

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 IPR2024-00353

12 U.S. Patent No. 9,055,254
13

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17 DEPOSITION OF DR. ANDREW B. LIPPMAN
18 TAKEN REMOTELY BY VIDEOCONFERENCE
19 September 6, 2024
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24 Reported by: Mary Ann Payonk

25 Job No. 1524

September 6, 2024

9:30 a.m. Eastern

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.

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WITNESSES

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1 THE REPORTER: Let me first give you my
2 California license number, which is 13431. And now I'll
3 swear the witness.

4 DR. ANDREW B. LIPPMAN,

5 called as a witness, having been duly
6 sworn, was examined and testified as
7 follows:

8 EXAMINATION

9 BY ATTORNEY SCHREINER:

10 Q. Good morning, Dr. Lippman.

11 A. Good morning.

12 Q. Please state your full name for the record.

13 A. Andrew B. Lippman, L-I-P-P-M-A-N.

14 Q. And your residential address for the record,
15 please?

16 A. 28 Chestnut Street, Salem, Massachusetts
17 01970.

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

20 A. No.

21 Q. Are you under the influence of any sickness or
22 medication that might get in the way of you giving
23 truthful and complete testimony today?

24 A. No.

25 Q. And what I'd like you to do with your

1 computer, I'd like you to close all applications on your
2 computer except for the Zoom application you're using,
3 of course.

4 ATTORNEY HUH: To be clear, Stephen,
5 Dr. Lippman will be utilizing electronic documents so
6 he'll need his PDF viewer of the document viewer
7 available.

8 ATTORNEY SCHREINER: Sure, that's no problem.

9 THE WITNESS: I also have some documents on
10 the web so I can leave that open as well?

11 ATTORNEY SCHREINER: I'd prefer if you close
12 that, please.

13 THE WITNESS: Okay, okay.

14 BY ATTORNEY SCHREINER:

15 Q. Do you have any paper documents?

16 A. I have everything online.

17 Q. Okay. And when we refer to documents, I'm
18 going to refer to some exhibits in connection with this
19 IPR. And when you refer to those exhibits
20 electronically, I want you to make sure that those are
21 unmarked documents you're looking at.

22 Do you follow that?

23 A. Yes, I do.

24 Q. Okay. I'll try to make my questions clear
25 today. You understand you need to give a verbal answer

1 to any questions, right?

2 A. Yes.

3 Q. And if you don't understand the question, just
4 let me know and we'll see if we can try to rephrase it
5 so that you can answer it.

6 Is that fair?

7 A. Yes.

8 Q. Okay, so we are here for IPR2024-00353
9 regarding US Patent Number 9,055,254.

10 Do you understand that?

11 A. Yes.

12 ATTORNEY SCHREINER: And let's go ahead and
13 refer to your declaration, which is -- actually, let me
14 back up. Can we have the tech support briefly post
15 Exhibit 1003, which is the declaration of Dr. Lippman.

16 (Exhibit No. 1003, previously marked, was
17 referenced and indexed.)

18 BY ATTORNEY SCHREINER:

19 Q. Do you recognize Exhibit 1003 is the
20 declaration you submitted in connection with this IPR on
21 the '254 patent?

22 A. Yes.

23 Q. Okay. So I'll ask you a few questions about
24 Exhibit 1003. You can go ahead and open that.

25 A. Okay.

1 Q. Let's take a look at --

2 THE WITNESS: Are you going to leave the
3 screen share up?

4 ATTORNEY SCHREINER: Thank you. You can take
5 down the document. And just by the way, who's the name
6 of the tech support person, just so I can reference you
7 by name?

8 EXHIBIT TECH: My name is Blake.

9 ATTORNEY SCHREINER: Thanks, Blake.

10 BY ATTORNEY SCHREINER:

11 Q. So let's look at paragraph 9 of your
12 declaration on page 6.

13 A. Would you like me to share that?

14 Q. No, that's okay.

15 A. Okay, thank you. Okay.

16 Q. And in your declaration you describe the work
17 you've done at MIT in connection with the Media
18 Laboratory. Correct?

19 A. I'm associate director of the Media
20 Laboratory, yes.

21 Q. And you described some of your activity at MIT
22 Media Labs in that capacity. Correct?

23 A. I believe so.

24 Q. Does MIT Media Labs receive any funding from
25 LG?

1 A. At this moment, I don't think so, no.

2 Q. Has MIT received funding from LG in the past?

3 A. We have.

4 Q. Describe that for me, please.

5 A. The MIT Media Laboratory is funded most
6 generally by a consortia, which is to say a number of
7 companies or agencies become members of the Media Lab,
8 and therefore, members of the research consortia. And
9 they therefore support the laboratory in general and
10 gain the benefits of research done throughout the
11 laboratory.

12 Q. Has LG been a member of the resource
13 consortium you referred to?

14 A. At some time in the past, I believe it was.
15 There have been at times over 90 companies in that
16 consortium.

17 Q. When was the last time that you recall LG
18 being a member of the consortium?

19 A. I don't think I can say exactly, but it would
20 have been likely to be over 15 years ago.

21 Q. Do members of the consortium fund specific
22 projects at MIT?

23 A. Sorry, at MIT?

24 Q. At MIT Media Labs.

25 A. No. Their funding is general support for the

1 Media Laboratory as a member of the consortium.

2 Q. And those funds are allocated to projects
3 based on decisions made by Media Labs.

4 Is that right?

5 A. If you are simply a member of the consortium,
6 then the laboratory distributes the consortium funds
7 throughout the laboratory to support research in the
8 laboratory.

9 Q. Who makes the decision about what funds go to
10 which projects?

11 A. Most generally, the director.

12 Q. The director of MIT Media Labs?

13 A. Yes.

14 Q. Are there any relationships where individual
15 companies are funding individual projects at MIT Media
16 Labs?

17 A. There are.

18 Q. Has LG directly funded any projects at MIT
19 Media Labs?

20 A. That were singularly directed projects versus
21 being a member of a consortium?

22 Q. Correct.

23 A. No, not to my knowledge. Certainly not anyone
24 that I was connected to. I would not necessarily know
25 everything that goes on at either MIT or through

1 individual research contracts by faculty within the
2 laboratory.

3 Q. Understand. I'm asking you just to give me
4 the answers to the best of your personal knowledge, so I
5 understand what you're saying.

6 Have you ever had discussions with LG about
7 funding MIT Media Labs?

8 A. Have I ever had discussions with them?

9 Q. Yes.

10 A. Not for the last 15 years, maybe more.

11 Q. Describe for me the last time you had
12 discussions with LG regarding funding.

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

14 Q. Describe for me the last time you had
15 discussions with LG about funding.

16 ATTORNEY HUH: Objection. Form.

17 A. I'm not sure I can reconstruct that because,
18 as I say, it's years and years ago. But in my travels,
19 part of what I do is try to meet with companies and
20 convince them to join the laboratory or the consortia of
21 the laboratory.

22 BY ATTORNEY SCHREINER:

23 Q. Sure, sure.

24 And am I correct to understand that you're
25 saying you haven't had such a discussion with LG for at

1 least 15 years?

2 A. To the best of my knowledge, maybe more, but
3 at least -- probably at least 15 years.

4 Q. Okay. And am I correct to understand from
5 your testimony is that as far as you know, LG is not
6 part of the consortium currently?

7 A. That is correct.

8 Q. And remind me again. Do you recall when LG
9 was last a member of the consortium?

10 A. As I said, likely over 15 years ago, perhaps
11 as long as 25 years ago. Media Laboratory's been in
12 existence for almost 40 years.

13 Q. Are you aware of other members of MIT Media
14 Labs having discussions about funding with LG?

15 A. I'm sorry, I don't understand.

16 Q. Are you aware of other members of MIT Media
17 Labs having discussions about funding with LG?

18 A. Oh, you mean faculty in the Media Lab?

19 Q. Anybody that's in the Media Lab.

20 A. Well, whatever, principal -- principal
21 investigators and the like. No.

22 Q. Is LG a target company that MIT Media Labs is
23 attempting to bring back into the consortium?

24 A. At this point in time, to my knowledge, we
25 have no relationships with LG at all.

1 ATTORNEY SCHREINER: Okay. I'm going to refer
2 also to the '254 patent, which is Exhibit 1001. And,
3 Blake, if you could please bring that up on the screen
4 briefly so Dr. Lippman can confirm that he recognizes
5 the document.

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

8 BY ATTORNEY SCHREINER:

9 Q. And, Dr. Lippman, you can go ahead and open
10 the '254 patent.

11 A. Okay.

12 Q. Dr. Lippman, do you recognize Exhibit 1001,
13 the '254 patent?

14 A. I do.

15 Q. Okay. And did you study the '254 patent in
16 detail in connection with the opinions you gave in your
17 expert declaration?

18 A. I reviewed the '254 patent.

19 Q. Blake, you can go ahead and take the '254
20 patent down.

21 The '254 patent pertains to electronic program
22 guides. Correct?

23 A. What the '254 patent says is that it's an
24 on-screen method and system for changing television
25 channels.

1 Q. But the '254 patent discusses electronic
2 program guides. Correct?

3 A. Well, my overview of the '254 patent is the
4 patent is directed to the purported need for a TV with
5 intuitive user interfaces and seamless user interaction.

6 Q. But the '254 patent discusses electronic
7 program guides, EPGs. Correct?

8 A. I'm not sure what you mean by "discusses."

9 Q. What's your understanding of the meaning of
10 the word "discusses" in the context of a patent?

11 ATTORNEY HUH: Objection. Form.

12 A. Well, again, I'm not sure I understand what
13 you're asking. Is it mentioned?

14 Q. Let's rephrase it.

15 Does the '254 patent have disclosure regarding
16 electronic program guides?

17 A. In the abstract.

18 Q. Okay.

19 A. The patent says a method system and executable
20 instructions are provided that receive a request to
21 change a programming channel display on the television
22 screen and on -- and an on-screen channel changer, the
23 on screen channel changer comprising electronic program
24 guide information.

25 Q. Okay. And where are you reading from?

1 A. I'm reading from the patent abstract.

2 Q. So the patent abstract mentions electronic
3 program guide, EPG, information. Correct?

4 A. It does.

5 Q. And let's take a look at column 29 starting at
6 line 6 of the '254 patent.

7 A. Okay.

8 Q. And do you agree that column 29, line 6
9 through 9 of the '254 patent refers to an EPG,
10 electronic program guide?

11 A. Do I agree that lines 6 through 9 describe an
12 EPG? Is that what you're asking?

13 Q. I'm asking does column 29, lines 6 through 9
14 refer to an EPG, an electronic program guide?

15 A. It refers to an EPG.

16 Q. And if you look further down in that passage
17 at lines 31 through 32, do you see that, where it refers
18 to one EPG format?

19 A. I'm sorry, which lines?

20 Q. Lines 31 through 32 of the '254 patent in
21 column 29 regarding Figure 14.

22 Do you see that?

23 A. One EPG format will be discussed with
24 reference to Figure 14. Is that the line you're
25 referring to?

1 Q. Yes.

2 A. I see that.

3 Q. So is the passage in column 29 starting with
4 line 31 discussing an EPG, an electronic program guide?

5 ATTORNEY HUH: Objection. Form.

6 THE WITNESS: I'm sorry, say that again.

7 BY ATTORNEY SCHREINER:

8 Q. The passage at column 29 starting at line 31
9 is referring to an EPG, an electronic program guide.
10 Correct?

11 A. Yes.

12 Q. And in Figure 14 of the '254 patent is an
13 example of an electronic program guide in the patent.
14 Correct?

15 A. Let me glance at Figure 14.

16 Q. Sure.

17 A. It says one EPG format will be discussed with
18 reference to Figure 14, so that the patent describes
19 that as one EPG format.

20 Q. And Figure 14 is showing an EPG. Correct?

21 A. It's showing one EPG format.

22 Q. Right.

23 And if you refer to -- let's take a look at
24 column 30, line 25 of the patent. It states the EPG of
25 Figure 14 is by channel.

1 Do you see that in line 25?

2 A. I do.

3 Q. Okay. So is it correct that that's referring
4 to Figure 14 as an EPG, an electronic program guide?

5 ATTORNEY HUH: Objection. Form.

6 A. The EPG format of Figure 14 is by channel, so
7 that is a format that could be a format of an EPG.

8 BY ATTORNEY SCHREINER:

9 Q. Okay. And in column 30, line 25, it refers to
10 the EPG of Figure 14, right?

11 A. Yes.

12 Q. And EPG stands for electronic program guide,
13 right?

14 A. Yes.

15 Q. Are you familiar with electronic program
16 guides?

17 A. Reasonably so.

18 Q. Prior to this IPR, did you have experience
19 with electronic program guides?

20 A. We did research, my group did research on the
21 navigation of multimedia data such as television so,
22 broadly speaking, we did research on areas that are
23 relevant to electronic program guides.

24 Q. But you didn't have any projects that
25 specifically involved electronic program guides.

1 Is that fair to say?

2 A. Well, what --

3 ATTORNEY HUH: Objection. Form.

4 THE WITNESS: Sorry.

5 A. We're a research laboratory. We do research
6 at a different level from designing a product such as an
7 EPG.

8 BY ATTORNEY SCHREINER:

9 Q. So your research work didn't involve designing
10 any EPGs. Correct?

11 A. I'm trying to think of how to kind of phrase
12 that. We did research on navigation and access to
13 multimedia information, including television and
14 television programs historically, but we did not design
15 a product such as an EPG.

16 Q. And that statement that you didn't design a
17 product such as an EPG, that would pertain to your work
18 at MIT as well as any work you've done outside of MIT.

19 Is that fair to say?

20 A. Did I design -- did I do work on designing an
21 EPG outside of MIT? Is that what you're asking?

22 Q. Did you do any work on designing an -- excuse
23 me.

24 Did you do any work on designing an EPG at MIT
25 or outside of MIT?

1 A. I don't think any of the work that we did at
2 MIT or that I did outside of MIT was labeled as EPG.

3 Q. So did you, inside or outside of MIT, design
4 any EPGs?

5 A. Well, as I say, we did nothing that we called
6 an EPG. We did work on navigation systems for diverse
7 media.

8 Q. And you have an understanding of the meaning
9 of the term "EPG" as an expert in this case, right?

10 ATTORNEY HUH: Objection. Form.

11 A. An EPG is an electronic program guide.
12 BY ATTORNEY SCHREINER:

13 Q. So if I'm understanding your testimony
14 correctly, you're testifying that you didn't do any work
15 inside or outside MIT involving something that one would
16 call an EPG, electronic program guide?

17 ATTORNEY HUH: Objection. Form.

18 A. I didn't quite say that. Within the last 10
19 years, some of my students developed a system that we
20 call the matrix, which was a navigation system for a
21 variety of media formats, including magazines,
22 newspapers, and video programs.

23 You could say that that work bore on things
24 related to an EPG, but it was never packaged or
25 formatted or -- as an EPG.

1 BY ATTORNEY SCHREINER:

2 Q. And you never refer to the matrix as an EPG.
3 Correct?

4 A. I can't answer the -- something that I never
5 said. I -- I don't know. I might have used those
6 words, but I don't -- it was not designed to be a -- an
7 EPG. It was designed to be an exploration of navigation
8 of multimedia data.

9 Q. Do any of the patents that you listed --
10 strike that.

11 Do you have any patents that are directed to
12 EPGs, electronic program guides?

13 A. Let me -- can I bring up my CV?

14 ATTORNEY SCHREINER: Yes, certainly. Blake,
15 let's go ahead and introduce his CV. I believe it's
16 Exhibit 1004.

17 (Exhibit No. 1004, previously marked, was
18 referenced and indexed.)

19 ATTORNEY SCHREINER: Blake, are you able to
20 bring that up on the screen, Exhibit 1004?

21 EXHIBIT TECH: There you go.

22 ATTORNEY SCHREINER: Thank you very much.

23 BY ATTORNEY SCHREINER:

24 Q. Let's just go through the formality here,
25 Dr. Lippman. Do you recognize Exhibit 1004 as the CV

1 you submitted in connection with your declaration?

2 A. Yes. That's a CV dated July 2022, but yes.

3 Q. Okay. Blake, you can take that down, thank
4 you.

5 So, Dr. Lippman, the question was do you have
6 any patents that were directed to EPGs, electronic
7 program guides?

8 A. I'm looking in my CV at the list of patents,
9 which is complete in July 2022. And those patents
10 include image processing techniques, television
11 distribution techniques, arthroscopy and unrecordable
12 video, but none that, in fact, are an EPG.

13 Q. I'd like to refer to paragraph 18 of your
14 declaration, Exhibit 1003, now.

15 A. Should I put away my CV?

16 Q. Please. And just let me know when you've
17 gotten to paragraph 18 of your declaration.

18 A. Okay.

19 Q. And is it correct that you assumed a priority
20 date for the '254 patent of August 17, 2012?

21 ATTORNEY HUH: Objection. Form.

22 A. I have been informed that that is the earliest
23 possible filing date.

24 BY ATTORNEY SCHREINER:

25 Q. And that's the priority date you used for

1 purposes of your declaration. Correct?

2 A. Yes.

3 Q. Okay. In paragraph 18, you see you refer to
4 persons -- let me just find the language here.

5 Paragraph 18, you see referred to experience of persons
6 working in the field at the time of the invention.

7 Do you see that?

8 A. Paragraph 18?

9 Q. Yes.

10 A. Yes.

11 Q. And in paragraph 19, you refer to a POSITA,
12 quote, "in the field of the '254 patent."

13 Do you see that?

14 A. Yes.

15 Q. What is the field of the -- the field of
16 invention for the '254 patent?

17 A. In paragraph 19, I say that a POSITA would
18 have had a bachelor's degree in electrical engineering,
19 software engineering, or computer science or equivalent
20 training, and approximately two years of experience
21 working in the field of television systems and
22 networking, human-computer interaction, or related
23 technologies.

24 Q. So what is the field of the invention?

25 ATTORNEY HUH: Objection. Form.

1 A. I think when you consider the word "field," I
2 take the word "field," broadly interpreted, to mean
3 those are the domains in which you would have had
4 experience.

5 BY ATTORNEY SCHREINER:

6 Q. So what is the field?

7 You refer in your declaration to the field of
8 the invention, the field of the '254 patent in paragraph
9 19. So just tell me specifically, what is the field of
10 the invention for the '254 patent?

11 ATTORNEY HUH: Objection. Form.

12 A. These are the domains in which they would have
13 worked. This is not a delineation or a complete
14 representation of a field but, rather, these are the
15 components or domains in which someone would have
16 worked.

17 BY ATTORNEY SCHREINER:

18 Q. I don't understand what you mean by "domains."

19 Can you tell me what is the field of the
20 invention?

21 ATTORNEY HUH: Objection to form.

22 A. It is the field of television systems,
23 networking, human-computer interaction, or related
24 technologies.

25 BY ATTORNEY SCHREINER:

1 Q. Okay.

2 A. That -- that can comprise a field in that you
3 would say you had experience in that field because those
4 are the domains in which you would have had experience.

5 Q. So let's take a look at the '254 patent at
6 Exhibit 1001, column 1-56 through 1-59.

7 A. I'm sorry?

8 Q. Sure. The '254 patent, column 1, line 56
9 through 59.

10 A. Column 1 of '254?

11 Q. Correct.

12 A. Okay.

13 Q. In column 254, line 56 -- column 254, column
14 1, line 56 through 59 states unfortunately, most smart
15 TVs have yet to provide seamless and intuitive user
16 interfaces for navigating and/or executing the various
17 features of the smart TV.

18 Do you see that?

19 A. Yes.

20 Q. Is that identifying a problem or a deficiency
21 in the prior art?

22 ATTORNEY HUH: Objection. Form.

23 A. That is what the patent owner asserted.

24 BY ATTORNEY SCHREINER:

25 Q. That is what the patent owner asserted to be a

1 problem or a deficiency in the prior art, right?

2 A. The patent owner says most smart TVs have yet
3 to provide seamless and intuitive user interfaces, etc.

4 Q. So do you understand that as the patent
5 owner's expression of the need or deficiency in the
6 prior art?

7 ATTORNEY HUH: Objection. Form.

8 A. That's a statement of what the patent owner
9 thinks the state of the art is.

10 BY ATTORNEY SCHREINER:

11 Q. And is the patent owner describing the state
12 of the art as being deficient?

13 ATTORNEY HUH: Objection. Form.

14 A. Well, he doesn't use the word "deficient." He
15 says they have yet to provide seamless and intuitive
16 user interfaces.

17 BY ATTORNEY SCHREINER:

18 Q. As an expert, do you understand that as the
19 patent owner indicating that the prior art is deficient
20 in that regard?

21 ATTORNEY HUH: Objection. Form.

22 A. I don't know whether I would use the word
23 "deficient" or not. The patent owner didn't. He might
24 simply have a better way of doing it.

25 BY ATTORNEY SCHREINER:

1 Q. And if you go to column 1, lines 65 through
2 66, it states there is a need for an intelligent TV with
3 intuitive user interfaces and with seamless user
4 interaction capability.

5 Do you see that?

6 A. Yes.

7 Q. As an expert, do you understand that as the
8 inventor's indication that there's a need for an
9 improved user interface?

10 ATTORNEY HUH: Objection. Form.

11 A. Well, again, he doesn't use the words
12 "improved" or "deficient." He says there's a need for
13 an intelligent TV with intuitive user interfaces.

14 BY ATTORNEY SCHREINER:

15 Q. Looking at column 1, line 56 down to line 67,
16 do you understand that as describing that the prior art
17 has deficient user interfaces and there's a need for a
18 better user interface?

19 ATTORNEY HUH: Objection. Form.

20 A. I'm sorry if I appear to be splitting hairs,
21 because you're using the word "deficient" and the patent
22 owner doesn't say that. He simply says that smart TVs
23 have yet to provide a seamless and intuitive user
24 interface. That's in the judgment of the patent owner.

25 BY ATTORNEY SCHREINER:

1 Q. Right. So the patent owner is saying that the
2 prior art does not provide, quote, "seamless and
3 intuitive user interfaces." Correct?

4 A. Well, he says they have yet to provide
5 seamless and intuitive interfaces.

6 Q. Okay. So if they have yet to provide seamless
7 and intuitive user interfaces, then the prior art has
8 not provided seamless and intuitive user interfaces,
9 right?

10 ATTORNEY HUH: Objection. Form.

11 A. My English is not good enough to go quite that
12 far.

13 BY ATTORNEY SCHREINER:

14 Q. Okay. If the patent owner says that the prior
15 art has yet to provide these user interfaces, doesn't it
16 follow from plain English that the prior art has not
17 provided those types of user interfaces?

18 ATTORNEY HUH: Objection. Form.

19 A. They might. They might indicate that the
20 patent owner thinks he has a better way because those
21 words are not precise.

22 BY ATTORNEY SCHREINER:

23 Q. Right. But you don't dispute that in
24 column 1, lines 56 through 59, the patent owner is
25 indicating that the prior art has yet to provide

1 seamless and intuitive user interfaces?

2 ATTORNEY HUH: Objection. Form.

3 A. I don't know about the prior art. What he
4 says here is most smart TVs have yet to provide what he
5 calls seamless and intuitive user interfaces ...

6 BY ATTORNEY SCHREINER:

7 Q. Okay. So you recognize that statement in
8 column 1 of the '254 patent, right?

9 A. Yes.

10 Q. Let's look at the Summary of The Invention
11 section. It starts on that same column 1 and then it
12 goes over to column 2 of the '254 patent.

13 Do you see that?

14 A. Yes.

15 Q. And do you see in column 2 -- strike that.

16 Do you see at the beginning of the Summary of
17 The Invention it says there is a need for an intelligent
18 TV with intuitive user interfaces and with seamless user
19 interaction capability?

20 Do you see that?

21 A. Yes.

22 Q. As an expert who's studied the '254 patent,
23 what's your understanding of what the patent is
24 describing there?

25 ATTORNEY HUH: Objection. Form.

1 A. In my report, I say the '254 patent purports
2 to provide a solution to the need for intuitive user
3 interfaces with seamless user interaction capability for
4 televisions.

5 BY ATTORNEY SCHREINER:

6 Q. What paragraph is that in your report?

7 A. That's in paragraph 57.

8 Q. Give me a moment to get there.

9 So your paragraph 57 is entitled Problem(s)
10 Purportedly Solved the '254 Patent. Correct?

11 A. Yes.

12 Q. And you state that the '254 patent purports to
13 provide a solution to the need for, quote, "intuitive
14 user interfaces ... with seamless user interaction
15 capability," close quote, for televisions. Correct?

16 A. Yes.

17 Q. And in referring to that need, you cite to
18 column 1, lines 65 through 66 of the '254 patent, right?

19 A. Yes.

20 Q. So let's go back to looking at the Summary of
21 The Invention in the '254 patent. You see there's a
22 Summary of The Invention section starting at column 1,
23 line 64, and then going over into column 2?

24 A. Yes.

25 Q. Okay. And is it correct that the Summary of

1 The Invention section in column 2, lines 9 through 13
2 refers to an on-screen channel changer comprising
3 electronic program guide information and a number input
4 bar?

5 Do you see that?

6 A. I see that.

7 Q. So the Summary of The Invention section
8 describes the invention as involving an on-screen
9 channel changer comprising EPG information and a number
10 input bar. Correct?

11 ATTORNEY HUH: Objection. Form.

12 A. And that is an aspect of the purported
13 invention. It says that a method is provided that can
14 include those steps.

15 BY ATTORNEY SCHREINER:

16 Q. And --

17 A. In my report, by the way, I say additionally
18 uses an on-screen channel changer that includes a number
19 bar.

20 Q. Right. And column 2, lines 9 through 13, it
21 refers to an on-screen channel changer, right?

22 And that it comprises electronic program guide
23 information and a number input bar, right?

24 A. That's what's said in column 2.

25 Q. And in the Summary of The Invention section at

1 column 2, lines 41 through 44, is it correct that the
2 Summary of The Invention section again refers to an
3 on-screen channel changer comprising EPG information and
4 a number input bar?

5 A. It says display on a television screen an
6 on-screen channel changer, the on-screen channel changer
7 comprising electronic program guide information and a
8 number input bar comprising digits.

9 Q. So there, the Summary of The Invention refers
10 to an on-screen channel changer comprising EPG
11 information and a number input bar, right?

12 ATTORNEY HUH: Objection. Form.

13 THE WITNESS: I'm not sure what you're asking.

14 BY ATTORNEY SCHREINER:

15 Q. I'm asking does the Summary of The Invention
16 section in column 2, lines 41 through 44 refer to an
17 on-screen channel changer comprising EPG information and
18 a number input bar?

19 A. It states those things.

20 ATTORNEY SCHREINER: Okay. And let's go ahead
21 and introduce Exhibit 2007. Exhibit 2007, Blake, if you
22 could put that up, please.

23 (Exhibit No. 2007 was marked for identification.)

24 ATTORNEY SCHREINER: And if you could --

25 THE WITNESS: Are we talking about

1 Exhibit 1007?

2 ATTORNEY SCHREINER: No, I'm sorry, this is
3 Exhibit 2007. It's a listing of the claims. Blake, if
4 you could please share that.

5 ATTORNEY HUH: So 2007, is that of record?

6 ATTORNEY SCHREINER: No, it's not of record.
7 It's a new exhibit, just a claim listing.

8 ATTORNEY HUH: I mean, he has the claims in
9 the patent itself.

10 ATTORNEY SCHREINER: He doesn't have a claim
11 listing in the -- in the --

12 ATTORNEY HUH: Right. But his declaration has
13 the claim listings at the headings.

14 ATTORNEY SCHREINER: Right. But I'm
15 introducing this exhibit. So, Blake, if you could
16 kindly share Exhibit 2007 with Dr. Lippman and counsel.

17 EXHIBIT TECH: I just shared it in the chat
18 for everyone.

19 ATTORNEY SCHREINER: Okay.

20 BY ATTORNEY SCHREINER:

21 Q. Dr. Lippman, let me know when you've got that
22 document and it's opened up.

23 ATTORNEY HUH: I mean, to be clear, I mean,
24 the claim listing is in the patent itself, as are the
25 claims themselves, which has a listing of the claims.

1 BY ATTORNEY SCHREINER:

2 Q. Do you have the document up, Dr. Lippman?

3 A. Not yet.

4 Q. Okay.

5 A. I have the document up.

6 Q. Okay, so --

7 A. If it's all right with you, I'd like to print
8 the document.

9 Q. Yeah, certainly.

10 A. That may work.

11 ATTORNEY HUH: Is there a reason why his own
12 declaration headings do not suffice for the claim
13 listing which have the appropriate numerations?

14 ATTORNEY SCHREINER: This is a document
15 showing the claims in the order, in their order, with
16 the annotations pursuant to his declaration.

17 ATTORNEY HUH: Right. So his declaration has
18 that. Just let him use his declaration.

19 ATTORNEY SCHREINER: Do you want to object to
20 this exhibit, Greg?

21 ATTORNEY HUH: Right. We haven't had a chance
22 to review it. We don't even know what this is. You're
23 saying it's the listing of the claims. There could be
24 errors, so we object.

25 ATTORNEY SCHREINER: Okay.

1 ATTORNEY HUH: Outside the scope.

2 ATTORNEY SCHREINER: Sure. Are you able to
3 print it, Dr. Lippman?

4 THE WITNESS: What happened? My video has
5 gone away. Can you see me?

6 THE REPORTER: Yes, sir.

7 ATTORNEY SCHREINER: Yeah, but he's not
8 moving. Can we go off the record while we get this
9 squared away?

10 ATTORNEY HUH: No. I mean, Steve, I think
11 this is causing the issue, him trying to print.

12 ATTORNEY SCHREINER: We'll just go off the
13 record until he's got his video working and he's able to
14 print the document, which he requested.

15 ATTORNEY HUH: Yeah, but, Steve, you're
16 creating this issue. He could have used the document
17 that he already had.

18 ATTORNEY SCHREINER: Sure, Greg.

19 THE REPORTER: Do counsel agree to go off the
20 record?

21 THE WITNESS: There's no need. The video is
22 working, and here's the document. Thank you.

23 BY ATTORNEY SCHREINER:

24 Q. So do you see Exhibit 2007, Dr. Lippman?

25 A. Yes.

1 Q. Okay. I'll represent to you that Exhibit 2007
2 is a listing of the challenged claims of the '254
3 patent, and it has the annotations that you gave to the
4 limitations of those claims in your expert declaration.

5 Now, when I refer to limitations, you're free
6 to look at this document, or you can look at the patent,
7 or you can look at your expert declaration. This is
8 something that I'm making available for our mutual
9 convenience.

10 A. Okay.

11 Q. So let's go back to your declaration,
12 Exhibit 1003.

13 A. I just want to verify for one moment the --

14 Q. Sure.

15 A. -- the -- okay.

16 Q. Great. Blake, you can go ahead and take down
17 Exhibit 2007.

18 So we were talking about the Summary of The
19 Invention section in the '254 patent and that it refers
20 to an on-screen channel changer with EPG information.

21 Do you recall that?

22 ATTORNEY HUH: Objection. Form.

23 A. Do I recall that we were discussing that?
24 Yes.

25 BY ATTORNEY SCHREINER:

1 Q. In light of that, would you say that it's fair
2 that the field of the '254 patent involves the use of
3 EPGs?

4 ATTORNEY HUH: Objection. Form.

5 THE WITNESS: I'm trying to understand the
6 question. Could you say that again?

7 ATTORNEY SCHREINER: Sure.

8 BY ATTORNEY SCHREINER:

9 Q. Would you say that the field of the '254
10 patent involves the use of EPGs?

11 ATTORNEY HUH: Objection. Form.

12 A. Not necessarily.

13 BY ATTORNEY SCHREINER:

14 Q. So are you saying that the field of the '254
15 patent doesn't involve the use of EPGs even though the
16 Summary of The Invention refers to EPGs and the claims
17 refer to EPGs?

18 ATTORNEY HUH: Objection. Form.

19 A. I don't know that one has to be immersed in
20 EPGs to understand or work in the area of the patent.

21 BY ATTORNEY SCHREINER:

22 Q. But the claims recite EPG information, right?

23 A. Well, the claim says comprising an electronic
24 program guide information and a number bar.

25 Q. Okay.

1 A. That implies you would know what an EPG was.

2 Q. So the claimed invention in each of the
3 independent claims, Claims 1, 8, and 14, each defines
4 the invention as involving EPG information, right?

5 ATTORNEY HUH: Objection. Form.

6 A. Well, Claim 1.2 says electronic program guide
7 information, yes.

8 BY ATTORNEY SCHREINER:

9 Q. And if you look at independent Claim 8,
10 limitation 8.4, it also claims electronic program guide
11 information, right?

12 A. Right.

13 Q. Okay.

14 A. Well, let me look. Yeah, 8.4 mirrors Claim 1.
15 Mirrors Claim 1, yes.

16 Q. Okay. So Claim 8 also recites as part of the
17 invention electronic program guide information, right?

18 A. Yes, it does.

19 Q. Okay. And Claim 14, limitation 14.2 also
20 recites the invention as including electronic program
21 guide information, right?

22 A. Yes, it does.

23 Q. So in view of that, would you say it's fair
24 that the field of the invention involves the use of EPG?

25 ATTORNEY HUH: Objection. Form.

1 A. I think a POSITA at the time working in these
2 domains would understand enough about an EPG to
3 understand this patent.

4 BY ATTORNEY SCHREINER:

5 Q. So you're saying a POSITA at the time would
6 have some knowledge about EPGs. Is that what you just
7 said?

8 A. Knowledge about versus knowledge of. I think
9 people most generally know -- would know what an EPG
10 was. That's clear.

11 Q. When you say people generally know, people
12 most generally know, you're not suggesting that just any
13 average person knows about EPGs, are you?

14 A. Well, I think EPGs are common enough so that
15 most people do know about them.

16 Q. So a POSITA is somebody who has the defined
17 level of skill in the relevant art, as you set forth in
18 your declaration, right?

19 A. In the relevant art, yes.

20 Q. Okay. And do you agree that given that the
21 Summary of The Invention and the claims recite
22 electronic program guide information that a POSITA would
23 be knowledgeable about EPGs?

24 ATTORNEY HUH: Objection. Form.

25 A. I think a POSITA would know what an EPG was.

1 BY ATTORNEY SCHREINER:

2 Q. And so a POSITA would have some working
3 knowledge of EPGs.

4 Is that fair to say?

5 ATTORNEY HUH: Objection. Form.

6 A. A POSITA would understand what the patent
7 described an EPG as, and they would have the experience
8 to be able to understand that simply from the patent.

9 BY ATTORNEY SCHREINER:

10 Q. Would a POSITA have knowledge about EPGs
11 separate from the patent based on the POSITA's level of
12 skill and knowledge?

13 A. To what extent do you want them to know about
14 it? I'm not sure what you're asking.

15 Q. I'm asking you whether a POSITA would have
16 working knowledge of EPGs.

17 ATTORNEY HUH: Objection. Form.

18 THE WITNESS: I don't understand what you mean
19 by "working knowledge."

20 BY ATTORNEY SCHREINER:

21 Q. Would a POSITA have general knowledge about
22 EPGs?

23 A. I don't understand what you mean by "general
24 knowledge." If -- if you --

25 Q. Okay. You --

1 A. It's -- I'm trying to understand. I'm really
2 not doing anything more than that.

3 If you said that it had a power supply and
4 would -- to what extent would a POSITA have to know
5 about power supply, that's an analogous question. I
6 think a POSITA would know what an EPG was and they would
7 have sufficient knowledge of it from the patent and from
8 anything else what they need to know about an EPG.

9 Q. And would you say it's fair that the field
10 here involves electronic program guide information?

11 ATTORNEY HUH: Objection. Form.

12 A. Not necessarily at that level of specificity,
13 okay? Someone would understand about the display of
14 information on a screen and the navigation and
15 organization of it, but they may not -- they need not
16 have knowledge of it as an EPG per se.

17 BY ATTORNEY SCHREINER:

18 Q. What I'm trying to get at is your definition
19 of a POSITA is pretty broad and abstract. You refer to
20 the field of television systems and networking
21 human-computer interaction, or related technologies.

22 That's in your paragraph 19, right?

23 A. Turn back to paragraph 19.

24 Q. Sure.

25 A. Were you just quoting from my paragraph 19?

1 Q. I was.

2 A. Okay, I accept that.

3 Q. Does what you describe there include knowledge
4 about EPGs?

5 A. You use knowledge about EPGs. They would
6 understand television systems and human-computer
7 interaction and related technologies, which include the
8 display of information. So I think a POSITA would
9 understand the idea of an EPG readily enough.

10 Q. And I'm asking you these questions because
11 your definition of a POSITA doesn't say anything about
12 EPGs or EPG information.

13 So does that mean under your definition of a
14 POSITA the POSITA would have some working knowledge
15 about how EPGs operate?

16 ATTORNEY HUH: Objection. Form.
17 Mischaracterizes testimony.

18 A. They don't need to have knowledge of an EPG
19 qua EPG. If I were asking my students to show a system
20 where you displayed channel information or whatever on a
21 screen, I think they could do that.

22 BY ATTORNEY SCHREINER:

23 Q. You haven't defined your students as the
24 POSITA, right?

25 A. They're a reasonable representation thereof.

1 Q. Would a POSITA have familiarity -- strike
2 that.

3 A POSITA is defined at the time of the
4 invention in 2012. Correct?

5 A. Yes.

6 Q. Okay. Would a POSITA have familiarity with
7 the term "electronic program guide"?

8 A. A POSITA would probably have encountered that
9 term.

10 Q. Would a POSITA have knowledge about the
11 operation of electronic program guides?

12 A. A POSITA would be familiar with the technology
13 and techniques that underlie electronic program guides.
14 They need not have designed one themselves.

15 Q. Would a POSITA have had knowledge about how an
16 electronic program guide operates?

17 ATTORNEY HUH: Objection. Form.

18 A. A specific electronic program guide, or the
19 concept of an electronic program guide?

20 BY ATTORNEY SCHREINER:

21 Q. Would a POSITA have knowledge about how
22 electronic program guides operate?

23 ATTORNEY HUH: Objection. Form.

24 A. I think if I told my students in the class to
25 design an electronic program guide, even if they had

1 never seen one before, they would have had the knowledge
2 necessary to do so.

3 BY ATTORNEY SCHREINER:

4 Q. Would a POSITA that you've defined in your
5 declaration in paragraph 19 have knowledge about the
6 operation of an electronic program guide?

7 A. Do you mean how one uses it?

8 Q. How an electronic program guide operates.

9 ATTORNEY HUH: Objection. Form.

10 A. A specific electronic program guide?

11 BY ATTORNEY SCHREINER:

12 Q. Any particular -- any electronic program
13 guide.

14 A. Well, I think, as I said, they would have
15 knowledge of the technologies that support an electronic
16 program guide.

17 Q. Knowledge of the technologies that support
18 electronic program guides, but not knowledge about
19 electronic program guide operation themselves. Correct?

20 ATTORNEY HUH: Objection. Form.

21 A. Again, I'm not sure what you're asking. Would
22 they have knowledge of a -- how a specific electronic
23 program guide operates? They would have the ability to
24 understand that for sure.

25 BY ATTORNEY SCHREINER:

1 Q. In the 2012 time frame, the term "electronic
2 program guide" was a known term of art, right?

3 A. I haven't looked exactly when the term arose,
4 but most likely, yeah.

5 Q. And POSITAs would have been familiar with that
6 term of art, "electronic program guide," right?

7 A. They would most likely have heard the term
8 before. I can't guarantee that, but they might have.

9 ATTORNEY SCHREINER: Okay. We have been going
10 I think a little over an hour, and this is a break in my
11 questioning. Do you want to take a break?

12 THE WITNESS: That would be fine.

13 ATTORNEY SCHREINER: Okay. 10 minutes? 15
14 minutes? What works for you?

15 THE WITNESS: 10 minutes is fine. We can
16 resume at 11.

17 ATTORNEY SCHREINER: Yeah, sure. That sounds
18 good. Thank you.

19 (Recess taken.)

20 BY ATTORNEY SCHREINER:

21 Q. Dr. Lippman, I'd like to direct you to
22 paragraphs 27 and 28 of your declaration where you are
23 discussing the '254 patent.

24 A. That actually begins in paragraph 25.

25 Q. Right. So I'm looking at paragraph 28 in your

1 declaration.

2 A. Okay.

3 Q. And in the middle of the paragraph here, is it
4 correct that you indicate that the updated display
5 includes an electronic program guide, EPG, showing
6 channels, etc.?

7 A. Yes, I believe.

8 Q. And you state that -- you indicate that
9 there's an updated display with an EPG showing channels
10 that begin with the digits entered by the user.

11 Can you explain what you mean by that?

12 A. That refers to the patent, column 36.

13 Q. And what do you mean that it's an updated EPG
14 showing channels that begin with the digits entered by
15 the user?

16 A. Well, I'm referring to what it says in the
17 patent in column 36. So in line 50, it says referring
18 to Figure 27, which is shown in my report, the user uses
19 the D-pad to select the number 9 on the screen. The
20 channel changer is updated to show in the mini EPG the
21 next three channels that begin with the numbers 29.

22 Q. So I'm just trying to understand. You
23 characterized this in your statement in this paragraph
24 28 that the updated display includes an EPG showing
25 channels that begin with the digits entered by the user.

1 Do you see that?

2 A. Yes. That's in line 50 through 52.

3 Q. Okay. Line 52 doesn't use that language that
4 you used here. I'm just trying to understand what you
5 mean by an EPG with channels that begin with the digits
6 entered by the user.

7 What are the digits entered by the user that
8 cause the EPG to be updated?

9 A. Well, that's described in the patent.

10 Q. But what --

11 A. In that paragraph, the user uses the D-pad to
12 select the number 2 as part of the desired channel. I'm
13 doing nothing more than describing what the patent says.

14 Q. Right. You're -- and you're saying that the
15 EPG is updated based on the digits entered by the user.

16 Can you just expand on that a bit and explain
17 what you mean?

18 ATTORNEY HUH: Objection. Form.

19 A. I'm not sure what you mean by expand on it.
20 The patent describes it quite clearly, and I referenced
21 the patent. That's the expansion of what I said.

22 BY ATTORNEY SCHREINER:

23 Q. So how do the, quote, "digits entered by the
24 user," how does that cause the electronic program guide
25 to be updated?

1 ATTORNEY HUH: Objection. Form.

2 A. Well, in the patent, what it says is the
3 on-screen channel changer is updated to show the next
4 three channels that begin with the number 2.

5 BY ATTORNEY SCHREINER:

6 Q. So what does that tell you about how the
7 electronic program guide is updated based on the, quote,
8 "digits entered by the user"?

9 A. Well, it says quite clearly is updated to show
10 the next three channels that begin with that number.

11 Q. Does it mean that the electronic program guide
12 is updated based on the digits that the user has entered
13 so far?

14 ATTORNEY HUH: Objection. Form.

15 A. Well, it's referring to the on-screen channel
16 changer and the display in the mini EPG of the next
17 three channels that begin with the number 2.

18 BY ATTORNEY SCHREINER:

19 Q. So the EPG is updated based on the user's
20 input of a first digit, which is 2, right?

21 ATTORNEY HUH: Objection. Form.

22 A. If the user has not entered a complete
23 channel, the screen changer is updated to reflect the
24 selected number. The updated display includes an
25 electronic program guide showing channels that begin

1 with the digits entered by the user.

2 BY ATTORNEY SCHREINER:

3 Q. Is it correct that the EPG will be updated to
4 reflect all channels that correspond to the digits that
5 the user has inputted?

6 A. Well, the display changes to reflect the next
7 three channels that begin with the number 2.

8 Q. And for whatever -- what's described in
9 Figure 27 of the '254 patent, that's a system that has
10 channels having up to three digits, right? Hundreds,
11 tens, and 0 to 9, right?

12 A. Let me just check if it's restricted to three
13 channels. It depicts three channels.

14 Q. Right. So if the user inputs one digit, such
15 as digit 2 in Figure 27 of the '254 patent, then the EPG
16 will be updated to show all channels that have -- start
17 with the number 2. Correct?

18 ATTORNEY HUH: Objection. Form.

19 A. Well, it says what it shows is three channels
20 that start with the number 2, or it shows four in --

21 BY ATTORNEY SCHREINER:

22 Q. Let's try that again.

23 A. -- in Exhibit 27.

24 Q. So if the user inputs one digit, such as digit
25 2 in Figure 27 of the '254 patent, then the EPG will be

1 updated to show all channels that start with the number
2 2. Correct?

3 ATTORNEY HUH: Objection. Form.

4 A. I'm hung up on the word "all." I'm not sure
5 that the patent says that it will show all channels that
6 begin with the number 2.

7 BY ATTORNEY SCHREINER:

8 Q. Okay.

9 A. But it's display of the EPG that would be
10 update -- or display of the channel changer that would
11 be updated.

12 Q. You agree that in Figure 27 of the '254 patent
13 in the second figure from the top, it shows the user has
14 entered 2 into the number bar. Correct?

15 A. Yes.

16 Q. And the EPG has been updated to show four
17 channels that begin with the number 2: Channel 22,
18 channel 21, channel 20, and channel 2. Correct?

19 A. Yes.

20 Q. As shown in Figure 27, if the user selects 9,
21 so that -- strike that.

22 Looking at the third figure from the top in
23 Figure 27, the user now inputs channel 9. Strike that.

24 Referring to Figure 27, third figure from the
25 top, the user now selects number 9 in the number bar.

1 Correct?

2 A. As described in the patent, referring to
3 Figure 27, selects the number 9, yes.

4 Q. Okay. And so at that point, the user has
5 entered digits 29. Correct?

6 A. According to the patent, yes.

7 Q. And the patent describes then that the mini
8 EPG is updated to show channels that begin with digits
9 29. Correct?

10 ATTORNEY HUH: Objection. Form.

11 A. It's updated -- the on-screen channel changer
12 is updated to show in the mini EPG the next three
13 channels that begin with the numbers 29.

14 BY ATTORNEY SCHREINER:

15 Q. Did you mean to say that the mini EPG in the
16 figure marked 3 in Figure 27, the user has selected 9 so
17 that the user has now entered digits 29? Correct?

18 A. Yes.

19 Q. Okay. And when that happens, as shown in the
20 third figure from the top, the mini EPG is updated to
21 show four channels beginning with the digits 29.

22 Correct?

23 A. Yes.

24 Q. And is it correct then that the mini EPG is
25 dynamically updated based on the digits entered by the

1 user into the number bar?

2 ATTORNEY HUH: Objection. Form.

3 A. Well, it says the on-screen channel changer is
4 updated to show in the mini EPG the next three channels
5 that begin with the numbers 29.

6 BY ATTORNEY SCHREINER:

7 Q. Looking at 27 going from the top to the bottom
8 is where the user -- strike that.

9 Looking at Figure 27, is it correct that it
10 reflects the number bar and the mini EPG as the user
11 selects digits on the number bar?

12 ATTORNEY HUH: Objection. Form.

13 A. It shows what's termed here the on-screen
14 channel changer.

15 BY ATTORNEY SCHREINER:

16 Q. Right. And the on-screen channel changer
17 includes the number bar 2008 and the mini EPG, which is
18 2700 through 2712 in Figure 27, right?

19 ATTORNEY HUH: Objection. Form.

20 THE WITNESS: I'm sorry, say that again.

21 BY ATTORNEY SCHREINER:

22 Q. The on-screen channel changer in Figure 27
23 includes the number bar 2008, and then it includes the
24 mini EPG, which is numbered from 2700 to 2712. Correct?

25 ATTORNEY HUH: Objection. Form.

1 A. Those appear to be the mini EPG.

2 BY ATTORNEY SCHREINER:

3 Q. And that mini EPG is updated based on the
4 user's selection of digits for entry. Correct?

5 A. It says in the patent that the on-screen
6 channel changer is updated to show in the mini EPG the
7 next three channels that begin with the numbers 29.

8 Q. And the next three numbers -- and 29 refers to
9 the digits that the user has entered. Correct?

10 A. Yes.

11 Q. I referred to the channels entered by the user
12 so far. Do you remember I made reference to that?

13 A. The channels --

14 ATTORNEY HUH: Object to form.

15 A. The channels entered by the user? You mean 2
16 and then 9?

17 BY ATTORNEY SCHREINER:

18 Q. Yeah, I referred to the channels entered by
19 the user so far. Do you recall me making reference to
20 that?

21 ATTORNEY HUH: Objection. Form.

22 A. These are the numbers that are entered.

23 BY ATTORNEY SCHREINER:

24 Q. Correct. Okay.

25 So the mini EPG is updated based on the

1 numbers entered by the user so far. Correct?

2 ATTORNEY HUH: Objection. Form.

3 A. I think I answered that. The on-screen
4 channel changer is updated to show in the mini EPG the
5 next three channels that begin with the number 29.

6 BY ATTORNEY SCHREINER:

7 Q. Which corresponds to the digits the user has
8 entered so far. Correct?

9 ATTORNEY HUH: Objection. Form.

10 A. That's determined by the digits the user has
11 entered so far.

12 BY ATTORNEY SCHREINER:

13 Q. Okay. I'd like to turn to paragraph 32 of
14 your declaration.

15 A. One moment.

16 Q. Sure.

17 A. Okay.

18 Q. And this is discussing the application panel
19 button.

20 Do you see that?

21 A. I see that.

22 Q. And the application panel button, that's
23 recited in limitation 1.5.3 in Claim 1 of the '254
24 patent. Correct?

25 A. I'm going to find reference to that in my

1 report. Did you say 1.5.3?

2 Q. Yes.

3 A. The application panel button is referred to in
4 claim element 1.5.3, an application panel button that,
5 when selected, displays by the television screen an
6 application panel.

7 Q. And it goes on to say wherein the application
8 panel comprises an information panel regarding a
9 selected ... application icon.

10 Do you see that in 1.5.3?

11 A. Yes.

12 Q. And you analyzed that application -- excuse
13 me. You analyzed that limitation in your expert
14 declaration. Correct?

15 A. Well, in my report on page 128 in paragraph --
16 starting in paragraph 213, I analyzed that in the
17 context of the prior art.

18 Q. Right. And you applied the claim language to
19 the prior art in your analysis. Correct?

20 A. I applied the claim language to the prior art?
21 I applied the prior art to the claim language, but
22 that's okay.

23 Q. What does it mean in limitation 1.5.3 that the
24 application icon is, quote, "selected"?

25 ATTORNEY HUH: Objection. Form.

1 A. An application panel button that, when
2 selected, displays the following on the television set.
3 I'm not sure what your question is.

4 BY ATTORNEY SCHREINER:

5 Q. My question is in 1.5.3 it refers to an
6 application panel button, and it goes on to say
7 comprises an information panel regarding a selected
8 application icon.

9 Do you see that language?

10 A. Yes.

11 Q. What does it mean in 1.5.3 that the
12 application icon is selected?

13 ATTORNEY HUH: Objection. Form.

14 A. I think it means what it says on the face of
15 it, an information panel regarding a selected
16 application.

17 BY ATTORNEY SCHREINER:

18 Q. What does it mean that the application icon is
19 selected?

20 ATTORNEY HUH: Objection. Form. Scope.

21 A. I think it means what it says on the face of
22 it, when selected, displays by the television an
23 application panel.

24 BY ATTORNEY SCHREINER:

25 Q. Can you give me an example of where there

1 would be application icons and one of the application
2 icons would be selected?

3 A. Well, what I say is as discussed above in
4 connection with elements 1.5.2 and 1.2 and 1.5.2.1, Kim
5 in the Western Digital Manual teach accessing
6 preinstalled software applications or previously
7 downloaded software applications.

8 Q. Okay.

9 A. And then it -- then I say that it teaches the
10 options button that displays an applications panel that
11 includes an information panel regarding a selected
12 application.

13 Q. And where is the selection of the application
14 icon?

15 A. It simply says that it's -- it's been selected
16 regarding a selected application.

17 Q. So Claim 1.5.3 refers to the selected
18 application icon, right?

19 A. Yes.

20 Q. And that would indicate that there is an
21 application icon that is selected or chosen. Correct?

22 ATTORNEY HUH: Objection. Form.

23 A. Well, it says that it's selected, yes.

24 BY ATTORNEY SCHREINER:

25 Q. And would your understanding that -- of that

1 to -- strike that.

2 Would your understanding be that that means
3 there's a -- some sort of a group of application icons
4 and one is selected?

5 A. It could mean that.

6 Q. Okay. And let's go to paragraph 36 of your
7 declaration.

8 A. One moment.

9 Q. Sure. Just want to confirm that you applied
10 the ordinary and customary meaning of the claim terms
11 with the exception of the "one or more" and "silo" terms
12 that you defined in your paragraphs 41 and 42.

13 ATTORNEY HUH: Objection. Form.

14 A. Okay, so you're asking me to go to Claim --
15 sorry, paragraph 35?

16 BY ATTORNEY SCHREINER:

17 Q. Yeah, paragraph 35 and 36, and then it goes on
18 to paragraph 42 dealing with claim construction.

19 And I'm simply confirming that you applied the
20 ordinary and customary meaning of the claim terms with
21 the exception of the terms "one or more" or "silo" that
22 you explicitly defined.

23 Is that correct?

24 ATTORNEY HUH: Objection. Form.

25 A. Well, it says I applied the so-called Phillips

1 standard, which requires that claim terms are given
2 their ordinary and customary meaning.

3 BY ATTORNEY SCHREINER:

4 Q. And you applied the ordinary and customary
5 meaning of the claim terms in your analysis. Correct?

6 A. Unless the inventor has set forth a special
7 meaning for the term.

8 Q. Right. And you identified two instances of
9 that, which are "one or more" in paragraph 40, and the
10 term "silo" in paragraph 42. Correct?

11 ATTORNEY HUH: Objection. Form.

12 BY ATTORNEY SCHREINER:

13 Q. In the '254 patent. Correct?

14 ATTORNEY HUH: Objection. Form.

15 A. For claim terms, I identified two examples of
16 claim term definitions.

17 BY ATTORNEY SCHREINER:

18 Q. And other than that, as you refer in paragraph
19 35, you apply the ordinary and customary meaning of the
20 claim terms, right?

21 ATTORNEY HUH: Objection. Form.

22 Mischaracterizes testimony.

23 A. Well, to all claim terms except those that
24 have been -- unless the inventor has set forth a special
25 meaning --

1 Q. Okay.

2 A. -- I've applied the Phillips standard.

3 Q. And as far as the ones where the inventor has
4 set forth a special meaning, you identified just two.
5 Correct?

6 ATTORNEY HUH: Objection. Form.
7 Mischaracterizes testimony.

8 A. I provide two examples of claim term
9 definitions.

10 BY ATTORNEY SCHREINER:

11 Q. Do you provide any other examples of claim
12 term definitions in your report?

13 A. That the inventor has set forth a special
14 meaning for?

15 Q. Correct.

16 A. I identify only those two.

17 Q. Okay. And other than that, you apply the
18 ordinary and customary meaning of the claim terms as a
19 POSITA would understand them, right?

20 ATTORNEY HUH: Objection. Form.
21 Mischaracterizes testimony.

22 A. As I say in the report, I applied the
23 standard, which requires that claim terms be given their
24 ordinary and customary meaning.

25 BY ATTORNEY SCHREINER:

1 Q. Right. And you followed the standard of
2 applying the ordinary and customary meaning of the
3 terms, right?

4 A. Yes.

5 Q. Okay, let's go to paragraph 45 of your
6 declaration.

7 A. Okay.

8 ATTORNEY SCHREINER: Actually, I'm going to go
9 a little farther. I'll tell you the next paragraph in a
10 moment. In paragraph 50 of your declaration, you refer
11 to paragraph 163 of Kim.

12 Blake, if we could put up the Kim exhibit,
13 it's Exhibit 1005.

14 (Exhibit No. 1005, previously marked, was
15 referenced and indexed.)

16 BY ATTORNEY SCHREINER:

17 Q. Dr. Lippman, if you can just confirm that
18 Exhibit 1005 that's shown on the display here is the Kim
19 reference you used in your analysis.

20 A. Yes.

21 Q. Okay, you can take that down, Blake. Thank
22 you.

23 Do you see in the -- towards the bottom, you
24 refer to Exhibit 1005, paragraph 163, Kim paragraph 163?

25 A. I'm bringing up Kim for a moment here. You're

1 asking me to go to paragraph 163 of Kim?

2 Q. Correct.

3 THE WITNESS: Can I just beg your indulgence
4 for one moment since you're --

5 ATTORNEY SCHREINER: Sure.

6 THE WITNESS: -- asking me to go somewhere and
7 give me like a minute and a half to just run to the
8 bathroom?

9 ATTORNEY SCHREINER: Yeah, of course. Let's
10 just go off the record and we will resume as soon as
11 you're ready.

12 (Recess taken.)

13 BY ATTORNEY SCHREINER:

14 Q. Looking at paragraph 163 of the Kim reference,
15 and first referring to paragraph 160 in Kim, is it
16 correct that this is all referring to Figure 12 of Kim,
17 which is a, quote, "platform for the image display
18 apparatus according to another embodiment"?

19 ATTORNEY HUH: Objection. Form.

20 A. Paragraph 163 does not explicitly reference
21 Figure 12. You said it was Figure 12?

22 BY ATTORNEY SCHREINER:

23 Q. Yes. If you look at paragraph 160, it refers
24 to Figure 12, quote, "a platform for the image display
25 apparatus."

1 Do you see that in paragraph 160?

2 ATTORNEY HUH: Objection. Form.

3 THE WITNESS: Okay, I'm sorry, say that again.

4 BY ATTORNEY SCHREINER:

5 Q. If you look at paragraph 160, it refers to
6 Figure 12, a platform for the image display apparatus.
7 Correct?

8 A. It says referring to Figure 12, a platform for
9 the image display apparatus according to another
10 embodiment may be an integrated type.

11 Q. Is Figure 12 showing the software architecture
12 in Kim?

13 A. It's referring to an integrated platform,
14 which is a software architecture.

15 Q. And in paragraph 150 -- excuse me.

16 In paragraph 163 where you refer to the
17 application layer 550, is it correct that that's
18 referring to the application layer 550 in Figure 12?

19 A. I think that's the only 550.

20 Q. So that's a yes?

21 A. It's referring to the application layer in
22 Figure 12.

23 Q. And you see paragraph 163 refers to user
24 undeletable applications and user deletable
25 applications?

1 A. Yes.

2 Q. So would a POSITA understand that to mean that
3 the software architecture in Kim has in the application
4 layer 550 certain user undeletable applications and
5 certain user deletable applications?

6 A. Applications may be characterized as such. It
7 may or may not have them all.

8 Q. But the application layer 550 in Kim's
9 software architecture can include user undeletable
10 applications and user deletable applications.

11 That's what a POSITA would understand.
12 Correct?

13 A. Yes, it said they can be characterized into
14 user undeletable applications and user installable or
15 user deletable applications.

16 Q. Does paragraph 163 say anything -- just strike
17 that.

18 Does paragraph 163 of Kim disclose anything
19 about a remote control accessing user undeletable
20 applications or user deletable applications?

21 A. 163 is describing what Figure 12 shows about
22 the application layer itself.

23 Q. 163 doesn't describe anything with regard to a
24 remote control device. Correct?

25 ATTORNEY HUH: Objection. Form.

1 A. Paragraph 163 merely says that application
2 layers may be characterized into user undeletable and
3 user installable or user deletable applications that are
4 downloaded from an external device.

5 Q. It makes no reference to a remote control.
6 Correct?

7 ATTORNEY HUH: Objection. Form.

8 A. I don't see a reference to a remote control in
9 paragraph 163.

10 BY ATTORNEY SCHREINER:

11 Q. Okay. You also refer to -- this is in your
12 same paragraph 50. You refer to paragraph 247 of Kim,
13 Figure 28.

14 Do you see that?

15 A. Okay, I'm on paragraph 50.

16 Q. And do you see you refer to Figure 28 of Kim?

17 A. Let me refer to Figure 28. Okay.

18 Q. And do you see Figure 28 of Kim?

19 A. Do I see it? Yeah.

20 Q. Yeah. Is it correct that Figure 28 is a
21 full-screen display of the App Store card object?

22 A. Let me verify that.

23 Q. Sure. Perhaps I can help you. If you look at
24 paragraph --

25 A. Okay.

1 ATTORNEY HUH: Counsel, just let him verify,
2 please. You've asked a question that's -- Stephen,
3 please. You asked a question. It's on his -- it's on
4 the record. Let him answer it now.

5 ATTORNEY SCHREINER: Greg, I withdraw the
6 question. If you have an objection, state a one-word
7 objection, please.

8 ATTORNEY HUH: I don't want you to interrupt
9 the witness when he's looking for an answer to your
10 question.

11 ATTORNEY SCHREINER: Greg, the Consolidated
12 Trial Guide says objections are to be limited to one
13 word. Objections --

14 ATTORNEY HUH: It also says let the witness --
15 (Simultaneous speaking)

16 ATTORNEY SCHREINER: -- one word.

17 ATTORNEY HUH: -- answer the question.

18 ATTORNEY SCHREINER: Okay, I'm withdrawing the
19 question, Greg, to help your witness. Okay?

20 ATTORNEY HUH: He doesn't need your help.
21 Just let him answer the question.

22 BY ATTORNEY SCHREINER:

23 Q. Dr. Lippman, can I refer you to paragraph 235
24 of the Kim reference where it refers to Figure 24 and
25 there being a go to App Store input.

1 Do you see that in paragraph 235?

2 A. Turning to paragraph 235.

3 Q. Sure.

4 A. Okay.

5 Q. And do you see that paragraph 235 refers to
6 the user making a, quote, "go to App Store input"?

7 A. It says in response to a go to App Store input
8 displaying tabbed menus, which may represent categories
9 in which a plurality of applications may be classified,
10 and it goes on.

11 Q. And let me refer you to Figure 19 of Kim,
12 which is the home screen.

13 Can you confirm for me that in Figure 19, card
14 object 1330 is the App Store?

15 A. 1330 is labeled as the card that's labeled App
16 Store.

17 Q. And do you have an understanding that the App
18 Store displays icons representing applications that are
19 available on a server for the Kim image display
20 apparatus to potentially download?

21 ATTORNEY HUH: Objection. Form.

22 THE WITNESS: You said a lot in that one
23 question.

24 BY ATTORNEY SCHREINER:

25 Q. What does the App Store card object present?

1 A. It represents a -- well, it represents a suite
2 of applications.

3 Q. Does Kim say in paragraph 202 -- strike that.

4 Let me refer you to paragraph 202 of Kim.

5 A. One moment. I'm just checking to see where I
6 refer to that in my report.

7 Q. Sure.

8 Are you at paragraph 202 of Kim, Dr. Lippman?

9 ATTORNEY HUH: Counsel, just let him answer,
10 please.

11 ATTORNEY SCHREINER: There was no pending
12 question.

13 ATTORNEY HUH: He's checking to see what he
14 said in his report.

15 ATTORNEY SCHREINER: Please stop with the
16 speaking objections.

17 ATTORNEY HUH: Please stop interrupting the
18 witness when he's looking at something.

19 THE WITNESS: Okay.

20 BY ATTORNEY SCHREINER:

21 Q. Do you see paragraph 202 of Kim, Dr. Lippman?

22 A. Yeah.

23 Q. Does paragraph 202 indicate that the App Store
24 provides a list of icons representing software
25 applications available on a server for purchase or

1 download?

2 A. I see that. The card object 1330 may include
3 a card object named App Store in an application list.
4 The application list may supply a plurality of icons
5 representing applications available on a server, for
6 example, for download or purchase from the display
7 apparatus.

8 Q. So App Store 1330 shows software applications
9 available on a server. Correct?

10 A. For example.

11 Q. Great. Okay.

12 And do you understand Figure 28 that you
13 referenced in your paragraph 50 as being a full-screen
14 display of the App Store?

15 ATTORNEY HUH: Objection. Form.

16 THE WITNESS: You're asking me about paragraph
17 50?

18 BY ATTORNEY SCHREINER:

19 Q. Your paragraph 50 where you reference
20 Figure 28 of Kim. I'm asking you is Figure 28, do you
21 understand it to be a full-screen display of the App
22 Store?

23 ATTORNEY HUH: Objection. Form.

24 A. Turning to Figure 28. It is a display of
25 Netcast apps.

1 BY ATTORNEY SCHREINER:

2 Q. And you see -- take a look at Figure 25.

3 Does that also display Netcast apps?

4 ATTORNEY HUH: Objection. Form.

5 THE WITNESS: I'm looking at Kim for the
6 reference to Figure 25.

7 BY ATTORNEY SCHREINER:

8 Q. All right.

9 A. What's your question with respect to Figure
10 25?

11 Q. Does it also display Netcast apps?

12 ATTORNEY HUH: Objection. Form.

13 A. Figure 25 shows a screen that says Netcast
14 apps.

15 BY ATTORNEY SCHREINER:

16 Q. And Figure 25, that's referenced in paragraph
17 236 of Kim, right?

18 A. It is indeed referenced there, as well as
19 elsewhere.

20 Q. And in the prior paragraph, paragraph 235, it
21 references the user providing a, quote, "go to App Store
22 input." Correct?

23 A. Says input to App Store -- to access App Store
24 received.

25 Q. Right. And do you understand the go-to App

1 Store input in paragraph 235 to be referring to the App
2 Store card object that would -- that a POSITA would
3 understand?

4 A. When you go to Figure -- when you access the
5 App Store, you would see what's in Figure 25.

6 Q. Okay. And you agree that Figures 25, 26, 27,
7 and 28 are all just different displays of the App Store
8 in a full-screen mode?

9 ATTORNEY HUH: Objection. Form.

10 THE WITNESS: I want to verify that they are
11 apparently views of the App Store.

12 ATTORNEY SCHREINER: Thank you. Let's go
13 ahead and take that break, and I'll be back at 12:45.
14 Thank you, Dr. Lippman.

15 (Recess taken.)

16 ATTORNEY SCHREINER: Greg, thank you for
17 accommodating my call.

18 ATTORNEY HUH: Pleasure.

19 BY ATTORNEY SCHREINER:

20 Q. So, Dr. Lippman, we're looking at
21 Exhibit 1003, your expert declaration. Let me direct
22 you to paragraph 51 of your expert declaration where you
23 have a summary of the WD Manual.

24 A. Okay. One moment. Okay.

25 Q. So you indicate here that the WD Live Hub

1 Media Center is a type of set-top box.

2 Is that correct?

3 A. I say which is --

4 (Reporter clarification.)

5 THE WITNESS: What I said was like the '254
6 patent, the Western Digital Manual relates to a media
7 center device, for example, the Western Digital TV Live
8 Hub Media Center, which is a type of set-top box.

9 BY ATTORNEY SCHREINER:

10 Q. And what's referred to as the WD Manual,
11 Exhibit 1006, that's a manual for the WD TV Live Hub
12 Media Center from Western Digital.

13 Is that correct?

14 A. Yes.

15 Q. When did you first see this WD Manual?

16 A. Months ago.

17 Q. Did you first see it in connection with your
18 work on this Inter Partes Review?

19 A. I believe so, yes.

20 Q. Do you recall ever seeing the WD Manual before
21 this IPR?

22 A. No, I don't.

23 Q. Had you ever heard of the WD TV Live Hub Media
24 Center before this IPR?

25 A. I don't think I specifically heard about

1 Western Digital's product.

2 Q. Did you locate this WD Manual yourself or was
3 it provided to you?

4 A. It was provided to me.

5 Q. Did you do any research to determine whether
6 the WD Manual is available on the internet?

7 A. Independent research of my own to see if I
8 could get that manual from the internet?

9 Q. Yes.

10 A. No.

11 Q. Did you perform any research to determine
12 whether the WD Manual would have been accessible to a
13 person of ordinary skill in the 2012 invention time
14 frame?

15 ATTORNEY HUH: Objection. Form.

16 A. I did sufficient research on the Western
17 Digital Live Hub Media Center to know that it was
18 available before the 2012 time frame.

19 BY ATTORNEY SCHREINER:

20 Q. And what research did you do to make that
21 determination?

22 A. I did research just to look around and browse
23 about what the Western Digital Manual was and to make
24 sure it was clear in my mind that WD was Western
25 Digital.

1 Q. But you didn't locate the WD Manual on the
2 internet. Correct?

3 A. I did not look for the WD Manual on the
4 internet.

5 Q. And you didn't do anything specifically to
6 confirm that the WD Manual would have been available on
7 the internet in the 2012 time frame.

8 ATTORNEY HUH: Objection. Form.

9 A. I did not search for the WD Manual.

10 BY ATTORNEY SCHREINER:

11 Q. If I could refer you to paragraph 69 of your
12 declaration, at the end of that paragraph, it states a
13 POSITA would have found it obvious that Kim's remote
14 control could be implemented using functionality as
15 taught in WD Manual with respect to WD Manual's set-top
16 box.

17 Do you see that?

18 A. I'm getting there.

19 Q. Okay.

20 A. One second. Okay, we're on paragraph 68?

21 Q. 69, where you state at the end a POSITA would
22 have found it obvious that Kim's remote control could be
23 implemented using functionality as taught in WD Manual.

24 Do you see that?

25 A. Yes.

1 Q. Okay. Are you providing an explanation for a
2 motivation to combine Kim and the WD device in that
3 paragraph?

4 A. I think I address the motivation to combine
5 elsewhere. Hold on.

6 Q. If I could refer you to --

7 ATTORNEY HUH: Stephen, please let him answer
8 the question.

9 ATTORNEY SCHREINER: Sure.

10 ATTORNEY HUH: Thank you.

11 A. Well, let's start earlier in my report.
12 Paragraph 56 addresses reasons to combine. And what I
13 say is that a POSITA would have been motivated to
14 combine the teachings of Kim, WD Manual, and Bae because
15 each of these references is prior art that's analogous
16 to the '254 patent. So a POSITA considering the problem
17 purportedly solved by the '254 patent would have looked
18 to the analogous teachings of Kim, WD, and Bae.

19 And then I go on and say that the WD Manual is
20 analogous prior art because a POSITA would understand
21 the WD Manual to be from the same field of endeavor as
22 the '254 or, at very least, reasonably pertinent to the
23 problems faced by the inventor of the '254 patent.

24 Then I go on and I say that a POSITA would be
25 motivated to combine Kim with WD to produce numeral --

1 numerous predictable and beneficial results, and I
2 enumerate those.

3 So those are the sections of my report that
4 describe the motivation to combine specifically.

5 BY ATTORNEY SCHREINER:

6 Q. And those were paragraphs -- which paragraphs?

7 A. Beginning at 56 and, with respect to your
8 question, paragraph 62 and those following it.

9 Q. Right. So paragraphs 62 through -- I'm
10 looking. Bear with me. So let's go to paragraph 77 of
11 your expert declaration, and it's under a section
12 entitled C, Kim and/or Kim-WD Manual with Bae, B-A-E.

13 Do you see that?

14 A. I see section C begins in paragraph 75.

15 Q. And is that -- that section C, I believe that
16 section 7 -- well, anyway, that section C just before
17 paragraph 75, that's discussing motivations to combine
18 Bae with Kim or Kim and the WD Manual.

19 Is that fair to say?

20 A. Yes. It's the motivation to add Bae, yes.

21 Q. And you indicate in paragraph 77 that Kim
22 discloses the remote control issuing a, quote, "channel
23 switch command or key input signal regarding channel
24 selection."

25 Is that correct?

1 A. Yes.

2 Q. Or -- and also the remote control issuing a
3 channel selection signal. Correct?

4 A. What I say is a POSITA would have been
5 motivated -- sorry. A POSITA would have been motivated
6 to apply Bae's techniques for changing a channel to
7 Kim's television. For example, Kim describes that the
8 remote controller may transmit commands such as ... a
9 channel switch command ... to the image apparatus 100
10 and discloses that a key input signal regarding channel
11 selection can be received from the user.

12 Q. Okay. No, I understand you can read your
13 declaration.

14 What I'm asking specifically is so you are
15 indicating here that Kim discloses the remote control
16 issuing a channel switch command or a key input signal
17 or a channel selection signal. Correct?

18 ATTORNEY HUH: Objection. Form.
19 Mischaracterizes testimony.

20 A. Well, it says what it says on the face of it.
21 BY ATTORNEY SCHREINER:

22 Q. And I'm asking you is it your expert opinion,
23 as you set forth here in paragraph 77, that Kim
24 discloses the remote control issuing a, quote, "channel
25 switch command" or a, quote, "key input signal regarding

1 channel selection," close quote, or a channel selection
2 signal?

3 ATTORNEY HUH: Objection. Form.
4 Mischaracterizes testimony.

5 A. Well, my opinion is stated in that paragraph.
6 You haven't asked me anything that --

7 BY ATTORNEY SCHREINER:

8 Q. I'm asking you to confirm your testimony set
9 forth in paragraph 77.

10 Is it correct that you indicate that Kim
11 describes the remote control transmitting commands such
12 as a channel switch command that's in paragraph 174 of
13 Kim?

14 Do you say that in paragraph 77?

15 ATTORNEY HUH: Objection. Form.

16 A. That applies to the motivation to combine
17 them, which is what the paragraph is about. And as an
18 example, Kim describes that the remote controller may
19 transmit commands such as ...

20 BY ATTORNEY SCHREINER:

21 Q. Right. So paragraph 174 of Kim discloses that
22 the remote controller may transmit a command such as a,
23 quote, "channel switch command." Correct?

24 ATTORNEY HUH: Objection. Form.

25 A. Checking. What I said was -- again, I -- I'm

1 not sure what you're asking beyond what I've written in
2 the report so I can only respond by telling you what
3 I've written in the report, which is my opinion.

4 BY ATTORNEY SCHREINER:

5 Q. Right. So let me read what you wrote in your
6 report. And so I'm asking you a question about Kim.
7 I'm not asking you about motivation to combine. I'm
8 asking you about the Kim reference, okay?

9 Does that make sense?

10 ATTORNEY HUH: Objection. Form.

11 A. I'm drawing upon the Kim reference in this
12 paragraph to make a point about the motivation to
13 combine.

14 BY ATTORNEY SCHREINER:

15 Q. Right. But I'm asking you a question about
16 the Kim reference. I need you to separate yourself from
17 your purpose of paragraph 77.

18 Okay, first, did you examine the Kim
19 reference, Exhibit 1005, in detail in your analysis?

20 ATTORNEY HUH: Objection. Form.

21 A. I examined the Kim reference in detail, and I
22 focused specific -- well, I focused on the elements of
23 Kim that were relevant to this case.

24 BY ATTORNEY SCHREINER:

25 Q. And does Kim disclose in paragraph 174 that

1 the remote control can issue a, quote, "channel switch
2 command," close quote?

3 ATTORNEY HUH: Objection. Form.

4 THE WITNESS: Does it say what I say he said?
5 Is that what you're asking?

6 BY ATTORNEY SCHREINER:

7 Q. Does Kim disclose in paragraph 174 that the
8 remote controller 200 may transmit a, quote, "channel
9 switch command," close quote?

10 A. Well, paragraph 174 says, among other things,
11 that it can transmit motion information that represents
12 a movement of the remote controller to the image display
13 apparatus through the RF module. The remote controller
14 may also receive signals from the image display
15 apparatus through the RF module. As needed, the remote
16 controller may transmit commands, such as the power
17 on/off command, a channel switch command, or a volume
18 change command.

19 ATTORNEY SCHREINER: I move to strike as
20 nonresponsive. I think my question's pretty clear,
21 Doctor.

22 ATTORNEY HUH: Objection. Form.

23 BY ATTORNEY SCHREINER:

24 Q. So let me ask you one more time. Not one more
25 time. I'm going to ask you until I get a straight

1 answer. Does Kim --

2 ATTORNEY HUH: Objection. He's provided
3 straight answers repeatedly.

4 BY ATTORNEY SCHREINER:

5 Q. Does Kim disclose in paragraph 124 that --

6 A. 174.

7 Q. -- that the remote controller 200 may transmit
8 commands such as a, quote, "channel switch command,"
9 close quote?

10 ATTORNEY HUH: Objection. Asked and answered.

11 THE WITNESS: I'm not sure you said that
12 correctly. You didn't give me the right paragraph.

13 ATTORNEY SCHREINER: Okay.

14 BY ATTORNEY SCHREINER:

15 Q. Does Kim disclose in paragraph 174 that the
16 remote controller may transmit commands such as a,
17 quote, "channel switch command," close quote?

18 ATTORNEY HUH: Objection. Form.

19 A. Within paragraph 174, it says as needed, the
20 remote controller may transmit commands, such as a power
21 off command, a channel switch command, or a volume
22 change command to the image display through the IR
23 module.

24 BY ATTORNEY SCHREINER:

25 Q. So a POSITA would understand that Kim

1 discloses that the remote control can issue a channel
2 switch command. Correct?

3 ATTORNEY HUH: Objection. Form.

4 A. It says the remote control may transmit a
5 command, such as a channel switch command.

6 BY ATTORNEY SCHREINER:

7 Q. And you reference in your paragraph 77 that
8 Kim discloses that a, quote, "key input signal regarding
9 channel selection," close quote, can be received from
10 the user.

11 Do you see that?

12 A. I see that.

13 Q. Is that an accurate statement regarding Kim?

14 A. Kim discloses that a key input signal can be
15 received from the user. And my reference for that is
16 paragraphs 60 and 86.

17 Q. Yeah, I think you might have misspoke.

18 Kim discloses that a key input signal
19 regarding channel selection can be received. Correct?

20 A. I did not read that correctly?

21 Q. No.

22 A. Kim discloses that a key input signal
23 regarding channel selection can be received from the
24 user. And my reference to that is 60 and 86.

25 Q. And that statement is accurate. Correct?

1 A. I can verify it, I believe.

2 Q. I'll refer you to paragraph 60.

3 A. I was going to note the section in paragraph
4 86 where it says, for example, the user input interface
5 my receive various user input signals, such as a power
6 on/off signal, a channel selection signal, and a screen
7 setting signal from a remote controller.

8 Q. Yeah, I'm kind of slow, so let's take this
9 step by step.

10 A. Okay.

11 Q. So let's start with paragraph 60.

12 Are you at paragraph 60?

13 A. I'm getting there. Paragraph 60 refers to the
14 internal management of that signal.

15 Q. And does paragraph 60 refer to a, quote, "key
16 input signal regarding channel selection" being received
17 from the user?

18 A. Well, when the system receives a key input
19 signal regarding channel selection from the user, this
20 then describes how the UI manager may transmit the key
21 input signal to the service manager.

22 Q. Right. So as you state in your paragraph 77,
23 paragraph 60 of Kim discloses that a, quote, "key input
24 signal regarding channel selection," close quote, can be
25 received from the user. Correct?

1 ATTORNEY HUH: Objection. Form.

2 A. I say that, and a key input signal regarding
3 channel selection is a quote from paragraph 60.

4 BY ATTORNEY SCHREINER:

5 Q. Right. And you indicate --

6 A. I also -- sorry.

7 Q. And you indicate that the key input signal
8 regarding channel selection can be received from the
9 user. You indicate that in your paragraph 77, right?

10 ATTORNEY HUH: Objection. Form.

11 A. Kim describes or disclose that a key input
12 signal can be received from the user.

13 BY ATTORNEY SCHREINER:

14 Q. Okay. Now let's look at paragraph 86. Go to
15 the next citation in your paragraph 77 of your
16 declaration. So we're looking at paragraph 86 of Kim,
17 okay?

18 A. Yeah.

19 Q. And you indicate in your declaration that
20 paragraph 86 discloses receiving a, quote, "channel
21 selection signal," close quote, from the user.

22 Do you see that in your paragraph 77?

23 A. I do.

24 Q. Okay. And that statement's accurate, right?

25 A. This is again describing the processing. For

1 example, the user input interface may receive various
2 user input signals, such as a power on/off signal, a
3 channel selection signal, and a screen setting signal
4 from a remote controller or may transmit a signal
5 received from the controller to the remote controller.

6 Q. And just so we have a nice clean transcript,
7 your statement in your paragraph 77 that Kim in
8 paragraph 86 discloses receiving a, quote, "channel
9 selection signal from the user," that statement is
10 accurate. Correct?

11 ATTORNEY HUH: Objection. Form.

12 A. You have to read the entirety of 86, because
13 it begins by saying that the user input interface
14 transmits a signal received from the user to the
15 controller. So the ultimate source of a channel
16 selection signal is the user.

17 BY ATTORNEY SCHREINER:

18 Q. The remote controller 200. Correct?

19 A. Well, ultimately, the user.

20 Q. The user operating remote controller 200,
21 right?

22 ATTORNEY HUH: Objection. Form.

23 A. Well, it also talks about sensors. So they
24 can include touch sensors or a voice sensor, a position
25 sensor, a motion sensor. If it were a voice sensor, it

1 could come from a microphone.

2 BY ATTORNEY SCHREINER:

3 Q. But your statement in your paragraph 77 that
4 paragraph 86 of Kim discloses receiving a, quote,
5 "channel selection signal," close quote, from the user,
6 that statement is accurate. Correct?

7 A. Well, I -- I stand by what I said in the
8 report.

9 Q. Okay. That's fine.

10 And in paragraph -- you refer in your
11 paragraph 77 to paragraph 90 of Kim.

12 Do you see that in your paragraph 77?

13 A. Paragraph 7 [sic] referring to paragraph 90 in
14 Kim?

15 Q. Yes.

16 A. I see that.

17 Q. Okay. And you indicate that Kim discloses in
18 paragraph 90 receiving a, quote, "specific channel
19 selection command," close quote, through the user input
20 interface, right?

21 A. Well, referring to paragraph 90, give me a
22 moment. That's an example in paragraph 90. For
23 example, the controller 170 may control the tuner to
24 receive a channel selected according to a specific
25 channel selection command received through the user

1 input interface.

2 Q. So you stand by the testimony you provided in
3 your paragraph 77. Correct?

4 A. I do. If you think I've said something wrong,
5 I'm happy to clarify.

6 Q. So let's look at Kim, Figure 19, which depicts
7 the home screen 1300. Tell me whether you're familiar
8 with that figure.

9 A. One moment. Did I refer to Figure 19 in my
10 report?

11 Q. You do somewhere, but I'm asking you right now
12 are you generally familiar with Figure 19 of the Kim
13 patent?

14 A. I want --

15 Q. The Kim reference.

16 A. Yeah, I understand the question, but I want to
17 understand it in the context of what I said in my report
18 so let me look through the report to see where I look at
19 Figure 19.

20 Okay, so in paragraph 49 of my report,
21 further, Kim describes a remote control that can
22 interact with the on-screen display, OSD, by
23 transmitting various user input signals, such as a power
24 off signal, channel selection signal, and a screen
25 setting signal from the remote controller.

1 It goes on. Thus, Kim's remote control can be
2 used to control or change the information displayed on
3 the OSD.

4 Exhibit 1005, paragraph 192, describing a home
5 key for displaying a home screen. That's in paragraph
6 of Kim 193 to 217.

7 So turning to 193 to 217, that refers to
8 Figure 19, a card object area may be defined in a home
9 screen 1300. So 1300 in Kim is a home screen.

10 Q. Right. And --

11 A. Now I'm looking at Figure 19 to see where it
12 actually has 1300. And 1300 is depicted in the left
13 side of Figure 19 as the home screen.

14 Q. And Figure 19 describes a series of what Kim
15 calls card objects.

16 Is that correct?

17 A. Let me -- again, in my paragraph 49, you can
18 select and display various card objects.

19 Q. And looking at Figure 19, the card objects
20 include channel browser 1340 and TV guide 1350.

21 Is that correct?

22 A. That's in my report. In paragraph 78, Kim
23 teaches an on-screen channel changer that displays
24 electronic program guide information that allows a user
25 to search for and switch to a desired program or channel

1 via a remote control, such as a channel browser card
2 object 1340, which may provide a thumbnail list of
3 broadcast channels, and a TV guide card object 1350,
4 which may provide a program list.

5 Q. So the channel -- we're looking at your
6 paragraph 78. The channel browser card object 1340 and
7 the TV guide card object 1350 can be used, as you put it
8 in paragraph 78, to, quote, "switch a desired program or
9 channel via a remote control." Correct?

10 A. Can be used to search for and switch to a
11 desired program or channel via a remote control.

12 Q. And the channel browser card object -- strike
13 that.

14 So you're -- am I correct in understanding
15 paragraph 78 that you're focusing on two things in Kim,
16 the channel browser 1340 and the TV guide 1350?

17 Is that correct?

18 ATTORNEY HUH: Objection. Form.

19 A. I'm not sure what you mean by "focus on." I
20 depict -- I look at -- I -- excuse me. Let me start
21 again.

22 I'm not sure what you mean by "focus on." I
23 show his Figure 22, which shows a channel browser and a
24 TV guide.

25 BY ATTORNEY SCHREINER:

1 Q. You state in paragraph 78 that the channel
2 browser card object 1340 and the TV card object 1350 are
3 on-screen channel changers.

4 Is that correct?

5 ATTORNEY HUH: Objection. Form.

6 A. They are cards that allow a user to search for
7 and switch to a desired program or channel.

8 BY ATTORNEY SCHREINER:

9 Q. Why is -- let's start with channel browser
10 card object 1340.

11 Why is it an on-screen channel changer?

12 ATTORNEY HUH: Objection. Form.

13 Mischaracterizes testimony.

14 THE WITNESS: I don't understand the question.
15 What do you mean, why?

16 BY ATTORNEY SCHREINER:

17 Q. Well, you say in paragraph 78 that Kim teaches
18 an, quote, "on-screen channel changer." And then you go
19 on to say, such as a channel browser card object 1340,
20 and a TV card object 1350, right?

21 A. Right.

22 Q. Okay. So let's just take them one at a time.

23 So why is Kim's channel browser card object
24 1340 an on-screen channel changer?

25 ATTORNEY HUH: Objection. Form.

1 A. I'm not sure I understand what --

2 BY ATTORNEY SCHREINER:

3 Q. Maybe the answer to my question is -- maybe
4 it's set forth in your paragraph.

5 In paragraph 78, you say allows a user to
6 search for and switch a desired program or channel via a
7 remote controller.

8 Do you see that?

9 A. Yes.

10 Q. Okay. So I'm just trying to understand your
11 written testimony here. So is it that a channel browser
12 card object 1340 is an on-screen channel changer because
13 it allows a user to search for and switch a desired
14 program or channel via a remote control?

15 A. I wouldn't --

16 ATTORNEY HUH: Objection. Form.

17 A. I wouldn't call it a channel changer. It --

18 BY ATTORNEY SCHREINER:

19 Q. Okay.

20 A. It's a display that allows you to search for
21 and switch to a desired program.

22 Q. Or channel via a remote control. Correct?

23 A. Yes.

24 Q. So when you say Kim teaches an on-screen
25 channel changer in paragraph 78, which part of Kim is

1 the on-screen channel changer? That's what I'm trying
2 to understand.

3 A. I'm composing an answer to your question. I
4 apologize for taking a moment.

5 Q. Certainly.

6 A. The operation of changing a channel involves
7 displaying channels you can change to and using the
8 remote control to actually execute changing that
9 channel.

10 Q. So I'm just starting from -- we're working
11 from your language here in your declaration.

12 Kim teaches an on-screen channel changer.
13 What is the on-screen channel changer in Kim?

14 I believe you're pointing to the channel
15 browser card object 1340 as one example, and the TV
16 guide card object 1350 as another example, but I want
17 you to help me make sure I'm understanding correctly.

18 ATTORNEY HUH: Objection. Form.

19 A. That changes the channels via a remote
20 control.

21 BY ATTORNEY SCHREINER:

22 Q. So is it your opinion in paragraph 78 that a
23 channel browser card object 1340 is an on-screen channel
24 changer?

25 ATTORNEY HUH: Objection. Form.

1 A. In combination with the remote control, you
2 can actually change the channel. He teaches an
3 on-screen channel changer that displays electronic
4 program guide information that allows a user to search
5 and switch to a desired program or channel via a remote
6 control.

7 BY ATTORNEY SCHREINER:

8 Q. Right. And the on-screen part you're
9 referring to is either the browser -- channel browser
10 object 1340 or the TV guide object 1350. Correct?

11 ATTORNEY HUH: Objection. Form.
12 Mischaracterizes testimony.

13 A. It provides information that allows a user to
14 search for and switch to the desired program.

15 BY ATTORNEY SCHREINER:

16 Q. It allows a user to search for and switch a
17 desired program or channel via a remote control.
18 Correct?

19 A. I'm sorry, I left out "or channel," yes.

20 Q. Okay, so let's -- I just want to have a clean
21 Q&A here.

22 So you're indicating in paragraph 78 that Kim
23 discloses functionality that, quote, "allows a user to
24 search for and switch a desired program or channel via a
25 remote control." Correct?

1 A. Yeah.

2 Q. And then you say such as a channel browser
3 card object 1340, which may provide a thumbnail list of
4 broadcast channels. Correct?

5 A. Yes.

6 Q. And you say such as a TV guide card object
7 1350, which may provide a program list. Correct?

8 ATTORNEY HUH: Objection. Form.

9 A. Yes.

10 BY ATTORNEY SCHREINER:

11 Q. For the channel browser card object, describe
12 for me what the thumbnail list of broadcast channels is.

13 A. That -- one moment. In my paragraph 102, I
14 say that the card object area of Kim's home screen
15 displays a channel browser object that includes a
16 thumbnail list of broadcast channels 1345.

17 Q. So is that displaying a list of available
18 broadcast channels?

19 A. You added the word "available"?

20 Q. I did.

21 A. He just says "broadcast channels."

22 Q. Would a POSITA understand that that is
23 displaying available broadcast channels?

24 A. I don't know why one would add the word
25 "available." I mean, I have a television set where I

1 can look at channels that aren't available.

2 Q. And each thumbnail image indicates a broadcast
3 channel for the channel browser card object. Correct?

4 A. Kim in 205, which I reference, says the card
5 object 1340 may represent a list of broadcast channels.
6 This card object 1340 may include a card object name,
7 channel browser, and a thumbnail list of broadcast
8 channels 1345. A plurality of broadcast channels may be
9 represented as thumbnail images as shown in Figure 19.
10 The thumbnail images may include still images or moving
11 pictures. The thumbnail list 1345 may include
12 information related to the channels as well as the
13 thumbnail images for the channels.

14 Q. So when it refers to a thumbnail list of
15 broadcast channels 1345 in Kim at 0205, the thumbnails
16 are identifying broadcast channels, right?

17 A. They represent broadcast channels.

18 Q. And Kim indicates in 206 that a user can
19 select one of these thumbnail images from the channel
20 browser to tune that broadcast program, right?

21 ATTORNEY HUH: Objection. Form.

22 A. What it says in 206 is that upon selection of
23 a thumbnail image from the thumbnail list 1345, a
24 broadcast program from the selected channel may be
25 displayed on the display.

1 BY ATTORNEY SCHREINER:

2 Q. So would a POSITA understand that as meaning
3 that a user can select one of the thumbnails from the
4 channel browser to tune that broadcast channel?

5 ATTORNEY HUH: Objection. Form.

6 A. To cause that broadcast channel to be
7 displayed.

8 BY ATTORNEY SCHREINER:

9 Q. Which would require it to be tuned. Correct?

10 ATTORNEY HUH: Objection. Form.

11 A. Well, it would be -- require it to be
12 received.

13 BY ATTORNEY SCHREINER:

14 Q. Looking back at your paragraph 78 where you
15 refer to allows the user to search for and switch a
16 desired program or channel via a remote control, do you
17 see that language?

18 A. Getting there. I'm sorry, that line just
19 reached 78.

20 Q. Okay. So you see --

21 A. My scrolling ability is probably slower than
22 yours.

23 Q. So in 78, you refer to functionality that,
24 quote, "allows a user to search for and switch a desired
25 program or channel via a remote control."

1 Do you see that?

2 A. Yes.

3 ATTORNEY HUH: Objection. Form.

4 BY ATTORNEY SCHREINER:

5 Q. And for the channel browser card object,
6 that's accomplished by the user selecting a thumbnail
7 image. Correct?

8 ATTORNEY HUH: Objection. Form.

9 A. Well, once again, the means for doing so is
10 described in Kim 206. Upon selection of a thumbnail
11 image, the broadcast program may be displayed on the
12 display.

13 BY ATTORNEY SCHREINER:

14 Q. And therefore accomplishing switching to a
15 channel via a remote control. Correct?

16 A. You would somehow have to select the thumbnail
17 image, including by a remote control.

18 Q. Right. So if the user selects a thumbnail
19 image in the channel browser, then that will lead to
20 switching to a channel via the remote control. Correct?

21 A. It will cause that channel to be displayed on
22 the display.

23 Q. And again using your language from paragraph
24 78, it switches a desired program or channel via a
25 remote control, right?

1 A. Okay.

2 Q. Is that a yes?

3 A. Well, I say allows a user to search for and
4 switch to a desired program or channel, so that's a yes.
5 I do say you can switch to a desired program or channel.

6 Q. And you can do that using the channel browser
7 card object 1340 that you mentioned in that same
8 sentence, right?

9 A. Via a remote control, looking at the channel
10 browser, selecting on -- a thumbnail on the channel
11 browser.

12 Q. Will cause it to switch to a channel.
13 Correct?

14 A. It will switch -- it can switch to a channel.

15 Q. Is it fair to say that the purpose of the
16 thumbnail images in the channel browser card object is
17 to provide the user icons that can be selected to switch
18 to the corresponding channel?

19 ATTORNEY HUH: Objection. Form.

20 A. Not precisely, no.

21 BY ATTORNEY SCHREINER:

22 Q. Let's talk about the TV guide card object that
23 you mention in paragraph 78.

24 Do you see that?

25 A. Yes.

1 Q. And the TV guide card object 1350, using your
2 words, allows a user to search for and switch a desired
3 program or channel via a remote control. Correct?

4 A. Well, my language doesn't say specifically the
5 TV guide does that. It says that there are on-screen
6 channel changers. The TV guide can be one of them.

7 Q. Right. And you refer to functionality that
8 allows a user to search for and switch a desired program
9 or channel via a remote control in paragraph 78, right?

10 A. I think we've agreed on that.

11 Q. So the answer's yes. Correct?

12 A. Once again, it allows a user to search for and
13 switch to a desired program or channel via a remote
14 control.

15 Q. Right. So is your testimony that the TV guide
16 card object 1350 allows a user to search for and switch
17 a desired program or channel via a remote control?

18 A. The TV guide card object does allow you to --
19 let me actually check that.

20 Q. Refer you to paragraph 207 of Kim.

21 A. Right. So 207 of Kim seems to confirm that,
22 that the TV guide allows you to switch to a program or a
23 channel.

24 Q. The TV guide card object allows you to -- your
25 answer was a little incomplete, so I just want to

1 clarify it.

2 So the TV guide card object allows the user to
3 search for and switch to a desired program or channel
4 via a remote control. Correct?

5 A. Well, the TV guide shows certain information
6 about programs on the channels you're watching or other
7 channels, and you can switch to those programs.

8 Q. Using a remote control. Correct?

9 A. Using a remote control.

10 Q. And the TV guide card object provides program
11 listings, right?

12 A. In paragraph 196, a TV guide object which may
13 provide a program list.

14 Q. And then we agreed earlier that paragraph 207
15 of Kim discloses that if a program is selected from the
16 program list then the selected program or broadcast will
17 be displayed. Correct?

18 A. That's described in 207, yes.

19 Q. Going to page 42 of your declaration, it's
20 still paragraph 78 but it's on page 42.

21 A. I'm on page 42.

22 Q. And you refer to Figure 38.

23 Do you see that?

24 A. Yes.

25 Q. Figure 38 of Kim depicts a search window. Is

1 that correct? And I'll reference you to paragraph 266
2 of Kim.

3 A. Okay, where do I reference the search
4 function? Because paragraph 78 is not -- addresses --
5 does not address the search function.

6 Q. Sure.

7 Do you see paragraph -- or take a look at
8 paragraph 266 of Kim.

9 A. Yeah, I was looking for where I referenced the
10 search function.

11 Q. I'm not sure you did. That's why I wanted to
12 explore it with you.

13 So do you see in paragraph 266 -- I'm sorry,
14 yeah, in paragraph 266, do you see it refers to -- it
15 states referring to Figure 37, upon receipt of a search
16 input from the user, the controller 170 may control to
17 the display apparatus to display a search window on at
18 least a part of the display.

19 Do you see that?

20 A. I see the section you've read, yes.

21 Q. You see the reference to search window in that
22 section, right?

23 A. Yes.

24 Q. Okay. And you see earlier in paragraph 266 of
25 Kim it's stating that this relates to Figures 38 through

1 41.

2 Do you see that?

3 A. Says Figures 38 to 41 illustrate the method of
4 Figure 37.

5 Q. So do you understand with that that Figure 38
6 is displaying a search window?

7 A. I don't think I addressed the search window in
8 my report.

9 Q. I don't believe you did, so that's why we are
10 trying to explore. You reference Figure 38.

11 A. Well, I referenced Figure 38 with respect to
12 the TV guide function.

13 Q. Right. But the display shown in Figure 38
14 you'll agree is a search window as described in Kim.
15 Correct?

16 A. Which paragraph? We're on 78 again?

17 Q. Yes.

18 A. 38 is a search window. But again, I didn't
19 use it in the context of describing search, so I'm not
20 sure --

21 Q. You label it as a channel changer in your
22 paragraph 78, right? You say that Figure 38 is a
23 channel changer.

24 A. Okay.

25 Q. Is that correct?

1 A. Yes.

2 Q. Why is the search window in Figure 38 a
3 channel changer?

4 ATTORNEY HUH: Objection. Form.

5 THE WITNESS: You mean how is it a channel
6 changer?

7 BY ATTORNEY SCHREINER:

8 Q. You've labeled it as a channel changer. Why
9 is it a channel changer?

10 ATTORNEY HUH: Objection. Form.

11 THE WITNESS: I'm not sure I understand what
12 you mean by why.

13 BY ATTORNEY SCHREINER:

14 Q. Why did you label it as a channel changer?

15 ATTORNEY HUH: Objection. Form.

16 A. Because it's a means of changing a channel or
17 selecting a channel.

18 BY ATTORNEY SCHREINER:

19 Q. So how would the display in Figure 38 enable a
20 user to change a channel or select a channel?

21 A. I don't think I described a mechanism to do
22 that other than what's described in 78 and what's
23 described in Kim that says you can select a thumbnail
24 and then act on it.

25 Q. So I'm just trying to understand your written

1 testimony.

2 So are you indicating that Figure -- the
3 display of Figure 38 would allow a user to select one of
4 these thumbnails in order to change a program or
5 channel?

6 ATTORNEY HUH: Objection. Form.

7 A. One moment. Again, I don't really describe
8 that function. But Kim does describe that you can
9 highlight a thumbnail and make a selection and then
10 cause that channel to appear.

11 BY ATTORNEY SCHREINER:

12 Q. Okay. So Kim teaches that a user could use
13 the remote control to select one of these thumbnails and
14 cause that channel to be displayed.

15 Is that fair to say?

16 A. I think it's reasonably fair to say that.

17 ATTORNEY SCHREINER: Okay. We have been going
18 about an hour and 15. Do you want to plod on or do you
19 want to take a short break?

20 THE WITNESS: A short break is fine.

21 ATTORNEY SCHREINER: Okay, thank you.

22 THE WITNESS: How long?

23 ATTORNEY SCHREINER: I don't know. 2:10,
24 2:15?

25 THE WITNESS: Probably 2:10 is okay.

1 (Recess taken.)

2 BY ATTORNEY SCHREINER:

3 Q. Dr. Lippman, I'd like to refer you to
4 Figure 13 of Kim and paragraph 171 of Kim.

5 Do you have Figure 13 of Kim available to you?

6 A. I do.

7 Q. And is it fair to say that Figure 13 of Kim is
8 displaying a method for controlling the display
9 apparatus using a remote control with a pointer?

10 ATTORNEY HUH: Objection. Form.

11 THE WITNESS: Do I describe that in my report
12 or address that in my report?

13 BY ATTORNEY SCHREINER:

14 Q. I don't know.

15 A. I'll have to read that have my report to
16 figure that out.

17 Q. You can also look at paragraph 167 of Kim,
18 which has the introduction to Figure 13.

19 A. I understand that. I'm looking for my
20 reference to that section of Kim. I don't think offhand
21 that I actually referenced that.

22 Q. All right.

23 A. But I might have. I have to check.

24 Q. I just have a couple questions here.

25 A. I'm just trying to verify whether I addressed

1 that particular mechanical style of operation of the
2 remote control, and I don't believe I did, but --

3 Q. Okay.

4 A. -- I'm just checking. I can give you some
5 examples if you'd like.

6 Q. I'd like to ask you a question about paragraph
7 167 in Kim regarding Figure 13 so let me know when
8 you're at paragraph 167 of Kim.

9 A. I'm at 167, and I don't believe that I
10 reference that paragraph in my report.

11 Q. You studied the Kim reference carefully.
12 Correct?

13 A. You asked me that. I told you that I reviewed
14 it and I focused on the parts of Kim that were relevant
15 to my report.

16 Q. Okay. So you didn't review all portions of
17 the Kim reference?

18 A. I did review all portions of it, but I focused
19 more closely on those that are relevant to my report.

20 Q. Okay. You would have reviewed this paragraph
21 167 through 170 relating to Figure 13 in Kim. Correct?

22 A. At some point in my analysis of prior art, I
23 reviewed the entirety of Kim. But as I say, the
24 entirety of Kim is not relevant to my report so I
25 focused more closely on those sections that were.

1 Q. Okay. Paragraph 167 states Figure 13
2 illustrates a method for controlling the image display
3 apparatus using a remote controller according to an
4 embodiment of the present disclosure.

5 And it goes on to refer to a pointer 205
6 representing movement of the remote controller may be
7 displayed on the display 180.

8 Do you see that?

9 A. Yes.

10 Q. Okay. So is it fair to say that Kim discloses
11 a remote control that controls a pointer that is on the
12 display?

13 ATTORNEY HUH: Objection. Form.

14 A. I did not analyze that in my report, so I
15 can -- I can respond to questions about what Kim said.

16 BY ATTORNEY SCHREINER:

17 Q. Right. And that's a question about what Kim
18 said.

19 Does Kim disclose a remote control that
20 controls a pointer 205 that is on the display 180?

21 ATTORNEY HUH: Objection. Form.

22 A. It says that it illustrates a method for
23 controlling the image display apparatus using a remote
24 controller according to an embodiment of the present
25 disclosure. Referring to Figure 13, a pointer

1 representing movement of the remote controller may be
2 displayed on the display.

3 BY ATTORNEY SCHREINER:

4 Q. So Kim is disclosing a remote control that's
5 controlling the pointer on the display. Correct?

6 ATTORNEY HUH: Objection. Form. Scope.

7 A. Well, I can only report on what he said. He
8 said it represents movement of the remote controller,
9 and that may be displayed on the display.

10 BY ATTORNEY SCHREINER:

11 Q. You're a very smart man, and I know you can do
12 more than just read from Kim, so I'm -- and part of your
13 role as an expert is to explain the prior art to the
14 PTAB.

15 So again, my simple question is does Kim
16 disclose a remote controller with a pointer that is a
17 movable point on the display?

18 ATTORNEY HUH: Objection. Form. Scope.

19 A. I appreciate the compliment, but I'm not
20 willing to interpret or analyze what Kim says on the
21 fly. The components of Kim that I analyzed and focused
22 on are represented in my report.

23 So you're asking me at this moment to do more
24 than report or describe what Kim says. I -- I'm not
25 sure what you're asking me. I can -- you asked if it

1 said that, and I said yes, it said that. I'm not sure
2 what you're asking for that's more than that or what you
3 think I can provide that's more than that.

4 BY ATTORNEY SCHREINER:

5 Q. Okay. So my question is, does Kim disclose in
6 Figure 13 a remote controller that moves a pointer on
7 the display?

8 ATTORNEY HUH: Objection. Form. Asked and
9 answered.

10 A. He says that you can -- that a pointer
11 representing movement of the remote may be displayed,
12 so --

13 Q. Okay.

14 A. -- I think you answered that question in
15 asking it.

16 Q. And in paragraph 171, is it correct that Kim
17 indicates that the pointer may be a dot, a cursor, a
18 prompt, a thick outline, etc.?

19 Do you see that?

20 A. I see that.

21 Q. Would a POSITA understand -- strike that.

22 You recall we talked before about a user
23 selecting a thumbnail or a program listing to change a
24 broadcast channel?

25 Do you recall that?

1 A. Yes.

2 Q. Would a POSITA reading Kim understand that
3 that could be accomplished by using the pointer to
4 select the thumbnail or program listing?

5 ATTORNEY HUH: Objection. Form.

6 A. I believe Kim describes a variety of remote
7 control types and styles that can be used with his
8 television system, so a POSITA would understand that
9 those could be used to control his television system.

10 BY ATTORNEY SCHREINER:

11 Q. And in connection with the user selecting the
12 thumbnail or the program listing, would a POSITA
13 understand that one way that could be accomplished in
14 Kim would be using the pointer 205?

15 A. Let me see if Kim describes that. Paragraph
16 167 says that Figure 13 illustrates a method for
17 controlling the image display apparatus using a remote
18 controller according to an embodiment of the present
19 disclosure. That remote controller, one controls things
20 by moving the remote, as a pointer, for example. A
21 POSITA could probably use that to control the image
22 display apparatus, as he suggests.

23 Q. Including selecting the thumbnail or program
24 listing for the card objects we discussed before, right?

25 A. It would be for controlling the image display

1 apparatus.

2 Q. Okay. Which includes the channel browser with
3 its thumbnail listings and the TV guide object -- let me
4 rephrase that -- which includes the channel browser with
5 its thumbnails and the TV guide object with its program
6 listings. Correct?

7 A. I'm not sure that Kim exactly describes it.
8 So you're asking if a POSITA could, given a remote
9 control that was position sensitive, construct a system
10 that would control Kim's image display apparatus. And
11 that is within the ken of a POSITA.

12 Q. And that would include controlling the display
13 apparatus to select a broadcast -- strike that.

14 And that would include controlling the display
15 apparatus to select a thumbnail for the channel browser
16 or to select a program listing for the TV guide object.
17 Correct?

18 A. It would.

19 Q. Okay. Let's just look briefly at Figure 14 of
20 Kim, which is a diagram of the remote controller 200.

21 A. I see Figure 14. Again, is that referenced in
22 my report?

23 Q. I have no idea.

24 A. You have no idea?

25 Q. Not offhand.

1 A. Okay, so --

2 Q. If you look at paragraph 172 of Kim, I'd
3 direct your attention there.

4 A. Okay.

5 Q. So is it correct that Figure 14 is a detailed
6 block diagram of the remote controller 200?

7 ATTORNEY HUH: Objection. Form.

8 A. Figure 14 is a block diagram of the remote
9 controller according to an embodiment of the present
10 disclosure.

11 BY ATTORNEY SCHREINER:

12 Q. Would a POSITA in the time frame of 2012 be
13 able to implement a remote controller by reference to
14 Figure 14 of Kim and the POSITA's background knowledge?

15 ATTORNEY HUH: Objection. Form.

16 A. Let me think about that for a moment. I'm
17 looking. I just want to verify my definition of -- my
18 description of a POSITA. The implementation of the
19 remote control is construction of a piece of hardware?
20 Is that what you mean?

21 BY ATTORNEY SCHREINER:

22 Q. I'm just asking would a POSITA in the 2012
23 time frame be able to implement a remote control with
24 reference to Figure 14 of Kim and the POSITA's
25 background knowledge?

1 A. In order to answer that, I need more
2 specificity. Does that mean constructing it? Do you
3 mean they would have to mold the plastic? Do you mean
4 they would have to wire things together? Or do you mean
5 they would have to program those modules to control
6 things?

7 Q. Would a POSITA in 2012 be able to design a
8 remote control device that could be manufactured and
9 used?

10 A. Would they be able to design a remote control
11 device that could be manufactured and used?

12 Q. Yeah, with reference to Figure 14 of Kim and
13 the background knowledge of the POSITA.

14 A. With all of those components in it? Some
15 would.

16 Q. A POSITA, of course, is a hypothetical person,
17 right? With a level of skill that you've defined in the
18 field that you've defined, right?

19 A. In the context of the patent. I mean, for
20 example, the remote control is a physical handheld
21 device, and I wouldn't expect them to be able to
22 necessarily mold the plastic, although working in the
23 field of human-computer interaction and with some
24 background in engineering, one could actually, starting
25 from raw materials, construct the hardware of a remote

1 control with a vibration module and various sensors and
2 various communications modules, indeed.

3 Q. So I want to make sure I understand your
4 answer. Are you saying that a -- let me kind of
5 rephrase the question.

6 So could a POSITA in 2012 design and implement
7 a remote control that operates the way it's described in
8 Kim in connection with Figure 14?

9 ATTORNEY HUH: Objection. Form.

10 A. I think a POSITA could probably put that kind
11 of thing together. I think what's disclosed in the
12 patent in that would be sufficient instruction for a
13 POSITA to be able to do that, some better than others.

14 BY ATTORNEY SCHREINER:

15 Q. Fair enough.

16 Kim indicates that it can be implemented as a
17 set-top box.

18 Do you recall that?

19 A. I think that is in my report.

20 Q. Yeah. You might search for Figure 7 of Kim.

21 A. I'm looking at paragraph 65 of my report. And
22 I say that Kim also describes, for example, that the
23 functions of the image display apparatus could be
24 separated into a display device and a separate set-top
25 box.

1 Q. In the time frame of 2012, is it fair to say
2 that a POSITA would be familiar with set-top box then in
3 use -- set-top boxes -- let me rephrase that.

4 In the time frame of 2012, is it fair to say
5 that a POSITA would be familiar with set-top boxes such
6 as those made for cable television systems and satellite
7 television systems?

8 A. I wouldn't say that a POSITA would necessarily
9 be familiar with the specific implementations of a cable
10 television or a satellite television set-top box, but
11 they would be familiar with the technology of such such
12 that they would understand the functions working in
13 operation of a set-top box.

14 Q. Do you have --

15 A. You have to understand the reason I'm making
16 that distinction is because a set-top box is both a
17 specific product and a kind of technology.

18 Q. Sure.

19 A. So the point is they would be familiar with
20 the technology of it but they wouldn't necessarily be
21 familiar with any one set-top box.

22 Q. Are you familiar with set-top boxes that were
23 on the market in this time frame, such as those made by
24 Scientific Atlanta, Motorola, and other manufacturers?

25 A. Oh, yes.

1 Q. Set-top boxes made by General Instruments and
2 Pioneer?

3 A. And Scientific Atlanta and Cable Data and any
4 number of people who made and make set-top boxes.

5 Q. Would that include set-top boxes made by or
6 for DIRECTV and EchoStar DISH?

7 A. I'm not familiar with the box that EchoStar
8 DISH uses.

9 Q. You're familiar with the DIRECTV set-top box
10 in that time frame?

11 A. I'm not sure of exactly, but certainly before
12 that time frame for years.

13 Q. Okay.

14 A. Yeah. And the same with Motorola, and the
15 same with Scientific Atlanta. I believe the firm was
16 bought by Cisco, was it? And Cable Data 30 years ago.

17 Q. Fair to say that you're familiar with a number
18 of different manufacturers of different types of set-top
19 boxes as of 2012 or earlier?

20 A. As I say, I've never taken any of them apart
21 but I'm certainly familiar with the designs and
22 technologies of those set-top boxes and of the
23 technology of set-top boxes, for example, that CableLabs
24 was involved with as well.

25 Q. Is it fair to say that at the time of the

1 invention in 2012 that channel switching functionality
2 in these set-top boxes was well known?

3 A. Channel switching functionality? You mean
4 could they switch channels?

5 Q. Yes.

6 A. A set-top box could switch channels.

7 Q. And those types of set-top boxes could switch
8 channels through the use of a remote control device.
9 Correct?

10 A. I can't think of a set-top box that didn't
11 have a remote control, offhand. There may have been
12 one.

13 Q. So those types of set-top boxes would allow
14 for channel switching using a remote control.

15 Is that correct?

16 A. They would.

17 Q. And those set-top boxes would have user
18 interfaces that were presented on the televisions for
19 the user. Correct?

20 A. At that time --

21 ATTORNEY HUH: Objection to form. Scope.

22 A. I -- I don't describe the entire history and
23 evolution of set-top boxes in my report, but from my
24 knowledge of the field, the answer is that they may have
25 and they may not.

1 BY ATTORNEY SCHREINER:

2 Q. Is it fair to say in the 2012 or prior time
3 frame that Scientific Atlanta set-top boxes would
4 present a user interface for the user?

5 ATTORNEY HUH: Objection. Form. Scope.

6 A. It's fair to say that some would and some
7 might not. I can't tell you their product list by
8 brand.

9 BY ATTORNEY SCHREINER:

10 Q. And is it fair to say that at least for some
11 of those Scientific Atlanta set-top boxes, the user
12 could change channels by issuing commands to that user
13 interface?

14 ATTORNEY HUH: Objection. Form.

15 A. By commands, you mean taking an action, as
16 with the remote control?

17 BY ATTORNEY SCHREINER:

18 Q. Yes.

19 A. Via the user interface. Again, it would
20 depend on the time and the set-top box. Some might;
21 some might not.

22 Q. Let's take 2012, the time of the invention, as
23 our time frame.

24 Would most cable system operators implement
25 the equipment so that a user would see a user interface

1 such as an electronic program guide?

2 A. It --

3 ATTORNEY HUH: Objection. Form. Scope.

4 A. It depends on the circumstances, that many
5 did; some didn't. They may or may not have had those.

6 BY ATTORNEY SCHREINER:

7 Q. But you're familiar with commercial
8 implementations of Scientific Atlanta set-top boxes
9 where the user was provided an electronic program guide
10 interface?

11 ATTORNEY HUH: Objection. Form. Scope.

12 A. Well, I haven't -- I did not analyze or take
13 apart or discuss with Scientific Atlanta the specific
14 details of their set-top box and whatever user interface
15 they included.

16 BY ATTORNEY SCHREINER:

17 Q. Did you ever have a set-top box in your
18 personal home?

19 ATTORNEY HUH: Objection. Form. Scope.

20 A. You're asking about my personal television
21 viewing habits?

22 BY ATTORNEY SCHREINER:

23 Q. I'm asking you, not what you watched, I'm
24 asking you did you ever have a set-top box in your home
25 in the 2012 or prior time frame?

1 ATTORNEY HUH: Objection. Form.

2 A. Do you consider a TiVo to be a set-top box?

3 BY ATTORNEY SCHREINER:

4 Q. Let's exclude TiVo.

5 A. Let's not exclude TiVo because actually, the
6 set-top boxes for DIRECTV and probably EchoStar and
7 Comcast occasionally did have DVR capabilities in it.
8 And set-top box as defined by the FCC is something that
9 can receive broadcast television signals so it can count
10 as a television for the all-channel requirement. That's
11 the law.

12 So my TiVo would count as a set-top box, and
13 I've had a TiVo since they came out in 1999 because in
14 the course of our work, we had done things remarkably
15 similar to what TiVo had done. And I visited TiVo in
16 1998 at the Consumer Electronics Show.

17 Q. That's great. So did the TiVo --

18 A. They did a good job.

19 Q. So did the TiVo set-top box present a user
20 interface on your television?

21 A. It did. It does.

22 Q. Okay. And you could, as of 2012, you could
23 engage that user interface with your remote control to
24 switch channels. Correct?

25 A. You could. I could. You could too.

1 Q. If I was invited over.

2 So is it fair to say that in the time frame of
3 2012 it was well known to POSITAs that there were
4 set-top boxes with user interfaces that allowed a user
5 to change the channels using the remote control?

6 ATTORNEY HUH: Objection. Form. Scope.

7 THE WITNESS: Ask that again.

8 BY ATTORNEY SCHREINER:

9 Q. Is it fair to say that in the time frame of
10 2012 it was well known to a POSITA that there were
11 set-top boxes with user interfaces that allowed a user
12 to change channels using the remote control?

13 ATTORNEY HUH: Same objection.

14 A. I've got to parse that kind of precisely. I
15 said that a POSITA would understand the technology of a
16 set-top box, not necessarily have designed one or looked
17 at one inside. They probably would have encountered one
18 where you could change channels.

19 BY ATTORNEY SCHREINER:

20 Q. Is it fair to say a POSITA would have
21 encountered -- let's parse your answer. A POSITA would
22 have encountered a set-top box that could change
23 channels using a remote control engaging a user
24 interface. Correct?

25 ATTORNEY HUH: Objection. Form.

1 A. I think they could.

2 BY ATTORNEY SCHREINER:

3 Q. And isn't it reasonable to say that a POSITA
4 would be aware that there were a number of models of
5 set-top boxes in the 2012 time frames with that
6 functionality?

7 ATTORNEY HUH: Objection. Form. Scope.

8 A. I don't know. I don't -- I don't require a
9 POSITA to have encyclopedic knowledge of the products on
10 the market.

11 BY ATTORNEY SCHREINER:

12 Q. Let's take a look at paragraph 81 of your
13 declaration.

14 Do you see the reference in paragraph 81 to
15 without searching or scrolling through an electronic
16 program guide?

17 A. I do.

18 Q. And you're referring to Kim here, right?

19 A. I'm combining Bae with Kim, yes.

20 Q. And when you refer to searching or scrolling
21 through an electronic program guide, you're referring to
22 what you believe to be some deficiency in Kim.

23 Is that fair to say?

24 ATTORNEY HUH: Objection. Form.

25 A. I wouldn't use the word "deficiency." One

1 mechanism by which you do it in Kim.

2 BY ATTORNEY SCHREINER:

3 Q. How do you scroll or search through an
4 electronic program guide in Kim?

5 A. By looking through the cards.

6 Q. And you discussed two cards, the channel
7 browser card and the TV guide card.

8 Do you recall that earlier?

9 A. Yes.

10 Q. So if we're talking about the channel browser
11 card, the user is scrolling through the thumbnails
12 corresponding to the broadcast channels, right?

13 A. I'm trying to find the reference or picture of
14 the channel browser card.

15 Q. Figure 19 or Figure 23.

16 A. Where do I say that you do that specifically?

17 Q. In paragraph 81, you state that the
18 combination, quote, "enables a user to identify a
19 specific channel number without searching or scrolling
20 through an electronic program guide," close quote.

21 A. In 79, I say that Kim does not otherwise
22 expand on how channel switch commands or channel
23 selection commands may be entered into its screen
24 channel changer via the remote control, leaving the
25 implementation details to a POSITA, so --

1 Q. In 81, you --

2 A. -- I'm not sure that Kim describes the
3 mechanism by which you would scroll.

4 Q. So are you suggesting that a user would not
5 know how to scroll through the thumbnails in --

6 ATTORNEY HUH: Objection. Form.

7 ATTORNEY SCHREINER: I'm not finished with my
8 question.

9 BY ATTORNEY SCHREINER:

10 Q. So are you suggesting that a user would not
11 know how to scroll through the thumbnails in channel
12 browser 1340?

13 ATTORNEY HUH: Objection. Form.

14 A. I'm not making a comment on the user, I'm
15 making a comment on the specificity of Kim.

16 BY ATTORNEY SCHREINER:

17 Q. But you refer to searching or scrolling
18 through an electronic program guide in paragraph 81,
19 right?

20 A. Right. And Kim does describe scrolling. He
21 doesn't describe the mechanism by which the remote
22 control does the scroll. I'm not sure about that, but I
23 think that's true.

24 Q. So we talked before about how a user could
25 select a thumbnail image in the channel browser 1340 to

1 have that channel displayed.

2 Do you remember that?

3 A. Uh-huh. Sorry. Yes.

4 Q. And is it fair to say a POSITA looking at
5 Figure 23 would understand that a user could select any
6 one of those thumbnail images to have the broadcast
7 channel displayed?

8 A. Yes. Kim does say that.

9 Q. So in paragraph 81 where you refer to without
10 searching or scrolling through an electronic program
11 guide, what's the electronic program guide that you're
12 referencing in Kim?

13 A. The channel browser or the TV guide.

14 Q. So your position is that a POSITA would be
15 unable to implement Kim with a scrolling mechanism to
16 scroll between the different thumbnails in the channel
17 browser?

18 ATTORNEY HUH: Objection. Form.
19 Mischaracterizes testimony.

20 A. No. Kim also allows search, and that's
21 another mechanism for perusing the electronic program
22 guide.

23 BY ATTORNEY SCHREINER:

24 Q. And you're not disputing that a POSITA would
25 be unable to implement Kim to allow scrolling the

1 program listings in the TV guide object 1350. Correct?

2 A. As I understand your question, I think I
3 answered that in paragraph 79. The implementation
4 details of that could be left to a POSITA and a POSITA
5 could do it.

6 Q. Okay. So is your answer to my question yes?

7 A. Say the question again.

8 Q. You're not disputing that a POSITA would be
9 unable to implement Kim to allow scrolling of the
10 program listings in the TV guide object 1350?

11 ATTORNEY HUH: Objection. Form.
12 Mischaracterizes testimony.

13 THE WITNESS: Objection. I didn't even
14 understand the question. There's too many negatives in
15 there. I'm not sure whether my answer is yes or no
16 because of the phrasing. Say it again more slowly and
17 I'll try and get it right.

18 BY ATTORNEY SCHREINER:

19 Q. Would a POSITA be able to implement Kim to
20 allow for scrolling the program listings in the TV guide
21 object 1350?

22 A. Or 1340.

23 Q. 1350 right now. So let me just restate the
24 question.

25 Would a POSITA be able to implement Kim to

1 allow for scrolling the program listings in the TV guide
2 object 1350?

3 A. I'm not -- I'd have to refresh my recollection
4 of Kim's description of the TV guide and whether it's
5 scrollable. But 1340 is scrollable, and a POSITA would
6 be able to implement scrolling in that.

7 Q. Okay. So if it's --

8 A. It's intended to be scrolled.

9 Q. So that I've got your answer clear, a POSITA
10 would be able to implement the channel browser 1340 to
11 allow for scrolling of the thumbnails representing the
12 broadcast channels?

13 A. Yes.

14 Q. Okay. You see the TV guide card object 1350
15 on Figure 23?

16 A. Yes.

17 Q. It has just four entries.

18 Is that correct?

19 A. It depicts four entries.

20 Q. Okay. Would a POSITA expect the TV guide to
21 be limited to four program listings?

22 A. Don't know what the POSITA's expectations
23 there. I'd have to look at Kim and see how he describes
24 it.

25 Q. Did TV guides in the time frame of 2012

1 normally display a number of program listings?

2 ATTORNEY HUH: Objection. Form. Scope.

3 A. We haven't been talking about TV guides. So
4 that's a colloquial word, so I'm not sure -- I mean,
5 there's a magazine, was a magazine, TV Guide. We
6 discussed electronic program guides. But again, I
7 can --

8 Q. Yeah, so let's look at paragraph 207 of Kim
9 regarding the TV guide card object.

10 And do you see in paragraph 207 of Kim that it
11 indicates that the TV guide card object 1350 may include
12 a program list 1355 that may list broadcast programs for
13 the currently displayed channel or broadcast programs
14 for one or more different channels?

15 Do you see that passage?

16 A. I do. I'm looking for 1355.

17 Q. 1355 is shown in Figure 19 of Kim.

18 A. Figure 19.

19 Q. Yeah. If you look at --

20 A. Yeah, okay.

21 Q. Okay. So --

22 A. Sorry, I was --

23 Q. Yeah, that's okay.

24 So referring again to paragraph 207 of Kim, it
25 says that the TV guide card object has a program list

1 1355 that may list broadcast programs for the currently
2 displayed channel or broadcast programs for one or more
3 different channels.

4 Do you see that?

5 A. I do.

6 Q. Okay. And so would a POSITA understand that
7 the TV guide card object 1350 has multiple program
8 listings corresponding to multiple channels?

9 A. They could interpret it that way, and they
10 could interpret it as being scrollable or not. I
11 don't -- I'm not sure Kim says that specifically, but I
12 was looking at 1340 as clearly scrollable.

13 Q. Right. Would a POSITA in the 2012 time frame
14 implementing Kim be able to implement the TV guide card
15 object with scrollable program listings?

16 A. Based on the teaching of Kim, could they do it
17 so that the card object has -- was scrollable, that
18 particular --

19 Q. Based on -- yeah, based on Kim and their
20 background knowledge.

21 A. Could a POSITA do that?

22 Q. Yes.

23 A. Yes.

24 Q. Okay. Let me reread the question so we have a
25 clean Q and A because we were both interjecting there a

1 little bit.

2 Would a POSITA in the 2012 time frame be able
3 to implement the TV guide card object of Kim with
4 scrollable program listings?

5 ATTORNEY HUH: Objection. Form.

6 A. I think a POSITA could do that.

7 BY ATTORNEY SCHREINER:

8 Q. In your analysis -- and I'm in the
9 neighborhood of paragraph 81 of your declaration.

10 (Exhibit No. 1008, previously marked, was
11 referenced and indexed.)

12 BY ATTORNEY SCHREINER:

13 Q. In your analysis, you propose modifying Kim by
14 the on-screen channel changer of Bae, Exhibit 1008.

15 Is that correct?

16 A. Well, I say that you would be motivated to
17 combine Bae's channel selection with Kim's on-screen
18 channel changer.

19 Q. And Kim's on-screen channel changer, you're
20 referring to either the channel browser 1340 or the TV
21 guide 1350, right?

22 ATTORNEY HUH: Objection. Form.

23 Mischaracterizes testimony.

24 A. I think it's easier to concentrate on 1350
25 because that's the one we talked about before where we

1 had thumbnails that we clicked on to change to the
2 channel. So consistent with that, that's -- that's what
3 you would do.

4 BY ATTORNEY SCHREINER:

5 Q. Okay. What about 1340, the channel browser
6 1340?

7 A. Yeah. Sorry, that was what I was talking
8 about.

9 Q. Oh, okay.

10 A. Did I misspeak? Did I say --

11 Q. Yeah, you said 1350, I believe.

12 A. I apologize.

13 Q. That's okay.

14 So let's start with 1340. Channel browser
15 1304 has the thumbnails that could be selected to view
16 the corresponding channel, right?

17 A. Yes. I believe we established that.

18 Q. Right. So how would you incorporate Bae's
19 on-screen channel changer -- or strike that. Let me
20 back up.

21 Would -- Kim's channel browser 1340, that's
22 part of a user interface, right?

23 A. Yes.

24 Q. Okay. And Bae's on-screen channel changer,
25 that's part of a user interface as well, right?

1 A. Yes.

2 Q. Okay. So what we're talking about is
3 modifying the user interface in Kim somehow based on the
4 user interface from Bae.

5 Is that fair to say?

6 ATTORNEY HUH: Objection. Form.

7 A. We're talking about a user interface that
8 combines Bae's channel technique with Kim's television.

9 BY ATTORNEY SCHREINER:

10 Q. With Kim's user interface, in this case being
11 the channel browser 1340, right?

12 ATTORNEY HUH: Objection. Form.

13 A. Let me be more specific. We're talking about
14 a user interface that combines the teachings of Kim's
15 interface with the teaching of Bae's interface. We're
16 not necessarily talking about altering specifically that
17 interface.

18 BY ATTORNEY SCHREINER:

19 Q. Sure. But you are applying the teaching from
20 Bae's on-screen channel changer to Kim's channel browser
21 1340, right?

22 ATTORNEY HUH: Objection. Form.

23 A. I believe the answer to your question is my
24 paragraph 82, applying Bae's known technique to Kim's
25 known system.

1 BY ATTORNEY HUH:

2 Q. Okay, so let's start -- as you suggested,
3 let's continue to proceed from channel browser 1340,
4 okay?

5 A. Yes.

6 Q. Okay. What would channel browser 1340 look
7 like after the teaching of Bae is applied to it?

8 ATTORNEY HUH: Objection. Form.
9 Mischaracterizes testimony.

10 A. I wouldn't claim that you would modify 1340.
11 I claim that you would use the teachings of Kim's system
12 and Bae's channel changer.

13 BY ATTORNEY SCHREINER:

14 Q. All the way back at the beginning, you said
15 that in Kim, the on-screen channel -- the on-screen
16 channel changer in Kim is the channel browser 1340 or
17 the TV guide 1350.

18 Do you remember that?

19 A. No.

20 ATTORNEY HUH: Objection. Form.
21 Mischaracterizes testimony.

22 BY ATTORNEY SCHREINER:

23 Q. You are proposing -- let me just make sure.
24 I'm trying to understand your testimony.

25 You are proposing some kind of modification or

1 combination involving Kim's channel browser 1340.

2 Correct?

3 ATTORNEY HUH: Objection. Form.

4 A. That's not what I said. I said you would
5 combine Bae's technique to Kim's known system.

6 BY ATTORNEY SCHREINER:

7 Q. Okay. What's Kim's known system?

8 A. The entirety of Kim's design.

9 Q. So what's the result?

10 A. What's the result?

11 Q. Right.

12 A. The result is that you would be able to switch
13 channels using Bae's channel changer.

14 Q. So are you saying that Bae's on-screen channel
15 changer would just be added to Kim's user interface in
16 Figure 19?

17 A. One could do that. Well, no -- yes, I'm
18 sorry, because Figure 19 is the entire user interface.
19 Yes.

20 Q. Do you say anywhere in your report that the
21 teaching of Bae would be applied to the channel browser
22 1340 or the TV guide 1350?

23 ATTORNEY HUH: Objection. Form.

24 A. I think what I said -- and I think we've
25 already addressed this -- is that applying Bae's known

1 technique to Kim's known system, which was ready for
2 improvement, would have yielded the predictable result
3 of having an on-screen channel changer that allows
4 channel searching via a channel search field but also
5 includes a number input bar so that a user can switch
6 channels on Kim's television by identifying a specific
7 channel number.

8 BY ATTORNEY SCHREINER:

9 Q. Let's go to paragraph 99 of your declaration.
10 And this is for limitation 1.2, which refers to
11 displaying an on-screen channel changer with EPG
12 information and number input bar.

13 Do you see that in limitation 1.2 on page 51
14 of your declaration?

15 A. Yes. I see the claim element on 51.

16 Q. And you see on paragraph 99, you quote a
17 portion of the claim limitation displaying ... an
18 on-screen channel changer.

19 Do you see that?

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

21 Q. You say -- there's a heading before paragraph
22 99 of your declaration, and it quotes the claim
23 language. It says, quote, "displaying ... an on-screen
24 channel changer," close quote.

25 Do you see that?

1 A. Yes.

2 Q. And in paragraph 102 under that same section,
3 displaying an on-screen channel changer, you refer to
4 the channel browser object 1340.

5 Do you see that?

6 A. I'm just getting up to there.

7 Q. Sure.

8 A. We're talking about paragraph 102?

9 Q. Correct.

10 A. Sorry, what was the question about 102?

11 Q. In paragraph 102 under that same section for,
12 quote, "displaying an on-screen channel changer," you
13 refer to the channel browser object 1340, right?

14 A. I do.

15 Q. And what's the reason you refer to the channel
16 browser object 1340 under this section for, quote,
17 "displaying an on-screen channel changer"?

18 A. Because that's a component of the on-screen
19 channel changer.

20 Q. And it includes electronic program guide
21 information, in your view.

22 Is that correct?

23 A. Yes.

24 Q. And you state in paragraph 104, quote, "Thus,
25 Kim's card object area that displays either or both of a

1 channel browser card object and TV guide card object
2 teaches an on-screen channel changer."

3 Is that correct?

4 A. One moment. Okay, repeat the question. I
5 think I understand it.

6 Q. You state in paragraph 104, quote, "Thus,
7 Kim's card object area that displays either or both of a
8 channel browser card object and TV guide card object
9 teaches an on-screen channel changer," close quote.

10 Correct?

11 A. Correct.

12 Q. Is it correct that you point to the channel
13 browser and the TV guide card objects because they allow
14 for the changing of broadcast channels. Correct?

15 A. They allow for the changing of broadcast
16 channels or, in the case of the TV guide, if you're
17 trying to change to a program not yet broadcast, you'll
18 get information about the program.

19 Q. In either case, they enable the changing to
20 broadcast channels. Correct?

21 A. They are a means to change channels.

22 Q. And specifically, they're a means to change
23 broadcast channels, right?

24 ATTORNEY HUH: Objection. Form.

25 A. To the extent that they refer to broadcast

1 channels, then they refer to broadcast channels.

2 ATTORNEY SCHREINER: Okay. I think we have
3 been going about an hour and 15. Do you want to take a
4 10-minute break?

5 THE WITNESS: One second.

6 ATTORNEY SCHREINER: Sure.

7 THE WITNESS: Yes, that would be fine.

8 ATTORNEY SCHREINER: Okay, great. Thank you.
9 Let's say, what, 3:40?

10 THE WITNESS: Sure.

11 (Recess taken.)

12 BY ATTORNEY SCHREINER:

13 Q. Let's refer to paragraph 118 of your
14 declaration, Dr. Lippman. I'm actually looking on page
15 70 of the document. There's an annotated Figure 22 of
16 the Kim reference.

17 A. That section is addressing which claim
18 element?

19 Q. It looks like above your paragraph 116, EPG
20 information from the claim element.

21 A. Same claim element?

22 Q. Same overall claim element, limitation 1.2,
23 yes.

24 A. Just checking.

25 Q. Yeah, sure.

1 So on page 70, paragraph 118 of your
2 declaration, you see you've got an annotated Figure 22
3 from the Kim? Patent. I'm sorry, from the Kim
4 reference. Do you see that?

5 A. Yes.

6 Q. And is the annotation indicating that there is
7 EPG information in the channel browser 1340 and in the
8 TV guide 1350?

9 A. Yes.

10 Q. And as we've discussed before, the EPG
11 information as you allege would be the thumbnails in the
12 channel browser or the program listings in the TV guide
13 1350. Correct?

14 ATTORNEY HUH: Objection. Form.

15 A. Well, I say in 120 Kim teaches a known method
16 for displaying an on-screen channel changer that
17 includes electronic program guide information that
18 allows a user to select a channel/channel
19 thumbnail/program listing and/or enter a search keyword.

20 Q. Yeah, that's your summary. We're before that.
21 I want to look at Figure 22 as you have annotated at the
22 end of paragraph 118.

23 Do you see that on page 70?

24 A. I see Figure -- yeah.

25 Q. Okay. Are you indicating here that the EPG

1 information of the claim corresponds to the thumbnails
2 in the channel browser and/or the program listings in
3 the TV guide card object?

4 ATTORNEY HUH: Objection. Form.

5 A. As well that that's shown in Figure 22, so
6 take them both together.

7 BY ATTORNEY SCHREINER:

8 Q. Okay. Both together, meaning the electronic
9 program guide information corresponds to the thumbnails
10 in the channel browser and the program listings in TV
11 guide 1350.

12 Do I have that right?

13 ATTORNEY HUH: Objection. Form.

14 A. And also the channel changing mechanism, yeah.

15 BY ATTORNEY SCHREINER:

16 Q. I'm sorry, what is the channel changing
17 mechanism?

18 A. That's shown in the following figure.

19 Q. Okay. So let's just start -- let's just go
20 one figure at a time so that I'm clear, I don't get
21 mixed up here.

22 So for Figure 22 of Kim, you are indicating
23 that the electronic program guide information for the
24 claim limitation corresponds to the thumbnails in the
25 channel browser and the program listings in TV guide

1 1350. Correct?

2 ATTORNEY HUH: Objection. Form.

3 A. Well, I said what I said in 120 for a reason,
4 and the reason is because the electronic program guide
5 provides information about programs as well as channel
6 changing. Does it not?

7 BY ATTORNEY SCHREINER:

8 Q. Yeah, I'll catch up to you. I'm a little
9 slow, so I'll catch up to you. I just want to focus on
10 paragraph 118 and Figure 22, which you provided and
11 annotated. And so we'll get to the next figure and
12 we'll get to the next paragraphs.

13 But for paragraph 118, I just want to confirm
14 that you're indicating that the electronic program guide
15 information corresponds to the thumbnails in the channel
16 browser and the program listings in TV guide 1350.

17 A. What I say is it displays a program list.

18 Q. And you're saying that the program list is EPG
19 information according to the claim.

20 Is that correct?

21 A. That is EPG information.

22 Q. And then you also refer -- going to the next
23 page, you refer to Figure 22, and you annotated
24 Figure 22.

25 Do you see that?

1 A. Yes.

2 Q. Actually, let's -- I'd like to see if we can
3 correct something. You refer to it as Figure 22, but I
4 think you mean Figure 38. Can you check Figure 38 and
5 confirm for me that what you have here as Figure 22
6 really is Figure 38?

7 A. You're right.

8 Q. Okay. You recall we talked about this Figure
9 38 before? It's referred to in the patent as a search
10 window.

11 A. Do I recall us talking about that? You can
12 remind me.

13 Q. We did talk about it. I know we've gone
14 through a lot today.

15 Take a look at paragraph 266 of the Kim
16 reference. If you can, confirm for me that in paragraph
17 266 of Kim it states that Figures 38 through 31 display
18 a search window.

19 A. I can confirm that.

20 Q. And you see there's a phrase that's entered,
21 "shutter island." Do you see that in Figure 38 of Kim?

22 A. Yes.

23 Q. And you understand that being a search keyword
24 that's entered to search different collections of
25 content?

1 ATTORNEY HUH: Objection. Form.

2 A. It's intended to search for content.

3 BY ATTORNEY SCHREINER:

4 Q. And do you see the tabs along the top, TV
5 guide, Netcast, My Media app, and browser?

6 A. Yes.

7 Q. And you see that Netcast has been highlighted
8 in Figure 38?

9 ATTORNEY HUH: Objection. Form.

10 THE WITNESS: Okay.

11 BY ATTORNEY SCHREINER:

12 Q. You see that Netcast has been highlighted in
13 Figure 38. Correct?

14 A. Yes.

15 Q. Would a POSITA understand Figure 38 to be
16 showing a search window where the user can search based
17 on different card objects?

18 ATTORNEY HUH: Objection. Form.

19 A. A POSITA with respect to this discussion would
20 know that you could search based on the TV guide as well
21 as other things.

22 BY ATTORNEY SCHREINER:

23 Q. Right. The TV guide being one card object,
24 right? TV guide is TV guide 1340, right?

25 A. TV guide is a card object.

1 Q. And then Netcast in that series of tabs,
2 that's a card object. Correct?

3 A. Yes.

4 Q. My Media is another card object. Correct?

5 A. I'd have to check, but sounds right.

6 Q. So would My Media be referring to the My Media
7 card object?

8 A. That would make sense. It would.

9 Q. And a POSITA would understand that app would
10 refer to the App Store card object?

11 A. Yes, even though it doesn't say App Store.

12 Q. And a POSITA would understand that browser in
13 the series of tabs refers to the channel browser 1340.
14 Correct?

15 ATTORNEY HUH: Objection. Form.

16 A. One could read that into it.

17 BY ATTORNEY SCHREINER:

18 Q. So do you understand -- would a POSITA
19 generally understand Figure 38 as displaying a search
20 window where you can search the different card objects
21 for items that matched the search phrase?

22 ATTORNEY HUH: Objection. Form.

23 A. The illustration doesn't necessarily say that.

24 BY ATTORNEY SCHREINER:

25 Q. How would a POSITA understand Figure 38?

1 A. In the context of Kim, or just if I showed a
2 POSITA that picture?

3 Q. In the context of Kim, yeah. Certainly,
4 Kim -- okay, you agree in Figure 19 of Kim that it shows
5 a TV guide card object 1340, a Netcast card object 1320,
6 a My Media card object 1370, an App Store card object
7 1330, and a browser card object 1340. That's in
8 Figure 19 of Kim, right?

9 A. Yes.

10 Q. So the tabs in Figure 38, a POSITA would
11 understand the tabs in 38, Figure 38, as corresponding
12 to the various card objects from Figure 19 of Kim,
13 right?

14 A. I'm sorry, just give me had a moment to look
15 at Kim here.

16 Q. Sure.

17 ATTORNEY HUH: Objection. Form.

18 A. I use that to indicate that you can do a
19 search in the context of the TV guide. It's conceivable
20 that the search could likewise be generic and search
21 across all of those, those cases.

22 BY ATTORNEY SCHREINER:

23 Q. You agree a POSITA would under --

24 ATTORNEY HUH: Steve, he's not done speaking.

25 BY ATTORNEY SCHREINER:

1 Q. Sure. Proceed, Dr. Lippman.

2 A. I.e., the search could be generic.

3 Q. And you indicated before that a POSITA would
4 understand Figure 38 as indicating that the search is
5 being done based on the selected Netcast tab, right?

6 A. Something just happened there. I didn't hear
7 that clearly.

8 Q. Sure.

9 You indicated before that a POSITA would
10 understand Figure 38 as indicating that that particular
11 search is being done based on the selected Netcast tab.
12 Correct?

13 A. No, I didn't say that.

14 Q. Okay. You indicated the Netcast tab is
15 highlighted. That's correct, right?

16 A. Yeah.

17 Q. So would a POSITA understand that a search is
18 being conducted for content within the Netcast card
19 object that is highlighted?

20 A. Or the results of the search are to be found
21 in the Netcast card object.

22 Q. Show me in Kim where in Kim it indicates that
23 the search window of Figures 38 through 41 can be used
24 to select and display a channel.

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

1 Q. Where does Kim disclose that the search window
2 of Figures 38 through 41 can be used to select and
3 display a channel?

4 A. Well, if you're searching through the TV
5 guide, then you would find that title or similar titles
6 in the TV guide.

7 Q. Right. But you're not within the TV guide.
8 You're not within the TV guide card object, you're
9 within the search window, right?

10 A. Right.

11 Q. Okay. So I just want you to tell me if Kim
12 discloses that an item can be selected in the search
13 window to cause it to be displayed and viewed for the
14 user.

15 A. Well, one would understand that if you
16 searched in the TV guide, you would get TV programs that
17 you could select, just as if you searched in Netcast you
18 would get programs from Netcast that you can select.

19 Q. So just please show me where in Kim it
20 discloses that you can select an item in the search
21 window to cause that channel to be displayed.

22 ATTORNEY HUH: Objection. Form. Scope.

23 A. I -- I don't know. I would have to look
24 through the entirety of Kim to find out. But it makes
25 no sense for you to search if you couldn't ultimately

1 watch the program or play the media or start the app.

2 BY ATTORNEY SCHREINER:

3 Q. You can always watch the program by going back
4 to the TV guide card object itself at the home screen
5 and selecting that program, right?

6 A. You mean by changing card objects and
7 selecting it? Yes, one could do that.

8 Q. But as we sit here right now, you can't point
9 to me a specific section in Kim where it closes that a
10 user can select an object in the search display window
11 of Figure 38 and cause it to tune to that channel and
12 display it.

13 A. As I say, I would have to look through much of
14 Kim to determine that, but it makes no sense otherwise.

15 Q. Okay. So in your combination -- so claim
16 limitation 1.2 recites an on-screen channel changer
17 comprising electronic program guide information and a
18 number input bar, right?

19 A. Where are we?

20 Q. Oh, limitation 1.2 of Claim 1.

21 A. Yeah.

22 Q. It recites an on-screen channel changer
23 comprising EPG information and a number input bar.
24 Correct?

25 A. Yes.

1 Q. Okay. And for the -- to meet this claim
2 limitation in paragraph 19 -- let me rephrase that
3 question.

4 In order to meet the EPG information element
5 of the claim, you point to the objects in channel
6 browser 1340 and TV guide 1350 of Kim as well as the
7 search window of Figure 38 of Kim.

8 Is that correct?

9 A. Hang on.

10 Q. Sure.

11 A. Well, what I say is he teaches a known method
12 for displaying an on-screen channel changer that
13 includes electronic program guide information that
14 allows a user to select the channel thumbnail program
15 listing and/or enter a search keyword to facilitate the
16 user changing the channel.

17 Q. Right. And in paragraph 118 of your
18 declaration on page 70, you -- strike that.

19 And in Kim, you point to three things as
20 being -- corresponding to the claimed EPG information.
21 In your paragraph 118 on page 70, you refer to the
22 thumbnail and program listings in the channel browser
23 and TV guide, right?

24 That's one thing you refer to. Correct?

25 A. Right.

1 Q. And then in paragraph 119 on page 71 of your
2 declaration, you point to the TV guide tab on the search
3 window of Figure 38 of Kim. Correct?

4 A. I believe that's right.

5 Q. And then for the number input bar, referring
6 to your paragraph starting at 121 -- or actually, let's
7 refer to page 72 on your declaration.

8 There's a diagram of Bae, Exhibit 1008. You
9 see you've got annotated number input bar referring to
10 the selection window 330 in Bae?

11 A. Yes.

12 Q. And the claim requires an on-screen channel
13 changer that has both EPG information and the number
14 input bar. Correct?

15 A. It says in the claim it needs at least an
16 electronic program guide information and a number input
17 bar that has the digits 0 to 9.

18 Q. And this is describing a user interface,
19 right?

20 ATTORNEY HUH: Objection. Form.

21 A. Well, it's describing a method for controlling
22 a television.

23 BY ATTORNEY SCHREINER:

24 Q. Let's take your, referring to paragraph 118 on
25 page 70, your annotated Figure 22, and let's look at the

1 channel browser 1340. Okay?

2 A. Okay.

3 Q. And you say channel browser 1340, it meets the
4 EPG information element of the claim, right?

5 A. The channel browser and the TV guide can take
6 electronic program guide information.

7 Q. Right. If you don't mind, let's take them one
8 by one.

9 So we've got the channel browser, and you
10 indicate that the channel browser 1340 meets the EPG
11 information element of the claim limitation, right?

12 ATTORNEY HUH: Objection. Form.

13 A. In 117, I say as a first example, Kim
14 discloses a processor to display thumbnail images
15 corresponding to TV channels for channel browsing. As a
16 second example in 118, Kim discloses a processor to
17 display a program list.

18 BY ATTORNEY SCHREINER:

19 Q. Right. And you have this all under your
20 heading EPG Information, right?

21 Do you see paragraph 116 of your declaration?
22 You've got the claim language, quote, "EPG Information"?

23 A. Right. So those two things comprise EPG
24 information.

25 Q. Okay. So let's start with the channel browser

1 1340. And the channel browser 1340, you're saying it
2 has EPG information according to the claim, right?

3 A. I'm saying that that contains program
4 information.

5 Q. You're saying that contains EPG information
6 pursuant to the claim, right?

7 A. It does indeed con -- sorry. Excuse me. It
8 does indeed include EPG information.

9 Q. So just focusing on the channel browser 1340,
10 what does it look like when you add a number input bar
11 from Bae?

12 ATTORNEY HUH: Objection. Form.
13 Mischaracterizes testimony. Asked and answered.

14 A. We already went through this. I don't propose
15 that one adds the channel bar to the channel browser
16 card.

17 BY ATTORNEY SCHREINER:

18 Q. So in your proposed combination of Kim and
19 Bae, you're saying the channel browser 1340 would look
20 and work exactly as it's shown in Figure 22 on your page
21 70.

22 ATTORNEY HUH: Objection. Form.

23 A. Again, I don't say that either. All I say is
24 that these two references teach what's in the claim, not
25 that one would literally make an oleo of the two

1 interfaces and mash them together as drawn.

2 BY ATTORNEY SCHREINER:

3 Q. But you are talking about applying the
4 teachings of Bae to Kim, aren't you?

5 A. Yes.

6 Q. And that's what we say -- in the patent law,
7 that's what we call a combination, right?

8 ATTORNEY HUH: Counsel, he's not an attorney.

9 ATTORNEY SCHREINER: Just state your
10 objection, please.

11 ATTORNEY HUH: You're providing legal opinions
12 to him.

13 BY ATTORNEY SCHREINER:

14 Q. So that's what we refer to as a combination.
15 Correct?

16 ATTORNEY HUH: Objection. Form.

17 A. I accept that.

18 BY ATTORNEY SCHREINER:

19 Q. So in your proposed combination, what does --
20 strike that.

21 In your proposed combination of Kim and Bae,
22 what does the channel browser 1340 look like?

23 ATTORNEY HUH: Objection. Form.

24 A. You would choose to display EPG information
25 either the way Kim does or an altered way that Kim does

1 using the teachings of Kim so that you would end up with
2 an artful and usable user interface with Bae added to
3 it.

4 BY ATTORNEY SCHREINER:

5 Q. Okay, let me -- I'm going to try to understand
6 that answer. So you're saying in your proposed
7 combination of Kim and Bae, the channel browser object
8 1340 could look and operate exactly the same way as in
9 Kim. Correct?

10 ATTORNEY HUH: Objection. Form.
11 Mischaracterizes testimony.

12 A. It's conceivable that it could. It might not,
13 but it is the entirety of the interface that would
14 change.

15 BY ATTORNEY SCHREINER:

16 Q. And as for the TV guide card object 1350, what
17 would it look like pursuant to your proposed combination
18 of Bae with Kim?

19 ATTORNEY HUH: Objection. Form. Asked and
20 answered.

21 A. I don't think that I need to propose a
22 specific graphic design. What I propose is the
23 admixture of those two techniques for changing channel,
24 one of them being Kim's, and the other -- which allows
25 you to scroll and select and the other -- from EPG

1 information, and the other direct selection by
2 specifying a channel number.

3 BY ATTORNEY SCHREINER:

4 Q. You would agree it's fair that an expert
5 should be able to explain the functionality of the
6 proposed combination, right?

7 ATTORNEY HUH: Objection.

8 A. I think I just did explain the functionality
9 of the combination.

10 BY ATTORNEY SCHREINER:

11 Q. So what would be the functionality of TV guide
12 1350 after the application of Bae's teachings to Kim?

13 ATTORNEY HUH: Objection. Form.
14 Mischaracterizes testimony.

15 A. The channel changing mechanisms of Kim would
16 be one way of changing the channels from the user
17 interface.

18 BY ATTORNEY SCHREINER:

19 Q. And the channel changing mechanisms you're
20 referring to here would be the channel browser 1340 and
21 the TV guide 1350. Correct?

22 A. Yes.

23 Q. And then looking to your next figure on page
24 71 where we've got -- it says Figure 22, but we agreed
25 that that's Figure 38 of Kim.

1 You recall that?

2 A. Yes.

3 Q. And you recall that that is described in Kim
4 as a search window, right?

5 A. Yes.

6 Q. What does the search window in Kim look like
7 after the teaching of Bae is applied to it?

8 ATTORNEY HUH: Objection. Form.

9 A. Again, I'm not proposing a graphic design, I'm
10 proposing an admixture of the two technologies -- or
11 techniques, rather, to give you two ways of selecting a
12 channel.

13 BY ATTORNEY SCHREINER:

14 Q. But the technology here is for user
15 interfaces, right?

16 That's what the '254 patent describes as being
17 the need, right?

18 And all of the figures in the '254 patent and
19 Kim present user interfaces, right?

20 ATTORNEY HUH: Objection. Form.

21 A. Okay.

22 BY ATTORNEY SCHREINER:

23 Q. So the technology is --

24 A. They're not technologies. They're techniques.

25 Q. Okay, so none of this is technology?

1 A. It's a technique. It's a design. It's a way
2 of showing something. There is technology behind it,
3 but the visual image is a visual image.

4 Q. You don't dispute that Kim Figure 19 and
5 Figure 38 are presenting user interfaces?

6 A. Figure 19? That's the home screen?

7 Q. Yeah.

8 A. Right.

9 Q. And they were user interfaces to allow a user
10 to interface with some sort of computer-implemented
11 television apparatus, right?

12 A. Yes.

13 Q. So let's go back to the question at hand.

14 Figure 38 of Kim, which you have on page 71,
15 which is called a search window in Kim, do you recall
16 that generally?

17 A. Yes.

18 Q. And Figure 38, that search window, that's a
19 user interface, right?

20 A. It's a component of the user interface, yes.

21 Q. It itself is a user interface, right?

22 A. Is a component of a user interface also a user
23 interface? I guess you'd have to say yes to that.

24 Q. Right. So what does the search window of
25 Figure 38 of Kim look like after your proposal for

1 applying the teachings of Bae?

2 ATTORNEY HUH: Objection. Form.

3 A. Well, I -- I'm not going to give you a graphic
4 design for it, but it would display those two options,
5 either changing channels via search or changing channels
6 via numbers.

7 BY ATTORNEY SCHREINER:

8 Q. So you don't present anywhere in your expert
9 declaration a depiction of what the combination of Bae
10 with the search window of Figure 38 of Kim would look
11 like, right?

12 A. I don't present a candidate graphic design.

13 Q. And you don't show anywhere in your expert
14 report a depiction of what the user interface would look
15 like when the channel browser and TV guide card objects
16 of Kim have been applied with the teachings of Bae.
17 Correct?

18 A. I do not show a depiction of a graphic design
19 for that either.

20 ATTORNEY SCHREINER: Let's take a look at the
21 WD Manual, which is Exhibit 1006.

22 (Exhibit No. 1006, previously marked, was
23 referenced and indexed.)

24 ATTORNEY SCHREINER: And let's post to the
25 screen -- it's part 1, Blake, of Exhibit 1006.

1 BY ATTORNEY SCHREINER:

2 Q. Do you recognize the WD Manual, Dr. Lippman?

3 A. Yes.

4 (Reporter clarification.)

5 THE REPORTER: If we could just pause for a
6 moment so I don't forget, we need to identify the person
7 who's here with us on the phone.

8 ATTORNEY CARMICHAEL: This is James
9 Carmichael.

10 THE REPORTER: Thank you.

11 BY ATTORNEY SCHREINER:

12 Q. Let's just walk through the WD Manual.

13 Just to reiterate, you indicated before that
14 you don't know how this manual, Exhibit 1008, was
15 located -- strike that.

16 You don't know how this WD Manual,
17 Exhibit 1006, was located or whether it was available to
18 a POSITA in the 2012 time frame.

19 ATTORNEY HUH: Objection. Form.

20 A. I'm not sure I said that, but what I did say
21 is that I do know that the WD Live Hub was available, so
22 its manual was likely to be available.

23 BY ATTORNEY SCHREINER:

24 Q. But you did nothing to the confirm that the
25 manual was available, for instance, on the internet in

1 the 2012 time frame. Correct?

2 ATTORNEY HUH: Objection. Form.

3 A. I did not look for it.

4 BY ATTORNEY SCHREINER:

5 Q. And you indicated previously that you don't
6 recall being familiar with this WD TV Live Hub in the
7 2012 time frame yourself.

8 A. I --

9 ATTORNEY HUH: Objection. Form.

10 A. I was not familiar with that particular
11 device.

12 BY ATTORNEY SCHREINER:

13 Q. Let me refer you to natural page 28 of the
14 WD Manual.

15 A. I think we can -- I have the WD Manual. We
16 can take down the screen share.

17 Q. Yeah, we can take that down, thank you.

18 So if you'll go to page 28 of the WD Manual
19 where it discusses the home screen and let me know when
20 you're there.

21 A. Okay.

22 Q. And do you generally recall that the WD Manual
23 describes that there's a home screen from which other
24 submenu screens can be accessed?

25 A. Where do I describe that in my report?

1 Q. I'm just looking at page 28 of the WD Manual.
2 You see where it says home screen options? The main
3 home screen options are videos, music, photos, files,
4 setup services, etc.?

5 A. This is not with respect to my report?

6 Q. I'm just asking you about the reference.

7 A. I can see what the reference displays on the
8 screen. The home screen displays, when you turn on --
9 when the media -- your media center or press home on the
10 remote control, the main home options are as you stated.

11 Q. And if I can refer you to page 76 of the
12 WD Manual, do you see that displays the services menu?

13 It states navigate to the home and then says
14 services menu bar and press okay?

15 A. Yes.

16 Q. On page 77 of the WD Manual, it lists a series
17 of internet services. That's in the first line of page
18 77. Do you see that?

19 A. Yes.

20 Q. What are the internet services?

21 A. There's a suite of them shown.

22 Q. And are they links to websites such as
23 Blockbuster, Facebook, etc.?

24 A. I don't believe it specifies that.

25 Q. Does it specify that they are downloaded

1 applications?

2 A. It says they're services.

3 Q. So it doesn't say one way or another.

4 Correct?

5 ATTORNEY HUH: Objection. Form.

6 A. Services are services, the content for which
7 you would get over the internet.

8 BY ATTORNEY SCHREINER:

9 Q. But one of those -- is it fair to call those
10 images on page 77 of the WD Manual thumbnails?

11 A. They're icons representing the service.

12 Q. Sure.

13 So those icons could be a URL to the
14 corresponding internet site for Facebook, for example.

15 Correct?

16 ATTORNEY HUH: Objection. Form.

17 A. There's no indication that the WD system would
18 be able to render those, merely access the service.

19 BY ATTORNEY SCHREINER:

20 Q. So the WD Manual is silent as to what those
21 icons are?

22 A. Those are icons that represent ways to access
23 the service.

24 Q. But WD Manual doesn't tell you how the device
25 accesses those services.

1 Is that correct?

2 ATTORNEY HUH: Objection. Form.

3 A. Depending on the service and the nature of the
4 service, one way of doing that is via -- is as apps.

5 BY ATTORNEY SCHREINER:

6 Q. Or a link to the website. Correct?

7 ATTORNEY HUH: Objection. Form.

8 A. Conceivably, it might be. But generally, an
9 icon stands for an app.

10 BY ATTORNEY SCHREINER:

11 Q. But the WD Manual doesn't specify either.

12 Is that fair to say?

13 A. It doesn't use --

14 ATTORNEY HUH: Object to form.

15 A. It doesn't use the word "app."

16 BY ATTORNEY SCHREINER:

17 Q. And it doesn't describe them as downloaded
18 applications. Correct?

19 ATTORNEY HUH: Objection. Form.

20 A. It describes them as services.

21 BY ATTORNEY SCHREINER:

22 Q. It doesn't make any reference to downloaded
23 applications.

24 Is that fair to say?

25 ATTORNEY HUH: Objection. Form.

1 THE WITNESS: I'm looking for where in my
2 report I comment on that.

3 ATTORNEY SCHREINER: Tell you what. Why don't
4 we --

5 ATTORNEY HUH: Counsel, let him -- let him
6 look at his report.

7 ATTORNEY SCHREINER: I will withdraw that
8 question and --

9 ATTORNEY HUH: No, let him look at his report
10 now so he has understanding of -- of what you were
11 trying to ask.

12 ATTORNEY SCHREINER: I'm withdrawing the
13 question. He can look at his report during the break.
14 I'm going to take a five-minute break and figure out
15 whether I have any wrap-up questions, and we can
16 reconvene and I think we can wrap this up.

17 ATTORNEY HUH: Okay, Dr. Lippman, please
18 review the report as you were trying to do. And if
19 there's something else you want to supplement, please do
20 so.

21 ATTORNEY SCHREINER: So, Dr. Lippman, let's
22 reconvene at 4:37. Is that okay?

23 THE WITNESS: Yes, that's okay.

24 ATTORNEY SCHREINER: Okay, thank you.

25 (Recess taken.)

1 ATTORNEY SCHREINER: I have no further
2 questions at this time. I pass the witness.

3 ATTORNEY HUH: No questions.

4 ATTORNEY SCHREINER: Thank you very much for
5 your time, Dr. Lippman. I know it was a long day.
6 Hopefully not as long as the other two.

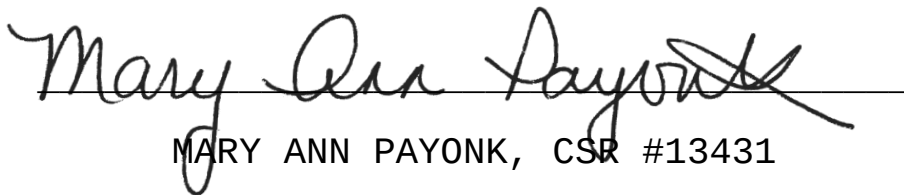
7
8 (Deposition adjourned at 4:44 p.m.)
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- REPORTER'S CERTIFICATE -

I, MARY ANN PAYONK, shorthand reporter and Notary Public, CA CSR No. 13431, do hereby certify that the witness whose deposition is hereinbefore set forth was sworn by agreement of all parties, that the proceedings were reported stenographically by me, and that this transcript is a true, correct, and full record of the testimony given.

I further certify that I am not related to any of the parties to this action by blood or by marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of September, 2024.

A handwritten signature in black ink, reading "Mary Ann Payonk", written over a horizontal line.

MARY ANN PAYONK, CSR #13431

Virginia Notary Registration No. 219251

My Commission expires 8/21/2026

ERRATA SHEET FOR TRANSCRIPT OF: Dr. Andrew B. Lippman
CASE CAPTION: LG vs. Multimedia
DEPOSITION DATE: September 6, 2024

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From _____ to _____

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Page _____ Line _____ Reason _____
From _____ to _____

Signature of Deponent

Date

1 I,

2 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 ANDREW B. LIPPMAN
18
19
20
21
22
23
24
25

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