

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

3
4 AMAZON.COM, INC. and AMAZON.COM SERVICES LLC,
5 Petitioners,

6
7 v.

8
9 NOKIA TECHNOLOGIES OY
10 Patent Owner.

11
12 Case IPR2024-00572
13 U.S. Patent No. 7,724,818

14
15
16 REMOTE DEPOSITION of CLIFFORD READER, Ph.D.
17 Tuesday, January 7, 2025
18 9:11 a.m. CST

19
20 Job No.: 566016

21 Pages: 1 - 94

22 Reported By: Michelle M. Yohler, CSR, RMR, CRR

1 The deposition of CLIFFORD READER, Ph.D., held
2 remotely pursuant to notice before Michelle M.
3 Yohler, CSR, RMR, CRR, a certified shorthand
4 reporter, CSR No. 84-4531.

A P P E A R A N C E S

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(Continued)

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Nokia Exhibit 2015

Amazon.com, Inc., et al. v. Nokia Technologies OY

IPR2024-00572, U.S. Patent No. 7,724,818

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A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT:

Ms. Sue Pybas, Videographer

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E X A M I N A T I O N S

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1

P R O C E E D I N G S

2

(Technician read-on.)

3

(WHEREUPON, the witness was duly sworn.)

4

CLIFFORD READER, Ph.D.,

5

called as a witness herein, having been first duly

6

sworn, was examined and testified as follows:

7

EXAMINATION

8

BY MS. CIELUCH:

9

Q Good morning, Dr. Reader. My name is

10

Jennifer Cieluch from Alston & Bird, and I'm here

11

on behalf of patent owner, Nokia.

12

A Good morning, Jennifer.

13

Q Would you please state your full name for

14

the record.

15

A Clifford Reader.

16

Q And you've been retained as an expert by

17

Amazon in this proceeding; is that right?

18

A That's correct.

19

Q And you provided opinions on the public

20

availability of two documents; is that right?

21

A Correct.

22

Q And I have downloaded in the chat here two

1 documents that we have marked as exhibits. The
2 first is Document 17, notice of deposition of
3 Clifford Reader marked as Reader Exhibit 1.

4 And the second is Document Exhibit 1025,
5 Dr. Clifford Reader declaration, marked as Reader
6 Exhibit 2.

7 Do you have both of those documents
8 downloaded?

9 A Yes, I do.

10 Q And if we could pull up the Reader
11 Exhibit 1, please, your notice of deposition?

12 THE TECHNICIAN: And you do want me to put
13 it on the screen or no?

14 MS. CIELUCH: Go ahead.

15 THE TECHNICIAN: Okay.

16 MS. CIELUCH: Thanks so much.

17 (WHEREUPON, Reader Exhibit No. 1 was
18 presented to the witness.)

19 BY MS. CIELUCH:

20 Q Dr. Reader, have you seen this document
21 before?

22 A Yes.

1 Q And so you are here to provide a
2 deposition -- provide deposition testimony in IPR
3 2024-572; is that correct?

4 A Correct.

5 MS. CIELUCH: And we can take this down.

6 BY MS. CIELUCH:

7 Q Dr. Reader, where do you currently work?

8 A I have a home office in Escondido,
9 California.

10 Q And you work as an independent consultant?

11 A I do.

12 Q You have your own business; is that right?

13 A I do now, yes.

14 Q And what is the name of your business?

15 A Reader.

16 Q And how long have you been working as an
17 independent consultant?

18 A Over 20 years. Maybe, like, 23 or
19 24 years at this point.

20 Q How long have you had your own business,
21 Reader?

22 A Oh, that was formed only a couple of years

1 ago in response to a change in the tax laws. I
2 never bothered with having a registered
3 corporation until what's known as SALT, S-A-L-T,
4 State and Local Taxes, changed to federal tax law,
5 and it was financially appropriate for me to
6 establish an S Corporation, so Reader is a
7 California S Corporation.

8 And it's purely for the function of, like
9 I said, of dealing with accounting matters.

10 Q And approximately when did that happen?

11 A Well, that became functional just a hair
12 over two years ago. So '23 and '24 have been the
13 two years for Reader.

14 Q And where are you currently sitting for
15 this deposition?

16 A I'm in my home office in Escondido.

17 Q Is there anyone else in the room with you?

18 A No.

19 Q And we talked about this briefly right
20 before the deposition started, but it would be
21 helpful if you could tell me what other documents
22 you brought with you for this deposition.

1 A So I have a one-page document that -- in
2 which I simply listed the table of -- the complete
3 table of contents for the exhibit that we have
4 already, my declaration.

5 I made a list of the appendices so that it
6 would be efficient for this call to be able to
7 quickly relate an alphabetic letter, like K, to
8 which document that actually is instead of
9 searching through the entire declaration to find
10 it.

11 Q So you only have one document that you
12 brought with you to this deposition that lists the
13 names of each of the appendices to your
14 declaration; is that right?

15 A Yeah. I mean, it lists the first four
16 things in the existing table of contents and the
17 appendices. It's a complete table of contents.

18 I can share screen if you want, or I can
19 put it in the chat if you want.

20 Q Sure. Yeah, if you could put it in the
21 chat, we can mark it as Exhibit 3.

22 A It will take a moment because I don't even

1 have a finder window open. Just a moment.

2 (Exhibit management discussions were had
3 off the stenographic record.)

4 (WHEREUPON, Reader Exhibit No. 3 was
5 presented to the witness.)

6 BY MS. CIELUCH:

7 Q So other than the documents that have been
8 marked as Reader Exhibit 1, Reader Exhibit 2, and
9 Reader Exhibit 3, do you have any other materials
10 in front of you?

11 A No.

12 Q You've been deposed before, Dr. Reader; is
13 that right?

14 A That's correct.

15 Q So I'm going to go just quickly through
16 kind of the rules of the road here.

17 So far I think we've had a good back and
18 forth; we just need to make sure not to speak over
19 each other so the court reporter can write
20 everything down.

21 Understood?

22 A Yes.

1 Q And if there is any question that you
2 don't understand, let me know; otherwise, I'll
3 assume that you understand my question.

4 A Yes.

5 Q And you're free to reference your
6 declaration, as you have an electronic copy that
7 you've downloaded from this -- that I've sent to
8 you, but if you are referencing your declaration,
9 I just ask that you indicate to me what page and
10 paragraph you are referring to as you're answering
11 your questions so that, since I'm not in the room
12 with you, I can't see what you're looking at. So
13 that would be really helpful for me and also for
14 the record.

15 Is that understood?

16 A I'd be very happy to do that, yes --

17 Q Great.

18 A -- remind me if I don't remember.

19 Q Yes, if it looks like I see you reading
20 something, I will be sure to remind you.

21 And then I anticipate this deposition will
22 be very short. We've probably gone a little long

1 on the intro part of things, but if you need a
2 break, just let me know; otherwise, I anticipate
3 taking a break every hour so --

4 A That's fine.

5 Q -- there won't be many of those.

6 Okay. So -- and you understand you're
7 testifying under oath today?

8 A I do.

9 Q And is there any reason why you can't
10 testify truthfully today?

11 A No.

12 Q How many times have you been deposed
13 before?

14 A More than 25.

15 Q Were those all in the expert capacity?

16 A Almost all, yes.

17 Q You testified in an individual capacity?

18 A I think there's been one or two occasions
19 where there's been, like, a fact witness
20 deposition.

21 Q So all the times you've testified, though,
22 you were retained by a party to testify on their

1 behalf?

2 MR. PEKAREK KROHN: Objection. Form.

3 BY THE WITNESS:

4 A I think the very first time I was ever
5 deposed was when I was an employee of Samsung
6 Corporation and there was a contractual dispute
7 going on. So I testified on the facts of the
8 matter on behalf of Samsung while an employee of
9 Samsung.

10 I think that would be the only case in
11 which I was not being compensated, you know, to be
12 the deponent.

13 BY MS. CIELUCH:

14 Q Other than the time that you testified as
15 an employee for Samsung, how many of your
16 depositions were for patent cases?

17 A Well, the answer would be the same, more
18 than 25. I don't know what the proportion is
19 because there can be -- there have been
20 contractual matters -- contractual dispute
21 matters, there have been licensing matters, and
22 there have been patent litigation matters.

1 Those are the classes of depositions that
2 I've been involved in.

3 Q Understood. I've been involved with those
4 matters. I call them patent adjacent matters.

5 A Okay.

6 Q So how many times have you been deposed in
7 PTAB proceedings?

8 A I don't know the number because it's not
9 something I just sort of keep track of, but
10 numerous times, I think I would say.

11 Q More than five?

12 A Yes, more than five.

13 Q And how many trials have you testified at?

14 A I think the number is now eight.

15 Q And how many of those eight were patent
16 cases?

17 A Well, under your definition, seven out of
18 eight I think.

19 Q So seven out of eight, were either patent
20 infringement-related matters or patent
21 adjacent-related matters regarding licensing
22 disputes?

1 A I think that's right.

2 Q Have you testified at any IPR trials?

3 A My understanding is that IPRs
4 themselves -- proceedings themselves don't involve
5 any expert testimony.

6 Q So what did you do to prepare for this
7 deposition?

8 A Well, of course I looked through the
9 exhibit that we have already downloaded, you know,
10 my declaration. I looked through the cited
11 documents in that declaration and also checked,
12 you know, a couple of things that seemed related
13 to those documents. And then I spent a few hours
14 with counsel yesterday just going over matters for
15 discussion today.

16 Q When you spent a few hours with counsel
17 yesterday, who did you meet with?

18 A Well, David, who is on the -- this call,
19 and Anni, and I think there was somebody else on
20 the call, too.

21 Q Those were all Perkins attorneys?

22 A I think so, yes.

1 Q Have you spoken with anyone at Amazon in
2 preparation for today's deposition?

3 A No.

4 Q Have you spoken with any other fact or
5 expert witnesses about this proceeding?

6 A No.

7 Q Have you talked with anyone else about the
8 '818 patent?

9 A No.

10 Q Other than the meeting you had yesterday
11 with the Perkins attorneys, have you had any other
12 meetings to prepare for today's deposition?

13 A No.

14 Q When you say a few hours for yesterday's
15 meeting with counsel, about how many hours?

16 A I think it was something like three maybe.

17 Q Did you review any documents during your
18 preparation for today's deposition other than the
19 declaration and the documents you cited within?

20 MR. PEKAREK KROHN: I'm going to object to
21 the extent that that's calling for more than a
22 yes-or-no question.

1 THE WITNESS: How would you like me to
2 proceed?

3 MR. PEKAREK KROHN: Just --

4 BY MS. CIELUCH:

5 Q You can answer the question.

6 MR. PEKAREK KROHN: You can answer the
7 question, but I would caution you to only answer
8 "yes" or "no" and not to disclose what, if any,
9 documents were reviewed.

10 BY THE WITNESS:

11 A Okay. So the answer is yes.

12 MS. CIELUCH: So I think it is appropriate
13 for us to understand what documents he's reviewed
14 in preparation for today's deposition. I don't
15 think that's covered by work product, so I'm going
16 to be asking the follow-up question.

17 BY MS. CIELUCH:

18 Q What documents did you review in
19 preparation for this deposition in addition to
20 your declaration and the documents you cited
21 within?

22 MR. PEKAREK KROHN: I'm going to object.

1 My understanding is you can ask questions about
2 documents that refresh his recollection, but other
3 documents that did not refresh his recollection
4 are privileged -- the information's privileged.

5 So if you want to reask the question about
6 documents that refresh his recollection, you may;
7 otherwise, I'm going to instruct him not to
8 answer.

9 BY MS. CIELUCH:

10 Q So, Dr. Reader, what documents did you
11 review in preparation for your deposition in
12 addition to your declaration and the documents you
13 cited within that refreshed your recollection?

14 THE WITNESS: Is that okay, Counsel?

15 MR. PEKAREK KROHN: You can answer.

16 THE WITNESS: That's fine.

17 BY THE WITNESS:

18 A So just to reiterate what I said earlier
19 in the deposition, I reviewed the documents that
20 are cited within my declaration, and then what I
21 mentioned was that I went to look at a couple of
22 other things where I wanted to make sure I

1 understood, you know, the context and so on.

2 So in the case of VCEG -- that's V-C-E-G,
3 all upper case, Video Coding Experts Group -- in
4 the case of VCEG, I went back to refresh my
5 recollection of exactly how VCEG got established.

6 So one of the things that's actually not
7 in my background section that is somewhat relevant
8 to the matter is that, during the time that I was
9 chairing MPEG-4 --

10 Q Dr. Reader, I'm going to cut you off here.
11 My question is only --

12 A Okay.

13 Q -- about what documents you reviewed.
14 And, also, if there were documents you reviewed on
15 your own in preparation for today's deposition
16 that is not covered by work product privilege with
17 counsel, David can instruct you in answering my
18 next question, but I just wanted to provide you
19 that clarification.

20 So outside of -- I'm not asking about
21 anything related to what attorneys showed you in
22 preparation for your deposition. Were there any

1 documents that you reviewed to prepare for today's
2 deposition?

3 A So, I mean --

4 MR. PEKAREK KROHN: I just want to make
5 sure I understand, Jennifer. So you're not asking
6 about preparation with attorneys; you're asking
7 about preparation separate from attorneys?

8 MS. CIELUCH: I'm going to ask two -- I'm
9 going to break this out since now I'm kind of
10 understanding Dr. Reader's process. So my first
11 question is only going to be about what Dr. Reader
12 did to prepare for the deposition outside of
13 meeting with counsel.

14 BY MS. CIELUCH:

15 Q So, Dr. Reader, outside of your meeting
16 with counsel, disregarding any documents that
17 counsel showed you in preparation for today's
18 meeting, what documents did you review in
19 preparation for today's deposition?

20 A So where I was headed before -- I'll try
21 to make it really short, and then you can ask me
22 to expand on it if you need, as opposed to me

1 giving you an expansive review.

2 I looked at the documents that established
3 VCEG back in the 1990s because I wanted to
4 understand -- I knew there was a transition within
5 the ITU organization, and I just wanted to
6 understand that.

7 So the documents are not -- there's
8 nothing in those documents that relates directly
9 to the matter, but I was going and looking at
10 the -- how the Video Coding Experts Group got
11 established; how, in fact, study Group 16 of the
12 ITU got established; and I went and looked at that
13 history, just so that I had that context in my
14 head to understand. Okay?

15 And I looked at -- as I told you, I looked
16 at anything that was cited in the declaration. So
17 I looked back in the documents in 2001 related to
18 IPR policy, development, the background of that.

19 I looked at the background of how ISO and
20 ITU came to establish JVT, which we have as --
21 documented as appendices in my dec, but I went and
22 reviewed that material.

1 And then I also reviewed the development
2 of the document JVT-E022, which was released in a
3 number of versions over the summer in 2002. So I
4 went to go look at that to make sure I understood
5 how that development actually took place.

6 And this might be an appropriate point to
7 make a note that, in fact, my archive copy has a
8 file name, which is J- -- JVT-E022d7ncm,
9 lower-case NCM, which means that there's no -- no
10 markup in that particular -- that particular file.

11 And, for the record, what was done was the
12 Microsoft Word function "accept all" for the NCM
13 version of d7, but it turns out that in my
14 personal archive, I had this no-markup version of
15 d7, as opposed to the version of d7 that has these
16 final editor comments that you can see in that
17 document.

18 Q So other than these documents that you
19 just testified that you reviewed in preparation
20 for today's deposition, did you review any other
21 documents outside of your meeting with counsel?

22 A Outside the meeting with counsel, I also

1 looked back at the history in the ITU, the release
2 of the two standards, H.323 and H.324, because I
3 wanted to refresh my memory on what was contained
4 in those two and what was the difference between
5 them.

6 I think the dec cites to 324, but 323 is
7 quite similar, so I -- so, for the record, I
8 looked at both of those. And they go back to
9 1996, actually, in their first versions.

10 Q Were there any other documents that you
11 reviewed outside of your counsel meeting in
12 preparation for today's deposition?

13 A I think that's -- I think that's all.

14 Q So now turning to your meeting with
15 counsel, did you review any additional documents
16 with counsel in preparation for today's meeting --
17 deposition?

18 MR. PEKAREK KROHN: And so that's a
19 yes-or-no question.

20 BY THE WITNESS:

21 A Sorry. Did you say in your -- can you --
22 can I please have the question read back to me to

1 make sure I can give a precise answer?

2 BY MS. CIELUCH:

3 Q I'll reask it.

4 Did you review any additional documents
5 with counsel in preparation for today's
6 deposition?

7 MR. PEKAREK KROHN: And, again, that's a
8 yes-or-no question.

9 BY THE WITNESS:

10 A So, clarification, over and above what has
11 already been mentioned --

12 BY MS. CIELUCH:

13 Q That's --

14 A -- this deposition?

15 No.

16 Q How much time did you spend preparing for
17 today's deposition?

18 A I didn't add it up, but some number of
19 hours over the past few weeks. Since the
20 deposition was announced.

21 Q If you could approximate, how many hours?

22 A I should think of something like four or

1 five. Something like that.

2 Q So in reviewing your declaration in
3 preparation for today's deposition, did you
4 identify any errors?

5 A I just want to point out that the
6 declaration doesn't -- points to E022d7, and I
7 just testified that, in fact, when I looked at
8 what I had in my archive, I have d7ncm. But I
9 verified yesterday that that is identical to d7 in
10 content.

11 Q Were there any other errors in your
12 declaration?

13 A Not that I'm aware of.

14 Q When were you retained by Amazon to serve
15 as an expert in this proceeding?

16 A I'm sorry, your question was why?

17 Q When.

18 A When? Probably a year ago.

19 Q Do you recall who reached out to you?

20 MR. PEKAREK KROHN: I'm going to object to
21 the extent that's calling for more than a
22 yes-or-no question.

1 BY THE WITNESS:

2 A I'm not sure, actually. I can't remember.

3 BY MS. CIELUCH:

4 Q Did you speak with anyone about the case
5 prior to being retained by Amazon or Perkins Coie?

6 A No.

7 Q You're being paid for your testimony in
8 this proceeding; is that right?

9 A Correct.

10 MR. PEKAREK KROHN: Objection. Form.

11 BY MS. CIELUCH

12 Q What is your hourly fee?

13 A 850.

14 Q Do you have anyone else working with you?

15 A No.

16 Q So turning to your declaration, how long
17 did you work on your declaration?

18 A I don't know off the top of my head.

19 Q Did you submit an invoice for your time
20 working on the declaration?

21 A I would have, yes.

22 Q Do you recall how much you billed in your

1 invoice for the amount of time you worked on the
2 declaration?

3 A No.

4 Q If you could approximate how much time you
5 spent on your declaration, how much would you
6 estimate?

7 MR. PEKAREK KROHN: Objection. Form.

8 BY THE WITNESS:

9 A I don't know without going to look at the
10 record because it was spread out over -- you know,
11 spread out over some amount of time. So I don't
12 know.

13 BY MS. CIELUCH:

14 Q Now, I have some questions about how you
15 went about drafting your declaration.

16 Did you draft your declaration yourself?

17 A My method of working is to have a set of
18 templates for the various types of testimonies
19 that I do. So the starting point would have been,
20 you know, my template for a declaration like this.

21 That was -- that was the first step -- the
22 first draft, if you like, with editing of the

1 template to suit, you know, the subject at hand.

2 Q So you drafted the template for the
3 declaration; is that right?

4 A Yeah, that had been done years ago.

5 Q And who prepared the first draft of your
6 declaration?

7 MR. PEKAREK KROHN: Objection. Form.

8 BY THE WITNESS:

9 A So I prepared the first draft and provided
10 it to counsel.

11 BY MS. CIELUCH:

12 Q When you provided the first draft of your
13 declaration to counsel, did you get edits that you
14 implemented in an additional draft?

15 A Yes, I think it's fair to say that this
16 was an iterative process.

17 Q Did anyone tell you what to write in your
18 declaration?

19 A Everything in -- everything in the
20 declaration -- all of the opinions in the
21 declaration are mine, and all of -- everything
22 that I report, you know, is my knowledge.

1 As the report says, it's my recollection
2 or it's my knowledge, it's my information, these
3 are my opinions. So all of those came -- all of
4 that came from me.

5 Q Were you given any directives as to what
6 to put in your declaration?

7 MR. PEKAREK KROHN: Objection. Form.

8 BY THE WITNESS:

9 A Well, the -- you know, what -- in terms of
10 what it was -- in terms of the specifics of, you
11 know, which documents were of interest for this
12 declaration, counsel -- you know, counsel told me
13 what -- in general, what that was, but, you know,
14 based upon all of my experience and involvement in
15 the field, you know, I was -- obviously I was able
16 to tell counsel: Well --

17 MR. PEKAREK KROHN: Objection -- Cliff, I
18 just want to -- please don't relay any
19 communications that you had with counsel, as that
20 would be protected under privilege and work
21 product.

22 THE WITNESS: Okay.

1 BY THE WITNESS:

2 A So I mean, all -- basically what --
3 basically what I'm trying to say is that I'm the
4 person who knows, you know, for example, how the
5 IPR policy of JVT got established and which
6 documents -- which documents caused that to
7 happen. That's my knowledge. That's my input.
8 Because I was there.

9 BY MS. CIELUCH:

10 Q Who provided edits to your declaration?

11 A As I said, it was an iterative process in
12 which counsel and I iterated the draft.

13 And, of course, at every iteration, I
14 checked the accuracy of everything and made sure
15 that it was correct according to the record that
16 we have from, for example, the ITU archive.

17 Q So when edits were provided to your
18 declaration, were those provided in red line in a
19 Word document?

20 MR. PEKAREK KROHN: Objection. I think
21 this is getting into work product, so I'm going to
22 instruct the witness not to answer.

1 BY MS. CIELUCH:

2 Q Other than the edits that you received
3 from counsel to your declaration, did you receive
4 edits from anyone else?

5 A No.

6 Q Dr. Reader, are you being represented by
7 Amazon in your personal capacity here --
8 testifying here in this deposition?

9 MR. PEKAREK KROHN: Objection. Form.

10 BY THE WITNESS:

11 A I'm sorry. I don't understand the
12 question.

13 BY MS. CIELUCH:

14 Q Is counsel for Amazon here today
15 representing you in your personal capacity to
16 provide your deposition here today?

17 MR. PEKAREK KROHN: Objection. Same
18 objection. Objection, form.

19 BY THE WITNESS:

20 A Are you asking me how I'm being -- who is
21 compensating me?

22

1 BY MS. CIELUCH:

2 Q No, I'm asking whether or not Amazon's
3 counsel is providing you with counsel in defending
4 your deposition here today.

5 MR. PEKAREK KROHN: Same objection.

6 BY THE WITNESS:

7 A You mean in-house Amazon counsel?

8 BY MS. CIELUCH:

9 Q So is Perkins Coie providing you with
10 legal services in your personal capacity?

11 MR. PEKAREK KROHN: Same objection.

12 Objection, form.

13 BY THE WITNESS:

14 A I'm sorry, I just don't understand the --
15 I don't understand the question. I don't know
16 what you're asking me.

17 BY MS. CIELUCH:

18 Q Do you understand whether you have an
19 attorney-client relationship with Perkins Coie?

20 MR. PEKAREK KROHN: Objection. Form.

21 BY THE WITNESS:

22 A The relationship that I have in this

1 matter is typical of all of the relationships that
2 I have in which a client retains an outside
3 counsel, and the outside counsel works with me on
4 whatever it is that the client has tasked both of
5 us to do.

6 BY MS. CIELUCH:

7 Q So let's pull up your declaration.

8 MS. CIELUCH: And, Sue, if you could pull
9 up Reader Exhibit 2 to display on the screen.

10 (WHEREUPON, Reader Exhibit No. 2 was
11 presented to the witness.)

12 BY MS. CIELUCH:

13 Q Now, if we could turn to Page 5,
14 Paragraph 3 -- Page 4. Thank you.

15 So we're on Page 4, Paragraph 3. Do you
16 see that, Dr. Reader?

17 A I do.

18 Q And you write here that you specifically
19 considered two documents, and that's the
20 JVT-E002d7 and VCEG-N52, correct?

21 A Correct.

22 Q And you also provided 11 documents as

1 appendices to your declaration. Those are
2 appendices A through K that you considered; is
3 that right?

4 A Right.

5 Q And you also write here in this paragraph
6 that you considered exhibits that you cite
7 throughout this declaration; is that right?

8 A Yes.

9 Q And the exhibits that you cite throughout
10 this declaration, those are cited in your
11 footnotes in your declaration; is that right?

12 MR. PEKAREK KROHN: Objection. Form.

13 BY MS. CIELUCH:

14 Q In addition to the appendices and the two
15 exhibits that you identified here.

16 A Would you like to just point me to the
17 footnotes that you're talking about?

18 Q Yeah. Sure. We can go to Page 6, and
19 that's Footnotes 1 and 2 on the bottom of the
20 page.

21 A Okay.

22 Q So you cited to two documents here; is

1 that right?

2 A Yes, those -- yes. That's correct. Yeah.

3 Q And these are documents that you authored?

4 A Indeed. Yes.

5 Q You didn't provide those along with your
6 declaration that you submitted; is that right?

7 A We did not provide the first because it's
8 not in a -- it's not available in an electronic
9 form. So that was not provided. There isn't an
10 electronic version of that document; it was
11 handtyped, given its antiquity.

12 The second document would have been
13 provided, and that second document is a brief
14 summary of content of the first document.

15 Q So let's turn to Page 8, Footnote 3.

16 This is another document that you
17 authored; is that right?

18 A Right.

19 Q Did you provide this document along with
20 your declaration?

21 A I believe so.

22 Q And let's turn to Page 9, Footnote 4.

1 This is the MPEG video compression
2 standard document that you cited. Did you provide
3 this document along with your declaration?

4 MR. PEKAREK KROHN: Objection, form;
5 objection, relevance.

6 BY THE WITNESS:

7 A I believe that these, you know, personal
8 documents were submitted. In this particular
9 case, it is explicitly Chapter 16 that I authored
10 in that whole book. So that's -- I don't provide
11 the entire book, just that chapter.

12 BY MS. CIELUCH

13 Q So other than the JVT-E002d7 and VCEG-N52,
14 the appendices to your declaration, and the
15 documents we just walked through that are cited in
16 your footnotes to your declaration, you did not
17 consider any other documents in forming your
18 opinions reflected in your declaration; is that
19 right?

20 MR. PEKAREK KROHN: Objection. Form.

21 BY THE WITNESS:

22 A That -- just one second.

1 I think it's correct that in terms of the
2 citations in the declaration, there's everything
3 listed in the complete table of contents that we
4 put on the chat in this call, including the
5 appendices A through K; there's the materials that
6 are cited within the main body of the declaration,
7 which, for example, includes the ITU H.324
8 standard; and then the footnoted documents that
9 you have just run through with me.

10 I think there's those three -- there's the
11 three sets of things that are documents related to
12 my declaration.

13 Q Were there any -- any of these materials
14 that you were considering in forming your opinions
15 for the declaration provided to you?

16 MR. PEKAREK KROHN: Objection. Form.

17 BY THE WITNESS:

18 A I don't think so.

19 BY MS. CIELUCH:

20 Q We can turn to your declaration
21 Appendix G, Page 95.

22 THE TECHNICIAN: You said Page 295?

1 MS. CIELUCH: Sorry. 95.

2 You can start in the middle of 95 to show
3 Dr. Reader this is Appendix G.

4 BY MS. CIELUCH:

5 Q So, Dr. Reader, you see that this is the
6 start of Appendix G --

7 A Yes.

8 Q -- your declaration?

9 Now, if we turn to the next page, Page 96,
10 what is this document? What is Appendix G?

11 A Well, actually, you can see on the page
12 that there's a JVT document, E000, which is a list
13 of documents. And what we're looking at is
14 JVT-E000, the list of documents for the E meeting.

15 Q And where did this document come from?

16 A This is a document that is provided by
17 the, in this case, JVT committee. So if you like,
18 it's provided by ITU and ISO.

19 And as it says, you know, it was on
20 their -- I guess it says at the top of the page
21 we're looking at, this was presented on the FTP
22 site.

1 Q So you obtained this document from the JVT
2 FTP site?

3 A I would have originally.

4 Q And it says here up top, as you pointed
5 out: Star equals document present on FTP site; is
6 that right?

7 A It says that, yes.

8 Q Who wrote that?

9 A I don't know which person would have
10 written that.

11 Q So that statement was original to the
12 document you downloaded from the FTP -- JVT FTP
13 site?

14 A I think that would have been the case.

15 MS. CIELUCH: We've been going about an
16 hour, so I think it's a good time to take a break.

17 MS. REPORTER: Off the record.

18 (WHEREUPON, a recess was had.)

19 BY MS. CIELUCH:

20 Q Dr. Reader, let's turn to your CV, which
21 is Appendix A, starting on Page 24.

22 Do you see Appendix A up on your screen?

1 A Yes.

2 Q And then if we could scroll through.

3 Is this CV of yours current and accurate?

4 A Well, this version isn't -- is probably
5 not the most recent version because it would have
6 been submitted at the time, you know, that the
7 declaration was originally filed.

8 So probably I've updated it to include,
9 you know, whatever recent retentions have been
10 made in the list further down.

11 Q Understood.

12 Do you recall what additional retentions
13 you've added to your CV since submitting this CV
14 up on --

15 A So can you --

16 Q -- attached as Exhibit A?

17 A Can you please scroll to that part of the
18 document where I list all of my consulting.

19 THE TECHNICIAN: Doctor, I can. Or do you
20 want to take control?

21 THE WITNESS: I didn't --

22 THE TECHNICIAN: Either way.

1 BY THE WITNESS:

2 A Please go ahead. That's fine. Go past
3 this employment history, which has not changed, of
4 course, because it's up to 2001.

5 Now, this consulting history, if you pause
6 here, yeah, there's been a few more -- there's
7 been a few more things beyond -- the most recent
8 one here is this Intel case. So in 2024, there
9 was several more -- several more consulting jobs
10 that I've been retained on.

11 BY MS. CIELUCH:

12 Q And what are those?

13 A Without going and looking at my current
14 version of the résumé, I don't know off the top of
15 my head, other than to make one comment, which is
16 that it turns out that recently I've been retained
17 several times by matters that are confidential --
18 the retention itself is confidential.

19 So I know that my latest version has
20 something like three items at the top, which are
21 completely useless for you because they simply
22 say, you know, undisclosed client and

1 consulting -- you know, consulting -- consultant
2 or consulting expert with no further information
3 as to who it is.

4 So there may not be any -- there may not
5 be any additional information that's of any use to
6 you; I'm not sure.

7 BY MS. CIELUCH

8 Q Got it.

9 So if we turn to the next section, which
10 is litigation support experience on Page 44, do
11 you have any changes to that section?

12 A I think that's complete. I think that
13 lists everything that -- in which I've had, you
14 know, expert -- I mean, this is expert report and
15 trial testimony specifically, so I don't think
16 I've had anything to add to that.

17 Q Okay. So other than the updates to the
18 consulting section that you just explained, do you
19 have any other updates to your CV?

20 A The only other thing I might have changed
21 is the alphabetical list of -- partial
22 alphabetical list of clients almost at the very

1 beginning. That might have been updated to list,
2 like, a new client that I hadn't had before.

3 Q Do you know which client would be the new
4 client that you listed?

5 A Well, let's go to that, and I can just
6 take a quick look. Very near the beginning of the
7 things in the summary, there's a paragraph that
8 talks about -- that partially lists my -- we need
9 to be at the beginning of Appendix A.

10 Q That would be Page 26.

11 Is that the paragraph that you're
12 referring to that starts with "Employment
13 History"?

14 A Right. So, for example, Amazon isn't
15 listed in this version of it, and I'm pretty sure
16 I put that in the latest version.

17 Disney -- the most recent additions to
18 this list have been Disney, Intel, and Amazon, and
19 Amazon appears not to have made it onto the list
20 in this version.

21 Intel's there, Disney's there, Amazon is
22 not listed. I think Amazon's listed in the latest

1 version I have of the CV.

2 Q So other than adding Amazon to the list
3 that we see here under "Independent Consultant,"
4 were there any other changes made to this section
5 of your CV?

6 A No, I just read off for you the new
7 clients that had not been on this list originally.

8 And it's not a complete list. It's not
9 literally every single client that I had, but I
10 think Amazon has been added to that.

11 Q Right. Understood.

12 For example, you didn't list Third Eye
13 here as a client, but that was one of your -- the
14 cases you have been consulting for previously?

15 A Right. Right.

16 Q I was involved in that case a long time
17 ago.

18 A Okay.

19 Q Okay. Next, after -- so are there any
20 other changes that you've made to your CV that we
21 didn't talk about already?

22 A I think in the last year I went and looked

1 at my list of publications and realized there was
2 one or two things missing so I might have added
3 something from that, but that would be, like, a
4 paper that I wrote in the 1980s or something like
5 that or maybe the late '70s. So there might be
6 one or two more things there.

7 And, again, that's not a complete list of
8 all of the published papers or book chapters that
9 I've authored.

10 Q So in your experience as an expert
11 witness, how many times have you provided opinions
12 on behalf of the plaintiffs or the patent holder
13 on one hand, as compared to the defendants or the
14 patent challenger on the other?

15 MR. PEKAREK KROHN: Objection. Form.

16 BY THE WITNESS:

17 A I don't have a -- you know, a numerical
18 count of that. I have -- I do a lot of work on
19 behalf of patent owners, as you can see from my
20 CV.

21 And, in fact, there's additional work
22 that, as I mentioned, is covered by

1 confidentiality clauses that don't even allow me
2 to disclose that the work is taking place or has
3 taken place, and there's some examples of that.

4 I think it's fair to say that a
5 majority -- there's a larger number of matters in
6 which I've been asked to assist a defendant for a
7 patent litigation case as opposed to the patent
8 owner, but, as I said, there's been many cases in
9 which I have represented the latter either in
10 litigation or licensing.

11 BY MS. CIELUCH:

12 Q How many times have you been retained by
13 Perkins Coie?

14 A I don't know. Several times, I suppose.
15 I don't know what the number is.

16 Q More than five times?

17 A I don't know.

18 Q And how many times have you been retained
19 by Amazon?

20 A I think this is the first time I've been
21 retained by Amazon. That's why they don't appear
22 on this CV, for example.

1 Q Have you ever worked with Amazon before in
2 a research capacity, for example, or otherwise
3 outside of litigation?

4 A No, I had no relationship with Amazon. I
5 had not had one.

6 Q Now, if we could turn back to the start of
7 your declaration and turn to -- let's go ahead and
8 turn to Page 4.

9 Dr. Reader, your opinions in your
10 declaration relate only to the public availability
11 of JVT-E002d7 and VCEG-N52, right?

12 A I think that's correct.

13 Q Now, if you can turn to your declaration
14 on Page 10. And let's go to Paragraph 28.

15 Do you see Paragraph 28 on your screen,
16 Dr. Reader?

17 A I do.

18 Q You write here in Paragraph 28 that you
19 were an invited expert to the JVT and participated
20 in several JVT meetings for H.264; is that right?

21 A Correct.

22 Q Are you familiar with the JVT distribution

1 list email reflector; JVT-experts?

2 A Yes.

3 MR. PEKAREK KROHN: Objection. Form.

4 BY MS. CIELUCH:

5 Q Did you receive emails sent to the JVT
6 experts reflector?

7 A I would have.

8 Q And when you say you would have, you would
9 have at the time of 2002 to 2003; is that right?

10 A I think so, yes.

11 Q Do you currently have access to the JVT
12 experts reflector?

13 MR. PEKAREK KROHN: Objection. Form.

14 BY THE WITNESS:

15 A I don't think -- there hasn't been
16 anything for years in my recollection on that.
17 JVT itself ceased to exist at the end of 2009.

18 BY MS. CIELUCH:

19 Q When was the last time you received an
20 email that was sent to the JVT experts reflector?

21 A I don't know.

22 Q Do you still have the emails that were

1 sent to the JVT experts reflector?

2 A I doubt it.

3 Q If you turn to Page 13 in your declaration
4 and scroll to Paragraph 34 towards the bottom of
5 the page.

6 Do you see Paragraph -- the beginning of
7 Paragraph 34 on your screen, Dr. Reader?

8 A Yes, I do.

9 Q And you explain in this Paragraph 34 that
10 those in the video coding industry were closely
11 monitoring the developments of the JVT; is that
12 right?

13 A Yes.

14 Q Were people who were monitoring JVT
15 developments, were they doing so by looking at the
16 JVT website?

17 MR. PEKAREK KROHN: Objection, foundation;
18 objection, form.

19 BY THE WITNESS:

20 A Would you like to ask a more specific
21 question perhaps? Or break it down into a series
22 of questions?

1 BY MS. CIELUCH:

2 Q Yeah. So were people in the video coding
3 industry who were monitoring JVT developments,
4 were they looking at the JVT website?

5 MR. PEKAREK KROHN: Objection.
6 Foundation.

7 BY THE WITNESS:

8 A So by "JVT website," are you referring
9 to -- well, please tell me what you're meaning by
10 the "JVT website."

11 BY MS. CIELUCH:

12 Q Yes, let's go to Page 15, Paragraph 40.

13 And I appreciate you asking me to clarify
14 that, Dr. Reader, so that we are on the same page
15 as what -- what terms of art we're using in
16 talking about your opinions.

17 So do you see Paragraph 40 on your screen
18 here?

19 A I do.

20 Q So you write here: "Based on my personal
21 experience and recollection, the JVT documents
22 were available at the JVT website..." and then you

1 continue on listing the addresses that were
2 originally available and now available for the JVT
3 website; is that correct?

4 A That's correct.

5 Q So when I refer to the website as you've
6 addressed in Paragraph 40 as "the JVT website,"
7 you understand that that's the definition used
8 throughout your declaration, correct?

9 A Okay. But at any given point if we're
10 talking about a particular point in time -- at a
11 particular point in time, then we have to be clear
12 which of those two we're talking about.

13 And that's not the -- I will point out to
14 you that, in addition to what here is called the
15 JVT website, the documents were available from
16 ISO, for example.

17 Q So when you say the documents were
18 available from ISO, are you referring to an
19 ISO-specific website?

20 A So there's -- so the MPEG -- I mean, the
21 MPEG committee had its own archive of documents,
22 and so -- because the JVT was a joint committee

1 between ITU and ISO. And then there were MPEG
2 documents on the ISO MPEG website, that were
3 the -- were MPEG ISO's archive of documents. I
4 didn't -- I wasn't referring to those at the time
5 frame of what's written here in Paragraph 40.

6 So what's written in Paragraph 40 is
7 absolutely correct; I'm just letting you know that
8 the documents were also available in addition to
9 what I was looking at.

10 I was looking at these -- this version,
11 the JVT website version, the Pictel website.

12 Q And so when I refer to "the JVT
13 website" -- and I'll try to be clearer as to what
14 time frame I'm referring to -- but you understand
15 now what I'm referring to as "the JVT website" as
16 you've detailed in Paragraph 40?

17 A That's correct.

18 Q Great.

19 Let's turn back then to the previous
20 paragraph we were looking at, which was
21 Paragraph 34.

22 Now, we were looking at your statement

1 about people in the video coding industry that
2 were closely monitoring the developments of the
3 JVT, right?

4 A Correct.

5 Q And so I want to understand whether people
6 in the video coding industry were monitoring JVT
7 developments by looking at the JVT website back in
8 the 2002 to 2003 time frame.

9 A That is --

10 MR. PEKAREK KROHN: Objection.

11 BY THE WITNESS:

12 A -- that is -- so as we were just
13 discussing, that is one source of information
14 about the status of the development in JVT. It
15 wasn't the only one, but currently this first
16 sentence of Paragraph 34 is accurate.

17 Anyone who was involved in the field of
18 art was able to understand exactly where JVT stood
19 by closely monitoring in this time -- in the 2002
20 time frame, for example, the website maintained by
21 Pictel.

22

1 BY MS. CIELUCH:

2 Q And so the JVT website in 2002 managed by
3 Pictel had the proposals, working drafts, and
4 meeting reports that were available to the public?

5 MR. PEKAREK KROHN: Objection. Form.

6 BY THE WITNESS:

7 A I would use the term "hosted," not -- as
8 opposed to saying "managed."

9 Pictel was a -- is a private corporation,
10 and they very kindly hosted all of this
11 information, and they made it accessible to
12 everybody.

13 BY MS. CIELUCH:

14 Q Got it. Thank you for your clarification.
15 You had said in your testimony "maintained," and
16 then I said -- I heard and said "managed."

17 So you said a website maintained by Pictel
18 previously; is that right?

19 A That's correct, yes.

20 Q So "maintained" or "hosted," that's the
21 same, right?

22 A Right. Yes.

1 Q So let me rephrase the question now.

2 The JVT website, as it existed in 2002
3 hosted by Pictel had the proposals, working
4 drafts, and meeting reports by the JVT that were
5 made available to the public?

6 MR. PEKAREK KROHN: Objection. Form.

7 BY THE WITNESS:

8 A So that's -- I mean, that -- the
9 documents -- are you asking me about, you know,
10 the documents at each meeting? Is that what
11 you're asking about?

12 BY MS. CIELUCH:

13 Q I'm just asking what -- as the JVT website
14 existed in 2002, that it had the documents that
15 JVT had uploaded to that website in order to make
16 that -- those documents available to the public.

17 A That was one place that people could go to
18 get the documents. If -- for example, if one
19 were -- let me put it this way: If people were
20 participating in JVT, then they could get the
21 documents via email reflectors -- open email
22 reflectors within the group, as well as them being

1 available on the Pictel site.

2 And they -- and then, as I mentioned, I
3 didn't go to this place for them, but it's my
4 recollection that ISO MPEG was -- was reflecting
5 the same documents on its MPEG website.

6 Q So people in the video coding industry who
7 were not necessarily participating in JVT would go
8 to the JVT website as it existed in 2002 to look
9 at documents JVT had made available to the public?

10 MR. PEKAREK KROHN: Objection.
11 Foundation.

12 BY THE WITNESS:

13 A That's one of the options that they had.

14 BY MS. CIELUCH:

15 Q Let's turn to the next page, Page 14,
16 Paragraph 36.

17 Dr. Reader, do you see Paragraph 36 on
18 your screen?

19 A I do.

20 Q Now, you explained in this paragraph that
21 the members of the JVT met every couple of months,
22 which totaled eight times between December 2001

1 and March 2002 to advance H.264 standardization;
2 is that right?

3 A Yes.

4 Q Was that regular practice in the industry
5 to meet that often, every couple of months to
6 discuss developing a standard?

7 A Sorry. Could you repeat the question,
8 please? I apologize for coughing.

9 Q Oh, no apologies necessary, Dr. Reader.
10 Happy to repeat the question.

11 You refer to, in your paragraph here in
12 36, that the JVT met every couple of months which
13 totaled eight times between December 2001 and
14 March 2003 to advance H.264 standardization, and
15 my question was, was that regular practice in the
16 industry to meet that often, every couple of
17 months, to discuss developing a standard?

18 A No, that was somewhat exceptional.

19 Q What do you mean by "exceptional"?

20 A It would be typical practice for a
21 standards committee of this type to meet four
22 times a year. Every three months, in other words.

1 And so the frequency of the meetings in
2 the time frame referenced by this paragraph was
3 more than typical.

4 Q Let's turn to the next page, Page 15,
5 going down to the bottom of the page to
6 Paragraph 40 -- sorry -- yeah, that's where we
7 are.

8 Dr. Reader, do you see Paragraph 40 on
9 your screen? At least --

10 A I do.

11 Q -- the top of it?

12 And you write here that the website --
13 "JVT website originally" and provide the Pictel
14 web address, right?

15 A Correct.

16 Q So the original JVT website address was
17 the address you used to access it in 2002?

18 A That's correct.

19 Q And then you list a web address after
20 "now" with the domain itu.int; is that right?

21 A That's --

22 MR. PEKAREK KROHN: Objection --

1 BY THE WITNESS:

2 A -- correct.

3 MR. PEKAREK KROHN: -- form.

4 BY MS. CIELUCH:

5 Q And so the JVT website address that you
6 list with the domain itu.int is a website that you
7 can access today; is that right?

8 A That's correct.

9 Q When did the website, the JVT website move
10 from the Pictel address to the ITU address?

11 A I don't know exactly when that occurred.
12 Based on my record, my records indicate that there
13 was a change in 2005.

14 Q Do you know the purpose of moving the
15 website from the Pictel address to the ITU
16 address?

17 A I can make an assumption why that
18 occurred, if you'd like me to share that with you.

19 Q Do you understand that the purpose of
20 moving the contents to the ITU website was to
21 archive the contents?

22 MR. PEKAREK KROHN: Objection. To form.

1 BY THE WITNESS:

2 A I think these documents and the various
3 standards committee have always been archived ever
4 since electronic documents became standard
5 practice in 1995.

6 My understanding of this is that during
7 the early development of what became H.264,
8 something called, originally, H.263L and then
9 H.26L, during that time frame, which was in the
10 '90s, PictureTel or Pictel was one of the
11 proponents -- one of the leading contributors and
12 proponents of the -- of what at the time was
13 focused exclusively on videoconferencing as an
14 application.

15 And so PictureTel/Pictel, offered to host
16 all of the documents, so use by all -- by
17 everyone, and so they, on their own funding, were
18 providing, you know, the service system and the
19 disk storage and network access and so on at their
20 own expense to do that.

21 And then the JVT was formed, and the level
22 of interest and the involvement of people expanded

1 hugely because JVT was not just focused on the
2 niche market of videoconferencing but focused on
3 global mass market of broadcast television and
4 DVD/Blu-ray distribution and so on.

5 And so eventually the whole archive got
6 migrated over to be hosted by the ITU in Geneva,
7 and now ITU bears whatever costs are involved in
8 providing service and disks and network access to
9 get the documents.

10 Q So the website address for the JVT website
11 changed, but the contents as they existed
12 originally on the Pictel website from 2002
13 remained the same; is that right?

14 MR. PEKAREK KROHN: Objection. Form.

15 BY THE WITNESS:

16 A In terms of my personal experience, that's
17 absolutely correct.

18 BY MS. CIELUCH:

19 Q Now, if we could turn to Page 18 of your
20 declaration. We're going to look at Paragraph 45.

21 Do you see Paragraph 45 in front of you,
22 Dr. Reader?

1 A I do.

2 Q So you state here in Paragraph 45: "The
3 website as it is presented today is consistent
4 with my recollection of how it was presented in
5 2002"; is that right?

6 A Correct.

7 Q When you refer to "the website," do you
8 mean the JVT website that we've been discussing?

9 A Yes, it's referring to that.

10 Q So the documents you can find on the JVT
11 website today, those documents were uploaded back
12 in 2002?

13 A For example, yes.

14 Q Now, let's look at the next paragraph, 46.

15 In this Paragraph 46, you describe the JVT
16 document naming system for the documents that are
17 on the JVT website; is that right?

18 A Yes.

19 Q And so you state in the middle of this
20 paragraph, 46: "The chairmen for the meetings
21 organized the documents with a consistent
22 numbering system."

1 Did I state that correctly?

2 A Yes.

3 Q And so the chairmen reviewed and named
4 each of the documents published on the JVT
5 website?

6 A Can you repeat the question?

7 Q Did the chairmen review and name each of
8 the documents published on the JVT website?

9 A No, that's -- that's not a correct
10 description of how it happens.

11 Q And so the chairmen for the meetings, they
12 would receive the documents that -- to be uploaded
13 on the JVT website?

14 A No, that's not exactly how it happens from
15 a practical point of view.

16 Q So how did the chairmen for the meetings
17 obtain the documents that they organized with the
18 numbering system?

19 MR. PEKAREK KROHN: Objection. Form.

20 BY THE WITNESS:

21 A There are different categories of
22 documents, if you like. You know, the -- in front

1 of us here in Paragraph 46, it gives us an example
2 of JVT-C000. So the chairmen, you know,
3 established this numbering system, right? And
4 reserved certain numbers to be used consistently
5 from meeting to meeting in which the list of
6 documents was JVT Meeting, alphabetical
7 designation, 000 at every meeting.

8 And if you look at the list, you'll find
9 that the meeting report for the current meeting,
10 the meeting report for the previous meeting, and
11 other certain documents like that were allocated
12 consistent numbering from one meeting to the next.

13 So you always knew where to look to
14 find -- you know, you knew if you went to, you
15 know, D003, you knew what you were going to get.
16 If you went to E003, you'd get the same documents
17 for that meeting as opposed to the previous
18 meeting. So certain things were categorized, if
19 you like, that way to make them easy and
20 consistent to find.

21 In the case of individual contributions
22 and in the case of documents generated during a

1 meeting and so on, the chairmen had a process by
2 which a person could apply for a number -- a
3 document number. If you wanted to make a
4 contribution at the next meeting, you would send
5 in an application for that number -- for a number.
6 The chairman would provide you with that number.

7 There's also a temporary document, which
8 is a template for providing documents. So the top
9 of the documents is, in fact, a table with
10 information -- you know, fundamental information
11 filled in to that table. And so if you received a
12 number for making a contribution at the next
13 meeting, would you edit that template, put in your
14 document title and your name as the author and the
15 number that had been provided to you by the
16 chairmen for what your contribution was going to
17 be known as.

18 Then you'd make your contribution and
19 you'd upload it to the website or -- and/or
20 distribute it via email -- well, not "or," sorry.
21 And possibly.

22 The correct thing to say is you would

1 upload it to the website and you might also
2 distribute it via email.

3 Q So I want to make sure that I understand
4 this process that you just explained.

5 A contributor to the standard would send
6 an application to the chairmen for a document
7 number for their contribution; is that right?

8 A Correct.

9 Q The chairmen would receive that
10 application and then decide to assign a document
11 number for that contribution, and if a number was
12 to be assigned, provide that number; is that
13 right?

14 A Correct.

15 To give you an example, you know, at the
16 D meeting and then in revised form at the
17 E meeting, I provided a contribution personally.
18 And in the E meeting I was given document number
19 E066. So if you go look at the record, you'll
20 find my contribution for JVT-E066 and you'll find
21 that, you know, there -- the format of the
22 document is according to this template, and

1 there's the number that I was given.

2 And then that was uploaded before the
3 meeting so everybody had a chance to look at it
4 before the meeting. So then everyone could be
5 prepared to discuss it during the meeting.

6 Q In applying for a document number, would
7 the contributor provide the document to the
8 chairmen?

9 A In general, no, because, in general, you'd
10 apply for the -- in general, in my experience,
11 you'd apply for the number is the first thing you
12 did. And in the electronic document era, it would
13 be typical for you to ask for the number first and
14 then you'd be already working on the draft. I
15 mean, realistically you'd already be working on
16 the document in-house; you'd apply for the number;
17 you'd get the number; you'd finish your draft; and
18 upload the draft.

19 And if you look at the record, you'll see
20 that it's quite common for multiple drafts of a
21 document to be provided.

22 And so you'll see this, you know, document

1 number followed by, for example, D1, D2, D3, or
2 R1, R2, R3 as a common -- commonly found practice.

3 Q In the example you provided, you had
4 provided the contribution for JVT-E066 for the --

5 A Correct.

6 Q -- meeting that happened in October 2002;
7 is that right?

8 A Correct.

9 Q So when you provided your contribution,
10 JVT-E066, you uploaded that document to the JVT
11 website prior to the meeting in October 2002?

12 A Yes.

13 Q And then people participating in the
14 meeting in October 2002 downloaded your
15 contribution for discussion at the meeting?

16 (Unreportable cross-talk.)

17 (Reporter clarification.)

18 MR. PEKAREK KROHN: The objection was:
19 Objection, form.

20 THE WITNESS: My answer was if they wanted
21 to.

22

1 BY MS. CIELUCH:

2 Q So if the people who wanted to discuss
3 your contribution at the October 2002 meeting,
4 they were able to download your contribution,
5 JVT-E066, from the JVT website in October 2002; is
6 that right?

7 MR. PEKAREK KROHN: Objection. Form.

8 BY THE WITNESS:

9 A So the process that is followed and was
10 followed is that if you upload the document in a
11 timely manner according to whatever rules are in
12 place at the time, then you are entitled to have
13 that document discussed during the meeting, and
14 the practice has been to discuss all such
15 documents during the meeting.

16 Now, if you don't care about that
17 document, then nothing -- it's not mandatory to
18 download everything. So people who weren't
19 interested in my E066 may not have downloaded it.

20 But anybody who was interested in it and
21 wanted to participate in my presentation of E066
22 in person in the meeting, you know, would have

1 taken a look at it in advance so that they were
2 prepared to discuss it with me.

3 BY MS. CIELUCH:

4 Q Was there someone that was responsible for
5 making sure that the documents that were uploaded
6 to the JVT website conformed with the JVT's
7 organization and naming roles?

8 A I think -- I mean, the -- who might have
9 assisted in that, I don't recall, but from the
10 way -- the way in which the meetings were
11 organized was such that the chairmen -- and there
12 were three at the time -- that the chairmen came
13 into the meeting and before the opening plenary --
14 the beginning of the meeting -- the series of
15 meetings, they had reviewed everything because --
16 most particularly, because as you can read in -- I
17 think it's in the meeting reports, there was a
18 requirement to upload the documents before the
19 meeting in order to get the guarantee that your
20 contribution would be discussed during the meeting
21 and documents that were not uploaded and/or
22 documents that were not uploaded in a timely

1 manner were categorized as, quote, late documents
2 and could -- and such documents could only be
3 discussed if in the meeting there was a consensus
4 to allow the discussion of such documents.

5 And this was -- this was imposed quite
6 strictly in order to make the process efficient.

7 Q So if you had a contribution and uploaded
8 your contribution to the JVT website before the
9 meeting, the practice was for the chairmen to have
10 downloaded and reviewed all of those contributions
11 for discussion during the meeting.

12 A Is that a question?

13 Q Is that correct?

14 A You're going into a level of detail
15 that -- you know, I mean, I don't know exactly how
16 the chairmen, you know, practiced activity. And I
17 mentioned a minute or two ago that I don't know
18 what support they had from other people, you know,
19 to validate everything.

20 I know that the end result was that all
21 the documents that were uploaded in a timely
22 manner were discussed at the meeting, and that

1 documents that had not been uploaded or documents
2 that were late were subject to the discretion of
3 the experts group at large as to whether or not
4 they were able to be presented and discussed.

5 In this context -- let me mention
6 something else that I think is highly pertinent.
7 Of course this process took place over time. So
8 when you're talking about the list of documents
9 available at a meeting, that document itself was
10 updated periodically by the chairmen or whoever
11 was designated by the chairmen to assist in the
12 logistical process involved.

13 So, you know, the list of documents would
14 begin to be created at -- you know, quite some
15 time before the meeting and then would get updated
16 multiple times leading to the meeting. And then
17 might -- would quite often be updated even after
18 the meeting because, for example, the committee
19 might have agreed that a late contribution should
20 be made a part of the record, and, therefore, the
21 list of documents wasn't complete until that
22 document was there.

1 Q So this process of uploading and naming
2 the documents on the JVT website, that process can
3 be equally applied to the C meeting, the
4 D meeting, and the E meeting?

5 A Yes, it was established -- I think,
6 actually, if you look at -- I don't remember how
7 much detail is included in the documents that we
8 have on the record for how JVT was established.

9 I know that there is some discussion in
10 those documents and, for example, the terms of
11 reference for JVT that talks about, you know, this
12 practical matter of how this new JVT was going to
13 conduct its business efficiently and effectively.
14 There's some discussion of that; I don't remember
15 exactly what the details are.

16 Q So in Paragraph 46, you use the C meeting
17 as an example for detailing how the documents are
18 named, right?

19 A That's what's here, yes.

20 Q And the C meeting happened in May of 2002;
21 is that right?

22 A Isn't it the end of April/beginning of May

1 I think? Something like that. If I --

2 Q Okay. So around April/May of 2002 the
3 C meeting happened; is that right?

4 A That's right, yes.

5 Q So this would be documents associated with
6 the C meeting that were uploaded prior to the
7 C meeting happening in April to May 2002; is that
8 right?

9 A That's right.

10 Q And there could have been documents
11 associated with the C meeting that occurred --
12 that were uploaded during the meeting or shortly
13 after the meeting; is that right?

14 A That's correct.

15 Q But all of the documents associated with
16 the C meeting that were uploaded to the JVT
17 website, they would have all been uploaded around
18 that April to May 2002 time frame; is that right?

19 MR. PEKAREK KROHN: Objection. Form.

20 BY THE WITNESS:

21 A That's generally true, but, you know,
22 there's a lot of activity that takes place between

1 meetings, and the -- as I think my declaration
2 discusses, you know, there are, for example,
3 openly available membership ad hoc groups that
4 work on defined topics between the meetings.

5 And so if they -- if the ad hoc group
6 generates documents, then such documents might be
7 available -- might be available well before, say,
8 the C meeting if that was -- if that was decided,
9 you know, by the group.

10 And then after the meeting, there would
11 be, in just about every case, I think -- except at
12 the very end of the process of standardization --
13 it was very typical for a meeting to conclude by
14 saying, all right, we've got new versions of the
15 working draft of a standard under progress; we've
16 got new versions of the referenced software and so
17 on; and we've got an editorial committee that is
18 charged with producing something that is the
19 result of all of the intensive discussions during
20 this meeting.

21 And it would be typical for a committee to
22 agree in its closing plenary with that editorial

1 group that they had a particular goal -- I won't
2 even call it a deadline, because it's not
3 realistic -- they had a goal to produce, like, a
4 new draft of the standard that reflected all of
5 the changes at the previous meeting within some
6 kind of time period.

7 If it wasn't too much work, only two
8 weeks; if there was a lot of work to be done,
9 three to four weeks or whatever the editorial
10 committee felt was achievable within their own
11 work schedules and given the volume of whatever
12 editorial updates and changes might need to be
13 made.

14 Q So the -- after the C meeting, the
15 D meeting happened around July of 2002; is that
16 right?

17 A Correct.

18 Q So the documents associated with the
19 C meeting, would those all have been uploaded
20 prior to the D meeting in July 2002?

21 A If the contributor of the document behaved
22 in a responsible manner with regard to the

1 deadlines established for doing so.

2 Q But, as a general matter, all the
3 documents associated with the C meeting would have
4 been uploaded and available on the JVT website
5 prior to July 2002, correct?

6 A That's a fair statement.

7 Q And then the E meeting took place in
8 October 2002, right?

9 A Correct.

10 Q And so the same would be the case with the
11 D meeting; all of the documents associated with
12 the D meeting would have been made publicly
13 available on the JVT website generally before the
14 E meeting took place in October 2002; is that
15 right?

16 A Well, I think we should consider the very
17 pertinent document that's numbered E022 in this
18 context because reviewing -- in reviewing that
19 document -- which, as you know, had seven
20 different versions and has a title that indicates,
21 you know, this was editorial work that was posed
22 to the committee for consideration at the

1 E meeting, that -- in this case, that editorial
2 work was work going on between the D and E
3 meetings --

4 Q Right. I don't mean to cut you off,
5 Dr. Reader, but my question was just about the
6 D meeting documents. So I just wanted to clarify
7 my question was just related to whether the
8 D meeting documents would have been made publicly
9 available on the JVT website prior to
10 October 2002?

11 A Yes, but I want to make sure it's clear
12 that --

13 Q I --

14 A -- that it's the work of the D meeting
15 that were going into an E-labeled document, and it
16 was not -- like, a -- it wasn't in this case --
17 the way that it's designated, it wasn't like there
18 was a D -- you know, a D whatever it was, AT --

19 Q Yeah, I'm just asking --

20 A -- something --

21 Q -- about the -- I'm just asking about the
22 D label documents, so I can --

1 MR. PEKAREK KROHN: Could you please let
2 the witness answer the question.

3 MS. CIELUCH: Well, respectfully, he was
4 going into information that was not part of my
5 question. If you want to ask a follow-up
6 question, you're free to do so.

7 MR. PEKAREK KROHN: You had asked about
8 D --

9 MS. CIELUCH: The D meeting --

10 MR. PEKAREK KROHN: -- at the --

11 MS. CIELUCH: -- documents. My question
12 is only about the D meeting documents. I'm not
13 referring to E -- any E meeting documents. I want
14 to --

15 MR. PEKAREK KROHN: I think Dr. Reader was
16 explaining that there's some distinction --
17 there's a clarification about what is a D meeting
18 document that he was explaining, and that's when
19 you cut him off.

20 MS. CIELUCH: So he made a distinction
21 between a D meeting document and an E-labeled
22 document, work made during the D meeting versus

1 work for the E meeting.

2 BY MS. CIELUCH:

3 Q Is that right, Dr. Reader?

4 A I just want to clarify that the way that
5 the committee operates is such that during a
6 meeting -- in this case, the D meeting -- the
7 committee considers a very, very -- in this case
8 considered an enormous volume of material. There
9 was -- the intensity of the work in that week was
10 very, very significant, and I just --

11 Q Understood. Understood.

12 A And I just want to make it clear that
13 documenting all of the decisions made and all of
14 the result of adopting contributions from various
15 parties that the committee made at the D meeting
16 was not concluded in a document that carries the D
17 designation. That's --

18 Q My question was --

19 (Unreportable cross-talk.)

20 BY MS. CIELUCH

21 Q -- all of this is nonresponsive.

22 So my question is only related to the

1 documents with the D designation. Do you
2 understand that, Dr. Reader?

3 A I understand the question --

4 Q Okay. So --

5 A -- you asked, yes.

6 Q -- now I'm going to go back and ask this
7 question with this clarification. And I
8 appreciate, Dr. Reader, you making the distinction
9 between the D-labeled documents versus work during
10 the D meeting. So I appreciate that.

11 So going back to my original question, the
12 documents with the D designation would have been
13 made public on the JVT website generally before
14 October 2002; is that right?

15 A The answer to your question, given the
16 qualification of "generally," is correct.

17 MS. CIELUCH: We can go ahead and take a
18 break now.

19 MS. REPORTER: Off the record.

20 (WHEREUPON, a recess was had.)

21 MS. CIELUCH: Dr. Reader, I have no
22 further questions. Thank you for your time.

1 MR. PEKAREK KROHN: Could we --

2 THE WITNESS: Thank you.

3 MR. PEKAREK KROHN: Could we go off the
4 record for a second?

5 (WHEREUPON, a recess was had.)

6 EXAMINATION

7 BY MR. PEKAREK KROHN:

8 Q Dr. Reader, do you remember Counsel asking
9 you questions about Footnotes 1 through 4 in your
10 declaration?

11 A Yes.

12 Q Can you explain the purpose of
13 including -- of referencing those documents in
14 those footnotes in your declaration?

15 MS. CIELUCH: Objection. Form.

16 Objection. Outside the scope of direct
17 questioning.

18 BY THE WITNESS:

19 A Those footnotes contain references to
20 documents that I published and that illustrate my
21 education and experience in the field of video
22 coding.

1 BY MS. CIELUCH:

2 Q Does anything in those documents -- does
3 any content within those documents affect your
4 opinions in your declaration?

5 MS. CIELUCH: Objection. Form.

6 Objection. Outside of scope.

7 BY THE WITNESS:

8 A No, I didn't rely on those forming any
9 opinions.

10 BY MR. PEKAREK KROHN:

11 Q If we could go to -- or everyone can go on
12 their own to Appendix G, starting at
13 Paragraph 90 -- sorry, starting at Page 96.

14 Let me know when people are there.

15 Dr. Reader, do you remember questions
16 about the first line of this document where it
17 says: Asterisk equals document present on FTP
18 site?

19 A Just a moment. I'm not there yet.

20 Q Oh, sorry.

21 A Sorry.

22 Okay. I'm there now.

1 Q Do you remember being asked questions
2 about the first line of this file?

3 A Yes, I do.

4 Q On the next page, JVT-E022 does not have
5 an asterisk; do you see that?

6 A I see that, yes.

7 MS. CIELUCH: Objection. Outside of
8 scope.

9 BY MR. PEKAREK KROHN:

10 Q Does the fact that it does not have an
11 asterisk affect your opinion of whether JVT-E022d7
12 was publicly available prior to the E meeting?

13 MS. CIELUCH: Objection. Form.

14 Objection. Outside of scope.

15 BY THE WITNESS:

16 A No, it does not. And, as I mentioned
17 during my earlier testimony, the list of documents
18 is something that gets created prior to a meeting
19 and then updated from time to time provided that
20 somebody, you know, actually gets around to doing
21 that. And if you look, in fact, at the first page
22 of this appendix, then you can see that JVT-E000

1 also doesn't have an asterisk. Well, quite
2 clearly, since we're looking at E000, it was and
3 is available.

4 So the fact that asterisks may be missing
5 from certain entries in this version of the list
6 doesn't -- regrettably, perhaps, but it doesn't
7 indicate that a document wasn't available. And,
8 in fact, E077 -- sorry, E022 Version 7 was
9 available -- in my recollection, was available
10 prior to the meeting, and, in fact, form the basis
11 for evolving the standard towards completion
12 during that -- during that E meeting.

13 MR. PEKAREK KROHN: No further questions.

14 FURTHER EXAMINATION

15 BY MS. CIELUCH:

16 Q Dr. Reader, I'm going to ask just a
17 follow-up question.

18 Dr. Reader, after I concluded my
19 questioning, you then took a break and met with
20 Amazon's counsel; is that right?

21 A That's correct.

22 Q What did you discuss during your meeting?

1 MR. PEKAREK KROHN: I'm going to object as
2 work product attorney-client privilege and
3 instruct the witness not to answer.

4 BY MS. CIELUCH:

5 Q Dr. Reader, are you going to follow that
6 instruction?

7 A Yes.

8 Q During the break, did you review any
9 documents that refreshed your recollection?

10 MR. PEKAREK KROHN: Just to be clear,
11 Jennifer, you're talking about the most recent
12 break?

13 MS. CIELUCH: Let me clarify.

14 BY MS. CIELUCH:

15 Q During any breaks during this deposition,
16 did you review any documents?

17 THE WITNESS: Counsel, is that a question
18 that I can answer?

19 MR. PEKAREK KROHN: You can answer
20 regard -- you can answer.

21 But, Jennifer, I'd appreciate if you asked
22 specifically about breaks during your cross and

1 separately about during the most recent break
2 because I think there's different privileges that
3 would apply.

4 BY MS. CIELUCH:

5 Q During my examination, Dr. Reader, did you
6 take any -- sorry. Scratch that.

7 During my cross-examination, Dr. Reader,
8 did you review any documents during the breaks?

9 A Yes.

10 Q What documents did you review?

11 A I reviewed the -- I reviewed Exhibit --
12 sorry, Appendix G to my declaration, the -- which
13 contains the E000 list of documents.

14 Q And during the break after my
15 cross-examination had concluded, did you review
16 any documents?

17 MR. PEKAREK KROHN: And I'm going to
18 object to the extent you're calling for whether
19 documents beyond those that refreshed his
20 recollection.

21 BY MS. CIELUCH:

22 Q So my question is --

1 A I --

2 Q -- did you review any -- did you review
3 any documents during the break after my
4 cross-examination concluded?

5 MR. PEKAREK KROHN: You can answer that
6 question.

7 BY THE WITNESS:

8 A Nothing that I hadn't reviewed before.

9 BY MS. CIELUCH:

10 Q What documents did you review during the
11 break after my cross-examination concluded?

12 MR. PEKAREK KROHN: I'm going to object on
13 work product grounds and instruct the witness not
14 to answer.

15 BY MS. CIELUCH:

16 Q Are you going to follow that instruction,
17 Dr. Reader?

18 A Yes.

19 Q So during the breaks prior to -- Sorry.
20 Scratch that.

21 During the breaks that occurred during my
22 cross-examination, Dr. Reader, other than the

1 Appendix G, did you review any other documents?

2 A No.

3 Q And during the break after my
4 cross-examination concluded, did you discuss the
5 testimony you provided in your re-examination?

6 MR. PEKAREK KROHN: I'm going to object.
7 Calls for work product and privilege and instruct
8 the witness not to answer.

9 BY MS. CIELUCH:

10 Q Dr. Reader, are you going to follow that
11 instruction?

12 A Yes.

13 Q Now, during my cross-examination, did you
14 talk with anyone?

15 A No.

16 Q During my cross-examination, did you
17 receive any messages that you reviewed?

18 A No.

19 Q Okay.

20 MS. CIELUCH: Let's take a break.

21 MS. REPORTER: Off the record.

22 (WHEREUPON, a recess was had.)

1 MS. CIELUCH: Dr. Reader, that concludes
2 my questions. Thank you again for your time.

3 MR. PEKAREK KROHN: Nothing else.

4 THE WITNESS: Thank you, too.

5 (WHEREUPON, the deposition was concluded
6 at 12:08 p.m. CST.)
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ACKNOWLEDGMENT OF DEPONENT

I, CLIFFORD READER, Ph.D., do hereby
acknowledge that I have read and examined the
foregoing testimony and the same is a true,
correct, and complete transcription of the
testimony given by me and any corrections appear
on the attached errata sheet signed by me.

(SIGNATURE)

(DATE)

1 CERTIFICATE OF SHORTHAND REPORTER

2 I, MICHELLE M. YOHLER, Certified Shorthand
3 Reporter within and for the County of Will, State
4 of Illinois, do hereby certify:

5 That CLIFFORD READER, Ph.D., the witness whose
6 deposition is hereinbefore set forth, was duly sworn
7 by me before the commencement of such deposition and
8 that such deposition was taken before me and is a
9 true record of the testimony given by such witness.

10 I further certify that the adverse party,
11 AMAZON.COM, INC. and AMAZON.COM SERVICES LLC, were
12 represented by counsel at the deposition.

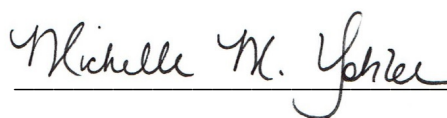
13 I further certify that the deposition of
14 CLIFFORD READER, Ph.D., occurred virtually via Zoom
15 on Tuesday, January 7, 2025, commencing at 9:11 a.m.
16 to 12:08 p.m.

17 I further certify that I am not related to
18 any of the parties to this action by blood or
19 marriage, I am not employed by or an attorney to any
20 of the parties to this action, and that I am in no way
21 interested, financially or otherwise, in the outcome
22 of this matter.

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1 IN WITNESS WHEREOF, I do hereunto set my
2 hand and affix my seal of office at Chicago,
3 Illinois, this 20th day of January, 2025.

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9 Michelle M. Yohler, CSR, RMR, CRR

10 Certified Shorthand Reporter

11 CSR No.: 84-4531
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