

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

4
5 LG ELECTRONICS INC., LG ELECTRONICS U.S.A., INC.,
6 Petitioner

7 v.

8 MULTIMEDIA TECHNOLOGIES PTE. LTD.,
9 Patent Owner

10
11 Case IPR2024-00352

12 U.S. Patent No. 9,247,174
13

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15
16 DEPOSITION OF DR. ANDREW B. LIPPMAN
17 TAKEN REMOTELY BY VIDEOCONFERENCE
18 July 16, 2024
19

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22
23
24 Reported by: Mary Ann Payonk

25 Job No. 1481

July 16, 2024

10:00 a.m.

DEPOSITION OF DR. ANDREW B. LIPPMAN, taken
remotely by videoconference pursuant to Notice and
agreement of counsel, stenographically reported by Mary
Ann Payonk, Shorthand Reporter and Notary Public, CA CSR
No. 13431.

All attorneys participating in this deposition
acknowledge that the reporter is not physically present
in the deposition room and there is no objection to the
oath being administered remotely.

1 APPEARANCES:

2 ON BEHALF OF PETITIONER:

3 CALMANN J. CLEMENTS, ESQ

4 HAYNES BOONE

5 6000 Headquarters Drive, Suite 200

6 Plano, TX 75024

8 ON BEHALF OF PATENT OWNER:

9 STEPHEN T. SCHREINER, ESQ.

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11 8607 Westwood Center Drive, Suite 270

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14 ON BEHALF OF VIZIO:

15 RYAN HARGRAVE, ESQ.

16 SKIERMONT DERBY LLP

17 1601 Elm Street, Suite 4400

18 Dallas, Texas 75201

20 ALSO PRESENT:

21 Brandon Brantley, Exhibit Tech, BlueBear

22 Anniliese Coleman, Director of Reporting, BlueBear

1 DR. ANDREW BENJAMIN LIPPMAN,
2 called as a witness, having been duly
3 sworn, was examined and testified as
4 follows:

5 EXAMINATION

6 BY ATTORNEY SCHREINER:

7 Q. And I'll just state for the record that we're
8 here for a deposition of Dr. Andrew Lippman in
9 IPR2024-00352 involving US Patent Number 9,247,174.

10 Good morning, Dr. Lippman. Can you please
11 state your full name for the record.

12 A. Andrew Benjamin Lippman, L-I-P-P-M-A-N.

13 Q. And you understand that you're testifying
14 under oath today?

15 A. Yes, I do.

16 Q. You understand that you're providing testimony
17 that may be available -- made available to the Patent
18 Trial and Appeal Board in this proceeding?

19 A. I'm sorry. Say that again.

20 Q. You understand that you're providing testimony
21 that may be made available to the Patent Trial and
22 Appeal Board in this proceeding?

23 A. Yes.

24 Q. What do you view your role -- strike that.
25 How would you characterize your role as an

1 expert in this case with respect to the PTAB?

2 A. My role as an expert is to clarify technical
3 issues in the case.

4 Q. Does that include explaining the prior art?

5 A. It can.

6 Q. In the case of your -- the declaration you
7 submitted for this IPR, did that include explaining the
8 prior art?

9 A. There are discussions of the prior art in my
10 declaration.

11 Q. Is there any reason you cannot give truthful,
12 complete, and accurate testimony today?

13 A. No.

14 Q. Are you under the influence of any sickness or
15 medication that would get in the way of you giving
16 accurate, complete, and truthful testimony today?

17 A. No.

18 Q. And do you understand that you are obligated
19 to answer my questions unless your counsel instructs you
20 not to answer?

21 A. Yes.

22 Q. And you understand you need to give audible
23 answers to my questions so that the court reporter can
24 record those answers?

25 A. I'll do my best for Mary Ann.

1 Q. Thank you.

2 THE WITNESS: By the way, for Mary Ann, if
3 there is something I say that is unclear or you want to
4 know how it's spelled or anything like that, as far as
5 I'm concerned, if it's okay with you, she can request
6 that.

7 ATTORNEY SCHREINER: Yeah, Mary Ann's not shy.
8 She will take it upon herself to ask any of us if there
9 is something she needs spelled. So, yeah, that's fine.

10 THE REPORTER: And I will also have the
11 exhibits, and I'm not afraid of doing my homework at the
12 end. Thank you.

13 BY ATTORNEY SCHREINER:

14 Q. Do you recall that you, for purposes -- strike
15 that.

16 You understand that you're here today to
17 testify regarding your opinions on Patent Number
18 9,247,174, also referred to as the '174 patent?

19 A. Yes.

20 Q. And do you recall that in your declaration,
21 you assume a priority date of August 17, 2012 for the
22 '174 patent?

23 A. Do I recall that? Let me look at my
24 declaration and see where I state that.

25 Q. Let me go ahead and let me enter your

1 declaration. Let's do it that way. Well, first let me
2 make sure. Can you make sure that you have all
3 applications closed on your screen except for Zoom at
4 the moment.

5 A. I have the clean copies of the exhibits on my
6 screen as well.

7 Q. And those are the exhibits provided to you
8 from your counsel, or which exhibits? How did you
9 select those exhibits?

10 A. Yes, they're the electronic versions of the
11 ones that were sent to me in the book.

12 ATTORNEY SCHREINER: So, Calmann, I just want
13 to confer with you. He has just the copies of the list
14 of exhibits that I provided to Greg. Is that correct?

15 ATTORNEY CLEMENTS: I'd have to re-look at the
16 exhibits that you sent in that email, but I believe it's
17 the same set of exhibits, and they're clean copies of
18 the exhibits that are of record.

19 ATTORNEY SCHREINER: Okay.

20 BY ATTORNEY SCHREINER:

21 Q. So, Dr. Lippman, during today's deposition,
22 before you look at an exhibit, just give me an
23 opportunity to introduce that exhibit into the record,
24 okay, just for logistical purposes. Make sense?

25 A. Okay.

1 ATTORNEY SCHREINER: Thank you.

2 So why don't we go ahead and introduce
3 Exhibit 1003, which is the declaration of Dr. Lippman in
4 this IPR2024-00352 pertaining to the '174 patent.

5 And, Brandon, if you could just circulate that
6 through the chat so that everybody has access to it and
7 then just post the first page of that Exhibit 1003.

8 (Exhibit No. 1003, previously marked, was
9 referenced and indexed.)

10 BY ATTORNEY SCHREINER:

11 Q. And, Dr. Lippman, do you recognize
12 Exhibit 1003 that's posted on the screen?

13 A. Yes.

14 Q. Is that the declaration you prepared in
15 connection with this IPR on the '174 patent?

16 A. Yes.

17 Q. And you have an electronic copy of that
18 available?

19 A. Yes.

20 Q. Okay. Brandon, you can go ahead and take that
21 down off the screen.

22 So if I can refer you to paragraph 22 of your
23 declaration, Dr. Lippman, on page 11 of your
24 declaration, can you tell me what priority date you used
25 for your analysis of the '174 patent.

1 A. Paragraph 22 says: I understand the prior art
2 to the '174 patent includes patents and printed
3 publications in the relevant art that predate the
4 priority date of the alleged invention recited in the
5 '174 patent. For the purposes of this declaration, I am
6 applying August 17, 2012 as the earliest possible
7 priority date of the '174 patent.

8 Q. Okay. So what is the priority date that you
9 applied in your analysis?

10 A. It says I'm applying August 17, 2012.

11 Q. Great. So in general, when I ask you
12 questions today, you should treat the time frame as
13 being the date of the priority date, August 17, 2012.

14 Do you understand that generally?

15 A. Yes.

16 Q. We had a deposition yesterday on a related
17 patent. Is that correct?

18 ATTORNEY CLEMENTS: Objection. Scope.

19 A. We had a deposition yesterday on a different
20 patent.

21 BY ATTORNEY SCHREINER:

22 Q. And I'm going to ask you a few questions and
23 reference your answers from yesterday so that we don't
24 have to go over -- spend a lot of time going over the
25 same ground.

1 A. I don't have a transcript of what was said
2 yesterday.

3 Q. Yeah, I think you'll be fine. If you don't
4 know the answer, you just say, you know, your answer is
5 I don't know. But I don't think you'll have problems
6 with the questions I'm going to ask.

7 I asked you yesterday whether you had been an
8 expert for LG Electronics in the past before this set of
9 IPRs that you're working on with regard to Multimedia
10 Technologies, and you answered that you had not been an
11 expert for LG in the past.

12 Is that correct?

13 ATTORNEY CLEMENTS: Objection. Scope.

14 A. I probably said that.

15 BY ATTORNEY SCHREINER:

16 Q. Okay. And that answer remains true today,
17 right? You have not been an expert for LG Electronics
18 in the past before this current set of IPRs?

19 A. As I recall, I looked through my CV, and I
20 have no reference to any connection to LG in the past.

21 Q. And how did you go about preparing for today's
22 deposition on the '174 patent?

23 A. I reviewed basically the documents in the
24 case, the documents in the book.

25 Q. The documents being the various exhibits that

1 you have in the book?

2 A. Yes.

3 Q. And who did you meet with to prepare for the
4 deposition?

5 A. I met with Calmann Clements.

6 Q. I'm sorry, what was the first name?

7 A. Calmann. C-A-L-M-A-N-N.

8 Q. Oh, Calmann, okay. Right, right.

9 And did you meet with Mr. Clements via phone
10 or via videoconferences or both?

11 A. Both.

12 Q. Did you meet with him in person to prepare for
13 the deposition?

14 A. No.

15 Q. About how many times would you say you met
16 with Mr. Clements to prepare for today's deposition?

17 A. I don't recall. I didn't count.

18 Q. More than five?

19 A. Probably.

20 Q. Less than 10?

21 A. Probably on the order of 10. There might have
22 been very short phone calls. I don't know if you would
23 consider them a meeting or not. But probably on the
24 order of 10.

25 Q. And roughly when was the first time you met

1 with Mr. Clements to prepare for today's deposition on
2 the '174 patent?

3 A. May I bring up my calendar?

4 Q. Sure.

5 A. In the beginning of July.

6 Q. The first week of July?

7 A. Yes.

8 Q. And when was the last time you met with
9 Mr. Clements to prepare for today's deposition?

10 A. We met this morning. I'm going to put away my
11 calendar.

12 Q. Yeah, that's fine. Thank you.

13 And did you spend time preparing for the
14 deposition on your own?

15 A. Yes.

16 Q. Roughly how many hours would you estimate that
17 you spent preparing for the deposition, including time
18 spent with Mr. Clements and time spent on your own?

19 A. Again, probably on the order of 20. How much
20 time, you asked?

21 Q. Correct, yeah.

22 A. On the order of 20 hours.

23 Q. Okay. So do you recall yesterday that I gave
24 you a list of the claims that had been challenged that
25 had been taken out of the Petition for the patent we

1 discussed yesterday? Do you recall that generally?

2 A. Yes.

3 ATTORNEY SCHREINER: Okay. So I'm going to
4 provide a similar document today and I'm going to go
5 ahead and introduce that now. I'd like to go ahead and
6 introduce Exhibit 2010.

7 (Exhibit No. 2010, previously marked, was
8 referenced and indexed.)

9 ATTORNEY SCHREINER: And, Brandon, if you
10 could circulate Exhibit 2010 and then post the first
11 page on the screen, that would be great.

12 ATTORNEY CLEMENTS: I'm just going to object
13 to scope.

14 THE WITNESS: I see the first page on the
15 screen. Do you want me to download this?

16 ATTORNEY SCHREINER: I take it you don't have
17 that in your binder of documents.

18 THE WITNESS: I do not.

19 ATTORNEY SCHREINER: Okay. Yeah, you should
20 go ahead and download this.

21 THE WITNESS: Okay. That requires me
22 manipulating my computer, if that's okay with you.

23 ATTORNEY SCHREINER: That's fine. I
24 appreciate you letting me know.

25 BY ATTORNEY SCHREINER:

1 Q. This Exhibit 2010 --

2 A. Can you hold on for a moment?

3 Q. Oh, yeah, sure.

4 A. I'm going to open the electronic copy. It's
5 several pages long. And I'm also going to print it, if
6 that's all right.

7 Q. That's fine.

8 A. Which is going to take me a few minutes. What
9 do you want me to do about that?

10 ATTORNEY SCHREINER: Calmann, your colleague
11 limited me to exactly seven hours yesterday even though
12 there was a lot of back-and-forth time that was --
13 really shouldn't have been counted. If we're going to
14 do that today, then I'll go off the record while he
15 prints it out. If we are going to handle this
16 deposition the way they're normally held, I think we can
17 just stay on the record while he prints it out.

18 ATTORNEY CLEMENTS: We are going to stop at
19 seven hours. If you don't want to take the printing
20 time as part of that, if you want to go off the record,
21 that's fine.

22 I'll also note that this is part of the
23 Petition, and if he hasn't been provided with the
24 Petition, I understand that it's just the claim language
25 here, but I just wanted to note that he hasn't looked at

1 the Petition.

2 ATTORNEY SCHREINER: Fair enough. Why don't
3 we go off the record. You need, what, five minutes to
4 print it out, Dr. Lippman?

5 THE WITNESS: Yes. The printer is not in this
6 room, it's in another part.

7 ATTORNEY SCHREINER: Okay. Why don't we take
8 five minutes and reconvene after you've had a chance to
9 print Exhibit 2010.

10 (Recess taken.)

11 ATTORNEY SCHREINER: Brandon, if you could put
12 Exhibit 2010, the cover sheet, back on the screen,
13 please.

14 BY ATTORNEY SCHREINER:

15 Q. Dr. Lippman, I'll represent to you that
16 Exhibit 2010 is a copy of pages 102 through 106 of the
17 Petition that LG Electronics submitted in connection
18 with this IPR. And I'll show you that Petition in just
19 a moment so you can confirm it for yourself.

20 Can you confirm that Exhibit 2010 lists
21 Claims 1 through 14 of the '174 patent?

22 ATTORNEY CLEMENTS: Objection. Scope.

23 A. It seems to.

24 ATTORNEY SCHREINER: Okay. And why don't we
25 go ahead and introduce the Petition, the LG Petition for

1 Inter Partes Review for the 352 IPR.

2 Brandon, if you can circulate that via chat,
3 please. And if you could post the first page, thank
4 you.

5 So, Dr. Lippman -- I'd like to mark this as
6 MM-0001 if we could, Mary Ann.

7 (Exhibit No. MM-0001 was marked for
8 identification.)

9 BY ATTORNEY SCHREINER:

10 Q. So do you see on the screen the Petition for
11 Inter Partes Review submitted by LG Electronics for the
12 '174 patent, Dr. Lippman?

13 A. Yes.

14 Q. Have you seen this Petition before?

15 A. No.

16 ATTORNEY SCHREINER: Brandon, if you could
17 page to -- go to page -- display page 102 of this
18 Petition.

19 Actually, first let me ask, Calmann, can we
20 stipulate that Exhibit 2010, which is the claim appendix
21 from the Petition, is exactly that, the claim appendix
22 from the Petition?

23 ATTORNEY CLEMENTS: I don't know if we need to
24 stipulate that. I haven't gone through it or looked at
25 it in detail. But I would say it appears to be that

1 claim listing.

2 ATTORNEY SCHREINER: Okay. Okay. We can go
3 ahead and put the -- take the Petition down, Brandon.

4 THE WITNESS: Do you want me to download it?

5 ATTORNEY SCHREINER: No, that's okay.

6 BY ATTORNEY SCHREINER:

7 Q. So for Exhibit 2010 that you printed out, just
8 like we did yesterday, I'm going to be referring to that
9 periodically.

10 Do you see that Exhibit 2010 is annotated with
11 the limitation numbers like you have in your declaration
12 going from, for example, for Claim 1, 1.0 to 1.9?

13 A. I'm looking at my Petition. I have not looked
14 at all of the claims as referenced in my declaration.
15 I've looked at some, and they look the same.

16 Q. Okay. Let's take a look at paragraph 19 of
17 your declaration, Exhibit 1003. And just let me know
18 when you're there.

19 A. Okay.

20 Q. In paragraph 19, there's a definition of the
21 field for the POSITA. Correct?

22 A. A POSITA would have had a bachelor's degree in
23 electrical engineering, software engineering, or
24 computer engineering -- those are fields -- or
25 equivalent training and approximately two years of

1 experience working in the field of television systems
2 and networking, human-computer interaction, or related
3 technologies.

4 Q. So what is the field defined in paragraph 19?

5 A. Any one of those areas or related
6 technologies.

7 Q. Which areas are those?

8 A. Television systems and networking,
9 computer-human -- sorry, human-computer interaction, or
10 related technologies.

11 Q. And how did you come up with that definition
12 of the field?

13 A. Those are some of the domains of experience
14 and background of people I would consider POSITAs in the
15 field at the time.

16 Q. So when you say "domains," what is "domains"
17 referring to?

18 A. Areas of knowledge, experience.

19 Q. So does the field reflect three domains, you
20 know, in your parlance?

21 A. Or related technologies. I mean, it could be
22 any of a number of them, but they would still be
23 considered POSITAs in the field.

24 Q. So am I correct in understanding that the
25 field includes the domain of television systems, the

1 domain of networking, and the domain of human-computer
2 interaction?

3 Is that correct?

4 A. Or related technologies.

5 Q. You haven't specified any related technologies
6 here in your declaration. Correct?

7 A. I don't know whether I have. It's hard for me
8 to prove what I haven't put in there.

9 Q. Well, in your discussion of the POSITA here in
10 paragraphs 19 and 20, have you identified any related
11 technologies?

12 A. Well, in the beginning of the sentence we talk
13 about electrical engineering, software engineering,
14 computer engineering or equivalent training. Those are
15 all domains of knowledge and they are all related.

16 Q. So you're saying the field -- just want to
17 make sure I understand you. Are you saying that the
18 field includes television systems and networking,
19 human-computer interaction, and it also includes
20 electrical engineering, software engineering, or
21 computer engineering?

22 A. Well, I said what I said. A POSITA would have
23 a bachelor's degree in those -- in electrical
24 engineering, software engineering, or computer
25 engineering, or equivalent training, and approximately

1 two years of experience working in any one of these
2 fields or domains or related technologies.

3 Q. Right. My question was: Do you specify any
4 related technologies in paragraph 19?

5 A. Well, you could see that software engineering
6 or computer engineering or electrical engineering are
7 related technologies, and you could have experience in
8 those domains as well.

9 Q. I'm just trying to understand your definition
10 of the POSITA. Isn't the reference to the bachelor
11 degree in electrical engineering, software engineering,
12 or computer engineering referring to the educational
13 background of the POSITA?

14 A. It is. But it's also a field, and those
15 fields include related technologies.

16 Q. So when you define the field later in
17 paragraph 19, you're saying related technologies
18 includes electrical engineering, software engineering,
19 or computer engineering. Is that correct?

20 A. It can. That could be a related technology.

21 Q. Well, are they related technologies? That's
22 what I'm asking. You say "or related technologies" in
23 paragraph 19, and I'm just trying to understand what
24 you're referring to.

25 ATTORNEY CLEMENTS: Objection. Form.

1 A. These are any technologies related to the
2 areas that are described in paragraph 19 in its
3 entirety.

4 BY ATTORNEY SCHREINER:

5 Q. Does "related technologies" mean technologies
6 related to the domains you specify: Television systems,
7 networking, human-computer interaction?

8 A. Experience in those, it could.

9 Q. Okay. Let's go back to page 5 of your
10 declaration. You have a list of documents that you
11 indicate you reviewed in connection with your
12 declaration. And just let me know when you're at
13 page 5.

14 A. You want me to be at page 5 or page 4?

15 Q. Page 5 is what we're going to focus on for the
16 moment.

17 A. Okay.

18 Q. And do you see in H there's a reference to the
19 W02013133915 to Cherry, Exhibit 1010?

20 A. Yes.

21 ATTORNEY SCHREINER: Brandon, if we could go
22 ahead and circulate Exhibit 1010 to Cherry and then post
23 the first page of that.

24 (Exhibit No. 1010, previously marked, was
25 referenced and indexed.)

1 BY ATTORNEY SCHREINER:

2 Q. And, Dr. Lippman, do you recognize
3 Exhibit 1010 to Cherry that's shown on the screen?

4 A. I can't really recall much about that exhibit.

5 Q. Was Cherry a reference that was provided to
6 you or is it one that you located?

7 A. I prepared this months ago. I don't recall.
8 Might have been either.

9 Q. When you prepared this reference -- when you
10 prepared this declaration, did you search for references
11 on your own?

12 A. In general, when I prepare a declaration, I
13 look at references I think will be helpful.

14 Q. Do you recall doing any searching for
15 references yourself in connection with this declaration?

16 A. I -- it's a reasonable practice. I can't
17 recall. That was months ago.

18 Q. Okay. Do you see on the -- do you have a
19 downloaded copy of Cherry, Exhibit 1010, that you can
20 look at?

21 A. Yes.

22 Q. Okay. Brandon, we can go ahead and take
23 Exhibit 1010 down, thank you.

24 A. I don't have a hard copy of it.

25 Q. I'm sorry?

1 A. I don't have a hard copy of it.

2 Q. Okay. But you have an electronic copy up on
3 your screen?

4 A. Yes.

5 Q. Okay. And do you see at the top left-hand
6 side it indicates the international publication date of
7 Cherry is September 12, 2013?

8 A. Yes.

9 Q. And that's after the priority date that you
10 applied for the '174 patent of August 17, 2012.
11 Correct?

12 A. That date is after August 17, 2012.

13 Q. And do you see on the front page of
14 Exhibit 2010 it states the -- there's a little notation
15 22 and it has international filing date January 29,
16 2013. Do you see that?

17 A. Yes.

18 Q. And that date is also after the August 17,
19 2012 priority date for the '174 patent. Correct?

20 A. Yes.

21 Q. Did you understand Exhibit 1010 to Cherry to
22 be prior art to the '174 patent?

23 Was that your understanding?

24 A. I note that number 30 on that page says that
25 its priority date is 6th of March, 2012. So whether it

1 qualifies as prior art or doesn't qualify as prior art
2 is not my determination to make. That's a legal
3 determination you can argue.

4 Q. Right. But you referenced this Exhibit 1010
5 and you applied it as prior art in your declaration.
6 Correct?

7 A. I'm not exactly sure where I referenced it.

8 Q. Why don't you go ahead and search your
9 declaration for Exhibit 1010 and just confirm for
10 yourself that you did rely on it as prior art.

11 A. I'm finding a single reference to that prior
12 art, which I think you're calling Cherry, in
13 paragraph 114.

14 Q. So you did apply the Cherry reference,
15 Exhibit 1010, as prior art in your declaration.
16 Correct?

17 A. As I say, I referenced it in paragraph 114.

18 Q. Did you apply it with the understanding that
19 it was prior art?

20 A. That would make sense.

21 Q. Was that your understanding when you
22 referenced that Exhibit 1010 in your declaration?

23 A. I accepted it as prior art.

24 Q. Okay.

25 A. If you guys assume it's not prior art, that's

1 fine. You can delete the reference.

2 Q. Going back to the cover page of Exhibit 1010,
3 you mentioned the priority date where it says March 6,
4 2012.

5 Do you see that on the front page of
6 Exhibit 1010?

7 A. Yes.

8 Q. And it references a provisional patent
9 application number 61/607,208.

10 Do you see that?

11 A. No. Hold on.

12 Q. Right next to the -- it's right under the
13 priority data.

14 A. It is?

15 Q. So on the front page of Exhibit 1010 on the
16 left-hand side next to where it's annotated 30 --

17 A. Yes.

18 Q. -- you see "priority data" and underneath it,
19 it has an Application Number 61/607, 208.

20 Do you see that?

21 A. Yes.

22 Q. Okay. Did you analyze that application,
23 61/607,208?

24 A. No.

25 Q. So you didn't analyze that application to

1 determine whether it supported the disclosure in this
2 Exhibit 1010 to Cherry. Correct?

3 A. I did not analyze that.

4 Q. Okay.

5 A. I accept your word that that number refers to
6 a prior application or filing of some sort.

7 Q. Let's go to page 12 of your declaration.
8 We'll just start at paragraph 25.

9 A. Okay.

10 Q. What is your understanding of the term
11 "application panel interface" that is used in limitation
12 1.2 of Claim 1 of the '174 patent?

13 A. Well, for that, I have to read on.

14 In paragraph 26, it says: The claimed
15 application panel interface is described in an example
16 of the '174 patent specification as an application
17 content panel 1412. The application panel 1412 may
18 provide access to contextually relevant functionality
19 based on currently viewing/recently viewed material.

20 Q. So what is your understanding of what the
21 application panel interface is in Claim 1 of the '174
22 patent?

23 A. Well, my understanding of it is as described
24 in this paragraph.

25 ATTORNEY SCHREINER: Let me refer you to --

1 let's go ahead and pull up Exhibit 1001, which is the
2 '174 patent.

3 THE WITNESS: Can I put Cherry away?

4 ATTORNEY SCHREINER: Yes. Thank you.

5 (Exhibit No. 1001, previously marked, was
6 referenced and indexed.)

7 ATTORNEY SCHREINER: Brandon, if you can
8 please post the cover page of the '174 patent.

9 BY ATTORNEY SCHREINER:

10 Q. Dr. Lippman, you recognize Exhibit 1001, the
11 '174 patent. Correct?

12 A. Yes.

13 Q. And you read --

14 A. Let me just state -- well, hold on for a
15 second. I'm reading or working from a clean copy of the
16 '174 patent, and when I say that, it doesn't have the
17 stamp of exhibit numbers on the pages.

18 Q. Okay. But it's otherwise a clean copy of the
19 '174 patent?

20 A. Yes, it's a clean copy of it. I'm not
21 100 percent sure as to why I don't have it stamped with
22 exhibit numbers on it, but it's not.

23 ATTORNEY SCHREINER: Okay. I'm fine with you
24 looking at that, as long as you're fine with it and
25 Calmann doesn't have any objections.

1 ATTORNEY CLEMENTS: No objections.

2 BY ATTORNEY SCHREINER:

3 Q. So does the '174 patent describe the
4 application panel interface as providing content based
5 on the content that's being currently displayed on the
6 television?

7 A. The quote that I have is that the application
8 panel 1412 may provide access to contextually relevant
9 functionality based on the currently viewing/recently
10 viewed material to which I reference in the '174,
11 columns 30, 42 to 44.

12 Q. Let me refer you to column 32, lines 16
13 through 20 of the '174 patent.

14 A. It will take me a moment to get there. I'm at
15 column 30.

16 Q. Column 32, lines 16 through 20, please.

17 A. Okay, I'm at column 32.

18 Q. And can you read from line 16 to 20, starting
19 with: The content supplied in the application panel of
20 1412 depends.

21 Can you read that, just go ahead and read that
22 into the record, please.

23 A. The content displayed in the application panel
24 1412 depends on the content displayed in content view
25 area 1408. Stated another way, application panel 1412

1 is contextually dependent on the source of content and
2 the content itself in the content viewing area.

3 Q. Okay. That's good right there.

4 So is that describing the application panel
5 interface as providing content that's based on the
6 content that's currently displayed on the television?

7 ATTORNEY CLEMENTS: Objection. Scope.

8 A. That bears on that.

9 BY ATTORNEY SCHREINER:

10 Q. It does say: The content displayed in the
11 application panel 1412 depends on the content displayed
12 in the content view area 1408. Correct?

13 A. What I relied on as a reference is column 30,
14 lines 42, which state: The application panel 1412 may
15 provide access to contextually relevant functionality
16 based on the currently viewed/viewing recently viewed
17 material.

18 Q. Right. In this passage in column 32, it does
19 state that, quote, lines 16 through 17: The content
20 displayed in the application panel 1412 depends on the
21 content displayed in the content view area 1408. Right?

22 A. Yes.

23 Q. And if I could refer you to column 33, lines 1
24 through 6 of the '174 patent, do you see it says,
25 starting with line 1 of column 33: The panel content

1 area for each panel viewed is also active content area
2 1408 specific; that is, depending on the active content
3 area currently selected or being viewed, the panel
4 content area 1608 may change or may be presented in a
5 different way, i.e., have a slightly different look or
6 content.

7 Do you see that?

8 A. Yes.

9 Q. So we referred to several different passages
10 regarding the application content interface. What's
11 your general understanding of what the application
12 content interface is, based on your reading of the
13 patent as a whole?

14 A. My understanding is expressed in paragraph 26
15 and further on.

16 Q. Okay. Did you consider the passages that we
17 just read from column 32, lines 16 through 20 and
18 column 33, lines 1 through 6 in arriving at your
19 understanding of the term "application panel interface"?

20 A. I did not reference all of those passages.

21 Q. Okay. And in paragraph 25 of your
22 declaration, you state in the third sentence: The
23 purported solution to this need is an, quote,
24 application panel interface, close quote, that provides
25 to a user information about the content currently being

1 displayed on the television.

2 Those are your words in paragraph 25 of your
3 declaration. Correct?

4 A. Yes.

5 Q. In Claim 1 of the '174 patent, is it correct
6 that the claimed first content panel is provided in the
7 application panel interface? I'll reference your
8 limitation 1.5.1, Exhibit 2010.

9 A. Let me go to my description, my reference to
10 the claim.

11 TECHNICIAN: Do you want me to leave 1001 up?

12 ATTORNEY SCHREINER: You can take that down.
13 Thank you, Brandon.

14 THE WITNESS: Hold on while I -- 1.5.1 I
15 believe we all talk about as the phrase saying: Based
16 on the content in at least one of the content source and
17 content information, providing a first content panel in
18 the application content panel interface.

19 BY ATTORNEY SCHREINER:

20 Q. So the first content panel is provided in the
21 application panel interface in the claim. Correct?

22 A. Yes.

23 Q. In your paragraph 25, you --

24 A. Sorry. That's what's claimed, yeah.

25 Q. In paragraph 25, you make a reference to there

1 being a directional input from the user and then the
2 application panel interface instead displays a second
3 content panel.

4 Do you see that in paragraph 25 of your
5 declaration, Exhibit 1003?

6 A. Yes.

7 Q. Does the claim recite or require that the
8 second content panel is displayed instead of the first
9 content panel?

10 A. This is a summary. I'm happy to look farther
11 in the declaration as to where I discuss those claim
12 elements.

13 ATTORNEY SCHREINER: I've got a problem with
14 my real feed, so if everybody will just give me a
15 moment, I've got to try to --

16 THE WITNESS: If it's convenient, can we take
17 a couple-of-minute bio break?

18 ATTORNEY SCHREINER: That would be fine.

19 (Recess taken.)

20 BY ATTORNEY SCHREINER:

21 Q. Dr. Lippman, I was asking you about
22 paragraph 25 in your declaration where it states that:
23 In response to directional input from a user the, quote,
24 application panel interface, close quote, instead
25 displays a second content panel.

1 Do you see that language in your paragraph?

2 A. Yes.

3 Q. And then you go on to describe -- you go on to
4 quote Claim 1 right after that.

5 Do you see that?

6 A. Yes.

7 Q. What do you mean that in response to
8 directional inputs from a user, the application panel
9 interface instead displays a second content panel?

10 A. Instead of the first panel, it displays a
11 second panel. I believe that's what the sentence says.

12 Q. Does that mean that the first content panel is
13 no longer displayed?

14 Is that what you mean by "instead"?

15 A. Means that instead, it displays the other. I
16 don't believe I draw on any examples where they are both
17 displayed at once.

18 Q. Okay. So your understanding of the claim is
19 that there's a first content panel that's displayed,
20 there's a directional input from the user, and then a
21 second content panel is displayed and the first content
22 panel is no longer displayed.

23 Is that about right?

24 ATTORNEY CLEMENTS: Objection. Form.

25 A. I don't know that I use any examples where

1 they're both displayed simultaneously.

2 BY ATTORNEY SCHREINER:

3 Q. So is the answer to the question yes?

4 A. The answer to the question is what I said. It
5 displays a first one and then instead displays the
6 second one.

7 Q. When the second one is being displayed, does
8 the claim allow for the first one to be displayed?

9 A. I haven't considered or analyzed that. I'm
10 merely trying to summarize it in that paragraph.

11 Q. Okay. But you chose the word "instead," and
12 that seems to indicate that you're saying that the
13 second content panel is displayed instead of the first
14 content panel.

15 Is that correct?

16 A. Well, it said: Instead displays a second
17 content panel.

18 I think what you said was my words where you
19 interposed "instead" and "displays."

20 Q. So the second content panel is displayed
21 instead, right?

22 ATTORNEY CLEMENTS: Objection. Form.

23 A. In response to directional inputs from a user,
24 the application panel interface instead displays a
25 second content panel that displays a different type of

1 information.

2 That's fine. That's -- stands as it is.

3 BY ATTORNEY SCHREINER:

4 Q. It's a little ambiguous. So does that mean
5 that the second content panel is displayed instead of
6 the first content panel?

7 A. It means that it instead displays a second
8 content panel. I'm not sure I understand what's
9 missing. I suppose one could envision a situation where
10 it displays a multiplicity of panels, but the
11 application interface instead displays a second content
12 panel.

13 Q. So in your understanding of the claim, does
14 the claim allow for the second content panel to be
15 displayed at the same time the first content panel is
16 displayed?

17 ATTORNEY CLEMENTS: Objection. Scope.

18 A. I'm not sure that I consider or address
19 this -- that situation.

20 BY ATTORNEY SCHREINER:

21 Q. So you don't know whether the claim allows for
22 the second content panel to be displayed at the same
23 time as the first content panel.

24 Is that correct?

25 A. I have to look at my report to see if there is

1 an occasion where they are both displayed at once and
2 look at the patent to see if there's an occasion where
3 they're both displayed at once. And I don't think I was
4 directed in my reading to look for that.

5 Q. Why did you choose the word -- to insert the
6 word "instead" here? That's what I'm trying to hone in
7 on here. You could have said in paragraph 25: The
8 application panel interface displays a second content
9 panel that displays a different type of information.

10 Instead, you said: The application panel
11 interface instead displays a second content panel.

12 So I'm trying to understand what you meant by
13 inserting the word "instead" there with regard to the
14 claim.

15 A. I'm not sure that instead -- I'm not sure that
16 it doesn't read equally well both ways. The application
17 panel interface, which is an element, displays --
18 includes a first content panel and, in response, the
19 application interface -- the application panel
20 interface, that same interface instead displays a second
21 content panel.

22 Q. So does that mean that the first content panel
23 is no longer displayed in the claim?

24 A. Well --

25 Q. Or have you simply just not addressed that

1 issue?

2 ATTORNEY CLEMENTS: Object to form.

3 A. It says what it says. The application panel
4 interface, which is a singular element, the application
5 panel interface includes a first content panel, and then
6 in response to directional inputs from a user, the
7 application panel interface instead displays a second
8 content panel.

9 BY ATTORNEY SCHREINER:

10 Q. Does your understanding, your plain English
11 understanding of the claim allow for the first content
12 panel and the second content panel to be displayed at
13 the same time in the application panel interface?

14 ATTORNEY CLEMENTS: Objection. Scope.

15 THE WITNESS: Let me look further before I
16 answer that, okay?

17 ATTORNEY SCHREINER: Sure.

18 Are you ready, Dr. Lippman?

19 THE WITNESS: I think so.

20 ATTORNEY SCHREINER: Yeah, I'll repeat the
21 question.

22 BY ATTORNEY SCHREINER:

23 Q. Does your plain English understanding of the
24 claim allow for the first content panel and the second
25 content panel to be displayed at the same time in the

1 application panel interface?

2 ATTORNEY CLEMENTS: Same objection to scope.

3 A. I don't know of any example where they are
4 both displayed.

5 BY ATTORNEY SCHREINER:

6 Q. But let's focus on the claim language. Does
7 the claim language allow for the first content panel and
8 the second content panel to be displayed at the same
9 time?

10 ATTORNEY CLEMENTS: Objection. Scope.

11 THE WITNESS: All right, now I have to look at
12 the claim language and my analysis of that.

13 BY ATTORNEY SCHREINER:

14 Q. Right. That's what we were talking about.

15 A. Again, I -- I can't describe what the claim
16 language describes, but in the context of the
17 specification, I know of no case where there are
18 multiple application panel interfaces. I'm afraid
19 that's the best answer I can give you.

20 Q. Sure. We're actually talking about the
21 content panels. So we got the first content panel and
22 the second content panel. So you're saying you're not
23 aware of anywhere in the specification where it
24 discloses multiple content panels being open in the
25 application panel interface?

1 A. The cases that I analyzed, there is an
2 application panel interface and it displays a first
3 content panel or a second content panel.

4 Q. Is there any language in Claim 1 that
5 indicates that the first content panel that is displayed
6 is removed from the display upon the display of the
7 second content panel? And if so, can you point me to
8 that language?

9 A. It simply says it displays a second -- well,
10 hold on. Let me go back to simply displays. The claim
11 language says determining based on a first direction
12 associated with the first directional input a second
13 content panel to display via the television in the
14 application panel interface.

15 I believe that answers the question.

16 Q. So does that mean that the first content panel
17 is no longer displayed in the application panel
18 interface? Is that what you're saying?

19 A. I don't know of any other cases otherwise.
20 The cases that are analyzed all have a single
21 application panel interface with different panels
22 appearing in it.

23 Q. And that's your interpretation of the claim,
24 Claim 1. Correct?

25 A. What I just said is what I stand by.

1 Q. And that's your interpretation of Claim 1.
2 Right?

3 A. I'm merely addressing the elements and what's
4 said in Claim 1, and my understanding is that there is
5 an application panel interface that displays a variety
6 of panels in it.

7 Q. And your understanding is that when the second
8 content panel is displayed, the first content panel is
9 no longer displayed under Claim 1. Correct?

10 A. I don't believe there's any case of Claim 1
11 that is otherwise.

12 Q. Okay. Let's go to paragraph 26 of your
13 declaration. Paragraph 26 you're referencing some
14 discussion in the specification about the application
15 panel interface.

16 Do you see that in paragraph 26?

17 A. Yes.

18 Q. And do you see there's a citation to
19 column 30, lines 22 through 23 in your paragraph 26?

20 A. Yes.

21 Q. And this statement in your paragraph 26 is:
22 The application panel 1412, quote, may be displayed in
23 such a manner as to provide a user the ability to view
24 content displayed in content view area 1408.

25 Do you see that quotation?

1 A. Yes.

2 Q. Okay. Take a look at column 30, lines 20
3 through 23 of the '174 patent. And do you see that
4 passage?

5 A. I'm sorry, I stopped because I was listening
6 to you. I don't see it yet.

7 Q. Sure. Column 30, lines 20 through 23.

8 A. Yes.

9 Q. Column 30, lines 20 through 23, it's
10 describing the global panel 1404. Correct?

11 A. Yes.

12 Q. It's not describing the application panel
13 1412. Correct?

14 A. It's describing the global panel. That's
15 different.

16 Q. Okay. So in paragraph 26 where you cite that
17 passage as relating to the application panel 1412,
18 that's incorrect, right?

19 A. No. I'm not sure I understand what you're
20 saying.

21 Q. You cite the passage: May be displayed in
22 such a manner as to provide a user the ability to view
23 content displayed in the -- in content view area 1408.

24 Do you see that language?

25 A. Yeah, that's true of any panel.

1 Q. Okay. In column 30, lines 22 through 23, it's
2 saying that the global panel 1404 may be displayed in
3 that manner. Correct?

4 A. Yes.

5 Q. Okay. It's not saying that the application
6 panel 1412 may be displayed in that manner. Correct?

7 A. Well, in the following lines, it says:
8 Similar to the global panel, the application panel may
9 provide such access without disrupting the content view
10 area 1408.

11 Q. Right. But the passage you cited, may be
12 displayed in such a manner, etc., that's prefaced by the
13 global panel 1404, right, in column 30, lines 22 through
14 23?

15 A. The same text similar to the global panel,
16 which is probably why I referenced it in the global
17 panel description, not because it's wrong, but because
18 the paragraph after that says similar to the global
19 panel, the application panel may provide such access
20 without disrupting the content view area.

21 Q. Okay. You don't disagree that the passage you
22 cited, may be displayed in such a manner as to provide a
23 user the ability to view content displayed in the
24 content view area 1408, that that passage in columns 20
25 through 23 is the full -- the full citation -- the full

1 quotation is, the global panel 1404 may be displayed in
2 such a manner, etc., correct?

3 A. But that is being used to describe the fact
4 that the panels may be displayed so as not to -- I'll
5 use those words -- without disrupting the content view
6 area. So --

7 Q. Okay. But you don't dispute that column 30,
8 line 20 -- 22 refers to the global panel 1404?

9 A. And to the other panel as described in the
10 next paragraph.

11 Q. Right. But you didn't cite that other
12 passage. And I'm just looking at the passage you cited
13 in your declaration here. So it's just a simple
14 question.

15 Is it correct that column 30, line 22 refers
16 to the global panel 1404?

17 A. It also applies to the other because the other
18 references back to it.

19 Q. Okay. Let's go to paragraph 27 of your
20 declaration.

21 A. Okay.

22 Q. First, do you recall in Figure 16A that you
23 have presented above your paragraph 27, there's a series
24 of tabs, 16A -- 1620A through 1620F, going from "Info"
25 to "Search"?

1 A. I see the series of tabs.

2 Q. And I just want to establish some common
3 parlance. I'm going to refer to those as panel view
4 tabs. Is that acceptable to you?

5 A. You can refer to them however you want.

6 Q. What would you like to call them?

7 A. I wouldn't like to call them anything but what
8 they are. But if you want to refer to them as panel
9 view tabs --

10 Q. Okay.

11 A. -- feel free.

12 Q. Okay. I'm going to refer to them as panel
13 view tabs 1620A through 1620F.

14 A. I'm not endorsing that. I'm merely giving you
15 the freedom to express yourself as you like.

16 Q. In paragraph 27, you're describing content
17 area 1608. What is content area 1608?

18 A. That's what paragraph 27 addresses.

19 Q. And it's --

20 A. Application -- sorry.

21 Q. So what is panel content area 1608 in relation
22 to the application panel 1412?

23 A. The application panel 1412 is the entirety of
24 that. And content area 1608 is panel view-specific.
25 When the panel view in focus changes, the panel content

1 area 1608 updates to the corresponding panel view that's
2 currently in focus.

3 Q. Is the panel content area 1608 the content
4 area for the application panel 1412?

5 A. It's the panel content and it's the content
6 area. It's labeled as such.

7 Q. It's the content area for application panel
8 1412, right?

9 A. The content area for -- yes, the panel 1412
10 may comprise a ... a content area 1608.

11 Q. What do you understand the language in the
12 patent where it states that the panel content area 1608
13 is panel view-specific?

14 A. I'm sorry, say that again.

15 Q. You quote a passage from the '174 patent in
16 the second sentence of your paragraph 27 and you say:
17 The panel content area 1608 is panel view-specific,
18 i.e., when the panel view in focus changes, the panel
19 content area 1608 updates to the corresponding panel
20 view that is currently in focus.

21 Can you explain your understanding of what
22 that means?

23 A. My understanding is based on the reference,
24 which is '174, column 32 -- end of column 32 to the
25 beginning of column 33.

1 Q. And what is your -- can you explain what that
2 is describing with reference to Figure 16A?

3 A. I'm sorry. That's -- that's a -- I'm not sure
4 I understand what the question is. I'm reading from the
5 patent which describes it.

6 Q. Yeah, no, you're reading from the patent
7 perfectly. I'm asking you to explain in your words,
8 right? You're the expert who's analyzed this reference.
9 And you understand that part of your role here is to
10 explain the reference to the Board, right?

11 A. That is an explanation of the Board of what it
12 is, to quote the language that describes what it is.
13 Rather than misstate, restate, or alternately state the
14 language, that is the best language to describe it.

15 Q. So you have -- you can't put this in your own
16 words other than to just quote the patent?

17 A. I put it in my own words in 27 and
18 including -- included quotes to the patent. That seems
19 like an authoritative way to do it.

20 Q. So when it talks about -- and you read the
21 '174 patent and you understand it thoroughly.

22 Is that fair to say?

23 A. I understand it.

24 Q. You understand it pretty well?

25 A. Probably more than pretty well. Reasonably

1 well.

2 Q. Okay. So --

3 A. Why qualify it? I understood it.

4 Q. When it refers to when the panel view in focus
5 changes, what is that referring to in Figure 16A?

6 A. It's referring to what it says in the patent.

7 Q. So what is the panel view in focus? Point to
8 me in Figure 16A what that is.

9 A. That view in -- that is in focus is determined
10 based on the menu item highlighted in the navigation bar
11 1604.

12 Q. Right. So you've got the navigation bar 1604
13 and it has the panel view Tab 1620A through 1620F,
14 right?

15 A. Yeah. Yes.

16 Q. Is it correct that depending on which one of
17 those panel view tabs you select, you're going to get a
18 different panel view presented in the application panel?

19 ATTORNEY CLEMENTS: Objection. Form.

20 A. Depending on which tab is selected, you will
21 get a different panel in the content area.

22 BY ATTORNEY SCHREINER:

23 Q. You'll get a different panel view, right?
24 That's what's -- that's what you're quoting in
25 paragraph 27, right?

1 A. Well, what it says in the patent is the panel
2 content area is panel view-specific. When the panel
3 view in focus changes, the panel content area updates to
4 the corresponding panel view that is currently in focus,
5 so it updates to a different panel view.

6 Q. So it updates to a different panel view based
7 on the panel view tab that has been selected from the
8 menu 1604. Correct?

9 A. Substantially. That's determining the focus.

10 Q. And that determines which panel view is
11 presented. Correct?

12 A. Yes.

13 Q. And the patent -- and this is reflected in
14 your paragraph 27 where you cite from the patent, the
15 patent also refers to these panel view tabs as navigable
16 menus.

17 Do you see that at the bottom of page 14 of
18 your declaration?

19 A. That's a quote from the patent.

20 Q. So based on 16A, it's correct that the panel
21 view tabs include info, 1620A; new, 1620B; recommended,
22 1620C; genre, 1620D; favorites, 1620E; and search,
23 1620F. Correct?

24 A. That's what it says in the patent.

25 Q. And depending on which one of those panel view

1 tabs you select, 1620A through 1620F, you're going to
2 get a different panel view, right?

3 A. Panel content area is panel view-specific.
4 When the panel view in focus changes, the panel content
5 area updates to the corresponding panel view that is
6 currently in focus.

7 Q. So is that a yes?

8 A. That's what the patent says. That's what the
9 specification says.

10 Q. Right. But I need you to be responsive to my
11 question, please, so let me just ask the question again.
12 I'm asking you a question, then you're just reading from
13 the patent, but I need your answer to be responsive to
14 my question, please. So let me read it again.

15 And depending on which of those panel view
16 tabs you selected, 1620A through 1620F, you're going to
17 get a different panel view, right?

18 A. I don't think I can dispute that. That's --

19 Q. Okay, yeah.

20 A. A better way of stating it is what's stated in
21 the patent, that's all.

22 Q. Right. But what I'd like you to try to do is
23 state it in your own words, if you can. If you'll work
24 with me here, I would appreciate that.

25 A. I'm doing my best. And my own words are

1 described in the report, and the report also quotes the
2 patent, because that's an authoritative source for
3 making the same statement. So there's no -- if the
4 statement is clear and descriptive, then I don't feel
5 the need to restate it. But where I do restate in it my
6 own words, it's written in the report.

7 Q. I understand that. Thank you.

8 A. And both of those descriptions are, as far as
9 I'm concerned, complete.

10 Q. So if we go to page 15 of your expert
11 declaration, Exhibit 1003 -- actually, at the bottom of
12 page 14, it states: For example, a first, quote, type
13 of content panel may be the, quote, info type and the
14 second type of content panel may be the recommended
15 type.

16 Do you see that?

17 A. Yes.

18 Q. Then you say: The different types of content
19 panels displayed within content area 1608 are thus
20 referred to as panel content types.

21 Do you see that?

22 A. Yes.

23 Q. So are you indicating that if you select the
24 info panel view 1620, you get a first type of content
25 panel and if you selected a different tab, such as the

1 recommended panel Tab 1620C, you get a second type of
2 content panel?

3 Is that correct?

4 A. My discussion of that is --

5 THE WITNESS: What just happened?

6 THE REPORTER: We just had a person join the
7 group. Anniliese.

8 THE WITNESS: Okay. Hold on.

9 ATTORNEY SCHREINER: Let me know when you're
10 ready. We can have Ms. Mary Ann reread the question.

11 THE WITNESS: Okay.

12 (The reporter read from the record as follows:

13 So are you indicating that if you select the info
14 panel view 1620, you get a first type of content panel
15 and if you selected a different tab, such as the
16 recommended panel Tab 1620C, you get a second type of
17 content panel? Is that correct?)

18 A. And what I say is, on page 14, for example, a
19 first type of content panel may be the info type and a
20 second type of content panel may be the recommended
21 type.

22 BY ATTORNEY SCHREINER:

23 Q. Right.

24 A. The different types of content panel displayed
25 within content area 1608 are thus referred to as panel

1 content types.

2 Q. Right. So my question is, when you say the
3 first type of content panel may be the info type, is the
4 content panel you're referring to the content panel that
5 is presented when the info Tab 1620A is selected? I
6 think you're indicating yes, in your annotation of
7 Figure 16A on this page.

8 A. I'm -- say that again. That was a complicated
9 question and included what you think I'm going to say,
10 which is great, but okay.

11 Q. I'm trying to help you.

12 When you refer to the first type of content
13 panel for the info type, are you referring to the
14 content panel that is displayed in the application panel
15 interface 1412 when the info Tab 1620A is selected, as
16 appears to be indicated in your annotation of Figure 16A
17 on this page?

18 A. Yes, I say that a first type may be the info
19 type and the second type may be a recommended type, and
20 those correspond to tabs.

21 Q. And the content panel itself is what is
22 displayed in the content area when the info tab, for
23 example, is selected, as you've got it in your
24 annotation of Figure 16A here. Correct?

25 A. Yes, that content panel is displayed in the

1 content area, 1608.

2 Q. Right. So the example we have here, you're
3 saying the first content panel is the content that's
4 shown in the content area when the info Tab 1620A is
5 selected by the user. Correct?

6 A. Well, that one is highlighted in the annotated
7 version of the figure, so the first content panel would
8 be reflective of that.

9 Q. Right. So the first content panel is the
10 content displayed in the application panel interface
11 1412 when the info Tab 1620A has been selected, as
12 depicted in your Figure 16A?

13 A. Substantially. What I say is: An example of
14 the claimed first content panel of a first type, in
15 parentheses, info, is identified in the annotated figure
16 below.

17 Q. And what is -- in Figure 16A. What is the
18 first content panel according to your analysis?

19 A. The first content panel is the content panel
20 that's reflective of hitting the info tab.

21 Q. Thank you.

22 And if we go to page 16 of your declaration,
23 you've got another annotation of Figure 16A of the
24 patent.

25 A. Let me just comment that when you use the word

1 "first," I did not mean to imply that info equals first.
2 That's simply the first content panel shown. I hope I
3 didn't -- I hope I was clear about that.

4 Q. You're quoting it as the first -- you're
5 pointing it out as the first content panel with
6 quotations because you're identifying that as the first
7 content panel recited in the claim, right?

8 A. But that's as an example. It's not to say
9 that the first content panel has to be info. That's all
10 I'm trying to clarify.

11 Q. Sure. And in your analysis, continuing on to
12 page 16, is it correct that you're indicating that the
13 claimed second content panel would be the content
14 displayed in the application panel interface when the
15 recommended Tab 1620C is selected?

16 A. When the user navigates from info Tab 1620A to
17 the recommended tab, the information within the content
18 panel changes accordingly, as shown below. So when you
19 switch to the recommended tab, you get a second content
20 panel and a content area.

21 Q. The information corresponding to the
22 recommended tab, right?

23 A. One would hope so, yes.

24 Q. Okay. If we can go to page 17, you've got an
25 annotated version of Figure 20C of the '174 patent.

1 A. Page 17?

2 Q. Yes. And you have annotations here,
3 application panel and first content panel.

4 Do you see that?

5 A. I do.

6 Q. Okay. Are the application panel and the first
7 content panel, as you have annotated here, are they the
8 same thing or are they different?

9 A. Well, with respect to the previous
10 illustrations, the tabs are shown at the top, and the
11 content area is the green area below that, below the
12 tabs.

13 Q. So in your annotated Figure 20C, what is it in
14 the application panel that's not in the first content
15 panel as you have it annotated?

16 A. I'm sorry, I was looking at the illustration.
17 I don't think I understand that question. Try again.

18 Q. Sure.

19 Figure 20C on your page 17, what is in the
20 application panel that is not in the first content panel
21 as you've annotated the figure?

22 A. It has a navigation bar, it has a first
23 content panel.

24 Q. Is the navigation bar part of the first
25 content panel?

1 A. The navigation bar is part of the application
2 panel, which is the entirety of it. The content panel
3 is the area not including the navigation bar.

4 Q. If we could go now to page 18 of your
5 declaration, you've got a further annotated version of
6 Figure 21A -- or, I'm sorry, you have an annotated
7 version of Figure 21A.

8 Do you see that?

9 A. Yes.

10 Q. So in Figure 21A, what does the user do to
11 invoke the --

12 A. Can you just give me one second?

13 Q. Sure.

14 A. Okay. Sorry.

15 Q. In Figure 21A, what does the user do to invoke
16 the second content panel, as you have it in annotated
17 Figure 21A?

18 A. In general, as I think we described before,
19 selecting one of the tabs would change the content
20 panel.

21 Q. And in Figure 21A that we have here in your
22 report, which tab has the user selected?

23 A. We're talking about the illustration above
24 paragraph 30?

25 Q. Yes.

1 A. Recommended.

2 Q. And --

3 A. I'm sorry, I was going to wait. I thought
4 you'd finished the line. I was going to suggest it
5 might be a reasonable time for a break.

6 Q. Yeah, I know we're coming up on an hour here.
7 I just have a couple more questions, I think, on this
8 line, if you'll bear with me.

9 Comparing -- let's compare the first content
10 panel that you have indicated on page 17 of your
11 declaration.

12 A. Yes.

13 Q. Where the info tab has been selected, do you
14 see that?

15 A. Yes.

16 Q. And let's compare that first content panel
17 that you have annotated to the second content panel
18 that's on page 18. Do those two content panels have the
19 same layouts?

20 A. Well, they're different.

21 ATTORNEY SCHREINER: Right. Okay. We can go
22 ahead and take a break. What would be healthy for you,
23 10 minutes?

24 THE WITNESS: 10 minutes is fine.

25 (Recess taken.)

1 ATTORNEY SCHREINER: Let's go ahead and
2 introduce the Woods reference, which is Exhibit 1005.
3 (Exhibit No. 1005, previously marked, was
4 referenced and indexed.)

5 ATTORNEY SCHREINER: Brandon, if you could
6 circulate that and then just post the image on the first
7 page of the Woods reference Exhibit 1005 on the screen,
8 that would be great.

9 BY ATTORNEY SCHREINER:

10 Q. Dr. Lippman, do you recognize the Woods
11 reference, Exhibit 1005?

12 A. I do.

13 Q. And that's a reference you applied in your
14 analysis of the claims of the '174 patent. Correct?

15 A. Yes.

16 Q. And you have a hard copy of that handy?

17 A. I do.

18 Q. Okay. Brandon, we can take that image down,
19 please.

20 A. I have a soft copy available also with the
21 same comment that I made earlier.

22 Q. That it's not marked as an exhibit, but it's a
23 clean copy. Is that correct?

24 A. Yes.

25 Q. Okay, that's fine. You can refer to either.

1 And let's go to paragraph 46 of your
2 declaration, Exhibit 1003.

3 A. Sorry, page?

4 Q. It's page --

5 A. Paragraph 46.

6 Q. Yeah.

7 A. Okay.

8 Q. So you quote Woods here as relating to a media
9 guidance application --

10 Do you see that?

11 A. Yes.

12 Q. -- in paragraph 46, and you're citing from
13 Woods. What's your understanding of a media guidance
14 application?

15 A. My guidance is provided by Woods since that's
16 not necessarily a common term of the art. The media
17 guidance application may be, for example, an interactive
18 television program guide.

19 Q. Is your understanding of a media guidance
20 application in Woods consistent with its being an
21 application that helps guide a user to different types
22 of media?

23 A. That's a -- what you said was an understanding
24 of the word "media guidance application" as those words
25 are. Woods uses it to provide an efficient technique

1 for navigating media selections.

2 Q. And you go on to say that the media guidance
3 application may be, for example, an interactive
4 television program guide, right?

5 A. Woods says that, yes.

6 Q. Okay. And what's your understanding of an
7 interactive television program guide? What is that?

8 A. A means for consulting what programs are
9 available.

10 Q. Does an interactive television program guide
11 typically provide program listings?

12 ATTORNEY CLEMENTS: Objection. Scope.

13 A. An interactive television program guide has
14 been used to provide program listings, channel listings,
15 and times.

16 BY ATTORNEY SCHREINER:

17 Q. And you refer to Figure 10 of the Woods
18 reference, Exhibit 1005, and you state: Woods describes
19 an interface that allows a user to navigate the menu bar
20 to change the type of information being displayed about
21 the content currently showing on the television.

22 Do you see that?

23 A. Yes.

24 Q. If I could refer you to Figure 10 of Woods,
25 explain how the user navigates a menu bar to change the

1 types of information being displayed with reference to
2 Figure 10.

3 A. I'm sorry, hold on. I was busy finding
4 Figure 10.

5 Q. Sure.

6 A. Okay, I've found Figure 10. I'm sorry, what
7 was your question?

8 Q. Sure.

9 Explain how a user navigates the menu bar to
10 change the type of information being displayed in
11 Figure 10 of Woods.

12 A. Explain how one navigates -- sorry --
13 navigates the which?

14 Q. I'm using the language right out of your
15 paragraph 46. How does a user use the display in
16 Figure 10 to navigate a menu bar to change the type of
17 information being displayed?

18 A. Okay, that's described later in my report.

19 Q. Are you able to describe it now with reference
20 to Figure 10?

21 A. Let me turn to the appropriate explanation in
22 the report. How complicated an answer do you want?

23 Q. I was hoping for a pretty simple one.

24 A. Well, since we dwell on it at some length,
25 that may not be possible. In paragraph 60, I state

1 there's a user interface that receives commands to
2 control the user, television equipment, and control
3 circuitry. So that's a piece of the answer to how one
4 navigates the entirety of it.

5 Q. So when you say in paragraph 46 the user
6 navigates a menu bar, what is taking place in Figure 10
7 when a user navigates a menu bar?

8 A. Well, I'm going to find the references and
9 give them to you, but at least one component is that you
10 need a user interface to do that. Are you willing to
11 accept that as being one component of how one navigates?

12 Q. Sure. Let me see if I can short-circuit this
13 a little bit. Is it correct that in Figure 10 of Woods,
14 the user navigates a menu bar by selecting among the
15 different options in functions menu bar 1010 shown on
16 the left-hand side of Woods Figure 10?

17 A. Again, I'm going to have to find that in my
18 report where I describe that. It's farther down than I
19 thought. I apologize for taking a moment.

20 In paragraph 122, Woods discloses using a
21 up-down key of the input device to navigate the types of
22 information displayed in function options region 1020 by
23 moving the focus up and down.

24 Q. So I'm trying to relate this. I want to
25 relate this to your summary of Woods that you've got at

1 the very beginning.

2 So you say Woods describes an interface -- and
3 you cite to Figure 10 of Woods. You say: Woods
4 describes an interface that allows a user to navigate a
5 menu bar to change the type of information being
6 displayed.

7 So is navigating the menu bar selecting among
8 the various options in the functions menu bar 1010 shown
9 in Figure 10 of Woods?

10 A. Well, I'm describing how one navigates how
11 Woods describes navigating --

12 Q. I think what you described --

13 A. -- the bar. Sorry.

14 Q. I think what you described is different
15 information being provided in the functions options
16 region 1020.

17 A. Yeah.

18 Q. What I'm asking about is the menu bar.

19 Do you agree that 1010 is the functions menu
20 bar in Figure 10 of Woods?

21 A. It's labeled as the menu bar.

22 Q. It's described as the functions menu bar.

23 Do you agree with that?

24 A. What paragraph are you on? The summary.

25 Q. Paragraph 170 of Woods states: Screen 1000

1 may include a functions menu bar 1010.

2 A. Which paragraph is that?

3 Q. Paragraph 170.

4 A. Of? I'm sorry, of my report or --

5 Q. I'm sorry, of Woods.

6 A. Oh, okay.

7 Q. Paragraph 170, 171 refer to the functions menu
8 bar 1010.

9 A. Okay. I cite to 170.

10 Q. Right.

11 A. You asked how one navigates.

12 Q. No, I was just trying to establish the name of
13 item 1010 on Figure 10. You said it was a menu bar
14 1010, and I asked, to clarify, it's the functions menu
15 bar 1010. And you asked me where was that in Woods. So
16 I've pointed it out to you.

17 So I guess the question is, do you agree that
18 Figure 10 of Woods shows functions menu bar 1010 on the
19 upper left-hand side?

20 A. It shows the menu bar 1010, yeah.

21 Q. And Woods describes that as the functions menu
22 bar, right?

23 A. The functions menu bar 1010 may display a list
24 of indicators of functions associated with the media
25 asset ... yes.

1 Q. And so in paragraph 46 of your report where
2 you describe -- you cite to Figure 10 and you say Woods
3 describes an interface that allows a user to navigate a
4 menu bar to change the type of information being
5 displayed, what does "navigating the menu bar" mean?
6 What do you mean? What are you trying to convey there?

7 A. That's what I was looking for when you told me
8 that wasn't what you asked me.

9 Q. Is navigating the menu bar selecting amongst
10 the various options in the functions menu bar 1010?

11 A. You can interpret it that way, but I was going
12 to look through my report to describe exactly how Woods
13 says that you navigate it. I thought that's what you
14 wanted me to do.

15 Q. Okay. You don't know this off the top of your
16 head, I guess, right?

17 A. I refer to my report wherever possible because
18 my report is how I stated things, and I didn't memorize
19 it.

20 Q. Right. But you've got a summary of Woods in
21 paragraph 46, and I'm just asking you to explain the
22 summary. But sounds like you're not able to do that.
23 We'll just go ahead -- or let me ask you this.

24 Where you say, "allows a user to navigate a
25 menu bar to change the type of information being

1 displayed," where you refer to the -- changing the type
2 of information being displayed, is that referring to the
3 type of information that is displayed in the functions
4 option region 1020 of Woods Figure 10?

5 A. When you're -- let me again refer to the
6 report and tell you how I described it in the report.
7 Let me note that if you're asking me to elaborate on the
8 summary, then the elaboration of the summary is done in
9 the remainder of the report.

10 So if you ask me to elaborate the summary,
11 then I'm going to, quite naturally, turn to the report
12 for the appropriate elaboration thereof.

13 Q. Sure.

14 I'm not trying to test your patience,
15 Dr. Lippman.

16 A. You're not testing my patience. You're -- I
17 have -- the patience is fine. I'm just saying in order
18 to answer your question, that is the way I would answer
19 your question. So I -- I'm happy to go do so, if you
20 want.

21 Q. Right.

22 A. I'm sorry if I sound impatient. I'm really
23 not.

24 Q. Yeah, no, that's fine. Let's go down to
25 paragraph 47 on page 24 of your report, your expert

1 declaration, Exhibit 1003. You have Figure 9 of Woods,
2 right?

3 A. Yes.

4 Q. Okay. And the purpose of this whole section
5 here is it's a summary of Woods, right?

6 A. Yes.

7 Q. What would you -- strike that.

8 How would you characterize the user interface
9 shown in Figure 9 of Woods?

10 A. I don't think I thought about how I would
11 characterize that figure.

12 Q. Would you say it's a media guidance
13 application, as Woods uses that term?

14 A. Potentially.

15 Q. Okay. Would you say that this was a form of
16 an interactive program guide, Figure 9?

17 A. Woods relates what he's doing there as a form
18 of a media guidance or interactive program guide.

19 Q. And does Figure 9 provide program schedule
20 information or program listings?

21 A. It has times and it has channel listings and
22 it has programs.

23 Q. If I could refer you to paragraph 155 of
24 Woods.

25 A. Hold on.

1 Q. Sure.

2 A. Okay.

3 Q. Do you agree in paragraph 155 Woods
4 characterizes Figure 9 as displaying program schedule
5 information?

6 A. In 155, Woods says that, in particular,
7 program schedule information displayed in screen 900 may
8 be partially transparent.

9 So that implies that screen 900, which is the
10 entirety of Figure 9, is displaying, at least in part,
11 program schedule information.

12 Q. Okay. And on the bottom of page 24 of your
13 expert declaration, you're quoting from Woods, actually
14 from paragraph 155, and you say, when the user -- you
15 quote: When the user first enters screen 900,
16 processing circuitry 306 may highlight or bring into
17 focus the program listings corresponding to the
18 currently tuned program or program being currently
19 accessed.

20 Do you see that?

21 A. Yes.

22 Q. What is the term "program listings"? What's
23 that referring to with regard to Figure 9 of Woods? Is
24 it individual tiles in -- within this program guide?

25 A. Well, in Figure 9, for example, 912 Heroes

1 might be the program currently on view.

2 Q. Okay. And is that a program listing?

3 A. That is a program, and that's a listing of the
4 program.

5 Q. Okay. I'm just trying to relate it to the
6 language used in Woods. So Woods refers to program
7 listing where you quote it here in paragraph 48. So is
8 it correct that the program listing corresponds to the
9 various tiles in Figure 9 illustrating specific programs
10 at specific times on specific channels?

11 A. A program listing is one of those tiles, yes.

12 Q. Thank you.

13 And in Figure 9, as you have shown here,
14 there's an indication at the bottom that what's being
15 watched is Dexter on Showtime, The Damage A Man Can Do.

16 Do you see that?

17 A. Yes.

18 Q. Okay. Is there a program listing that is
19 highlighted corresponding to Dexter in the display
20 screen 900 of Figure 9?

21 A. Is there a program listing corresponding to
22 Dexter?

23 Q. Yeah, that's highlighted.

24 A. I don't see one.

25 Q. Okay. If we could go on to page 25 of your

1 declaration, you're quoting Woods again. I'm just
2 trying to understand your understanding of this
3 reference.

4 It says, you quote: The user may navigate
5 within portions of the media guidance objects to select
6 a desired program listing corresponding to a media
7 asset.

8 A. Okay.

9 Q. Is there a difference between media guidance
10 objects and program listing as described in Woods?

11 A. One second. That paragraph is a quote.

12 Q. Right.

13 A. Or it begins with a quote. So he uses the
14 term "media guidance objects" more generally to select a
15 program listing corresponding to a media asset.

16 Q. In Woods, is it your understanding that a user
17 would select a program listing on the display screen of
18 Figure 9 in order to get to the display shown in
19 Figure 10 that you have on page 25 of your declaration?

20 A. It says when a user selects a program listing
21 from the guide currently -- for example, the currently
22 tuned program, the interactive television guide brings
23 up screen 1000 shown in Figure 10 below.

24 Q. So the answer is yes?

25 A. So when you select a program listing, the

1 guide brings up screen 1000, which is Figure 10.

2 Q. So when you select a program listing in
3 Figure 9, the system brings up the display shown in
4 Figure 10. Correct?

5 A. Yes.

6 Q. You state -- in your characterization of Woods
7 here, you state: When a user selects a program listing
8 from the guidance screen 900 - for example, the
9 currently tuned program.

10 Do you see that?

11 A. Yes.

12 Q. And you cite to paragraph 170 and 171 of
13 Woods?

14 A. Yes.

15 Q. Can you show me where in paragraph 170 and 171
16 of Woods it describes selecting a program listing from
17 screen 900 for the currently tuned program?

18 A. Let me first turn to paragraph 170 and 171.
19 I'm not sure that it refers to the current program on
20 view in 170 and 171.

21 Q. Okay. And in Figure 9, as we mentioned
22 before, it indicates that the user was watching Dexter
23 on Showtime. Correct?

24 A. Yes.

25 Q. And Figure 10 which is brought up from

1 Figure 9, is it fair to say that this is describing
2 information pertaining to Heroes, the program Heroes,
3 not the program Dexter?

4 A. That's correct.

5 Q. Is it your understanding that what Figure 10
6 reflects is the user has selected the Heroes tile in
7 Figure 9 and that has taken the user to the display in
8 Figure 10 showing information related to the program
9 Heroes?

10 A. Yes.

11 Q. And in the -- you see there's a region 1030 in
12 Figure 10 on the right-hand side of the user interface?

13 A. Yes.

14 Q. What does that appear to be displaying?

15 A. In that illustration?

16 Q. Yes.

17 A. Something like a Mercedes ad.

18 Q. Now I'd like to move down to page 26 of your
19 declaration where you have a diagram, a modified
20 Figure 10.

21 A. Just one second.

22 Q. Sure.

23 Modified Figure 10 of Woods, Exhibit 1005.

24 A. Okay, I'm sorry, where are we now?

25 Q. Sure.

1 Page 26, your annotated Figure 10 of Woods.

2 Do you see that figure?

3 A. Yes. Figure 10.

4 Q. Okay. Right. The annotated Figure 10. Is it
5 correct that what's displayed in the panel here is based
6 on the user selecting the Heroes tile or program listing
7 from Figure 9?

8 ATTORNEY CLEMENTS: Objection. Form.

9 A. I say something similar to that in
10 paragraph 71. As shown below in Figure 10, in response
11 to the user selecting the program listing corresponding
12 to Heroes, the television displays screen 1000 with the
13 functions menu bar 110 and function options regions 1020
14 which together correspond to an application panel
15 interface.

16 BY ATTORNEY SCHREINER:

17 Q. If we go to page 28, you've got another
18 annotated version of Figure 10 of Woods.

19 A. Page 28?

20 Q. Correct.

21 A. Okay.

22 Q. You cite to Woods paragraph 176 that options
23 region 1020 may change to display options or items
24 corresponding to the detailed description function
25 indicator.

1 Do you see that?

2 A. Where? Which paragraph?

3 Q. It's in -- it's within your annotated version
4 of Figure 10 of Woods on page 28.

5 A. I think I see what you asked. In particular,
6 to bring the detailed description function into focus,
7 the user may press an up arrow key three times. That
8 would be from cast. A list of options or items
9 displayed in the function options region 1020 may change
10 to display options or items corresponding to detailed
11 description.

12 Q. So is it correct that the user navigating the
13 function menu bar 1010 and moving from cast to detailed
14 information, that's going to cause this region 1020 to
15 present different information?

16 Is that fair to say?

17 A. Well, each one of those corresponds to a
18 different panel with different information in it.

19 Q. And in options region 1020, that's going to be
20 the area that's going to display different information
21 when the user moves from one function to a different
22 function in the menu bar 1010.

23 Is that fair to say?

24 A. Well, you could call it a tab, but a different
25 tab.

1 Q. Right. So as the user moves from one tab to
2 another in functions bar 1010, the region 1020 is going
3 to display different information.

4 Is that correct?

5 A. It is going to display different information.

6 Q. Okay. I just want to walk through your
7 analysis of Claim 1. We can go to page 38 of your
8 expert declaration, Exhibit 1003. Some of this we have
9 talked about, but I want to go ahead and step through it
10 as you lay it out in your analysis sequentially.

11 So is it correct on page 38 of your expert
12 declaration you're indicating that the claimed first
13 input in limitation 1.1 is the user selecting the
14 program listing for the Heroes program?

15 A. I'm sorry, say that again. I was looking at
16 where we were. We're on page 38, paragraph 66?

17 Q. Yes. Looking at the diagram above
18 paragraph 66 --

19 A. Okay.

20 Q. -- in Figure 9.

21 A. Okay.

22 Q. So is it correct on page 38 of your expert
23 report that you're indicating that the claimed first
24 input corresponds to the user selecting the Heroes
25 program tile on the user interface of Figure 9?

1 Let me rephrase it using the language you have
2 in your report here.

3 Is it correct that the user presses a button
4 to select a program listing, in this case corresponding
5 to the Heroes program in Figure 9, and that that is the
6 first input of the claim?

7 A. In one example, I say in paragraph 65 on
8 page 37: The user may navigate within portions of the
9 media guidance objects to select a desired program
10 listing corresponding to a media asset. For example,
11 the user may navigate up/down within program source
12 information region 950 to select a desired program
13 source. For example, a user may have first -- may first
14 have selected a program listing corresponding to the
15 media asset Heroes.

16 Q. That's what you have depicted on your
17 annotated Figure 9 on page 38. Correct?

18 A. That's shown as a first input.

19 Q. Let's go ahead and go to paragraph 70 of your
20 expert declaration.

21 A. Okay.

22 Q. Is it your opinion that after the user makes
23 the first input by selecting the program listing for
24 Heroes that display screen 1000 in Figure 10 with the
25 functions menu bar 1010 and the functions options region

1 1020 are displayed and that those two items together
2 constitute the claimed application panel interface?

3 A. That's a complex sentence. Let me try to
4 tease that apart. You used the word "Heroes," and it
5 doesn't have to be Heroes. It could as well be the
6 program currently on display. It could be any program.
7 Okay?

8 Q. So when a user selects a program listing from
9 the user interface of Figure 9, is it correct that what
10 is brought up is a display in Figure 10 that includes
11 the function menu bar 1010 and the functions option
12 region 1020?

13 A. You're replacing your previous question with
14 this one?

15 Q. Yes. I'm trying to tease it apart, as you put
16 it.

17 A. Thank you.

18 Q. So I'll just repeat the question. So when a
19 user selects a program listing from the user interface
20 of Figure 9, is it correct that the user interface of
21 Figure 10 including functions menu bar 1010 and
22 functions option region 1020 is presented?

23 A. Yes, I say that in paragraph 70. Woods
24 discloses that in response to the user selecting a
25 program listing, the television displays to the user

1 display screen 1000 with functions menu bar 10 and
2 functions options region 1020 that together teach an
3 application panel interface.

4 Q. You see in Figure 1010 [sic] there's a media
5 region 1030 on the right-hand side?

6 A. What page is that figure on?

7 Q. It's Figure 10 of Woods.

8 A. Okay. There's a version of Figure 10 on
9 page 42. Is that what you're referring to?

10 Q. Yeah, we can look at that one.

11 A. Okay.

12 Q. So looking at -- so looking at the version of
13 Figure 10 showing on page 42 of your declaration, the
14 1030, is it correct that that's a media region for
15 displaying media content?

16 A. Yes.

17 Q. And that's not part of the claimed application
18 panel interface as you've interpreted Woods. Correct?

19 A. I believe I described that earlier, that there
20 is a region that is equivalent to the application panel
21 interface and the region that corresponds to media,
22 which might be the media on view.

23 Do you want me to go find that? If you want a
24 precise answer, you have to let me do that.

25 Q. Yeah.

1 A. I'm sorry. How do I interpret that "yeah"?

2 Q. I'm contemplating. And I appreciate your
3 patience, seriously.

4 In Figure 10 as you have it annotated on
5 page 42 of your expert declaration, you indicate that
6 the application panel interface includes functions menu
7 bar 1010 and the functions options region 1020.
8 Correct?

9 A. Yes.

10 Q. Okay. In the annotated Figure 10 on page 42,
11 you do not include the media region 1030 as being part
12 of the application panel interface. Correct?

13 A. Yes.

14 Q. Okay.

15 A. I should note that, quoting from Woods, media
16 region 1030 may provide display of an advertisement, a
17 video, a clip, the currently tuned television program,
18 icon image or text, or any other suitable media.

19 Q. And looking at page 42 of your declaration,
20 you cite Woods. This is the bottom paragraph of page 42
21 where it states: Functions menu bar 1010 may include a
22 list of indicators of functions associated with the
23 media asset corresponding to the program listing
24 selected from screen 900.

25 Do you see that?

1 A. Yes.

2 Q. So where Woods is referring to indicators of
3 functions, is it correct that those are the selectable
4 items in the functions menu bar 1010 such as rates,
5 recommend, set reminder, watch, detailed information,
6 all episodes, similar, cast, and reviews?

7 A. Yes.

8 Q. Is it your understanding of Woods that the
9 display of Figure 10 would be available for any program
10 listing that is -- that could be selected from the
11 program listings shown in Figure 9 of Woods?

12 A. Woods places no restriction on that.

13 Q. So as far as you understand, a user could
14 select any program listing from Figure 9 and that would
15 bring up the user interface for that program as shown in
16 Figure 10?

17 A. Woods in 170 says Figure 10 shows an
18 illustrative display screen 1000 of functions
19 corresponding to a selected program listing displayed in
20 accordance with an embodiment of the invention. So you
21 can select a program and you will get this figure.

22 Q. Okay. When you say you could select a
23 program, for example, you could select a program listing
24 on -- from Figure 9, and that would lead you to the user
25 interface on Figure 10?

1 A. For example, if you selected Heroes, you would
2 get the one in Figure 10.

3 Q. Right. Let's go ahead and go to page 46 --
4 or, I'm sorry, page 45 of your declaration. And you
5 cite paragraph 155 of Woods.

6 Do you see that?

7 A. Yes.

8 Q. And it states at the beginning -- this is on
9 page 45 of your paragraph 76, in the quoted paragraph:
10 When the user first enters screen 900, processing
11 circuitry 306 may highlight or bring into focus the
12 program listings corresponding to the currently tuned
13 program or program being currently accessed.

14 Do you see that?

15 A. Yes.

16 Q. Does Woods disclose how it determines the
17 program that is currently tuned or currently accessed?

18 A. Do I describe how Woods gets that information
19 in my report? I'm not sure. I don't recall offhand.

20 Q. Okay. I don't believe so. You don't have to
21 take my word, of course, but I don't believe so, and so
22 I wanted to explore that a little bit with you.

23 A. Give me a moment to look at Woods for a
24 second.

25 I've given a cursory examination of the

1 illustrations in Woods, and I'm not sure offhand, and I
2 can't recall, whether Woods actually describes the
3 mechanism by which the program currently being accessed
4 or tuned to. He would know. But there is mention of it
5 in that those are fetched -- that information is fetched
6 from memory, as I recall.

7 Do you want me to keep looking?

8 Q. Yeah, until you satisfy yourself that Woods
9 doesn't disclose the mechanism by which Woods identifies
10 the program that's currently being tuned or accessed.

11 A. It's going to take me a moment to find this,
12 but I believe that he says, for example, if you select
13 the cast, then he retrieves the information about the
14 cast and it can be retrieved externally or it can have
15 been already stored internally.

16 So let me search that. So I think there's no
17 mystery about how you do that, but that -- if I can find
18 that, that would probably satisfy the requirement.

19 Q. Let me ask you this.

20 Do you explain in your declaration how Woods
21 identifies the currently tuned program?

22 A. Let me -- do you want me to not answer your
23 previous question?

24 Q. No, go ahead, go ahead. Keep looking at
25 Woods.

1 A. Okay. In paragraph 178 of Woods, when the
2 media asset corresponding to the program listing is
3 Heroes, a list of the cast members in Heroes may be
4 displayed. The options or items that are provided in
5 the function option region 1020 may either be retrieved
6 from local storage or from a remote server or website.
7 For example, the list of cast members in the Heroes
8 media asset may be retrieved from a local database that
9 includes information about some or all of the media
10 assets provided by a certain program source.

11 Alternatively, the list of cast members may be
12 retrieved from a remote server by accessing a link
13 associated with the cast function indicator. For
14 example, one or more of the function indicators may be
15 associated with a link to the information for the
16 options to provide in 1020. As the user browses the
17 different function indicators in bar 1010, the links
18 associated with the functions may be accessed to
19 retrieve the necessary information.

20 So that's a means by which he gets the
21 information that he displays in panel 1000.

22 Q. Right. So that describes how when the user
23 selects the Heroes program listing in Figure 9, how the
24 information about the cast is displayed in Figure 10,
25 right?

1 A. Yeah, but more generally, how any information
2 that's displayed in Figure 10 is -- not solely the cast.

3 Q. Right. But that's not describing that Heroes
4 is tuned and that the system determines that the program
5 Heroes is tuned and being currently displayed, right?

6 A. I think the notion that you can use what you
7 have to fetch the additional information you need as
8 described in those paragraphs is generic.

9 Q. Okay. How does -- explain to me how those
10 passages describe that you -- how the Woods system
11 determines what program is currently tuned or accessed.

12 A. Well, the mechanism by which you got to 1010
13 was you clicked on the program from the guide 900, and
14 the guide 900 is displaying that information. It
15 already knows that.

16 Q. Right. But the program that's currently tuned
17 in 900 is not Heroes, it's Dexter, right? That's what
18 Woods shows in Figure 9.

19 A. Well, if it is the program that you're
20 currently tuned to, you know that because you've clicked
21 on it in Figure 9, right?

22 Q. The user knows what program the user is
23 watching. I agree with that. The question is --

24 A. I believe the system knows what program you've
25 clicked on because it's displayed the name of the

1 program and the channel and the time already for you.
2 So that's -- you know it, indeed. But the system also
3 knows it, does it not?

4 Q. You can select -- we have talked about this
5 before. In Figure 9, you can select on any of these
6 program listings and that brings up the information
7 that's displayed in Figure 10, right?

8 A. Yes, you can select any of them.

9 Q. Right. And you could select them without
10 those programs being tuned at that time, correct, just
11 like is shown in Figures 9 and 10 in Woods?

12 A. With the example Heroes.

13 Q. Right. So in Figures 9 and 10, Heroes is not
14 currently tuned. Correct?

15 A. Right.

16 Q. Okay. How does -- does Woods disclose how the
17 system would determine the program that is currently
18 tuned?

19 A. I'm not sure that I can tell you how Woods
20 describes how he would know that, but it seems clear
21 that it's the same way you would know Heroes when you
22 selected that.

23 Q. Well, when you select Heroes, you get the
24 information about the Heroes program, right? It --

25 A. But you've selected Heroes from the IPG, or

1 Figure 9, which substantially already has that
2 information. And the program currently on display is
3 likewise accessible in Figure 9. In fact, when you
4 first invoke Figure 9, Woods says that you often get to
5 the -- to that -- exposing the program you're watching.

6 Q. But how does the system know -- strike that.

7 Does Woods disclose how the system determines
8 what program is currently tuned?

9 A. I'm not sure I haven't already answered that
10 seven different ways. No matter what program, if the
11 program is represented in Figure 9, the system already
12 knows what program it is. The system inherently knows
13 what channel you're tuned to if you're tuned to a
14 channel or what media asset you're watching because it's
15 presenting that media asset, and that media asset is
16 likewise represented in Figure 9. So it's no different
17 from Heroes.

18 Q. So the system is tuned to a certain channel, a
19 certain frequency, let's say, in the case of broadcast.
20 Correct?

21 A. No, but okay.

22 Q. How would you describe it? We'll use your
23 words. The system knows what frequency it's tuned to,
24 correct, or what transmission it's tuned to?

25 A. Well, that's different. It knows what channel

1 it's tuned to.

2 Q. Okay. When you say "channel," you're talking
3 about a program source, right? Like relating it to
4 Figure 9 in Woods, it's got display screen 900 and it's
5 got program source 950 and then it's got a bunch of
6 channels going down that column.

7 Do you see that in Figure 9 of Woods?

8 A. No, I haven't looked at it.

9 Q. Okay. Why don't you take a look at Figure 9
10 of Woods.

11 A. Yes. Okay, I'm at Figure 9.

12 Q. Okay. So the channels are shown in program
13 source column 950, and there's channels 002 and so
14 forth. Correct?

15 A. Yes.

16 Q. Okay.

17 A. Those are not frequencies.

18 Q. Right. I understand they can be part of a
19 multichannel MPEG transport stream and that sort of
20 thing. But we're talking about what program is tuned.

21 So how does the system know -- like, for
22 example, let's say it's actually 5 PM and I'm watching
23 Dr. Phil on CBS channel 002.

24 Do you see that on Figure 9?

25 A. Sure.

1 Q. Okay. Does Woods describe how the system
2 would determine that the program Dr. Phil is currently
3 tuned?

4 A. You said that you understood that it could be
5 displaying a program because it's pulling that out of a
6 multichannel MPEG stream.

7 Q. Well, could that be the case?

8 A. It could. And I think you used that as an
9 example of what it means to select a program.

10 Q. So let's go back to my question. So how would
11 Woods -- if the user has -- is tuning and viewing
12 Dr. Phil, how -- does Woods disclose how it would
13 determine that the Dr. Phil program is being -- is tuned
14 and being viewed?

15 A. I'm having trouble putting my mind around that
16 question because it can't not know that. It has to know
17 that in order to display that channel.

18 Q. Well, it can get to the content. Correct?

19 A. But --

20 Q. So if a user inputs some information, the
21 system can access the content. We both agree on that,
22 right? The system can tune to a particular transmission
23 and can access some content. Correct?

24 A. Yes. I think we agree on that.

25 Q. Okay. How does the system know that the

1 content being accessed is the Dr. Phil program?

2 A. The same way we know how to fill in Dr. Phil
3 in the slot at 5 o'clock on channel 2.

4 Q. Can you explain that?

5 A. It's the same data. The same data as Heroes
6 or any other program. It's displayed in Figure 900
7 because we already know that. If that's the one you're
8 watching, we already know that it's Dr. Phil.

9 Q. How does the -- how does the system identify
10 it as Dr. Phil? That's what I'm trying to understand.

11 A. I'm sorry, when I said "we," I meant the
12 system. I didn't mean you and I collectively.

13 Q. Are you saying somehow the system correlates
14 the program listing information in Figure 9 to the
15 channel and the time, and infers what program is being
16 watched? Is that what you're suggesting?

17 A. I'm not suggesting anything of the sort.

18 Q. Okay.

19 A. It's simply that if it is 5 o'clock and you're
20 watching Dr. Phil, then the system knows that it's
21 5 o'clock and you've selected channel 2 which has the
22 program Dr. Phil. It's in 900. It's already there. We
23 already have the information of what program is on at
24 that time. And if we're watching it, that is the
25 program that we're watching.

1 Q. Let's say we're looking at channel 41 and it's
2 CNN Situation Room, Wolf Blitzer's show, and -- let me
3 find a better example.

4 ATTORNEY CLEMENTS: Steve, when you finish
5 this line of questioning, maybe we can consider taking a
6 break?

7 ATTORNEY SCHREINER: Yeah, yeah.

8 BY ATTORNEY SCHREINER:

9 Q. So, Dr. Lippman, so let's take channel 34,
10 ESPN. You see there's NFL Primetime going from 4 PM
11 until 5 PM on Figure 9 of Woods?

12 A. Yes.

13 Q. It's not unheard of for an NFL game to go
14 longer than the allotted time.

15 Is that fair to say?

16 A. Yes.

17 Q. So it wouldn't be unusual for NFL Primetime,
18 including the game, to extend beyond the 5 PM period
19 when it's supposed to end. Correct?

20 A. No.

21 Q. So let's assume it's -- let's assume it's
22 5:30 PM because the game's gone into overtime.

23 A. No.

24 Q. You can't make that assumption?

25 A. No.

1 Q. Why?

2 A. Because NFL Primetime is not the game. NFL
3 Primetime a one-hour show on ESPN.

4 Q. Okay. Let's assume the NFL Primetime is
5 actually an NFL game, okay?

6 A. No.

7 Q. You can't make that assumption?

8 A. I'm not sure if I can follow the example
9 there. There -- it's possible in the design of this
10 system for there to be an occasion where the system
11 indeed gets that wrong. If there's a news break that
12 interferes with what's there, then the system -- if you
13 tuned to that channel, expecting that program to be
14 there, the system would assume that program is there,
15 but it would be wrong because the program had been
16 interrupted by the news. Is that clear?

17 Q. Yeah, that's quite clear. And that shows that
18 Woods is not correctly determining the program being
19 watched, right?

20 A. In that specific case, which is an aberrant
21 case where no system could determine it because nobody
22 knows. It's an interruption.

23 That doesn't prove that Woods doesn't know how
24 to do it. It doesn't prove anything except that every
25 now and again, you can be wrong. But assuming that

1 you're not wrong, then I stand by what I said, and
2 assuming that we haven't got a news break or something
3 else that's not shown.

4 Q. So let's do this to wrap up this line of
5 questioning and take the break, which I think is well
6 timed.

7 Show me -- point to me the best passages in
8 Woods that you believe disclose the Woods system
9 determining the identity of a program that is currently
10 tuned.

11 ATTORNEY CLEMENTS: Objection. Form.

12 THE WITNESS: I'd prefer to take the break
13 first because that may take more time than lunch.

14 ATTORNEY SCHREINER: Yeah, sure. That's --
15 that's fine. So you want to go ahead and take our
16 lunch?

17 THE WITNESS: I think so.

18 ATTORNEY SCHREINER: Okay.

19 ATTORNEY CLEMENTS: How much time do you think
20 you need, Andy, for lunch?

21 THE WITNESS: I'm sorry?

22 ATTORNEY CLEMENTS: How much time do you need
23 for lunch? 30 minutes, 40 minutes?

24 THE WITNESS: I think probably 30 minutes is
25 fine. I'm not going to fix the broken door.

1 (Recess taken.)

2 BY ATTORNEY SCHREINER:

3 Q. So let's go to paragraph 84 of your
4 declaration, Dr. Lippman.

5 A. I think there was a pending question.

6 Q. Yeah, we're going to start with a new
7 question.

8 A. Abandon the question of --

9 Q. If I could -- if you would kindly direct your
10 attention to paragraph 84 of your declaration on
11 page 51.

12 A. Okay.

13 Q. Okay. You see in paragraph 84 you state: A
14 POSITA would have recognized that there were types of
15 methodologies to determine the content currently being
16 displayed on the television. One such known methodology
17 would be for the media guidance application to obtain
18 metadata about the content currently being displayed.

19 Do you see that?

20 A. Yes.

21 ATTORNEY SCHREINER: And you make reference to
22 Exhibit 1007.

23 Brandon, could you go ahead and circulate
24 Exhibit 1007 and just put the cover page up on the
25 screen.

1 (Exhibit No. 1007, previously marked, was
2 referenced and indexed.)

3 BY ATTORNEY SCHREINER:

4 Q. Do you recognize Exhibit 1007, the CurioView
5 article, Dr. Lippman?

6 A. One second.

7 Q. Sure.

8 A. Yes.

9 Q. And do you have a copy of that up on your
10 screen or a hard copy available?

11 A. I have a hard copy available. I have it on my
12 screen with the same comments I made with regard to the
13 other exhibits.

14 Q. Sure.

15 It's a clean copy, just not marked with the
16 exhibit number. Correct?

17 A. Yes.

18 ATTORNEY SCHREINER: Okay. Brandon, you can
19 go ahead and take down the exhibit, thanks.

20 BY ATTORNEY SCHREINER

21 Q. So this CurioView article, how did you learn
22 about this article?

23 A. I don't recall.

24 Q. Where did you get this article?

25 A. I don't recall.

1 Q. Was this article provided to you by the
2 attorneys for LG?

3 A. Again, I don't recall.

4 Q. Do you ever recall seeing this article before
5 these IPRs?

6 A. I don't know. I might have.

7 Q. But you have no information on how you
8 acquired this article. Correct?

9 A. I don't recall how I acquired it, no.

10 Q. And you don't recall locating this article by
11 going on the internet or to some other source of
12 information?

13 A. Correct.

14 Q. We discussed the POSITA before. Do you
15 remember the discussion about the POSITA having a
16 background in electrical engineering or computer
17 engineering and the field of television networking and
18 human computer interface?

19 Do you recall that?

20 A. I recall our discussion of POSITA.

21 Q. Do you have any information on how such a
22 POSITA would have been able to locate this article as of
23 the priority date of the '174 patent in August of 2012?

24 A. I'm not sure I understand the question. Are
25 you asking how someone would locate the article?

1 Q. In 2012, the priority time frame of the '174
2 patent, yes.

3 A. They might have gone to the IEEE international
4 symposium. That would be one way.

5 Q. Do you have any personal information about
6 this article being made available at or after an IEEE
7 symposium other than what's marked on the pages of the
8 document?

9 A. If you want me to go online, I can.

10 Q. No, I don't expect you to have any of this
11 information. I just simply want to confirm it. So I'm
12 asking you about your current knowledge about this
13 document.

14 Do you know whether this document was
15 distributed at an IEEE conference in 2010?

16 Do you have personal knowledge of that?

17 A. Well, it would have been in the proceedings of
18 the symposium and most likely would have been accessible
19 on IEEE Explorer, which is where you can get all of
20 their symposia and proceedings and articles.

21 Q. Do you have personal knowledge that this
22 article was available at a symposium that supposedly
23 took place in 2010?

24 Do you have personal knowledge?

25 A. I'm not sure I understand what you mean by

1 personal knowledge. Did I look at this article in 2010?

2 Q. Sure.

3 Did you go to the IEEE symposium in 2010?

4 A. No.

5 Q. Do you recall seeing this article at the IEEE
6 symposium or anywhere else in 2010?

7 A. I don't recall that.

8 Q. Okay. You mentioned IEEE Explorer. Did you
9 ever access this document using IEEE Explorer prior to
10 August 2012, the priority date of the '174 patent?

11 A. I do not recall either accessing it or not
12 accessing it in that time frame.

13 Q. Did you conduct any investigation to determine
14 whether this CurioView article was publicly accessible
15 as of the 2012 priority date of the '174 patent?

16 A. When?

17 Q. Let me just repeat the question.

18 Did you conduct any investigation to determine
19 whether this CurioView article was publicly accessible
20 as of the 2012 priority date of the '174 patent?

21 A. I did not.

22 Q. Do you know whether the counsel you worked
23 with conducted any investigation to determine whether
24 this article was publicly accessible as of the 2012
25 priority date of the patent?

1 A. No.

2 ATTORNEY CLEMENTS: Objection. Form.

3 BY ATTORNEY SCHREINER:

4 Q. Is it fair to say you assumed that this was
5 applicable prior art?

6 A. Yes.

7 Q. So I'm looking at your paragraph 87, and you
8 indicate that there were methodologies to determine
9 content currently being displayed on the television, and
10 you reference this article as identifying one
11 methodology.

12 Is that fair to say?

13 A. Yes.

14 Q. And is that based on the content packets
15 having a content ID that identifies the content?

16 ATTORNEY CLEMENTS: Objection to form.

17 A. I didn't use the word "packets," but
18 substantially, using the content ID and playback
19 position is okay.

20 BY ATTORNEY SCHREINER:

21 Q. And the content ID would be contained where?

22 A. It depends on the distribution method.

23 Q. How would a POSITA understand that from
24 CurioView? You reference page 2 in CurioView.

25 A. The question is whether a POSITA would

1 understand that there's metadata associated with the
2 content that the viewer is watching, and that's readily
3 available by a number of ways.

4 Q. You specifically mention the content ID in
5 paragraph 84, right?

6 A. Yes.

7 Q. Actually, you mention the content ID and
8 playback position information obtained from the display
9 system.

10 Do you see that?

11 A. Yes.

12 Q. So how does CurioView describe how the content
13 ID and playback position would be used to determine the
14 identity of content currently being displayed?

15 ATTORNEY CLEMENTS: Objection. Form.

16 A. I'd have to refamiliarize myself with the
17 paper because I didn't review this paper in the last few
18 days.

19 BY ATTORNEY SCHREINER:

20 Q. Okay. Why don't you take a look at page 2.
21 That's the page you cited in your declaration.

22 A. In CurioView, it says: Although it uses
23 search techniques, CurioView does not require viewers to
24 perform complex operations such as entering search
25 keywords or refining their search conditions as on a

1 personal computer, they simply watch TV programs. It
2 does this by regarding the content that the viewer is
3 currently watching as a reflection of the viewer's
4 interests at that point in time and uses this content to
5 search for additional content while the viewer watches
6 the program in Figure 1.

7 Q. And how does CurioView describe how it
8 determines which content the viewer is currently
9 watching? And just to help you a little bit, I believe
10 you cited to -- you see the bullet on the right-hand
11 side of page 2 at the bottom where it says Display
12 System? You cited from that passage in your
13 paragraph 83. I'm sorry, your paragraph 84.

14 A. The display system has content display and
15 user interface functions. When the viewer watches
16 content, the playback position elapsed the time from the
17 start of the content, and an identifier content ID that
18 uniquely identifies this content are sent to the
19 retrieval system 1.

20 Q. And this -- so you cite to this content
21 identifier, content ID in your paragraph 84, right?

22 A. This is also referenced in the next bullet
23 item, Retrieval System.

24 Q. You reference the content ID in your
25 paragraph 84, right?

1 A. Yes.

2 Q. Does CurioView disclose where this content ID
3 information is located?

4 A. I'm not sure I understand what you mean by
5 "located."

6 Q. Where does it come from?

7 A. It's metadata that is part of the program
8 itself.

9 Q. So it's metadata that is in the program
10 content. Is that what you're saying?

11 A. It's packaged with the program content, might
12 be a better way to put it.

13 Q. So let's take the example of -- let's say
14 we're talking about MPEG-2 packets in this time frame.
15 Would this be indicating that the MPEG-2 packets would
16 include this content ID? Would that be your
17 understanding as a POSITA?

18 A. I'm not sure I would put it that way. The
19 MPEG stream information might well have that. If that
20 MPEG stream information is packaged as an ATSC stream,
21 for example, then ATSC has a variety of things
22 associated with it that contain that information. The
23 notion of describing what the program is and packaging
24 that information along with the program, that goes way
25 back.

1 Q. You've given one example in paragraph 84,
2 right?

3 A. Yeah.

4 Q. Okay. And in this one example, you're saying
5 the content ID would be somehow included with the
6 content.

7 Is that fair to say?

8 A. Would be included with the content.

9 Q. Do you recall Woods disclosing anywhere that
10 content IDs are included with the content?

11 A. I don't recall offhand. But if you'd like,
12 I'm happy to search through Woods to find out if he
13 does.

14 Q. In paragraph 87 of your declaration, you cite
15 to paragraph 65 of Woods, Exhibit 1005. And just let me
16 know when you've gotten to paragraph 87 of your
17 declaration.

18 A. Okay. Am I putting away Curio?

19 Q. Yeah, we can set Curio aside, thank you.

20 A. Okay.

21 Q. The first sentence of the quoted paragraph
22 where it states: Media guidance data source 418 may
23 provide media guidance data such as media listings and
24 so forth.

25 What's your understanding of the media

1 guidance data that Woods is referring to here?

2 A. Let me turn to 65 and 36. Okay.

3 Q. So what's your understanding of what Woods is
4 referring to as the media guidance data?

5 A. It's information about broadcasts or programs.

6 Q. So it would include, for example, program
7 schedule information?

8 A. Yes.

9 Q. If we go to page 54 of your declaration,
10 you've got a modified Figure 9 of the Woods patent --
11 I'm sorry, the Woods reference.

12 So just so I'm clear, this is a proposed
13 modification to Figure 9 of Woods where it shows the
14 Heroes program information down on the bottom instead of
15 the Dexter program information that is shown in the
16 original Figure 9. Correct?

17 A. Yes.

18 Q. In paragraph 89 of your declaration, you refer
19 to a passage from Woods from paragraph 64. This is on
20 pages 54 through 55 of your declaration.

21 Do you see that in paragraph 89?

22 A. Yes.

23 Q. And you refer to a passage from Woods where it
24 states that the media guide application is used to
25 communicate directly with media content source 416 to

1 access media content.

2 Do you see that?

3 A. Yes.

4 Q. And then you cite from paragraph 64 of Woods,
5 right?

6 A. Yes.

7 Q. Is it fair to say that at paragraph 64, it's
8 referring to Figure 4 of Woods and it's describing that
9 users can access media content from this media source
10 416? Correct?

11 A. Let me turn to 416. Yes.

12 Q. And that passage indicates that media content
13 source 416 might include various content sources such as
14 NBC, ABC, HBO, etc., right?

15 A. It says that, yes.

16 Q. Does Woods disclose there how a user device
17 would identify a source of media content?

18 A. I don't understand the question. A source of
19 media content might be NBC?

20 Q. Sure.

21 So does Woods disclose there in the passage
22 you've cited that the user device would be able to
23 identify the content source as being NBC?

24 ATTORNEY CLEMENTS: Objection. Form.

25 A. Now I truly don't understand it. The point of

1 416 is those are the sources of content.

2 Q. Right.

3 A. The media guide's data source is the
4 navigational aid that would get you there. So that
5 wouldn't necessarily be an obvious function of element
6 416.

7 Q. Okay. So let's look at paragraph 96 of your
8 declaration, Exhibit 1003. So in paragraph 96, you're
9 referring to Woods Figure 4. Is that correct?

10 A. Paragraph 96?

11 Q. Correct.

12 A. Paragraph 96, I say that Woods discloses
13 identifying the content source and content information
14 in many ways. For example, Woods discloses that the
15 media guidance application locates and retrieves content
16 source data from the media content source 416 and
17 content information data from the media guidance data
18 source 418 as analyzed immediately above.

19 Q. And that's in reference to Figure 4 of Woods.
20 Correct?

21 A. 416 and 418 are in Figure 4.

22 Q. So you refer here to the media guidance
23 application of Woods.

24 What's the media guidance application you're
25 referring to here?

1 A. I think we described this before as being
2 depicted in Figure 9.

3 Q. So Figure 9 has the user interface with the
4 program listings and program sources, at a high level.
5 Correct?

6 A. It was his form of a program guide, as it
7 were.

8 Q. Right. So you're indicating, if I'm
9 understanding you, that the program guide as shown in
10 Figure 9 is going to locate and retrieve content source
11 data from the media content source 416.

12 Is that correct?

13 A. Say that again.

14 Q. In the second sentence of your paragraph 96,
15 you refer to the media guidance application locates and
16 receives content source data from the media content
17 source 416.

18 Do you see that?

19 A. Yes.

20 Q. The media guidance application, I think you
21 just referred to an example of it being Figure 9 in
22 Woods.

23 Is that right?

24 A. Yes.

25 Q. And so this -- you refer to it as a program

1 guide. So just for simplicity, I'm going to refer to it
2 as that. So this program guide shown on Figure 9 is
3 going to locate and retrieve content source data from
4 the media content source 416, right?

5 A. And content information data from the media
6 guidance data source 418.

7 Q. Yeah, we'll get to that. Yeah, I want to do
8 it -- I'd like to go piece by piece. So first we'll
9 discuss the content source 416, and then the media
10 guidance data source 418, if that's okay with you.

11 A. It is.

12 Q. Okay. So you're saying that the program guide
13 locates and retrieves content source data from the media
14 content source 416 and that that discloses the claimed
15 identifying the content source.

16 Is that what you're saying in paragraph 96?

17 A. I'm sorry, say that one again.

18 Q. Sure.

19 So you're saying that the program guide
20 locates and retrieves content source data from the media
21 content source 416 in Figure 4. Correct?

22 A. It locate -- it does both. It locates and
23 retrieves content source data from the media content
24 source and content information data from the media
25 guidance --

1 Q. I just want --

2 A. -- application.

3 Q. I just want to go piece by piece, okay? And
4 if you feel the need to tie it together at the end,
5 that's fine, but I just would like -- so we have a clean
6 record, I would just like to go through it piece by
7 piece.

8 You say two things here in your second
9 sentence. You say that the media guidance application
10 locates and receives content source data from the media
11 content source 416, right?

12 You say that. Correct?

13 A. Yes.

14 Q. And you also express that Woods discloses that
15 that media guidance application locates and retrieves
16 content information data from the media guidance data
17 source 418, right?

18 A. Yes.

19 Q. You say -- you're saying that the media
20 guidance application does both of those things.
21 Correct?

22 A. I'm not sure I understand what you're asking.
23 It controls both of those things, yes.

24 Q. So let's take the first part of your sentence,
25 the media guidance application locates and retrieves

1 content source data from the media content source 416.

2 That's in your paragraph 96, right?

3 A. Okay.

4 Q. Correct?

5 A. Yes.

6 Q. And you're indicating that the -- am I correct
7 to understand that you're indicating -- strike that.

8 The claim limitation that we're looking at
9 here, which is limitation 1.4.1, has two parts, right?
10 It says identifying at least one of a content source and
11 content information.

12 Do you see that in limitation 1.4.1?

13 A. Let me back up. Yes, I see 1.4.1, identifying
14 at least one of a content source and content
15 information.

16 Q. Right. And at the beginning of your
17 paragraph 96, you quote that claim language, right?
18 You've got the quoted -- the content source and then the
19 content information, right?

20 A. In 89.

21 Q. I'm looking at paragraph 96.

22 A. Okay.

23 Q. So in paragraph 96, you identify -- the first
24 part of that limitation, you're referring to identifying
25 the content source, right?

1 A. Yes.

2 Q. And then you're also referring to the second
3 part of that limitation, which is identifying content
4 information, right?

5 A. Yes.

6 Q. Okay. So what I'm just trying to do is map
7 the claim to your analysis in this paragraph so I can
8 break it apart and understand it.

9 So when you say Woods discloses that the media
10 guidance application locates and retrieves content
11 source data from the media content source, are you
12 indicating that that, in your analysis, corresponds to
13 identifying the content source?

14 A. Identifying the content source in the sense of
15 where you would go for the content might well come from
16 the content guidance information.

17 Q. You see there's a parallelism, right? In your
18 paragraph 96, you've got the claim limitation content
19 source and then the claim limitation content
20 information, and then in the next sentence, you've got a
21 reference to content source data in Woods and then a
22 reference to content information data in Woods.

23 Do you see that?

24 A. I'm not sure what I'm supposed to be seeing.

25 Q. So, okay, let's take the first part of the

1 claim limitation, identifying the content source.

2 Are you with me?

3 A. Yes.

4 Q. Okay. In your second sentence, what part of
5 that sentence relates to identifying the content source?

6 A. I think in order to decide how you identify
7 the content source and other data about the content, you
8 need to look at the entirety of my description of that.

9 Q. Okay. So it is -- your understanding, though,
10 is that Woods does disclose in Figure 4 that the media
11 guidance application or program guide locates and
12 retrieves content source data from the media content
13 source 416, right?

14 A. Yes.

15 Q. Is it your position that that corresponds to
16 the identifying the content source in the claim?

17 A. I can read from Woods. In 153, he says
18 program source information region 950 may include text,
19 source name, icons, for example, the source logo, or any
20 other visual indicator that is unique to a particular
21 program source that allows the user to associate the
22 program source information with the program source of
23 the program.

24 Program sources may include any television
25 channels, internet websites, user devices, servers, or

1 any other delivery source or device of media assets.

2 So the source information can come from the
3 media content source or it can come from the media
4 guidance center. It can come from both.

5 In paragraph 89, it says the program -- I say:
6 The program source can be retrieved from media content
7 source 416, in particular, the media guidance
8 application -- and I added the words "is used" -- to
9 communicate directly with the media content source to
10 access media content.

11 Q. You say the program source can be retrieved
12 from a media content source 416. You don't literally
13 mean that the program source itself is retrieved from
14 this media content source 416. You're indicating that
15 program content or a program source can be retrieved
16 from the media content source 416, right?

17 A. That was too complicated.

18 Q. Okay. The program source is, for example, a
19 broadcasting facility, right?

20 A. Any one of a number of things, yes.

21 Q. Let's say it's the NBC broadcast, right.

22 A. Are we using an antenna?

23 Q. Sure.

24 So we have some sort of NBC broadcasting
25 facility that broadcasts NBC programming, right?

1 A. Okay.

2 Q. And that's the program source, right?

3 A. That is the program source.

4 Q. Okay. In paragraph 89, it says the program
5 source can be retrieved. Is the NBC broadcasting
6 facility itself retrieved?

7 A. Data from the facility is retrieved. Or
8 received, if it's an antenna.

9 Q. So it's programming or content that is
10 received from the media content source 416, right?

11 A. Substantially.

12 Q. Okay. Does Woods say how the programming is
13 delivered, such as what kind of format and what kind of
14 transmissions?

15 A. Well, he enumerates a set of ways you can get
16 the content, and each one of those has a format that's
17 known and associated with it.

18 Q. Can you give me some examples of the ways in
19 which content would be delivered in Woods? Let's say
20 starting with, let's say, a satellite broadcast format,
21 would you say satellite broadcast format would be
22 consistent with Woods?

23 ATTORNEY CLEMENTS: Objection. Scope.

24 A. Well, Woods says that the media content source
25 may include one or more type of media distribution

1 equipment, including a television distribution facility,
2 cable system headend, satellite distribution facility,
3 and so on.

4 Q. So if the program source is a satellite
5 distribution facility, how would that content be
6 delivered to the users in Woods?

7 A. I'm not sure -- you can't be asking what I
8 think you're asking. I mean, would you like me to
9 explain the operation of something like DIRECTV? I
10 suspect not.

11 Q. Would it be typical, let's say, in the context
12 of satellite that there would be a series of
13 multiprogram transmission streams sent from the
14 satellite to the user base?

15 ATTORNEY CLEMENTS: Objection. Scope.

16 A. You are asking me to describe how DIRECTV
17 distributes its programming. Okay.

18 BY ATTORNEY SCHREINER:

19 Q. I'm not looking for a comprehensive inquiry.
20 What I'm just trying to do is pick an example. So I'm
21 thinking of satellite. And typically, you have a series
22 of multiprogram transmissions that are sent from the
23 satellite down to the satellite base, and you have
24 decoders that are able to receive those transmissions
25 and decode them and render individual programs.

1 Is that a fair high-level description of how
2 satellite television broadcasting would work?

3 A. It's not bad.

4 Q. Okay.

5 A. With two years' experience -- well, never
6 mind.

7 Q. I worked on a few cases involving Echostar and
8 DIRECTV, so there's some exposure there.

9 A. Then you probably know that DIRECTV provides
10 program information as well, as does a cable system.

11 Q. Where I'm still having difficulty is in
12 paragraph 96, you know, we were talking about the media
13 guidance application or the program guide locating and
14 retrieving content source data from the media content
15 source 416, how locating and receiving that content
16 source data would identify the content source. That's
17 the difficulty I'm having. Can you help me?

18 A. I don't understand the difficulty because the
19 content source information is the content source.

20 Q. But how does the user's device identify the
21 content source so that, for example, the identity of
22 that content source can be displayed on the program
23 guide, such as in Figure 9?

24 A. We may be -- I may be getting confused by the
25 way you're describing things. But if I -- I'm talking

1 about broadcast television, for example, then I would
2 tune to NBC, and that would identify the content source.
3 I would know I was tuned to NBC because I tuned to NBC.

4 In the case of a satellite transmission where
5 you're decoding a multiplicity of channels, you need the
6 information to know which of those streams to decode,
7 and that's transmitted as part of the stream of data
8 that comes from the satellite.

9 The same is true of the ATSC terrestrial
10 transmission. It transmits that information so you can
11 know how to decode the stream and what the program is,
12 for a variety of reasons, including whether you're
13 authorized to watch it. It's not a mystery. It's not
14 even a challenge.

15 ATTORNEY SCHREINER: Your paragraph 96 is a
16 challenge. We'll go ahead and move on.

17 THE WITNESS: If you are going to move on to
18 something different, this would be a reasonable time for
19 a break. I think we have been going about an hour.

20 ATTORNEY SCHREINER: That went by fast. 10
21 minutes?

22 THE WITNESS: Sure.

23 ATTORNEY SCHREINER: Okay, thank you.

24 (Recess taken.)

25 BY ATTORNEY SCHREINER:

1 Q. Let's take a look at paragraph 111 of your
2 declaration, Dr. Lippman.

3 A. Okay.

4 Q. You have an annotated version of Figure 10 of
5 Woods, Exhibit 1005, shown there in paragraph 111.
6 Correct?

7 A. Yes.

8 Q. And is it correct that you're indicating that
9 the claimed first content panel is the functions option
10 region 1020 in Woods Figure 10 when the cast function is
11 selected in the menu bar 1010? Is that correct?

12 ATTORNEY CLEMENTS: Objection to form.

13 THE WITNESS: Sorry, I spoke over you. Go
14 ahead. That was Calmann.

15 ATTORNEY CLEMENTS: Yeah, I was objecting to
16 form.

17 THE WITNESS: Okay.

18 BY ATTORNEY SCHREINER:

19 Q. Did you need me to repeat the question?

20 A. No, I'm just familiarizing myself with the
21 section that you're addressing.

22 I say in paragraph 115, Woods -- thus --
23 excuse me. Starting again.

24 Thus, Woods' disclosure providing a first list
25 of options or items and functions option region 1020 in

1 the application panel interface based on the content
2 information renders obvious based on the content and at
3 least one of the content source and content information
4 providing a first content panel in the application panel
5 interface as claimed.

6 Q. Okay. So there's a lot to unwind there. Just
7 referring to -- referring to Figure 10 that you have
8 modified and annotated on page 65, do you see that?

9 A. Yes.

10 Q. Is the -- is your position that the claimed
11 first content panel is the information displayed in
12 region 1020 when the user selects the cast function
13 1012?

14 A. That is a first content information panel.
15 Did I misspeak?

16 Q. No, that makes sense. And that information in
17 media -- strike that.

18 That information in options region 1020 that
19 you have labeled as the first content panel, that's
20 presented in response to the user selecting the cast
21 option as you have it illustrated in Figure 10 here.

22 A. I'm not committed to whether the user selected
23 cast or whether cast is the default that comes up as the
24 first information panel when you select --

25 Q. Okay. If you look at Figure 10 of Woods, it

1 comes up and it has the functions menu bar and it has
2 those functions, including cast, and none of them are
3 highlighted or selected.

4 Do you see that in Figure 10 of Woods, the
5 original Figure 10?

6 A. Excuse me while I go to Figure 10.

7 Q. Let me withdraw that or rephrase it. Woods
8 might be just a little bit unclear on this point, and I
9 want to -- give me a moment to take a look at Woods'
10 text.

11 So in your Figure 10 on page 65 of your expert
12 declaration, you've got cast highlighted there, right,
13 the cast function 1012?

14 A. Yes.

15 Q. Okay. And is it correct you have it
16 highlighted there because the user has selected cast,
17 and that's resulted in cast information being shown in
18 region 1020?

19 A. It's highlighted because that's the focus --

20 Q. Okay.

21 A. -- of what the first content panel shows. As
22 I say, you could have gotten there by default or you
23 could have gotten there by selection.

24 Q. I think you describe in your declaration that
25 a user could navigate from cast and move directionally

1 upward to, for example, detailed information and select
2 detailed information -- that detailed information
3 function to change what's presented in region 1020,
4 right?

5 A. You can do that, yes.

6 Q. And you describe that in your declaration.
7 Correct?

8 A. I believe we discussed that. Let me look
9 through my declaration and describe if I show the
10 mechanism.

11 Q. No, that's okay. So in any case, cast is in
12 focus here, right, either by default or by the user
13 selecting it. Correct?

14 A. Yes.

15 Q. And the information shown in what you labeled
16 as the first content panel, that corresponds to cast
17 members of this particular program Heroes. Correct?

18 A. Yes. Well, actually, I think the program is
19 Heroes and Villans, isn't it?

20 Q. I stand corrected.

21 A. I'm not sure.

22 Q. It says Heroes and Villans. We both agree
23 that when we have been talking about Heroes during this
24 deposition, we're referring to the show Heroes Villans?

25 A. I'll go with that.

1 Q. And in Figure 10 that you have illustrated on
2 page 65, you have -- on the right-hand side, there's the
3 media region 1030.

4 Do you see that?

5 A. Yes.

6 Q. Okay. And is it fair to say that that media
7 region 1030 could contain any program that the user
8 decided to tune for viewing?

9 A. I'm trying to understand. That --

10 Q. You mean that --

11 A. That can display the currently tuned program,
12 that's all it said there.

13 Q. Right. And that could be whatever program the
14 user decided to tune for viewing. Correct?

15 A. It doesn't have to be Heroes and Villans.
16 Yes, it could be other programs.

17 Q. Right. So like Figure 10 of Woods, as we
18 discussed before, appears to have -- as originally
19 presented in Woods, appears to have an ad for a Mercedes
20 car, right?

21 A. In the original Figure 10, is that --

22 Q. Correct.

23 A. Yes. Woods does say that the content panel
24 can show an advertisement.

25 Q. Let's go down to paragraph 120 of your

1 declaration on page 69.

2 A. Okay.

3 Q. You've got a comparison between your modified
4 and annotated Figure 10 of Woods, Exhibit 1005, and
5 Figure 20C of the '174 patent, right?

6 A. Yes.

7 Q. And what you have labeled as the green -- what
8 you have highlighted in green, that's supposed to be the
9 first content panel of the claim.

10 Is that correct?

11 ATTORNEY CLEMENTS: Objection. Form.

12 A. What we labeled in green is the first content
13 panel. It's an example of a first content panel.

14 BY ATTORNEY SCHREINER:

15 Q. And Figure 20C that you have highlighted, that
16 includes information about a currently viewed program as
17 well as other programs such as recommended programs. Is
18 that fair to say?

19 A. Yes.

20 Q. And in Figure 10 of Woods, the first content
21 panel has here information about the cast members for
22 the program Heroes. Correct?

23 A. Right.

24 Q. And your analysis, this is at paragraph 120 --

25 A. Hang on one second.

1 Q. Sure.

2 A. Okay. Sorry.

3 Q. Sure.

4 So I believe you look first at the display of
5 Woods Figure 10 when the cast function is selected and
6 then later on you look at the display of Figure 10 when
7 the detailed information function is selected in the
8 menu bar 1010.

9 Do you remember that generally?

10 A. I don't remember -- I don't understand what
11 you mean by "looked at," but I looked at --

12 Q. You examined those two scenarios?

13 A. Did I examine them in sequence? I examined
14 them.

15 Q. Okay. And in paragraph 120, is it correct
16 that you're indicating that it is a first type of
17 application panel, according to the claim, because it
18 has cast-type information displayed in the options
19 region 1020?

20 A. I say in 117: Woods explains that when the
21 menu bar 1010 has the cast indicator highlighted, the
22 list of options of the function options region 1020
23 first content panel is a cast, in quotes, type of
24 application panel, i.e., a first type of application
25 panel.

1 Q. So in paragraph 117, when you say the list of
2 options or items ... is a cast type of application
3 panel, you're not saying that the list of options or
4 items is a cast type of application panel. Correct?

5 A. Well, the application panel that it brought up
6 is a cast type of application panel.

7 Q. Because it has a list of options or items that
8 are presented when cast is selected as the function,
9 right?

10 A. Because it shows you the cast.

11 Q. Right. And that information is provided in
12 options region 120 -- 1020 which you have marked as the
13 first content panel -- let me rephrase that.

14 What makes it -- you say it's a cast type of
15 application panel. What makes it a cast type of
16 application panel?

17 A. It is the type of application panel that
18 displays a cast, the list of cast members.

19 Q. And that happens in response to the selection
20 of cast as the function in the function bar 1010.
21 Correct?

22 A. Or the default.

23 Q. Either way. Correct?

24 A. Yes. It's presenting the cast -- the list of
25 cast members, yes.

1 Q. So is it your position that if a different
2 option is selected in the functions menu bar and
3 different -- a different list of options or items is
4 displayed in region 1020, then it follows that that is a
5 different type of application panel?

6 A. The ones that are shown generally are
7 different types of applications panels.

8 Q. And they're different types of application
9 panels because they display different information based
10 on which function is selected off the functions menu
11 bar. Correct?

12 A. They display different types of information.

13 Q. And the types of information corresponds to
14 which function is selected from the functions menu bar
15 1010, right?

16 A. In general, yes.

17 Q. Let's go to paragraph 123 of your declaration
18 on page 71. So is it fair to say in paragraph 123 you
19 discuss pressing the up-down -- let me rephrase that.

20 Is it fair to say at paragraph 123 you discuss
21 pressing the up arrow key three times to go from cast
22 1012 to similar to all episodes to detailed information
23 on the functions menu bar of Figure 12 -- 10 of Woods?

24 A. I say in one example the up arrow key is
25 pressed up three times to move the cursor in the upward

1 direction.

2 Q. Is that moving the cursor from cast to similar
3 to all episodes to detailed information with those three
4 keystrokes?

5 A. Yes, and I quote Woods as describing how to do
6 that.

7 Q. Right. So when the user presses the up arrow
8 key once and arrives at similar, the similar function in
9 function menu bar, the first functions options region
10 1020 is going to list a series of items that correspond
11 to items that are similar to the program.

12 Is that correct?

13 A. Assuming that's what "similar" means, similar
14 programs.

15 Q. Right.

16 A. I'm not sure I addressed your entire sentence
17 there. If you are on cast and you press one up arrow,
18 you get to similar -- or press the up arrow once, I
19 should say, you would get to similar.

20 Q. It says in the middle of that paragraph,
21 Exhibit -- paragraph 176 of Woods, Exhibit 1005, you've
22 got this bolded: As each of the function indicators
23 between the cast function and detailed description
24 function is brought into focus, the list of options or
25 items displayed in functions options region 1012 may

1 change.

2 Do you see that?

3 A. Where are you?

4 Q. It's highlighted in the middle of
5 paragraph 176 from Woods on your page 71 of the
6 declaration. I'll reread it. You've got it bolded.

7 As each of the function indicators between the
8 cast function and the detailed description function is
9 brought into focus, the list of options or items
10 displayed in function options region 1020 may change.

11 A. Okay. It says that.

12 Q. And is it correct that your position is that
13 when you change between these functions and the list of
14 options or items in options region 1020 changes that
15 that means that you have gone from one type of
16 application panel interface to another type of
17 application panel interface?

18 ATTORNEY CLEMENTS: Objection. Form.

19 A. What appears in the content panel changes as
20 you choose different tabs. That's what 176 says.

21 BY ATTORNEY SCHREINER:

22 Q. Right. And your position is that when the
23 information that appears in that content panel, which
24 you say is options panel 1020, then it's changing from
25 one type of application panel to another type of

1 application panel, right?

2 A. Ultimately, yes.

3 Q. And if we go to -- let's see, so in
4 paragraph 128 of your declaration, you indicate that if
5 the function is changed from cast to detailed
6 description, then --

7 A. Almost there.

8 Q. Sure.

9 A. Okay. Which paragraph are you referring to?

10 Q. 128.

11 A. Okay.

12 Q. So are you indicating here that when the user
13 changes from the cast function to the detailed
14 information function, then you state, the list of
15 options and items in region 1020 changes to a second
16 list of options displayed within region 1020, right?

17 A. Right.

18 Q. And because that changes, that means that
19 region 1020 is a different type of application panel.
20 Correct?

21 A. I don't think I assert that in 129 because
22 that's not germane to the claim element. It's a second
23 application panel.

24 Q. Okay.

25 A. That's, I believe, is what's required by

1 1.7.1.

2 Q. So the second content panel in 1.7.1, that
3 corresponds to the first -- the function options region
4 1020 populated with information corresponding to the
5 detailed information function being selected on
6 Figure 10 of Woods. Correct?

7 A. Are we talking about the illustration before
8 paragraph 130?

9 Q. No, I was just reading your paragraph 128.

10 A. It says Woods teaches the second content
11 panel. That's the beginning of 128, and that's what --
12 the point being made here.

13 Q. And the example you give is that if the
14 function in the menu bar changes to detailed
15 description, then the information presented in the
16 options regions 1020 is going to change to information
17 corresponding to detailed description. Correct?

18 A. Yes.

19 Q. And that's your example of why Woods teaches a
20 second content panel pursuant to limitation 1.7.1,
21 right?

22 A. That is an example.

23 Q. Let's go to paragraph 133 of your declaration.
24 You set forth an alternative argument for Woods
25 describing a second content panel as set forth in

1 Claim 1. Just let me know when you get to paragraph
2 133.

3 A. Right, I'm there.

4 Q. In the claim, is it correct that the first
5 content panel is displayed in the application panel
6 interface and the second content panel is displayed in
7 the application panel interface?

8 A. I'm sorry, say that again. In what?

9 Q. In Claim 1 of the '174 patent, is it correct
10 that the first content panel is displayed in the
11 application panel interface and also the second content
12 panel is displayed in the application panel interface?

13 A. Well, we know from 1.7.1 that the claim says a
14 second content panel to display by the television in the
15 application panel interface.

16 Let me look back through the claims to see
17 where it says -- the first one is in the application
18 panel interface.

19 Q. Sure. I refer you to limitation 1.5.1.

20 A. So both of those are displayed in the
21 application panel interface.

22 Q. Okay. In paragraph 133 where you have this
23 alternative and you're referring to Woods Figure 11 on
24 the top of page 76, do you see that?

25 A. Yes.

1 Q. Do you recall previously indicating that the
2 application panel interface is the combination of the
3 functions menu bar 1010 and the functions options region
4 1020 of Figure 10?

5 A. Yes, that's depicted in Figure 11.

6 Q. Does Figure 11 have functions menu bar 1010?

7 A. It has functions menu bar 1110.

8 Q. You don't disagree that the display shown in
9 Figure 10 regarding the functions menu bar is different
10 than is shown in Figure 11 of Woods?

11 A. Say that again.

12 Q. Figure 10 -- in Figure 10, the functions menu
13 bar gives you a list of options to select from, right?

14 A. Yes.

15 Q. In Figure 11, there's a menu bar that
16 indicates a single function that was selected, but
17 there's no list of functions to select from like
18 Figure 10, right?

19 A. In this alternative, it has changed. That's
20 described in paragraph 180.

21 Q. So what you identify as being the application
22 panel interface for Figure 10 is different from what you
23 label as the application panel interface in Figure 11.
24 Correct?

25 A. This is an alternative.

1 Q. Right. We understand that. But it's a
2 different interface, right?

3 A. Well, it's derived from the other, so it's not
4 a different -- "different" has the implication that it's
5 utterly different. It's a -- it's related to it.

6 Q. But Figure 11 does not have a functions menu
7 bar listing a series of available functions including
8 cast and detailed information. Correct?

9 A. Well, in Figure 11 --

10 Q. The user has selected cast, right? That's why
11 it's showing just a bar that shows cast, right?

12 A. When the user selected cast, the user saw a
13 list of all the cast members. The point that Woods is
14 making here is that within the options panel or the
15 content panel, you can select a single actor and that
16 will change to a panel showing more information about
17 that single actor. And the functions accessible from
18 there essentially are to go back.

19 Q. Right. That all makes sense. But the
20 functions menu bar 1010 in Figure 10, that is not shown
21 in Figure 11. Correct?

22 A. Right. You have to return to it.

23 Q. Right. So the application panel interface
24 that you have labeled in Figure 11 is different from the
25 application panel interface you labeled for Figure 10.

1 Fair to say?

2 A. The application panel is different.

3 Q. Okay. You don't disagree that the claim
4 states that the second content panel has to be displayed
5 in the application panel interface? It is also recited
6 in Claim 1 as displaying the first content panel.

7 A. Right. The application panel interface is
8 that region.

9 Q. So just to try to close out this line of
10 questioning, you don't disagree that the information
11 region 1120 in Figure 11 of Woods, you don't disagree
12 that it is not displayed within the functions option
13 region 1020 of Figure 10 in Woods?

14 A. It's displayed in 1120. It's displayed in the
15 options region of that application panel interface.

16 Q. Okay. Figure 10 and Figure 11 are two
17 separate user interfaces, right?

18 A. No.

19 Q. They're a series of user interfaces?

20 A. The entirety is the user interface.

21 Q. Okay. Figure 10 and Figure 11 are separate
22 display screens. One is display screen 1000 for
23 Figure 10 and the other Woods calls display screen 1100
24 for Figure 11.

25 Is that correct?

1 A. Yes.

2 Q. Okay. They're two separate display screens.
3 Correct?

4 A. There are two separate screens, yes.

5 Q. Two separate display screens.

6 A. Two separate screens on display. Display
7 screens, sure.

8 Q. Okay. Let's go to paragraph 138 of your
9 declaration.

10 A. That paragraph is in the section where I'm
11 addressing Claim 1.7.2.

12 Q. That's correct. And you state in
13 paragraph 138 -- I'm picking up on the second line --
14 Woods discloses that when the menu bar 1010 has the
15 detailed description highlighted, the list of options or
16 items of the function options region 1020 changes from
17 cast type of information to the detailed description
18 type of information, right? That's what you say?

19 A. That's correct.

20 Q. And you conclude based on that that the --
21 that because that information is changed, the cast --
22 what you call the cast type of information is a second
23 type of application panel. Correct?

24 A. That sentence I didn't understand. I
25 apologize, but I didn't.

1 Q. Is it correct that you indicate here that when
2 the functions options region changes to display cast
3 type of information --

4 A. From cast type of information.

5 Q. Okay. Changes from cast -- oh, yeah, yeah,
6 okay, let me rephrase. Thank you.

7 When the information changes from cast type of
8 information to the detailed description type of
9 information, the system is now presenting a second type
10 of application panel. Correct?

11 A. Yes.

12 Q. And that's because it's providing the detailed
13 description information instead of the cast information.
14 Correct?

15 A. Yes.

16 Q. And turning to page 79 where you have a
17 modified Figure 10 of Woods, do you see that?

18 A. Yes. Let me just get there. Okay.

19 Q. Is that illustrating what we just talked
20 about, what you have here with annotated Figure 10 on
21 page 79?

22 A. When you change to the detailed information
23 panel, you get the detailed information. That's in 176
24 of Woods.

25 Q. And it follows, according to your analysis,

1 that that is a -- the second content panel that is a
2 second type of application panel. Correct?

3 A. The detailed information is the second type of
4 information panel, yes.

5 Q. I'm looking at the top of your page 80.

6 THE WITNESS: Is this another convenient time
7 to take a break?

8 ATTORNEY SCHREINER: Yeah, I think it probably
9 is, given my long pause. 10 minutes sound okay?

10 THE WITNESS: Sounds good.

11 (Recess taken.)

12 BY ATTORNEY SCHREINER:

13 Q. Dr. Lippman, did you talk with your counsel
14 about the deposition during the break?

15 A. No. At the last moment before we went online,
16 I said 10.

17 Q. Okay.

18 A. I don't think he heard me.

19 Q. Have you had any conversations with your
20 counsel about the deposition during any of the breaks
21 today?

22 A. No, none. No conversations, period.

23 That's not quite right. I did send a chat
24 message earlier today requesting that we do tomorrow's
25 at 10 AM as well.

1 Q. Okay. Thanks. I appreciate that.

2 Let's go to paragraph 111 of your declaration,
3 Exhibit 1003.

4 A. Sorry, which page?

5 Q. Page 65.

6 A. Of my declaration?

7 Q. Correct. So looking at our old friend,
8 Figure 10 of Woods here on page 65 of your declaration,
9 is it correct that the information presented in the
10 first content panel 1020 is determined based on the
11 function selected in menu 1010, in this case, the cast
12 function?

13 A. I think as we said, it could be that or it
14 could also be the default.

15 Q. But cast is selected either by default or by
16 the user. Correct?

17 A. Cast is selected.

18 Q. And that causes the display of the information
19 depicted in region 1020 that you have labeled as the
20 first content panel here. Correct?

21 A. Yes, that's cast.

22 Q. And is it correct that whatever is displayed
23 in region 1020 in Woods is going to be determined based
24 on what function has been selected from menu bar 1010?

25 A. I don't know of a case described where that's

1 not true.

2 Q. So as far as you understand, the information
3 displayed in region 1020 is going to be determined in
4 each case based on which function has been selected
5 either by the user or by default from the menu bar 1010?

6 A. In general, selection of something from the
7 menu bar. You used the word "function." I would use
8 the word, like, "tab." But, nevertheless, whichever one
9 of those is selected, that will cause the appropriate
10 content panel to be displayed.

11 Q. And just looking at it in the reverse -- and
12 just so we're on the same page, so Woods calls 1010
13 functions menu bar. So if I call it menu bar 1010 or
14 functions -- functions bar 1010, you understand what I'm
15 referring to, right?

16 A. Now I do.

17 Q. Okay. So as far as you know, in every case,
18 whatever content is presented in the first content
19 panel, allegedly region 1020, is going to be determined
20 based on the function that has been selected in menu
21 bar 1010?

22 A. It displays a list of options or items
23 relating to the indicator of the function in focus in
24 the functions menu. That's the way Woods puts it.

25 Q. So the information in the first content --

1 what you have labeled as the first content panel is
2 going to be determined by whichever function is
3 highlighted in the menu bar. Correct?

4 A. Right.

5 Q. Okay. If you refer back to the claim, if you
6 have that, you can either look at the patent Claim 1 or
7 Exhibit 2010 that we looked at earlier, do you agree
8 that the first content panel is determined based on the
9 content currently being shown on the television
10 referenced in limitation 1.3?

11 A. Let me go to limitation 1.3.

12 Q. You might want to look at limitation 1.3 in
13 conjunction with limitation 1.5.1.

14 A. Limitation 1.3 requires determining content
15 currently being shown on the television. We went
16 through that, as I recall.

17 Q. And do you see in limitation 1.5.1, it states:
18 Based on the content ... providing a first content panel
19 in the application panel interface.

20 Do you see that?

21 A. I'm getting there. 1.4 says -- 1. -- 1.5.1
22 says, based on the content and the at least one of the
23 content source and the content information providing a
24 first content panel.

25 Q. Right. Do you agree that limitation 1.5.1 is

1 when it says based on the content, it's referring to the
2 content that's been determined as being currently shown
3 on the television in limitation 1.3?

4 A. I analyzed it in the context of the content
5 panel being based on the content in at least one of the
6 content source and the content information.

7 Q. Right. It's -- right. So it's -- there's
8 multiple elements to this limitation, and I'm trying to
9 break it down to size so you and I can have a productive
10 discussion.

11 So 1.5.1 says, based on the content. You see
12 that?

13 A. Yes.

14 Q. And do you understand the content -- the
15 content as referring to the content that was determined
16 to be currently shown on the television in limitation
17 1.3?

18 A. I analyzed it with that in mind.

19 Q. Okay. And in Figure 10 that you have
20 annotated on page 65 of your declaration, you have in
21 region 1030, you've got a purple area indicating that it
22 might be displaying a currently tuned television
23 program.

24 Do you see that?

25 A. Yes.

1 Q. So my question is, how is the information in
2 the first content panel based on the content that is
3 currently being displayed in media region 1030?

4 A. Well, in this case, media region 1030 would be
5 showing Heroes and Villans.

6 Q. And -- but we've established, have we not,
7 that the information in the -- what you've got labeled
8 as the first content panel is based on the function that
9 has been selected in the function menu 1010?

10 A. You lost me there.

11 Q. Okay. Am I correct that you indicated before
12 that media region 1030, it could be providing a display
13 of any program?

14 You said it could be Heroes or you said it
15 could be some other program. Do you remember that?

16 A. Yes, Woods describes that in '174 where he
17 also says it could be the program you're currently
18 watching. His illustration, for example, shows a
19 Mercedes advertisement, right? But in '174, it could be
20 the program you're currently watching.

21 Q. And as you discussed before, media region
22 1030, it could be displaying the Heroes program or it
23 could be displaying some other currently tuned program,
24 right?

25 A. Well, it could. But the point is that it

1 could be displaying Heroes and Villains, and that's the
2 case that's germane to the claim.

3 Q. But isn't it the case that whether media
4 region 1030 displays Heroes or a display of the Mercedes
5 ad, the information in first content panel 1020 is going
6 to be based on the selection of the function, cast in
7 this case, for menu bar 1010?

8 A. Well, it has to be the cast of something.

9 Q. Right. And Woods describes -- in Woods'
10 description of Figure 9 and Figure 10, Woods -- look
11 back at Figure 9 of Woods, if you would. You see
12 Figure 9 shows that the viewer is watching Dexter on
13 Showtime at 2:20 PM? On the bottom.

14 Do you see that?

15 A. Yes.

16 Q. And what Woods discloses is that the Heroes
17 and Villains program listing labeled as 912 is selected,
18 and that results in the display screen of Figure 10,
19 right?

20 ATTORNEY CLEMENTS: Objection. Form.

21 A. Well, if you've selected Heroes from Figure 9,
22 you would get Figure 10.

23 BY ATTORNEY SCHREINER:

24 Q. That's right. And what Woods discloses is
25 that Heroes is selected while the user is watching

1 something else, in this case, Dexter on Showtime, right?

2 That's what Woods discloses in Figure 9?

3 A. That's what he shows in Figure 9, yes.

4 Q. And so Figure 10 is going to be determined
5 based on what program listing the user selected in the
6 program guide of Figure 9, right?

7 A. I believe we went through this, did we not?

8 Q. We may have. But indulge me.

9 A. I should probably go back and check what I
10 said. You have the record; I don't.

11 Q. I believe we did establish this, so I'm not
12 trying to replot ground just for the sake of it. I'm
13 just trying to walk through this particular aspect of
14 the claim.

15 So I believe that we established that when a
16 user selects a program listing in Figure 9 that that
17 leads to the display for that particular program listing
18 showing the various functions for that program listing
19 to be presented in Figure 10, the example being that the
20 Heroes program listing was selected.

21 Is that fair to say?

22 A. I think so. This is what we said before. I
23 hope you're not asking me to say something different
24 from what I said before.

25 Q. No, I'm not.

1 A. Okay. If that's what I said before, then I
2 say it again.

3 Q. So just so we're clear, if -- on Figure 9, if
4 the user selected channel 41 for CNN Situation Room,
5 then your understanding would be that Woods would bring
6 up on Figure 10 the display menu 1000 for the Situation
7 Room program. Correct?

8 A. It would bring up 1000 -- if that was selected
9 in Figure 9, it would -- yes.

10 Q. It would bring up the information for the
11 Situation -- Situation Room. Correct?

12 A. The application panel interface would show
13 that, yes.

14 Q. Here's what I'm trying to unwind. It appears
15 that in claim -- I'm sorry. It appears that in
16 Figure 10 of Woods that the information in the first
17 content panel is determined based on the function that's
18 selected in the menu bar, and it's not determined based
19 on whatever media content might be playing in region
20 1030. Is that fair to say?

21 A. Well, not quite. It -- it's not random.
22 We've agreed that it's based on what's selected from
23 Figure 9.

24 Q. What program listing is selected from
25 Figure 9.

1 A. Right. So it's not a random cast.

2 Q. Right. The cast corresponds to the program
3 listing the user selected from Figure 9, right?

4 A. It is the cast of that program, yes.

5 Q. Right.

6 A. Okay. And in these figures, I'm relying on
7 Woods paragraph 174, okay, where he notes that the
8 program you select in Figure 9 can include the one that
9 you are currently watching. And that's the sample case
10 that I'm running through, not the explicit case of the
11 illustration. That's why it says modified. So it's
12 modified consonant with what Woods discloses.

13 Q. But you don't disagree that that media region
14 1030, you've got it labeled as provides a display of the
15 currently tuned television program, that could be
16 basically any television program that's available to the
17 user at that time, right?

18 A. Yeah, but that's the one that you've selected
19 is the case -- is the example that I'm going through
20 because that's what Woods essentially discloses you can
21 do. So I'm following the rules of Woods and modifying
22 the illustration accordingly.

23 Q. Sure.

24 So let's go through what Woods discloses and
25 then your modification. So Woods discloses that the

1 viewer is watching Showtime, the Dexter program, and the
2 user selects the Heroes program listing on the program
3 guide, and that leads to display 1000 on Figure 10 with
4 the functions menu bar and the functions options region
5 for Heroes. Correct?

6 A. By some quirk of circumstances, yes.

7 Q. And in that case, the viewer would still be
8 watching the Showtime program Dexter. Correct?

9 A. In that case, they could, yes.

10 Q. And I understand you to be saying that the
11 user, instead of watching Dexter, the Dexter program,
12 the user could be tuning to something else and it might
13 be the Heroes program and that could be displayed in the
14 media region 1030.

15 Is that correct?

16 A. Well, they could have selected the program
17 they're currently watching. I don't see the Showtime
18 program in Figure 9 because I don't see it there. But
19 the program Heroes is in Figure 9, so you could be
20 watching Heroes, and if you selected the program entry
21 Heroes, you would see Figure 10 as shown.

22 Q. Right. But you don't dispute that Figure 9
23 says: Now watching Showtime Dexter program.

24 Right?

25 A. Right.

1 Q. And Woods describes selecting the user's
2 program tile while the user is watching the Dexter
3 program, and that takes us to display screen 1000 on
4 Figure 10, right?

5 A. What did the user select?

6 Q. The program listing for Heroes.

7 A. Yes, okay.

8 Q. So just so we've got a clear record, the
9 user's watching the Dexter program in Figure 9 and the
10 user has the program guide up and the user selects the
11 Heroes program listing, and that takes the user to the
12 display screen 1000 on Figure 10. Is that accurate?

13 A. That is one scenario under which you could use
14 this system.

15 Q. Right. And that's what Woods actually
16 describes with -- in the description that he gives with
17 regards to Figures 9 and 10, right?

18 A. No, I don't think he necessarily says it the
19 way you do at all. He simply says that what you choose
20 in Figure 9 determines what you see in Figure 10.

21 Q. But you don't dispute that in your Figure 10
22 that you have on page 65 that that currently tuned
23 television program could be any program that's available
24 at that time, right?

25 A. Including the one that you're watching, which

1 you might select to look at Figure 10, i.e., to gain
2 more information about it.

3 Q. Okay. When it says the media region -- I'm
4 reading off of your figure.

5 Media region 1030 may provide a display of the
6 currently tuned television program.

7 So is it correct that that's indicating that
8 that media region may provide a display, a display of
9 the currently tuned television program?

10 A. Yes, that's in '174.

11 Q. And the currently tuned television program
12 could be any program that is currently available to the
13 user. Correct?

14 A. That would make sense.

15 Q. Okay. Including, but not limited to, the
16 Heroes program?

17 A. It depends on the time of day, but in general,
18 yes.

19 Q. So let's just go through one scenario. Let's
20 say that the currently tuned television program that you
21 have in media region 1030 is Oprah Winfrey. It's 4 PM
22 and it's Oprah Winfrey, channel 4, from Figure 9.

23 Does that make sense?

24 A. You could be watching that.

25 Q. Okay. So we've got Oprah Winfrey being

1 displayed in media region 1030, right?

2 A. Right.

3 Q. And the user -- as described in Woods, the
4 user selects the Heroes program listing to get
5 information about the Heroes program, and that results
6 in the function menu 1010 and the functions options
7 region 1020 as shown in Figure 10 for the Heroes
8 program, right?

9 A. If the user chooses Heroes, he would get the
10 information about the Heroes program. If the user
11 choose Oprah Winfrey, he would get information about the
12 program currently on view.

13 Q. Right. But right now we're assuming that the
14 user has tuned Oprah Winfrey, and Oprah Winfrey is being
15 shown in media region 1030, and the user has selected
16 the program listing for Heroes resulting in the
17 information that's shown in Figure 10, right?

18 A. That is akin to, but not disclosed in Woods.
19 I mean, it's not -- he doesn't run through that as
20 example. That's all I'm saying.

21 Q. But you don't dispute that a user -- we've
22 already established that in media region 1030, the user
23 can tune any currently available television program and
24 have it displayed in that region 1030, right?

25 A. Region 1030 may display the currently tuned

1 program, yes.

2 Q. And that could be any program that's currently
3 available, right?

4 A. That would make sense.

5 Q. And in our scenario, it's the Oprah Winfrey
6 show, okay? So we've got the Oprah Winfrey show tuned
7 and being displayed in media region 1030, and we have
8 the information for the Heroes program listing being
9 shown on the left-hand side of Figure 10 with functions
10 menu bar 1010 and functions options region 1020.

11 Do you follow that?

12 A. I follow that. I'm not sure I understand the
13 difference between that and it being the Showtime
14 program.

15 Q. I don't think there is a difference. I'm just
16 using Oprah Winfrey as an example.

17 A. So why don't we stick to reality?

18 Q. Okay.

19 A. That's fine.

20 Q. Okay. So media region 1030 is showing Dexter
21 from this Showtime channel. Is that fair?

22 A. That's what's explicitly shown in Figure 9.

23 Q. Right. So in Figure 10, media region 1030
24 would logically be showing Dexter from the Showtime
25 channel. Correct?

1 A. Well, in the scenario that Woods demonstrates,
2 he actually shows you a Mercedes commercial. So he
3 doesn't show you the content that you are currently
4 watching on live television. He shows you a Mercedes
5 commercial, and he says so, that what you see in the
6 content area can be any one of a number of things,
7 including an advertisement.

8 Q. Right. As you cited in paragraph 174, that
9 media region 1030 can provide a display of any currently
10 tuned television program that's available to the user,
11 right?

12 A. That's what I use in my --

13 Q. In your markup of Figure 10, right?

14 A. Yeah.

15 Q. So let's -- it could be any program that's
16 currently available. So let's just take two examples.
17 One is Oprah Winfrey and the other is -- these are at
18 4 PM -- the other is Situation Room, okay?

19 Do you see that -- on Figure 9 that Oprah
20 Winfrey and Situation Room are two separate programs
21 available to the user at 4 PM?

22 A. I have to go back to Figure 9.

23 Q. Sure.

24 A. Okay.

25 Q. So we got two scenarios. One is Oprah Winfrey

1 being displayed in media region 1030. The other is
2 Situation Room is being displayed in media region 1030.
3 Okay? You follow that so far?

4 A. You could be watching either one of those
5 programs.

6 Q. Right.

7 A. You could also be watching Heroes and
8 Villains.

9 Q. Agreed.

10 A. And you could be selecting Situation Room or
11 Oprah Winfrey if you wanted more information about them
12 as well.

13 Q. In Figure 10, if let's say Oprah Winfrey is
14 being shown on the television in media region 1030, is
15 it the case that the information displayed in options
16 region 1020 for Heroes is going to be based on, in this
17 case, the selected cast function from the function --
18 functions menu bar 1010?

19 A. Say that again. I was momentarily diverted,
20 but --

21 Q. Sure.

22 Do you agree that Figure 9 of Woods allows for
23 selecting program listings to get information about
24 those programs without actually tuning that specific
25 program?

1 A. I don't know that in my analysis I made that
2 distinction. Where did I make that distinction?

3 Q. I think it's in Woods. So in Figure 9, the
4 user is watching Dexter at 2:20 PM.

5 Do you see that in the lower right-hand corner
6 of Figure 9?

7 A. Yeah.

8 Q. And the user selects Heroes, which is not
9 going to be available until 4 PM, right?

10 A. Correct.

11 Q. So the user is selecting the program listing
12 for Heroes and the user's going to get information about
13 that program listing, but the user's not tuning that
14 program listing because that program's not yet
15 available.

16 Do you agree with that?

17 A. Right. But if it were 2 o'clock and you chose
18 a program on at 2 o'clock, where does Woods say that you
19 wouldn't tune to that program as well?

20 Q. I'm just focusing on what Woods discloses here
21 in connection with Figures 9 and 10.

22 Here's what I'm getting at. It appears that
23 whether media region 1030 is displaying Oprah Winfrey
24 versus the Situation Room or some other program,
25 including the cast for Heroes, that the content of the

1 functions operation region 1020 is not determined based
2 on the programming being displayed in media region 1030.

3 Do you agree with that?

4 A. No.

5 Q. Okay. How -- if Oprah is being shown in media
6 region 1030 and the user has selected Heroes as is shown
7 in Figure 10, how is the information for the cast for
8 Heroes being determined based on Oprah Winfrey?

9 A. But if you're watching Heroes and you've
10 selected Heroes in the guide, then indeed, it does
11 depend on the program you're watching. You select to
12 watch Heroes and then you ask for more information for
13 it and you see information about the program Heroes.
14 That's simple.

15 Q. Isn't that just happenstance?

16 A. It's not happenstance. It's a feature of the
17 system that you can get more information about the
18 program that you're watching. That's a logical --

19 Q. But Figure 10 --

20 A. What Woods does is -- sorry. What Woods does
21 is he allows you more options than that, but he allows
22 you at least that one option.

23 Q. But Figure 10 isn't displaying anything in the
24 function options region based on the program you've
25 tuned. It's displaying information based on the program

1 listing that you've selected. Right?

2 A. And those two can be exactly the same.

3 Q. But you don't dispute that Figure 10 would
4 allow for Oprah Winfrey to be playing in the media
5 region 1030 while the viewer is accessing information in
6 function options region 1020 for the program Heroes?

7 A. It is possible to do that.

8 Q. And, in fact, Figure 10 shows on the
9 right-hand side, as you pointed out, it's showing an
10 advertisement, right?

11 It does not appear to be showing the Heroes
12 program. It's showing an advertisement for a Mercedes,
13 right?

14 A. As drawn, yes.

15 ATTORNEY SCHREINER: That's all I have for my
16 cross-examination. I appreciate your patience. I know
17 it was a long day, Dr. Lippman. And I pass the witness
18 to you, Calmann.

19 ATTORNEY CLEMENTS: I have no questions on
20 redirect.

21 ATTORNEY SCHREINER: Okay, great. Thanks to
22 both of you.

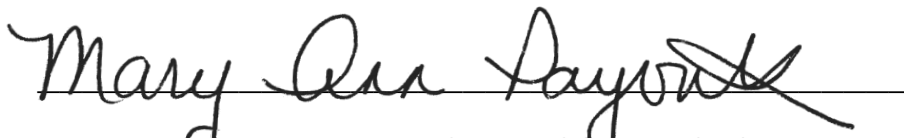
23
24 (Deposition adjourned at 5:06 p.m.)
25

1 REPORTER'S CERTIFICATE

2 I, MARY ANN PAYONK, shorthand reporter and
3 Notary Public, CA CSR No. 13431, do hereby certify that
4 the witness whose deposition is hereinbefore set forth
5 was sworn by agreement of all parties, that the
6 proceedings were reported stenographically by me, and
7 that this transcript is a true, correct, and full record
8 of the testimony given.

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

13 IN WITNESS WHEREOF, I have hereunto set my
14 hand this 24th day of July, 2024.

15
16 
17 MARY ANN PAYONK, CSR #13431
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DEPOSITION DATE: July 16, 2024

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Signature of Deponent

Date

1 I,

2 DR. ANDREW B. LIPPMAN,

3 state that I have read the foregoing deposition and
4 declare under penalty of perjury:

5 That the foregoing is my deposition under
6 oath;

7 That I have read same and have made the
8 necessary corrections, additions or changes to my
9 answers that I deem necessary;

10 That my answers as indicated are true and
11 correct.

12
13 Executed at _____
14 this _____ day of _____, 2024.

15
16 _____
17 DR. ANDREW B. LIPPMAN
18
19
20
21
22
23
24
25

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