

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DISH NETWORK, L.L.C.,

Petitioner,

v.

Case No. IPR2024-00373

U.S. Patent No. 7,594,249

ENTROPIC COMMUNICATIONS, LLC,

Patent Owner.

/

The Zoom Videoconferenced Deposition
of JUNE ANN MUNFORD,
Commencing at 9:01 a.m. EDT,
Thursday, September 19, 2024,
Before Stenographic Shorthand Reporter,
Lori Ann Baldwin, CSR-5207, RPR, CRR.

Veritext Case No. MW 6899173

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TABLE OF CONTENTS

WITNESS	PAGE
JUNE ANN MUNFORD	
EXAMINATION	
BY MR. HALVERSON	4
EXAMINATION	
BY MR. BALLANCO	41
RE-EXAMINATION	
BY MR. HALVERSON	44

EXHIBITS

EXHIBIT	PAGE
(Exhibit attached to transcript.)	
DEPOSITION EXHIBIT 1022	6
Munford Declaration - Patent No.	
7,594,249	

1 Via Zoom Videoconference
2 Thursday, September 19, 2024
3 9:01 a.m. EDT
4

5 JUNE ANN MUNFORD,
6 Was thereupon called as a witness herein, and after
7 having first been duly remotely sworn to testify to
8 the truth, the whole truth and nothing but the truth,
9 was examined and testified as follows:

10 EXAMINATION

11 BY MR. HALVERSON:

12 Q. Good morning, Ms. Munford. Could you state your full
13 name for the record, please?

14 A. My name is June Ann Munford.

15 Q. Can you spell your last name for us.

16 A. M-U-N-F-O-R-D.

17 Q. All right. And have you been deposed before?

18 A. I have.

19 Q. Approximately how many times?

20 A. This will be my 13th.

21 Q. So this will be a lot like all the other ones, I
22 suspect a handful of ground rules or alignment points
23 for us before we dive in.

24 The first one is particularly important
25 because we are via Zoom today that we focus on not

1 trying to talk over each other; and so I will do my
2 best to wait until you finish speaking with whatever
3 answer you're speaking. If you could try to do your
4 best to wait until I finish my question before
5 answering so the court reporter can get a clear and
6 accurate transcript. Is that fair?

7 A. That's fair.

8 Q. And the other thing, I will try to take a break about
9 every hour. I'm not thinking we're going to go much
10 more than two sessions, so hopefully only one break;
11 but if at any point in time, you need to stretch your
12 legs, use the restroom, get a drink of some sort, by
13 all means feel free to ask. I will have no problem
14 doing that as long as if there is a question pending,
15 you can answer that question before we go off the
16 record. Is that fair?

17 A. That's fair.

18 Q. And you understand the oath that you just took from
19 Lori is the same oath that you would take if you were
20 in a courtroom and a judge administered that?

21 A. I do.

22 Q. Is there any reason today why you can't provide
23 truthful and accurate testimony?

24 A. No.

25 Q. So we've got in the Exhibit Share right now your

1 Declaration from one of the proceedings. There are
 2 two proceedings that we're going to talk about today.
 3 The one that is associated with the Declaration is the
 4 '249 IPR proceeding. I understand that you have some
 5 corrections to at least one of the Declarations. Is
 6 it the '249, or the other one, or both?

7 A. It would affect both.

8 MARKED FOR IDENTIFICATION:

9 DEPOSITION EXHIBIT 1022

10 Munford Declaration - Patent No. 7,594,249

11 9:03 a.m.

12 BY MR. HALVERSON:

13 Q. So let me -- let's do it this way. Let's do the
 14 corrections for Exhibit 1022 which is your Declaration
 15 on the '249. When we get to the '518, we can redo any
 16 of those same corrections. Does that work?

17 A. That works for me.

18 Q. All right. So what is it in the Declaration that
 19 needs to be clarified or corrected in Exhibit 1022?

20 A. I need to open up the file to be sure. I
 21 unfortunately just closed it on accident, so...

22 Q. Take your time.

23 A. Thank you.

24 Okay. So I have these two cases marked as
 25 IPR2024-00393 and 00373. I believe this is the

1 0 -- 00393, is that correct?

2 Q. I actually think it's the other one. Hang on one
3 quick second.

4 A. Okay.

5 Q. This Declaration, Exhibit 1022, was from 373 as it
6 relates to US Patent No. 7,594,249.

7 A. Okay. Let me verify by reviewing this Declaration to
8 ensure I've got the -- the correct one on the notes
9 here because I believe they might have been mixed up
10 on my...

11 So, yeah, I do have those mixed up on my
12 end, unfortunately. So I will read what I have here
13 for this Declaration you're presenting me, the '249.

14 In the case of the '249 Declaration, my
15 Declaration was filed as Exhibit Dish-1006. On line 6
16 of paragraph 8 of that Declaration, I referred to
17 Appendix Jacobsen01. That is a typo. The reference
18 should be to Appendix Jacobsen02.

19 Q. And so I think we are potentially backwards.

20 A. Okay.

21 Q. When you pulled up whatever it is that you are
22 presently looking at, did you pull that out of Exhibit
23 Share or did you pull that out of your local files?

24 A. My local files.

25 Q. All right. Could you do me a favor and also open the

1 version from Exhibit Share?

2 A. Oh, for the Declaration? The Declaration is the
3 version from Exhibit Share, the notes I'm reading are
4 from my own personal files.

5 Q. So if you look at paragraph 8 of Exhibit Share, that's
6 referring to a Chen textbook, is that right?

7 A. Correct.

8 Q. So what you just read was about Jacobsen. And I can
9 get you where Jacobsen...

10 A. It's page 6, paragraph 12, is the correction
11 I'm -- I'm speaking of.

12 Q. Oh, okay. So paragraph 12 of Exhibit 1022 refers to
13 Jacobsen01 in the third sentence, that should be
14 Jacobsen02, is that correct?

15 A. That's correct.

16 Q. Okay. Is there more?

17 A. That's the only one for this Declaration. The other
18 one has two.

19 Q. Perfect. We will do the other two when we get to the
20 other Declaration.

21 A. Sounds good.

22 Q. Now, we've talked a little bit about the two
23 Declarations. Is the process that you undertook to
24 prepare the Declarations substantially similar across
25 the two proceedings?

1 A. Yes.

2 Q. So if you're talking about today how you went about
3 identifying, for example, a Jacobsen paper, that
4 process would be substantially the same as how you
5 identified the Jacobsen paper in a different
6 proceeding in your other Declaration.

7 A. Do you mind repeating that for me? I want to make
8 sure I understand you correctly.

9 Q. Sure. And where I'm also going to go with this is to
10 avoid asking the same questions twice about how you
11 went about pulling MARC records and comparing MARC
12 records to cover pages, and things like that, I just
13 want to figure out whether or not that general process
14 is the same for all of the references or not? And so
15 I'll -- with that qualification, I'll ask -- try to
16 ask the same question again.

17 So if you're talking about today how you
18 went about identifying a reference in, for example,
19 1022, your Declaration in the '249 patent, is that
20 process substantially the same as the process that you
21 would have undertaken for the exhibit identified in
22 your '518 Declaration?

23 A. Yes.

24 Q. And so, if at any point in time I'm asking a question
25 and you think there is some sort of difference in how

1 that process would have applied to one document or
2 another document, please let me know and we can
3 clarify what those differences are; otherwise, we'll
4 assume that the process that you went through is the
5 same for all of the references that you opine about.
6 Is that fair?

7 A. That's fair.

8 Q. All right. So, you've looked at -- you have
9 Exhibit 1022 in front of you now, right?

10 A. Correct.

11 Q. So you've looked at a number of references for this
12 proceeding, is that right?

13 A. Correct.

14 Q. And before this proceeding, were you familiar with any
15 of those references?

16 A. I don't recall.

17 Q. And you're -- are you aware that this case, in
18 general, relates to a US patent?

19 A. Yes.

20 Q. Have you ever read that US patent?

21 A. No.

22 Q. Are you offering any opinions about the content of
23 that patent?

24 A. No.

25 Q. Are you aware of what the patent is about?

1 A. No.

2 Q. What is the highest educational degree or certificate
3 that you've attained?

4 A. I have a Master's in Library and Information Science
5 from the University of Wisconsin, as well as a Level 2
6 certification as a public librarian in the State of
7 Michigan.

8 Q. And are you currently a public librarian in the State
9 of Michigan?

10 A. No.

11 Q. Where are you currently employed?

12 A. Research and expert work is my full-time job.

13 Q. And for whom do you do research?

14 A. Primarily patent law firms.

15 Q. So declarations like what you've submitted in this
16 proceeding?

17 A. Yes.

18 Q. Do you have an electrical engineering degree?

19 A. I do not.

20 Q. Have you ever studied signal processing?

21 A. No.

22 Q. Are you fam -- have you ever studied or worked with
23 co-axial cables?

24 A. No.

25 Q. Are you aware of the MOCA, M-O-C-A, standard?

1 A. No.

2 Q. All right. In paragraph 3 of your Declaration,
3 Exhibit 1022, you say, "In that position, I have
4 cataloged, purchased, and processed incoming library
5 works." See that?

6 A. I do.

7 Q. Did you catalogue, purchase, or process any of the
8 references or exhibits, the docs, the underlying
9 documents that you analyzed in your Declaration in
10 either proceeding?

11 A. No.

12 Q. What does it mean to "catalogue an incoming library
13 work"?

14 A. To catalogue an incoming library work is to create a
15 library catalogue record for a recently acquired
16 material by the library.

17 Q. And what is a library catalogue record?

18 A. A library catalogue record is a detailed document
19 indexing various bibliographic data related to the
20 work in question.

21 Q. Are you familiar with the term "MARC record," M-A-R-C?

22 A. I am.

23 Q. Is a MARC record a library catalogue record?

24 A. Typically, yes.

25 Q. Have you ever created a MARC record?

1 A. Yes.

2 Q. Did you create a MARC record for any of the documents
3 in this case?

4 A. No.

5 Q. Further down in paragraph 3 of your Declaration, the
6 last sentence which spans from page 2 to page 3, you
7 talk about tailoring library records for optimal
8 catalogue search performance. Do you see that?

9 A. I do.

10 Q. What are you referring to there?

11 A. I'm referring to the process of reviewing existing
12 catalogue records such as MARC records and potentially
13 updating select fields to ensure greater accuracy when
14 it comes to library catalogue search results.

15 Q. Specifically with regard to MARC records, are all
16 fields in a MARC record able to be edited after the
17 MARC record has been created?

18 MR. BALLANCO: Objection; vague.

19 A. I would say that all fields can be edited, although
20 the process that we were discussing in the previous
21 sentence, I only worked with in select fields.

22 BY MR. HALVERSON:

23 Q. Do you have to have any special certification or
24 license in order to edit a field of a MARC record?

25 A. I would say that largely depends on the internal

1 policies of the library in question.

2 Q. And so what is the most recent library that you worked
3 at where you were involved with manipulating MARC
4 record fields?

5 A. I performed some catalogue maintenance for the
6 Dowagiac District Library while I was the director
7 there.

8 Q. I'm going to need that name one more time? The which
9 library?

10 A. Dowagiac, it's D-O-W-A-G-I-A-C. It's one of those fun
11 Michigan pronunciations.

12 Q. I was going to say either Michigan or northern
13 Wisconsin.

14 Other than the Dowagiac District Library,
15 have you worked at any other libraries where you
16 edited a MARC record field?

17 A. Yes, I performed catalogue maintenance for the Hart
18 Area Public Library as well.

19 Q. We're going to go with that one, it's a lot easier for
20 me to pronounce.

21 A. Okay.

22 Q. While you were at the Hart Public Library, did the
23 Hart Public Library have any requirements that people
24 who were able to edit MARC record fields had to comply
25 with before you were able to make any changes to MARC

1 record fields?

2 A. Yes. The changes I made to MARC record fields were
3 performed under the guidance of an experienced
4 cataloguing librarian and according to her standards.

5 Q. Were -- let me start over.

6 When did you work for the Hart Public
7 Library?

8 A. Would have been 2004 to 2013 with a brief break in the
9 mid 2000s.

10 Q. And when did you receive your master's degree in
11 library sciences?

12 A. Would have been 2010, I believe.

13 Q. Were you making any edits to MARC records prior to
14 2010?

15 A. Yes, under the guidance of a cataloguing librarian.

16 Q. And who was that cataloguing librarian while you were
17 at Hart Public Library?

18 A. Her name is Lois Forner.

19 Q. And do you know how long that cataloguing librarian
20 had been a cataloguing librarian prior to overseeing
21 your revisions to MARC record fields?

22 A. Not for certain, although she worked with me through
23 the entirety of my tenure at Hartland (sic).

24 Q. And when you started at Hartland -- Hart Public --
25 Hartland? Hart? Which one, sorry?

1 A. Hart Public Library.

2 Q. And when you started at Hart Public Library, was that
3 cataloguing librarian considered a more senior
4 librarian than you were?

5 A. Yes.

6 Q. And so when you said she was overseeing your revisions
7 to the MARC record fields, was she physically present
8 in the room every time that you modified a MARC record
9 field?

10 A. In the first few years, she was physically present.
11 In the later years, she would review my work as we
12 worked different shifts.

13 Q. And what is the process for editing a MARC record
14 field?

15 A. On a technical level, it involves opening an existing
16 MARC record within cataloguing software and inspecting
17 select fields to ensure accuracy, updating them if
18 necessary.

19 Q. Does that cataloguing software have a name?

20 A. We casually refer to it as GLAS, G-L-A-S. I do not
21 know what that acronym refers to.

22 Q. Do you know if that software can be purchased by
23 anybody?

24 A. I do not know whether or not it is exclusive to
25 libraries.

1 Q. Do you know whether or not there are change logs
2 available for inspection that outline what
3 modifications to MARC record fields have been made and
4 when?

5 A. I do not know.

6 Q. We talked a little bit about MARC records so far this
7 morning and it occurs to me that we haven't actually
8 gotten into what they are. So if you could, could you
9 give me a brief overview of what a MARC record is?

10 A. Sure. A MARC record is a detailed and descriptive
11 record used for the purposes of indexing a given
12 library material, identifying specific elements of
13 that material's bibliographic information and
14 recording it in a strict syntactical manner so that it
15 can be properly processed by library cataloguing
16 software.

17 Q. And is a MARC record available for -- sorry. Let me
18 start over.

19 Is a MARC record available to multiple
20 libraries?

21 A. Could you perhaps give me some more background on what
22 "available" would mean in this context?

23 Q. My understanding of a MARC record is a MARC record
24 applies to a given work and it is associated with that
25 work across all libraries. So the first library that

1 receives that work creates the MARC record for it, and
2 then if another library receives that work five years
3 later, a different copy of that same reference, they
4 access the original MARC record, they don't create a
5 new MARC record for their copy of the same reference.
6 Is that fair or am I wrong?

7 A. That does not match my experience.

8 Q. Can you let me know where I went astray with that
9 summary?

10 A. Sure. In my experience, MARC records are individual
11 and proprietary to the library creating them although
12 they do have a one-to-one correlation with a given
13 library work.

14 Q. So if a library were to have, for example, two copies
15 of Harry Potter and the Chamber of Secrets, would
16 there be two different MARC records for Harry Potter
17 and the Chamber of Secrets for that library or would
18 there be one shared MARC record for that book?

19 A. That would largely depend on the format of the books
20 in question. If both copies of the Harry Potter work
21 were identical paperback copies, then both would be
22 contained within the same MARC record.

23 If those two copies were, say, an audio
24 book and a paperback, then most libraries would create
25 a separate MARC record for the two formats.

1 Q. Are you familiar with an ISBN acronym?

2 A. I am.

3 Q. What is an ISBN?

4 A. ISBN stands for "International Standard Book Number,"
5 and it is a proprietary 10- or 13-digit number that is
6 assigned to a given written work.

7 Q. Who assigns the ISBN number to a work?

8 A. It largely depends on the country in which the
9 material is published. Different countries have
10 different ISBN standards.

11 Q. Are you familiar with the concept of serial
12 publications?

13 A. I am.

14 Q. What is a serial publication?

15 A. A serial publication is a publication that is where
16 new editions of that publication are released on a
17 regular timed basis. A good example here would be an
18 academic journal that is released once per quarter.

19 Q. For an academic journal that is released once per
20 quarter, is there a MARC record created for each
21 quarterly release of that journal?

22 A. Typically, no. New issues of a given serial are
23 appended to the existing MARC record describing the
24 serial.

25 Q. Does a newspaper count as a serial publication?

1 A. Typically, yes.

2 Q. And are there MARC records for newspapers?

3 A. I have seen MARC records for newspapers. I don't
4 recall ever creating one myself.

5 Q. If you could scroll a little bit in your Declaration
6 down to paragraph 6, I want to walk through the
7 general process that you went through for identifying
8 the various appendices to your Declaration starting
9 with the Chen textbook which I believe you describe
10 from paragraph 6 through paragraph 9 of Exhibit 1022
11 and refer to a number of appendices at the end of your
12 Declaration, is that true?

13 A. That is correct.

14 Q. And so for these questions, by all means bounce around
15 and look at whatever is helpful for you. If I want
16 you to be -- sorry. If I think that something might
17 be more helpful for answering, for example, if I'm
18 going to ask you a specific question about a specific
19 field of a MARC record, I will do my best to point you
20 to that page, but you should feel free to look at
21 whatever it is that you think would be the most
22 helpful to respond to whatever my questions are.

23 Is that fair?

24 A. Makes sense.

25 Q. So you begin by saying that you reviewed Dish Exhibit

1 Dish-1008. Do you see that in paragraph 6?

2 A. I do.

3 Q. So did -- were you provided with a copy of all of the
4 references that you opined about in this Declaration?

5 A. I don't recall if I was provided a copy for all. I
6 believe I was provided a copy for some.

7 Q. And for the ones that you were not provided a copy
8 for, is there a way to identify in your Declaration
9 whether or not you found the first copy or you were
10 given the first copy?

11 A. I don't believe there is.

12 Q. As you sit here today, do you recall any example of a
13 reference that you found the first copy of?

14 A. I don't recall.

15 Q. So sticking with Exhibit 1008 in paragraph 6 of 1022,
16 do you recall whether or not you were provided with
17 the textbook or if you found that textbook?

18 A. I don't recall.

19 Q. And so can you walk me through the process that you
20 undertook to identify or find the MARC record that you
21 refer to in paragraph 7?

22 A. Sure. I started by searching for the textbook in
23 question in a website database known as WorldCat
24 available at WorldCat.org. This website provides a
25 detailed listing of which libraries in the general

1 North American region hold copies of any given
2 material. This is a process used to facilitate
3 interlibrary loans between libraries.

4 From identifying the WorldCat record for
5 this textbook, I searched for university libraries
6 near me that may hold a copy of the textbook, found
7 that Penn State did hold a copy, followed the link
8 from the WorldCat record to the Penn State catalogue,
9 reviewed the catalogue record, and then requested the
10 material to be delivered to my local branch.

11 Q. And so as part of this process, did you physically
12 hold a copy of the textbook by Walter Chen?

13 A. Yes.

14 Q. So Penn State sent you a copy?

15 A. I requested one from their archive and I had to go get
16 it from the library; but, yes.

17 Q. Oh, I see. Penn State sent a copy to your library,
18 you then went to your library to get it?

19 A. Correct, yes. I have a Penn State branch local to me
20 here in Pittsburgh.

21 Q. So paragraph 8, second sentence says, "I secured these
22 scans myself from the library's collection."

23 What do you mean by "these scans"?

24 A. The scans presented in this Declaration as Appendix
25 Chen02 were created by me from the Penn State

1 University's copy of this textbook that I requested.
2 I scanned those pages myself using a scanner here at
3 my home office.

4 Q. So when you say you secured these scans from the
5 library's collection, you scanned the book from the
6 library's collection generating the image files that
7 comprise the scanned appendix?

8 A. Correct.

9 Q. The next sentence talks about you comparing Dish
10 Exhibit 1008 with scans from the physical book that
11 you had in your possession.

12 When you reviewed Exhibit 1008, was it a
13 full copy of the textbook?

14 A. I don't recall.

15 Q. When you say that you "compared them," do you recall
16 how many pages you compared?

17 A. I don't recall.

18 Q. If we look at 1002 -- and I'll get you a page number
19 in just a sec -- PDF page 36 it begins on.

20 A. All right. I will get down there.

21 Q. Let me know when you're there.

22 A. I'm there.

23 Q. And so it spans a few pages, it goes from 36 through
24 52. Do you agree?

25 A. I do.

1 Q. If you go to the very back to that page 52 of the PDF,
2 there's a stamp there. Do you see that?

3 A. I do.

4 Q. Can you tell me the date of that stamp?

5 A. It says June 17th, and then the year is a bit
6 difficult for me to read. I believe I read -- mention
7 it in the Declaration, but these scans are a little
8 blurry.

9 Q. And so in the copy that you inspected, was the stamp
10 year legible?

11 A. Yes.

12 Q. And so in those -- what is that -- 16 pages or so of
13 Appendix Chen02, there is a scan of the cover, the
14 spine -- sorry, let me start over.

15 In those 16 pages or so of Appendix Chen02,
16 there is a scan of the front cover, the spine, the
17 back cover, a stamp referring to the engineering
18 library, bibliographical information, table of
19 contents, and the back stamp, but no contents of the
20 textbook, is that right?

21 A. Correct.

22 Q. And so did you compare any of the contents of the
23 textbook to Exhibit 1008?

24 A. I don't recall.

25 Q. And if you could scroll up a little bit back to 1001,

1 which is a cover on PDF 33 and the contents begins on
2 page PDF 34, let me know when you're there.

3 A. I'm there.

4 Q. So top left corner of PDF page 34 has a date and a
5 time on it. Pardon me. Is it fair to say that that
6 is the date and time that the screenshot of the MARC
7 record was captured?

8 A. Correct.

9 Q. So if we look at this MARC record, there are a number
10 of three-digit numbers along the left-hand side, and
11 then "X" to the right of that.

12 Are those three-digit numbers what we were
13 referring to earlier today as the MARC record fields?

14 A. Yes.

15 Q. And just for fairness, I think I asked a slightly
16 inaccurate question so let me try that one a little
17 bit differently to make sure you still agree.

18 Are those three-digit numbers designating
19 what we were referring to earlier as the MARC record
20 fields?

21 A. Yes.

22 Q. And so when we were talking about being able to edit
23 or modify a MARC record field, one could not change
24 the three-digit number but they could change the text
25 to the right of that three-digit number?

1 A. Although I have never changed a three-digit field, it
2 is theoretically possible to change a three-digit
3 field.

4 Q. And so having never viewed the GLAS software myself,
5 what does it look like when you're looking at a MARC
6 record in GLAS?

7 A. You are presented with a text version of this
8 document -- I should clarify, a raw text essentially
9 version where there is no HTML or web involved.

10 The fields themselves are held in a column,
11 the entries for those fields and subfields are held in
12 separate columns, and those subfields may be
13 highlighted with different colors than the entries for
14 those subfields.

15 Q. Is it akin to an Excel file, or more like a series of
16 text boxes, or something else?

17 A. I would say it is similar to an Excel file in the
18 sense that there are columns and rows, but that is
19 largely for visual organization as the MARC record
20 itself is still just plain text.

21 Q. Okay. Like -- more like a .PXT (ph) file, Notepad, or
22 something?

23 A. The actual record, itself, is. When opened within
24 cataloguing software, the cataloguing software may
25 separate and organize that raw text in a way that's

1 easier to change around, work with the record.

2 Q. Got it.

3 What does "MARC Record Field 001" indicate?

4 A. I would not know without looking at the standards
5 myself.

6 Q. Do you know what field 003 stands -- represents?

7 A. Not without reviewing the standards.

8 Q. Do you know what field 8 stands for?

9 A. It's used to track a bit of -- various bits of data.
10 The relevant field for this Declaration are the first
11 six digits which track the first date of record
12 creation.

13 Q. Do you know what field 45 is -- sorry, let me start
14 over.

15 Do you know what field 245 is?

16 A. Yes, 245 is typically reserved for attribution, so
17 title and author.

18 Q. And so in addition to field 8 and field 245, what
19 other fields are you familiar with -- sorry.

20 In addition to field 008 and field 245,
21 what other fields are you aware of today without
22 needing to look at the standard?

23 MR. BALLANCO: Objection; vague.

24 A. So, just a list of which fields I'm familiar with?

25 BY MR. HALVERSON:

1 Q. Yeah, please.

2 A. 020, 035, 040, 100, 264, 300, 490, 504, 650, as well
3 as 949.

4 Q. There are lines between each field except for between
5 008 and 010; do you see that?

6 A. I do.

7 Q. Do you know why?

8 A. I do not.

9 Q. So the first six fields of 008 represent the last two
10 digits of the year, the last two digits of the month,
11 and the last two digits of the day; is that right?

12 A. Correct.

13 Q. Do you know what the rest of those characters are?

14 A. After the six digits?

15 Q. Correct.

16 A. The T1998 is a subfield in which the cataloguing
17 librarian is providing an estimate of the copyright or
18 availability year. This field is typically tracked
19 from the publication page of the work itself.

20 The remainder of data after the T1998 field
21 is essentially header data used for the library
22 cataloguing software to scan and populate a web
23 version of the record with. The only exception to
24 that is the ENG field which is -- it's signifying the
25 English language.

1 Q. What does the 040 field indicate?

2 A. The 040 field is typically designated to acknowledge
3 when outside materials or institutions are consulted
4 in the creation of the catalogue record.

5 Q. So what can you glean from this four-entry field of
6 this MARC record in the 040 field?

7 A. So, while the individual subfields such as A, C, and D
8 presented in this record, I do not -- I am not able to
9 provide you a detailed description as to what those
10 are without reviewing the works and technical rules.

11 But for instance, "UTORBLW" is an
12 institutional code indicating that Penn State
13 University contacted a library vendor to assist with
14 authorities on this record.

15 Q. Do you know what library vendor?

16 A. UTORBLW, which I believe stands for Backstage Works,
17 but I need to review that in specific as it does
18 correspond with a typical institution. Each
19 institution is assigned a similar code.

20 Q. Can you tell by looking at this MARC record when the
21 MARC record was created?

22 A. The 08 field indicates this record was created as of
23 May 26th, 1998.

24 Q. Can you tell as of looking at this MARC record the
25 last time that this MARC record was updated?

1 MR. BALLANCO: Objection; vague.

2 A. The 005 field indicates the date of last access for
3 this record on the cataloguing end which appears to be
4 sometime in December 2015.

5 BY MR. HALVERSON:

6 Q. And that access is a different type of access than
7 your access to look at this MARC field -- or MARC
8 record?

9 A. Correct.

10 Q. What kind of access triggers an update of the 005
11 field?

12 A. That will largely depend on the institution who is
13 creating the MARC record. In my experience, this
14 field is updated when a librarian opens the catalogue
15 record inside a piece of cataloguing software. Even
16 if that user made no changes to the record, it would
17 still update that date.

18 Q. Can you tell by looking at the 005 field what changes
19 were made, if any, to the MARC record?

20 A. No.

21 Q. So we see 20 -- well, we -- we see a series of numbers
22 in the 05 field -- 005 field, excuse me. I think you
23 said it was December 2015. What about that indicates
24 December of 2015 and not December 15th, 2020?

25 A. Typically, in my experience, the 005 field presents a

1 full year rather than the appended two-digit year.

2 Q. So if we assume December 15th, 2015, that takes care
3 of the first eight digits of the 005 field. Do you
4 have an understanding of what the remaining seven
5 digits of the 005 field are?

6 A. Not without reviewing the MARC syntax standards.

7 Q. You've referred to the MARC syntax standard a couple
8 of times. Who manages that standard?

9 A. I believe multiple institutions contribute, but it is
10 typically attributed to the Library of Congress.

11 Q. Have you ever been involved in any changes to the MARC
12 syntax standard?

13 A. No.

14 Q. Can you go back to paragraph 4 of your Declaration,
15 please?

16 A. I'm there.

17 Q. The last sentence there talks about an item's public
18 availability. Do you see that?

19 A. I do.

20 Q. When you use the phrase, "public availability," what
21 are you indicating?

22 A. For the purposes of the determinations made in this
23 document, I am referring to the ability for any member
24 of the general public to acquire and review the work
25 in question.

1 Q. And so how -- I'm sorry, did I cut you off?

2 A. No, you're good.

3 Q. Okay. How would a member of the general public
4 acquire the Chen textbook that we were just talking
5 about?

6 A. The example provided in this Declaration is acquiring
7 the book from the Penn State University Library,
8 although I believe that the material would have been
9 available from other sources, such as the publisher.

10 Q. And so how would somebody have identified the Penn
11 State Library as having a copy of the Chen book using
12 the MARC records?

13 A. When a library catalogue is scanning and indexing the
14 library's collection, it is indexing individual fields
15 of the MARC record. So, for instance, if I were to
16 search the Penn State Library catalogue for the title
17 of the textbook, the library cataloguing software
18 would be inspecting entries for the 245 field.

19 Q. And so you already had the Chen textbook in your
20 possession when you were using the Penn State
21 Library's website to try to identify the MARC record
22 for the Chen textbook, right?

23 A. I don't know that that is necessarily the case. If it
24 was provided to me by counsel, which I do not recall,
25 then I would have had a copy to review; but,

1 otherwise, I would have acquired the material for the
2 first time myself from the Penn State Library.

3 Q. And if you did not have a copy already, how would you
4 have identified the Chen textbook?

5 A. I would have identified it using its bibliographic
6 information; so title, author, publisher, ISBN number.

7 Q. And so without that information from the work, itself,
8 the titles from -- you know, the cover of the work,
9 the authors from the cover of the copyright page, or
10 the bibliographical data within the book, the ISBN is
11 on the back of the book; so without the information
12 from the physical work, itself, how else would you
13 identify the Chen textbook using a MARC record?

14 A. I suppose I'm having a hard time understanding the
15 question. So are you asking how would I identify the
16 book in a catalogue if I didn't know the title or
17 author of the book?

18 Q. Yes.

19 A. There are other fields within the MARC record which do
20 index the book and describe it. For instance, the 650
21 field contains subject headings describing the
22 material.

23 Q. Other than the subject headings in 650, is there any
24 other way to use a MARC record to identify a work
25 without bibliographical information of that work?

1 A. One could reference the call number of the material as
2 presented in the MARC record, and the call number is a
3 number proprietary to the library which would sort the
4 Chen textbook among other similar materials on the
5 same topic.

6 Q. Can you go back to the MARC record for the Chen
7 textbook --

8 A. Got it.

9 Q. -- on page 30. Oh, you're faster than I am.

10 So we were talking about the 650 field, so
11 there's two entries for that. You had also referenced
12 the call number. Which one is the call number?

13 A. On page 35 of the PDF, under the field marked "Library
14 Storage," there is an entry for TK5103.7.C44, and that
15 would be the call number for this individual textbook.

16 Q. And so if you typed "TK5103.7.C44" into Penn State's
17 catalogue search bar, it would return this reference?

18 A. I can't say for certain as I did not search by call
19 number, but I believe it is indexed in the keyword
20 search.

21 Q. And if you typed the call number of page 35 -- I don't
22 have to read it again -- into a different library's
23 search bar, would that also return the Chen textbook?

24 A. It's difficult to say for certain as call numbers are
25 assigned from university to university, but they are

1 assigned according to what is known as a "Call Number
2 Schedule." So you would review what you believe the
3 material of the topic to be, refer to the schedule,
4 and the call numbers in question may be similar to
5 this call number, but not identical.

6 Q. So there are two 650 entries back on page 34. Do you
7 know why 650 creates multiple entries as opposed to
8 stringing them along through a single entry?

9 A. I do. This is a standard cataloguing practice when
10 implementing records with multiple subject headings.

11 Q. And so other than the call number or a text search of
12 the content in the 650 fields, is there any other way
13 that a member of the general public could identify
14 this Chen textbook using a MARC record without already
15 having the bibliographical information of the book?

16 MR. BALLANCO: Objection; vague.

17 A. It is possible for library catalogue software to index
18 fields such as 490 or 830, which in this case indicate
19 that the book is part of a series, in which case it is
20 possible to search for the series. I cannot say for
21 certain whether Penn State's catalogue is capable of
22 that type of search.

23 BY MR. HALVERSON:

24 Q. Looking at 490, does it tell you how many entries are
25 in the series?

1 A. No.

2 Q. Does anything else in the MARC record tell you how
3 many works are in the series?

4 A. Not that I can see.

5 Q. And forgive me, because the list of numbers that you
6 said you were familiar with are not on my screen. Do
7 you know what 949 is?

8 A. The 900 fields are reserved for proprietary local
9 information. It's essentially a notes field for Penn
10 State librarians in this instance to leave various and
11 miscellaneous notes.

12 Q. And looking at that field for this MARC record, I
13 think we see the call number; then we see a lot of
14 things that I don't even want to hazard a guess.

15 After the call number, do you know what any
16 of those other fields are?

17 A. I do not. I believe they are proprietary.

18 Q. And there are some other MARC records -- well, let
19 me -- let me be a little bit more fair than that.

20 Can you go to page 54 of the document.

21 A. Okay. I'm there.

22 Q. So this is another MARC record, right, of another
23 work?

24 A. Correct.

25 Q. And so if you had given an answer a little bit ago

1 about the 900 fields in response to a question that I
2 asked about 949, does your answer about the 900 fields
3 apply to all 900 numbers, 901, 902, 903, up to 999, if
4 it exists?

5 A. My understanding is these are unstandardized note
6 fields. The differences between the fields may have
7 relevance to the cataloguer in question; but as you
8 can see, they are not universally adopted across all
9 libraries.

10 Q. Okay. Can you go to page 55 for me of the document?

11 A. I'm there by the way. Sorry.

12 Q. Thanks. Fifty-five is for a -- sorry, let me start
13 over.

14 Fifty-five is a screenshot of a website
15 catalogue of a serial publication, is that right?

16 A. Correct.

17 Q. And I believe you referred to this as one of the
18 Jacobsen references in the text of your Declaration,
19 is that right?

20 A. Correct.

21 Q. Can you -- I guess first question: Do you know what
22 the Linda Hall Library is?

23 A. I do. It is a --

24 Q. Where is it and what is it?

25 A. The Linda Hall Library is a research library located,

1 I believe, in the Kansas City area that is related to
2 one of the local universities but still open and
3 available to the public.

4 Q. Do you know what it is about the Linda Hall Library
5 that ends up being attractive to folks who put
6 together declarations such as yours?

7 MR. BALLANCO: Objection; vague.

8 A. I can only speak from my own experience here. The
9 Linda Hall Library holds several works that may not be
10 available in other libraries. So, for instance, here
11 in Pittsburgh, I may not have a copy of this reference
12 within a reasonable driving distance; whereas, the
13 Linda Hall Library might.

14 BY MR. HALVERSON:

15 Q. How do you choose which library you reach out to?

16 A. It depends on a handful of factors. The first factor
17 would be the quality of the MARC record, itself. If
18 I'm reviewing the MARC record and it matches the work
19 I'm looking at, then I'm going to pursue the copy from
20 there.

21 If I am near a university library holding
22 one of these records, I would typically prioritize
23 that just for the sake of expediency.

24 Q. So on this page about two-thirds of the way down,
25 there is a "Creation Date" field. Do you see that?

1 A. I do.

2 Q. What is the creation date for this serial publication?

3 A. It's listed on this page as "1990 question mark."

4 Q. Do you know why?

5 A. I do not.

6 Q. Go back a page to page 54.

7 A. I'm there.

8 Q. This is the MARC record for the same serial
9 publication in which you found a copy of the Jacobsen
10 reference; is that right?

11 A. Correct.

12 Q. A number of the entries here have pound sign, pound
13 sign, dollar sign as the preceding characters to text
14 fields. Why?

15 A. MARC fields, such as the three-digit numbers that we
16 referred to earlier, have multiple subfields. The two
17 pound signs are the first two subfields associated
18 with that three-digit field.

19 If you were comparing, for instance, field
20 010 to field 245, you would notice that field 245 has
21 a "1" and a "0" in the same position that field 010
22 has those pound signs in? That's simply to designate
23 different bits of information regarding the
24 bibliographic information of the book.

25 Q. So what does "1 0 dollar sign" indicate?

1 A. I would not be able to expand upon that without
2 reviewing the MARC standards, but each one of those
3 fields corresponds to a specific designating marker
4 for that field.

5 Q. And so earlier we were talking about some of
6 the -- and feel free to use a different word if you
7 prefer, I'm not trying to put words in your mouth, but
8 we were talking about some of the buzzwords that would
9 have triggered somebody to find the Chen textbook.
10 There was a field associated with that. Which field
11 was that? I've forgotten.

12 A. I believe you were referring to the 650 field which is
13 the field designated for subject headings.

14 Q. "Subject headings" is the right word in the buzzwords.
15 Thank you for that.

16 The 650 -- okay. When was the Jacobsen
17 MARC record created?

18 A. The Jacobsen MARC record was created, according to the
19 008 field of this document, on September 19th, 1995.

20 MR. BALLANCO: Erik, whenever you can, if
21 we can take a break, it's been over an hour.

22 MR. HALVERSON: I have eight to ten minutes
23 left. I'm happy to take a break.

24 MR. BALLANCO: If you don't mind, for my
25 own personal...

1 MR. HALVERSON: Yep. We'll go off the
2 record for a couple of minutes.

3 (Off the record at 10:05 a.m.)

4 (Back on the record at 10:20 a.m.)

5 MR. HALVERSON: All right. I have no other
6 questions on Exhibit 1022 in the '249 proceeding. So,
7 thank you, Ms. Munford. We'll get to the other
8 Declaration in just a second. I understand
9 Mr. Ballanco has a couple of things he'd like to touch
10 on.

11 MR. BALLANCO: Okay. Yes.

12 EXAMINATION

13 BY MR. BALLANCO:

14 Q. Ms. Munford, do you recall being asked several
15 questions about a stamp on the back of the Chen
16 reference?

17 A. I do.

18 Q. Did you use stamps like the one you were directed
19 toward to form the basis of the opinions contained in
20 your Declaration?

21 A. I do not reference the stamps in my Declaration.

22 Q. Okay. And did any stamps that you observed on the
23 works you opined about contradict or call into
24 question any of the opinions you provided in your
25 Declaration?

1 A. I don't believe I did see any that would contradict
2 the determinations I made.

3 Q. And Ms. Munford, do you recall being asked about the
4 008 field of MARC records?

5 A. I do.

6 Q. And just to refresh, what does the 008 field represent
7 in a MARC record?

8 A. For the purposes of this Declaration, the first six
9 digits of the 008 field represent the date of first
10 record creation.

11 Q. Okay. And do you recall also being asked questions
12 about the 005 field of the MARC record?

13 A. I do.

14 Q. And, again, what does the 005 field represent?

15 A. The date of last update for the record.

16 Q. Okay. In your experience, is the 008 field of a MARC
17 record a field that a cataloguer would edit after
18 creation of the MARC record?

19 A. I have no experience editing an 008 field. Typically,
20 in my experience, the 008 field is programmatically
21 generated by the cataloging software I am using.

22 Q. Okay. And Ms. Munford, at the beginning of the
23 questioning about this proceeding, the '249
24 proceeding, do you recall identifying a typographical
25 error that you had identified in your first

1 Declaration?

2 A. Yes.

3 Q. Were there any other typographical errors that you had
4 identified with respect to the second Declaration you
5 had provided in this proceeding?

6 A. There are typographical --

7 MR. HALVERSON: Objection to form.

8 A. -- errors -- there are typographical errors in the
9 other Declaration that I would like to note, yes.

10 BY MR. BALLANCO:

11 Q. Okay. And would you please identify that
12 typographical error?

13 A. Sure.

14 MR. HALVERSON: Same objection.

15 A. The typographical error in the other Declaration
16 refers to the Jacobsen reference. Similarly to this
17 Declaration, I refer to Appendix Jacobsen01 when
18 making a determination on the work's authenticity,
19 that is a typo and that reference should be reading
20 "Jacobsen02."

21 BY MR. BALLANCO:

22 Q. And just so the record is clear, are you talking about
23 your second Declaration in the 373 IPR proceeding?

24 A. Yes.

25 MR. BALLANCO: Okay. I have no further

1 questions about the '249 IPR proceeding.

2 RE-EXAMINATION

3 BY MR. HALVERSON:

4 Q. Just briefly, Ms. Munford. Is there anything about
5 the 008 field that prevents it from being edited after
6 it has been programmatically generated?

7 A. It's my experience that any field in a MARC record can
8 be edited via the cataloguing software if the
9 permissions are allowed on the policy end.

10 Q. Have you ever seen permissions that prevent editing of
11 any fields of a MARC record?

12 A. I have, but they are proprietary to the library
13 software I was using as set up by the library
14 cataloguers I was working with.

15 MR. HALVERSON: Okay. I have nothing else.

16 (The Zoom Videoconferenced deposition was
17 concluded at 10:25 a.m. EDT. Signature of the
18 witness was not requested by counsel for the
19 respective parties hereto.)
20
21
22
23
24
25

CERTIFICATE

STATE OF MICHIGAN

COUNTY OF OAKLAND

LORI ANN BALDWIN, a Notary Public in and for the above county and state, do hereby certify that this remote deposition was taken before me, via Zoom Videoconference, at the time and place hereinbefore set forth; that the witness was by me first duly remotely sworn, via Zoom Videoconference, to testify to the truth; that this is a true, full and correct transcript of my stenographic notes so taken to the best of my skill and ability; and that I am not related, nor of counsel to either party, nor interested in the event of this cause.

Lori Baldwin

Lori Ann Baldwin, CSR-5207, RPR, CRR

Notary Public

Oakland County, Michigan

My commission expires: December 21, 2025

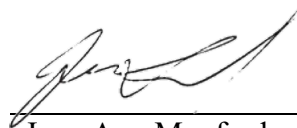
DISH Network LLC v. Entropic Communications
USPTO PTAB Case: IPR2024-00373
US Patent No. 7,594,249

Errata Sheet of June Ann Munford

Page: Line	Change	Reason
35:3	“material of the topic” to “topic of the material”	Typographical error

10/29/2024

Date



June Ann Munford

&	1022 3:18 6:9	2024 1:16 4:2	5
& 2:4,12	6:14,19 7:5	2025 45:24	5000 2:13
0	8:12 9:19 10:9	21 45:24	504 28:2
0 7:1 39:21,25	12:3 20:10	214.292.4043	518 6:15 9:22
001 27:3	21:15 41:6	2:15	52 23:24 24:1
003 27:6	10:05 41:3	245 27:15,16,18	5207 1:18
00373 6:25	10:20 41:4	27:20 32:18	45:21
00393 7:1	10:25 44:17	39:20,20	54 36:20 39:6
005 30:2,10,18	12 8:10,12	249 6:4,6,15	55 37:10
30:22,25 31:3	1200 2:21	7:13,14 9:19	6
31:5 42:12,14	13 19:5	41:6 42:23	6 3:18 7:15
008 27:20 28:5	13th 4:20	44:1	8:10 20:6,10
28:9 40:19	15th 30:24 31:2	264 28:2	21:1,15
42:4,6,9,16,19	16 24:12,15	26737 45:20	650 28:2 33:20
42:20 44:5	1717 2:13	26th 29:23	33:23 34:10
010 28:5 39:20	17th 24:5	3	35:6,7,12
39:21	19 1:16 4:2	3 12:2 13:5,6	40:12,16
020 28:2	1990 39:3	30 34:9	6899173 1:20
035 28:2	1995 40:19	300 28:2	7
040 28:2 29:1,2	1998 29:23	33 25:1	7 21:21
29:6	19th 40:19	34 25:2,4 35:6	7,594,249 1:8
05 30:22	2	35 34:13,21	3:20 6:10 7:6
08 29:22	2 11:5 13:6	36 23:19,23	75201 2:14
1	20 30:21	373 7:5 43:23	8
1 39:21,25	2000s 15:9	4	8 7:16 8:5
10 19:5	20024 2:6	4 2:21 3:7	22:21 27:8,18
100 28:2	2004 15:8	31:14	830 35:18
1000 2:5,5	2010 15:12,14	41 3:9	9
1001 24:25	2013 15:8	415.882.8238	9 20:10
1002 23:18	2015 30:4,23,24	2:23	900 36:8 37:1,2
1006 7:15	31:2	44 3:11	37:3
1008 21:1,15	202.626.6413	45 27:13	901 37:3
23:10,12 24:23	2:7	490 28:2 35:18	
	2020 30:24	35:24	

902 37:3 903 37:3 94111 2:22 949 28:3 36:7 37:2 999 37:3 9:01 1:15 4:3 9:03 6:11	actual 26:23 actually 7:2 17:7 addition 27:18 27:20 administered 5:20 adopted 37:8 affect 6:7 ago 36:25 agree 23:24 25:17 akin 26:15 alignment 4:22 allowed 44:9 alyaman 2:11 amer 2:11,16 american 22:1 analyzed 12:9 ann 1:14,18 3:4 4:5,14 45:5,21 answer 5:3,15 36:25 37:2 answering 5:5 20:17 anybody 16:23 appeal 1:3 appearances 2:1 appearing 2:9 2:17,25 appears 30:3 appended 19:23 31:1	appendices 20:8,11 appendix 7:17 7:18 22:24 23:7 24:13,15 43:17 applied 10:1 applies 17:24 apply 37:3 approximately 4:19 archive 22:15 area 14:18 38:1 asked 25:15 37:2 41:14 42:3,11 asking 9:10,24 33:15 assigned 19:6 29:19 34:25 35:1 assigns 19:7 assist 29:13 associated 6:3 17:24 39:17 40:10 assume 10:4 31:2 astray 18:8 attached 3:16 attained 11:3 attractive 38:5 attributed 31:10	attribution 27:16 audio 18:23 authenticity 43:18 author 27:17 33:6,17 authorities 29:14 authors 33:9 availability 28:18 31:18,20 available 17:2 17:17,19,22 21:24 32:9 38:3,10 avenue 2:5 avoid 9:10 aware 10:17,25 11:25 27:21 axial 11:23
a			b
a.m. 1:15 4:3 6:11 41:3,4 44:17 ability 31:23 45:13 able 13:16 14:24,25 25:22 29:8 40:1 above 45:6 academic 19:18 19:19 access 18:4 30:2,6,6,7,10 accident 6:21 accuracy 13:13 16:17 accurate 5:6,23 acknowledge 29:2 acquire 31:24 32:4 acquired 12:15 33:1 acquiring 32:6 acronym 16:21 19:1			back 24:1,17 24:19,25 31:14 33:11 34:6 35:6 39:6 41:4 41:15 background 17:21 backstage 29:16 backwards 7:19 baldwin 1:18 45:5,21

ballanco 2:3,8 3:9 13:18 27:23 30:1 35:16 38:7 40:20,24 41:9 41:11,13 43:10 43:21,25 bar 34:17,23 basis 19:17 41:19 beginning 42:22 begins 23:19 25:1 behalf 2:9,17 2:25 believe 6:25 7:9 15:12 20:9 21:6,11 24:6 29:16 31:9 32:8 34:19 35:2 36:17 37:17 38:1 40:12 42:1 best 5:2,4 20:19 45:13 bibliographic 12:19 17:13 33:5 39:24 bibliographical 24:18 33:10,25 35:15 bit 8:22 17:6 20:5 24:5,25 25:17 27:9	36:19,25 bits 27:9 39:23 blurry 24:8 board 1:3 book 18:18,24 19:4 23:5,10 32:7,11 33:10 33:11,16,17,20 35:15,19 39:24 books 18:19 bounce 20:14 boxes 26:16 branch 22:10 22:19 break 5:8,10 15:8 40:21,23 brief 15:8 17:9 briefly 44:4 buzzwords 40:8,14	case 1:7,20 7:14 10:17 13:3 32:23 35:18,19 cases 6:24 casually 16:20 cataloged 12:4 cataloging 42:21 catalogue 12:7 12:12,14,15,17 12:18,23 13:8 13:12,14 14:5 14:17 22:8,9 29:4 30:14 32:13,16 33:16 34:17 35:17,21 37:15 cataloguer 37:7 42:17 cataloguers 44:14 cataloguing 15:4,15,16,19 15:20 16:3,16 16:19 17:15 26:24,24 28:16 28:22 30:3,15 32:17 35:9 44:8 cause 45:15 center 2:21 certain 15:22 34:18,24 35:21	certificate 11:2 45:1 certification 11:6 13:23 certify 45:6 chamber 18:15 18:17 change 17:1 25:23,24 26:2 27:1 changed 26:1 changes 14:25 15:2 30:16,18 31:11 characters 28:13 39:13 chen 8:6 20:9 22:12 32:4,11 32:19,22 33:4 33:13 34:4,6 34:23 35:14 40:9 41:15 chen02 22:25 24:13,15 choose 38:15 city 38:1 clarified 6:19 clarify 10:3 26:8 clear 5:5 43:22 closed 6:21 code 29:12,19 collection 22:22 23:5,6 32:14
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colors 26:13 column 26:10 columns 26:12 26:18 comes 13:14 commencing 1:15 commission 45:24 communicati... 1:9 2:25 compare 24:22 compared 23:15,16 comparing 9:11 23:9 39:19 comply 14:24 comprise 23:7 concept 19:11 concluded 44:17 congress 31:10 considered 16:3 consulted 29:3 contacted 29:13 contained 18:22 41:19 contains 33:21 content 10:22 35:12 contents 3:1 24:19,19,22	25:1 context 17:22 contradict 41:23 42:1 contribute 31:9 copies 18:14,20 18:21,23 22:1 copy 18:3,5 21:3,5,6,7,9,10 21:13 22:6,7 22:12,14,17 23:1,13 24:9 32:11,25 33:3 38:11,19 39:9 copyright 28:17 33:9 corner 25:4 correct 7:1,8 8:7,14,15 10:10,13 20:13 22:19 23:8 24:21 25:8 28:12,15 30:9 36:24 37:16,20 39:11 45:11 corrected 6:19 correction 8:10 corrections 6:5 6:14,16 correctly 9:8 correlation 18:12 correspond 29:18	corresponds 40:3 counsel 32:24 44:18 45:14 count 19:25 countries 19:9 country 19:8 county 45:4,6 45:23 couple 31:7 41:2,9 court 5:5 courtroom 5:20 cover 9:12 24:13,16,17 25:1 33:8,9 create 12:14 13:2 18:4,24 created 12:25 13:17 19:20 22:25 29:21,22 40:17,18 creates 18:1 35:7 creating 18:11 20:4 30:13 creation 27:12 29:4 38:25 39:2 42:10,18 crr 1:18 45:21 csr 1:18 45:21 currently 11:8 11:11 cut 32:1	d d 4:16 14:10 29:7 d.c. 2:6 dallas 2:14 data 12:19 27:9 28:20,21 33:10 database 21:23 date 24:4 25:4 25:6 27:11 30:2,17 38:25 39:2 42:9,15 day 28:11 december 30:4 30:23,24,24 31:2 45:24 declaration 3:19 6:1,3,10 6:14,18 7:5,7 7:13,14,15,16 8:2,2,17,20 9:6 9:19,22 12:2,9 13:5 20:5,8,12 21:4,8 22:24 24:7 27:10 31:14 32:6 37:18 41:8,20 41:21,25 42:8 43:1,4,9,15,17 43:23 declarations 6:5 8:23,24 11:15 38:6 degree 11:2,18 15:10
---	--	---	---

delivered 22:10 depend 18:19 30:12 depends 13:25 19:8 38:16 deposed 4:17 deposition 1:13 3:18 6:9 44:16 45:7 describe 20:9 33:20 describing 19:23 33:21 description 29:9 descriptive 17:10 designate 39:22 designated 29:2 40:13 designating 25:18 40:3 detailed 12:18 17:10 21:25 29:9 determination 43:18 determinations 31:22 42:2 difference 9:25 differences 10:3 37:6 different 9:5 16:12 18:3,16 19:9,10 26:13	30:6 34:22 39:23 40:6 differently 25:17 difficult 24:6 34:24 digit 19:5 25:10 25:12,18,24,25 26:1,2 31:1 39:15,18 digits 27:11 28:10,10,11,14 31:3,5 42:9 directed 41:18 director 14:6 discussing 13:20 dish 1:5 2:9,17 7:15 20:25 21:1 23:9 distance 38:12 district 14:6,14 dive 4:23 docs 12:8 document 10:1 10:2 12:18 26:8 31:23 36:20 37:10 40:19 documents 12:9 13:2 doing 5:14 dollar 39:13,25 dowagiac 14:6 14:10,14	drink 5:12 driving 38:12 duly 4:7 45:9 e earlier 25:13 25:19 39:16 40:5 easier 14:19 27:1 edit 13:24 14:24 25:22 42:17 edited 13:16,19 14:16 44:5,8 editing 16:13 42:19 44:10 editions 19:16 edits 15:13 edt 1:15 4:3 44:17 educational 11:2 eight 31:3 40:22 either 12:10 14:12 45:14 electrical 11:18 elements 17:12 embarcadero 2:21 employed 11:11 ends 38:5 eng 28:24	engineering 11:18 24:17 english 28:25 ensure 7:8 13:13 16:17 entirety 15:23 entries 26:11 26:13 32:18 34:11 35:6,7 35:24 39:12 entropic 1:9 2:25 entry 29:5 34:14 35:8 erik 2:19 40:20 erik.halverson 2:24 error 42:25 43:12,15 errors 43:3,8,8 essentially 26:8 28:21 36:9 estimate 28:17 event 45:15 examination 3:6,8,10 4:10 41:12 44:2 examined 4:9 example 9:3,18 18:14 19:17 20:17 21:12 32:6 excel 26:15,17 except 28:4
---	---	--	---

exception 28:23 exclusive 16:24 excuse 30:22 exhibit 3:15,16 3:18 5:25 6:9 6:14,19 7:5,15 7:22 8:1,3,5,12 9:21 10:9 12:3 20:10,25 21:15 23:10,12 24:23 41:6 exhibits 3:13 12:8 existing 13:11 16:15 19:23 exists 37:4 expand 40:1 expediency 38:23 experience 18:7 18:10 30:13,25 38:8 42:16,19 42:20 44:7 experienced 15:3 expert 11:12 expires 45:24	20:23 25:5 36:19 fairness 25:15 fam 11:22 familiar 10:14 12:21 19:1,11 27:19,24 36:6 far 17:6 faster 34:9 favor 7:25 feel 5:13 20:20 40:6 field 13:24 14:16 16:9,14 20:19 25:23 26:1,3 27:3,6,8 27:10,13,15,18 27:18,20,20 28:4,18,20,24 29:1,2,5,6,22 30:2,7,11,14,18 30:22,22,25 31:3,5 32:18 33:21 34:10,13 36:9,12 38:25 39:18,19,20,20 39:21 40:4,10 40:10,12,13,19 42:4,6,9,12,14 42:16,17,19,20 44:5,7 fields 13:13,16 13:19,21 14:4 14:24 15:1,2 15:21 16:7,17	17:3 25:13,20 26:10,11 27:19 27:21,24 28:9 32:14 33:19 35:12,18 36:8 36:16 37:1,2,6 37:6 39:14,15 40:3 44:11 fifty 37:12,14 figure 9:13 file 6:20 26:15 26:17,21 filed 7:15 files 7:23,24 8:4 23:6 find 21:20 40:9 finish 5:2,4 firms 11:14 first 4:7,24 16:10 17:25 21:9,10,13 27:10,11 28:9 31:3 33:2 37:21 38:16 39:17 42:8,9 42:25 45:9 fish 2:4,12 five 18:2 37:12 37:14 focus 4:25 folks 38:5 followed 22:7 follows 4:9 forgive 36:5	forgotten 40:11 form 41:19 43:7 format 18:19 formats 18:25 forner 15:18 forth 45:9 found 21:9,13 21:17 22:6 39:9 four 29:5 fr.com 2:8,16 francisco 2:22 free 5:13 20:20 40:6 front 10:9 24:16 full 4:12 11:12 23:13 31:1 45:11 fun 14:10 further 13:5 43:25
f			g
f 4:16 facilitate 22:2 factor 38:16 factors 38:16 fair 5:6,7,16,17 10:6,7 18:6			g 14:10 16:20 gates 2:20 general 9:13 10:18 20:7 21:25 31:24 32:3 35:13 generated 42:21 44:6 generating 23:6

give 17:9,21 given 17:11,24 18:12 19:6,22 21:10 22:1 36:25 glas 16:20 26:4 26:6 glean 29:5 go 5:9,15 9:9 14:19 22:15 24:1 31:14 34:6 36:20 37:10 39:6 41:1 goes 23:23 going 5:9 6:2 9:9 14:8,12,19 20:18 38:19 good 4:12 8:21 19:17 32:2 gotten 17:8 greater 13:13 ground 4:22 guess 36:14 37:21 guidance 15:3 15:15	40:22 41:1,5 43:7,14 44:3 44:15 hand 25:10 handful 4:22 38:16 hang 7:2 happy 40:23 hard 33:14 harry 18:15,16 18:20 hart 14:17,22 14:23 15:6,17 15:24,25 16:1 16:2 hartland 15:23 15:24,25 hazard 36:14 header 28:21 headings 33:21 33:23 35:10 40:13,14 held 26:10,11 helpful 20:15 20:17,22 hereinbefore 45:8 hereto 44:19 highest 11:2 highlighted 26:13 hold 22:1,6,7 22:12 holding 38:21	holds 38:9 home 23:3 hopefully 5:10 hour 5:9 40:21 html 26:9 i identical 18:21 35:5 identification 6:8 identified 9:5 9:21 32:10 33:4,5 42:25 43:4 identify 21:8 21:20 32:21 33:13,15,24 35:13 43:11 identifying 9:3 9:18 17:12 20:7 22:4 42:24 image 23:6 implementing 35:10 important 4:24 inaccurate 25:16 incoming 12:4 12:12,14 index 33:20 35:17 indexed 34:19 indexing 12:19 17:11 32:13,14	indicate 27:3 29:1 35:18 39:25 indicates 29:22 30:2,23 indicating 29:12 31:21 individual 18:10 29:7 32:14 34:15 information 11:4 17:13 24:18 33:6,7 33:11,25 35:15 36:9 39:23,24 inside 30:15 inspected 24:9 inspecting 16:16 32:18 inspection 17:2 instance 29:11 32:15 33:20 36:10 38:10 39:19 institution 29:18,19 30:12 institutional 29:12 institutions 29:3 31:9 interested 45:15 interlibrary 22:3
h			
hall 37:22,25 38:4,9,13 halverson 2:19 3:7,11 4:11 6:12 13:22 27:25 30:5 35:23 38:14			

internal 13:25 international 19:4 involved 14:3 26:9 31:11 involves 16:15 ipr 6:4 43:23 44:1 ipr2024-00373 1:7 ipr2024-00393 6:25 isbn 19:1,3,4,7 19:10 33:6,10 issues 19:22 item's 31:17	k k&l 2:20 kansas 38:1 keyword 34:19 kind 30:10 klgates.com 2:24 know 10:2 15:19 16:21,22 16:24 17:1,5 18:8 23:21 25:2 27:4,6,8 27:13,15 28:7 28:13 29:15 32:23 33:8,16 35:7 36:7,15 37:21 38:4 39:4 known 21:23 35:1	librarian 11:6 11:8 15:4,15 15:16,19,20 16:3,4 28:17 30:14 librarians 36:10 libraries 14:15 16:25 17:20,25 18:24 21:25 22:3,5 37:9 38:10 library 11:4 12:4,12,14,15 12:16,17,18,23 13:7,14 14:1,2 14:6,9,14,18,22 14:23 15:7,11 15:17 16:1,2 17:12,15,25 18:2,11,13,14 18:17 22:16,17 22:18 24:18 28:21 29:13,15 31:10 32:7,11 32:13,16,17 33:2 34:3,13 35:17 37:22,25 37:25 38:4,9 38:13,15,21 44:12,13 library's 22:22 23:5,6 32:14 32:21 34:22	license 13:24 linda 37:22,25 38:4,9,13 line 7:15 lines 28:4 link 22:7 list 27:24 36:5 listed 39:3 listing 21:25 little 8:22 17:6 20:5 24:7,25 25:16 36:19,25 llc 1:9 2:25 llp 2:20 loans 22:3 local 7:23,24 22:10,19 36:8 38:2 located 37:25 logs 17:1 lois 15:18 long 5:14 15:19 look 8:5 20:15 20:20 23:18 25:9 26:5 27:22 30:7 looked 10:8,11 looking 7:22 26:5 27:4 29:20,24 30:18 35:24 36:12 38:19 lori 1:18 5:19 45:5,21
j 2:19 jacobsen 8:8,9 9:3,5 37:18 39:9 40:16,18 43:16 jacobsen01 7:17 8:13 43:17 jacobsen02 7:18 8:14 43:20 job 11:12 journal 19:18 19:19,21 judge 5:20 june 1:14 3:4 4:5,14 24:5	l l 16:20 l.l.c. 1:5 2:9,17 language 28:25 largely 13:25 18:19 19:8 26:19 30:12 law 11:14 leave 36:10 left 25:4,10 40:23 legible 24:10 legs 5:12 level 11:5 16:15		

lot 4:21 14:19 36:13	29:6,20,21,24 29:25 30:7,7 30:13,19 31:6 31:7,11 32:12 32:15,21 33:13 33:19,24 34:2 34:6 35:14 36:2,12,18,22 38:17,18 39:8 39:15 40:2,17 40:18 42:4,7 42:12,16,18 44:7,11	member 31:23 32:3 35:13 mention 24:6 michael 2:3 michigan 11:7 11:9 14:11,12 45:3,23 mid 15:9 mind 9:7 40:24 minutes 40:22 41:2 miscellaneous 36:11 mixed 7:9,11 moca 11:25 modifications 17:3 modified 16:8 modify 25:23 month 28:10 morning 4:12 17:7 mouth 40:7 multiple 17:19 31:9 35:7,10 39:16 munford 1:14 3:4,19 4:5,12 4:14 6:10 41:7 41:14 42:3,22 44:4 mw 1:20	n n 4:16 name 4:13,14 4:15 14:8 15:18 16:19 near 22:6 38:21 necessarily 32:23 necessary 16:18 need 5:11 6:20 14:8 29:17 needing 27:22 needs 6:19 network 1:5 2:9,17 never 26:1,4 new 18:5 19:16 19:22 newspaper 19:25 newspapers 20:2,3 north 22:1 northern 14:12 notary 45:5,22 note 37:5 43:9 notepad 26:21 notes 7:8 8:3 36:9,11 45:12 notice 39:20 number 10:11 19:4,5,7 20:11 23:18 25:9,24 25:25 33:6
m			
m 4:16 11:25 12:21 made 15:2 17:3 30:16,19 31:22 42:2 main 2:5,13 maintenance 14:5,17 make 9:7 14:25 25:17 makes 20:24 making 15:13 43:18 manages 31:8 manipulating 14:3 manner 17:14 marc 9:11,11 12:21,23,25 13:2,12,15,16 13:17,24 14:3 14:16,24,25 15:2,13,21 16:7,8,13,16 17:3,6,9,10,17 17:19,23,23 18:1,4,5,10,16 18:18,22,25 19:20,23 20:2 20:3,19 21:20 25:6,9,13,19,23 26:5,19 27:3	mark 39:3 marked 6:8,24 34:13 marker 40:3 master's 11:4 15:10 match 18:7 matches 38:18 material 12:16 17:12 19:9 22:2,10 32:8 33:1,22 34:1 35:3 material's 17:13 materials 29:3 34:4 mean 12:12 17:22 22:23 means 5:13 20:14		

34:1,2,3,12,12 34:15,19,21 35:1,5,11 36:13,15 39:12 numbers 25:10 25:12,18 30:21 34:24 35:4 36:5 37:3 39:15	ones 4:21 21:7 open 6:20 7:25 38:2 opened 26:23 opening 16:15 opens 30:14 opine 10:5 opined 21:4 41:23 opinions 10:22 41:19,24 opposed 35:7 optimal 13:7 order 13:24 organization 26:19 organize 26:25 original 18:4 outline 17:2 outside 29:3 overseeing 15:20 16:6 overview 17:9 own 8:4 38:8 40:25 owner 1:10	37:10 38:24 39:3,6,6 pages 9:12 23:2 23:16,23 24:12 24:15 paper 9:3,5 paperback 18:21,24 paragraph 7:16 8:5,10,12 12:2 13:5 20:6 20:10,10 21:1 21:15,21 22:21 31:14 pardon 25:5 part 22:11 35:19 particularly 4:24 parties 44:19 party 45:14 patent 1:1,3,8 1:10 3:19 6:10 7:6 9:19 10:18 10:20,23,25 11:14 pdf 23:19 24:1 25:1,2,4 34:13 pending 5:14 penn 22:7,8,14 22:17,19,25 29:12 32:7,10 32:16,20 33:2 34:16 35:21 36:9	people 14:23 perfect 8:19 performance 13:8 performed 14:5 14:17 15:3 permissions 44:9,10 personal 8:4 40:25 petitioner 1:6 ph 26:21 phrase 31:20 physical 23:10 33:12 physically 16:7 16:10 22:11 piece 30:15 pittsburgh 22:20 38:11 place 45:8 plain 26:20 please 4:13 10:2 28:1 31:15 43:11 point 5:11 9:24 20:19 points 4:22 policies 14:1 policy 44:9 populate 28:22 position 12:3 39:21 possession 23:11 32:20
o			
o 4:16 11:25 14:10 oakland 45:4 45:23 oath 5:18,19 objection 13:18 27:23 30:1 35:16 38:7 43:7,14 observed 41:22 occurs 17:7 offering 10:22 office 1:1 23:3 oh 8:2,12 22:17 34:9 okay 6:24 7:4,7 7:20 8:12,16 14:21 26:21 32:3 36:21 37:10 40:16 41:11,22 42:11 42:16,22 43:11 43:25 44:15 once 19:18,19	p p.c. 2:4,12 page 3:3,15 8:10 13:6,6 20:20 23:18,19 24:1 25:2,4 28:19 33:9 34:9,13,21 35:6 36:20		

possible 26:2 35:17,20 potentially 7:19 13:12 potter 18:15,16 18:20 pound 39:12,12 39:17,22 practice 35:9 preceding 39:13 prefer 40:7 prepare 8:24 present 16:7,10 presented 22:24 26:7 29:8 34:2 presenting 7:13 presently 7:22 presents 30:25 prevent 44:10 prevents 44:5 previous 13:20 primarily 11:14 prior 15:13,20 prioritize 38:22 problem 5:13 proceeding 6:4 9:6 10:12,14 11:16 12:10 41:6 42:23,24 43:5,23 44:1 proceedings 6:1,2 8:25	process 8:23 9:4,13,20,20 10:1,4 12:7 13:11,20 16:13 20:7 21:19 22:2,11 processed 12:4 17:15 processing 11:20 programmati... 42:20 44:6 pronounce 14:20 pronunciations 14:11 properly 17:15 proprietary 18:11 19:5 34:3 36:8,17 44:12 provide 5:22 29:9 provided 21:3 21:5,6,7,16 32:6,24 41:24 43:5 provides 21:24 providing 28:17 public 11:6,8 14:18,22,23 15:6,17,24 16:1,2 31:17 31:20,24 32:3	35:13 38:3 45:5,22 publication 19:14,15,15,16 19:25 28:19 37:15 39:2,9 publications 19:12 published 19:9 publisher 32:9 33:6 pull 7:22,23 pulled 7:21 pulling 9:11 purchase 12:7 purchased 12:4 16:22 purposes 17:11 31:22 42:8 pursue 38:19 put 38:5 40:7 pxt 26:21	31:25 33:15 35:4 37:1,7,21 39:3 41:24 questioning 42:23 questions 9:10 20:14,22 41:6 41:15 42:11 44:1 quick 7:3
r			
r 4:16 12:21 rather 31:1 raw 26:8,25 reach 38:15 read 7:12 8:8 10:20 24:6,6 34:22 reading 8:3 43:19 reason 5:22 reasonable 38:12 recall 10:16 20:4 21:5,12 21:14,16,18 23:14,15,17 24:24 32:24 41:14 42:3,11 42:24 receive 15:10 receives 18:1,2 recent 14:2 recently 12:15			
q			
qualification 9:15 quality 38:17 quarter 19:18 19:20 quarterly 19:21 question 5:4,14 5:15 9:16,24 12:20 14:1 18:20 20:18 21:23 25:16			

record 4:13 5:16 12:15,17 12:18,21,23,23 12:25 13:2,16 13:17,24 14:4 14:16,24 15:1 15:2,21 16:7,8 16:13,16 17:3 17:9,10,11,17 17:19,23,23 18:1,4,5,18,22 18:25 19:20,23 20:19 21:20 22:4,8,9 25:7,9 25:13,19,23 26:6,19,23 27:1,3,11 28:23 29:4,6,8 29:14,20,21,22 29:24,25 30:3 30:8,13,15,16 30:19 32:15,21 33:13,19,24 34:2,6 35:14 36:2,12,22 38:17,18 39:8 40:17,18 41:2 41:3,4 42:7,10 42:12,15,17,18 43:22 44:7,11 recording 17:14 records 9:11,12 13:7,12,12,15 15:13 17:6	18:10,16 20:2 20:3 32:12 35:10 36:18 38:22 42:4 redo 6:15 refer 16:20 20:11 21:21 35:3 43:17 reference 7:17 9:18 18:3,5 21:13 34:1,17 38:11 39:10 41:16,21 43:16 43:19 referenced 34:11 references 9:14 10:5,11,15 12:8 21:4 37:18 referred 7:16 31:7 37:17 39:16 referring 8:6 13:10,11 24:17 25:13,19 31:23 40:12 refers 8:12 16:21 43:16 refresh 42:6 regard 13:15 regarding 39:23 region 22:1	regular 19:17 related 12:19 38:1 45:14 relates 7:6 10:18 release 19:21 released 19:16 19:18,19 relevance 37:7 relevant 27:10 remainder 28:20 remaining 31:4 remote 2:1 45:7 remotely 4:7 45:10 repeating 9:7 reporter 1:17 5:5 represent 28:9 42:6,9,14 represents 27:6 requested 22:9 22:15 23:1 44:18 requirements 14:23 research 11:12 11:13 37:25 reserved 27:16 36:8 respect 43:4 respective 44:19	respond 20:22 response 37:1 rest 28:13 restroom 5:12 results 13:14 return 34:17,23 review 16:11 29:17 31:24 32:25 35:2 reviewed 20:25 22:9 23:12 reviewing 7:7 13:11 27:7 29:10 31:6 38:18 40:2 revisions 15:21 16:6 richardson 2:4 2:12 right 4:17 5:25 6:18 7:25 8:6 10:8,9,12 12:2 23:20 24:20 25:11,25 28:11 32:22 36:22 37:15,19 39:10 40:14 41:5 room 16:8 rows 26:18 rpr 1:18 45:21 rules 4:22 29:10
---	--	---	--

s			
s 16:20	secrets 18:15	several 38:9	somebody 32:10 40:9
sake 38:23	18:17	41:14	sorry 15:25
san 2:22	secured 22:21	share 5:25 7:23	17:17 20:16
saying 20:25	23:4	8:1,3,5	24:14 27:13,19
says 22:21 24:5	see 12:5 13:8	shared 18:18	32:1 37:11,12
scan 24:13,16	21:1 22:17	shifts 16:12	sort 5:12 9:25
28:22	24:2 28:5	shorthand 1:17	34:3
scanned 23:2,5	30:21,21 31:18	sic 15:23	sounds 8:21
23:7	36:4,13,13	side 25:10	sources 32:9
scanner 23:2	37:8 38:25	sign 39:12,13	spans 13:6
scanning 32:13	42:1	39:13,25	23:23
scans 22:22,23	seen 20:3 44:10	signal 11:20	speak 38:8
22:24 23:4,10	select 13:13,21	signature 44:17	speaking 5:2,3
24:7	16:17	45:20	8:11
schedule 35:2,3	senior 16:3	signifying 28:24	special 13:23
science 11:4	sense 20:24	signs 39:17,22	specific 17:12
sciences 15:11	26:18	similar 8:24	20:18,18 29:17
screen 36:6	sent 22:14,17	26:17 29:19	40:3
screenshot 25:6	sentence 8:13	34:4 35:4	specifically 13:15
37:14	13:6,21 22:21	similarly 43:16	spell 4:15
scroll 20:5	23:9 31:17	simply 39:22	spine 24:14,16
24:25	separate 18:25	single 35:8	stamp 24:2,4,9
search 13:8,14	26:12,25	sit 21:12	24:17,19 41:15
32:16 34:17,18	september 1:16	six 27:11 28:9	stamps 41:18
34:20,23 35:11	4:2 40:19	28:14 42:8	41:21,22
35:20,22	serial 19:11,14	skill 45:13	standard 11:25
searched 22:5	19:15,22,24,25	slightly 25:15	19:4 27:22
searching 21:22	37:15 39:2,8	software 16:16	31:7,8,12 35:9
sec 23:19	series 26:15	16:19,22 17:16	standards 15:4
second 7:3	30:21 35:19,20	26:4,24,24	19:10 27:4,7
22:21 41:8	35:25 36:3	28:22 30:15	31:6 40:2
43:4,23	sessions 5:10	32:17 35:17	stands 19:4
	set 44:13 45:9	42:21 44:8,13	27:6,8 29:16
	seven 31:4		

start 15:5 17:18 24:14 27:13 37:12 started 15:24 16:2 21:22 starting 20:8 state 4:12 11:6 11:8 22:7,8,14 22:17,19,25 29:12 32:7,11 32:16,20 33:2 36:10 45:3,6 state's 34:16 35:21 states 1:1 stenographic 1:17 45:12 sticking 21:15 storage 34:14 street 2:13 stretch 5:11 strict 17:14 stringing 35:8 studied 11:20 11:22 subfield 28:16 subfields 26:11 26:12,14 29:7 39:16,17 subject 33:21 33:23 35:10 40:13,14 submitted 11:15	substantially 8:24 9:4,20 suite 2:5,13,21 summary 18:9 suppose 33:14 sure 6:20 9:8,9 17:10 18:10 21:22 25:17 43:13 suspect 4:22 sw 2:5 sworn 4:7 45:10 syntactical 17:14 syntax 31:6,7 31:12	technical 16:15 29:10 tell 24:4 29:20 29:24 30:18 35:24 36:2 ten 40:22 tenure 15:23 term 12:21 testified 4:9 testify 4:7 45:10 testimony 5:23 texas 2:14 text 25:24 26:7 26:8,16,20,25 35:11 37:18 39:13 textbook 8:6 20:9 21:17,17 21:22 22:5,6 22:12 23:1,13 24:20,23 32:4 32:17,19,22 33:4,13 34:4,7 34:15,23 35:14 40:9 thank 6:23 40:15 41:7 thanks 37:12 theoretically 26:2 thing 5:8 things 9:12 36:14 41:9	think 7:2,19 9:25 20:16,21 25:15 30:22 36:13 thinking 5:9 third 8:13 thirds 38:24 three 25:10,12 25:18,24,25 26:1,2 39:15 39:18 thursday 1:16 4:2 time 5:11 6:22 9:24 11:12 14:8 16:8 25:5 25:6 29:25 33:2,14 45:8 timed 19:17 times 4:19 31:8 title 27:17 32:16 33:6,16 titles 33:8 tk5103.7.c44 34:14,16 today 4:25 5:22 6:2 9:2,17 21:12 25:13 27:21 together 38:6 took 5:18 top 25:4 topic 34:5 35:3 touch 41:9
	t		
	t1998 28:16,20 table 3:1 24:18 tailoring 13:7 take 5:8,19 6:22 40:21,23 taken 45:7,12 takes 31:2 talk 5:1 6:2 13:7 talked 8:22 17:6 talking 9:2,17 25:22 32:4 34:10 40:5,8 43:22 talks 23:9 31:17		

toward 41:19 track 27:9,11 tracked 28:18 trademark 1:1 transcript 3:16 5:6 45:12 trial 1:3 triggered 40:9 triggers 30:10 true 20:12 45:11 truth 4:8,8,8 45:11 truthful 5:23 try 5:3,8 9:15 25:16 32:21 trying 5:1 40:7 twice 9:10 two 5:10 6:2,24 8:18,19,22,25 18:14,16,23,25 28:9,10,11 31:1 34:11 35:6 38:24 39:16,17 type 30:6 35:22 typed 34:16,21 typical 29:18 typically 12:24 19:22 20:1 27:16 28:18 29:2 30:25 31:10 38:22 42:19	typo 7:17 43:19 typographical 42:24 43:3,6,8 43:12,15 u u 4:16 u.s. 1:8 under 15:3,15 34:13 underlying 12:8 understand 5:18 6:4 9:8 41:8 understanding 17:23 31:4 33:14 37:5 undertaken 9:21 undertook 8:23 21:20 unfortunately 6:21 7:12 united 1:1 universally 37:8 universities 38:2 university 11:5 22:5 29:13 32:7 34:25,25 38:21 university's 23:1	unstandardized 37:5 update 30:10 30:17 42:15 updated 29:25 30:14 updating 13:13 16:17 use 5:12 31:20 33:24 40:6 41:18 used 17:11 22:2 27:9 28:21 user 30:16 using 23:2 32:11,20 33:5 33:13 35:14 42:21 44:13 utorblw 29:11 29:16 v v 1:7 vague 13:18 27:23 30:1 35:16 38:7 various 12:19 20:8 27:9 36:10 vendor 29:13 29:15 verify 7:7 veritext 1:20 version 8:1,3 26:7,9 28:23	videoconfere... 4:1 45:8,10 videoconfere... 1:13 44:16 viewed 26:4 visual 26:19 w w 14:10 wait 5:2,4 walk 20:6 21:19 walter 22:12 want 9:7,13 20:6,15 36:14 washington 2:6 way 6:13 21:8 26:25 33:24 35:12 37:11 38:24 we've 5:25 8:22 web 26:9 28:22 website 21:23 21:24 32:21 37:14 went 9:2,11,18 10:4 18:8 20:7 22:18 wisconsin 11:5 14:13 witness 3:3 4:6 44:18 45:9 word 40:6,14 words 40:7 work 6:16 11:12 12:13,14
---	--	---	---

12:20 15:6	z
16:11 17:24,25	zoom 1:13 4:1
18:1,2,13,20	4:25 44:16
19:6,7 27:1	45:7,10
28:19 31:24	
33:7,8,12,24,25	
36:23 38:18	
work's 43:18	
worked 11:22	
13:21 14:2,15	
15:22 16:12	
working 44:14	
works 6:17	
12:5 29:10,16	
36:3 38:9	
41:23	
worldcat 21:23	
22:4,8	
worldcat.org.	
21:24	
written 19:6	
wrong 18:6	
x	
x 25:11	
y	
yeah 7:11 28:1	
year 24:5,10	
28:10,18 31:1	
31:1	
years 16:10,11	
18:2	
yep 41:1	

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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