Transcript of Creed Jones, III, Ph.D.

Date: October 11, 2024
Case: Apple, Inc. -v- Carbyne Biometrics, LLC (PTAB)

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

1 UNITED STATES PATENT AND TRADEMARK OFFICE

2 _____

3 BEFORE THE PATENT TRIAL AND APPEAL BOARD

4

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6 APPLE INC.,
Petitioner,
7 vs.
CARBYNE BIOMETRICS, LLC,
8 Patent Owner.
_____
9 IPR2024-00329
U.S. Patent No. 9,972,010
10 IPR2024-0330
U.S. Patent No. 10,713,656
11 IPR2024-00331
U.S. Patent No. 11,526,886
12

13

14 DEPOSITION OF CREED JONES, III, Ph.D.

15 via videoconference

16 Friday, October 11, 2024

17 10:06 a.m.

18

19 Job No.: 555882

20 Pages: 1 - 66

21 Stenographically Reported By:

22 Alison C. Webster, CSR-6266, RPR, RMR, CRR, RDR

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7 Videotaped deposition of CREED JONES, III, Ph.D.,
8 produced as a witness at the instance of the Patent Owner, and
9 duly sworn, was taken in the above-styled and numbered cause
10 on Friday, October 11, from 10:06 a.m. to 12:00
11 p.m. Eastern Time, before Alison C. Webster, RPR, CRR, RMR,
12 RDR, CSR-6266 (Michigan); License No. 14559 (California);
13 License No. 084.004953 (Illinois); CSR-12432 (Texas),
14 reported by stenographic method, via videoconference,
15 pursuant to the Federal Rules of Civil Procedure and the
16 provisions stated on the record or attached hereto.
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1 T A B L E O F C O N T E N T S
2
3 Witness Page
4 CREED JONES, III, Ph.D.
5
6 EXAMINATION
7 BY MR. JARRETT: 7
8
9 E X H I B I T I N D E X
10
11 Exhibit Page
12 (Exhibits Retained by Counsel.)
13
14 EXHIBIT 1 19
15 Patent No.: US 9,972,010 B1 - Jakobsson
16 EXHIBIT 2 19
17 Patent No.: US 10,713,656 B1 -
18 Jakobsson
19 EXHIBIT 3 19
20 Patent No.: US 11,526,886 B1 -
21 Jakobsson
22

1 E X H I B I T I N D E X C O N T I N U E D
2
3 EXHIBIT 4 27
4 Declaration of Creed Jones, Ph.D.
5 Under 37 C.F.R. § 1.68 in Support of
6 Petition For Inter Partes Review
7 IPR2024-00329 Patent No. 9,972,010
8 EXHIBIT 5 27
9 Declaration of Creed Jones, Ph.D.
10 Under 37 C.F.R. § 1.68 in Support of
11 Petition For Inter Partes Review
12 IPR2024-00330 Patent No. 10,713,656
13 EXHIBIT 6 27
14 Declaration of Creed Jones, Ph.D.
15 Under 37 C.F.R. § 1.68 in Support of
16 Petition For Inter Partes Review
17 IPR2024-00331 Patent No. 11,526,886
18 EXHIBIT 7 41
19 Pub. No.: US 2010/0042535 A1 - Stone
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21
22

1 DEPOSITION OF CREED JONES, III, Ph.D.
2 Friday, October 11, 2024
3
4 STENOGRAPHER: The attorneys participating
5 in this deposition and the witness have verified that
6 he is Creed Jones, Ph.D. In lieu of an oath
7 administered in person, the witness will visually
8 affirm his testimony in this matter is under penalty
9 of perjury.
10 The parties and their counsel consent to
11 this arrangement and waive any objections to this
12 manner of reporting or admissibility of the
13 transcript.
14 Would counsel please state their appearance
15 and any objections to proceeding in this manner,
16 starting with scheduling counsel.
17 MR. JARRETT: Yes, Bradley Jarrett from
18 McKool Smith on behalf of patent owner, Carbyne
19 Biometrics LLC.
20 MS. SHI: Hong Shi from Haynes Boone on
21 behalf of Apple.
22 STENOGRAPHER: Hearing no objections,

1 Dr. Jones, would you please raise your right hand.
2 Do you swear or affirm the testimony you
3 are about to give in this matter will be the truth,
4 the whole truth, and nothing but the truth?
5 DR. JONES: I so swear.
6 STENOGRAPHER: Thank you.
7 You may proceed.
8 CREED JONES, III, Ph.D.,
9 was thereupon called as a witness herein, and after
10 having first been duly sworn to testify to the truth,
11 the whole truth and nothing but the truth, was
12 examined and testified as follows:
13 MR. JARRETT: Okay, good morning,
14 Dr. Jones. How are you today?
15 THE WITNESS: Very well, thank you.
16 EXAMINATION
17 BY MR. JARRETT:
18 Q. I'm going to just ask you a few questions today, but I
19 think we can start with the easiest one. Could you
20 please state your name for the record?
21 A. Yes, my name is Creed Jones, III.
22 Q. Dr. Jones, have you ever been deposed before?

1 A. Yes, I have.
2 Q. Okay. Do you know how many times, if you could
3 estimate? Ballpark if you don't know the exact
4 number.
5 A. Approximately ten.
6 Q. So since you've been deposed before, we can briefly go
7 over the ground rules. I'm sure you're familiar with
8 them by now.
9 You understand you're testifying under oath
10 as if you were testifying in front of a judge or a
11 jury today?
12 A. Yes, I do.
13 Q. And you're aware there's a court reporter who is
14 taking down my questions and your answers, so for her
15 benefit, let's just do the best not to interrupt each
16 other. I know it can be difficult sometimes when
17 there's a little bit of a lag with the Zoom
18 connection, but I will do my best to not interrupt you
19 when you're answering, and I'd just ask that you try
20 to do your best on the same.
21 A. I will try likewise.
22 Q. And because there is a court reporter transcribing all

1 of my questions and your answers, when you answer, you
2 need to give an audible answer. So if you nod or
3 shake your head but don't give an audible answer, I
4 may then prompt you to say, you know, yes, no, or
5 prompt you to give an audible answer. Just try to
6 remember to always answer the questions audibly if you
7 can recall.
8 A. I understand and will do my best to answer orally.
9 Q. Okay. And so your attorney may object to my questions
10 today. Generally, that's for preserving the record.
11 So unless your attorney instructs you not to answer a
12 question, you need to provide an answer. Do you
13 understand -- the only exception would be, again, if
14 your attorney instructs you not to answer on account
15 of, perhaps, attorney-client privilege. Do you
16 understand?
17 A. Yes, I do.
18 Q. Okay. And, Dr. Jones, you can request a break at any
19 time. I don't plan on keeping you here until the late
20 afternoon or the evening or anything like that, but
21 you may request a break if you need one.
22 The only exception to requesting a break is

1 if I have a pending question, you have to answer,
2 provide an answer before we take a break. The
3 exception to that -- as with every rule, there's
4 always an exception. The only exception to that being
5 if you need to confer with your attorney, for example,
6 if your answer might include privileged information
7 and you want to confer with her. Do you understand?
8 A. Yes, I do.
9 Q. Okay. And since this is a remote deposition, there
10 are a few extra ground rules. So where are you today,
11 Dr. Jones?
12 A. So I am in my office on the campus of Virginia Tech.
13 Q. And is there anyone else in the room with you today?
14 A. No, there's not, and the door is closed.
15 Q. Do you have any -- I assume you're obviously on
16 your -- either your laptop or your office computer.
17 A. Uh-huh.
18 Q. Do you have any other devices in the room with you
19 that are open right now?
20 A. No. My phone is charging, but it's -- the screen is
21 off. I can put it in a drawer, if you'd prefer.
22 Q. That's fine. I would just ask that you just not pick

1 up or use your phone at all during the questioning.
2 A. I will not interact with it. I will say, if some
3 emergency comes in, I'll ask for a break.
4 Q. Obviously.
5 A. But other than that, I will not interact with it.
6 Q. If you receive an emergency-type call, obviously --
7 A. Yes.
8 Q. -- but just let me know.
9 A. I will. Thank you.
10 Q. And I know before we went on the record today you
11 referenced that you have clean copies of the
12 declarations you provided for each of the IPRs, the
13 IPR for the '010 patent, or what I will refer to as
14 the '010 patent, the '656 patent, and the '886 patent.
15 You have clean copies of each of those declarations
16 you provided to those -- each of those IPRs for those
17 patents. Right?
18 A. Yes, I do. And I also have clean copies of the three
19 patents themselves.
20 Q. Okay. Do you have any other documents in front of you
21 at the moment?
22 A. No, nothing else.

1 Let me comment, I am at a laptop. I do
2 have a second screen. So as we're interacting if you
3 do send me an exhibit or something, I may look at it
4 at my second screen which has nothing on it at the
5 moment, but that would be what's going on if my head
6 moves like this.
7 Q. Okay. And then, also, do you have any other
8 applications running at the moment other than Zoom on
9 your computer?
10 A. Let me close my web client -- I mean, my mail client,
11 and... you will not be sending me anything by email;
12 is that correct?
13 Q. Correct.
14 A. Okay. Then I've closed everything except Zoom.
15 Q. So, Dr. Jones, you understand that you are testifying
16 today regarding three separate IPR proceedings; is
17 that correct? And when I say "IPR," I obviously mean
18 inter partes review. Do you understand?
19 A. Yes, I do.
20 Q. Okay. And so just so we can have kind of a frame of
21 reference and we're both making sure that we're
22 talking about the same things, when I refer to -- I

1 refer -- I'll refer to the IPRs generally by the
2 patent numbers.
3 And so just so we can get it out of the
4 way, the patents at issue in the first -- what I'll
5 call the '010 patent IPR or the '010 IPR, that is
6 regarding U.S. Patent Number 9,972,010.
7 A. That's correct.
8 Q. Okay. And the IPR number for that is IPR 2024-00329.
9 So whenever we're referring to the '010 patent IPR or
10 the '010 IPR, I'll be referring to that IPR number and
11 that patent, just so we're on the same page. Do you
12 understand?
13 A. Yes, I do.
14 Q. And if you -- obviously if you refer to the '010
15 patent IPR, I'll understand that that's what you're
16 referring to as well.
17 And for the second IPR, it will be for U.S.
18 Patent Number 10,713,656, and that is IPR number
19 2024-0030. So when referring to the '656 patent IPR
20 or the '656 IPR, I will be referring to the IPR
21 regarding the '656 patent. Do you understand?
22 A. I do understand, but I think there might be a

1 correction. I think you said 0030. The IPR number
2 is 2024-00330.
3 Q. 330, sorry. Yeah. That's what I meant. If it didn't
4 come out that way, that's what I meant in my head.
5 A. I wanted to make sure we were good in the record.
6 Q. Okay. Perfect.
7 And for the next -- the last of the three
8 IPRs, it's U.S. Patent Number 11,526,886, and the IPR
9 number is IPR 2024-00331, and I'll refer to that as
10 the '886 patent IPR or the '886 IPR, just so we're
11 clear.
12 And, again, Dr. Jones, you are -- you
13 understand that you're testifying in regards to those
14 three IPRs that I mentioned, the '010 IPR, the '656
15 IPR, and the '886 IPR. Correct?
16 A. Yes, I understand.
17 Q. Dr. Jones, what did you do to prepare for your
18 testimony today?
19 A. Oh, to prepare for this deposition.
20 Q. Yes.
21 A. So I spent the bulk of my time reviewing and making
22 sure I was able to know where all the pieces were in

1 the three declarations that I had prepared. You
2 know, there's a fair amount of material here. And so
3 most of my time was spent reviewing these three
4 declarations, a bit of supporting material, and the
5 patents themselves at question.
6 I had two preparation sessions with
7 counsel, with Ms. Shi, over the past, say, week.
8 Q. Okay.
9 A. That's the bulk of the preparation I did.
10 Q. Did you meet with any other -- any other individuals
11 besides Ms. Shi?
12 A. There was a -- at two of the sessions Mr. O'Brien was
13 there briefly.
14 Q. And who is -- who is Mr. O'Brien, for the record?
15 A. David O'Brien is also with Haynes Boone.
16 Q. Did you meet with any Apple employees at all?
17 A. No, no.
18 Q. I know you mentioned your declarations. Did you
19 view -- review any other documents in preparation for
20 your testimony today?
21 A. Well, the documents that are referenced in the
22 declarations, the patents, the other -- the prior art

1 that I referred to, and some of the academic
2 publications that support some of the things, other
3 documents called out in the declarations.
4 Q. Okay. Did you review any documents outside of what
5 you cited in your declarations?
6 A. Let me think a minute.
7 No, no.
8 Q. And are you aware that Carbyne Biometrics LLC has
9 filed a case for patent infringement against Apple
10 Incorporated in the U.S. District Court for the
11 Western District of Texas?
12 A. No, I'm not -- I'm not aware of that. I'm trying to
13 recall if that would have been mentioned to me at the
14 time that I was originally contacted to serve as an
15 expert witness, and I don't recall that being
16 mentioned.
17 Q. Okay. So you have not reviewed any court filings from
18 that case I just mentioned?
19 A. No.
20 Q. You've not reviewed any of Apple's invalidity
21 contentions that were served in that case?
22 A. No.

1 Q. And you haven't reviewed any reports Apple experts
2 would have served in that case. Correct?
3 A. No.
4 Q. And you've not met or spoken with any of Apple's
5 expert witnesses that were retained in that case; is
6 that correct?
7 A. No. I'm trying to remember. I don't -- I don't
8 recall ever speaking to any Apple employees, but
9 certainly never spoke to any of them in conjunction
10 with any infringement case related to these patents,
11 so...
12 Q. So you didn't speak to any expert witnesses that were
13 retained by Apple in that case, either, then. Right?
14 A. No, I don't even know who they would have been.
15 Q. Okay. Dr. Jones, I think you mentioned, you said you
16 had been deposed roughly ten times or so; is that
17 correct?
18 A. Yeah. That's an approximate number, but, yes, that's
19 right.
20 Q. Has your deposition testimony been related to IPR
21 proceedings, other litigation proceedings?
22 A. The majority of my depositions have been related to

1 infringement actions, both for the plaintiff and for
2 the defendant. I have been deposed either once or
3 twice before in conjunction with IPR proceedings, and
4 then two times with civil suits.
5 Q. Okay. Have you ever been retained by Apple previously
6 to testify as an expert?
7 A. Yes.
8 Q. Okay. Do you know how many times?
9 A. Two other times.
10 Q. Was it also related to -- sorry, strike that.
11 What was the subject matter of the patents
12 that were at issue in those cases you testified to
13 previously? And you can give a high-level explanation
14 of technology.
15 A. Yes, please give me a minute because I want to be
16 very high level. I wasn't prepared to talk about
17 this, but I do want to give you some feeling.
18 Q. Okay.
19 A. One case was related to specific technology around
20 touch ID, and another case is related to specific
21 technology embodied in the photos app.
22 Q. Would you say the technology at issue there, was it

1 more related to hardware? Was it related to software?
2 MS. SHI: Objection. Form.
3 BY MR. JARRETT:
4 Q. Combination of both?
5 A. In both cases, it really was a combination of both.
6 Q. Okay, Dr. Jones, I would like to now introduce the
7 three patents at issue in these IPRs, and I will drop
8 them into the Chat.
9 You can -- please feel free to reference --
10 you can reference either the exhibits that I drop into
11 the Chat or your paper copies as I ask you questions,
12 but I would just ask that you open the exhibits after
13 I send them to you and just confirm that they're
14 indeed true and correct copies of each of the patents.
15 So I'm sending those now. Let me know when
16 you've received them and are able to open and review
17 the documents.
18 Okay, they should be either there or
19 they're on their way.
20 MARKED FOR IDENTIFICATION:
21 EXHIBITS 1-3
22 10:22 a.m.

1 A. I see them in the Chat. I'm downloading them now.
2 So, yes, I've received Exhibit 1, which
3 seems to be the '010 patent; Exhibit 2 looks like the
4 '656 patent; and Exhibit 3 looks like the '886 patent.
5 And I have them open.
6 BY MR. JARRETT:
7 Q. And do these appear to you to be true and correct
8 copies of the patents, to the best of your knowledge?
9 A. Well, I don't -- I don't think you want me to do an
10 exhaustive search, but they appear to be --
11 Q. Yeah, I mean, without reading every single word, just
12 by looking at them and having seen the patents
13 before --
14 A. You know what? Since you asked that... not to
15 belabor it, but since you asked that, based on a look
16 of the front pages, these look like true and correct
17 copies as I have seen them.
18 Q. Okay. And you've reviewed or read each of these
19 patents previously?
20 A. Yes.
21 Q. So the '010 patent, Exhibit 1, what -- can you just
22 describe what the subject matter -- what subject

1 matter the claims of the patent are directed to?
2 A. Yes, the claims here are a system that embodies or
3 portrays for a user an interface, and by drawing
4 various icons and things on the screen, and capturing
5 and responding to -- I'm probably being too detailed.
6 By responding to actions, it supports fraud
7 detection in regards to financial transactions.
8 Q. So it would be fair to call it -- say it's directed to
9 an interface -- an interactive interface that supports
10 fraud detection in electronic transactions?
11 MS. SHI: Objection. Form.
12 A. I don't -- I don't believe that it supports, I
13 believe it performs fraud detection.
14 BY MR. JARRETT:
15 Q. And the same question for the '656 patent. What
16 are -- what subject matter are the claims directed to
17 in that patent?
18 A. So the '656 is reasonably similar. In the context of
19 financial transactions, it's a system that will store
20 and maintain account holder information, and through
21 interacting with the user, using graphical elements
22 of some type, accomplish or perform fraud detection.

1 Q. You say -- I think you -- did you say store account
2 information or...
3 A. I did say that, yes.
4 Q. Okay. And where is the account information stored?
5 A. Well --
6 MS. SHI: Objection. Form.
7 A. -- in a data store, is what the claim says.
8 BY MR. JARRETT:
9 Q. Okay. And what's your understanding of what a data
10 store is or could be?
11 MS. SHI: Objection. Form.
12 A. Let me take a moment and review because I'm not -- I
13 don't recall opining specifically on that.
14 MS. SHI: This is a reminder, Dr. Jones,
15 that if you need to refer to your declaration --
16 THE WITNESS: Yes.
17 MS. SHI: -- for any answer to provide
18 complete and accurate answer, you can request to
19 review them.
20 THE WITNESS: Well, yes.
21 BY MR. JARRETT:
22 Q. Dr. Jones, I was going to say, if you are going to

1 refer to your declaration, just point me to where
2 you're referring to.
3 A. Yes, I will. So I believe I discussed this
4 roundabout in the '656 declaration beginning on
5 paragraphs 91 and 92. Yes.
6 So a data store here could be a storage
7 component located in a device. Could be located in
8 some other component of the system. Within the '656
9 patent, I believe that one embodiment talks about the
10 storage being on the device, but I don't know that
11 every embodiment would have to store it on the device.
12 Q. And are you pointing to a specific -- when you say
13 "stored on the device," are you pointing to a specific
14 structure on the device?
15 MS. SHI: Objection. Form.
16 A. I don't believe that I'm pointing to a specific
17 structure on the device. Within the 65 -- within the
18 context of the '656 patent, I don't recall pinning
19 that down to a specific structure within the system.
20 BY MR. JARRETT:
21 Q. Dr. Jones, I think you mentioned that the '010 and the
22 '656 have similar claim elements. Would you agree

1 with that?
2 A. Similar, yes.
3 Q. What would be the differences between the claim
4 elements in the '656 and the '010 patent? And you can
5 refer to the first independent claim, Claim 1, for
6 reference in each patent.
7 MS. SHI: Objection. Form.
8 A. Just a moment because I need to go between two
9 documents.
10 BY MR. JARRETT:
11 Q. Yeah.
12 A. So as I compare Claim 1 of the '656 and the '010, one
13 of the differences is that the '010 specifically
14 calls out that the icon in the interface will contain
15 the virtual likeness of the face of the account
16 holder. The '656 does not contain that.
17 The '656 includes -- as part of the
18 contextual information for fraud detection, includes
19 location data. This is not claimed in Claim 1 of the
20 '010. And one other difference is that the '656 makes
21 it clear in Claim 1 that the fraud detection in part
22 uses comparison of stored and captured biometric

1 information. That's not specifically called out in
2 the -- sort of the corresponding limitation of the
3 '010. Those are some of the differences.
4 Q. Dr. Jones, similar question for the '886 patent: What
5 subject matter are the claims generally directed to?
6 A. Well, the abstract says that it's a system for
7 reducing fraud. The claims are focused on a system
8 to render the face of an account holder and capture
9 information including location, capture biometrics,
10 and facilitate a fraud detection analysis.
11 Q. And would you agree that the claims cover similar
12 subject matter to the '010 and the '656 patents?
13 A. Similar, yes.
14 Q. And similar to the question I asked kind of for the
15 '656, with the '886, what differences are there
16 between independent Claim 1 in the '886 patent and the
17 '010 patent?
18 A. Right.
19 Q. I was going to say, if you need to refer back to the
20 patent, you can do so.
21 A. Thank you. And as before, give me a moment because I
22 wasn't asked to opine on similarities and

1 differences. You know, the declarations were
2 independent. So give me a moment. I will try to
3 answer your question.
4 So one difference is, the '886 Claim 1 does
5 not explicitly mention storing biometric information.
6 It's actually more implied in the next limitation that
7 speaks of enrollment, which the '010 and the '656 do
8 not claim enrollment specifically as a term.
9 Another difference is that the physical
10 location is, again, part of Claim 1, and the --
11 Claim 1 also specifically says that the biometric
12 information is extracted form a set of images.
13 Q. What's your understanding of the term "enrollment" as
14 it's used in Claim 1 of the '886 patent?
15 A. I'm going to refer to the online version of this, of
16 the '886. Okay? Let me just take a look at Claim 1.
17 So "enrollment" in the '886 is described as
18 a process where a individual will submit their image,
19 right, and will -- that will be associated with
20 something about them. And stored.
21 Q. Dr. Jones, I just want to ask, are you referring to
22 somewhere specifically in this specification or is

1 that just your understanding?
2 A. Oh. No, no, no. Let's see. In the '886 -- let me
3 see if I can find it. In the '886, one place is
4 column 5, line 39.
5 Q. Okay.
6 A. Another place that talks about it is -- let's see,
7 let me see if I can find it. Column 7, line 9.
8 Q. Dr. Jones, I'm going to introduce Exhibits 4, 5, and
9 6, and these are copies of your declarations in the
10 '010 IPR, the '656 IPR, and the '886 IPR.
11 So I'm sending them now, and when you've
12 received them, same thing as you just did with the
13 patents. If you could just open the documents, I just
14 want to confirm that you received them, and then also
15 that they are true and correct copies of the documents
16 or the declarations that you provided in each of the
17 IPRs that are at issue.
18 MARKED FOR IDENTIFICATION:
19 EXHIBITS 4-6
20 10:41 a.m.
21 A. I've received them. Let me download them.
22 Exhibit 4 seems to be my declaration '010.

1 The front page looks right and the page count is
2 right.
3 Exhibit 5 looks like it's my declaration
4 for the '656. Again, the front page looks right and
5 the page count is correct.
6 Exhibit 6 looks like my declaration for the
7 '886. Front page looks right and the page count is
8 correct. So I have them.
9 BY MR. JARRETT:
10 Q. Okay. Dr. Jones, did you write each of these
11 declarations?
12 A. Yes.
13 Q. Did you write every word of these declarations?
14 A. No, no, there were sections that were -- for example,
15 where in my declaration I say, "I have been informed
16 that," and then there's something about the law. The
17 way I was informed is there were paragraphs related
18 to the specific meaning or the requirements of
19 obviousness that were supplied to me by counsel.
20 But I wrote the majority of the report, and
21 certainly all the opinions were mine.
22 Q. Okay. Who helped you in preparing your declarations?

1 MS. SHI: Objection. Privilege.
2 I just want to remind Dr. Jones that you
3 can answer the question so long as it does not reveal
4 any attorney-client privileged information or
5 communication.
6 MR. JARRETT: Thank you, Counsel.
7 BY MR. JARRETT:
8 Q. And just to clarify, Dr. Jones, I'm not asking you to
9 provide conversation or details of your discussions,
10 just the names of the individuals who helped you
11 prepare the document.
12 A. Right. Right. The individual that I interacted with
13 and supplied some of the legal structure to me was
14 Hong Shi, who's on this deposition call.
15 Q. Okay. Did anyone else assist you at all?
16 A. No.
17 Q. Dr. Jones, would you agree that the '010 patent, the
18 '656 patent, and the '886 patent share a common
19 specification? As in, do they have -- do each of
20 these patents have the same specification?
21 A. If the -- if your question means, is the
22 specification language identical between the three, I

1 have -- I have no idea if that's the case.
2 Q. Okay. I'm just asking, are there -- maybe an easier
3 question, are there any material differences that you
4 have -- that you can recall between the specification
5 for any of the three patents, the '010, the '656, or
6 the '886?
7 A. Well, as I never did a comparison to the three, and I
8 looked at the three individually, I would hesitate to
9 answer whether there was significant differences. I
10 will say this. I'm sure there are because there are
11 differences in the claim language, so I would assume
12 that there are differences reflected in the
13 specification, but I never looked at that. I never
14 did a comparison of the three.
15 Q. Dr. Jones, are there any claim terms in any of the
16 three patents that you've identified that require any
17 specific claim construction?
18 A. Before I answer, I wanted to be able to point you to
19 the relevant part of my declaration --
20 Q. Okay.
21 A. -- where I state that -- well, let me just get to it
22 and read it to you. Just a moment.

1 So, for example, in the '010 I refer you to
2 paragraph 37. And as it says in there, there is no --
3 there are no claim terms that I've identified that
4 require explicit construction.
5 Q. Is that -- is that the case -- sorry. Go ahead.
6 Dr. Jones, I believe you're muted. Sorry.
7 Sorry, Dr. Jones --
8 MS. SHI: Do you need to take a break?
9 MR. JARRETT: I think you were trying to
10 say something.
11 THE WITNESS: One moment, please.
12 I apologize for that. My audio quit for a
13 moment.
14 MR. JARRETT: Yeah, you were muted and I
15 didn't think you realized it.
16 THE WITNESS: No. Let's go back.
17 A. Can you repeat your last question? I apologize.
18 Let's pick up from there.
19 BY MR. JARRETT:
20 Q. Yeah, you had said -- you pointed me to paragraph 37
21 of your declaration for the '010 patent.
22 A. Yes.

1 Q. Can you just confirm that there's -- I believe it
2 says -- you pointed me to the portion that said
3 there's no term that requires any express
4 construction?
5 A. Yes.
6 Q. And I was just asking, is that the same -- is that
7 true for the '656 patent and the '886 patent?
8 A. Yes, it is.
9 Q. Okay. So did you apply the plain and ordinary meaning
10 of all the claim terms for your analysis?
11 A. I applied the plain and ordinary meaning as informed
12 by the context of the patent.
13 Q. And so could you just briefly explain how -- in your
14 own words, how you performed or determined the plain
15 and ordinary meaning, just generally, for your
16 declaration as you were going through and reviewing
17 claim terms and providing an analysis?
18 A. Well, so given that I have some level of expertise in
19 the field of biometrics, I know from that experience
20 some general terms like, you know, what particular
21 things mean. However, if there's a term, you know --
22 like say we take a term, a widget. A widget could

1 mean several things, but in the context of the '886
2 or the '010 or the '656, there often will be language
3 in the claims or more often in the specification that
4 refines what a widget is.
5 So if you have a first understanding of the
6 term "widget," then you read the context to see, well,
7 what are they really talking about, a widget, for
8 example. Is that helpful?
9 Q. Yes. Now, looking at the '010 patent, Claim 1.
10 A. Yes.
11 Q. Do you see there in Claim 1 the language, "A system,
12 comprising: one or more processors configured to"?
13 A. Yes, yes, I see that.
14 Q. And what's your understanding of the plain and
15 ordinary meaning of "configured to"?
16 A. So because it's a processor that's being configured,
17 configuration could involve some sort of hardware
18 customization or hardware personalization, could
19 involve software running on the processor that
20 enables it to accomplish a particular function. So
21 "configured to" could mean hardware or software
22 personalizations, I guess. Setups.

1 Q. So hardware or software personalizations or setups to
2 perform the elements that are listed in the remainder
3 of the claim; is that correct?
4 A. So let me just look at the '010 for a moment.
5 Yes.
6 Q. And if you look at the '656 patent and the '886
7 patent, Claim 1, they also have similar language, the
8 "configured to" language. In the context of those
9 claims, do you have the same -- do you have a
10 different understanding or the same understanding or
11 similar to what that term means in the '010 patent?
12 A. Let me read the -- let me read the claim again.
13 Q. Sure.
14 A. That's the '656. Yes, there might be some specific
15 implementation -- or some specific implication I'm
16 not seeing right now, but in general, I think I would
17 look at the term "configured" the same way across the
18 three.
19 Q. Okay. Now, you see in claim -- sorry to make you jump
20 back and forth. It might be easier if you're able to
21 just reference on your -- on the electronic
22 exhibits --

1 A. Yes.
2 Q. -- if we're jumping back and forth. Apologies for all
3 the jumping back and forth.
4 So for the '010 patent, again, looking at
5 that language, "A system, comprising: one or more
6 processors configured to," the term "one or more
7 processors," what's your understanding of the plain
8 meaning of that term?
9 A. No, this was -- this is something that -- let me look
10 at the claim.
11 Yes, this -- I recall this. This one, the
12 specification does give some more detail. I'm looking
13 at the '010 --
14 Q. Okay.
15 A. -- column 2, line 10, and the specification says that
16 a processor can be "one or more devices, circuits,
17 and/or processing cores configured to process data,
18 such as [computer program] instructions."
19 Q. So what is your understanding, then, of one or more
20 processors?
21 A. That I could have -- that one could be a single one
22 of these, as described in column 2, line 10,

1 executing instructions, or it could be multiple of
2 those, each one executing instructions.
3 Q. And looking at the entire context of Claim 1 for the
4 '010 patent, agree or disagree that the system
5 requires that, at a minimum, there be one processor
6 configured to perform each of those steps listed
7 there?
8 MS. SHI: Objection. Form. Vague.
9 A. So I think -- I think Claim 1 requires that there be
10 one or more processors, and somewhere within those
11 one or more processors each of those steps is being
12 executed.
13 BY MR. JARRETT:
14 Q. Okay. So trying to put -- sorry, just trying to put a
15 finer point for my understanding. So you're saying
16 that all those steps could be performed across two
17 different processors. Is that accurate?
18 MS. SHI: Objection. Form.
19 A. It's not required to be, but it could be, according
20 to the claim language, yes.
21 BY MR. JARRETT:
22 Q. Okay. So what about just one processer performing all

1 that -- all those steps?
2 A. I'm sorry, what was the question? What about it? I
3 think --
4 Q. Would that satisfy the claim?
5 A. I'm not aware of any language in the specification
6 that would prevent -- that would -- that would, you
7 know, teach away from that. And failing that, if
8 there's nothing like that, I would say one processor
9 executing all those steps looks to me now like it
10 would satisfy Claim 1.
11 Q. What about one processor, let's say, on a device
12 communicating with the server; would that satisfy all
13 of those -- performing all those steps? Would that
14 satisfy the claim?
15 A. I'm sorry, in your question you introduced a server.
16 Q. Correct.
17 A. Tell me more about that. Because a -- Claim 1 does
18 not mention a server.
19 Q. Okay. I was just giving an example. If there was
20 a -- say a single -- a single processor communicating
21 with the server to complete all of those steps, would
22 that meet the claim?

1 MS. SHI: Objection. Out of the scope.
2 I just want to remind opposing counsel that
3 this is not an opportunity for the party to obtain
4 information for the litigation case. This is for the
5 scope of the declaration.
6 BY MR. JARRETT:
7 Q. It's just another example. I was just trying to --
8 we're talking about one processor, two processors, and
9 I'm just asking about a processor and a server.
10 A. It's difficult to answer your question as it was
11 asked because a server is a processor.
12 Q. Okay.
13 A. So I don't --
14 Q. So I guess what -- I guess maybe that's the
15 clarifying -- that's the understanding then. So if
16 there's a processor and a device communicating with
17 the server, you would say that's two processors?
18 MS. SHI: Objection. Out of the scope of
19 the declaration.
20 Opposing Counsel, can you point to the part
21 of the declaration that's relevant? Again, this is
22 not an opportunity for the opposing counsel to extract

1 any information for the litigation. This is for the
2 IPR and the declaration.
3 BY MR. JARRETT:
4 Q. I'm just -- again, I'm trying to understand the
5 context of what could and could not be a processor.
6 And I believe there are -- some of the references, the
7 prior art references you cited, refer to server
8 functionality. For example, Stone refers to a payment
9 server, structure 408. I'm just looking at the
10 context of the claim. I'm not asking a specific
11 question for litigation.
12 MS. SHI: Please refer to the declaration
13 portion so -- to help expert to answer the question
14 accurately.
15 BY MR. JARRETT:
16 Q. One moment. I have a reference here.
17 Yeah, if you look at page 42, paragraph 80
18 of your '010 declaration, it says [as read]: First,
19 as shown in annotated Figure 4 of Stone below, Stone
20 teaches one or more processors (example, processor 504
21 in user device alone or, in combination with other
22 processors).

1 I'm just trying to clarify what that "other
2 processors" would mean. And if you can give examples
3 of what you're referring to specifically, that's all I
4 was asking.
5 MS. SHI: Appreciate the clarification.
6 A. I'm sorry, this is paragraph 80 that you referred to?
7 BY MR. JARRETT:
8 Q. Yes.
9 A. Yes. Okay.
10 Q. Yeah. And it's specifically to that -- Dr. Jones,
11 sorry, specifically to that portion I read, the first
12 sentence there, and there's a portion in brackets that
13 says, "Stone teaches one or more processors," in
14 brackets -- or, sorry, parentheses, example,
15 "processor 504 in user device 404 alone" --
16 A. Uh-huh.
17 Q. -- "or in combination with other processors are
18 configured to receive a virtual likeness of a face,"
19 and then so forth.
20 A. Do you have the Stone patent that you can -- you can
21 provide us an exhibit?
22 Q. I do. That's exactly what I was going to do next. I

1 was going to ask if you needed to reference it.
2 Okay.
3 MR. JARRETT: So I am dropping Exhibit 7
4 into the Chat. This is United States Patent
5 Application Publication Number U.S. 2010/0042535.
6 MARKED FOR IDENTIFICATION:
7 EXHIBIT 7
8 11:03 a.m.
9 BY MR. JARRETT:
10 Q. And we'll reference this -- I believe you refer to it
11 in your declaration as the "Stone reference" or
12 "Stone." So going forward, if we refer to "Stone," if
13 I refer to "Stone" or you do, this is -- we'll be
14 referring to Exhibit 7.
15 And for the record, just want to also --
16 sorry, just to confirm, Dr. Jones, that the Stone
17 reference is admitted as an exhibit in each of the
18 IPRs and is a reference in each of the IPRs for the
19 three patents.
20 A. Yes.
21 Q. Thank you.
22 A. Okay, I have it. Opening it. And there it is. This

1 looks like the Stone application that ends in 535.
2 Okay.
3 Right. Okay. I have it now. Could you
4 repeat the question? We've done a few things since
5 then.
6 Q. Yeah, sure. I was just asking for clarification on
7 that statement in your declaration in paragraph 80
8 where it says, "Stone teaches one or more processors
9 (example, processor 504 and user device 404 alone, or
10 in combination with other processors)."
11 A. Yes.
12 Q. I just was wondering, what do you mean by "other
13 processors" in that statement?
14 A. Well, so Stone talks about one embodiment is where
15 there is a payment server, so it could be a server.
16 Remember that a server is just a process that does
17 not initiate transactions. It responds to
18 transactions. So a server does not have to be a
19 separate processor as defined in the '010, but it may
20 be.
21 Q. Okay. That's -- I know we went through a lot. That
22 was pretty much the gist of all I was asking on that

1 point.
2 A. Okay.
3 Q. So thank you for clarifying that.
4 And also just to clarify, then, it's your
5 understanding that it is sufficient, if there are two
6 processors combined, configured to perform the steps
7 listed in Claim 1 of the '010 patent.
8 MS. SHI: Objection. Form.
9 A. When you say "it is sufficient," you mean that --
10 could you rephrase it without using the word "is
11 sufficient"? I don't know what that means.
12 BY MR. JARRETT:
13 Q. Sure. The claim limitation or the -- Claim 1 would be
14 satisfied -- maybe that's a better way to frame it.
15 Claim 1 would be satisfied if there is a -- if there
16 are two processors combined that are configured to
17 perform those steps listed in Claim 1?
18 A. I don't know. I'd have to think through the
19 implications of how the '010 defines "processor,"
20 "one or more device, circuits, and/or processing
21 cores configured to processing data." I'd have to
22 think that through. It's possible, but I'm not --

1 I'd have to look at all the aspects of that. That
2 wasn't something I was asked to opine on in my
3 report.
4 I don't know if this is a good time or not,
5 but sometime in the next few minutes, could we take a
6 short break?
7 Q. Yes. I just wanted to ask just one follow-up.
8 A. Yeah, of course. Of course.
9 Q. So going back to paragraph 80 where it says "one or
10 more processors," and you refer to "processor 504 in
11 user device 404 alone, or in combination with other
12 processors."
13 So I guess my question would be, "in
14 combination with other processors," is that saying
15 that two processors could -- two or more processors
16 then could perform all of the limitations and steps
17 that are listed in Claim 1?
18 MS. SHI: Objection. Form.
19 A. I wasn't intending to imply that. I wasn't trying to
20 pin it down to how many processors would be required.
21 I mean, the statement I wrote says "or in combination
22 with other processors." It doesn't say "or in

1 combination with a single other processor."
2 So I don't feel that I'm ready to say, yes,
3 two is a good number. That wasn't the gist of what I
4 was trying to address here.
5 BY MR. JARRETT:
6 Q. So what is -- I just want to know what "combination"
7 would mean, then. "Alone or in combination," what
8 does that mean?
9 A. Well, "in combination" means somehow working with,
10 but it does not say "or in combination with a single
11 other processor," and I'd like to think more about
12 what the number is. I don't -- I don't know it right
13 off the top of my head.
14 Q. I wasn't -- I guess I'm not asking for a specific
15 number, I'm just asking you if, when you say "alone
16 and in combination," does that mean the two processors
17 could complete all these steps, not just one?
18 MS. SHI: Objection. Form.
19 A. And as I said, it says here one processor or a
20 combination of multiple processors, and your question
21 says, so two is fine? And you know -- so to computer
22 scientists there are only three numbers, 0, 1, or

1 many, and I hear you saying, is 2 right? I don't
2 know. I said "multiple." And I'm not prepared to
3 say, yes, two could work.
4 BY MR. JARRETT:
5 Q. Okay. So, many. So one or many. Many processors.
6 A. Yes.
7 Q. Okay.
8 MR. JARRETT: Yeah, we can take a break
9 now.
10 (Off the record at 11:11 a.m.)
11 (Back on the record at 11:23 a.m.)
12 MR. JARRETT: Welcome back, Dr. Jones.
13 BY MR. JARRETT:
14 Q. Before we -- before we took a break, I know we got
15 into discussing the "processor" term in the '010
16 patent, and I would just like to direct you now to
17 Claim 1 of the '656 patent, Exhibit Number 2.
18 Okay. And in Claim 1 --
19 A. Yes.
20 Q. -- you can see, "A system, comprising: a processor
21 configured to."
22 A. Yes, I see that.

1 Q. In this claim, what is your understanding of "a
2 processor"?
3 A. Well, in the '656, I think the illuminating portion
4 is column 2. Here, it's line 14, and it says, "the
5 term 'processor' refers to one or more devices,
6 circuits, and/or processing cores configured to
7 process data, such as computer program instructions."
8 So it's fairly general in terms of the
9 actual number of cores or CPUs that are processing
10 data.
11 Q. And do you have a different understanding of the
12 meaning of "a processor" versus "one or more
13 processors," as the claim language requires for the
14 '010 patent?
15 A. No, I don't. As I read the Claim 1 of the '656, it
16 occurred to me that both were very general, both
17 could include one or more CPUs, if you will, and so
18 in both cases it could be one or more processing
19 cores, one or more devices or circuits, so, no.
20 Q. So is it your opinion, then, in the '656 claim, that
21 "a processor" does not require one single processor?
22 MS. SHI: Objection. Form.

1 A. Are you -- so in your question you used the word
2 "processor."
3 BY MR. JARRETT:
4 Q. Correct.
5 A. And if I substitute "processor" by the language in
6 the specification, then one processor does mean one
7 processor as defined in the specification.
8 Q. Dr. Jones, if you could go back to Claim 1 of the '010
9 patent.
10 A. Just a moment.
11 Q. And I can direct you to column 14, the -- I guess, the
12 second -- looks like -- I guess you could say the
13 second paragraph down, where it says, "capture
14 contextual information associated with the electronic
15 transaction."
16 Do you see that?
17 A. Yes, I do.
18 Q. What's your understanding of the meaning of "capture"?
19 A. Let me check quickly. Are you going to refer to a
20 particular part of the declaration, and can I just
21 ask you to tell me where that is?
22 Q. I was just asking what your understanding is just

1 looking at the claim term here.
2 A. Okay. So "capture," as a general term, is just to
3 acquire. In -- for example, back still in the '010,
4 if you go to paragraph 9, I believe it's -- let me
5 find it --
6 Q. Are you saying paragraph 9 --
7 A. No, excuse me, excuse me, column 9. Pardon me.
8 Q. Okay.
9 A. Column 9. Go to line 6. It talks about, in this
10 case, a photograph being stored, and that's one form
11 of capturing information, but it also talks about
12 location being captured, interactions being captured.
13 So, acquired. Acquired by the system.
14 Q. Okay. Going back down to Claim 1 of the '010 patent,
15 do you see where it says, "A system, comprising: one
16 or more processors configured to," and a couple lines
17 down, it says, "associate, in a data store, the
18 virtual likeness of the face of the account holder
19 with an account of the account holder"?
20 A. Yes, I do see that.
21 Q. What's your understanding of the plain and ordinary
22 meaning of "associate"?

1 A. So associate in -- let's see. "Associate" would mean
2 that the likeness of the face and account information
3 are somehow linked, either stored directly together
4 or it's able to, you know, refer to one from the
5 other. You know, you can imagine a variety of
6 mechanisms where a thing would be associated with.
7 Q. Sorry, was that -- your understanding, is that
8 informed by the specification or...
9 A. Let me see if I can recall where in the
10 specification...
11 No, that's right. This is the '010. This
12 doesn't really talk about the specifics of the
13 association, but the description of the functionality
14 in the specification tells you that from the account
15 holder information that you can find the likeness, so
16 they are linked somehow. So not directly informed of
17 the specification, but implied by the requirements of
18 the '010.
19 Q. Okay, Dr. Jones, in Claim 1 of the '010 patent, if you
20 go to column 15 -- it's at the -- towards the top of
21 column 15 -- sorry. Strike that. I led you to the
22 wrong place. Sorry. Column 14.

1 If you see the last paragraph that begins
2 with, "based at least in part" --
3 A. Yes.
4 Q. -- at the end of that section, do you see, "complete
5 the electronic transaction"?
6 A. Yes, I see that.
7 Q. What's your understanding of "complete the electronic
8 transaction," what that means, plain and ordinary
9 meaning?
10 A. Finish the transaction that the -- let me go back.
11 That was desired by the user initiating
12 the action. Finish the transaction requested by the
13 user initiating the action.
14 Q. Okay. Now, you see the language just below that where
15 it says, "a memory coupled to the one or more
16 processors and configured to provide the one or more
17 processors with instructions"?
18 A. Yes.
19 Q. What's your understanding of the plain and ordinary
20 meaning of "a memory" as used there?
21 MS. SHI: Objection. Form.
22 A. A storage device that the processor can access.

1 BY MR. JARRETT:
2 Q. And "a memory," is it your understanding that means a
3 single memory or multiple memories?
4 MS. SHI: Objection. Form.
5 A. So I think it's general understanding in computer
6 engineering that "a memory" is not required to be a
7 single, for example, memory device. For example,
8 every memory these days has multiple levels of cache,
9 so the term "a memory" could span one or more
10 devices, could span one or more addressing spaces, so
11 I think either of those could be comprehended by "a
12 memory."
13 BY MR. JARRETT:
14 Q. In this context, is it your understanding that "a
15 memory" needs to be coupled to each of the one or more
16 processors if there are multiple processors?
17 MS. SHI: Objection. Form.
18 A. Is your question -- well, let me try and answer.
19 Given that a memory -- the term "a memory"
20 can span multiple devices, doesn't have to but can
21 span multiple devices, a single device does not have
22 to be coupled to more than one processor to satisfy

1 this limitation. Perhaps that helps.
2 MS. SHI: Again, I would like just to have
3 a general reminder to Mr. Jarrett that this is, again,
4 for IPR declaration purpose, and if you would like
5 Dr. Jones to provide an accurate and a complete
6 answer, please help to point to the relevant
7 declaration portions.
8 MR. JARRETT: I'm clearly asking him about
9 a claim term that's in Exhibit -- that's part of the
10 patent that is the subject of the IPR. This is
11 clearly within the bounds of what he's allowed to be
12 asked.
13 MS. SHI: The bounds is to be the
14 declaration -- his opinions in the declaration.
15 MR. JARRETT: Correct. He offers an
16 opinion of what discloses a memory, and I'm just
17 drilling down on what his understanding of the plain
18 and ordinary meaning of "a memory" means, which is
19 what he's applied to all of his opinions as he's
20 testified to today and he's said in his declaration.
21 BY MR. JARRETT:
22 Q. Dr. Jones, what is your understanding of

1 "anticipation," the term "anticipation" in patent law?
2 A. So "anticipation" is the term for a single -- in my
3 understanding and I'm not an attorney, my
4 understanding of "anticipation" is when a single
5 piece of prior art dated before the priority date of
6 a patent in question satisfies all the limitations of
7 one of the claims, a single piece of prior art.
8 Q. Okay. In your declaration, or in this IPR -- in any
9 of the IPRs, is Apple asserting any anticipation
10 grounds?
11 MS. SHI: Objection. Form.
12 A. I didn't opine on any anticipation claim,
13 anticipation argument. I only opined on obviousness
14 arguments.
15 BY MR. JARRETT:
16 Q. Dr. Jones, are you familiar with what the FFIEC is?
17 A. Yes, I am.
18 Q. And what is that?
19 A. So the FFIEC guidance was -- is a document that was
20 released in the mid to late 2000s by the governing
21 body over the FDIC, and it was intended to provide
22 guidance to financial institutions and people that

1 serve them on how to protect -- how to secure
2 financial transactions using the Internet or using
3 public networks.
4 Q. Had you ever heard of the FFIEC before you started
5 working on this case?
6 A. Absolutely. I was in the biometrics industry at that
7 time, of course, I was involved in standardization,
8 so when that -- when that document came out, those of
9 us in the standardization community paid great
10 attention to it, so I've been familiar with it since,
11 I don't recall the date, 2007, 2008, something in
12 there.
13 Q. So would you agree that you -- would you say you've
14 referenced the FFIEC guidance that's cited as a
15 reference in this case in your previous work in
16 biometrics?
17 A. I don't know what you mean by "referenced." We
18 paid -- well, you used the word "referenced" in that
19 string [ph]. We refer to it in several ways.
20 Number one, in the process of standardizing
21 biometrics technology, which I was part of at that
22 time, we adopted some definitions, we adopted and made

1 sure that our standards supported the general flow.
2 Right? They -- the authentication based on who you
3 are, what you know, and what you have, kind of the
4 three legs, the three-legged stool of authentication.
5 We paid very much attention to that.
6 And so, yes, I referred to it and was
7 familiar with it from that time. It was one of the
8 first publications that came to mind when I was
9 presented with the patents in this case.
10 Q. Dr. Jones, are you the inventor for any patents?
11 A. Yes.
12 Q. And you don't have to give the exact number, but do
13 you have an estimate of how many patents you're the
14 inventor on?
15 A. 12.
16 Q. Did these patents relate to biometric authentication
17 technology? Generally, I mean. To the extent you can
18 provide a general subject matter for the patents
19 you're an inventor for.
20 A. Right. I don't believe, as I remember right now,
21 that any of them specifically referred to biometric
22 authentication. They were across the field of image

1 processing and machine vision. My employer for most
2 of those years did not use the patents to protect
3 intellectual property. They were on the trade secret
4 side of the house.
5 So, no, I don't believe I have any patents
6 related to biometric authentication.
7 Q. Okay. Were any of your patents related to electronic
8 transaction processing at all?
9 A. No.
10 Q. Did you reference the FFIEC guidance for any of the
11 patents that you were the inventor for?
12 A. No. It wouldn't have -- it was not relevant to the
13 subject matter of the patents for which I'm an
14 inventor.
15 Q. And going back to the Stone reference, Dr. Jones, the
16 title of that publication is Currency Display; is that
17 correct?
18 A. Yes.
19 Q. And the currency display that is disclosed in Stone,
20 that requires a client-server structure; is that
21 correct?
22 MS. SHI: Objection. Form.

1 A. Give me a moment. I hadn't -- I hadn't quite thought
2 of that question in relation to it.
3 That's a question I hadn't thought of.
4 Couple of -- at least a couple of the described
5 embodiments of Stone talk about using a server. I'd
6 have to think if there's an application that -- I
7 would not -- I would not guarantee that there's not an
8 application of Stone that would run completely locally
9 and would not require a server.
10 BY MR. JARRETT:
11 Q. But sitting here today, you can't point to one
12 specifically in the publication?
13 A. Well, I wasn't -- I hadn't prepared -- I wasn't asked
14 to think about that. Give me a minute.
15 As I look at Figure 3 of Stone -- would you
16 go to Figure 3 of Stone?
17 Q. Yes.
18 A. So Figure 3 of Stone, just as an example, all of this
19 could be done in a disconnected fashion potentially,
20 and the conclusion of the process be stored and
21 uploaded later, say if a person were in a, you know,
22 place without network continuity.

1 So I could imagine all of Figure 3 being
2 embodied without the interaction of a server, and I
3 would need to look at the rest of Stone with this
4 question in mind to see if that satisfied the claims
5 of Stone.
6 Q. Your understanding there of Figure 3, is that based on
7 anything that's written in the specification or is
8 that just based on looking at the figure?
9 A. As I had not been asked this question before today,
10 that's based entirely on my examination of Figure 3
11 right now. I clearly haven't had time to find any
12 enlightenment in the specification for this question.
13 Q. Okay. Dr. Jones, if you could look at Stone
14 paragraph 45.
15 A. Let me find it.
16 Q. I think it's page 4.
17 A. Yes. Yes, I have it. I have paragraph 45.
18 Q. The end of the paragraph says, "In various
19 implementations, user identifier 418 may be passed
20 with a user money transfer request to payment provider
21 server 408, and user identifier 418 may be used by
22 payment provider server 408 to associate user 409 with

1 a particular user account maintained by the payment
2 provider server 408."
3 Do you see that?
4 A. Yes, I do.
5 Q. Now, if you look at Figure 4 -- flip back a few pages.
6 A. Yes.
7 Q. You see what's labeled 404?
8 A. Yes. Yes, I do.
9 Q. Do you see any indication that a user's payment
10 account information is stored on the user device?
11 MS. SHI: Objection. Form.
12 A. That the user's payment account? Is that what you
13 said?
14 BY MR. JARRETT:
15 Q. Yes.
16 A. Well, the user identifier is block 418, and that's
17 within 404. And if you go to paragraph 45, it says
18 that "user identifier 418 may include attributes
19 related to the user," and some of the things that are
20 named there are banking information, including user
21 accounts.
22 Q. Okay. So -- but looking at Figure 4, 424 account

1 information, do you see that?
2 A. Yes.
3 Q. And do you understand that 404 to be the payment
4 provider server -- 408. Sorry.
5 A. Yes.
6 Q. Okay. And it says the -- in this figure, the account
7 information is stored on the payment server; is that
8 correct?
9 A. Yes. But the user identifier can also contain the
10 account information on the user device 404.
11 Q. But all the association with -- of the account -- of
12 the user identifier with the account information or
13 the user's account is done on the 408 payment server;
14 is that right?
15 MS. SHI: Objection. Form.
16 A. I'm sorry, where do you see that? Are you asking
17 me -- where do you see that?
18 BY MR. JARRETT:
19 Q. It's not in the figure, but if you look at the
20 description in paragraph 45, which is describing the
21 figure or expounding on the figure, it says, "In
22 various implementations," in paragraph 45, towards the

1 bottom, "user identifier 418 may be passed with a user
2 money transfer request to payment provider server 408,
3 and user identifier 418 may be used by payment
4 provider server 408 to associate user 409 with a
5 particular user account maintained by payment provider
6 server 408."
7 A. Yes, I see that.
8 What was your question?
9 Q. My question was, it's -- I believe you mentioned
10 there's user identifier information on the user
11 device. Right?
12 A. Yes.
13 Q. But it's the payment server 408 that associates that,
14 whatever information that is, with the actual account
15 on the payment server.
16 A. Is this related to a particular part of my
17 declaration that I can refer to?
18 Q. I mean, you discuss -- you discuss this in your '010
19 declaration when you're referring to associating the
20 data store.
21 A. Where is that?
22 Q. You can look at page 42.

1 A. Yes. Okay. So the specification says, "In various
2 implementations, that the user identifier may be
3 associated with account number on the server. In
4 various implementations, it may be. However, as I
5 call out in paragraph 80, on the user device, the
6 user information may include other attributes,
7 including banking information like user account
8 numbers.
9 So that association may be done on the user
10 device, may be done on the server.
11 Q. But where does it specifically say in your declaration
12 that association is done on the user device?
13 A. Oh, that the user identifier may include the
14 information. If a user identifier includes two
15 pieces of information, they are associated by being
16 in the same user identifier.
17 MR. JARRETT: Dr. Jones, I have no further
18 questions for you. I pass the witness.
19 MS. SHI: Okay, can we go off record? I
20 would like to take a five-minute break and I will look
21 at my notes and I will let you know if I have
22 questions. Thank you.

1 THE WITNESS: Thank you.
2 (Off the record at 11:57 a.m.)
3 (Back on the record at 12:00 p.m.)
4 MS. SHI: I don't have any questions.
5 Thank you.
6 (Proceedings concluded at 12:00 p.m.
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1 CERTIFICATE OF NOTARY

2

3 STATE OF MICHIGAN)
) SS
4 COUNTY OF OAKLAND)

5

6 I, ALISON WEBSTER, stenographic
reporter and notary public in and for the state of
7 Michigan do hereby certify:
That the deposition of CREED JONES, III,
8 Ph.D. was taken before me via videoconference on
the date hereinbefore set forth; that the foregoing
9 questions and answers were recorded by me
stenographically and reduced to computer
10 transcription; that this is a true, full, and
correct transcript of my stenographic notes so
11 taken; and that I am not related to, nor of counsel
to, either party nor interested in the event of
12 this cause.
I further certify that the adverse party
13 was represented by counsel at the deposition.
I further certify that the deposition of
14 CREED JONES, III, Ph.D., occurred via Zoom
videoconference on Friday, October 11, 2024,
15 commencing at 10:06 a.m., and ending at 12:00 p.m.

16

17

18

19 Alison C. Webster
ALISON C. WEBSTER, CSR-6266, RPR, RMR, CRR, RDR
20 Notary Public, Oakland County, Michigan
My commission expires: May 1, 2029
21

22

1 ACKNOWLEDGMENT OF DEPONENT
2
3 I, CREED JONES, III, Ph.D., do hereby
4 acknowledge that I have read and examined the
5 foregoing testimony and the same is a true, correct,
6 and complete transcription of the testimony given by
7 me and any corrections appear on the attached errata
8 sheet signed by me.
9
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18 _____ _____
19 (SIGNATURE) (DATE)
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A
a1 5:19
able 14:22, 19:16, 30:18, 34:20, 50:4
about 7:3, 12:22, 18:16, 23:9, 26:20, 27:6, 28:16, 33:7, 36:22, 37:2, 37:11, 37:17, 38:8, 38:9, 42:14, 45:11, 49:9, 49:11, 50:12, 53:8, 58:5, 58:14
above-styled 2:9
absolutely 55:6
abstract 25:6
academic 16:1
access 51:22
accomplish 21:22, 33:20
according 36:19
account 9:14, 21:20, 22:1, 22:4, 24:15, 25:8, 49:18, 49:19, 50:2, 50:14, 60:1, 60:10, 60:12, 60:22, 61:6, 61:10, 61:11, 61:12, 61:13, 62:5, 62:14, 63:3, 63:7
accounts 60:21
accurate 22:18, 36:17, 53:5
accurately 39:14
acknowledge 66:4
acknowledgment 66:1
acquire 49:3
acquired 49:13
across 34:17, 36:16, 56:22
action 51:12, 51:13
actions 18:1, 21:6
actual 47:9, 62:14
actually 26:6
address 45:4
addressing 52:10
administered 6:7
admissibility 6:12
admitted 41:17
adopted 55:22
adverse 65:20
affirm 6:8, 7:2
after 7:9, 19:12
afternoon 9:20
again 9:13, 14:12, 26:10, 28:4, 34:12, 35:4, 38:21, 39:4, 53:2, 53:3
against 16:9
agree 23:22, 25:11, 29:17, 36:4, 55:13
ahead 31:5
alison 1:28, 2:11, 65:7, 65:30
all 8:22, 11:1, 14:22, 15:16, 28:21, 29:15, 32:10, 35:2, 36:16, 36:22, 37:1, 37:9, 37:12, 37:13, 37:21, 40:3, 42:22, 44:1, 44:16, 45:17, 53:19, 54:6, 57:8, 58:18, 59:1, 61:11
allowed 53:11
alone 39:21, 40:15, 42:9, 44:11, 45:7, 45:15
also 11:18, 12:7, 15:15, 18:10, 26:11, 27:14, 34:7, 41:15, 43:4, 49:11, 61:9
always 9:6, 10:4
amount 15:2
analysis 25:10, 32:10, 32:17
annotated 39:19
another 18:20, 26:9, 27:6, 38:7
answer 9:1, 9:2, 9:3, 9:5, 9:6, 9:8, 9:11, 9:12, 9:14, 10:1, 10:2, 10:6, 22:17, 22:18, 26:3, 29:3, 30:9, 30:18, 38:10, 39:13, 52:18, 53:6
answering 8:19
answers 8:14, 9:1, 65:13
anticipation 54:1, 54:2, 54:4, 54:9, 54:12, 54:13
any 6:11, 6:15, 9:18, 10:15, 10:18, 11:20, 12:7, 15:10, 15:16, 15:19, 16:4, 16:17, 16:20, 17:1, 17:4, 17:8, 17:9, 17:10, 17:12, 22:17, 29:4, 30:3, 30:5, 30:15, 30:16, 32:3, 37:5, 39:1, 54:8, 54:9, 54:12, 56:10, 56:21, 57:5, 57:7, 57:10, 59:11, 60:9, 64:4, 66:7
anyone 10:13, 29:15
anything 9:20, 12:11,

59:7
apologies
35:2
apologize
31:12, 31:17
app
18:21
appeal
1:3
appear
20:7, 20:10, 66:7
appearance
6:14
appearing
3:3, 3:12
apple
1:6, 6:21, 15:16, 16:9, 17:1, 17:8, 17:13, 18:5, 54:9
apple's
16:20, 17:4
application
41:5, 42:1, 58:6, 58:8
applications
12:8
applied
32:11, 53:19
apply
32:9
appreciate
40:5
approximate
17:18
approximately
8:5
argument
54:13
arguments
54:14
around
18:19
arrangement
6:11
art
15:22, 39:7, 54:5, 54:7
asked
20:14, 20:15, 25:14, 25:22, 38:11, 44:2, 53:12, 58:13, 59:9
asking
29:8, 30:2, 32:6, 38:9, 39:10, 40:4, 42:6, 42:22, 45:14, 45:15, 48:22, 53:8, 61:16
aspects
44:1
asserting
54:9
assist
29:15
associate
49:17, 49:22, 50:1, 59:22, 62:4
associated
26:19, 48:14, 50:6, 63:3, 63:15
associates
62:13
associating
62:19
association
50:13, 61:11, 63:9, 63:12
assume
10:15, 30:11
attached
2:16, 66:7
attention
55:10, 56:5
attorney
9:9, 9:11, 9:14, 10:5, 54:3
attorney-client
9:15, 29:4
attorneys
6:4
attributes
60:18, 63:6
audible
9:2, 9:3, 9:5
audibly
9:6
audio
31:12
austin
3:8
authentication
56:2, 56:4, 56:16, 56:22, 57:6
aware
8:13, 16:8, 16:12, 37:5
away
37:7

B

b1
4:15, 4:17, 4:20
back
25:19, 31:16, 34:20, 35:2, 35:3, 44:9, 46:11, 46:12, 48:8, 49:3, 49:14, 51:10, 57:15, 60:5, 64:3
ballpark
8:3
banking
60:20, 63:7
based
20:15, 51:2, 56:2, 59:6, 59:8, 59:10
because
8:22, 18:15, 22:12, 24:8, 25:21, 30:10, 33:16, 37:17, 38:11
been
7:10, 7:22, 8:6, 16:13, 17:14, 17:16, 17:20, 17:22, 18:2, 18:5, 28:15, 55:10, 59:9
before
1:3, 2:11, 7:22, 8:6, 10:2, 11:10, 18:3, 20:13, 25:21, 30:18, 46:14, 54:5, 55:4, 59:9, 65:11
beginning
23:4
begins
51:1
behalf
3:3, 3:12, 6:18, 6:21
being
10:4, 16:15, 21:5, 23:10, 33:16, 36:11, 49:10, 49:12, 59:1, 63:15
belabor
20:15
believe
21:12, 21:13, 23:3, 23:9, 23:16, 31:6, 32:1, 39:6, 41:10, 49:4, 56:20, 57:5, 62:9
below
39:19, 51:14
benefit
8:15
besides
15:11
best
8:15, 8:18, 8:20, 9:8, 20:8
better
43:14

between
24:3, 24:8, 25:16, 29:22, 30:4
biometric
24:22, 26:5, 26:11, 56:16, 56:21, 57:6
biometrics
1:9, 6:19, 16:8, 25:9, 32:19, 55:6, 55:16, 55:21
bit
8:17, 15:4
bjarrett@mckool-smith
3:18
block
60:16
board
1:3
body
54:21
boone
3:5, 6:20, 15:15
both
12:21, 18:1, 19:4, 19:5, 47:16, 47:18
bottom
62:1
boulevard
3:6
bounds
53:11, 53:13
brackets
40:12, 40:14
bradley
3:13, 6:17
break
9:18, 9:21, 9:22, 10:2, 11:3, 31:8, 44:6, 46:8, 46:14, 63:20
briefly
8:6, 15:13, 32:13
bulk
14:21, 15:9

C

cache
52:8
california)
2:12
call
11:6, 13:5, 21:8, 29:14, 63:5
called
7:9, 16:3, 25:1
calls
24:14
came
55:8, 56:8
campus
10:12
can't
58:11
capture
25:8, 25:9, 48:13, 48:18, 49:2
captured
24:22, 49:12
capturing
21:4, 49:11
carbyne
1:9, 6:18, 16:8
case
16:9, 16:18, 16:21, 17:2, 17:5, 17:10, 17:13, 18:19, 18:20, 30:1, 31:5, 38:4, 49:10, 55:5, 55:15, 56:9
cases
18:12, 19:5, 47:18
cause
2:9, 65:19
certainly
17:9, 28:21
certificate
65:1
certify
65:9, 65:20, 65:22
charging
10:20
chat
19:8, 19:11, 20:1, 41:4
check
48:19
circuits
35:16, 43:20, 47:6, 47:19
cited
16:5, 39:7, 55:14
civil
2:15, 18:4
claim
22:7, 23:22, 24:3, 24:5, 24:12, 24:19, 24:21, 25:16, 26:4, 26:8, 26:10, 26:11, 26:14, 26:16, 30:11, 30:15, 30:17, 31:3, 32:10, 32:17, 33:9, 33:11, 34:3, 34:7, 34:12, 34:19, 35:10, 36:3, 36:9, 36:20, 37:4, 37:10, 37:14, 37:17, 37:22, 39:10, 43:7, 43:13, 43:15, 43:17, 44:17, 46:17, 46:18, 47:1, 47:13, 47:15, 47:20, 48:8, 49:1, 49:14, 50:19, 53:9, 54:12
claimed
24:19
claims
21:1, 21:2, 21:16, 25:5, 25:7, 25:11, 33:3, 34:9, 54:7, 59:4
clarification
40:5, 42:6
clarify
29:8, 40:1, 43:4
clarifying
38:15, 43:3
clean
11:11, 11:15, 11:18
clear
14:11, 24:21
clearly
53:8, 53:11, 59:11
client
12:10
client-server
57:20
close
12:10
closed
10:14, 12:14
column
27:4, 27:7, 35:15, 35:22, 47:4, 48:11, 49:7, 49:9, 50:20, 50:21, 50:22
com
3:10, 3:18
combination
19:4, 19:5, 39:21, 40:17, 42:10, 44:11, 44:14, 44:21, 45:1, 45:6, 45:7, 45:9, 45:10, 45:16,

45:20
combined
43:6, 43:16
come
14:4
comes
11:3
commencing
65:25
comment
12:1
commission
65:32
common
29:18
communicating
37:12, 37:20, 38:16
communication
29:5
community
55:9
compare
24:12
comparison
24:22, 30:7, 30:14
complete
22:18, 37:21, 45:17, 51:4, 51:7, 53:5, 66:6
completely
58:8
component
23:7, 23:8
comprehended
52:11
comprising
33:12, 35:5, 46:20, 49:15
computer
10:16, 12:9, 35:18, 45:21, 47:7, 52:5, 65:14
concluded
64:6
conclusion
58:20
confer
10:5, 10:7
configuration
33:17
configured
33:12, 33:15, 33:16, 33:21, 34:8, 34:17, 35:6, 35:17, 36:6, 40:18, 43:6, 43:16, 43:21, 46:21, 47:6, 49:16, 51:16
confirm
19:13, 27:14, 32:1, 41:16
conjunction
17:9, 18:3
connection
8:18
consent
6:10
construction
30:17, 31:4, 32:4
contacted
16:14
contain
24:14, 24:16, 61:9
contentions
16:21
context
21:18, 23:18, 32:12, 33:1, 33:6, 34:8, 36:3, 39:5, 39:10, 52:14
contextual
24:18, 48:14
continuity
58:22
conversation
29:9
copies
11:11, 11:15, 11:18, 19:11, 19:14, 20:8, 20:17, 27:9, 27:15
cores
35:17, 43:21, 47:6, 47:9, 47:19
correct
12:12, 12:13, 12:17, 13:7, 14:15, 17:2, 17:6, 17:17, 19:14, 20:7, 20:16, 27:15, 28:5, 28:8, 34:3, 37:16, 48:4, 53:15, 57:17, 57:21, 61:8, 65:16, 66:5
correction
14:1
corrections
66:7
corresponding
25:2
could
7:19, 8:2, 22:10, 23:6, 23:7, 27:13, 32:13, 32:22, 33:17, 33:18, 33:21, 35:21, 36:1, 36:16, 36:19, 39:5, 42:3, 42:15, 43:10, 44:5, 44:15, 44:16, 45:17, 46:3, 47:17, 47:18, 48:8, 48:12, 52:9, 52:10, 52:11, 58:19, 59:1, 59:13
counsel
4:12, 6:10, 6:14, 6:16, 15:7, 28:19, 29:6, 38:2, 38:20, 38:22, 65:17, 65:21
count
28:1, 28:5, 28:7
county
65:5, 65:31
couple
49:16, 58:4
coupled
51:15, 52:15, 52:22
course
44:8, 55:7
court
3:15, 8:13, 8:22, 16:10, 16:17
cover
25:11
cpus
47:9, 47:17
creed
1:20, 2:7, 4:4, 5:4, 5:9, 5:14, 6:1, 6:6, 7:8, 7:21, 65:10, 65:23, 66:3
crescent
3:15
crr
1:28, 2:11, 65:30
csr
1:28, 2:12, 2:13, 65:30
currency
57:16, 57:19
customization
33:18

D

dallas
3:16
data
22:7, 22:9, 23:6, 24:19,

35:17, 43:21, 47:7, 47:10, 49:17, 62:20
date
54:5, 55:11, 65:12, 66:19
dated
54:5
david
15:15
days
52:8
declaration
5:4, 5:9, 5:14, 22:15, 23:1, 23:4, 27:22, 28:3, 28:6, 28:15, 30:19, 31:21, 32:16, 38:5, 38:19, 38:21, 39:2, 39:12, 39:18, 41:11, 42:7, 48:20, 53:4, 53:7, 53:14, 53:20, 54:8, 62:17, 62:19, 63:11
declarations
11:12, 11:15, 15:1, 15:4, 15:18, 15:22, 16:3, 16:5, 26:1, 27:9, 27:16, 28:11, 28:13, 28:22
defendant
18:2
defined
42:19, 48:7
defines
43:19
definitions
55:22
deponent
66:1
deposed
7:22, 8:6, 17:16, 18:2
deposition
1:20, 2:7, 6:1, 6:5, 10:9, 14:19, 17:20, 29:14, 65:10, 65:21, 65:22
depositions
17:22
describe
20:22
described
26:17, 35:22, 58:4
describing
61:20
description
50:13, 61:20
desired
51:11
detail
35:12
detailed
21:5
details
29:9
detection
21:7, 21:10, 21:13, 21:22, 24:18, 24:21, 25:10
determined
32:14
device
23:7, 23:10, 23:11, 23:13, 23:14, 23:17, 37:11, 38:16, 39:21, 40:15, 42:9, 43:20, 44:11, 51:22, 52:7, 52:21, 60:10, 61:10, 62:11, 63:5, 63:10, 63:12
devices
10:18, 35:16, 47:5, 47:19, 52:10, 52:20, 52:21
difference
24:20, 26:4, 26:9
differences
24:3, 24:13, 25:3, 25:15, 26:1, 30:3, 30:9, 30:11, 30:12
different
34:10, 36:17, 47:11
difficult
8:16, 38:10
direct
46:16, 48:11
directed
21:1, 21:8, 21:16, 25:5
directly
50:3, 50:16
disagree
36:4
disclosed
57:19
discloses
53:16
disconnected
58:19
discuss
62:18
discussed
23:3
discussing
46:15
discussions
29:9
display
57:16, 57:19
district
16:10, 16:11
document
29:11, 54:19, 55:8
documents
11:20, 15:19, 15:21, 16:3, 16:4, 19:17, 24:9, 27:13, 27:15
done
42:4, 58:19, 61:13, 63:9, 63:10, 63:12
door
10:14
down
8:14, 23:19, 44:20, 48:13, 49:14, 49:17, 53:17
download
27:21
downloading
20:1
dr
7:1, 7:5, 7:14, 7:22, 9:18, 10:11, 12:15, 14:12, 14:17, 17:15, 19:6, 22:14, 22:22, 23:21, 25:4, 26:21, 27:8, 28:10, 29:2, 29:8, 29:17, 30:15, 31:6, 31:7, 40:10, 41:16, 46:12, 48:8, 50:19, 53:5, 53:22, 54:16, 56:10, 57:15, 59:13, 63:17
drawer
10:21
drawing
21:3
drilling
53:17
drop
19:7, 19:10
dropping
41:3

duly
2:9, 7:10
during
11:1

E

each
8:15, 11:12, 11:15, 11:16, 19:14, 20:18, 24:6, 27:16, 28:10, 29:19, 36:2, 36:6, 36:11, 41:17, 41:18, 52:15
easier
30:2, 34:20
easiest
7:19
eastern
2:11
either
10:16, 17:13, 18:2, 19:10, 19:18, 50:3, 52:11, 65:18
electronic
21:10, 34:21, 48:14, 51:5, 51:7, 57:7
elements
21:21, 23:22, 24:4, 34:2
else
10:13, 11:22, 29:15
email
12:11
embodied
18:21, 59:2
embodies
21:2
embodiment
23:9, 23:11, 42:14
embodiments
58:5
emergency
11:3
emergency-type
11:6
employees
15:16, 17:8
employer
57:1
enables
33:20
end
51:4, 59:18
ending
65:25
ends
42:1
engineering
52:6
enlightenment
59:12
enrollment
26:7, 26:8, 26:13, 26:17
entire
36:3
entirely
59:10
errata
66:7
esquire
3:4, 3:13
estimate
8:3, 56:13
even
17:14
evening
9:20
event
65:18
ever
7:22, 17:8, 18:5, 55:4
every
10:3, 20:11, 23:11, 28:13, 52:8
everything
12:14
exact
8:3, 56:12
exactly
40:22
examination
4:6, 7:16, 59:10
examined
7:12, 66:4
example
10:5, 28:14, 31:1, 33:8, 37:19, 38:7, 39:8, 39:20, 40:14, 42:9, 49:3, 52:7, 58:18
examples
40:2
except
12:14
exception
9:13, 9:22, 10:3, 10:4
excuse
49:7
executed
36:12
executing
36:1, 36:2, 37:9
exhaustive
20:10
exhibit
4:11, 4:14, 4:16, 4:19, 5:3, 5:8, 5:13, 5:18, 12:3, 20:2, 20:3, 20:4, 20:21, 27:22, 28:3, 28:6, 40:21, 41:3, 41:7, 41:14, 41:17, 46:17, 53:9
exhibits
4:12, 19:10, 19:12, 19:21, 27:8, 27:19, 34:22
experience
32:19
expert
16:15, 17:5, 17:12, 18:6, 39:13
expertise
32:18
experts
17:1
expires
65:32
explain
32:13
explanation
18:13
explicit
31:4
explicitly
26:5
expounding
61:21
express
32:3
extent
56:17
extra
10:10
extract
38:22
extracted
26:12

F

face
24:15, 25:8, 40:18, 49:18, 50:2
facilitate
25:10
failing
37:7
fair
15:2, 21:8
fairly
47:8
familiar
8:7, 54:16,

55:10, 56:7
fashion
58:19
fdic
54:21
federal
2:15
feel
19:9, 45:2
feeling
18:17
few
7:18, 10:10, 42:4, 44:5, 60:5
ffiec
54:16, 54:19, 55:4, 55:14, 57:10
field
32:19, 56:22
figure
39:19, 58:15, 58:16, 58:18, 59:1, 59:6, 59:8, 59:10, 60:5, 60:22, 61:6, 61:19, 61:21
filed
16:9
filings
16:17
financial
21:7, 21:19, 54:22, 55:2
find
27:3, 27:7, 49:5, 50:15, 59:11, 59:15
fine
10:22, 45:21
finer
36:15
finish
51:10, 51:12
first
7:10, 13:4, 24:5, 33:5, 39:18, 40:11, 56:8
five-minute
63:20
flip
60:5
flow
56:1
focused
25:7
follow-up
44:7
follows
7:12
foregoing
65:12, 66:5
form
19:2, 21:11, 22:6, 22:11, 23:15, 24:7, 26:12, 36:8, 36:18, 43:8, 44:18, 45:18, 47:22, 49:10, 51:21, 52:4, 52:17, 54:11, 57:22, 60:11, 61:15
forth
34:20, 35:2, 35:3, 40:19, 65:12
forward
41:12
frame
12:20, 43:14
fraud
21:6, 21:10, 21:13, 21:22, 24:18, 24:21, 25:7, 25:10
free
19:9
friday
1:22, 2:10, 6:2, 65:24
front
8:10, 11:20, 20:16, 28:1, 28:4, 28:7
full
65:15
function
33:20
functionality
39:8, 50:13
further
63:17, 65:20, 65:22

G

general
32:20, 34:16, 47:8, 47:16, 49:2, 52:5, 53:3, 56:1, 56:18
generally
9:10, 13:1, 25:5, 32:15, 56:17
gist
42:22, 45:3
give
7:3, 9:2, 9:3, 9:5, 18:13, 18:15, 18:17, 25:21, 26:2, 35:12, 40:2, 56:12, 58:1, 58:14
given
32:18, 52:19, 66:6
giving
37:19
go
8:6, 24:8, 31:5, 31:16, 48:8, 49:4, 49:9, 50:20, 51:10, 58:16, 60:17, 63:19
going
7:18, 12:5, 22:22, 25:19, 26:15, 27:8, 32:16, 40:22, 41:1, 41:12, 44:9, 48:19, 49:14, 57:15
good
7:13, 14:5, 44:4, 45:3
governing
54:20
graphical
21:21
great
55:9
ground
8:7, 10:10
grounds
54:10
guarantee
58:7
guess
33:22, 38:14, 44:13, 45:14, 48:11, 48:12
guidance
54:19, 54:22, 55:14, 57:10

H

hand
7:1
hardware
19:1, 33:17, 33:18, 33:21, 34:1
haynes
3:5, 6:20, 15:15
head
9:3, 12:5, 14:4, 45:13
hear
46:1
heard
55:4
hearing
6:22
help
39:13, 53:6

helped
28:22, 29:10
helpful
33:8
helps
53:1
here
9:19, 15:2, 21:2, 23:6, 39:16, 45:4, 45:19, 47:4, 49:1, 58:11
hereby
65:9, 66:3
herein
7:9
hereinbefore
65:12
hereto
2:16
hesitate
30:8
high
18:16
high-level
18:13
holder
21:20, 24:16, 25:8, 49:18, 49:19, 50:15
hong
3:4, 3:10, 6:20, 29:14
house
57:4
however
32:21, 63:4

I

icon
24:14
icons
21:4
id
18:20
idea
30:1
identical
29:22
identification
19:20, 27:18, 41:6
identified
30:16, 31:3
identifier
59:19, 59:21, 60:16, 60:18, 61:9, 61:12, 62:1, 62:3, 62:10, 63:2, 63:13, 63:14, 63:16
iii
1:20, 2:7, 4:4, 6:1, 7:8, 7:21, 65:10, 65:23, 66:3
illinois)
2:13
illuminating
47:3
image
26:18, 56:22
images
26:12
imagine
50:5, 59:1
implementation
34:15
implementations
59:19, 61:22, 63:2, 63:4
implication
34:15
implications
43:19
implied
26:6, 50:17
imply
44:19
inc
1:6
include
10:6, 47:17, 60:18, 63:6, 63:13
includes
24:17, 24:18, 63:14
including
25:9, 60:20, 63:7
incorporated
16:10
indeed
19:14
independent
24:5, 25:16, 26:2
indication
60:9
individual
26:18, 29:12
individually
30:8
individuals
15:10, 29:10
industry
55:6
information
10:6, 21:20, 22:2, 22:4, 24:18, 25:1, 25:9, 26:5, 26:12, 29:4, 38:4, 39:1, 48:14, 49:11, 50:2, 50:15, 60:10, 60:20, 61:1, 61:7, 61:10, 61:12, 62:10, 62:14, 63:6, 63:7, 63:14, 63:15
informed
28:15, 28:17, 32:11, 50:8, 50:16
infringement
16:9, 17:10, 18:1
initiate
42:17
initiating
51:11, 51:13
instance
2:8
institutions
54:22
instructions
35:18, 36:1, 36:2, 47:7, 51:17
instructs
9:11, 9:14
intellectual
57:3
intended
54:21
intending
44:19
inter
5:6, 5:11, 5:16, 12:18
interact
11:2, 11:5
interacted
29:12
interacting
12:2, 21:21
interaction
59:2
interactions
49:12
interactive
21:9
interested
65:18
interface
21:3, 21:9, 24:14
internet
55:2
interrupt
8:15, 8:18
introduce
19:6, 27:8
introduced
37:15
invalidity
16:20
inventor
56:10, 56:14, 56:19, 57:11, 57:14

involve
33:17, 33:19
involved
55:7
ipr
1:12, 1:14, 1:16, 5:7, 5:12, 5:17, 11:13, 12:16, 12:17, 13:5, 13:8, 13:9, 13:10, 13:15, 13:17, 13:18, 13:19, 13:20, 14:1, 14:8, 14:9, 14:10, 14:14, 14:15, 17:20, 18:3, 27:10, 39:2, 53:4, 53:10, 54:8
iprs
11:12, 11:16, 13:1, 14:8, 14:14, 19:7, 27:17, 41:18, 54:9
issue
13:4, 18:12, 18:22, 19:7, 27:17

J

jacinto
3:6
jakobsson
4:15, 4:18, 4:21
jarrett
3:13, 4:7, 6:17, 7:13, 7:17, 19:3, 20:6, 21:14, 22:8, 22:21, 23:20, 24:10, 28:9, 29:6, 29:7, 31:9, 31:14, 31:19, 36:13, 36:21, 38:6, 39:3, 39:15, 40:7, 41:3, 41:9, 43:12, 45:5, 46:4, 46:8, 46:12, 46:13, 48:3, 52:1, 52:13, 53:3, 53:8, 53:15, 53:21, 54:15, 58:10, 60:14, 61:18, 63:17
job
1:25
jones
1:20, 2:7, 4:4, 5:4, 5:9, 5:14, 6:1, 6:6, 7:1, 7:5, 7:8, 7:14, 7:21, 7:22, 9:18, 10:11, 12:15, 14:12, 14:17, 17:15, 19:6, 22:14, 22:22, 23:21, 25:4, 26:21, 27:8, 28:10, 29:2, 29:8, 29:17, 30:15, 31:6, 31:7, 40:10, 41:16, 46:12, 48:8, 50:19, 53:5, 53:22, 54:16, 56:10, 57:15, 59:13, 63:17, 65:10, 65:23, 66:3
judge
8:10
jump
34:19
jumping
35:2, 35:3
jury
8:11

K

keeping
9:19
kind
12:20, 25:14, 56:3
know
8:2, 8:3, 8:16, 9:4, 11:8, 11:10, 14:22, 15:2, 15:18, 17:14, 18:8, 19:15, 20:14, 23:10, 26:1, 32:19, 32:20, 32:21, 37:7, 42:21, 43:11, 43:18, 44:4, 45:6, 45:12, 45:21, 46:2, 46:14, 50:4, 50:5, 55:17, 56:3, 58:21, 63:21
knowledge
20:8

L

labeled
60:7
lag
8:17
language
29:22, 30:11, 33:2, 33:11, 34:7, 34:8, 35:5, 36:20, 37:5, 47:13, 48:5, 51:14
laptop
10:16, 12:1
last
14:7, 31:17, 51:1
late
9:19, 54:20
later
58:21
law
28:16, 54:1
least
51:2, 58:4
led
50:21
legal
29:13
legs
56:4
let's
8:15, 27:2, 27:6, 31:16, 31:18, 37:11, 50:1
level
18:16, 32:18
levels
52:8
license
2:12, 2:13
lieu
6:6
likeness
24:15, 40:18, 49:18, 50:2, 50:15
likewise
8:21
limitation
25:2, 26:6, 43:13, 53:1
limitations
44:16, 54:6
line
27:4, 27:7, 35:15, 35:22, 47:4, 49:9
lines
49:16
linked
50:3, 50:16
listed
34:2, 36:6, 43:7, 43:17, 44:17
litigation
17:21, 38:4, 39:1, 39:11
little
8:17
llc
1:9, 6:19, 16:8

llp
3:5
locally
58:8
located
23:7
location
24:19, 25:9, 26:10, 49:12
long
29:3
look
12:3, 20:15, 20:16, 26:16, 34:4, 34:6, 34:17, 35:9, 39:17, 44:1, 58:15, 59:3, 59:13, 60:5, 61:19, 62:22, 63:20
looked
30:8, 30:13
looking
20:12, 33:9, 35:4, 35:12, 36:3, 39:9, 49:1, 59:8, 60:22
looks
20:3, 20:4, 28:1, 28:3, 28:4, 28:6, 28:7, 37:9, 42:1, 48:12
lot
42:21

M

machine
57:1
made
55:22
mail
12:10
maintain
21:20
maintained
60:1, 62:5
majority
17:22, 28:20
make
14:5, 34:19
makes
24:20
making
12:21, 14:21
manner
6:12, 6:15
many
8:2, 18:8, 44:20, 46:1, 46:5, 56:13
marked
19:20, 27:18, 41:6
material
15:2, 15:4, 30:3
matter
6:8, 7:3, 18:11, 20:22, 21:1, 21:16, 25:5, 25:12, 56:18, 57:13
maybe
30:2, 38:14, 43:14
mckool
3:14, 6:18
mean
12:10, 12:17, 20:11, 32:21, 33:1, 33:21, 40:2, 42:12, 43:9, 44:21, 45:7, 45:8, 45:16, 48:6, 50:1, 55:17, 56:17, 62:18
meaning
28:18, 32:9, 32:11, 32:15, 33:15, 35:8, 47:12, 48:18, 49:22, 51:9, 51:20, 53:18
means
29:21, 34:11, 43:11, 45:9, 51:8, 52:2, 53:18
meant
14:3, 14:4
mechanisms
50:6
meet
15:10, 15:16, 37:22
memories
52:3
memory
51:15, 51:20, 52:2, 52:3, 52:6, 52:7, 52:8, 52:9, 52:12, 52:15, 52:19, 53:16, 53:18
mention
26:5, 37:18
mentioned
14:14, 15:18, 16:13, 16:16, 16:18, 17:15, 23:21, 62:9
met
17:4
method
2:14
michigan
65:3, 65:9, 65:31
michigan)
2:12
mid
54:20
might
10:6, 13:22, 34:14, 34:20
mind
56:8, 59:4
mine
28:21
minimum
36:5
minute
16:6, 18:15, 58:14
minutes
44:5
moment
11:21, 12:5, 12:8, 22:12, 24:8, 25:21, 26:2, 30:22, 31:11, 31:13, 34:4, 39:16, 48:10, 58:1
money
59:20, 62:2
more
19:1, 26:6, 33:3, 33:12, 35:5, 35:6, 35:12, 35:16, 35:19, 36:10, 36:11, 37:17, 39:20, 40:13, 42:8, 43:20, 44:10, 44:15, 45:11, 47:5, 47:12, 47:17, 47:18, 47:19, 49:16, 51:15, 51:16, 52:9, 52:10, 52:15, 52:22
morning
7:13
most
15:3, 57:1
moves
12:6
much
42:22, 56:5
multiple
36:1, 45:20, 46:2, 52:3, 52:8, 52:16, 52:20, 52:21
muted
31:6, 31:14

N

name
7:20, 7:21

named
60:20
names
29:10
need
9:2, 9:12, 9:21, 10:5, 22:15, 24:8, 25:19, 31:8, 59:3
needed
41:1
needs
52:15
network
58:22
networks
55:3
never
17:9, 30:7, 30:13
next
14:7, 26:6, 40:22, 44:5
nod
9:2
notary
65:1, 65:8, 65:31
notes
63:21, 65:16
nothing
7:4, 7:11, 11:22, 12:4, 37:8
number
8:4, 13:6, 13:8, 13:10, 13:18, 14:1, 14:8, 14:9, 17:18, 41:5, 45:3, 45:12, 45:15, 46:17, 47:9, 55:20, 56:12, 63:3
numbered
2:9
numbers
13:2, 45:22, 63:8

O

o'brien
15:12, 15:14, 15:15
oakland
65:5, 65:31
oath
6:6, 8:9
object
9:9
objection
19:2, 21:11, 22:6, 22:11, 23:15, 24:7, 29:1, 36:8, 36:18, 38:1, 38:18, 43:8, 44:18, 45:18, 47:22, 51:21, 52:4, 52:17, 54:11, 57:22, 60:11, 61:15
objections
6:11, 6:15, 6:22
obtain
38:3
obviously
10:15, 11:4, 11:6, 12:17, 13:14
obviousness
28:19, 54:13
occurred
47:16, 65:23
october
1:22, 2:10, 6:2, 65:24
offers
53:15
office
1:1, 10:12, 10:16
often
33:2, 33:3
oh
14:19, 27:2, 63:13
okay
7:13, 8:2, 9:9, 9:18, 10:9, 11:20, 12:7, 12:14, 12:20, 13:8, 14:6, 15:8, 16:4, 16:17, 17:15, 18:5, 18:8, 18:18, 19:6, 19:18, 20:18, 22:4, 22:9, 26:16, 27:5, 28:10, 28:22, 29:15, 30:2, 30:20, 32:9, 34:19, 35:14, 36:14, 36:22, 37:19, 38:12, 40:9, 41:2, 41:22, 42:2, 42:3, 42:21, 43:2, 46:5, 46:7, 46:18, 49:2, 49:8, 49:14, 50:19, 51:14, 54:8, 57:7, 59:13, 60:22, 61:6, 63:1, 63:19
once
18:2
one
7:19, 9:21, 18:19, 23:9, 24:12, 24:20, 26:4, 27:3, 31:11, 33:12, 35:5, 35:6, 35:11, 35:16, 35:19, 35:21, 36:2, 36:5, 36:10, 36:11, 36:22, 37:8, 37:11, 38:8, 39:16, 39:20, 40:13, 42:8, 42:14, 43:20, 44:7, 44:9, 45:17, 45:19, 46:5, 47:5, 47:12, 47:17, 47:18, 47:19, 47:21, 48:6, 49:10, 49:15, 50:4, 51:15, 51:16, 52:9, 52:10, 52:15, 52:22, 54:7, 55:20, 56:7, 58:11
online
26:15
only
9:13, 9:22, 10:4, 45:22, 54:13
open
10:19, 19:12, 19:16, 20:5, 27:13
opening
41:22
opine
25:22, 44:2, 54:12
opined
54:13
opining
22:13
opinion
47:20, 53:16
opinions
28:21, 53:14, 53:19
opportunity
38:3, 38:22
opposing
38:2, 38:20, 38:22
orally
9:8
ordinary
32:9, 32:11, 32:15, 33:15,

49:21, 51:8, 51:19, 53:18
originally
16:14
other
8:16, 10:18, 11:5, 11:20, 12:7, 12:8, 15:10, 15:19, 15:22, 16:2, 17:21, 18:9, 23:8, 24:20, 39:21, 40:1, 40:17, 42:10, 42:12, 44:11, 44:14, 44:22, 45:1, 45:11, 50:5, 63:6
out
13:3, 14:4, 16:3, 24:14, 25:1, 38:1, 38:18, 55:8, 63:5
outside
16:4
over
8:7, 15:7, 54:21
own
32:14
owner
1:10, 2:8, 3:12, 6:18

P

page
4:3, 4:11, 13:11, 28:1, 28:4, 28:5, 28:7, 39:17, 59:16, 62:22
pages
1:26, 20:16, 60:5
paid
55:9, 55:18, 56:5
paper
19:11
paragraph
31:2, 31:20, 39:17, 40:6, 42:7, 44:9, 48:13, 49:4, 49:6, 51:1, 59:14, 59:17, 59:18, 60:17, 61:20, 61:22, 63:5
paragraphs
23:5, 28:17
pardon
49:7
parentheses
40:14
part
24:17, 24:21, 26:10, 30:19, 38:20, 48:20, 51:2, 53:9, 55:21, 62:16
partes
5:6, 5:11, 5:16, 12:18
participating
6:4
particular
32:20, 33:20, 48:20, 60:1, 62:5, 62:16
parties
6:10
party
38:3, 65:18, 65:20
pass
63:18
passed
59:19, 62:1
past
15:7
patent
1:1, 1:3, 1:10, 1:13, 1:15, 1:17, 2:8, 3:12, 4:15, 4:17, 4:20, 5:7, 5:12, 5:17, 6:18, 11:13, 11:14, 13:2, 13:5, 13:6, 13:9, 13:11, 13:15, 13:18, 13:19, 13:21, 14:8, 14:10, 16:9, 20:3, 20:4, 20:21, 21:1, 21:15, 21:17, 23:9, 23:18, 24:4, 24:6, 25:4, 25:16, 25:17, 25:20, 26:14, 29:17, 29:18, 31:21, 32:7, 32:12, 33:9, 34:6, 34:7, 34:11, 35:4, 36:4, 40:20, 41:4, 43:7, 46:16, 46:17, 47:14, 48:9, 49:14, 50:19, 53:10, 54:1, 54:6
patents
11:17, 11:19, 13:4, 15:5, 15:22, 17:10, 18:11, 19:7, 19:14, 20:8, 20:12, 20:19, 25:12, 27:13, 29:20, 30:5, 30:16, 41:19, 56:9, 56:10, 56:13, 56:16, 56:18, 57:2, 57:5, 57:7, 57:11, 57:13
payment
39:8, 42:15, 59:20, 59:22, 60:1, 60:9, 60:12, 61:3, 61:7, 61:13, 62:2, 62:3, 62:5, 62:13, 62:15
penalty
6:8
pending
10:1
people
54:22
perfect
14:6
perform
21:22, 34:2, 36:6, 43:6, 43:17, 44:16
performed
32:14, 36:16
performing
36:22, 37:13
performs
21:13
perhaps
9:15, 53:1
perjury
6:9
person
6:7, 58:21
personalization
33:18
personalizations
33:22, 34:1
petition
5:6, 5:11, 5:16
petitioner
1:7, 3:3
ph
1:20, 2:7, 4:4, 5:4, 5:9, 5:14, 6:1, 6:6, 7:8, 55:19, 65:11, 65:23, 66:3
phone
10:20, 11:1
photograph
49:10
photos
18:21

physical
26:9
pick
10:22, 31:18
piece
54:5, 54:7
pieces
14:22, 63:15
pin
44:20
pinning
23:18
place
27:3, 27:6, 50:22, 58:22
plain
32:9, 32:11, 32:14, 33:14, 35:7, 49:21, 51:8, 51:19, 53:17
plaintiff
18:1
plan
9:19
please
6:14, 7:1, 7:20, 18:15, 19:9, 31:11, 39:12, 53:6
point
23:1, 30:18, 36:15, 38:20, 43:1, 53:6, 58:11
pointed
31:20, 32:2
pointing
23:12, 23:13, 23:16
portion
32:2, 39:13, 40:11, 40:12, 47:3
portions
53:7
portrays
21:3
possible
43:22
potentially
58:19
prefer
10:21
preparation
15:6, 15:9, 15:19
prepare
14:17, 14:19, 29:11
prepared
15:1, 18:16, 46:2, 58:13
preparing
28:22
presented
56:9
preserving
9:10
pretty
42:22
prevent
37:6
previous
55:15
previously
18:5, 18:13, 20:19
prior
15:22, 39:7, 54:5, 54:7
priority
54:5
privilege
9:15, 29:1
privileged
10:6, 29:4
probably
21:5
procedure
2:15
proceed
7:7
proceeding
6:15
proceedings
12:16, 17:21, 18:3, 64:6
process
26:18, 35:17, 42:16, 47:7, 55:20, 58:20
processer
36:22
processing
35:17, 43:20, 43:21, 47:6, 47:9, 47:18, 57:1, 57:8
processor
33:16, 33:19, 35:16, 36:5, 37:8, 37:11, 37:20, 38:8, 38:9, 38:11, 38:16, 39:5, 39:20, 40:15, 42:9, 42:19, 43:19, 44:10, 45:1, 45:11, 45:19, 46:15, 46:20, 47:2, 47:5, 47:12, 47:21, 48:2, 48:5, 48:6, 48:7, 51:22, 52:22
processors
33:12, 35:6, 35:7, 35:20, 36:10, 36:11, 36:17, 38:8, 38:17, 39:20, 39:22, 40:2, 40:13, 40:17, 42:8, 42:10, 42:13, 43:6, 43:16, 44:10, 44:12, 44:14, 44:15, 44:20, 44:22, 45:16, 45:20, 46:5, 47:13, 49:16, 51:16, 51:17, 52:16
produced
2:8
program
35:18, 47:7
prompt
9:4, 9:5
property
57:3
protect
55:1, 57:2
provide
9:12, 10:2, 22:17, 29:9, 40:21, 51:16, 53:5, 54:21, 56:18
provided
11:12, 11:16, 27:16
provider
59:20, 59:22, 60:2, 61:4, 62:2, 62:4, 62:5
providing
32:17
provisions
2:16
pub
5:19
public
55:3, 65:8, 65:31
publication
41:5, 57:16, 58:12
publications
16:2, 56:8
purpose
53:4
pursuant
2:15
put
10:21, 36:14

Q

question
9:12, 10:1, 15:5, 21:15,

25:4, 25:14, 26:3, 29:3, 29:21, 30:3, 31:17, 37:2, 37:15, 38:10, 39:11, 39:13, 42:4, 44:13, 45:20, 48:1, 52:18, 54:6, 58:2, 58:3, 59:4, 59:9, 59:12, 62:8, 62:9
questioning 11:1
questions 7:18, 8:14, 9:1, 9:6, 9:9, 19:11, 63:18, 63:22, 64:4, 65:13
quickly 48:19
quit 31:12
quite 58:1

R

raise 7:1
rdr 1:28, 2:12, 65:30
read 20:18, 30:22, 33:6, 34:12, 39:18, 40:11, 47:15, 66:4
reading 20:11
ready 45:2
realized 31:15
really 19:5, 33:7, 50:12
reasonably 21:18
recall 9:7, 16:13, 16:15, 17:8, 22:13, 23:18, 30:4, 35:11, 50:9, 55:11
receive 11:6, 40:18
received 19:16, 20:2, 27:12, 27:14, 27:21
record 2:16, 7:20, 9:10, 11:10, 14:5, 15:14, 41:15, 46:10, 46:11, 63:19, 64:2, 64:3
recorded 65:13
reduced 65:14
reducing 25:7
refer 11:13, 12:22, 13:1, 13:14, 14:9, 22:15, 23:1, 24:5, 25:19, 26:15, 31:1, 39:7, 39:12, 41:10, 41:12, 41:13, 44:10, 48:19, 50:4, 55:19, 62:17
reference 12:21, 19:9, 19:10, 24:6, 34:21, 39:16, 41:1, 41:10, 41:11, 41:17, 41:18, 55:15, 57:10, 57:15
referenced 11:11, 15:21, 55:14, 55:17, 55:18
references 39:6, 39:7
referred 16:1, 40:6, 56:6, 56:21
referring 13:9, 13:10, 13:16, 13:19, 13:20, 23:2, 26:21, 40:3, 41:14, 62:19
refers 39:8, 47:5
refines 33:4
reflected 30:12
regarding 12:16, 13:6, 13:21
regards 14:13, 21:7
relate 56:16
related 17:10, 17:20, 17:22, 18:10, 18:19, 18:20, 19:1, 28:17, 57:6, 57:7, 60:19, 62:16, 65:17
relation 58:2
released 54:20
relevant 30:19, 38:21, 53:6, 57:12
remainder 34:2
remember 9:6, 17:7, 42:16, 56:20
remind 29:2, 38:2
reminder 22:14, 53:3
remote 10:9
render 25:8
repeat 31:17, 42:4
rephrase 43:10
report 28:20, 44:3
reported 1:27, 2:14
reporter 8:13, 8:22, 65:8
reporting 6:12
reports 17:1
represented 65:21
request 9:18, 9:21, 22:18, 59:20, 62:2
requested 51:12
requesting 9:22
require 30:16, 31:4, 47:21, 58:9
required 36:19, 44:20, 52:6
requirements 28:18, 50:17
requires 32:3, 36:5, 36:9, 47:13, 57:20
responding 21:5, 21:6
responds 42:17
rest 59:3

retained
4:12, 17:5, 17:13, 18:5
reveal
29:3
review
5:6, 5:11, 5:16, 12:18, 15:19, 16:4, 19:16, 22:12, 22:19
reviewed
16:17, 16:20, 17:1, 20:18
reviewing
14:21, 15:3, 32:16
right
7:1, 10:19, 11:17, 17:13, 17:19, 25:18, 26:19, 28:1, 28:2, 28:4, 28:7, 29:12, 34:16, 42:3, 45:12, 46:1, 50:11, 56:2, 56:20, 59:11, 61:14, 62:11
rmr
1:28, 2:11, 65:30
room
10:13, 10:18
roughly
17:16
roundabout
23:4
rpr
1:28, 2:11, 65:30
rule
10:3
rules
2:15, 8:7, 10:10
run
58:8
running
12:8, 33:19

S

said
14:1, 17:15, 31:20, 32:2, 45:19, 46:2, 53:20, 60:13
same
8:20, 12:22, 13:11, 21:15, 27:12, 29:20, 32:6, 34:9, 34:10, 34:17, 63:16, 66:5
san
3:6
satisfied
43:14, 43:15, 59:4
satisfies
54:6
satisfy
37:4, 37:10, 37:12, 37:14, 52:22
say
9:4, 11:2, 12:17, 15:7, 18:22, 21:8, 22:1, 22:3, 22:22, 23:12, 25:19, 28:15, 30:10, 31:10, 32:22, 37:8, 37:11, 37:20, 38:17, 43:9, 44:22, 45:2, 45:10, 45:15, 46:3, 48:12, 55:13, 58:21, 63:11
saying
36:15, 44:14, 46:1, 49:6
says
22:7, 25:6, 26:11, 31:2, 32:2, 35:15, 39:18, 40:13, 42:8, 44:9, 44:21, 45:19, 45:21, 47:4, 48:13, 49:15, 49:17, 51:15, 59:18, 60:17, 61:6, 61:21, 63:1
scheduling
6:16
scientists
45:22
scope
38:1, 38:5, 38:18
screen
10:20, 12:2, 12:4, 21:4
search
20:10
second
12:2, 12:4, 13:17, 48:12, 48:13
secret
57:3
section
51:4
sections
28:14
secure
55:1
see
20:1, 27:2, 27:3, 27:6, 27:7, 33:6, 33:11, 33:13, 34:19, 46:20, 46:22, 48:16, 49:15, 49:20, 50:1, 50:9, 51:1, 51:4, 51:6, 51:14, 59:4, 60:3, 60:7, 60:9, 61:1, 61:16, 61:17, 62:7
seeing
34:16
seems
20:3, 27:22
seen
20:12, 20:17
send
12:3, 19:13
sending
12:11, 19:15, 27:11
sentence
40:12
separate
12:16, 42:19
serve
16:14, 55:1
served
16:21, 17:2
server
37:12, 37:15, 37:18, 37:21, 38:9, 38:11, 38:17, 39:7, 39:9, 42:15, 42:16, 42:18, 58:5, 58:9, 59:2, 59:21, 59:22, 60:2, 61:4, 61:7, 61:13, 62:2, 62:4, 62:6, 62:13, 62:15, 63:3, 63:10
sessions
15:6, 15:12
set
26:12, 65:12
setups
33:22, 34:1
several
33:1, 55:19
shake
9:3
share
29:18

sheet
66:8
shi
3:4, 6:20, 15:7, 15:11, 19:2, 21:11, 22:6, 22:11, 22:14, 22:17, 23:15, 24:7, 29:1, 29:14, 31:8, 36:8, 36:18, 38:1, 38:18, 39:12, 40:5, 43:8, 44:18, 45:18, 47:22, 51:21, 52:4, 52:17, 53:2, 53:13, 54:11, 57:22, 60:11, 61:15, 63:19, 64:4
shi@haynesboone
3:10
short
44:6
should
19:18
shown
39:19
side
57:4
signature
66:19
signature-b7fzp
65:28
signed
66:8
significant
30:9
similar
21:18, 23:22, 24:2, 25:4, 25:11, 25:13, 25:14, 34:7, 34:11
similarities
25:22
since
8:6, 10:9, 20:14, 20:15, 42:4, 55:10
single
20:11, 35:21, 37:20, 45:1, 45:10, 47:21, 52:3, 52:7, 52:21, 54:2, 54:4, 54:7
sitting
58:11
smith
3:14, 6:18
software
19:1, 33:19, 33:21, 34:1
some
11:2, 16:1, 16:2, 18:17, 21:22, 23:8, 25:3, 29:13, 32:18, 32:20, 33:17, 34:14, 34:15, 35:12, 39:6, 55:22, 60:19
somehow
45:9, 50:3, 50:16
something
12:3, 26:20, 28:16, 31:10, 35:9, 44:2, 55:11
sometime
44:5
sometimes
8:16
somewhere
26:22, 36:10
sorry
14:3, 18:10, 31:5, 31:6, 31:7, 34:19, 36:14, 37:2, 37:15, 40:6, 40:11, 40:14, 41:16, 50:7, 50:21, 50:22, 61:4, 61:16
sort
25:2, 33:17
spaces
52:10
span
52:9, 52:10, 52:20, 52:21
speak
17:12
speaking
17:8
speaks
26:7
specific
18:19, 18:20, 23:12, 23:13, 23:16, 23:19, 28:18, 30:17, 34:14, 34:15, 39:10, 45:14
specifically
22:13, 24:13, 25:1, 26:8, 26:11, 26:22, 40:3, 40:10, 40:11, 56:21, 58:12, 63:11
specification
26:22, 29:19, 29:20, 29:22, 30:4, 30:13, 33:3, 35:12, 35:15, 37:5, 48:6, 48:7, 50:8, 50:10, 50:14, 50:17, 59:7, 59:12, 63:1
specifics
50:12
spent
14:21, 15:3
spoke
17:9
spoken
17:4
ss
65:4
standardization
55:7, 55:9
standardizing
55:20
standards
56:1
start
7:19
started
55:4
starting
6:16
state
6:14, 7:20, 30:21, 65:3, 65:8
stated
2:16
statement
42:7, 42:13, 44:21
states
1:1, 41:4
stenographer
6:4, 6:22, 7:6
stenographic
2:14, 65:7, 65:16
stenographically
1:27, 65:14
steps
36:6, 36:11, 36:16, 37:1, 37:9, 37:13, 37:21, 43:6, 43:17, 44:16, 45:17
still
49:3
stone
5:19, 39:8, 39:19, 40:13, 40:20, 41:11, 41:12, 41:13, 41:16, 42:1, 42:8, 42:14,

57:15, 57:19, 58:5, 58:8, 58:15, 58:16, 58:18, 59:3, 59:5, 59:13
stool 56:4
storage 23:6, 23:10, 51:22
store 21:19, 22:1, 22:7, 22:10, 23:6, 23:11, 49:17, 62:20
stored 22:4, 23:13, 24:22, 26:20, 49:10, 50:3, 58:20, 60:10, 61:7
storing 26:5
strike 18:10, 50:21
string 55:19
structure 23:14, 23:17, 23:19, 29:13, 39:9, 57:20
subject 18:11, 20:22, 21:16, 25:5, 25:12, 53:10, 56:18, 57:13
submit 26:18
substitute 48:5
sufficient 43:5, 43:9, 43:11
suite 3:7
suits 18:4
supplied 28:19, 29:13
support 5:5, 5:10, 5:15, 16:2
supported 56:1
supporting 15:4
supports 21:6, 21:9, 21:12
sure 8:7, 12:21, 14:5, 14:22, 30:10, 34:13, 42:6, 43:13, 56:1
swear 7:2, 7:5
sworn 2:9, 7:10
system 21:2, 21:19, 23:8, 23:19, 25:6, 25:7, 33:11, 35:5, 36:4, 46:20, 49:13, 49:15

T

take 10:2, 22:12, 26:16, 31:8, 32:22, 44:5, 46:8, 63:20
taken 2:9, 65:11, 65:17
taking 8:14
talk 18:16, 50:12, 58:5
talking 12:22, 33:7, 38:8
talks 23:9, 27:6, 42:14, 49:9, 49:11
teach 37:7
teaches 39:20, 40:13, 42:8
tech 10:12
technology 18:14, 18:19, 18:21, 18:22, 55:21, 56:17
tell 37:17, 48:21
tells 50:14
ten 8:5, 17:16
term 26:8, 26:13, 32:3, 32:21, 32:22, 33:6, 34:11, 34:17, 35:6, 35:8, 46:15, 47:5, 49:1, 49:2, 52:9, 52:19, 53:9, 54:1, 54:2
terms 30:15, 31:3, 32:10, 32:17, 32:20, 47:8
testified 7:12, 18:12, 53:20
testify 7:10, 18:6
testifying 8:9, 8:10, 12:15, 14:13
testimony 6:8, 7:2, 14:18, 15:20, 17:20, 66:5, 66:6
texas 2:13, 3:8, 3:16, 16:11
thank 7:6, 7:15, 11:9, 25:21, 29:6, 41:21, 43:3, 63:22, 64:1, 64:5
themselves 11:19, 15:5
thereupon 7:9
thing 27:12, 50:6
things 12:22, 16:2, 21:4, 32:21, 33:1, 42:4, 60:19
think 7:19, 13:22, 14:1, 16:6, 17:15, 20:9, 22:1, 23:21, 31:9, 31:15, 34:16, 36:9, 37:3, 43:18, 43:22, 45:11, 47:3, 52:5, 52:11, 58:6, 58:14, 59:16
thought 58:1, 58:3
three 11:18, 12:16, 14:7, 14:14, 15:1, 15:3, 19:7, 29:22, 30:5, 30:7, 30:8, 30:14, 30:16, 34:18, 41:19, 45:22, 56:4
three-legged 56:4
through 21:20, 32:16, 42:21, 43:18, 43:22
time 2:11, 9:19,

14:21, 15:3, 16:14, 44:4, 55:7, 55:22, 56:7, 59:11
times
8:2, 17:16, 18:4, 18:8, 18:9
title
57:16
today
7:14, 7:18, 8:11, 9:10, 10:10, 10:13, 11:10, 12:16, 14:18, 15:20, 53:20, 58:11, 59:9
together
50:3
took
46:14
top
45:13, 50:20
touch
18:20
towards
50:20, 61:22
trade
57:3
trademark
1:1
transaction
48:15, 51:5, 51:8, 51:10, 51:12, 57:8
transactions
21:7, 21:10, 21:19, 42:17, 42:18, 55:2
transcribing
8:22
transcript
6:13, 65:16
transcription
65:15, 66:6
transfer
59:20, 62:2
trial
1:3
true
19:14, 20:7, 20:16, 27:15, 32:7, 65:15, 66:5
truth
7:3, 7:4, 7:10, 7:11
try
8:19, 8:21, 9:5, 26:2, 52:18
trying
16:12, 17:7, 31:9, 36:14, 38:7, 39:4, 40:1, 44:19, 45:4
twice
18:3
two
15:6, 15:12, 18:4, 18:9, 24:8, 36:16, 38:8, 38:17, 43:5, 43:16, 44:15, 45:3, 45:16, 45:21, 46:3, 63:14
type
21:22

U

uh-huh
10:17, 40:16
under
5:5, 5:10, 5:15, 6:8, 8:9
understand
8:9, 9:8, 9:13, 9:16, 10:7, 12:15, 12:18, 13:12, 13:15, 13:21, 13:22, 14:13, 14:16, 39:4, 61:3
understanding
22:9, 26:13, 27:1, 33:5, 33:14, 34:10, 35:7, 35:19, 36:15, 38:15, 43:5, 47:1, 47:11, 48:18, 48:22, 49:21, 50:7, 51:7, 51:19, 52:2, 52:5, 52:14, 53:17, 53:22, 54:3, 54:4, 59:6
united
1:1, 41:4
unless
9:11
until
9:19
uploaded
58:21
use
11:1, 57:2
user
21:3, 21:21, 39:21, 40:15, 42:9, 44:11, 51:11, 51:13, 59:19, 59:20, 59:21, 59:22, 60:1, 60:10, 60:16, 60:18, 60:19, 60:20, 61:9, 61:10, 61:12, 62:1, 62:3, 62:4, 62:5, 62:10, 63:2, 63:5, 63:6, 63:7, 63:9, 63:12, 63:13, 63:14, 63:16
user's
60:9, 60:12, 61:13
uses
24:22
using
21:21, 43:10, 55:2, 58:5

V

vague
36:8
variety
50:5
various
21:4, 59:18, 61:22, 63:1, 63:4
verified
6:5
version
26:15
versus
47:12
via
1:21, 2:14, 65:11, 65:23
videoconference
1:21, 2:14, 65:11, 65:24
videotaped
2:7
view
15:19
virginia
10:12
virtual
24:15, 40:18, 49:18
vision
57:1
visually
6:7
vs
1:8

W

waive
6:11
want
10:7, 18:15, 18:17, 20:9, 26:21, 27:14, 29:2, 38:2, 41:15, 45:6
wanted
14:5, 30:18,

44:7
way
13:4, 14:4, 19:19, 28:17, 34:17, 43:14
ways
55:19
we'll
41:10, 41:13
we're
12:2, 12:21, 13:9, 13:11, 14:10, 35:2, 38:8
we've
42:4
web
12:10
webster
1:28, 2:11, 65:7, 65:30
week
15:7
welcome
46:12
went
11:10, 42:21
western
16:11
whatever
62:14
whenever
13:9
whether
30:9
whole
7:4, 7:11
widget
32:22, 33:4, 33:6, 33:7
within
23:8, 23:17, 23:19, 36:10, 53:11, 60:17
without
20:11, 43:10, 58:22, 59:2
witness
2:8, 4:3, 6:5, 6:7, 7:9, 7:15, 16:15, 22:16, 22:20, 31:11, 31:16, 63:18, 64:1
witnesses
17:5, 17:12
wondering
42:12
word
20:11, 28:13, 43:10, 48:1, 55:18
words
32:14
work
46:3, 55:15
working
45:9, 55:5
wouldn't
57:12
write
28:10, 28:13
written
59:7
wrong
50:22
wrote
28:20, 44:21

Y

yeah
14:3, 17:18, 20:11, 24:11, 31:14, 31:20, 39:17, 40:10, 42:6, 44:8, 46:8
years
57:2

Z

zoom
8:17, 12:8, 12:14, 65:23

.

.4216
3:17
.8440
3:9

0

00
2:10, 64:3, 64:6, 65:25
0030
13:19, 14:1
00329
1:12, 5:7, 13:8
00330
5:12, 14:2
00331
1:16, 5:17, 14:9
0042535
5:19, 41:5
010
11:13, 11:14, 13:5, 13:9, 13:10, 13:14, 14:14, 20:3, 20:21, 23:21, 24:4, 24:12, 24:13, 24:20, 25:3, 25:12, 25:17, 26:7, 27:10, 27:22, 29:17, 30:5, 31:1, 31:21, 33:2, 33:9, 34:4, 34:11, 35:4, 35:13, 36:4, 39:18, 42:19, 43:7, 43:19, 46:15, 47:14, 48:8, 49:3, 49:14, 50:11, 50:18, 50:19, 62:18
03
41:8
0330
1:14
06
1:23, 2:10, 65:25
084.004953
2:13

1

1-3
19:21
1.68
5:5, 5:10, 5:15
10
1:23, 2:10, 19:22, 27:20, 35:15, 35:22, 65:25
10,713,656
1:15, 4:17, 5:12, 13:18
11
1:22, 2:10, 6:2, 41:8, 46:10, 46:11, 64:2, 65:24
11,526,886
1:17, 4:20, 5:17, 14:8
12
2:10, 56:15, 64:3, 64:6, 65:25
12432
2:13
14
47:4, 48:11, 50:22
14559
2:12
15
50:20, 50:21
1500
3:7
19
4:14, 4:16, 4:19

2

2000
54:20
2007
55:11

2008
55:11
2010
5:19, 41:5
2024
1:12, 1:14, 1:16, 1:22, 5:7, 5:12, 5:17, 6:2, 13:8, 13:19, 14:2, 14:9, 65:24
2029
65:32
214.978
3:17
22
19:22
23
46:11
27
5:3, 5:8, 5:13

3

300
3:15
330
14:3
37
5:5, 5:10, 5:15, 31:2, 31:20
39
27:4

4

4-6
27:19
404
40:15, 42:9, 44:11, 60:7, 60:17, 61:3, 61:10
408
39:9, 59:21, 59:22, 60:2, 61:4, 61:13, 62:2, 62:4, 62:6, 62:13
409
59:22, 62:4
41
5:18, 27:20
418
59:19, 59:21, 60:16, 60:18, 62:1, 62:3
42
39:17, 62:22
424
60:22
45
59:14, 59:17, 60:17, 61:20, 61:22

5

504
39:20, 40:15, 42:9, 44:10
512.867
3:9
535
42:1
555882
1:25
57
64:2

6

6266
1:28, 2:12, 65:30
65
23:17
656
11:14, 13:19, 13:20, 13:21, 14:14, 20:4, 21:15, 21:18, 23:4, 23:8, 23:18, 23:22, 24:4, 24:12, 24:16, 24:17, 24:20, 25:12, 25:15, 26:7, 27:10, 28:4, 29:18, 30:5, 32:7, 33:2, 34:6, 34:14, 46:17, 47:3, 47:15, 47:20
66
1:26

7

75201
3:16
78701
3:8

8

80
39:17, 40:6, 42:7, 44:9, 63:5
886
11:14, 14:10, 14:15, 20:4, 25:4, 25:15, 25:16, 26:4, 26:14, 26:16, 26:17, 27:2, 27:3, 27:10, 28:7, 29:18, 30:6, 32:7, 33:1, 34:6

9

9,972,010
1:13, 4:15, 5:7, 13:6
91
23:5
92
23:5
98
3:6