a different way, but I'm not -- I'm not 12:02:35
19 saying that in this -- in this case. 12:02:38

20 Q Okay. So in this case -- 12:02:41

21 A I'm sorry I got confused. I thought you 12:02:43
22 -- I thought you were talking about processing a 12:02:46

1	set-top box.	12:02:49
2	Q No, I'm talking about the sentence right	12:02:51
3	here --	12:02:54
4	A Okay.	12:02:54
5	Q -- where it says and I --	12:02:54
6	A Can you reask the question?	12:02:59
7	Q Okay.	12:03:01
8	A Thank you.	12:03:02
9	Q So in the first part of this sentence it	12:03:02
10	is indicating that there are processing modules	12:03:08
11	that are included in service provider network 103,	12:03:12
12	correct?	12:03:21
13	A Yes.	12:03:21
14	Q And the parentheses where it says "not	12:03:36
15	shown" just means that they happen to not be shown	12:03:40
16	in the figure, right?	12:03:43
17	A I think so, yes. I mean that is fair to	12:03:46
18	say.	12:03:59
19	Q Okay. And I just want to make sure we	12:03:59
20	understand the sentence the same way, because the	12:04:08
21	grammar is a little bit awkward. Where it says	12:04:09
22	one or more video as well as audio as well as	12:04:17

1	command processing modules.	12:04:20
2	Is it your understanding that it is saying	12:04:23
3	that there may be one or more video processing	12:04:26
4	modules -- sorry, as one example? You know what	12:04:30
5	let me ask that question a slightly different way	12:04:51
6	and it may be easier.	12:04:54
7	In this sentence when it is talking about	12:04:56
8	-- in the first part of this sentence when it is	12:04:58
9	talking about processing modules, it is providing	12:04:59
10	three types of processing modules that it is	12:05:02
11	talking about; video, audio, control command. And	12:05:05
12	each of those is a kind of processing module. Is	12:05:10
13	that how you read that sentence as well?	12:05:13
14	A A POSITA would understand that the entire	12:05:16
15	system has processing. You pick any box in here	12:05:25
16	and it has processing modules. And it is a	12:05:30
17	machine implemented method of controlling the	12:05:35
18	presentation just like the -- just like -- just	12:05:41
19	like the '251 patent.	12:05:44
20	Q I'm asking about this sentence and what	12:05:49
21	this sentence says, and how we interpret this	12:05:51
22	sentence grammatically.	12:05:55

1	A And my opinion was not rendered on one	12:05:58
2	sentence. My opinion was rendered on the exhibit	12:06:01
3	as a whole.	12:06:10
4	Q So your opinion is not based on this	12:06:14
5	sentence and what it means, is that what you are	12:06:17
6	saying?	12:06:21
7	A My opinion is based on more than this	12:06:22
8	sentence.	12:06:25
9	Q Is your opinion based in part on this	12:06:29
10	sentence?	12:06:31
11	A Yes. A POSITA would understand by reading	12:06:37
12	this sentence that there is processing modules	12:06:39
13	everywhere, and that is basically what he's trying	12:06:44
14	to say. He is like, you know, you have got video	12:06:50
15	processing, you have got audio processing, you	12:06:52
16	have got control command, you have got processing	12:06:55
17	modules, you know, everywhere in the system.	12:06:58
18	He happens to be talking about the service	12:07:02
19	provider network, but you could say the same for	12:07:06
20	any box in this system that it has processing and	12:07:11
21	processing modules. It is clearly a machine	12:07:14
22	implemented method of doing what Aldrey does.	12:07:19

1	Q And so without -- without rendering an	12:07:27
2	opinion in any way about what Aldrey discloses	12:07:32
3	anywhere else, in this sentence Aldrey is talking	12:07:34
4	about processing modules in the server provider	12:07:38
5	network 103, correct?	12:07:42
6	A I do not feel comfortable rendering an	12:07:44
7	opinion on one sentence. I wrote my declaration	12:07:51
8	based on more than one sentence. That sounds like	12:07:56
9	a new opinion if I'm asked to render an opinion on	12:08:02
10	one sentence.	12:08:05
11	Q So as you sit here, you don't feel	12:08:08
12	confident that you can parse the grammar in that	12:08:13
13	one sentence?	12:08:17
14	A I can parse the grammar.	12:08:17
15	Q Okay. Grammatically speaking, that	12:08:20
16	sentence is talking about video, audio and control	12:08:26
17	command processing modules that may be included in	12:08:32
18	the service provider network 103, correct?	12:08:36
19	A The server provider network would	12:08:40
20	certainly include processing modules. And some of	12:09:46
21	them would certainly be about video and audio as	12:09:53
22	well as control and other things.	12:09:58

1	Q And that is what is being described in	12:10:03
2	that sentence, right?	12:10:05
3	A It seems to be. But again, the point of	12:10:06
4	making my declaration and my opinion as to element	12:10:35
5	1A, I was referring to the processing of the	12:10:42
6	set-top box.	12:10:44
7	Q Understood. Would you please turn to page	12:10:49
8	122 of your declaration, paragraph 274?	12:10:53
9	A Okay.	12:11:15
10	Q This is first -- strike that.	12:11:15
11	Paragraph 274 you just have one sentence	12:11:17
12	that says, in my opinion Aldrey teaches the	12:11:19
13	elements of the limitation 1B. Is limitation 1B	12:11:21
14	the quoted claim language in the heading	12:11:28
15	immediately above that sentence?	12:11:34
16	A Do you have a reason to doubt that it	12:11:55
17	isn't?	12:11:57
18	Q I don't have any reason to doubt that it	12:11:57
19	is, I just want to confirm that it is.	12:11:59
20	A Well, let me check.	12:12:02
21	Q I think if you look at the claim listing	12:12:04
22	appendix, it looks like it corresponds.	12:12:07

1	A Well, since you raised the question, let	12:12:14
2	me check the '251 patent.	12:12:16
3	Q Go for it.	12:12:18
4	A It looks to be correct.	12:12:30
5	Q Okay. Which part of Aldrey, and you I	12:12:32
6	guess you refer to Figure 1 may be a place to	12:12:45
7	start, but which part of Aldrey is the server	12:12:48
8	system that you are identifying?	12:12:53
9	A So the server system includes multiple	12:13:06
10	servers.	12:13:10
11	Q Okay. Which ones, where are they?	12:13:13
12	A The service provider network, server 105,	12:13:15
13	content provider systems 125, content 121,	12:13:22
14	packet-based network could have servers. There is	12:13:31
15	-- a server system essentially includes many	12:13:33
16	servers.	12:13:37
17	Q Okay. So it could include server 105, and	12:13:43
18	service provider network 103, content provider	12:13:56
19	systems 125, content 121, maybe parts of	12:14:01
20	packet-based network 10 -- sorry, my -- 109.	12:14:11
21	What about television broadcast systems	12:14:24
22	123, are you including that as well?	12:14:26

1	A Yes, that could be included as part of the	12:14:28
2	server system.	12:14:31
3	Q Is there anything else that could be	12:14:35
4	included?	12:14:39
5	A Sure, telephony network.	12:14:42
6	Q Anything else that you are aware of	12:14:50
7	that --	12:14:52
8	A Well --	12:14:53
9	Q -- discloses --	12:14:53
10	A Looking at Figure 1, and I'm looking at	12:14:54
11	the boxes in Figure 1, but the point is that there	12:14:56
12	are multiple servers.	12:15:06
13	Q Multiple servers within the server system?	12:15:09
14	A Aldrey's system has multiple servers.	12:15:14
15	Q I understand that Aldrey's system has	12:15:19
16	multiple servers.	12:15:21
17	What I am trying to get at is which of	12:15:24
18	those servers are you, in your opinion, mapping to	12:15:29
19	the server system of the claims?	12:15:37
20	A So for example, Claim 1C is receiving in	12:15:43
21	the server system the message from the personal	12:16:02
22	computing device. The personal computing device	12:16:06

1	in this section is 107.	12:16:13
2	Q Okay.	12:16:40
3	A But there are -- there are more. I mean,	12:16:48
4	do you want me to keep going or what?	12:16:50
5	Q That is not answering the question, what	12:16:53
6	is the server system?	12:16:57
7	A I thought I described the server system	12:17:04
8	including the elements we just talked about	12:17:14
9	including --	12:17:16
10	Q Okay.	12:17:18
11	A -- service provider 103, server 105,	12:17:18
12	television broadcast 123, content provider system	12:17:21
13	125, packet-based network 109, telephony network	12:17:25
14	111, content 121.	12:17:31
15	Q So everything that is not the end terminal	12:17:34
16	107, the set-top boxes 101, and the -- and the	12:17:39
17	remote applications that are on the end terminal	12:17:47
18	and the set-top boxes, everything else is part of	12:17:51
19	the server system?	12:17:56
20	A It could be, yes, in Figure 1, if you are	12:17:58
21	just looking at Figure 1 of Aldrey.	12:18:01
22	Q When you say it could be, I'm trying to	12:18:04

1 understand is it in your -- like, in your opinion,
2 are all of those things part of the server system?

3 A Well, certainly if I had a box that had
4 everything that was a server system, it would be a
5 great big box, right. It would have lots of
6 things in it, right.

7 So at least the server system as, like,
8 we're talking about Claim 1C, we're receiving in
9 the -- in the server system 103 a message from the
10 personal computing device, which is 107 that is
11 separate from the server system. See it is
12 separate -- 107 is separate from 103, so it is
13 separate from the server system, right, and
14 separate from the display device, which is in
15 diagram Figure 1, 101a. That is what I'm talking
16 about.

17 So the server system could be -- include
18 all of this, right. But specifically for this
19 claim, the -- we're receiving in the -- the
20 service provider network at least but it includes,
21 you know, other servers, right? It includes media
22 server provider systems, it includes a system with

1	user profiles. So there is even multiple systems	12:19:56
2	and multiple servers within the service provider	12:20:00
3	network.	12:20:03
4	Q And the end terminal 107, is the end	12:20:15
5	terminal 107 a server?	12:20:23
6	A It could be. For the sake of this claim	12:20:25
7	element, it is the personal computing device.	12:20:36
8	Q I'm hearing you say that all of these	12:20:47
9	other things on -- in Figure 1 have servers in	12:20:51
10	them, and therefore, could be part of the server	12:21:00
11	system. That is what you --	12:21:02
12	A What I'm saying is there are multiple	12:21:05
13	servers.	12:21:07
14	Q There are multiple servers in -- in all of	12:21:09
15	these systems that you identified as potentially	12:21:13
16	being part of the server system, correct?	12:21:17
17	A Yes, yes.	12:21:20
18	Q And the fact that there are multiple	12:21:21
19	servers is that why you are saying they can be	12:21:23
20	part of the server system?	12:21:27
21	A I don't understand that question.	12:21:30
22	Q I'm trying to ask you what is the	12:21:40

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1	qualification for making them able to be part of	12:21:45
2	the server system? Let me rephrase that slightly.	12:21:48
3	Why are they all part of the server system	12:22:04
4	and not part of multiple different server systems?	12:22:07
5	A So system to a POSITA contains multiple	12:22:13
6	elements, do you agree?	12:22:26
7	Q Whether I agree or not is irrelevant. So	12:22:31
8	your testimony is that to a POSITA a system	12:22:38
9	contains multiple elements?	12:22:43
10	A Yes.	12:22:46
11	Q Please turn to paragraph -- I'm sorry,	12:22:47
12	page 126 of your declaration, paragraph 284.	12:24:04
13	A Do you mind if we take a short break? I	12:24:08
14	had a very large iced tea.	12:24:10
15	Q No, that is fine. Let's go off the	12:24:13
16	record.	12:24:14
17	VIDEOGRAPHER: We are going off the	12:24:15
18	record. The time is 12:24 p.m.	12:24:19
19	(Recess, 12:24 to 12:34 p.m.)	12:24:21
20	VIDEOGRAPHER: We are going back on the	12:34:23
21	record. The time is 12:34 p.m.	12:34:26
22	Q So Mr. Lett, before the break you	12:34:27

1 testified that to a POSITA a system contains 12:34:38

2 multiple elements. Is there any other requirement 12:34:46

3 for a collection of multiple elements to be 12:34:50

4 considered a system? We can be specific to the 12:34:52

5 server system of the claims. 12:35:09

6 A I think there is probably a lot, but the 12:35:16

7 thing is, you know, if you had the box that I 12:35:38

8 described, that let's call this a system, right, 12:35:42

9 then at least included in this box would be 12:35:46

10 multiple elements. 12:35:50

11 Q So if there are a lot of requirements for 12:36:03

12 a collection of multiple elements to be a server 12:36:09

13 system of the claims, what are those requirements? 12:36:13

14 A Well, a POSITA would certainly look at the 12:36:25

15 elements of Aldrey and consider them to be server 12:36:32

16 system. 12:36:40

17 Q Why? 12:36:46

18 A Based on the knowledge of a POSITA that he 12:36:53

19 -- he or she went to school and studied various 12:36:59

20 elements of computer networks and systems and his 12:37:07

21 experience as outlined in the definition of a 12:37:12

22 POSITA in his declaration. 12:37:18

1	Q Do you have anywhere in your declaration	12:37:28
2	an opinion that a particular group of elements is	12:37:34
3	a server system according to the claims?	12:37:41
4	A Are you talking about the ground using	12:37:46
5	Danciu or the ground using Aldrey?	12:38:20
6	Q Let me be more specific. I'm talking	12:38:23
7	about Aldrey, and I am asking if there are a lot	12:38:28
8	of requirements for a group of elements to be	12:38:35
9	considered a server system together, where do you	12:38:38
10	explain why a particular group of elements	12:38:45
11	disclosed in Aldrey meets those requirements?	12:38:53
12	A I mean, a system could include one	12:39:03
13	element, I suppose. Generally a POSITA thinks of	12:39:19
14	a system as multiple elements.	12:39:25
15	Q When you have a group of multiple	12:39:37
16	elements, what kind of a relationship between	12:39:39
17	those elements has to exist for those elements to	12:39:44
18	be considered a system as opposed to a group of	12:39:48
19	unrelated elements?	12:39:56
20	A I don't think I'm here to provide	12:40:01
21	definitions. I maybe did in my declaration, and	12:40:38
22	if so I would be happy to answer a question about	12:40:47

1 that, but I have been trying to describe some 12:40:50
2 things that might be in a system without 12:40:57
3 describing everything that must be in a system. 12:41:04

4 But one thing for sure when you look at 12:41:08
5 Aldrey, the servers that we talked about, in fact, 12:41:11
6 the entire Figure 1 is a system. So you could say 12:41:16
7 a system is a lot of things, right. A set-top box 12:41:24
8 is a system of components that -- that make the 12:41:28
9 set-top box work. 12:41:36

10 The service provider network is a 12:41:39
11 collection of capabilities that provide the 12:41:44
12 functionality of the service provider network and 12:41:53
13 so on. You can go through every single box in the 12:41:55
14 Aldrey Figure 1 block diagram and understand that 12:41:59
15 there are multiple systems and there are systems. 12:42:11

16 Q All right. Let's go ahead and go back to 12:42:31
17 your declaration, page 126, paragraph 284. 12:42:35

18 A Okay. 12:43:05

19 Q And would you look at the last sentence, 12:43:05
20 not counting the citation in paragraph 284 which 12:43:15
21 says, Aldrey also teaches that connections green 12:43:20
22 between the STBs 101a through 101n and the end 12:43:27

1	terminals 107 may be established directly or	12:43:32
2	through server 105 and/or MSP 117. Do you see	12:43:35
3	that?	12:43:39
4	A Yes.	12:43:39
5	Q And so that quoted portion of Aldrey	12:43:40
6	discloses that the connection between the STBs and	12:43:52
7	the end terminal 107 could be -- could be direct	12:43:58
8	and bypass the server 105 and/or MSP 117 as	12:44:05
9	alternative?	12:44:12
10	A Yeah. It is referring to the page 127	12:44:15
11	Figure 1 annotated.	12:45:04
12	Q Yes. And page 127 Figure 1 annotated	12:45:07
13	shows a connection green between STBs 101a through	12:45:21
14	101n, and the end terminals 107 through MSP 117,	12:45:33
15	correct? End terminals 107 through MSP 117,	12:45:47
16	correct?	12:46:02
17	A Would you mind restating that again?	12:46:02
18	Q So your green annotation in Figure 1 shows	12:46:04
19	a connection through MSP 117 between the set-top	12:46:11
20	box and the end terminal; is that right?	12:46:22
21	A The set-top box is the end terminal.	12:46:29
22	Q The end terminal is identified as number	12:46:35

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1	107 in that sentence?	12:46:38
2	A I'm sorry, you are correct.	12:46:39
3	Q Okay. And that sentence at the end of	12:46:46
4	paragraph 284 also describes establishing	12:46:51
5	connections between the set-top box and end	12:46:53
6	terminal directly, correct?	12:46:56
7	A Aldrey also teaches that.	12:47:02
8	Q Okay. And for example, if you look at	12:47:04
9	Figure 2 of Aldrey there is a double-headed arrow	12:47:10
10	identified as -- with number 203b. And is Figure	12:47:21
11	2 showing a direct connection 203b between the	12:47:37
12	set-top box and end terminal 207?	12:47:41
13	A Yes, that is the alternative that Aldrey	12:47:45
14	describes.	12:48:06
15	Q Let's go ahead and take a short break.	12:48:09
16	A How long?	12:49:07
17	VIDEOGRAPHER: We're going off the record.	12:49:09
18	The time is 12:49 p.m.	12:49:11
19	(Recess, 12:49 to 12:54 p.m.)	12:49:12
20	VIDEOGRAPHER: We are going back on the	12:54:13
21	record. The time is 12:54 p.m.	12:54:18
22	MR. FRIESEN: I have no further questions	12:54:23

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1	for you, Mr. Lett.	12:54:25
2	THE WITNESS: Okay.	12:54:27
3	MR. FRIESEN: Paul, do you have any	12:54:29
4	questions?	12:54:30
5	MR. QUALEY: No questions for me either.	12:54:30
6	MR. FRIESEN: Thank you. It looks like we	12:54:37
7	are done.	12:54:37
8	VIDEOGRAPHER: This marks the end of the	12:54:39
9	deposition of David Lett. We are going off the	12:54:41
10	record. The time on the monitor is 12:54 p.m.	12:54:43
11	(Deposition adjourned at 12:54 p.m.)	
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CERTIFICATE OF SHORTHAND REPORTER

I, Susan S. Klinger, Certified Shorthand Reporter
within and for the States of Texas and California
do hereby certify:

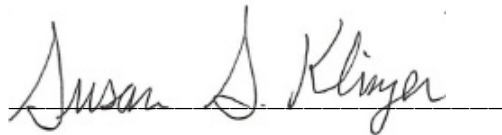
That DAVID LETT, the witness whose deposition is
hereinbefore set forth, was duly sworn by me before
the commencement of such deposition and that such
deposition was taken before me and is a true record
of the testimony given by such witness.

I further certify that the adverse party,
COMCAST CABLE COMMUNICATIONS, LLC, was represented by
counsel at the deposition.

I further certify that the deposition of
DAVID LETT, occurred virtually via Zoom on Tuesday,
October 22, 2024, commencing at 9:08 a.m. to
12:54 p.m.

1 I further certify that I am not related to
2 any of the parties to this action by blood or
3 marriage, I am not employed by or an attorney to any
4 of the parties to this action, and that I am in no way
5 interested, financially or otherwise, in the outcome
6 of this matter.

7
8 IN WITNESS WHEREOF, I have hereunto set my
9 hand this 24th day of October, 2024.

10
11
12
13 
14

15 Susan S. Klinger, RMR-CRR, CSR

16 Texas CSR 6531, Exp: 10/23/25

17 California CSR 14487, Exp: 11/30/24
18
19
20
21
22

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A			
able	absolutely	agree	76:3, 79:16
10:22, 13:12,	21:17	29:12, 36:22,	alone
29:6, 76:1	accommodate	49:8, 76:6, 76:7	21:6
about	15:12	ahead	already
8:10, 9:21,	according	11:15, 13:17,	28:5, 28:16,
11:19, 12:7,	78:3	19:18, 63:10,	29:4, 29:18,
15:3, 16:10,	accurate	79:16, 81:15	30:12, 33:6,
17:15, 18:6,	9:14	aldrey	33:12, 33:14
19:5, 20:2,	accurately	14:6, 52:22,	also
20:19, 20:21,	23:4, 46:7,	55:8, 56:1,	3:20, 6:6,
21:5, 21:6,	46:9	57:18, 58:9,	7:16, 11:19,
22:4, 22:8,	acted	60:5, 61:8,	14:13, 28:13,
22:9, 24:4,	39:2	61:20, 63:3,	31:15, 32:9,
24:10, 24:21,	action	63:5, 63:8,	37:22, 49:11,
25:2, 25:22,	84:2, 84:4	63:9, 68:22,	55:2, 57:11,
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