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UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC.,)
LG ELECTRONICS U.S.A., INC.,)
and VIZIO, INC.,)
Petitioners,)
vs)
MULTIMEDIA TECHNOLOGIES, PTE.)
LTD.,)
Patent Owner.)

CERTIFIED COPY

IPR2024-00354
Patent No. 10,419,805
CM#56690.35US01

REMOTE ZOOM DEPOSITION OF
RAJEEV SURATI, Ph.D.
FRIDAY, NOVEMBER 8, 2024, 9:33 A.M. EST

Reported by Elizabeth A. Willis-Lewis, CSR 12155
Job No. 24-143557

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vs	)	IPR2024-00354
	)	Patent No. 10,419,805
MULTIMEDIA TECHNOLOGIES, PTE.	)	CM#56690.35US01
LTD.,	)	
	)	
Patent Owner.	)	
	)	

REMOTE ZOOM DEPOSITION OF RAJEEV SURATI, Ph.D.,
commencing at 9:33 a.m., EST, Friday, November 8,
2024, before Elizabeth A. Willis-Lewis, RMR, RPR,
CCRR, CSR No. 12155.

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FRIDAY, NOVEMBER 8, 2024, 9:33 A.M. EST

RAJEEV SURATI, Ph.D.,
having been called as a witness and having been
first duly sworn, was examined and testified as
follows:

COURT REPORTER: Thank you.

EXAMINATION BY MR. BOWSER:

Q. Good morning, Dr. Surati.

A. Good morning. Your name is Mr. Bowser?

Q. Yes. My name is Jonathan Bowser, B-O-W-S-E-R,
and I am counsel for Petitioner. I will be asking you
questions today about your declaration in IPR2024-00354.
And just for the record, your declaration is Exhibit
2010 in this proceeding.

A. Okay.

Q. Okay. How are you doing today?

A. Fine. How are you?

Q. Good. I am in a hotel room in California, so
we will see how this works. All right. Can you please
state your full name for the record?

A. Rajeev Surati.

Q. Okay. Is there any reason why you would not be
able to answer my questions today fully, accurately, and

1 honestly?

2 A. No reason.

3 Q. And before we get started, let's get some
4 preliminary things out of the way. If I ask a question
5 and you answer my question, is it fair to assume that
6 you understood my question?

7 A. Okay.

8 Q. Your counsel may object to questions throughout
9 this deposition. Unless your counsel instructs you not
10 to answer a specific question, you are required to
11 answer my questions. Is that understood?

12 A. It is.

13 Q. Okay. And during the portion of this
14 deposition where I am asking you questions you are not
15 permitted to speak with your counsel about the substance
16 of your testimony, including your declaration and
17 deposition. Is that understood?

18 A. That is understood.

19 Q. Okay. Do you have any instant messaging
20 applications running on your computer?

21 A. Not at this time.

22 Q. Do you have an e-mail application open on your
23 computer?

24 A. I do not.

25 Q. Okay. If you would just make sure that you

1 keep off all e-mail and instant messaging applications
2 during the deposition, that would be much appreciated.

3 A. All right.

4 Q. Okay. Do you have any other device --
5 electronic devices where you can communicate with others
6 near you?

7 A. I have a cell phone that I have put into
8 airplane mode.

9 Q. That works.

10 A. Okay.

11 Q. Okay. Were you engaged by Multimedia
12 Technologies in this case?

13 A. I was.

14 Q. Do you recall who approached you in this
15 matter?

16 A. Yeah. So I have a colleague/friend Craig. I
17 am trying to remember his last name. But anyways, Craig
18 is also engaged in this case; not in the IPRs, but in
19 the litigation related to this against LG. And he is an
20 infringement expert, but he contacted me and suggested
21 that I make myself available to be interviewed by
22 Multimedia Technologies.

23 Q. Okay. Are you serving as an expert witness for
24 the district court litigation as well?

25 A. I am.

1 Q. And in what capacity are you serving as an
2 expert witness in the district court litigation?

3 A. I think by that you mean like as an invalidity
4 expert?

5 Q. Yeah. Just generally speaking, what are you
6 testifying about?

7 A. Oh, just --

8 MR. YANG: Object to scope.

9 THE DEPONENT: Just invalidity.

10 BY MR. BOWSER:

11 Q. Do you recall when you were first engaged to
12 work on the litigation involving this matter?

13 A. I think it was a year ago, but that was the
14 litigation, and then maybe six or seven months ago
15 regarding the IPRs.

16 Q. Okay. Thank you. Do you have copies of your
17 declaration?

18 A. I do.

19 Q. Okay. And do you have copies of the documents
20 that are referenced in your declaration? I can point
21 you to specifically the items identified in paragraph 9.

22 A. I do have copies of -- I have PDF copies that I
23 got off the docket and I can access the docket if I need
24 to.

25 Q. Okay. I can also upload documents into the

1 chat. So if you would like me to do that, let me know.
2 A. I think I am good. I downloaded everything
3 from the docket so I should have everything --
4 Q. So --
5 A. -- in the form that it was submitted.
6 Q. So you used PTX?
7 A. I used this thing called Docket Alarm.
8 Q. Okay.
9 A. I used to have RPX, but they decided that
10 people like me shouldn't pay \$80 a month to access it --
11 \$7,000 a year.
12 Q. It is good you have access. Let's see. Okay.
13 So going back to your exhibit -- again, this is Exhibit
14 2010 and this is your exhibit, correct?
15 A. Yes.
16 Q. Or I apologize. This is your declaration?
17 A. Yeah, Exhibit 2010 is my declaration. And I am
18 going to bring it up just so that I can see it. There
19 it is. Okay. Exhibit 2010, I have it in front of me.
20 I also have a paper copy that I haven't marked up, but I
21 imagine I will use it.
22 Q. Okay, whichever you prefer. And I should have
23 mentioned to you at the outset that I am planning to go
24 for, you know, like 50-to-60-minute increments and then
25 we can take a break. So -- but if you do need a break

1 at any point just let me know. If we take a break
2 just -- I ask that we can finish the questions that we
3 are currently discussing. Okay.

4 So can you turn -- okay. Sorry -- your
5 declaration is 2010, we talked about, and it addresses
6 patent number 10,419,805. Is that correct?

7 A. That's correct.

8 Q. All right. And can you turn to page 77 of your
9 declaration?

10 A. Yes, sir.

11 Q. And that is your signature, correct?

12 A. That is my signature, sir.

13 Q. And you signed on August 23rd, 2024; is that
14 right?

15 A. I believe that was the day it was submitted to
16 you.

17 Q. Okay. So again, we are talking about Patent
18 No. 10,419,805. If I refer to that as the 805 patent
19 you will understand that I am talking about 10,419,805?

20 A. I do.

21 Q. Okay. Did you review the 805 patent today? I
22 am sorry. Did you review the 805 patent in preparation
23 for your deposition today?

24 A. I did.

25 Q. And did you review it in its entirety?

1 A. Yeah, I think so.

2 Q. Do you think you have a complete understanding
3 of the 805 patent?

4 A. Enough so that I can answer your questions
5 today.

6 Q. How many times have you been deposed before?

7 A. Probably about -- over 30.

8 Q. And in these instances where you were deposed,
9 over 30, were those in connection with IPRs?

10 A. Some of them, yeah.

11 Q. Do you recall how many times you were deposed
12 in connection with IPRs?

13 A. I would say 10s of times, but not 20 times.

14 Q. Okay. And you were deposed yesterday in
15 connection with IPR2024-00351, correct?

16 A. I was.

17 Q. Do you have your CV handy? It is Exhibit 2011.

18 A. Yeah. Let's just see here. Just a second
19 here. I don't know if I have the one -- I don't know
20 that I downloaded that one. Sorry.

21 Q. Okay. Let me put it in the chat.

22 A. Sorry about that.

23 Q. No worries. Let me upload this. Also for the
24 record, I just uploaded Exhibit 2011 into the chat.

25 A. Sure. Here we are.

1 Q. Okay. Do you have the document opened?
2 A. I do.
3 Q. Okay. This is your CV, correct?
4 A. It is, sir.
5 Q. On page 1 under the heading, "Expert
6 Experience" -- do you see that?
7 A. Yes.
8 Q. Okay. And it says, "Extensive experience in
9 IPR patent, trade secret," and so on. Do you see that?
10 A. I do.
11 Q. Okay. Do you recall the times where you have
12 served as an expert in connection with IPRs, how many
13 times you have served as an expert for patent owners?
14 A. I have -- I don't, actually.
15 Q. Do you have a rough guess?
16 A. I mean, I think it is even, but I don't recall
17 off the top of my head. I would have to look at -- I
18 could go down a list and try to count if you like.
19 Q. I was just really looking for a rough
20 approximation. So if you say it is about even, that's
21 fine. Okay.
22 Can you tell me a little bit about your current
23 position at Skyline Nav?
24 A. Sure. So I am, I guess, the Co-founder,
25 President, and CTO of Skyline Nav AI, Incorporated. And

1 so I basically work on technologies related to
2 GPS-denied alternatives. And in this particular case it
3 is for writing apps that look at video and try to
4 determine where you are, based on the video input and
5 external information like 3-D models of the area around
6 you.

7 Q. Okay. Can you scroll down to, I think it is on
8 page 2, where you talk about your experience with the
9 company called Scalable Display Technologies?

10 A. Sure.

11 Q. Okay. And can you also describe your
12 experience with that company?

13 A. Sure. So I -- this is a company that I
14 co-founded in 2004 based on my Ph.D work at MIT, which
15 was related to displays. And a TV is a display, so
16 there is somewhat relevance there. There is all kinds
17 of external inputs that you can provide. But the goal
18 of the company was to take the technology that I made
19 for making seamless displays out of multi projectors and
20 make products out of it. So I made some technologies
21 that allowed you to take multiple projectors and
22 seamlessly blend them to create a seamless image. And I
23 worked with a number of companies like NEC and Sony and
24 Hitachi on technologies to integrate into the
25 firmware -- these kinds of things into the firmware

1 projectors, which are sometimes used as TVs.

2 And similarly, over that time, in addition to
3 doing the calibration piece, which allowed all these
4 things to work together, I created a program called
5 Scalable Player with a front end UI that let you display
6 different kinds of content, like content coming off of a
7 movie that might be stored on the system, or it could be
8 channels that are input into the PC using an ATSC
9 receiver that is digitally being received. I used
10 technology from Microsoft to do those integrations. And
11 I think -- I think a particular instantiation of that,
12 which made it possible to make the kinds of technologies
13 we are discussing here, is a product called Direct Show
14 from Microsoft, that lets you do all sorts of stuff to
15 kind of create kind of a media center or like -- just a
16 way to suck in different kinds of content and show it on
17 a display.

18 So that's kind of, I think, how that is related
19 to this technology here. I may have other facts. But,
20 like, the player also involved playing back different
21 kinds of content like WMV, MPEG, et cetera, or it could
22 have taken realtime input from an HDMI cable that was
23 input into the system or VGA or component or S video.
24 So I played around with all these kinds of things in
25 building a product and shipped such a product to market.

1 Q. Okay. When -- you said there were multiple
2 projectors that were connected to a television; is that
3 right?

4 A. No. What I meant was that there were multiple
5 projectors that are being driven as a single display.
6 So when you looked at it -- you looked at a display four
7 projectors would be overlapped and you would see a
8 single image like a gigantic TV. So, for example, I
9 built something for the MIT Lincoln Labs that was a
10 205-inch TV, but was made out of 12 different projectors
11 that were overlapped and you saw a gigantic image. And
12 then Scalable Player was the technology that was used to
13 allow them to watch content across this 205-inch screen.

14 Q. Okay. Thank you. Are you still involved in
15 that endeavor?

16 A. Yeah. I'm currently chairman of the company.
17 I just don't have full-time involvement.

18 Q. Okay. Is that company still in existence?

19 A. Yes. It is an ongoing concern in Cambridge,
20 Massachusetts, and we serve -- I think the main focus
21 today is the military and parks like Disney and
22 Universal.

23 Q. Okay. Thank you. Let's turn back to Exhibit
24 2010 --

25 A. Okay.

1 Q. -- your declaration. Let me know when you are
2 there.

3 A. I am on it. Sorry.

4 Q. Did you prepare this declaration?

5 A. Yeah. So this is a declaration that was
6 written jointly with counsel helping participate to help
7 write some of this stuff. But ultimately all of the
8 opinions in this document are mine.

9 Q. Who did you meet with to prepare for this
10 deposition today?

11 A. So I met with both Mr. Yang here and
12 Mr. Schreiner, but I happened to meet them and they
13 happened to be on the same calls. But generally
14 Mr. Yang focused on this patent and Mr. Schreiner
15 focused on the 351 matter.

16 Q. Do you recall how long you prepared for this
17 deposition?

18 A. I would probably say 16 hours.

19 Q. So let's turn to paragraph 7 in Exhibit 2010.
20 Let me know when you're there.

21 A. Yes.

22 Q. Okay. I apologize. I am a little slow. I am
23 working off some small screens in this hotel room. So
24 you've provided an opinion on whether the claims are
25 patentable in paragraph 7; is that right?

1 A. Yeah.

2 Q. Okay. And let's turn to paragraph 8. And you
3 say, "I" -- "I have found multiple limitations in the
4 challenge claims that are not disclosed by any one of
5 those references or a proposed combination." Do you see
6 that?

7 A. Yes.

8 Q. Okay. But then you say later in this paragraph
9 that, "My decision not to address a limitation of a
10 challenged claim should not be interpreted as an
11 admission that such a limitation is found in the prior
12 art," and it goes on. Right? Do you see that?

13 A. Yep.

14 Q. Okay. If you believed that a limitation is not
15 found in the prior art why did you not address it?

16 A. I didn't -- I didn't see a need to address it.
17 And I think what I wrote is sufficient to prove what I
18 need to prove and that's why I did it.

19 Q. Do you recall if you identified -- the
20 limitations that you have identified as not being
21 disclosed, did you identify those individually?

22 A. I think we did that jointly. We looked at
23 things jointly and looked over things. And so it was an
24 effort to look at whether certain things were defined a
25 certain way and we could see those things -- whether

1 limitations were met and I explain in each of the
2 instances why those limitations aren't met, but sure.

3 Q. We are going to get into the individual
4 limitations, but I want to just source first some
5 background. So let's go to paragraph 9 of your
6 declaration.

7 A. Sure.

8 Q. And in this paragraph 9 you have identified the
9 materials that you considered, correct?

10 A. That's correct.

11 Q. And in paragraph 9 you say that, "The material
12 I have considered includes, but is not limited to, the
13 items set forth below." Do you see that? Do you see
14 the last sentence in paragraph 9?

15 A. Yeah. It says, "The material I have considered
16 includes, but is not limited to, the items set forth
17 below." Is that what you are asking about?

18 Q. Yes.

19 A. I do. And then there is a list, but I won't go
20 through the list.

21 Q. Okay. Are there items that you considered in
22 connection with your declaration or the preparation of
23 your declaration that are not identified?

24 A. I am wondering -- so there is some references
25 in here to patents that I -- that is patent -- yeah. I

1 have to look to see -- can you give me a second?

2 Q. Sure.

3 A. In the other report I identify some things
4 like -- having to do with patents that have to do with
5 editable -- I don't think I -- so for example, paragraph
6 161 I talk about the 101 patent. I don't know that that
7 is there, but it is referenced directly in the text. So
8 certainly that is there. So I would say that if it is
9 not listed in that list then it may be listed in the
10 document. And then, you know, I generally used sources
11 that for the positive I -- I'm looking up various terms
12 in case I needed a refresher on some things, but I would
13 say that generally this list is complete.

14 Q. Okay. In paragraph 161 you identified the
15 Donoghue patent; is that right?

16 A. Yes.

17 Q. And that is Exhibit 2013 in this case and you
18 have identified that as well in paragraph 161?

19 A. Yeah.

20 Q. Okay. So is it correct to say that you have
21 identified everything in paragraph 9 and 10 with the
22 addition of Exhibit 2013, which is the Donoghue patent,
23 right?

24 A. Yeah.

25 Q. So going to paragraph 9 in the second row, you

1 indicated that you reviewed the -- strike that.

2 Going back to paragraph 9 in the second row,
3 you considered the Institution Decision; is that right?

4 A. Yes.

5 Q. Okay. And if I may direct you to paragraphs 67
6 and 132. Just if you would, please, take a look at
7 those. And you will see in those paragraphs you
8 reference the Institution Decision. Just please confirm
9 that.

10 A. I do see that, 67 and 68. 66 and 67, is that
11 what you are asking about?

12 Q. Sorry 67 and 132.

13 A. 67, yeah. I see 67. I agree with that. Okay.

14 Q. And then 132.

15 A. Uh-huh.

16 Q. Okay.

17 A. I think I agree with what you said.

18 Q. Did you review the entire Institution Decision?

19 A. I believe so.

20 Q. Did you see in the Institution Decision that
21 the Board preliminarily determined that Petitioner is
22 reasonably likely to show that the claims are
23 unpatentable?

24 A. I think that's generally true when they make
25 such a decision.

1 Q. And do you disagree with the Board's
2 determination?

3 A. Well, I wrote a -- I wrote the -- determining
4 that it is reasonably likely or that whether -- I mean,
5 I have written a declaration that contradicts it.

6 Q. So you are disagreeing with the Board's
7 preliminary determination?

8 A. I think --

9 MR. YANG: Object to form.

10 THE DEPONENT: Yeah. I am just disagreeing
11 with -- I mean, there is an opinion here that says, "I
12 don't believe the patent claims that are challenged are
13 unpatentable. The Board apparently thinks that the
14 challenged claims have a high likelihood of being
15 unpatentable." So there is an inherent disagreement in
16 those two opinions in that I found that it was -- it
17 wasn't -- it could be an agreement to say that, well,
18 even though it was highly likely, I don't believe it is.
19 It turned out that I don't think it is.

20 BY MR. BOWSER:

21 Q. And does your declaration address only those
22 portions of the Institution Decision that you disagree
23 with?

24 A. Well, in terms of the patents being
25 unpatentable, I think I address at least those things;

1 meaning that I provide evidence that contradicts the
2 Petitioner's findings and what the Board based its
3 decision of highly likely finding the patent claims
4 unpatentable.

5 Q. So are you saying that you have identified the
6 portions of the Institution Decision that you disagree
7 with?

8 MR. YANG: Object to form.

9 THE DEPONENT: I don't know that I have
10 identified each of these disagreements, but I certainly
11 have addressed the general theme by creating a whole
12 declaration that contradicts the opinion that things are
13 unpatentable. And I don't know if I'm contradicting the
14 Board. I am just saying they have to have it looked at
15 more carefully, and I am providing an opinion about why
16 I don't believe that the patent claims are unpatentable.

17 BY MR. BOWSER:

18 Q. Okay. Thank you. Let's turn back to paragraph
19 18 of your declaration.

20 A. Okay, paragraph 18. Sorry. I don't have a big
21 screen either. Okay.

22 Q. And in paragraph 18 we -- I am sorry. Strike
23 that.

24 In paragraph 18 you talk about your experience
25 with Scalable Display Technologies. And we have already

1 addressed that, but I just want to touch on this a
2 little bit. So let's turn to paragraph 19, if you will,
3 please.

4 A. Yes, sir.

5 Q. Okay. And I just -- would just like some
6 clarification here. So in paragraph 19 you say, "As
7 part of this system I worked on several home theater
8 systems," and the sentence goes on. What do you mean by
9 "this system"?

10 A. Oh, I am just generally referring to a system
11 that is multiple projectors or a display in combination
12 with the Scalable Player software running on a PC with
13 various inputs and outputs and methods for selecting
14 those inputs and outputs.

15 Q. So when you say, "this system," in paragraph 19
16 are you referring back to -- when you say in paragraph
17 18, "The Direct Show System from Microsoft" -- it is
18 like the fourth line from the bottom --

19 A. I would say -- that it is a good question. So
20 what I am trying to say is the scale -- a prior version
21 of Scalable Player. So when I say, "this system" -- I
22 realize that is confusing to say, "this system," but I
23 am talking about a system that has scalable player
24 installs on it, which would be a PC and projectors and
25 various inputs put into the PC.

1 Q. So when you worked on the system in terms of
2 various inputs you mentioned in paragraph 19 about cable
3 box, TV tuners, DVD, XBox 360; is that right?

4 A. Yes, sir.

5 Q. Okay. And what was the time frame for this?

6 A. 2008, 2009, 2010.

7 Q. And so in this Direct Show System -- I am
8 sorry. Strike that.

9 In this Scalable Player System that you worked
10 on did you display inputs about the external devices?

11 A. I would say that I had a system that let me put
12 in input devices and I had a UI for configuring what
13 inputs could be put, but I think a lot of that was
14 text-based. But I did have a UI that said, "Oh, I want
15 to put this particular source, you know, in a windowing
16 system." It was a little bit more comprehensive than a
17 TV, which usually only has one or two pictures in
18 pictures. I could put in multiple pictures in pictures.
19 So I had a UI for configuring that. And in that way I
20 could figure out what sources could be shown. I just
21 don't recall whether I created a list of the different
22 items as a UI element, if that's what you're asking.
23 But I certainly had those inputs to be made as inputs
24 that could be displayed on the screen.

25 Q. Would a user be able to select from among these

1 options, including the TV tuner, cable -- cable box,
2 DVD, Xbox 360, and so on?

3 A. In a way, because I would have to fix it --
4 which inputs -- which inputs were being connected to
5 what, but I wouldn't necessarily refer -- like the way I
6 was connecting the Xbox was through a HDMI cable or a
7 VGA cable, I think. But, yeah, they could select it,
8 but not necessarily in the way these patents have it
9 where it is very explicit and bidirectionally connected.

10 Q. So would the user be able to select a
11 particular input, for example, HDMI?

12 A. Sure.

13 MR. YANG: Object to scope.

14 BY MR. BOWSER:

15 Q. Okay. And if the user selected a certain type
16 of input it would identify -- well, strike that.

17 If a user selected a certain type of input
18 would they be able to switch to that input?

19 MR. YANG: Object to scope and foundation.

20 THE DEPONENT: Yeah. I mean, it's been a long
21 time, so I -- I can't remember exactly. But, yeah, I
22 mean, I think -- I don't opine upon this, other than to
23 say these are similar to very -- it is the kind of
24 functionality of the patents in this case address -- I
25 didn't go into the -- I would have to look back at all

1 my documentation to really recall this. I can't -- I
2 can't remember in detail, but it is true that you could
3 put an input into the system and it would get displayed
4 on the screen and there was a way to configure that.

5 BY MR. BOWSER:

6 Q. And in paragraph 18 you talk about the year
7 2004, right?

8 A. That's when I started the company.

9 Q. Okay. And earlier you testified that it was
10 around 2008, 2009, 2010 or so where this product was
11 available?

12 A. Yeah. I mean, it was available without the
13 inputs in 2005, where you could just play a playback
14 file starting -- you know, just a WMB file, but then I
15 added in these extra capabilities over time.

16 Q. Okay. So in that time frame, 2008 to 2010, it
17 was known to have external devices connected to a
18 television, right?

19 A. I think that's fair.

20 Q. Let's go to paragraph -- let's start at
21 paragraph 40, if you would, please.

22 A. Sure.

23 Q. And let me just give you a range here. So this
24 is section 4 of your declaration that spans paragraphs
25 40 to 45. Do you see that?

1 A. Um-hum.

2 Q. Correction, 40 to 44.

3 A. Yeah, you are right.

4 Q. Okay. And just so -- for the court reporter's

5 benefit we are going to use this word, POSITA,

6 P-O-S-I-T-A. Hopefully you have got that. I know it is

7 not a word that most people use.

8 So you talked about the -- your understanding

9 of a POSITA, right?

10 A. I do.

11 Q. And you have -- for purposes of this

12 declaration as indicated in paragraph 40 you have said

13 you have used the POSITA definition as of August 17,

14 2012; is that right?

15 A. Yes.

16 Q. Let's turn to paragraph 43.

17 A. Oh, I am sorry. Sure.

18 Q. And paragraph 43, you refer to the definition

19 of a POSITA as provided by Dr. Lippman; is that right?

20 A. I do.

21 Q. Okay. And in paragraph 44 the first sentence

22 says, "While I do not necessarily agree with

23 Dr. Lippman's definition of a POSITA, I have applied

24 this definition," and the sentence goes on. Do you see

25 that?

1 A. I do.

2 Q. Do you disagree with Dr. Lippman's definition
3 of a POSITA?

4 MR. YANG: Object to scope.

5 THE DEPONENT: I haven't -- you know, I am just
6 basically saying I am going to use it. I am not saying
7 whether I agree or disagree. But I am going to use it
8 in the document. So I don't have a reason at the moment
9 to disagree, but I don't want to commit to an opinion
10 about it. But I certainly think it is not unreasonable.

11 BY MR. BOWSER:

12 Q. So would it be fair to say that you have
13 applied Dr. Lippman's definition of a POSITA?

14 A. I have.

15 Q. Okay. Let's turn to your description of the
16 805 patent beginning at paragraph 46, okay. Give me one
17 moment. I need to pull out a pile of papers. Okay.
18 Are you there?

19 A. I am.

20 Q. So I am going to be referring to your
21 declaration, but also the patent as well. So maybe you
22 could have both documents handy, please.

23 A. Just give me a second to bring it up on the
24 screen. There it is. I have it.

25 Q. Okay. Thank you. And let's turn back to your

1 declaration starting at paragraph 46, please. Can you
2 please read the second and third paragraphs of paragraph
3 46?

4 A. Sure. You mean the second and third sentence?

5 Q. I am sorry. Yeah. I apologize. The second
6 and third sentences starting with, "According to."

7 A. "According to the 805 patent the prior art
8 failed to inter alia provide seamless and intuitive user
9 interfaces for navigating and/or executing the various
10 features of the Smart TV." And then the second
11 paragraph -- sorry. The second sentence, "Accordingly
12 there remained a need for an intelligent TV with
13 intuitive user interfaces and with seamless user
14 interaction capabilities."

15 Q. Thank you. So in those two sentences that you
16 just read the word "user interfaces" appears twice. Do
17 you see that?

18 A. Um-hum.

19 Q. Okay. What type of user interface is described
20 in the 805 patent?

21 MR. YANG: Object to form.

22 THE DEPONENT: There is a whole list of what
23 this patent is -- a continuation of claims priority of
24 and incorporations. But it is generally the user
25 interface for interacting with a TV that includes the

1 use of a remote control to interact with it as well as
2 UI that allows you to select or look at different types
3 of content.

4 BY MR. BOWSER:

5 Q. So is the user interface something that the
6 user of the television would interact with?

7 MR. YANG: Object to scope.

8 THE DEPONENT: Yeah. I mean, I didn't -- I
9 didn't know that I specifically address that, but I
10 think that's fair.

11 BY MR. BOWSER:

12 Q. Can you point me to an example of a user
13 interface in the drawings of the 805 patent?

14 A. So the drawings have to do with data formats
15 and such, but a POSITA would understand when they talked
16 about user interfaces and the incorporated -- I mean, I
17 could go through each of these things -- incorporated
18 documents, that this is referring to the user interface
19 on a TV. Just give me a second here. So there is some
20 indication of it in the fact that they use in figure 7,
21 a remote control, which indicates buttons 7-2-8. Just
22 one second.

23 You know, they talk about different buttons for
24 selecting different kinds of content, like the live TV
25 button to activate or select the live TV file, a Video

1 on Demand -- Video on Demand button to activate or
2 select the Video on Demand button, things to select
3 media center applications. Then there is a global panel
4 button and there are several patents in the series that
5 talk about what that does. Those are at least some of
6 the things. Let me also look at -- I would have to look
7 on -- I would have to bring up all these other
8 incorporated references to see if there is one that has
9 a user interface diagram, but I am pretty sure there
10 would be one like that.

11 And as I said, a POSITA reading this would
12 understand there is a user interface that let's you
13 select and interact with different kinds of content.
14 For example, furthermore figure 4 talks about an
15 architecture that sort of talks about the applications
16 that are visible to the user.

17 Q. So since you are on figure 4 let's look at
18 application 416 at the top. Do you see that?

19 A. Um-hum.

20 Q. And in application 416 you can see box 468,
21 which says, "User Interface." Right?

22 A. Um-hum.

23 Q. Okay. So when you refer to "user interfaces"
24 in paragraph 46 of your declaration you are generally
25 referring to the user interface that is shown in figure

1 4, number 468; is that right?

2 A. I think the general idea of a user interface --

3 this is talking about an embodiment of it, but someone

4 might architect a user interface to be slightly

5 different than this.

6 Q. Can you turn -- ask you to turn to figure 5,

7 please.

8 A. Um-hum.

9 Q. Okay.

10 A. Actually, I am looking at figure 4. I

11 apologize. So what was it you were saying? 460,

12 what -- I was looking at 516. So we were looking at

13 figure 4 when we were talking about figure 416 and you

14 were asking -- I guess I am confused now. Maybe can you

15 re-ask the question? Because I just noticed figure 4

16 looks different than figure 5 where figure 5 has a user

17 interface application box for 68.

18 Q. Yes. Well, I was going to get there. So I was

19 just trying to understand -- you used the word "user

20 interfaces" twice in paragraph 46 of your declaration.

21 I was just trying to figure out from you what you

22 understood the user interfaces to be in the 805 patent

23 and then we got to figure 4. Right?

24 A. Right.

25 Q. Okay. So we are there. We are on the same

1 page. We can collectively identify that user interface
2 468 is a user interface described in the 805 patent,
3 right?

4 A. I think that's fair. It is one, yeah.

5 Q. Okay. And you have testified earlier that
6 there are other patents that are incorporated by
7 reference which describe certain aspects of user
8 interfaces; is that right?

9 A. I think so.

10 Q. Okay. And if you could turn to paragraph -- I
11 am sorry. If you could turn to figure 5.

12 A. I am on figure 5.

13 Q. Okay. And in figure 5 you can see in the upper
14 half of the drawing there is number 468, which
15 designates the user interface; is that right?

16 A. Yes.

17 Q. Okay. Let's turn to paragraph 47 of your
18 declaration.

19 A. Okay. Sorry. 47, here we go.

20 Q. Okay. So let's back up before we go to
21 paragraph 47. And I want to just talk about the last
22 sentence of paragraph 46 because I think there is a
23 transition at the beginning of paragraph 47, okay? So
24 the last sentence of 46 -- sorry.

25 A. "Accordingly" --

1 Q. Yeah. Go ahead.

2 A. -- "there may be a need for an intelligent TV
3 with intuitive user interfaces and with seamless user
4 interaction capability."

5 Q. What do you think is meant by "seamless user
6 interaction capability"?

7 A. I think that it is -- it means that it is not
8 -- it is uninterrupted, that users can go from thing to
9 thing without having a big mental block or having to
10 feel like something is in between them and getting their
11 work done. Like they don't need to remove cables to
12 cause something to happen, that there is a user
13 interface that let's them just pop up the VOD thing and
14 it just works. That's kind of what I mean.

15 Q. Okay. So in paragraph 47 we are continuing on
16 just going from, you know, paragraph 46, paragraph 47.
17 And you say, "To address this." Do you see that?

18 A. Yep.

19 Q. Are you referring to the "need" sentence in
20 paragraph 46?

21 A. I think so.

22 Q. Okay. So I just want to clarify. So when you
23 say, "To address this," you are referring to the "need"
24 statement in paragraph 46. Correct?

25 A. Yeah. And I think prior to that it kind of

1 gets at there is a failure, you know, what the problem
2 is, at providing seamless and intuitive user interfaces
3 for navigating or executing various features of a Smart
4 TV. And that is sort of a symptom. But, yeah, this
5 need is -- to address this need. I am referring to --

6 Q. So is -- I apologize. Go ahead.

7 A. I am just saying to address this need, you can
8 say, if you wanted to.

9 Q. So thinking back, we talked earlier about,
10 like, a 2012 time frame. Right?

11 A. Sure.

12 Q. Okay. So thinking back, do you recall what the
13 state-of-the-art was in terms of user selection of
14 different inputs?

15 A. I mean, generally.

16 Q. Would a user have to manually switch the input,
17 let's say, from, you know, an XBox to the cable box?

18 A. I see. So meaning that they would press the
19 input button to do that? Or when you say, "manually,"
20 what do you mean?

21 Q. Manually, yes, where the user has to press a
22 button or issue a command of some sort.

23 A. I think that's true.

24 Q. Okay. So with that context, when you talk
25 about -- in paragraph 47 about intuitive and seamless

1 interfaces what exactly are you describing?

2 A. I am describing that there is a plethora of
3 contents on these systems that you need to select
4 between, that there are multiple kinds of inputs and
5 interfaces into the system. There is a huge variety of
6 things that you are trying to do. And you are just --
7 like, I just want to watch "Leave it to Beaver." And it
8 used to be, like, the intuitive way to use TV was I need
9 to switch channels. That is a pretty seamless
10 experience. But then when you are faced with all these
11 different alternatives, both finding and selecting and
12 getting the content to appear on the screen can seem
13 daunting and challenging unless you have a seamless
14 intuitive user interface.

15 Q. So would it be fair to say, based on what you
16 just said, that seamless and intuitive interfaces just
17 to make it easier for the user?

18 A. Yeah. I mean, I wouldn't - I think the words
19 describe what they mean, but the -- the way -- it is
20 certainly true that a benefit of making it seamless and
21 intuitive is to make it easier for the user to both do,
22 learn and remember.

23 Q. Now, let's go back to paragraph 47, the first
24 sentence.

25 A. Uh-huh.

1 Q. And we talked about the first part of this
2 sentence which says about intuitive and seamless
3 interfaces, right?

4 A. Right.

5 Q. Okay. Let's talk about the last part of this
6 sentence which starts with, "including functionality to
7 sort and display data regarding available content." Do
8 you see that?

9 A. Yeah.

10 Q. What do you mean by, "sort and display data
11 regarding available content"?

12 A. So, you know, going back to the discussion
13 about a plethora of content being able to be displayed
14 on a TV from a variety of sources, interfaces that let
15 you find the content you want to show, need to display
16 what content there is. So, for example, if you wanted
17 to watch "Leave it to Beaver" there might be 10
18 different places you could get it from rather than just
19 -- well, I happen to know in a TV paper guide that
20 "Leave it to Beaver" is on. I might want to look and
21 search and see that it is available to watch in my
22 electronic programming guide. I might be interested in
23 the "Leave it to Beaver" movie. I might be interested
24 in a whole host of things. So having a way to get
25 access to that information so the user can find that --

1 those pieces of content, just an idea that there is a
2 data service to get that content into a place that it is
3 searchable is one example of a way to make it easier for
4 the user to find the content and use the TV.

5 Q. So I want to talk about what you cited in
6 support after the first sentence of paragraph 47. Do
7 you see that you have cited two portions of the
8 specification?

9 A. Yes.

10 Q. So let's look at the first citation. And if
11 you wouldn't mind -- I am not asking you to initially
12 read it, but you have cited column 11, lines 12 to 21.
13 If you would just review that portion of the
14 specification.

15 A. 12 through 21, column 11. Okay. And then?

16 Q. And then column 17, lines 44 to 62, if you
17 could review those as well. Have you reviewed the
18 sections?

19 A. Yeah, I have.

20 Q. Okay. So let's start with column 11, lines 12
21 to 21. Okay?

22 A. Um-hum.

23 Q. And let's go to specifically column 11, lines
24 15 to 17.

25 A. Okay.

1 Q. And there in that portion, column 11, lines 15
2 to 17, talks about presenting information from a number
3 of sources, right?

4 A. Right.

5 Q. Okay. And then let's turn to column 17, lines
6 44 to 62, which you just reviewed, right? And is it
7 fair to say that in that -- and I am summarizing here,
8 but would it be fair to say that those portions of the
9 specification generally describe various devices that
10 can be connected to the television?

11 A. I think so.

12 Q. For example, column 17 lines 44 to 51 talk
13 about a GPS receiver that can be connected to the
14 television, right?

15 A. Right.

16 Q. Okay. So in that context of the portions that
17 you cited -- I am trying to understand what you are
18 describing here as displaying data and regarding
19 available content in paragraph 47. What do you mean by
20 that?

21 A. I may have messed up there. I have to look to
22 see what I would cite, sorry. Sorry. Just a second
23 here. I mean, I guess I was -- I would cite most of the
24 detailed description to describe these interfaces where
25 it describes the embodiments, but I'm not sure I have a

1 good answer to your question about why those things are
2 supportive. I don't think they are supportive. I think
3 there is a mistake there.

4 Q. Okay. Would you say generally -- sorry. Go
5 ahead.

6 A. I was just going to say generally that that is
7 what this patent is about. There is a number of
8 embodiments that describe that. And, I guess, if we
9 were to go through embodiment by embodiment we could see
10 that.

11 Q. Well, would you say that the general gist of
12 the 805 patent is about taking content from different
13 sources?

14 MR. YANG: Object to form.

15 THE DEPONENT: I mean, I would just say that
16 the 805 patent has to do with -- just one second here.
17 I mean, it is probably related to intelligent
18 televisions. And broadly, you know, it is about
19 providing seamless and intuitive user interfaces for
20 navigating or executing various features of the Smart
21 TV. And in particular it does deal with the data coming
22 from the metadata related to the content and making sure
23 that you get that information in a way that a user
24 interface could display it reasonably.

25 MR. BOWSER: We have been going for an hour.

1 How about we take a 10-minute break or 10, 15 minutes?
2 What would you prefer?

3 THE DEPONENT: I think 15 because I have left
4 my -- I only listen when my daughter is writing and she
5 put something, so I need to go talk to her for a second.

6 MR. BOWSER: That's fine. So let's say --
7 okay. It is -- do the math here, 10:40 Eastern. We
8 will come back at 10:55.

9 THE DEPONENT: Thank you so much.

10 (Off the record.)

11 BY MR. BOWSER:

12 Q. Back on the record. Dr. Surati, welcome back.

13 A. How are you?

14 Q. During the break did you speak with anybody
15 about the substance of your testimony?

16 A. Not at all.

17 Q. All right. Before the break we were talking
18 about the 805 patent. Do you recall that?

19 A. I do.

20 Q. And we left off talking about the first
21 sentence in paragraph 47. Do you recall that?

22 A. Um-hum, yep.

23 Q. And I want to next turn to paragraph 48. And
24 there you are talking about the 805 patent and
25 explaining about different types of content. Do you see

1 that?

2 A. Yeah. Just a second here. Yes.

3 Q. Okay. So in that first sentence of paragraph
4 48 you describe three types of content within an
5 E.G. parenthetical, right?

6 A. Yep.

7 Q. Okay. And you describe EPG, VOD and media,
8 right?

9 A. Yep.

10 Q. Okay. Can you please describe those different
11 types of content and why they are different?

12 A. Sure. So Video on Demand is video stored
13 somewhere; usually a server, not locally, and it
14 represents different kinds of content that you can
15 select that usually gets streamed over a network and are
16 provided to you and you can then decode and display
17 them. So -- and you can demand it at any particular
18 time. EPG data, on the other side, is data related to
19 Electronic Programming Guide. So this is broadcast --
20 typically associated with broadcast information. And
21 usually that is a time and a channel and maybe
22 information about what that content is, so someone could
23 decide to watch it and turn to it. Media data has more
24 to do with things that might be internal to the system
25 or external to the system that you plug into the system,

1 a whole host of things, but it is slightly different
2 than VOD and EPG in the way I was describing it.

3 Q. So is EPG -- you described that as more like
4 broadcast information?

5 A. I think so typically, but it has to do with,
6 like, this notion that an event might occur at a
7 particular time that you could watch something at and
8 that's why it is an electronic programming guide. It
9 tells you when and how to watch it.

10 Q. So an example of EPG data would be, as you
11 said, channel, time, information. Right?

12 A. Yeah.

13 Q. Okay. So to use your example before, if you
14 were to watch "Leave it to Beaver" through your cable
15 provider would that be EPG, VOD, or media?

16 A. It would depend on how that ended up on your
17 TV. So, for example, if it were provided and being
18 broadcast at a particular time and you select it in a
19 way that over the cable you got that, then that would be
20 fine. If the cable provider has a video on demand
21 service and, let's say, it is "Leave it to Beaver," the
22 movie, or some series that you selected at any
23 particular time, that would be VOD. If instead you
24 happen to have a DVD with "Leave it to Beaver" on it and
25 you plugged it into your system and said, "I want to

1 watch the DVD," then it would be under the media data
2 model.

3 Q. So under the example that you're watching it on
4 the Nickelodeon channel, "Leave it to Beaver," and it
5 comes on at 8 o'clock, is that EPG or is that Video on
6 Demand?

7 A. I think that is EPG.

8 Q. Okay. So would EPG be considered to be more of
9 the traditional broadcast type like where you would get
10 your -- like from a cable provider, right?

11 A. Yeah, or a TV Guide would have a list of
12 programs, what time they are on, and you would turn to
13 it at a particular time.

14 Q. Okay. So continuing with paragraph 48, do you
15 see the second sentence that starts with, "The 805
16 patent explains that data models"?

17 A. Sorry. So that would be, "The 805 explains
18 that the data models govern what information is to be
19 stored and how that information will be stored by the
20 data service."

21 Q. That's correct. And for that sentence you cite
22 Exhibit 1001 on 21, lines 6 to 8, and column 28, lines
23 37 and 38. Is that right?

24 A. Um-hum.

25 Q. So you are talking about data models in that

1 sentence; is that right?

2 A. Yeah.

3 Q. So does this sentence -- and it is a quotation.
4 Does that sentence mean that the data models predefine
5 how the data is to be stored?

6 A. Well, I think it's both what and how that
7 information will be stored. So if, for example, you
8 have data A, B, C and D coming in and you decide that
9 you are only interested in A and B, you would decide --
10 you would say, well, A and B is what I want and then you
11 might say, well, A needs to precede B. That is how it
12 would be stored.

13 Q. Okay. So the data models themselves are what
14 defines both the what and the how of how the data is to
15 be stored; is that right?

16 A. Yeah.

17 Q. Okay. So the television itself, does that have
18 any role -- and when I say, "the television," I am
19 talking about the intelligent television of the 805
20 patent. Does that have any role in determining how the
21 data is to be stored?

22 A. So in it such that whatever program that is
23 running on it that is executing instructions, that are
24 taking in the data and converting it to this data
25 format, yes.

1 Q. Let's turn to the -- we are still on paragraph
2 48.

3 A. Yeah.

4 Q. It is the first full sentence at the top of
5 page 17 that starts with, "For example." Do you see
6 that?

7 A. Yes, sir.

8 Q. Would you please read that sentence?

9 A. "For example, in reference in figure" -- "to
10 figure 14 the 805 patent provides that the data models
11 provide uniform formats for the respective subservices.
12 In explicum the VOD subservice 1420, EPG subservice
13 1424, and media subservice 1428 and/or the internal
14 content provider modules 1416, which interface with
15 applications."

16 Q. Okay. Thank you. Does -- strike that.
17 You referenced figure 14, right, in that
18 sentence?

19 A. Yeah.

20 Q. Okay. Does figure 14 illustrate the uniform
21 format for the respective subservices?

22 A. Just a second, okay? I think it illustrates
23 that each -- each subservice has a VOD data model that
24 is separate. It doesn't say what is in those data
25 models nor where it is stored, but it shows them as

1 separate. Does that answer your question?

2 Q. So I have two follow-up questions there.
3 First, you talked about subservices and we haven't
4 talked about subservices. Could you please describe
5 your understanding of what a subservice is in the 805
6 patent?

7 A. Sure. So it is something that is taking in --
8 in this case in this diagram it is taking in data from
9 the source plug-in and it, for example, is a VOD
10 subservice is taking that data and, you know, processing
11 and sticking it in a database that can be accessed by
12 the system. So it is performing some sort of program or
13 service.

14 Q. You referenced "this diagram." Are you
15 referring to figure 14?

16 A. Yeah.

17 Q. Okay. So I think a lot of people are familiar
18 with the back of a television, right? You have got
19 external inputs and then you have got, you know, the
20 internal processes, right?

21 A. Okay.

22 Q. Okay. So when we see in figure 14 -- there is
23 the VOD source plug-in, the EPG source plug-in, and the
24 media source plug-in, right?

25 A. Yeah.

1 Q. Is that intended to be the hardware interface?

2 A. No. I think that's both software and hardware
3 that we see here. So, for example, in paragraph 15 it
4 talks about loading a source plug-in for processing. So
5 each data subservice component is in communication with
6 the corresponding source plug-ins, which would be -- so
7 the way I would read it is the plug-in is the software
8 that is getting the data from the network or wherever
9 the source is -- it is getting it from, but it is code
10 that is grabbing that data or making it available to the
11 subservice. So it may involve hardware that has to be
12 gone through to get to the data, but that program is
13 running.

14 Q. Okay. So in figure 14 if we just look at the
15 way that it is -- the drawing is laid out, we have got
16 the plug-ins, which are kind of in the middle of the
17 drawing, right?

18 A. Yeah.

19 Q. Okay. And then let's -- when I say, "up," I'm
20 talking about going up on the page. All right? We
21 talked earlier about how the plug-ins could be a mixture
22 of hardware and software, right?

23 A. Yeah.

24 Q. Okay. So now we go up into figure 14 and we
25 talk about the subservices -- VOD subservice, EPG

1 subservice, and the media subservice. Do you consider
2 that to be mostly software or all software?

3 A. I mean, it depends on -- just one second. I
4 mean, I guess I would say that the VOD subservice is
5 probably mostly software, but it is running on a
6 computer on a processor.

7 Q. Okay. So we -- let's stick with figure 14
8 here. I asked you earlier about whether figure 14
9 illustrates the uniform format for the respective
10 subservices, right?

11 A. Um-hum.

12 Q. Okay. And I am reading here in the transcript
13 and it says -- give me one moment. So I asked you,
14 "Does figure 14 illustrate the uniform format for the
15 respective subservices?" And you answered, "I think it
16 illustrates that each subservice has a VOD data model
17 that is separate." Do you remember saying that?

18 A. Okay. I meant a data model that was separate.

19 Q. Okay. So there is a one-to-one correspondence
20 is what you are saying, between the subservice and the
21 particular type of data, right?

22 A. That's right.

23 Q. Okay. So in your opinion does figure 14
24 illustrate a uniform format for each of these
25 subservices?

1 A. Inasmuch as it is saying there is a single data
2 model for each of those subservices.

3 Q. Okay. Let's go to paragraph 50 of your
4 declaration where we get into claim construction. Do
5 you see that?

6 A. Sure. Just give me a second here. Okay. Yep.

7 Q. Okay. And just to sort of level-set things
8 here from paragraphs 50 to 71 of your declaration, that
9 discusses claim construction issues, right?

10 A. Yes, that's correct.

11 Q. Okay. I apologize for making you jump around
12 here, but --

13 A. That's fine.

14 Q. -- can we go back to paragraph 30 or section 3?
15 Do you see that?

16 A. Paragraph 30, you said?

17 Q. Yes.

18 A. In section 3, oh.

19 Q. Do you understand?

20 A. Yeah.

21 Q. And in this section it is titled, "Relevant
22 legal standard." Right?

23 A. Um-hum.

24 Q. Okay. And in paragraph 30 you identify your
25 understanding of burden of proof; is that right?

1 A. That's right.

2 Q. Okay. And in paragraphs 31 to 39 you identify
3 your understanding of obviousness; is that right?

4 A. That's right.

5 Q. Okay. Can you take a moment -- do you address
6 claim construction in section 3?

7 A. So do I use the word "claim construction"
8 there? No, but I talk about claims and I understand
9 that you have to understand a claim and what the words
10 mean in a claim. So that's kind of how I think about it
11 if that's what you're asking.

12 Q. So I just want to understand if you addressed
13 any of your understanding of the legal standard for
14 claim construction in section 3 of your declaration?

15 A. I would just say that I indirectly talked about
16 it, but I understand that I need to understand what the
17 words in the claim mean and I talk about claims in this
18 section.

19 Q. Okay. So let's turn to section 5 -- sorry --
20 section 6, starting at paragraph 50.

21 A. Here I am.

22 Q. And just to refresh your memory here, you can
23 just take a quick look at paragraphs 50 to 53 of your
24 declaration.

25 A. Um-hum.

1 Q. Okay. So would it be fair to say that in
2 paragraphs 50 to 51 you have identified your
3 understanding of legal standards for claim construction?
4 A. Yeah. And I will say that I believe -- hold on
5 just for a second. I will say that there are some --
6 there are some expressed definitions in the patent that
7 I did use, but I may have left out of this discussion.
8 So, like, paragraph 3 through -- not paragraph 3, but --
9 3 through 9 kind of have some express -- express
10 definitions that I did use, just to clear that up.
11 Q. Okay. So the 805 specification starting at, I
12 believe, column 3, lines 21, all the way -- or line 21
13 --
14 A. Yeah.
15 Q. Excuse me -- all the way until column 9, line
16 60, has definitions of terms, right?
17 A. Yes.
18 Q. And you're saying that you applied those
19 definitions?
20 A. Yeah, because they are -- those are the ones
21 that are defined in the patent. So, since they are so
22 explicit, it is best to use them.
23 Q. Okay. And did you identify which definitions
24 you applied?
25 A. I did not. I could go through each of them,

1 claim-by-claim.

2 Q. How about we do that with respect to specific
3 limitations that you address. Okay?

4 A. Okay.

5 Q. So before we delve into claim construction
6 issues, you indicated earlier that you are serving as an
7 expert witness for invalidity positions in the district
8 court litigation, right?

9 A. I am.

10 Q. Okay. And have you taken any claim
11 construction position in that case -- in the district
12 court litigation?

13 MR. YANG: Object to scope.

14 THE DEPONENT: Yeah, I may have, but I can't
15 recall off the top of my head. I would have to review
16 it.

17 BY MR. BOWSER:

18 Q. So let's go to paragraph 50.

19 A. Um-hum.

20 Q. Excuse me. In the paragraph you state your
21 understanding that claim terms are generally interpreted
22 according to their ordinary and customary meaning in the
23 art, taking into consideration the so-called intrinsic
24 evidence of the patent consisting of the claim language,
25 the specification, and the prosecution history. Do you

1 see that?

2 A. Yep.

3 Q. Okay. So based on that paragraph 50, would it
4 be fair to say that if you determined that the claim
5 language itself was important to your understanding of a
6 particular claim term you would have cited that claim
7 language in your declaration for that claim term?

8 A. That I am trying to define.

9 Q. That you are providing a construction or that
10 you are just generally interpreting?

11 A. I mean, I guess the ones that I talk about I am
12 going to provide evidence for. The ones that I don't
13 talk about I don't generally think need to be defined
14 beyond what I understand.

15 Q. Okay. I am referring, just generally speaking,
16 to the three items that you have identified in paragraph
17 50.

18 A. Oh.

19 Q. You have talked about the intrinsic evidence,
20 right, and you have identified three specific things; is
21 that right?

22 A. Yeah. And so, generally, I would say if I felt
23 it needed to be defined I would have pointed to the
24 evidence that let me say it. But, you know, like, if
25 there are ones that I didn't do I may have to come back

1 and do it, but I don't think I -- I don't think there is
2 any need to do that. So -- but if I am very explicit
3 about defining a particular claim term I provide that --
4 those three things.

5 Q. So we have those three items. We have got the
6 claim language, the specification, and the prosecution
7 history, right? Those are the three things you
8 considered?

9 A. Yeah.

10 Q. Okay. And my question is, if you found
11 those -- one of those three things to be important you
12 would have cited it, right?

13 A. For every word in the claims?

14 Q. For a claim term that you have addressed in
15 your declaration.

16 A. Okay. So I guess what I would say is that I
17 believe I have provided for every claim that I have
18 addressed in my -- in my declaration where I felt it was
19 important to clarify what I meant by a particular claim
20 term that I thought needed to be defined. I did provide
21 what I thought were the pieces of evidence that led me
22 to believe those were the way they were -- the way they
23 were defined, at least based on the claim language, the
24 specification, and the prosecution history.

25 Q. Okay. So if you found a particular portion of

1 the specification important to help you understand the
2 meaning of the claim term you would have cited that
3 portion of the specification, right?

4 A. I certainly would have tried. If I forgot, I
5 didn't, but that doesn't mean that there might be
6 others.

7 Q. Yeah. Okay. I am really just trying to
8 understand sort of what -- like, I am trying to identify
9 what your understanding of the claim construction
10 standard is. I know you are not a lawyer. I am just
11 trying to get there, okay. So let's go to paragraph 51.

12 A. Okay.

13 Q. And it says, "I understand that claim terms may
14 be explicitly defined in the patent specification where
15 they may be implicitly defined through consistent usage
16 in the specification." Do you see that?

17 A. Yep.

18 Q. Okay. So would it be fair to say, based on
19 that statement in paragraph 51, that if the
20 specification explicitly defines a term you would have
21 cited that definition in your declaration?

22 MR. YANG: Object to form.

23 THE DEPONENT: I already said that I made a
24 mistake and didn't cite the ones that were in those
25 paragraphs. And we can go back and deal with that, but

1 otherwise, yeah.

2 BY MR. BOWSER:

3 Q. Okay. So let's turn to paragraph 54 or --
4 sorry. Strike that.

5 Let's turn to paragraphs 54 through 59, just
6 generally speaking. So in those paragraphs you address
7 your proposed construction of media metadata
8 personalized for a user; is that right?

9 A. That's right.

10 Q. Okay. And in paragraph 60 to 65 you address
11 your proposed construction of media sources of the TV as
12 recited in dependent claim 6 and 14, right?

13 A. Right.

14 Q. Okay. And in paragraphs 66 to 71 you address
15 your understanding of the terms "pre-defined format" and
16 "uniform format" in all the claims, right?

17 A. Yeah.

18 Q. Okay. Have you cited an explicit definition
19 from the specification in any of paragraphs 54 to 71?
20 And take your time to look.

21 A. You are saying have I cited where it explicitly
22 says, "This what is the word means," that kind of thing?

23 Q. Yes.

24 A. 54 through 61?

25 Q. 71.

1 A. So I don't believe they are in that form per
2 se, but some of the evidences show the words used in a
3 way that would indicate what they mean.

4 Q. We talked earlier about the portion of the
5 specification that defines terms in the specification,
6 right? We talked about starting at column 3, line 21,
7 all the way to column 10, line 3; is that right?

8 A. Um-hum.

9 Q. And I am not asking you to read -- that's a
10 huge chunk, right? But if you wouldn't mind -- and I
11 think this is probably easy to do because they are all
12 identified at the beginning of each paragraph, right?

13 A. Right.

14 Q. Can you skim over those portions of the
15 specification?

16 A. Yeah.

17 Q. And -- go ahead.

18 A. I am going to bring up the claim so I can see
19 them. Sorry.

20 Q. Can I make a suggestion? I think for ease
21 maybe moving forward, can you look at Exhibit 1017? I
22 think that will make it easier as we go ahead. It is a
23 claim comparison document.

24 A. Yeah, that was the one I was going to bring up.
25 Sorry, yeah. Okay. So I believe the word "television"

1 -- I remember from yesterday that the -- "television"
2 was one of the words. So -- so we are going to column
3 3?

4 Q. Why don't we just go through some of these?
5 And what I would like to know really is whether the
6 terms that you have construed or you have provided
7 proposed constructions for, whether those terms are
8 specifically defined in the specification. Okay? So
9 let's back up here. We talked about in section 6 how
10 you have construed four terms. So you have construed
11 media metadata personalized for user, right?

12 A. Yep.

13 Q. And then you have construed media sources of
14 the TV, right?

15 A. Yep.

16 Q. And then you have construed pre-defined format
17 and unified format; is that right?

18 A. Yeah.

19 MR. YANG: Object to form.

20 BY MR. BOWSER:

21 Q. Okay. So now that we have those four terms,
22 let's look in, you know, just the definitions of the
23 specification. Okay? So let's start with column 3 and
24 let's march down here. And we will cover the terms that
25 are defined, right? So we see column 3, line 21. It

1 talks about the phrases "at least of one or more,"
2 right?

3 A. Yeah.

4 Q. Okay.

5 A. Let's see.

6 Q. So, you know, it might be a bit tedious for
7 everyone as we walk through each one. Would you mind
8 just looking through column 3, starting at line 21, to
9 column 10, line 3? Knowing what four terms you have
10 construed, can you please just look through -- you know,
11 skim the beginning of the paragraph and let me know if
12 any of those four terms are defined in the
13 specification?

14 A. Of the four terms? I don't --

15 Q. Of the four terms you have addressed in section
16 6 of your declaration, if you can let me know if any of
17 those terms are explicitly defined in the specification.

18 A. Okay.

19 Q. Take your time.

20 A. I don't believe "media source" is explicitly
21 defined. Then there is -- I don't think "pre-defined
22 format" or "uniform format" are that way. So that
23 leaves --

24 Q. The last one, if I may interject, is media
25 metadata personalized for a user.

1 A. I don't believe it is explicitly defined.

2 Q. Okay. So just to summarize, the four terms
3 that you addressed in your declaration are media
4 metadata personalized for a user. That is number 1.
5 Media sources of the TV, number 2; pre-defined format,
6 number 3; and uniform format, number 4. Right?

7 A. That's right.

8 Q. Those four terms are not explicitly defined in
9 the specification; is that right?

10 A. I think that's fair.

11 Q. Okay. So going back to paragraphs 50 to 51,
12 these are your understanding of the claim construction
13 standard, right --

14 A. Um-hum.

15 Q. -- or principle, I should say? I apologize.
16 So were you instructed of these standards by
17 counsel?

18 A. I think it is part of generally what I
19 understood and this is part of the instruction.

20 Q. So did counsel provide the principles of claim
21 construction that you have set forth in these
22 paragraphs?

23 A. Correct.

24 Q. Okay. Were you informed that it is improper to
25 import limitations from the specification unless those

1 limitations are explicitly recited?

2 A. I am not sure I am supposed to talk about what
3 the counsel and I discussed.

4 Q. Okay. Well, let's talk about your
5 understanding, then, of claim construction. Do you
6 understand that when you are construing a claim term you
7 should not import limitations that are not specifically
8 recited in the claim?

9 A. So you're saying limitations that are in other
10 claims or just limitations generally?

11 Q. Okay. Let me back up. So let's say that a
12 claim has elements A, B, and C, right? Are you
13 following me?

14 A. Yes.

15 Q. And the specification describes A, B, C, D and
16 E, right?

17 A. Right. Okay.

18 Q. Okay. So when your understanding limitations
19 [sic] what A, B and C mean, should you be importing
20 limitations D and E that are not there?

21 A. Oh, yeah. That doesn't make sense.

22 Q. Okay. So you understand that when you are
23 construing a claim you are not supposed to be importing
24 limitations that are not specifically recited, right?

25 A. I understand that, yeah.

1 Q. Okay. So let's go to paragraph 52. Are you
2 there?

3 A. Yep.

4 Q. Okay. So in paragraph 52 you reference the
5 Board's Institution Decision, right?

6 A. Yeah.

7 Q. And there you have indicated, referring to page
8 29 of the Institution Decision, that the Board
9 encouraged the parties to address the scope and meaning
10 of the terms "pre-defined format" and "unified format."
11 Right?

12 A. Um-hum.

13 Q. Okay. And you referenced page 29 of the
14 Institution Decision, right?

15 A. Yep.

16 Q. Did you review the entirety of the Institution
17 Decision?

18 A. I believe I did.

19 Q. So let's turn to paragraph 66, where you begin
20 to address pre-defined format and unified format. Do
21 you see that?

22 A. 66?

23 Q. Paragraph 66, yep.

24 A. Okay.

25 Q. Okay. So in paragraph 66 I want to clarify

1 something here. You say that you have applied the plain
2 and ordinary meaning of the terms "'pre-defined format'
3 and 'unified format' in my analysis." Do you see that?
4 A. Yep.
5 Q. Okay. So paragraph 66 to 71 are under the
6 heading "Claim Construction," right?
7 A. Right.
8 Q. Okay. So you then say in paragraph 66 that, "I
9 address the scope of the terms 'pre-defined format' and
10 'unified format' consistent with their plain and
11 ordinary meaning." Right?
12 A. Yep.
13 Q. Okay. And then in paragraph 67 all the way to
14 71 there is a lot of analysis by you of what you
15 understand those terms to mean, right?
16 A. Um-hum.
17 Q. Okay. So I'm wondering, are you providing an
18 explicit construction for the terms "pre-defined format"
19 and "unified format"?
20 MR. YANG: Object to form.
21 THE DEPONENT: I would say that I am providing
22 an explanation to help someone understand the scope of
23 those two things and that they are not coextensive.
24 BY MR. BOWSER:
25 Q. So you are providing your explanation of what

1 you believe those terms to mean; is that right?

2 MR. YANG: Object to form.

3 THE DEPONENT: Well, I -- yeah, I think I am
4 providing a guidance about how to -- how to understand
5 those terms in the claim and that they are -- that a
6 pre-defined format could be considered uniform.

7 BY MR. BOWSER:

8 Q. Okay. So I just want to just be clear here.
9 You are not providing an explicit construction, but you
10 are providing your understanding of the terms; is that
11 right?

12 A. As they are -- you know, in terms of the scope
13 of how to use them in determining the claim limitations
14 meanings.

15 Q. Okay. So we referenced the Institution
16 Decision earlier. And you talk about that in your
17 declaration with respect to paragraph 52, right? Okay.
18 So do you have the Institution Decision handy?

19 A. I am trying to see if I do.

20 Q. If not, let me know and I will upload it into
21 the chat.

22 A. What is the number?

23 Q. The number is paper 9.

24 A. Paper 9, I don't think I have it with me right
25 here.

1 Q. Okay. Let me upload it. Okay. Let the record
2 reflect that I just uploaded the Institution Decision
3 into the chat bot. Do you have that, Dr. Surati?
4 A. Thought it was there. Sorry. Okay.
5 Q. Okay. So going back to paragraph 52, you
6 reference paragraph 29 of the Institution Decision.
7 Right?
8 A. Yep.
9 Q. Okay. So look at page 29 of the Institution
10 Decision, and it is the last sentence of the second
11 paragraph.
12 A. Um-hum.
13 Q. Okay. And that sentence says, "We encourage
14 the parties to present arguments and evidence regarding
15 the proper scope and meaning of the claim terms 'pre-
16 defined format' and 'unified format.'" Right?
17 A. Yes. "However, during the course of trial" --
18 okay.
19 Q. Okay. So that's on page 29. Now, did you
20 review the portion of the Institution Decision on pages
21 27 and 39 where the Board provided its understanding of
22 the terms "pre-defined format" and "unified format"?
23 A. I think so.
24 Q. So when you say, "think so," that is an
25 affirmative "yes"?

1 A. That's a yes.

2 Q. So in page 28, just for the record, the Board
3 provided its understanding of the term "pre-defined
4 format." Right?

5 A. I think so.

6 Q. Okay. And also on page 28, the Board provided
7 its understanding based on the specification of the term
8 "unified format." Is that right?

9 A. Yes, sir.

10 Q. Okay. So if you have Exhibit 1001 handy in PDF
11 format, I would suggest searching for just the term
12 "defined." I found that when I search for "pre-
13 defined," "pre" dash "defined," it really didn't come up
14 with too many things. I am just pointing this out. If
15 you want to do the search of Exhibit 1001, just do a
16 search of the word "defined."

17 A. This is the patent?

18 Q. Yeah, if you want to search the patent itself,
19 so Exhibit 1001.

20 A. I don't know. I have some really strange
21 titles. Wait. Now I am confused. So you are saying
22 search for the word "defined"?

23 Q. No. I am just saying as we go forward if you
24 want to find instances of "pre-defined" I would search
25 only -- I would use only the word "defined."

1 A. Oh, yeah. I was having a struggle too. Sorry.

2 Q. So, like, if you -- I am just telling you if

3 you type in "pre-defined" something happens in terms of

4 the -- like, when it gets converted to PDF, but if you

5 search for "defined" you will find it. Okay. Same

6 thing, if you want to search for "uniformed format"

7 [sic] if you use the word "uniform" it will pop up.

8 A. Yep.

9 Q. Okay. So with that said, please feel free to

10 do a search of the specification while we are talking

11 about these terms.

12 A. Um-hum.

13 Q. Okay. So let's go back to paragraph 52 where

14 you refer to the Board's Institution Decision, right?

15 A. Yep.

16 Q. Sorry. On page 29 where the Board requested

17 the parties to address the scope and meaning of the

18 terms "pre-defined format" and "unified format," right?

19 A. Um-hum.

20 Q. Okay. So let's go to pages 27 to -- start with

21 page 28 of the Institution Decision.

22 A. 28.

23 Q. Okay. All right. So starting at the fourth

24 line on page 28, the Board cited and reproduced three

25 portions of the specification as quote, "supporting

1 descriptions for the claim term 'pre-defined format.'"
2 Do you see that?
3 A. Um-hum.
4 Q. Okay. First the Board cited Exhibit 1001,
5 column 30, lines 1 to 5; is that right?
6 A. Yep.
7 Q. Okay. And then secondly, the Board cited
8 column 34, lines 49 to 50; is that right?
9 A. That appears to be the case.
10 Q. Okay. And third, the Board cited column 34,
11 lines 56 to 60. Do you see that?
12 A. Yep.
13 Q. Okay. So I'm going to refer to these three
14 paragraphs as paragraph 1, 2 and 3, because that is how
15 the Board identified them with numbers. Is that okay?
16 A. Okay.
17 Q. All right. So in paragraph 1, which is column
18 30, lines 1 to 5, the Board emphasized two phrases. Do
19 you see that?
20 A. Yep.
21 Q. Okay. So the Board emphasized "ordered in a
22 pre-defined format," and then, "i.e. the order of other
23 relevant information." Do you see that?
24 A. Yep.
25 Q. Okay. Is it your understanding that the

1 Board's emphasis of these two phrases indicates that the
2 Board found those phrases to be important in
3 understanding the meaning of "pre-defined format"?

4 MR. YANG: Object to scope.

5 THE DEPONENT: Yeah. I mean, I think they are
6 important in that they are emphasized.

7 BY MR. BOWSER:

8 Q. Okay. So the fact that the Board -- okay. I
9 apologize. Go ahead.

10 A. I mean, I looked at these things and decided
11 that's important, independent of this report.

12 Q. Okay. So let's turn to paragraph 69 of your
13 declaration.

14 A. 69?

15 Q. Yeah, paragraph 69.

16 A. Okay.

17 Q. Okay. So in paragraph 69 you have identified
18 three portions of the specification. I am just going to
19 walk through those and if you wouldn't mind confirming
20 that you, in fact, cited these. So in paragraph 69 you
21 first cited column 34, lines 49 to 54.

22 A. Okay.

23 Q. Okay? And then you cited column 29, lines 63
24 to 67, right?

25 A. Yep.

1 Q. Okay. And then you cited column 30, lines 32
2 to 41, right?

3 A. Yep.

4 Q. So is it possible for you to have on -- look at
5 both the Institution Decision and your declaration?

6 A. Sure. Let me just do something in the window.
7 New window. Okay. I have got the Institution Decision
8 open. And then you want me to be looking at my expert
9 declaration?

10 Q. Yes. So I want you to be looking at page 28 of
11 the Institution Decision and I want you to be looking at
12 page 27 --

13 A. Okay.

14 Q. -- of your declaration.

15 A. Page 27, I sort of am looking at -- just a
16 second. I need to scrunch these things so I can
17 actually use them. Okay. There we go. Okay. Now I
18 have got sort of the ability to see them both at the
19 same time.

20 Q. Okay. Thank you. So we talked earlier how the
21 Board cited in paragraph number 1 -- that the Board
22 cited column 30, lines 1 to 5.

23 A. Yep.

24 Q. Okay. Do you cite to that in your declaration,
25 paragraph 69?

1 A. I don't, per se.

2 Q. Okay. We talked earlier, however, how the

3 Board found those portions to be important, largely

4 because of the emphasis provided by the Board, correct?

5 A. Correct.

6 Q. But you didn't cite that paragraph in your

7 declaration, right?

8 A. I didn't cite it explicitly, no.

9 Q. Okay. The Board next cited column 34, lines 49

10 to 50, right?

11 A. Yep.

12 Q. Is that right?

13 A. Yes.

14 Q. Okay. And you cited a similar passage in

15 column 34, lines 49 to 54. Right?

16 A. Yep.

17 Q. Okay. So you cited paragraph 2 that the Board

18 cited; is that right?

19 A. Yeah.

20 Q. Now, let's look at paragraph 3 or number 3 that

21 the Board cited, and that's column 34, lines 56 to 60.

22 A. Um-hum.

23 Q. Okay. Did you cite that in your declaration?

24 A. I don't believe I do.

25 Q. Okay. So to summarize of the three portions

1 that the Board cited, number 1, number 2, number 3, you
2 only cited number 2 in your declaration, right?

3 A. Directly, but I did reference this and consider
4 it in my opinion.

5 Q. Okay. Do you recall why you didn't cite
6 portion number 1, which is column 30, lines 1 to 5?

7 A. Let me just go back to this one. I don't, but
8 I think some of them, to me, are self-evident.

9 Q. Do you believe that number 1 and the
10 Institution Decision, column 30, lines 1 to 5, is
11 important to the understanding of pre-defined format?

12 A. Sure.

13 MR. YANG: Object to form.

14 THE DEPONENT: I think it is relevant to
15 understand it in the right context, sure.

16 BY MR. BOWSER:

17 Q. But you didn't cite it?

18 A. I did not.

19 Q. Okay. Let's look at column 30, lines 1 to 45.
20 Sorry let me -- strike that.

21 Let's look at column 30, lines 1 to 5, as
22 reproduced on page 28 of the Institution Decision.

23 A. Um-hum.

24 Q. Okay. So the Board, as we talked about,
25 emphasized the concept of an order twice in that

1 paragraph, right?

2 A. Correct.

3 Q. Okay. Can you look at column -- I apologize.

4 Can you look at paragraph 69 of your declaration and the

5 three specification portions that you identified? All

6 right.

7 A. Uh-huh.

8 Q. Do any of those portions of the specification

9 talk about order?

10 A. They don't, but whenever it is -- we use the

11 word "data model" in a lot of cases, those implicitly,

12 in my mind, have that concept.

13 Q. So you're saying that a data model implicitly

14 has an order?

15 A. The way it is used --

16 MR. YANG: Object to form.

17 THE DEPONENT: The way it is used in this

18 patent, yeah.

19 BY MR. BOWSER:

20 Q. Okay. And can you point to me where you

21 discuss that in your declaration?

22 A. I don't, because I think that is self-evident

23 to positive. I think that when we talk about databases

24 and data models, typically the data models for databases

25 have an order and the -- what -- and the -- and the --

1 sorry. We talked about that before -- the what and the
2 order.

3 Q. Okay. So we talked earlier about how the Board
4 emphasized order in paragraph 1 in column 30, lines 1 to
5 5. Right?

6 A. Yeah.

7 Q. Okay. Do you have the capability of doing a
8 search of your declaration?

9 A. Sure.

10 Q. Okay. Would you mind searching for the word
11 "order" in the section of the -- of your declaration,
12 paragraph 66 to 71 of your declaration and let me know
13 if you've addressed "order" at all?

14 A. 66 through what, 71?

15 Q. 71, yep.

16 A. I guess I don't explicitly use the word.
17 Sorry. I don't specifically use the word "order," but
18 if you look at paragraph 68 I say, "The term 'pre-
19 defined format' refers to the format of the VOD data
20 model," et cetera. And so when I read that and I
21 interpreted that I interpreted that to mean -- oh, that
22 means that it has an order -- it determines what in the
23 order -- that that is implicit in that statement.

24 Q. Okay. So order is implicit in data model,
25 right?

1 A. Yeah.

2 Q. Is that your testimony?

3 A. I would say that order -- it depends on the
4 context. So, for example, if I were to tell you that I
5 were using XML to define things, then that order thing
6 would matter less because that is the whole point of
7 XML. Having said that, if you apply this thing you
8 would say in a relational database then you would expect
9 the data model to have an order in the what.

10 Q. So you're -- you're saying now that order is
11 implicitly addressed in paragraph 68 of your
12 declaration, right?

13 A. Yeah.

14 Q. Okay. What portion of the specification do you
15 reference in paragraph 68?

16 A. I mean, I am just talking about -- if you look
17 at figure 14, I mean these terms are used, right? Oh,
18 you have a subservice that, you know, puts the data into
19 the database using this pre-defined format. I don't
20 know -- I mean, that's one example.

21 Q. So paragraph 68, what portions of the
22 specification do you reference?

23 A. I don't explicitly reference them, but I
24 certainly look at it and think that it is implicitly
25 drawing from the rest of the things and talking about a

1 database that is shown in figure 14, but there is no
2 explicit, "Oh, this is referring to this particular
3 picture." I am just providing my understanding of what
4 that -- what -- you know, using the examples given in
5 the document.

6 Q. Okay. So just to summarize, you're saying that
7 when the Board addressed order in paragraph 1, column
8 30, lines 1 to 5, you're implicitly addressing that in
9 paragraph 68 of your declaration, right?

10 A. That's right.

11 MR. YANG: Object to form.

12 MR. BOWSER: Okay. So, Mitch, I know it is
13 noon on the East Coast. Do you want to do a short break
14 and then do lunch at like 1 o'clock East Coast or do you
15 want to do lunch now? It is really up to you guys.

16 THE DEPONENT: I kind of feel like doing lunch
17 now, if you don't mind.

18 MR. BOWSER: That's fine. Would an hour
19 suffice or do you want to do shorter? Hour? Okay. So
20 it is 12:05 Eastern time. Let's come back at 1:05
21 Eastern time.

22 A. Thank you.

23 (Off the record.)

24 BY MR. BOWSER:

25 Q. Back on the record. Dr. Surati, welcome back.

1 A. Hello. How are you?

2 Q. All right. Good. Did you speak with anyone

3 over the break about the substance of your testimony?

4 A. Not at all.

5 Q. Okay. Great. So when we broke we were -- just

6 as a recap, we were talking about your understanding of

7 order -- I am sorry -- pre-defined format with respect

8 to order. So let's go back to, if we can, paragraph 68

9 of your declaration.

10 A. Sure.

11 Q. Okay.

12 A. It is right there.

13 Q. Give me one moment. Where is your declaration?

14 Here we go. Sorry about that. So 68. Now, we were

15 talking again about pre-defined format.

16 A. Um-hum.

17 Q. So in order to do this how about we, if you

18 could please, pull up Exhibit 1017 and we can have the

19 claim language there?

20 A. Okay.

21 Q. All right. And I'm going to -- you know, as

22 shown here by this claim comparison document, you know,

23 the limitations we are going to be talking about,

24 largely 1.2.1 to 1.2.4, are generally the same for

25 claims 10 and 17. So let's just use the limitation

1 numbering for claim 1. Is that okay?

2 A. Yeah. Just let me create a new window. Okay.
3 So I have claim 1 up and I am going to go to claim 68.
4 Yep.

5 Q. Okay. So let's talk about -- with Exhibit 1017
6 and let's talk about the specific language of the
7 limitations. Okay? So if we can look at limitation
8 1.2.1 first and then we are going to go to limitation
9 1.2.2. And this is -- I think it would be helpful so we
10 can use the claim language while we talk about your
11 understanding of pre-defined format. Okay. So 1.2.1
12 says, "Organizing by the processor the data according to
13 a pre-defined format corresponding to each of the
14 plurality subservices." Did I read that right?

15 A. Yeah.

16 Q. Okay. And 1.2.2 says, "Wherein the pre-defined
17 format comprises one of a VOD data model and EPG data
18 model" --

19 A. Yeah.

20 Q. -- "and an media data model." Right?

21 A. Yeah.

22 Q. Okay. So paragraph 68 of your declaration --
23 let's see. Let's address this in two parts. So you say
24 in paragraph 68 first that the term "pre-defined format"
25 refers to the format of the VOD data model, EPG data

1 model, and media data model. Right?

2 A. Yep.

3 Q. Okay. And 2, having a format that is defined

4 prior to the organization step and then "(pre-defined)."

5 Right?

6 A. Okay.

7 Q. Okay. So did I read that right?

8 A. I believe so.

9 Q. Okay. So what part of limitations 1.2.1 and

10 1.2.2 are you basing your interpretation that

11 pre-defined format refers to the format of the VOD data

12 model, EPG data model and media data model?

13 A. Of just claim 1.1, 1.2?

14 Q. Yes.

15 A. I guess this is a section asking about claim

16 terms. And, I mean, I guess it is -- so I guess -- are

17 you asking if something can meet claim limitation 1.2.1,

18 but not 1.2.2?

19 Q. No. Okay. Let's back up. So we talked about

20 1.2.1 and 1.2.2. Let's look at the actual language of

21 the claims.

22 A. Yeah.

23 Q. All right. And you specifically said in

24 paragraph 68 that the term "pre-defined format" refers

25 to the format of the VOD data model, EPG data model, and

1 media data model. Did I say that correctly?
2 A. That's correct, yeah.
3 Q. And then secondly, you say having a format that
4 is defined prior to the organization step -- all right.
5 So there is two parts there.
6 A. Yeah.
7 Q. Okay. So I'd just like you to identify what
8 part of limitations 1.2.1 and 1.2.2 --
9 A. Oh, okay.
10 Q. -- you are basing your interpretation that
11 pre-defined format refers to the format of, 1, the VOD
12 data model, 2, the EPG data model and, 3, the media data
13 model.
14 A. So, I think 1.2.2.
15 Q. Okay. So I am just curious here because 1.2.1
16 says in the singular form, "A pre-defined format
17 corresponding to each of the plurality subservices." So
18 it is a single pre-defined format. Do you see that it
19 uses the word "a"?
20 MR. YANG: Object to form.
21 THE DEPONENT: Yeah. I don't see a problem
22 with that.
23 BY MR. BOWSER:
24 Q. So just -- I am curious here. Are you -- are
25 you saying that the word "a pre-defined format" really

1 means three pre-defined formats?

2 MR. YANG: Object to form.

3 THE DEPONENT: Well, I mean, it can and I think

4 that's allowed.

5 BY MR. BOWSER:

6 Q. It can -- are you saying it does or it doesn't?

7 MR. YANG: Object to form.

8 THE DEPONENT: It depends on the situation of

9 the limitation being defined, but there is a situation

10 where the "a" -- it doesn't say, "the pre-defined

11 format." It says, "a pre-defined format."

12 BY MR. BOWSER:

13 Q. Okay. But 1.2.2, which you identified as

14 having all three data models, says, "The pre-defined

15 format," does it not?

16 A. Sure, but a POSITA reading it would read it the

17 way I read it.

18 Q. And that's because -- you are just saying that

19 because you are a POSITA, right?

20 A. Yeah.

21 MR. YANG: Object to form.

22 THE DEPONENT: I am not saying -- when I read

23 it, I read it to mean there are three separate formats,

24 but -- and they are related to three different data

25 models.

1 BY MR. BOWSER:

2 Q. Okay. What part of limitations 1.2.1 and 1.2.2

3 specifically requires that?

4 A. The organizing portion of it and the

5 "wherein" -- and the "wherein."

6 Q. Okay. Would you repeat that?

7 A. I am just saying that as I read that claim, a

8 pre-defined format could be one or more corresponding to

9 each of the plurality subservice wherein the pre-defined

10 format comprises one of the VOD and EPD data model and a

11 media data model.

12 Q. Okay. So 1.2.2 says, "one of a," right? Do

13 you see that?

14 A. Yeah.

15 Q. And does that mean comprises all three?

16 MR. YANG: Object to form.

17 THE DEPONENT: I mean, I think when you look at

18 the diagram it talks about data coming in, that there is

19 a pre-defined format related to the data that is coming

20 in, and it could be one of a VOD, EPG, or media data

21 model, and that that needs to be processed and pushed in

22 a way that is consistent with what's coming in. And it

23 is defined by what the data model defines it to be.

24 BY MR. BOWSER:

25 Q. When you say, "it defines it," what are you

1 saying "it" is?

2 A. So the program that is running uses -- uses the
3 definition of the data model to format the data -- not
4 to format it, but to put it in the right place in the
5 database.

6 Q. Sorry. So I am asking a different question
7 here. I mean, I understand what -- you are talking
8 about the specification. But my question is, what in
9 the claim specifically requires all three formats?

10 A. I guess it does say, "one of a VOD." Could be
11 one of those.

12 Q. Let's just take this in two parts. Okay? So
13 the first part is 1.2.1 and the second part is 1.2.2.
14 Okay? Let's do this in chapters, right? So we say
15 in -- sorry, not "we." Let me just step back. 1.2.1
16 says, "a pre-defined format," singular. Right?

17 A. Well, a -- I think in patent claim language "a"
18 could be "a," could be one or more.

19 Q. Okay. So "a" could be one or it could be more,
20 right?

21 A. Yeah.

22 Q. Okay. So there is a possibility that 1.2.1
23 could be read as saying one pre-defined format
24 corresponding to each subservice. In other words, if
25 there are three subservices -- one pre-defined format

1 for three subservices; is that right?

2 MR. YANG: Object to form.

3 THE DEPONENT: Can you repeat what you said? I

4 didn't quite, like, get it. Can you say it again?

5 BY MR. BOWSER:

6 Q. Okay. I am asking you about, like, your -- the

7 possibility that you talked about. Okay. So you said

8 "a" could be one or it could be more, right?

9 A. Right. If you'd just repeat the question. I

10 literally couldn't hear the whole thing. That's it.

11 Q. Okay. So there is a possibility that

12 limitation 1.2.1 could be read as having one pre-defined

13 format for all three or -- I am sorry -- not all three,

14 but all of the subservices?

15 MR. YANG: Object to form.

16 THE DEPONENT: I don't read it that way. I

17 mean, I don't read 1.2.1 and 1.2.2 both ways. I can see

18 how you are saying what you are saying and it could be

19 read that way, but I don't think that -- I don't take it

20 to mean that when I read it.

21 BY MR. BOWSER:

22 Q. Okay. So is it your understanding that a

23 pre-defined format has a 1-to-1 correspondence with each

24 subservice? Right?

25 A. Yes.

1 Q. Okay. So there is a 1-to-1 -- this is how you
2 are interpreting it. There is a 1-to-1 correspondence
3 between a format and each subservice, right?

4 A. Yeah, so that it is not one format for -- that
5 is exactly the same for all the services. It is one
6 format per service.

7 Q. Okay. And then let's go to 1.2.2. That is the
8 second part. Okay?

9 A. Okay.

10 Q. And it says, "The pre-defined format comprises
11 one of a VOD data model, an EPG data model, and a media
12 data model." Right?

13 A. Um-hum.

14 Q. Is it your understanding that really what that
15 means is that the pre-defined format comprises a 1-to-1
16 correspondence for all three?

17 A. I guess if you mean by the pre-defined format
18 for VOD that is one data model and the pre-defined
19 format for EPG is one data model and one pre-defined
20 format is defined by the media data model, yes.

21 Q. Okay. So in the example of figure 14 there are
22 three data models --

23 A. Right.

24 Q. -- right? Okay. So this is where we are
25 getting in a situation where we might -- strike that.

1 So figure 14 has three data models, right?

2 A. Um-hum.

3 Q. Okay. And you are interpreting claim 1 in

4 light of the specification, right?

5 A. Um-hum.

6 Q. Okay. So figure 1 is three data models. And

7 so you are saying that 1.2.1 then has to have three

8 pre-defined formats?

9 A. Yeah, I think so.

10 Q. Okay. And what is the reason for that?

11 A. It is just what it says.

12 Q. So what specifically in 1.2.1 and 1.2.2 says

13 there has to be three pre-defined formats?

14 A. It is three.

15 Q. It lists three pre-defined formats?

16 A. Yeah.

17 MR. YANG: Object to form.

18 THE DEPONENT: It says there are three

19 comprised -- there are three data models that comprise

20 those formats.

21 BY MR. BOWSER:

22 Q. So do you see the words, "three pre-defined

23 format," in limitation 1.2.1 or 1.2.2?

24 A. I don't.

25 Q. Okay. But you are interpreting it saying that?

1 A. Yeah.

2 Q. Okay. So that's your understanding of

3 pre-defined format, right?

4 A. I think so.

5 Q. Okay. And so there has -- let me back up.

6 You are saying that there has to be a

7 pre-defined -- a unique pre-defined format for each data

8 model; is that right?

9 A. I mean, I am saying that -- yeah, I think so.

10 Q. Okay. So let's go to column 30, lines 1 to 5,

11 in the specification log. And if you could read that,

12 please.

13 A. For example, "EPG information," is that the

14 one?

15 Q. Yes.

16 A. "Embedded with content feeds may contain

17 limited information that are ordered in a pre-defined

18 format. The order of other relevant information such as

19 file time, description, other information about

20 programming. EPG information taken from an internet

21 source may contain more detailed information, but may

22 require parsing to organize the relevant information

23 within data management." Is that what you wanted me to

24 read?

25 Q. Yes. So that sentence refers to order, right?

1 A. Yeah.

2 Q. Okay. And we talked earlier about how the

3 Board emphasized that in the Institution Decision?

4 A. Sure.

5 Q. Okay. And does your understanding of

6 pre-defined format require any order for each

7 pre-defined format?

8 MR. YANG: Object to form and scope.

9 THE DEPONENT: I mean, within the limits of

10 what this data -- it refers to a data model. That's --

11 to me that is just implicit.

12 BY MR. BOWSER:

13 Q. Okay. So it is implicit in the claim or

14 implicit in the specification?

15 A. Well, I mean, the specification talks about a

16 data model and then the claim also talks about it. So I

17 guess both places.

18 Q. So did you review how the Board interpreted the

19 prior art in the Institution Decision?

20 A. I think so.

21 Q. You don't think so? Okay.

22 A. I said, "I think so."

23 Q. I am sorry. Did you say you think so?

24 A. Yeah.

25 Q. Okay. I apologize. Sometimes when you lean

1 back I have a hard time hearing you.

2 A. I will lean forward.

3 Q. So let's go to page 26 of the Institution

4 Decision.

5 A. Okay.

6 Q. So when you get there let me know.

7 A. Yep.

8 Q. Okay. So you reference this portion in your

9 declaration with respect to the Board comments about

10 whether or not pre-defined format and unified format are

11 different terms. Right?

12 A. Um-hum.

13 Q. Okay. So if you go nine lines up from the

14 bottom where it starts with the word, "indeed" -- do you

15 see that, "Indeed each of the metadata tables"?

16 A. Yep.

17 Q. Okay. So at the end of the sentence before the

18 colon the Board emphasizes or uses the word "order"?

19 A. Um-hum.

20 Q. Okay. So this is -- you have seen several

21 times now where the Board uses the word "order" with

22 respect to pre-defined format?

23 A. Sure.

24 Q. Okay. And did you consider "order" when

25 interpreting what your understanding of pre-defined

1 format is?

2 A. Yes.

3 Q. But you didn't expressly indicate that in your
4 declaration; is that right?

5 A. I did not expressly indicate it in my -- in my
6 declaration, but I think it is implicit when you talk
7 about data models.

8 Q. Okay. So let's turn to your understanding of
9 the term "uniform format" --

10 A. Um-hum.

11 Q. -- in paragraph 70 of your declaration, please.

12 A. Okay.

13 Q. Okay. Before we get started with this I would
14 just like for you to confirm what I found. If you
15 search for the word "uniform" in the specification,
16 would you please do that, you will see that it comes up
17 four times.

18 A. Okay.

19 Q. Okay. So I see it in column 33, lines 25 to
20 33, right?

21 A. Yep.

22 Q. Okay. And you have quoted that in paragraph
23 70, right?

24 A. Yep.

25 Q. Okay. So doing another search, we find that

1 the word "uniform" appears in claim 1.

2 A. Um-hum.

3 Q. Is that right?

4 A. Yep.

5 Q. And that is actually limitation 1.2.4.

6 A. Yep.

7 Q. Is that right?

8 A. Yes, sir.

9 Q. And the next time it appears is in claim 10?

10 A. That's correct.

11 Q. And that's in limitation 10.4.4. And the last

12 time that it appears -- the fourth time it appears in

13 the 805 patent is in claim 17 and, that's limitation

14 17.4, right?

15 A. That's correct.

16 Q. Okay. So other than the claims, the word

17 "uniform format" appears one time in the specification;

18 is that right?

19 A. That's right.

20 Q. Okay. Is there a definition of the term

21 "uniform format" in the specification?

22 A. I don't think so.

23 Q. So -- I am sorry. Go ahead.

24 A. You did hear me, right?

25 Q. Yes.

1 A. Okay.

2 Q. Sorry. I am just looking at the transcript
3 here. You said that there is no definition of "uniform
4 format" in the specification. Yes, I hear you. Okay.
5 So we have got it one time in the specification, which
6 you have reproduced in paragraph 70. So let's look at
7 that.

8 A. Okay.

9 Q. And it is used in one sentence. And would you
10 read that sentence that you have included and also
11 emphasized in column 33, lines 25 to 33, which is
12 reproduced in paragraph 70?

13 A. Okay. "The data models provide uniform formats
14 for the respective subservices." Is that what you are
15 asking about?

16 Q. Yes.

17 A. "In explicum VOD subservice 1420, EPG
18 subservice 1424, and media subservice 1428, and/or the
19 internal content provider modules 1416, which interfaces
20 with applications. In some implementations step 1530
21 may be optional since the media and/or data may be sent
22 to storage or be processed by data management without
23 any conversion."

24 Q. Let's look at 1.2.4.

25 A. Okay.

1 Q. All right. So let's refer back to the portion
2 that you just read in paragraph 70, which is in column
3 33, lines 25 to 33. All right. You just read that
4 portion, and that would appear to suggest that there is
5 multiple uniform formats for the respective subservices,
6 right?

7 A. Right.

8 Q. Now, let's look at limitation 1.2.4.

9 A. Um-hum.

10 Q. Where it says, "Wherein each of the VOD data
11 model, EPG data model, and media data model, provide a
12 uniform format for the plurality subservices"?

13 A. Um-hum.

14 Q. So you see that "uniform format" is singular,
15 right?

16 A. Okay.

17 MR. YANG: Object to form.

18 BY MR. BOWSER:

19 Q. Okay. Is "uniform format" singular in
20 limitation 1.2.4?

21 MR. YANG: Object to form.

22 THE DEPONENT: I mean, a uniform format could
23 be one or more.

24 BY MR. BOWSER:

25 Q. So are you interpreting uniform format in

1 limitation 1.2.4 as requiring there to be a uniform
2 format for each respective one of the data models?
3 A. That's how I read it.
4 Q. Okay. And why is that?
5 A. Because it makes sense.
6 Q. Because it makes sense?
7 A. As a POSITA.
8 Q. Okay. Is it in the claim?
9 MR. YANG: Object to form.
10 THE DEPONENT: Is what in the claim?
11 BY MR. BOWSER:
12 Q. Effectively requiring three uniform formats.
13 A. I think so.
14 Q. And what in particular do you rely on to say
15 that it is there?
16 A. Because it talks about a VOD data model, EPG
17 data model, and a media data model, and it talks about
18 plurality of subservices.
19 Q. Okay.
20 A. And then it uses --
21 Q. Does it use the word "respective"?
22 MR. YANG: Object to form.
23 THE DEPONENT: I don't see the word
24 "respective."
25 BY MR. BOWSER:

1 Q. Do you see the word "corresponding"?
2 MR. YANG: Object to form.
3 THE DEPONENT: I don't.
4 BY MR. BOWSER:
5 Q. So are you basing your understanding of uniform
6 format on the specification portion that we read?
7 MR. YANG: Object to form.
8 THE DEPONENT: I am basing it on what I read in
9 the specification and what I'm reading and what I know
10 about that term as a plain and ordinary meaning.
11 BY MR. BOWSER:
12 Q. Okay. So there is -- to recap, there is three
13 reasons you are making this 1-to-1 correspondence. You
14 said what you read in the specification, what a POSITA
15 would understand. And what was the third one?
16 A. Oh, sorry. POSITA would understand -- I am
17 trying to remember what I said.
18 Q. Okay. So I see it as, "and what I know about
19 that term."
20 A. Yeah.
21 Q. Okay. And what is it that you know about that
22 term?
23 MR. YANG: Object to form.
24 THE DEPONENT: I think I am putting the two
25 together with what a POSITA would consider a uniform --

1 uniform to mean.

2 BY MR. BOWSER:

3 Q. Okay. So let's go to paragraph 70 and --

4 A. The data model provide -- no, this is the one
5 with that in it. Okay. Sure.

6 Q. Paragraph 70 of your declaration, and it is
7 starting at the third line down, and there is a dash.
8 And it says, "In other words, the purpose of organizing
9 data from each subservice according to a pre-defined
10 format corresponding data subservice is to provide a
11 uniform format for all data received from that
12 subservice." Right?

13 A. Right.

14 Q. What do you base this interpretation on?

15 A. What I read in the specification, what the
16 claims say, and what I understand as a POSITA -- the
17 plain and ordinary meaning of those things and this
18 example -- the example that I am showing here.

19 Q. Okay. So you are relying on the specification,
20 column 33, 25 to 33. Right?

21 A. At least, yeah.

22 Q. Okay. And then you said, "What I see here."
23 What do you mean by, "What I see here"?

24 A. Oh, the reference to the paragraph that is
25 excerpted from the specification.

1 Q. Okay. So the only thing you are really basing
2 it on then is the specification?
3 A. The specification --
4 MR. YANG: Object to form.
5 THE DEPONENT: The specification, the claims,
6 and what I understand as a POSITA reading the
7 specification and what it means.
8 BY MR. BOWSER:
9 Q. Okay. So does the claim say a 1-to-1
10 correspondence between the uniform format and each of
11 the subservices?
12 A. It doesn't explicitly say that, but -- I
13 believe that's kind of what it means, but I didn't make
14 that opinion -- render that opinion directly.
15 Q. Okay. Well, let's turn to paragraph 118.
16 A. Okay. Of my declaration?
17 Q. Yes.
18 A. Okay.
19 Q. And if you would, please, start looking ahead
20 at paragraph 118 to -- just to kind of get your bearings
21 up through 133, just kind of skim it because I am just
22 going to ask you, generally speaking, about what is
23 covered in this section.
24 A. So you want me to read through -- skim through
25 just 133?

1 Q. Yeah, just so you get your bearings in terms of
2 what is covered in this section.

3 A. Okay.

4 Q. Okay. Have you skimmed through?

5 A. I am still skimming. Sorry.

6 Q. Sorry.

7 A. I don't want to skip -- okay.

8 Q. All right. So in this section of your
9 declaration, which is section 9, you are addressing what
10 you called limitation 1.2 with respect to the
11 Melnychenko and Chen references, right?

12 A. Yep.

13 Q. Okay. So in your analysis you first talk about
14 the 805 patent specifically, figure 14. Right?

15 A. I point to it, yes.

16 Q. Yes. And then you get into Chen; is that
17 right?

18 A. Um-hum.

19 Q. Okay. And have you made any arguments as to
20 what Melnychenko does not disclose?

21 A. In this section?

22 Q. Section 9, yes. Let me rephrase that. I think
23 it will be easier. Have you contested at all the way
24 that Dr. Lippman matched Melnychenko to the claim
25 limitations?

1 MR. YANG: Object to form.

2 THE DEPONENT: I mean, you are saying --

3 BY MR. BOWSER:

4 Q. Let me make this a little bit easier. I think

5 we can do this a different way. So paragraphs 118 to

6 123 talk about what's disclosed in the 805 patent and

7 specifically figure 14. Right?

8 A. Um-hum.

9 Q. Okay. And then in paragraph 124 you make a

10 brief reference to the combination of Melnychenko in

11 view of Chen. Do you see that?

12 A. Yeah.

13 Q. But then from paragraphs 125 to 133 you're

14 arguing about Chen; is that right?

15 MR. YANG: Object to form.

16 THE DEPONENT: I think I am talking about Chen

17 and then it being applied to Melnychenko in combination.

18 BY MR. BOWSER:

19 Q. Okay.

20 A. But, yeah, I think a lot of it has to do with

21 Chen.

22 Q. Okay. Do you address Melnychenko specifically

23 in this section other than in paragraph 124?

24 MR. YANG: Object to form.

25 THE DEPONENT: Well, I mention Melnychenko in

1 paragraph 129, but I am saying Chen's teachings apply to
2 Melnychenko.

3 BY MR. BOWSER:

4 Q. Okay. So would it be fair to say that the
5 analysis in section 9 is largely focused on what's
6 described in the 805 patent and then Chen?

7 A. Well, yeah. It is largely focused on ground 2
8 or -- sorry. What ground is this?

9 Q. Ground 1.

10 A. Ground 1, sorry. Ground 1, which combines
11 Melnychenko and Chen at least, and it disputes why that
12 combination is prior art and Chen is a big portion of
13 that.

14 Q. Okay. So let's go to paragraph 118.

15 A. Um-hum.

16 Q. All right. And sorry. Let me count this here.
17 Starting the fifth line it says, "Claim 1 explicitly
18 requires a pre-defined format for each of the VOD
19 subservice, EPG subservice, and media subservice." Did
20 I read that right?

21 A. Yes.

22 Q. Okay. That is a restatement of your
23 understanding of the pre-defined format in paragraph 68
24 of your declaration; is that right?

25 A. I think so.

1 Q. Okay. Is your argument in section 9 about the
2 Melnychenko/Chen combination based on your understanding
3 of the term pre-defined format as stated earlier in your
4 declaration?

5 A. At least.

6 Q. What do you mean by, "at least"?

7 A. Just in case I forgot something, but mainly
8 what you're saying.

9 Q. Okay. But the way that I look at your
10 declaration -- and it seems to me that your analysis
11 relies on your understanding of pre-defined format
12 exclusively; is that right?

13 MR. YANG: Object to form.

14 THE DEPONENT: I mean, I think I'm doing more
15 than that in this section. I'm talking about the
16 reasons I think that's true and I go into them, but it
17 is a very important part of it.

18 BY MR. BOWSER:

19 Q. So we talked earlier about the -- in the claim
20 construction section when you analyze pre-defined format
21 you said it was plain and ordinary meaning, right?

22 A. I think that's what the Board said and what we
23 said. But, yeah, sure.

24 Q. But then you provided your understanding of
25 what the plain and ordinary meaning is, right?

1 A. Yeah.

2 Q. Okay. And your analysis in this section is

3 then based on your understanding of pre-defined format

4 according to you; is that right?

5 A. According to how a POSITA would understand it,

6 sure.

7 Q. Okay. And that's your characterization of what

8 a POSITA would think?

9 MR. YANG: Object to form.

10 BY MR. BOWSER:

11 Q. All right. So --

12 A. Are you expecting an answer? You made it sound

13 like you are continuing to ask a question, so I didn't

14 want to answer it without letting you finish.

15 Q. Well, you said about how a POSITA would

16 understand it. I guess I am just trying to ask --

17 that's according to your understanding of what a POSITA

18 is, right?

19 A. Yeah.

20 MR. YANG: Object to form.

21 THE DEPONENT: Yes.

22 BY MR. BOWSER:

23 Q. So can you do a search of your declaration in

24 section 9 and search for the word "order"?

25 A. Do you know what section paragraph 9 is in?

1 Q. Sorry. Section 9 ends at paragraph 133.
2 A. Okay. So I don't see the word "order."
3 Q. Okay.
4 A. But, like I said before, to me "data model"
5 implies that.
6 Q. Let's go to paragraph 125.
7 A. Um-hum.
8 Q. And you say that in the first sentence, "I
9 disagree that organizing metadata in a table
10 corresponding to different types of content suggests
11 organizing data received from the VOD, EPG, and media
12 subservices types according to a pre-defined format
13 corresponding to each of the subservices types," and the
14 sentence goes on. Do you see that?
15 A. (No audible answer.)
16 Q. Sir, did you provide an answer?
17 A. I thought you just asked me if that's what it
18 says. Yes, that's what it says.
19 Q. Sorry. I couldn't hear you.
20 A. Oh.
21 Q. Okay. What do you mean by, "corresponding to
22 different types of content," in paragraph 125?
23 A. I think it is referring to the fact that Chen
24 has different kinds of content that allows you to put
25 the metadata into a single table from the different

1 kinds of content.

2 Q. Did you review the petition in its entirety?

3 A. I think so.

4 Q. So can I ask you to look at page 30 of the

5 petition?

6 A. Sure.

7 Q. Do you have that handy?

8 A. Page 30.

9 Q. And the reason I am pointing to page 30 is just

10 because it is an easy, you know, annotated drawing. So

11 hopefully it will make this easier. So --

12 A. I am at --

13 Q. So do you understand that the petition relies

14 on Melnychenko to teach receiving data from a VOD

15 subservice, an EPG subservice, and a media subservice?

16 A. Okay.

17 Q. Okay. So if we go back to paragraph 125 of

18 your declaration, and it talks about how Chen does

19 not -- this is -- according to you it says, "Chen does

20 not organize the data from each type of subservice

21 source."

22 A. Right.

23 Q. Okay. The petition, however, relies on

24 Melnychenko for teaching the subservices?

25 A. Sure.

1 Q. Okay. I just -- and you haven't disputed that,
2 right?

3 A. No.

4 Q. Okay.

5 A. But I think that -- I think I give an example
6 of why, looking at the singular uniform data that you
7 can't -- that it could be that there are multiple
8 contents coming from each type of subservice and you
9 can't distinguish them inside the table that you
10 provided as to which service they came from.

11 Q. And what example are you referring to?

12 A. I am just giving -- I am just talking about how
13 if the Video on Demand and a media service both serve up
14 WMV files they would show up in the metadata base. They
15 wouldn't be distinguishable in the metadata database.

16 Q. What type of files did you just say, WMV?

17 A. Windows Media Format. I just gave that as an
18 example. I wasn't trying to -- could be MPEG.

19 Q. So let's say 805 patent has MPEG?

20 A. Yeah, that's fine. MPEG is fine.

21 Q. How would the 805 patent have different formats
22 if you are receiving MPEG in two different instances?

23 A. Well, there would be two different data models
24 and those two different data models would distinguish
25 between the two. They would be different.

1 Q. Why would there be two different data models if
2 they are both MPEG?

3 A. Because they may have different information
4 related to them. The Video on Demand service might have
5 a URL associated. A media service might have other
6 things associated with it related to that content. It
7 is not all just about media formats.

8 Q. Isn't that based on the assumption that in one
9 instance MPEG has to come in under VOD and in another
10 instance MPEG has to come in under media?

11 A. Right. And that is what the patent says,
12 right, that you have to have different data models and
13 it shouldn't be a surprise that an EPG guy would have a
14 slightly different DM model than the VOD or the video
15 subservice.

16 Q. Let's talk about Chen for a little bit here.
17 You talk about it at length in your declaration. So I
18 want to -- if you can pull up Chen.

19 A. There we go.

20 Q. So paragraph 125, this is just for context
21 because you are talking about Chen. I just want to read
22 you a specific section here. Paragraph 125, and this is
23 on the bottom of page 56 of your declaration, it says --
24 this is according to you. "Unlike claim 1, Chen does
25 not organize data from a VOD subservice according to a

1 pre-defined format comprising a VOD data model,
2 organized data from an EPG subservice according to a
3 pre-defined format comprising an EPG data model or
4 organized data from a media subservice according to a
5 pre-defined format comprising a media data model." Do
6 you see that?

7 A. Yep.

8 Q. Are you arguing that Chen doesn't disclose a
9 VOD subservice, an EPG subservice, and a media
10 subservice?

11 MR. YANG: Object to form.

12 THE DEPONENT: I think I am arguing that it is
13 only doing FI media format and those media formats are
14 not particular to a particular service. So I am making
15 that point.

16 BY MR. BOWSER:

17 Q. So if you could look at Chen, please.

18 A. I am in Chen. Is this Chen?

19 Q. Let me know when you have it up. Okay. So in
20 paragraph 6 of Chen the first sentence says, "The set
21 top box is operable to receive media data from various
22 sources including TV programs transmitted by a cable TV,
23 Video on Demand, VOD, movie program transmitted by the
24 internet," right?

25 A. Right.

1 Q. So there -- is it your understanding that Chen
2 discloses EPG?

3 A. Sure.

4 Q. And Chen discloses Video on Demand?

5 A. Explicitly.

6 Q. And Chen also discloses media, for example,
7 internet content?

8 A. Right. And all I am saying is that once -- you
9 can't -- in the Chen implementation you can't
10 distinguish between them once they are in -- once they
11 are in a particular format the different services can
12 share formats.

13 Q. Okay. So then let's go back to paragraph 125.
14 And you say the third line from the start or -- sorry.
15 At the top of page -- paragraph -- let me start over.

16 You say in line 3, the third line beginning
17 at -- on page 57 in paragraph 125 do you see that
18 word -- it starts with, "Instead Chen organizes"?

19 A. Yeah. Uh-huh.

20 Q. Okay. So in that sentence you say, "Chen
21 organizes data from multiple sources based on the file
22 type of the data," skipping over a couple words,
23 "provided by the source regardless of the type of
24 source." Is that right?

25 A. Yeah.

1 Q. Okay. So are you equating Chen's tables, which
2 we are going to talk about, to only specific file types
3 of data?

4 A. I think the table that it shows in those
5 diagrams has that property.

6 Q. Okay. Let's look at the tables. And before we
7 do that actually let's talk about some context here.
8 Okay. So can you go to paragraph 17 of Chen, please?

9 A. You said 17?

10 Q. Yes, please.

11 A. Okay. That top box, is that the one?

12 Q. Yeah. And let me go -- so six lines down where
13 it starts with, "The invention is able to design a user
14 interface operable to plural types of media data instead
15 of designing various user interfaces according to the
16 types of media data."

17 A. Let me read that again, sorry. Okay.

18 Q. You indicated earlier that Chen, according to
19 you, does not -- or Chen's tables are specific to a
20 certain type of data type, right?

21 A. I don't think I meant that.

22 MR. YANG: Form.

23 THE DEPONENT: If I said that, what I meant was
24 that it could handle multiple data types. And the
25 picture shows that, right? It can handle MPEG, JPEG, et

1 cetera. So it can handle multiple media types.

2 BY MR. BOWSER:

3 Q. Okay. But as you can see in paragraph 17, what

4 we just read there is a disclosure about having plural

5 types of media and the user interface for all different

6 plural types of media?

7 A. Yeah. That is not inconsistent.

8 Q. Okay. So let's, again, for context here -- and

9 we are going to walk through some of these, but can you

10 look at column -- sorry, figure 1 of Chen and look at

11 that, just, again, for context here, and it will also

12 help level-set everything.

13 A. So which -- signal source terminal, second

14 signal source terminal, yep.

15 Q. Okay. And then number 100 in this drawing is

16 the set top box, right?

17 A. Um-hum.

18 Q. So there are importers?

19 A. Right.

20 Q. And there's -- so a first signal source

21 terminal goes to a first importer and the second signal

22 source terminal goes to a second importer. Right?

23 A. Right.

24 Q. And then let's look at paragraph 20, please.

25 A. Okay.

1 Q. Actually go to paragraph 19. I think we will
2 do this in stages.

3 A. A new paragraph, okay. "The types of" -- "The
4 types of media operable to the set top box as you
5 mentioned is not limited to the first media data."
6 Sure. Yep.

7 Q. Okay. And it says, you know, that you can
8 process more than two types of media data?

9 A. Absolutely.

10 Q. We talked earlier also about Chen disclosing
11 EPG, VOD, and media data, right? Okay.

12 A. (No audible answer.)

13 Q. So what I want to know here is then in --
14 starting one, two, three, four -- four lines down from
15 the right column in paragraph 19 it says, "The importers
16 used the metadata to generate a metadata table complying
17 with a specific table." Right? Do you see that?

18 A. That's there.

19 Q. And I jump down to paragraph 20. And we talked
20 about the importers earlier, right? And paragraph 20,
21 starting eight lines from the top, it says, "Importers
22 not illustrated are used by the set top box 100 to
23 respectively generate three metadata tables, 30(1),
24 30(2), and 30(3), complying with a specific table."
25 Right?

1 A. Um-hum, yep.

2 Q. Okay. So let's look at figure 3, please.

3 A. Um-hum.

4 Q. Okay. Now --

5 A. 31, 32, and 33 there are three tables, yep.

6 Q. 31, 32, and 33, okay. And then there are three

7 different data sources --

8 A. Yes, sir.

9 Q. -- signal sources. So signal source -- you

10 know what? Before we get into figure 3 it might be --

11 why don't we take a 10-minute break? We can come back

12 to figure 3.

13 A. Sure.

14 Q. So we will come back at --

15 A. Can you make it 15 minutes? I am sorry.

16 Q. So 2:20 Eastern time.

17 Does that work, Mitch?

18 MR. YANG: Yeah, that's fine.

19 (Off the record.)

20 BY MR. BOWSER:

21 Q. Back on the record. Welcome back, Dr. Surati.

22 Did you speak with anybody during the break about the

23 substance of your testimony?

24 A. Not at all.

25 Q. Okay. Great. All right. So we were talking

1 before the break about the tables in figure 3 of Chen,
2 right?

3 A. Yep.

4 Q. Okay. Sorry.

5 A. 30(1), 30(2), and 30(3), yeah.

6 Q. Okay. Yeah. Give me one moment here. I lost
7 my place about Chen. Okay. Here we go. Paragraph
8 20 -- it is really long.

9 A. Just a moment. Paragraph 20, okay.

10 Q. Yeah. So if you could go seven lines up from
11 the bottom.

12 A. Okay.

13 Q. And --

14 A. From the bottom? Okay. So the metadata
15 tables?

16 Q. No. No, sorry. So paragraph 20 of Chen,
17 right? So go seven lines up from the bottom of
18 paragraph 20 of Chen.

19 A. Symbol pound, pound, pound.

20 Q. Yep. If you would read that, please?

21 A. Yeah. "The symbol, pound, pound, pound in
22 figure 3 denotes the table's input with data. The set
23 top box stores the media data of the MP3 file, the JPEG
24 file, and the MPEG in the database according to the
25 context of the metadata tables. The user can promptly

1 and correctly retrieve the media data stored in the
2 database by the user interface." Okay.

3 Q. Okay. So there is two things there that you
4 just read that I think are significant. Number 1 is,
5 just for level setting here -- the pound sign in figure
6 3 denotes the fact that there is data, right?

7 A. Yep.

8 Q. And secondly that -- it says it is according to
9 the context of the metadata tables, right?

10 A. Um-hum.

11 Q. So that is what we just read. Now, let's go to
12 figure 3. And --

13 A. Okay.

14 Q. -- this is -- I am just going to walk slowly
15 through this just because it is important for the
16 record. But we can see there is a table at the top. It
17 is 30(1), right?

18 A. Um-hum.

19 Q. The table in the middle, 30(2), and then a
20 table at the bottom, 30(3). Now the examples that Chen
21 uses in figure 3, the top table, is MP3 metadata?

22 A. Yep.

23 Q. The middle table, 30(2), is JPEG metadata, and
24 the table at the bottom, 30(3), is MPEG 4 meta data,
25 right?

1 A. Correct.

2 Q. So each one of these tables -- let's look at

3 the table at the top, 30(1), first. Okay?

4 A. Uh-huh.

5 Q. All right. Now, I am going to read the order

6 of the information. It is the column on the left. It

7 goes file name, author, type of content, resolution,

8 language, byte rate, appearance, control, and file size.

9 Right?

10 A. Yep.

11 Q. Now, that is the order of information listed in

12 table 31. Now -- so we know from figure 3 and the pound

13 sign that in the table at the top, 30(1), it has data

14 for some rows, but not all. Right?

15 A. Absolutely.

16 Q. So for the MP3 metadata table it has data for

17 file name, right?

18 A. Um-hum.

19 Q. It has data for author --

20 A. Um-hum.

21 Q. -- right?

22 It does not have data for type of content,

23 right?

24 A. Yep.

25 Q. It does not have data for resolution, right?

1 A. Um-hum.

2 Q. It does not have data for language, right?

3 A. Yep.

4 Q. It has data for byte rate, yes?

5 A. I think that's right.

6 Q. It does not have data for parents control?

7 A. Right.

8 Q. And it has data for file size, correct?

9 A. Yeah.

10 Q. Okay. So metadata table 30(1) has information

11 in the order specified in metadata table 30(1), right?

12 A. Um-hum.

13 Q. Okay. So the second table, which is metadata

14 table 30(2), it has data as indicated by the pound sign

15 for file name, right? Is that right?

16 A. Yeah.

17 Q. Okay. It has data for resolution, correct?

18 A. Yep.

19 Q. Okay. And it has data for file size, correct?

20 A. Yep.

21 Q. Okay. The metadata table, 30(2) does not have

22 data for author, type of content, language, byte rate,

23 and parents control. Right?

24 A. Um-hum.

25 Q. Okay. And the data, as we have seen in 30 --

1 metadata table 30(2), is in a specific order, right?

2 A. (No audible answer.)

3 Q. Is that, "yes"?

4 A. Yes.

5 Q. Okay. Okay. So the last table is metadata

6 table 30(3), and this is for the MPEG 4 metadata, right,

7 in the example given in Chen?

8 A. Um-hum.

9 Q. Okay. So this one has data in for file name,

10 correct?

11 A. Um-hum.

12 Q. It has data for author, correct?

13 A. Yep.

14 Q. It has data for type of content?

15 A. Uh-huh.

16 Q. It has data for resolution, right?

17 A. Yep.

18 Q. It has data for language?

19 A. Yep.

20 Q. It does not have data for byte rate; is that

21 right?

22 A. Correct.

23 Q. Okay. And -- sorry. It has data for parents

24 control?

25 A. Um-hum.

1 Q. And it has data for file size, right?

2 A. Yes.

3 Q. Okay. And just like the other metadata tables,

4 it is listed in a specific order; is that right?

5 A. That's right.

6 Q. Okay. And for -- let's look at metadata table

7 30(1), metadata table 30(2), and metadata table 30(3),

8 right? Okay. Let's look at them all together. And the

9 types of content in each metadata table is different; is

10 that right?

11 A. That's true.

12 Q. Okay. Let's go to paragraph 131 of your

13 declaration, please.

14 A. Just a moment. Okay. What was it, 131?

15 Q. Yes, 131. And in this paragraph is an

16 explanation that you have provided about uniform format,

17 right?

18 A. That's right.

19 Q. Okay. Do you cite any portions of the

20 specification in this paragraph?

21 A. I don't.

22 Q. Okay. Your explanation of uniform format is

23 based on your explanation in paragraph 70; is that

24 right? Strike that. Let me try again.

25 So your explanation of what you understand to

1 be uniform format in paragraph 131 is based on your
2 explanation of what uniform format means according to
3 you in paragraph 70; is that right?

4 A. I think so, yes.

5 Q. Okay. So let's go last in this topic to
6 paragraph 132.

7 A. Um-hum.

8 Q. And you have characterized the Institution
9 Decision in paragraph 132. Do you see that?

10 A. Um-hum.

11 Q. And you have said, beginning in the second line
12 of this paragraph -- where it says, "Petitioner cannot
13 rely on Chen's metadata tables conforming to a uniform
14 format to show," and then, you know, you continue with
15 your characterization and you reference page 26
16 specifically of the Institution Decision. Okay? Can
17 you pull up page 26 of the Institution Decision?

18 A. Sure.

19 Q. Where do you see on page 26 a statement by the
20 Board that Petitioner cannot rely on Chen's metadata
21 tables conforming to a uniform format to show organizing
22 data according to a pre-defined format?

23 MR. YANG: Object to form.

24 THE DEPONENT: I think it is the first
25 sentence, "As an initial matter we note that by reading

1 the claim term 'pre-defined format' is recited in
2 limitation 1.2.1 on the specific table of uniform format
3 and Chen," some references, "it appears Petitioner may
4 be conflating the claim terms, 'pre-defined format' and
5 'uniform format' as recited to implementations" --

6 BY MR. BOWSER:

7 Q. Okay.

8 A. -- respectively. Sorry.

9 Q. So that's the -- that's the sentence you are
10 relying on to support your characterization of paragraph
11 132, right?

12 A. Yep.

13 Q. Okay. So let's turn to paragraph 54 of your
14 declaration. And I want to talk about some more claim
15 construction issues.

16 A. I have so many things open here.

17 Q. I think for now you can close the Institution
18 Decision if you want.

19 A. Oh, lovely. Sorry. Let's see here. How many
20 windows are there? There is my clean copy. So you
21 wanted to go back to paragraph 54, you said?

22 Q. Yes, please.

23 A. Yes, sir. 54, yeah. Media metadata -- is that
24 the section?

25 Q. Yes.

1 A. All right. Here we are.

2 Q. "Media metadata personalized for user." And

3 this is for claims 4 and 13, correct?

4 A. Yeah.

5 Q. And in this particular section this deals with

6 your proposed construction of this term, right?

7 A. Um-hum.

8 Q. Okay. Let's -- can you please read the first

9 two sentences of paragraph 54?

10 A. "In my opinion the media metadata personalized

11 for a user means the content of the metadata is

12 personalized for user. That is, the metadata content of

13 the same media is personalized, in explicum, different

14 for each user. For example, if two users were viewing

15 the same program personalizing new media metadata of

16 that program for the two users means that the first user

17 could see a first title personalized for the first user,

18 but the second user would see a different second title

19 personalized to the second user."

20 Q. Okay. Thank you. So looking at the first two

21 sentences again, which one of those two sentences is

22 your construction?

23 A. Oh. Let me -- I guess I would go with 2 just

24 because it is pretty explicit about being different.

25 Q. Are you sure about that?

1 A. I'm not really sure. I mean, like, I am trying
2 to say that is what I mean by it. So it is hard to -- I
3 mean, I could go with 1, but with the explanation that 2
4 helps explain it more.

5 Q. Okay. Just for the record, which one are you
6 going with? Because you said first, second, and now you
7 are saying first. Which one?

8 A. I will go with the first --

9 MR. YANG: Object to form.

10 THE DEPONENT: I will go with the first with
11 the explanation the whole paragraph explains what I
12 mean.

13 BY MR. BOWSER:

14 Q. Okay. So final answer, you are going with your
15 first?

16 A. Yeah.

17 MR. YANG: Object to form.

18 BY MR. BOWSER:

19 Q. All right. So if your construction is the
20 first sentence why did you feel the need to provide an
21 explanation as to what your construction means?

22 A. To be clear.

23 Q. Are you suggesting that your proposed
24 construction is not clear?

25 MR. YANG: Object to form.

1 THE DEPONENT: No. If there is any ambiguity I
2 want to make sure that the person reading it understands
3 it.

4 BY MR. BOWSER:

5 Q. Okay. So when we provide constructions in
6 patent law we do so to provide clarity, right?

7 A. Sure.

8 Q. Okay. So let's look at claims 4 and 13, if you
9 can pull up Exhibit 1017.

10 A. 1017? I have got claim 10 now. Is that what
11 you meant, claim 10? Claim 4, you meant. Sorry.

12 Q. We are looking at claims 4 and 13.

13 A. The claim to -- "Wherein the media data
14 provider is configured to provide media and metadata
15 personalized for a user."

16 Q. Okay. So if we are going with your first
17 sentence in paragraph 54 which adds the word "content,"
18 where do you see the word "content" in claim 4?

19 A. There is no word "content" in claim 4.

20 Q. Okay. So if we are going with your second
21 sentence in paragraph 54, which says the metadata
22 content of the same media is personalized, i.e.
23 different for each user, where do you see that in claim
24 4?

25 A. Don't see it.

1 Q. You don't see it?

2 A. No.

3 Q. So are you reading limitations into the claim?

4 MR. YANG: Object to form.

5 THE DEPONENT: I don't think so.

6 BY MR. BOWSER:

7 Q. So you don't see the word "content" in claim 4,

8 right?

9 A. No, but I am trying to construe the claim.

10 Q. Okay. And you don't see the words, "the same

11 media," in claim 4. Right?

12 A. Nope.

13 Q. And do you see the words "different for"?

14 A. No, I don't.

15 Q. Okay. So in paragraph 54 you started to read

16 this and I don't -- I am not asking you to read it. But

17 beginning on the third line it starts with, "For

18 example," and you have seven lines of text, right? Do

19 you see that?

20 A. (No audible answer.)

21 Q. Is that your explanation of what may happen

22 under your proposed construction?

23 A. Sure.

24 Q. Which one, the first sentence or the second

25 sentence?

1 A. The first and the second.

2 Q. Is this explanation in the claim language?

3 MR. YANG: Object to form.

4 THE DEPONENT: Media metadata personalized for

5 user, it is not exclusively in the claim language, no.

6 BY MR. BOWSER:

7 Q. So there is this explanation we talked about

8 starting in the -- you know, seven lines in paragraph 54

9 starting at line 3, did you cite to any portion of the

10 specification for that?

11 A. No, I did not. Oh, I did -- meaning in that

12 paragraph?

13 Q. Yes.

14 A. No. There is nothing in this paragraph, but I

15 do go on to talk about how I came to that conclusion.

16 Q. So in paragraph 54, last sentence, you say,

17 "This is distinguished from 'the selection of the media

18 metadata is personalized for user,' such that the media

19 is selected for individual users, but all users

20 selecting the same media will see the same metadata."

21 Right?

22 A. That's right.

23 Q. Okay. Where does this quotation come from?

24 A. I'm not sure.

25 Q. So let's go to paragraph 55, please. And you

1 say in paragraph 55 -- I am going to read it, if you
2 don't mind, the first two sentences where you say, "My
3 opinions are consistent with the disclosures of the 805
4 patent and the understandings of a POSITA. The 805
5 patent repeatedly states that the" -- "that the
6 'personalized media metadata' is 'generated' from
7 metadata received from media subservices." Right?

8 A. Yeah.

9 Q. Okay. And then you cite -- actually let me
10 back up. So this sentence or these two sentences that
11 you included in paragraph 55, did you do so having
12 considered all the embodiments of the 805 patent?

13 A. I mean, I'm just trying to help define the term
14 so I can help figure out whether the claims are being
15 met by the prior art that was suggested in the petition.
16 So when you're saying that you are asking did I consider
17 whether all the embodiments had this property? Or what
18 exactly do you mean?

19 Q. I mean when you made this characterization
20 about how the 805 patent repeatedly states that the
21 personalized media metadata is generated from metadata
22 received from media subservices, did you make that
23 characterization having considered all the embodiments
24 of the 805 patent?

25 A. You mean all the embodiments that might lead me

1 to make a claim limitation for?

2 Q. Yes, all the embodiments that have language
3 that could correspond to claim 4.

4 A. I think so.

5 Q. Were you asked to consider specific embodiments
6 when preparing this claim construction section?

7 A. Not particularly. I was just trying to
8 distinguish and explain my reasoning for why
9 Dr. Lippman's construction failed to meet the claim
10 language.

11 Q. So are you saying that Dr. Lippman provided the
12 claim construction for media metadata personalized for a
13 user?

14 A. No. I am just saying he gave an example and I
15 was just trying to explain why I didn't believe it met
16 the claim.

17 Q. So you cited two portions of the specification
18 in paragraph 55. They are column 31, lines 26 to 41,
19 and column 34, lines 61 to column 35, line 8. Right?

20 A. Yes, sir.

21 Q. Okay. How did you determine -- or strike that.
22 How did you decide to cite just those two
23 paragraphs?

24 A. Just a second. So those are the two that I
25 thought were relevant in helping explain what must be

1 meant by "metadata personalized for the user."

2 Q. And were those the two portions that you found
3 to be the most relevant?

4 A. Yeah. I think there is, like, one other
5 section that doesn't help.

6 Q. Okay. Let's look at the portions that you
7 cited, okay? So let's -- for level setting here let's
8 go back to -- I am sorry for making you jump around
9 here, but let's go back to 1017. And let's look at the
10 actual language of the claims. Okay?

11 A. Okay.

12 Q. We are going to look at claim 4, which, if you
13 can remember, it says, "Media metadata personalized for
14 a user." Right?

15 A. Correct.

16 Q. Okay. Now, let's go to page 21 of your
17 declaration at the top where you have quoted column 33,
18 lines 26 to 41.

19 A. I just lost it. Sorry. So page 21, you say?

20 Q. Yeah. I lost it -- well, the paragraph number,
21 but it is not on this page so I refer to the page
22 number.

23 A. Okay.

24 Q. Paragraph 55, but at the top of page 21, do you
25 see that?

1 A. Yeah.

2 Q. All right. So that -- I want to emphasize or I
3 want to -- sorry. I want to talk about the two portions
4 that you have highlighted in this particular paragraph
5 or highlighted -- emphasized, okay. So you say, "To
6 provide personalized media metadata," right? You have
7 emphasized that portion at the top?

8 A. Yep.

9 Q. Okay. That we can agree is probably similar to
10 the language in the claim, media metadata personalized?

11 A. For a user, yeah.

12 Q. Yeah, for a user. Okay. So then -- okay. So
13 comparing the two between what is in the specification
14 and what's in claim 4, we have provide -- and I'm
15 talking about the portion of the specification that you
16 quoted, column 31, 26 to 41. It says, "To provide
17 personalized media metadata," right? Do you see that?

18 A. Yep.

19 Q. And the claim says, "Media metadata
20 personalized for user"? So the word "personalized" is
21 kind of shifted out of order.

22 A. It is.

23 Q. But otherwise it is generally the same?

24 A. Yep.

25 Q. All right. Now. You then emphasize a later

1 portion of this same paragraph in column 31, lines 26 to
2 41, right?

3 A. Uh-huh.

4 Q. Okay. And that specific portion -- and I am
5 only going to read the portion that you have emphasized.
6 It says, "Media data provided 1416B uses the metadata
7 regarding media collected by the media subservice 1428
8 in order to generate the personalized media metadata."
9 Did I read that right?

10 A. That's right.

11 Q. Okay. So do you see anything in claim 4 about
12 generating personalized media metadata?

13 A. Just a moment. Sorry. Claim 4, I don't see
14 the word "generate" there.

15 Q. Okay. So do you see the word "content" in the
16 last sentence of that paragraph 31 -- column 31, lines
17 26 to 41?

18 A. No.

19 Q. Okay. Let's look at the second portion of the
20 specification that you quoted in -- sorry, paragraph 55
21 on page 21. And I am referring to column 34, line 61,
22 to column 35, line 8. Right?

23 A. Yep.

24 Q. Okay. So I am referring to the portion of your
25 declaration at like -- as this -- as this paragraph is

1 reproduced in your declaration. Okay? I am looking at
2 this starting from the fourth line down. And there is a
3 sentence that starts with, "In another example, media
4 data provided 1416B provides personalized media metadata
5 and stores data in an SQ like database."
6 A. Yep.
7 Q. Do you see that?
8 A. Yep.
9 Q. Okay. So this portion of that paragraph talks
10 about personalized media metadata, right?
11 A. Um-hum.
12 Q. Okay. I am curious why you didn't emphasize
13 that?
14 A. I didn't see that as helping me define what it
15 is. It just says it is storing some data in a database.
16 Q. So at the end of the paragraph you cite a
17 sentence and you emphasize this sentence which talks
18 about generating the personalized media metadata, right?
19 A. That's right.
20 Q. Okay. So do you see the word "generating" or
21 "generate" in claim 4 at all?
22 A. Doesn't appear to be.
23 Q. Okay. So why are you citing only sentences
24 that have to do with generating?
25 A. To provide some clarity about what might be

1 meant by metadata -- media metadata personalized for a
2 user, what that might mean so that someone could
3 understand what is meant. And even though there are
4 multiple places where it is referred to, only some of
5 them actually give a hint as to what it might be.

6 Q. So we talked earlier about your proposed
7 construction, right?

8 A. Um-hum.

9 Q. And it sounds like we landed on the first
10 sentence in paragraph 54, right, where you said, "In my
11 opinion media metadata personalized for a user means the
12 content of the metadata is personalized for a user."

13 A. Yeah. And where it also said that -- I am
14 trying to explain what that means a little bit further.

15 Q. Okay. So is this concept of generating the
16 media metadata -- is that required by your construct
17 team?

18 MR. YANG: Object to form.

19 THE DEPONENT: I think so.

20 BY MR. BOWSER:

21 Q. You said earlier that the concept of
22 generating, though, is not in the claim?

23 A. I agree with that.

24 (Simultaneous colloquy.)

25 Q. So let's look at column 33, line 61 to 67 of

1 the specification.

2 A. Oh, of the specification?

3 Q. Of the 805 patent, sorry.

4 A. Column 33?

5 Q. Lines 61 to 67.

6 A. Okay.

7 Q. Okay. And if you don't mind I am just going to

8 read this sentence, okay? It says, "Further, in one

9 implementation the subservices may need to allow access

10 to storages 1432" -- and just for reference this is

11 referring to figure 14. Okay?

12 A. Okay.

13 Q. Let me start over again. So it says, "Further,

14 in one implementation, the subservices may need to allow

15 access to storages 1432, 1436 and 1440." And those are

16 showing us databases in figure 14, right?

17 A. Yep.

18 Q. Okay. "To media data provider 1416B in order

19 to allow media data provider 1416B to store and access

20 the personalized media metadata."

21 A. Yep.

22 Q. Right? Okay.

23 That portion of the specification doesn't talk

24 about content or generating, right?

25 A. It does not.

1 Q. Okay. So why did you -- why did you avoid
2 citing that portion of the specification?

3 A. I wouldn't say that I avoided it. I just
4 didn't put it in because it didn't have any relevance to
5 providing more information about what personalized media
6 metadata meant.

7 Q. Okay. So look at paragraph 56 of your
8 declaration. You there?

9 A. Yeah, I just lost it. I'm trying to bring it
10 up again. So you said paragraph 54?

11 Q. Sorry, 5-6, 56. Okay. So you say in the first
12 sentence that, "The 805 patent consistently discloses
13 that personalized media metadata is generated from other
14 received metadata." Right?

15 A. Um-hum.

16 Q. Okay. You don't cite any portions of the
17 specification in paragraph 56, right?

18 A. Not directly, because I put the other one --
19 paragraphs in before.

20 Q. Okay. So your -- when you say, "consistently,"
21 you are referring to the two -- the two sections that
22 you just cited in paragraph 54, right?

23 A. Yeah. And the other place --

24 Q. Okay. Sorry. Go ahead.

25 A. The other place doesn't give any hint what this

1 means.

2 Q. Okay. So what does the word "consistently"
3 mean to you?

4 A. I mean, I'm just saying that where it gives
5 some disclosure about what it means it uses the word
6 "generate."

7 Q. And would you say that the portions of the
8 specification that don't use the word "generating,"
9 those don't help you inform what the meaning is?

10 A. Not specifically, no.

11 Q. Okay. So let's go back to your explanation of
12 claim construction principles in paragraphs 50 and 51.

13 A. Yes, sir.

14 Q. You don't mention in these two paragraphs,
15 paragraphs 50 and 51, that you understand it is improper
16 to import limitations into the claims, right?

17 MR. YANG: Object to form.

18 THE DEPONENT: I mean, I don't say that here,
19 no.

20 BY MR. BOWSER:

21 Q. Were you informed about that principle?

22 A. Yes. I answered that before.

23 Q. So the paragraphs that you cite in paragraph --
24 sorry. The sections of the specification that you cite
25 in paragraph 55 have generating metadata, right?

1 A. Um-hum.

2 Q. But we talked about the fact that there is
3 other portions of the specification that don't have that
4 feature?

5 A. I wouldn't say that. Well, what I would say is
6 that the other portions of the other -- there is three
7 things that refer to personalized other than the claim.
8 So as to give a hint as to what, two of them happen to
9 mention the word "generating." One of them doesn't, but
10 it doesn't give any more information about what that
11 data might be, I think, beyond that is connected to the
12 media -- media data providers, something like that.

13 Q. So you didn't cite it because it doesn't have
14 "generating." Is that right?

15 MR. YANG: Object to form.

16 THE DEPONENT: I didn't cite it because I
17 didn't think it was helpful in helping determine what
18 the meaning was.

19 BY MR. BOWSER:

20 Q. So paragraph 56, if we can go there --

21 A. Um-hum.

22 Q. -- and you look at the second sentence. And it
23 says, "The 805 patent never suggests that
24 personalization of media metadata occurs when media or
25 programs are selected based on a user." Right?

1 A. Paragraph 55 or 56?

2 Q. Paragraph 56, second sentence.

3 A. Second sentence, "The 805 patent never suggests

4 the personalization of media occurs when media programs

5 are selected based on a user." Okay.

6 Q. Okay. So are you saying that if a

7 specification doesn't disclose a specific embodiment

8 then the claims exclude that embodiment?

9 MR. YANG: Object to form.

10 THE DEPONENT: I wouldn't say that. I would

11 just say that I have an interpretation of what that

12 thing means. And I am pointing out simply that it

13 doesn't suggest that that qualifies and that the

14 evidence that I have about the meaning of the term

15 suggests that what Dr. Lippman suggested was a, you

16 know, piece of prior art that invalidated the patent

17 claim wasn't consistent with that. And that the number

18 of channel items -- sorry, the -- what the channel items

19 were was not -- was not what I would consider

20 metadata -- I am sorry -- media metadata personalized

21 for a user.

22 BY MR. BOWSER:

23 Q. Okay. Can we -- so can you stay in paragraph

24 56. Let's look at the third sentence. And you say, "A

25 POSITA would recognize that only metadata," and you have

1 emphasized the word "content that is personalized for a
2 user would be 'generated' from data received from media
3 subservices." Do you see that?

4 A. Um-hum.

5 Q. Are you saying that's the only ever
6 possibility?

7 A. As I see how that claim term is defined meaning
8 the patent and the evidence that I gave, yes.

9 Q. Okay. So let's go to section 10, which is in
10 paragraphs 134 to 144.

11 A. Okay. Sorry. Okay.

12 Q. And in this section, just generally speaking,
13 you are addressing your prior art arguments for claims 4
14 and 13, right?

15 A. Yes, sir.

16 Q. Okay. And in paragraph 135 you reference your
17 earlier construction of media metadata personalized for
18 a user; is that right?

19 A. I think that's fair.

20 Q. Okay. And if you wanted to -- I think you are
21 referring to paragraph 54. So you say, "As I explained
22 in section 6A," and you are referring to paragraph 64.
23 And so this paragraph, as we talked about earlier, has
24 the words "content" and then it also has the explanation
25 about the content of the media must be personalized for

1 the user and the selection. So let me stop there. Is
2 the analysis in this section of -- section 10 of your
3 declaration, is it based on your construction?

4 A. It is at least based on my construction.

5 Q. Okay. When you say, "at least based on," what
6 do you mean by that?

7 A. Just in case. When you say that it is so
8 expansive -- in case I forgot something I want to make
9 sure I don't say something and then there is another
10 argument. I don't think there is another argument, but
11 I don't want to make a statement that is wholly untrue
12 if there is a second argument that I have made.

13 Q. Okay. So would you mind looking through your
14 portions of the declaration, 134 and 144? And take your
15 time. I just want to know if you have presented any
16 arguments that are not based on your specific
17 construction.

18 A. Sure. I'll be happy to. So the only thing --
19 caveat I will say is that there is an argument in there
20 that discusses how there is no editing of thumbnails,
21 but that's -- sort of goes back to the explanation that
22 I want to show that what he describes can't be confused
23 with being able to select from this.

24 Q. And that really goes back to your construction,
25 does it not?

1 A. It does. That's what I was trying to say.

2 Q. Okay. All right. So just to close the loop

3 here on that particular point, would you say that in

4 paragraph 137 you have characterized Dr. Lippman's

5 mapping of the prior art. Right?

6 A. I think so.

7 Q. Okay. And in paragraph 138 you start with the

8 sentence, "This conclusion is premised on an incorrect

9 understanding of the term 'media metadata personalized

10 for a user.'" Right?

11 A. That's right.

12 Q. Okay. And then you say, "As I explained in

13 section 6A," which refers to your construction of media

14 metadata personalized for a user, okay.

15 A. Yes, sir.

16 Q. So let's go to paragraph 135.

17 A. Okay.

18 Q. So the first sentence -- sorry, not the first

19 sentence. In the second sentence in that paragraph you

20 say, "To personalize the media metadata for a user, the

21 content of that media metadata must be personalized for

22 the user, i.e. the content for the same media must be

23 different between users."

24 A. Correct.

25 Q. Right?

1 A. Sure.

2 Q. So the portions of the specification that we
3 talked about earlier with respect to your construction
4 of media metadata, did you see anything about the fact
5 that the same media must be different between users?

6 A. Nothing other than the fact it was talking
7 about it being personalized for the user.

8 Q. So are you saying that the word "personalized"
9 or, you know, "personalization" necessarily requires it
10 to be different for different users?

11 A. I think it needs to be shown that it can be
12 different between different user.

13 Q. So hold on a second. You said it can be
14 different, right?

15 A. Yeah. In other words, if you are going to try
16 to prove this claim limitation you have to -- you can't
17 just be like, well, I don't know -- I think I'm just
18 trying to basically say in order to prove that this
19 claim limitation is being met you need to be able to
20 show that a person can personalize the metadata that
21 they see that is created based on metadata and that it
22 can be different from other users.

23 Q. Okay. But in the second sentence of paragraph
24 135, in the parentheses, don't you specifically say that
25 it must be different?

1 A. Well, I don't -- I mean, if I gave you a --
2 several examples, right, and I said, "This system has
3 that capability that they can be different," that's
4 enough to show that that limitation can be met.

5 Q. Okay. I am just trying to understand because
6 in the -- your declaration says, "must be different,"
7 and then today you said, "can be different." So which
8 one is it?

9 A. It is not which one is it. It is the
10 purpose -- the general purpose of this thing is to -- is
11 we are supposed to show that -- I mean, not "we," but
12 Dr. Lippman is supposed to show that his construction
13 meets -- of the prior art meets the limitation. And
14 what I am saying is that the limitation -- if he wants
15 to show that he has to show that there must be a way
16 that those things could be different.

17 Q. Okay. So let's go to the third sentence in
18 this paragraph. And you say, "Personalizing the
19 selection of media metadata for a user is insufficient
20 to meet this limitation," and then there is a condition.
21 "If the content of the media metadata is the same for
22 all users that selected the same media metadata."

23 A. Correct.

24 Q. Do you see that?

25 A. Yep.

1 Q. Is there any portion of the specification that
2 has that type of definition?

3 A. I would just say that this is in response to
4 the Dr. Lippman's example. And I'm just saying that his
5 example is not -- his example is not included in what
6 this discussion is about.

7 Q. Okay. So paragraph 135, you don't have any
8 citations to the specification, right?

9 A. There doesn't appear to be.

10 Q. Okay. Let's look at the language of claims 4
11 and 13.

12 A. Okay. I have them.

13 Q. So I am going to skip to the end of the claim
14 just to the relevant part. And it says, "To provide
15 media metadata personalized for a user." Do you see
16 that?

17 A. Actually, I don't. Can you repeat to
18 provide --

19 Q. So claim 4 says, "To provide media metadata
20 personalized for a user."

21 A. Yeah.

22 Q. Okay. Where in the claim do you see this
23 concept that there can't be personalization if the media
24 metadata is the same for all users that selected the
25 same media metadata?

1 A. There is nothing there that says that
2 explicitly.

3 Q. Okay. So let's look at the fourth and fifth
4 sentences of your explanation of paragraph 135, please.
5 And where I am starting at is -- in the middle of the
6 paragraph it starts with the explanation, "In other
7 words." Do you see that?

8 A. "In other words, if"?

9 Q. Yes. And I can read that. It says, "In other
10 words, if the media metadata is the title of a program
11 and that media metadata is personalized for two users,
12 the first user and the second user should see different,
13 personalized program titles."

14 A. Yep.

15 Q. Is that something that is disclosed in the
16 specification?

17 A. Not directly.

18 Q. So why does personalization require two
19 different titles for two different users?

20 A. Well, if you want to show that personalization
21 is possible, given the way I have defined -- not I have
22 defined it, but the way I understand it to mean, that a
23 POSITA would understand it to mean, then you have to be
24 able to show that those two titles can be different.

25 Q. So let's say -- I am going to give an example

1 where the metadata is in English. Okay?

2 A. Okay.

3 Q. And you and I, to use your example before, we

4 both want to watch "Leave it to Beaver."

5 A. Okay.

6 Q. Are you following me?

7 A. Sure.

8 Q. So let's say we both want it to be in Spanish.

9 A. Okay.

10 Q. Okay. Whatever that means in Spanish, I don't

11 speak Spanish. But I am saying whatever that means in

12 Spanish it will show up on your television and it should

13 show up on my television, right?

14 A. Sure. So you are asking -- you would play the

15 "Leave it to Beaver" track in Spanish?

16 Q. I just want the metadata for the title. I am

17 using your example.

18 A. Okay.

19 Q. Okay. So you and I have both asked for the

20 title "Leave it to Beaver" to be translated to Spanish.

21 A. Okay.

22 Q. Okay? Is that not a personalization?

23 A. So personalized media metadata -- so you have

24 decided to set a setting on your system, right, that

25 says you are going to see Spanish content show up

1 instead of English content. So it would be drawing the
2 information about the title -- yeah, I think I have to
3 think about this example. And there is so many
4 questions I would have about where the data was coming
5 from for the different things that I can't -- I can't
6 give you a direct answer. I don't think I analyzed this
7 exact title. It is a little bit vague and hard for me
8 to come up on the fly with a clear, good explanation for
9 why I thought it was one thing versus the other.

10 Q. Okay. So can you give me an example where
11 someone could ask for personalized metadata having to do
12 with the title "Leave it to Beaver"?

13 A. Sure. Let's say that -- let's say, for
14 example, that my child and I have a funny joke about
15 "Leave it to Beaver" and we like to call it "Beavis and
16 Butthead." Another person has a child that likes to
17 have it be "Beaver," so that they can read it. In those
18 cases a personalization might involve -- any time it
19 says, "Leave it to Beaver," it would put in, "Beavis and
20 Butthead." In the other case the person would put in
21 "Beaver." And so what you would see in the titles for
22 things that you are selecting would be "Beaver" or
23 "Beavis and Butthead," and those would be two different
24 titles that were based on -- that would be a
25 personalization.

1 Q. Okay. So let's say that you have asked for --
2 using your example where you and your child both like to
3 have "Leave it to Beaver" be substituted for "Beavis and
4 Buttthead." Right? Okay. You have asked for it to be
5 substituted for "Beavis and Buttthead" and your child has
6 asked for it to be "Beavis and Buttthead" maybe on
7 different TVs. Aren't you getting the same title?

8 A. I think I would consider that to be one user.
9 So when I say me and my child, I would think of it as
10 one user.

11 Q. Why are they just -- why are you both one user?

12 A. Because I would log in as one user. I don't
13 know. I mean, I can give you an example just so that it
14 is not confusing, but -- I like it a certain way;
15 another person somewhere else likes it another way. So
16 there is one user and one user. I don't want to deal
17 with multiple users at a particular house.

18 Q. Okay. So your definition then requires it to
19 be in different households?

20 MR. YANG: Object to form.

21 THE DEPONENT: I'm giving you an example. So
22 it is not really my definition. I'm just trying to make
23 a clear example and clarify for you what I am saying.

24 BY MR. BOWSER:

25 Q. Okay. So let's -- let's use a different

1 example. So let's say that I ask -- let me back up.
2 Are you familiar with Hulu or YouTube TV?
3 MR. YANG: Object to form. Scope and
4 foundation.
5 THE DEPONENT: My --
6 BY MR. BOWSER:
7 Q. Okay. So let's just ask a more general
8 example. If I ask for metadata or titles to be shown
9 only for things that interest me, for example, sports --
10 A. Okay.
11 Q. Okay -- and you also ask for sports, isn't the
12 metadata that you're receiving then somehow
13 personalized?
14 MR. YANG: Object to form.
15 THE DEPONENT: I haven't spent a lot of time --
16 I mean, literally, maybe, but I haven't spent a lot of
17 time characterizing those particular examples. And I
18 could spend a lot of time thinking about why it might or
19 might not qualify. So I don't want to -- I don't think
20 I opined on that in particular in my declaration, so I
21 don't want to make an off-the-cuff remark without a
22 complete explanation of all the conditions under which
23 this may or may not be true.
24 Q. Okay. I am just trying to understand it
25 because you have indicated that in order to be

1 personalized the same metadata has to be different for
2 two different users, right?

3 MR. YANG: Object to form.

4 THE DEPONENT: No, I wouldn't say that it has
5 to be. I think I clarified that it has to be possible,
6 that it could be different.

7 BY MR. BOWSER:

8 Q. So with that clarification, you're saying then
9 that the sentence in paragraph 135 of your declaration
10 where the content to the same media must be different
11 between users, you are no longer saying that is the
12 case?

13 A. No. I mean, I think I asked and answered this
14 question before about how to clarify what I meant, which
15 was just that in order to show things are -- in order to
16 complete Dr. Lippman's -- you know, his analysis, he
17 needs to show that those two could be different.

18 Q. Okay. Why don't we take a 15-minute break? I
19 have -- so then it is -- what -- 3:40 eastern?

20 A. Yeah. I need to go to the restroom. Sorry.

21 (Off the record.)

22 BY MR. BOWSER:

23 Q. So, Dr. Surati, as we have talked about before,
24 did you meet with anybody or discuss your testimony
25 during the break?

1 A. Not at all.

2 Q. All right. Great. I have to ask that.

3 A. Of course.

4 Q. So do you have Dr. Lippman's declaration?

5 A. I do.

6 Q. And the reason I ask is it's got some

7 annotations, which I think will make it a little easier

8 to talk through. Sorry. Go ahead.

9 A. I'm just pushing -- I am looking for it here.

10 Yeah, I have got it.

11 Q. Exhibit 1003. If you don't have it I can

12 upload it. Okay. So what I think will be helpful is if

13 we talk about Lee-2. And let me just put that in the

14 chat so we can -- sorry. I am putting -- this is --

15 Elizabeth, this is what we are referring to as Lee-2.

16 A. I don't see it.

17 Q. Do you have Lee-2?

18 A. I do have Lee-2.

19 Q. If you could access that. But I think for

20 purposes of just discussing Lee-2 I was going to propose

21 that we use Dr. Lippman's declaration just because it

22 has some annotations, just because I think it would make

23 it easier to talk. So if you could when you get to

24 Dr. Lippman's declaration you have -- sorry -- page

25 155 -- it is numbered page 155 and it is starting at

1 page 325 -- sorry, paragraph 325. One of these days I
2 am going to get the paragraph and page numbers right.

3 A. So I am on page 154.

4 Q. Okay. So in Lee -- and you talk about Lee --
5 just for the record here, you talk about Lee in
6 paragraphs 137 and 139 of your declaration, among
7 others.

8 A. Okay.

9 Q. Okay. So, all right. So if you can look at
10 figure 39B of Lee. And in that -- on page 155 we can
11 see that Lee's disclosure about how, you know, a user
12 can have a favorite channel object, 2019. And here the
13 example given is user B, right? Okay. So the favorite
14 channel object is then shown on -- in an annotated form
15 on page 157 of Dr. Lippman's declaration. Do you see
16 that?

17 A. Yeah. 156, I see Exhibit 1009, figure 39B,
18 which has a favorite channel list. And then when I go
19 to page 157 I see something -- a favorite channel card.

20 Q. Yeah. At the card objects, right?

21 A. Um-hum.

22 Q. Okay. So in paragraph 327 he talks about, you
23 know, the disclosure and the citation there about, "Lee-
24 2's OSD generator functional program generates a
25 favorite channel card object 2060 and that includes

1 personalized metadata, e.g. user set thumbnails." Now,
2 that is Dr. Lippman's characterization. I know that you
3 have disagreed with that, but I want to -- just for
4 context, if you can keep up the annotation of figure
5 33B.

6 A. Sure.

7 Q. So in your declaration you have said that a
8 user selecting favorites is not a personalization?

9 MR. YANG: Object to form.

10 THE DEPONENT: I think that's fair.

11 BY MR. BOWSER:

12 Q. Okay. So I want to ask you, just generally
13 speaking in terms of the selection of favorites,
14 right -- so let's pretend that, you know, we are talking
15 about you and me. We are two different users, right?

16 A. Okay.

17 Q. Your favorite channels -- may I ask, like what
18 are the channels that you like to watch, a couple -- or
19 a genre?

20 A. Oh, I like comedy.

21 Q. Okay. I like sports and historical drama,
22 okay? So those are my channels and you have got comedy,
23 right?

24 A. Um-hum.

25 Q. Now, with our favorite channel hard object,

1 wouldn't our channels be different?

2 A. Sure.

3 Q. Because we have selected different interests,
4 no?

5 A. Sure.

6 Q. Okay. And there are different channels shown
7 based on our selection, correct?

8 A. Sure.

9 Q. Okay. And if the different -- if there are
10 different channels shown aren't there different metadata
11 corresponding to the different channels?

12 A. So there is -- yeah, two different channels
13 would have different metadata.

14 Q. Okay. Let's skip to paragraph 60, if you can,
15 of your declaration. You can close out Dr. Lippman's
16 declaration.

17 A. Okay. Paragraph 60 of my declaration?

18 Q. Yes, sir.

19 A. There we go, yep.

20 Q. Okay. So -- and I promise we are getting in
21 the home stretch. All right? Okay. So we have -- I am
22 on East Coast time too. Like, I am an East Coast
23 person, so -- but I am on California time right now. So
24 anyway, I am with you. Paragraph 60, okay. Sorry.
25 So first sentence you say, "In my opinion the

1 'media sources of the TV' as recited in claim 16" -- I
2 am sorry -- it is, "claim 6 and 14 are the plurality of
3 subservices providing content to the TV of claims 1 and
4 10." Right?

5 A. Right.

6 Q. Okay. And I should have -- just for context,
7 we are talking about paragraphs 60 to 65, which is your
8 proposed construction of "media sources of the TV."
9 Okay?

10 A. Yep.

11 Q. All right. So you have indicated -- so we read
12 the first sentence and then the last sentence in this
13 paragraph, if I may read that as well -- it says,
14 "Therefore, the 'media sources of the TV' in claim 6 and
15 14 must at least comprise a VOD subservice source, an
16 EPG subservice source, and a media subservice source."
17 Right?

18 A. Um-hum.

19 Q. Okay. Do you see the word "media" in the
20 phrase "media sources of the TV"?

21 A. I do.

22 Q. Okay. You have indicated in paragraph 60 that
23 the term "media sources of the TV" must at least
24 comprise a VOD subservice source, an EPG subservice
25 source, and a media subservice source. Correct?

1 A. Um-hum.

2 Q. Okay. So if media sources of the TV means all
3 three of those --

4 A. Um-hum.

5 Q. -- why does the term "media sources of the TV"
6 include all three subservices when the word "media" is
7 specifically included?

8 A. I mean, if you look at "media browser" it is
9 able to look at different media sources and it includes
10 VOD and it includes these different subservices. So
11 that is kind of an analogous comparison.

12 Q. And where do you see "media browser"?

13 A. Oh, just under paragraph 62. I am just giving
14 you an example of where I wouldn't just assume that
15 media sources means just media subservices.

16 Q. What I am asking really, though, is, you know,
17 whoever drafted this specification used the word "media"
18 before "sources." Right?

19 A. Sure.

20 Q. Okay. And that, I am assuming, had some
21 significance because the word "media" was included, but
22 not VOD sources or they didn't include EPG sources,
23 right?

24 MR. YANG: Object to form.

25 THE DEPONENT: Sure. But, you know, I mean,

1 they talk about media sources and then they go and say,
2 "media subservice source." So, I mean, I take it to
3 mean that it is those three things and that for media
4 subservice source it is a type of media source. A VOD
5 subservice source is a type of media source and an EPG
6 media source is a type of media source. That is not
7 inconsistent.

8 BY MR. BOWSER:

9 Q. Okay. Is that something from a definition in
10 the specification?

11 A. I mean, I think it is -- to me that's the plain
12 and ordinary meaning of media. It could include VOD
13 source or EPG source or media subservice source. These
14 are all media.

15 Q. Okay. So let's look at the language of claims
16 6 and 14 and I would like to just focus on claim 6.

17 A. Sure.

18 Q. All right. So --

19 A. Just one second. That is -- no, that is not
20 it.

21 Q. 1017.

22 A. I am sorry. There it is. Okay. Claim 6?

23 Q. Yes. Okay. And I will read it. It says,
24 "Wherein the media browser is configured to provide a
25 realtime view of media sources of the TV" --

1 A. Sure.

2 Q. And it goes on, right?

3 A. Yeah.

4 Q. -- "and maintain a list of connected media
5 sources of the TV." So do you see there are two
6 instances of media sources of the TV? Right?

7 A. Okay. Just hold on for a second. It says,
8 "The method of claim 2 wherein the media browsers
9 configure our realtime view of media sources of the TV
10 and maintain a list of connected" -- sure.

11 Q. Okay. And you have said that the word "media
12 sources of the TV" must at least comprise a VOD
13 subservice source, an EPG subservice source, and a media
14 subservice source, right?

15 A. Yep.

16 Q. Okay. And that is in paragraph 60 of your
17 declaration?

18 A. I think that's correct.

19 Q. Do you see that that characterization about
20 media sources of the TV must at least comprise a VOD
21 subservice source, an EPG subservice source, and a media
22 subservice source anywhere in claim 6?

23 A. I don't. It is not explicit.

24 Q. You claim 6 and 14 use the phrase "the media
25 sources of the TV" to refer back to a previous

1 recitation of media sources?

2 A. There is no -- in sense of the word "the" in
3 there.

4 Q. So is the term "media sources," is that defined
5 in the specification?

6 A. In -- explicitly, no.

7 Q. So you're basing your proposed construction on
8 embodiments of the specification; is that right?

9 MR. YANG: Object to form.

10 THE DEPONENT: Yeah, I give, in paragraph 60
11 through 65, my explanation, which is based on
12 discussions in the specification using the terms.

13 BY MR. BOWSER:

14 Q. Okay. So let's go to paragraph 61.

15 A. Okay.

16 Q. And in paragraph 61 you have cited -- at the
17 bottom of paragraph 61 you have cited column 28, lines
18 46 to 55, right?

19 A. Um-hum.

20 Q. Okay. And you have emphasized the last
21 sentence of column 28, lines 46 to 55 in paragraph 61.
22 Okay?

23 A. Yep.

24 Q. This sentence, I am going to read it, says,
25 "Each data subservice component is in communication with

1 the corresponding source plug-ins, i.e. VOD source
2 plug-ins 1440" -- sorry -- "14 under 44A to N, 4 VOD
3 subservice 1420, EPG source plug-ins 1448A to N for EPG
4 source subservice 1424, and media source plug-ins 1452A
5 to N for media source subservice 1428." Did I read that
6 correctly?

7 A. Yeah.

8 Q. All right. Where does this last sentence that
9 I just read and that you have emphasized describe
10 subservices as media sources?

11 A. Um-hum. So you are asking where in that
12 paragraph?

13 Q. Well, yeah. You cited it, so I am wondering --

14 A. You are asking --

15 Q. -- where in that paragraph does it suggest that
16 subservices are described as media sources?

17 A. I think there is something that says, "in media
18 source plug-ins."

19 Q. Okay. But isn't that a plug-in for the media
20 subservice?

21 A. Sure, but it's from a source, right. Like, in
22 other words, something is going into it from a source.

23 Q. If you are relying, though, on the words "media
24 source plug-ins" that's directed only to the media
25 source subservice, right?

1 A. That's where -- where one of them is mentioned,
2 sure.

3 Q. Okay. But it doesn't mention that the VOD
4 source plug-in is the media source; is that right?

5 A. It doesn't say that, but doesn't preclude that.

6 Q. Okay. It doesn't mention that the EPG source
7 plug-in is a media source; is that right?

8 A. It doesn't say that in that sentence, but it
9 doesn't preclude that.

10 Q. Okay. So in paragraph 62 of your declaration
11 you cited column 31, lines 42 to 50, right?

12 A. Sure.

13 Q. And I would like to refer to the last sentence
14 in paragraph 62 where you are referring to column 31,
15 lines 42 to 50. And you say, "Thus a POSITA would
16 appreciate that the realtime view of media sources
17 provided by the media browser pertains to the disclosed
18 subservices." Okay? Do you see that?

19 A. Yep.

20 Q. When you say, "pertains to," does that exclude
21 external hardware devices?

22 A. No.

23 Q. You said in paragraph 60 that the media sources
24 must at least comprise a VOD subservice source, an EPG
25 subservice source, and a media subservice source.

1 Right?

2 A. Um-hum.

3 Q. So I am trying to understand your construction.
4 Do you mean that a media source of the TV has to include
5 all the different subservices sources, but they can
6 additionally include hardware devices?

7 A. I think later I say in paragraph 63, "While the
8 805 patent discloses that media sources may include
9 external storage devices connected to the TV, the 805
10 patent nonetheless teaches the external devices they are
11 media sources because they fall under one of the
12 subservices."

13 Q. So you acknowledge that the 805 patent
14 specifically describes external media sources, right?

15 A. Yeah.

16 Q. Okay. So let's look at column 29, lines 5 to
17 12, for example.

18 A. Column 29, lines 5 through 12?

19 Q. Yes.

20 A. Okay. So VOD -- um-hum.

21 Q. Okay. So that specific portion talks about
22 internet media sources, right?

23 A. Yep.

24 Q. Okay. Where in there do -- does that portion
25 refer to EPG subservices, media subservices, and VOD

1 subservices, all three?

2 A. Are you referring to something in my report?

3 Q. I am just curious as to what you cited and what
4 you didn't cite. Okay. So let's go to -- we talked
5 about the portions of the specification that you cited.
6 So in paragraph 61 you cited column 28, lines 46 to 55.
7 We talked about that. We talked about column 31, lines
8 42 to 50. You cited that in paragraph 62. And you
9 referenced column 31, lines 47 to 57, in paragraph 63
10 noting that external hardware devices are disclosed,
11 right?

12 A. Right.

13 Q. Okay. So we talked previously about those
14 specification sections. Did you cite -- if you can take
15 a look at column 30, lines 16 to 31.

16 A. Just a second. Column 30, "Media source plug-
17 ins A through N are configured to interface or
18 communicate with the various media sources available to
19 intelligent TV." I did not.

20 Q. Okay. And this section specifically talks
21 about hardware devices such as DVD, Blue Ray players,
22 right?

23 A. Um-hum.

24 Q. Okay. And let me identify a specific section,
25 if you can -- or if you could look at this column 30,

1 line -- beginning at line 18.

2 A. Okay.

3 Q. Okay. And I am going to read that. And it

4 says, "For example, media sources may include media

5 content in connected devices 168 or other devices or

6 media contents that are accessible to intelligent TV

7 i.e. via network 132." Okay. So it specifically says

8 that media sources may include media contents in

9 connected devices 168, right?

10 A. Yep.

11 Q. Okay. Can you please look at figure 1B of the

12 805 patent?

13 A. Okay.

14 Q. On the right-hand side of figure 1B there is a

15 box. Do you see that?

16 A. The telephone company?

17 Q. No, the box.

18 A. Oh, okay.

19 Q. With the label 168, do you see that?

20 A. I do.

21 Q. And in that box there are multiple hardware

22 electronic devices including a DVD player, a blue ray

23 player, a phone, tablets, computers, external cable

24 boxes, 168G keyboards, gaming controllers. All these

25 are types of media devices. Do you see that?

1 A. Sure.

2 Q. Okay. You didn't cite this in your
3 declaration, did you?

4 A. I don't believe I did.

5 Q. Okay. Let's go to column 13, lines 3 to 30.
6 Okay. And just, again, for context, column 3, lines 18
7 to 21, says that the media sources may include media
8 contents in connected devices 168. We just talked about
9 that. Okay. So let's go to column 13, lines 3 to 30.
10 Can you please --

11 A. Yep.

12 Q. All right. Now, in this section it
13 specifically describes devices 168, including but not
14 limited to DVD players 168A, blue ray players, 168B,
15 portable digital media devices, 168C, Smartphones 168D,
16 tablet devices 168E, personal computers, 168F, and I
17 could go on.

18 A. Um-hum.

19 Q. Did you cite this in your declaration?

20 A. I don't believe I did.

21 Q. Okay. Paragraph 64, if you can go to your
22 declaration, please.

23 A. Paragraph 64 of my declaration, okay. That is
24 not it. I am here.

25 Q. First sentence, it says, "Critically the 805

1 patent does not limit it" -- sorry. Let me start over.
2 Paragraph 64, first sentence says, "Critically,
3 the 805 patent does not limit media sources to external
4 devices." Correct?
5 A. Correct.
6 Q. For your construction of claim 6 and 14 are you
7 excluding external media sources?
8 A. I am not.
9 Q. Okay. Let's go back to claims 6 and 14 in
10 Exhibit 1017.
11 A. Okay.
12 Q. And can you identify the specific language in
13 claim 6 that requires media sources of the TV to have to
14 comprise -- must comprise VOD subservice source, an EPG
15 subservice source, and a media subservice source?
16 A. There is nothing specific in there, explicit
17 saying that.
18 Q. Okay. Let's go to paragraph 145 of your
19 declaration.
20 A. Okay. Hold on. I am there.
21 Q. And in paragraph 145 to 156 this is labeled as
22 section 11 and you are addressing ground 5, claims 6 and
23 14. Correct?
24 A. Right.
25 Q. Okay. Can you please go to paragraph 146?

1 A. Um-hum.

2 Q. And in this paragraph you refer to section 6B,
3 right?

4 A. Right.

5 Q. And you reiterate your proposed construction of
6 media sources of the TV, right?

7 A. That's correct.

8 Q. So can you please skim over paragraphs 146 to
9 156, just generally speaking? I want to know if you can
10 tell me if your arguments are based entirely on your
11 proposed claim construction?

12 A. Um-hum. I think that's fair.

13 Q. So your prior arguments for claims 6 and 14 are
14 based on your claim construction. That's right?

15 A. Yeah, I think that's fair.

16 Q. Okay. So can you please go to paragraph 157 --
17 starting at paragraph 157?

18 A. Yes, sir.

19 Q. And are you there?

20 A. Um-hum.

21 Q. All right. This is section 12 where you are
22 addressing ground 2, which deals with claims 3 and 12;
23 is that right?

24 A. Yes, sir.

25 Q. Okay. And if you can, just for context

1 purposes, let's look at Exhibit 1017. And if you could
2 please just read the language of the claim. And so we
3 are on the same page. Let's look at claim 3, which is
4 --

5 A. "The method of claim 2 wherein the EPG data
6 providers configured to serve one or more applications
7 of the TV with EPG information in a read-only format."

8 Q. Okay. So claim 3 specifically is directed to a
9 further definition for the EPG information, right?

10 A. Right.

11 Q. Okay. In paragraph 158 of your declaration you
12 cite petition -- the petition page 72; is that right?

13 A. That's right.

14 Q. And you also reference paragraph 281 of
15 Dr. Lippman's declaration; is that right?

16 A. Yeah, that looks like it.

17 Q. Wait. Sorry. I apologize. In paragraph 159
18 is where you reference paragraph 281?

19 A. Yeah.

20 Q. Okay. I apologize. All right. So in
21 paragraph 158 you reference page 72 of the petition,
22 which cites to Kim, which is Exhibit 1006, paragraph
23 142. Is that right?

24 A. Yes, sir.

25 Q. Okay. And in paragraph 159 of your declaration

1 you reference paragraph 281 of Dr. Lippman's
2 declaration. And I guess I shouldn't have told you to
3 close this, but just for confirmation purposes,
4 paragraph 281 of Dr. Lippman's declaration also refers
5 to paragraph 142 of Kim, right?

6 A. Okay. So you said -- which was it? 280?

7 Q. 281.

8 A. Um-hum.

9 Q. Okay. So you can see that page 72 of the
10 petition and paragraph 281 of Dr. Lippman's declaration
11 both reference paragraph 142 of Kim, right?

12 A. Yep.

13 Q. Okay. Do you have the petition open by any
14 chance?

15 A. Let's see. Institution Decision, I thought I
16 got rid of that. I don't, but -- okay. I have the
17 petition.

18 Q. Okay. So on page 71 of the petition it
19 references paragraph 199 of Kim. Do you see that?

20 A. Yep.

21 Q. Okay. And the relevant portion is what I would
22 just like to read out. It says, "For example, Kim
23 discloses that the information object 1321 displays
24 information related to the broadcast image 1315, which
25 may include a channel number DTV 7-1, a channel name

1 YBCHD, and the title of a broadcast program, 'Oh Lady,'
2 and an air time, 8:00 to 8:50 p.m." Do you see that?

3 A. Um-hum.

4 Q. So that is a type of EPG information --

5 A. Sure.

6 Q. -- would you say?

7 A. Sure.

8 MR. YANG: Object to form.

9 BY MR. BOWSER:

10 Q. Okay. And I will represent to you as well that
11 paragraph 281 of Dr. Lippman's declaration also refers
12 to paragraph 199 of Kim. Okay?

13 A. Sure.

14 Q. Did you reference paragraph 199 of Kim in
15 paragraphs 158 and 159 of your declaration?

16 A. No, I don't.

17 Q. Okay. So let's go back to -- if you can look
18 at paragraph -- sorry, page 71 of the petition. And
19 let's look at the quote that appears with respect to Kim
20 beginning at the second line of the first full paragraph
21 on page 71. Okay?

22 A. Okay.

23 Q. I read a portion of that, but I want to
24 identify a couple pieces of metadata that is in the EPG
25 information. So we have the channel number.

1 A. Okay.

2 Q. We have the title of a broadcast program --

3 A. Um-hum.

4 Q. -- "Oh, Lady." We have an air time?

5 A. Um-hum.

6 Q. Okay. And the -- and the channel name?

7 A. Sure.

8 Q. So that is all metadata for a specific

9 broadcast program, right?

10 A. Sure.

11 Q. Okay. And in your declaration you have

12 suggested that you want to be able to provide the

13 ability to edit metadata, right?

14 A. Um-hum.

15 Q. Okay. So let's look at the example that we --

16 that was cited in the petition where we have -- the EPG

17 metadata includes channel number --

18 A. Sure.

19 Q. -- channel name, title of a broadcast program,

20 and air time?

21 A. Sure.

22 Q. Okay. Those four things, why would you want to

23 permit a user to edit that metadata?

24 A. Just one second. Where in the claim are you

25 saying that I am suggesting that the user should be able

1 to edit that data?

2 Q. I am not suggesting that. You have suggested
3 that a POSITA -- in paragraph 160 -- if you want to
4 reference, paragraph 160 of your declaration you say
5 that EPG information could be edited.

6 A. Yeah. So an example would be if there is
7 something wrong with the data format of that coming in.
8 So, like, the Melnychenko -- the Melnychenko reference
9 talks about metadata being incorrect and that you need
10 to be able to edit it to fix it. So that would be one
11 example.

12 Q. Okay. If the data, though, is not incorrect do
13 you want to allow the user to edit things like the
14 channel number, the channel name, and the title of a
15 broadcast program?

16 MR. YANG: Object to form.

17 THE DEPONENT: I don't -- I think you may want
18 to edit it if it is too long and won't fit on the
19 screen. There are all sorts of reasons why you might
20 want to edit it.

21 BY MR. BOWSER:

22 Q. So can you turn to paragraph 161? And I am
23 just going to put in the chat here the name of this
24 reference.

25 A. Sure.

1 Q. I want to make sure I spell this right,
2 Donoghoe.

3 A. Oh.

4 Q. And this is -- sorry. Go ahead.

5 A. I was just saying the way it's spelled doesn't
6 seem like it would sound like that, but I guess.

7 Q. Yeah. And this is a reference that you
8 provided, correct?

9 A. Yes, sir.

10 Q. Okay. And Donoghoe, just for the record, is
11 Exhibit 2013 and that's the exhibit that was provided in
12 the patent and response just split up.

13 A. Right.

14 Q. Okay. So you reference paragraph 161 in your
15 declaration, right?

16 A. I reference it.

17 MR. YANG: Object to form.

18 THE DEPONENT: What do you mean I "reference
19 it"? It is in paragraph 161. Is that what you are
20 saying?

21 BY MR. BOWSER:

22 Q. I apologize. Yeah. You reference Donoghoe in
23 paragraph 161 of your declaration, right?

24 A. I do.

25 Q. Okay. And that is the only place in your

1 declaration where you refer to Donoghue, right?

2 A. That's what it says.

3 Q. Okay. And you have cited two portions of

4 Donoghue in your declaration in paragraph 161. I will

5 read them to you. It is six lines up. You cite column

6 33, lines 33 to 39.

7 A. Um-hum.

8 Q. And then you next cite -- in the last line on

9 page 75 you cite column 37, lines 5 to 25; is that

10 right?

11 A. Um-hum.

12 Q. Okay. So can you pull up Donoghue? That is

13 Exhibit 2013. Do you have it?

14 A. Yes, sir.

15 Q. You there?

16 A. Yeah. Okay. Personal apparatus and method.

17 Q. Okay. So I am going to first refer to column

18 33, lines 33 to 39 of Donoghue. And that, again, is

19 the first citation, right?

20 A. Right.

21 Q. Okay. So I want you to also look at figure 4G.

22 A. Okay.

23 Q. And the reason for that is if -- let's look

24 actually at column 33, lines 33 to 39. And it reads,

25 "In another embodiment of the invention illustrated in

1 figure 4G the program guide comprises a personalized EPG
2 450." Do you read that?
3 A. Yep.
4 Q. Okay. Now, that's what you have cited as the
5 personalized EPG?
6 A. Um-hum.
7 Q. Okay. So if you go down a few lines -- let's
8 see. It is the next sentence and I am going to read
9 this. It -- sorry. The second -- skip over one
10 sentence and the next sentence after that says, "As
11 illustrated." Are you there?
12 A. Yep.
13 Q. It says, "As illustrated this is what is shown
14 in figure 4G. Program content, meaning certain
15 selection criteria (e.g. having a certain, pre-defined
16 threshold of similarity or relation to the user profile)
17 will be presented in an EPG-like interface for user
18 navigation. As shown, various levels of shading and/or
19 coloring or other visual mechanisms are used to indicate
20 the various levels of similarity that given content has
21 to the user's profile."
22 A. Um-hum.
23 Q. What we see -- do you see that? Okay. So if
24 you look at figure 4G, based on that disclosure this is
25 a personalized EPG 450?

1 A. Um-hum.

2 Q. Isn't this just shading out certain portions of

3 the user interface?

4 MR. YANG: Object to form.

5 THE DEPONENT: Just a moment. Sorry. It was

6 paragraph 33 -- sorry, column 33.

7 BY MR. BOWSER:

8 Q. Column 33.

9 A. What were the lines, again, or --

10 Q. 33 to 39.

11 A. That is fair. It is probably a fair --

12 probably a fair assessment of what that is.

13 Q. Okay. Can you please turn back to paragraph

14 135 --

15 A. Okay.

16 Q. -- of your declaration?

17 A. Okay. So, 135. Yes.

18 Q. Just -- I have a follow-up question I forgot to

19 ask earlier. Okay. So this is just for context. This

20 is about your understanding of the meaning of media

21 metadata personalized for the user, right?

22 A. Yeah.

23 Q. Okay. So if you could please look at

24 paragraph -- I am sorry -- the second and third

25 sentences in paragraph 135.

1 A. Um-hum.

2 Q. Okay. Now, we talked earlier about it has to
3 be different for different users in order to be
4 personalized. That was what you said. Right?

5 A. Correct.

6 Q. So the third sentence says, "Personalizing the
7 selection of media metadata for a user is insufficient
8 to meet his limitation if the contents of the media
9 metadata is the same for all users that selected the
10 same media metadata." Do you see that?

11 A. Um-hum.

12 Q. I just want to know, are you saying that the
13 metadata has to be edited in order to be personalized?

14 A. I am.

15 Q. Okay. So you are saying that in order to be
16 personalized there has to be a specific requirement that
17 the metadata is edited?

18 A. Yeah.

19 Q. Okay. I have no further questions.

20 MR. YANG: Could we take a 20-minute break and
21 then go back on the record?

22 MR. BOWSER: Sure.

23 MR. YANG: Thank you.

24 (Off the record.)

25 MR. YANG: I think we are ready to go back on

1 the record.

2 EXAMINATION BY MR. YANG:

3 Q. In that case I have a couple of questions for
4 re-direct and then I will pass the witness.

5 Dr. Surati, I have a few questions about
6 Donoghue. If you could go back to Exhibit 2013. Let
7 me know when you are there.

8 A. Okay. I am on Exhibit 2013.

9 Q. Specifically column 33, I believe you testified
10 earlier that line 39 to 45 described shading cells in
11 the EPG interface tying to figure 4G and this is a form
12 of personalization. And I just want to draw your
13 attention to the sentence immediately before that,
14 starting on line 35, that was skipped over in the cross.
15 Do you see that?

16 A. Um-hum.

17 Q. It starts with, "Rather than being populated."
18 And it says, "Bypassed current and future aired content
19 for every program channel the personalized EPG 450 can
20 be populated only by recommended content (generated by
21 the below described recommendation engine) and/or user
22 selected content." Do you see that?

23 A. I see that.

24 Q. Since EPG is populated by user-selected content
25 doesn't that mean that the EPG is modified based on

1 user-selected content?

2 A. I think that is a fair description of that.

3 Q. And since the sentence in line 35 is

4 immediately after the sentence in line 33 discussing a

5 personalized EPG, is it fair to say that modified EPG

6 information based on user-selected content is the

7 personalized EPG in the first sentence of that

8 paragraph, line 33?

9 A. I think that's fair.

10 MR. BOWSER: Objection. Leading.

11 MR. YANG: I have no further questions.

12 MR. BOWSER: I have no questions.

13 COURT REPORTER: Counsel, if I could just get

14 the copy orders on the record, please.

15 MR. BOWSER: Yes. So can we have the rush and

16 then the final within -- what was -- do you recall what

17 was ordered yesterday?

18 COURT REPORTER: I was told you get a rough by

19 the end of the day today and the final by Tuesday.

20 MR. BOWSER: That's fine, sure.

21 MR. YANG: Yeah, I will do whatever was ordered

22 for the patent owner's side yesterday.

23 COURT REPORTER: Mr. Yang, did you want me to

24 send the witness letter to your office?

25 MR. YANG: Yeah, let's do that.

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COURT REPORTER: Thank you.

(Deposition concluded at 2:58 p.m. EST)

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(NOTE: All quotations from exhibits are reflected in the manner in which they were read into the record and do not necessarily denote an exact quote from the document.)

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DECLARATION UNDER PENALTY OF PERJURY

I, Rajeev Surati, Ph.D., do hereby certify under penalty of perjury that I have reviewed the foregoing transcript of my deposition taken on November 8, 2024; that I have made such corrections as appear noted herein in ink; that my testimony as contained herein, as corrected, is true and correct.

DATED this _____ day of _____,
20____, at _____, _____.

Rajeev Surati, Ph.D.

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DEPONENT'S CHANGES OR CORRECTIONS

Note: If you are adding to your testimony, print the exact words you want to add. If you are deleting from your testimony, print the exact words you want to delete. Specify with "Add" or "Delete" and sign this form.

DEPOSITION OF: RAJEEV SURATI, Ph.D.
CASE: LG ELECTRONICS, INC. V. MULTIMEDIA TECHNOLOGIES
DATE OF DEPOSITION: NOVEMBER 8, 2024

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REPORTER'S CERTIFICATION

I, Elizabeth A. Willis-Lewis, Certified
Shorthand Reporter do hereby certify:

That the foregoing witness was by me duly
sworn; that the deposition was then taken before me at
the time and place herein set forth; that the testimony
and proceedings were reported stenographically by me
and later transcribed into typewriting under my
direction; that the foregoing is a true record of the
testimony and proceedings taken at that time.

IN WITNESS WHEREOF, I have subscribed my name
on this date: November 11, 2024.



Elizabeth A. Willis-Lewis, CSR, RMR, CCRR

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