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

DISNEY MEDIA &
ENTERTAINMENT DISTRIBUTION
LLC,

Petitioner,

vs.

DIGITAL MEDIA TECHNOLOGY
HOLDINGS, LLC.

Patent Owner.

Case No. IPR2024-00736
U.S. Patent No. 7,574,725

DEPOSITION OF NICOLAS STILIADIS,
taken on behalf of the Petitioner, via
Zoom videoconference, Toronto, Canada,
commencing at 11:19 a.m. EST, on Tuesday,
May 6, 2025, reported by LYNDEN J. GLOVER,
CSR No. 5510, a Certified Shorthand
Reporter for the State of California,
pursuant to Notice.

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2

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21 Also present: DAVID FOSTER

22

23 Zoom monitor:

24 LARRY MAHER

25 First Legal Court Reporters

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E X H I B I T S

(None)

QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER

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1 Toronto, Canada, Tuesday, May 6, 2025

2 11:19 a.m. EST

3

4 THE STENOGRAPHER: Good morning. My name is
5 Lynden Glover. I am licensed in the states of
6 California, Washington, and Oregon, and my California
7 License Number is 5510.

8 Would you please raise your right hand?

9

10 NICOLAS STILIADIS,
11 produced as a witness by and on behalf of the Petitioner,
12 and having been first duly sworn, was examined and
13 testified as follows:

14

15 THE WITNESS: I do.

16 THE STENOGRAPHER: Thank you.

17

18 EXAMINATION

19 BY MR. HABER:

20 Q Good morning, Mr. Stiliadis. Is that how you
21 say it?

22 A Very good.

23 Q All right. Would you please just state your
24 full name for the record?

25 A Nicolas Stiliadis.

1 Q And where are you physically located today?

2 A I'm in Toronto, Canada.

3 Q Are you in your home? Are you in an office?

4 A I'm in an office.

5 Q Okay. And is there anyone else in the office
6 there with you, in the room with you?

7 A I said earlier there's a serviceman working on
8 the washer in another room that's got a closed door. He
9 might walk by or something, but I'm not sure.

10 Q Okay. So I am Benjamin Haber.

11 MR. HANDAL: Just for the -- just for the
12 record -- just for the record, Mr. Stiliadis does not use
13 computers. So he has Catherine in there with him, who's
14 just operating the computer.

15 THE WITNESS: She's left.

16 MR. HANDAL: Am I right? What?

17 THE WITNESS: Yeah, she has left the room.
18 She's left.

19 MR. HANDAL: Oh, she left the room, and you're
20 on your own.

21 THE WITNESS: Yeah.

22 MR. HANDAL: Okay. So if we -- if we run into
23 some rough going, she'll be, I assume, instantly
24 available --

25 THE WITNESS: Yes.

1 MR. HANDAL: -- to reconnect us.

2 Okay. Good. All right. Don't nobody touch
3 nothing, and nobody gets hurt.

4 MR. HABER: All right. That's fair.

5 BY MR. HABER:

6 Q So in the room with you, do you have any papers
7 or documents printed out with you?

8 A I have a bunch of stuff on my desk, general
9 paperwork that's just test stuff.

10 Q Do you have any documents or papers with you
11 specifically for use in this case?

12 A I have my affidavit in front of me.

13 Q Okay. So you have your declaration?

14 A Yes. Yes.

15 Q Okay. And do you have a copy of the patent at
16 issue in this case, Patent 7- --

17 A I don't have it in front of me, no. It's -- no.

18 Q Okay. If we want to refer to it, will you be
19 able to either get it e-mailed or get it printed or get a
20 copy of it? I can provide a copy to you. However is the
21 easiest way to do it.

22 MR. HANDAL: Can I just interject? Why don't
23 you just -- can you use the share screen?

24 MR. HABER: I can definitely do that if that's
25 what you would prefer to do.

1 MR. HANDAL: Yeah. Whatever -- okay. Let's --
2 let's see. We'll figure out how to get a copy of the
3 patent printed if we need to.

4 THE WITNESS: There's one here, Tony.

5 But, I mean, you know, it would be better if
6 you just show me what part of the patent -- I mean, the
7 thing is thick -- you want to talk about.

8 Mr. HABER: Yeah. Okay. Share screen would be
9 useful.

10 MR. HABER: Yeah, I can do that.

11 BY MR. HABER:

12 Q All right. To back up a little bit, my name is
13 Ben Haber. I am representing the Petitioner in IPR
14 proceeding IPR 2024-00736. I'm representing Disney Media
15 Entertainment Distribution.

16 With me on the line is my colleague, Patric
17 Reinbold. We also have on the line a representative from
18 Disney, David Foster. But I'll be asking the questions
19 today.

20 So just some preliminary matters. Have you ever
21 had your deposition taken before, Mr. Stiliadis?

22 A Yes.

23 Q How many times would you say?

24 A I can't guess how many times. I'm 69 years old.
25 I've been in business for over 40 years, so --

1 Q So more than a -- more than a handful?

2 A I can't tell you what I don't know.

3 MR. HANDAL: Objection; vague.

4 BY MR. HABER:

5 Q Okay. So I'll just go over ground rules.

6 So I'm going to ask you a series of questions,
7 and you are to provide your answers in response to my
8 questions. If you don't understand a question, just let
9 me know, and I'll try to clarify. If you don't ask for
10 clarification, I'll just assume that you understand my
11 question.

12 Is that fair?

13 A If I don't respond, I guess that's the way it
14 is, yes.

15 Q From time to time, your counsel may object to a
16 question. Allow him to state his objection for the
17 record, and then you are still to provide an answer even
18 if there is an objection, unless you are specifically
19 instructed not to answer by counsel.

20 Is that fair?

21 A Yes.

22 Q All right. As the court reporter said, please
23 wait for me to finish my question before you answer, and
24 I'll wait for you to finish your answer before moving on
25 to the next question.

1 Do you have any phones or electronic devices
2 with you other than the computer that you're using right
3 now?

4 A I have my cell phone next to me.

5 Q If you could just put it on silent so it doesn't
6 interrupt.

7 A That's where it was. That's why nobody could
8 find me.

9 Q All right. You mentioned you have a copy of
10 your affidavit in front of you?

11 A Yes.

12 Q If there are any other papers or documents that
13 you refer to throughout the deposition, just let me know
14 so that I can follow along. Let me know what it is that
15 you're looking at.

16 A Okay.

17 Q Thank you.

18 You swore an oath to testify truthfully and
19 accurately just as if you were in a court of law.

20 Is there any reason that you can't testify
21 truthfully and accurately today?

22 A No.

23 Q You're not under the influence of any
24 medications or any other excuse that would affect your
25 ability to testify today?

1 A **No.**

2 Q Okay. Where do you -- who is your current
3 employer?

4 A **I -- Cinema Vault.**

5 Q That's Cinema Vault?

6 A **Yeah.**

7 Q And what is your -- what is your title at
8 Cinema Vault?

9 A **I'm the chairman and founder. I wouldn't**
10 **consider myself an employee, though.**

11 Q How long have you been with Cinema Vault?

12 A **Since 2000.**

13 Q In your own words, how would you state your
14 occupation?

15 A **I'm a filmmaker.**

16 Q What is your educational background?

17 A **I have a bachelor of applied arts in motion**
18 **picture studies from TMU University in Toronto.**

19 Q Bachelor in light arts?

20 A **Bachelor of applied arts.**

21 Q Oh, applied arts. Okay. And TMU -- what does
22 TMU stand for?

23 A **Well, it used to be called Ryerson, but it's now**
24 **Toronto Metropolitan University.**

25 Q And you said you have a bachelor's degree?

1 A A bachelor of applied arts in motion picture
2 studies.

3 Q Okay. Do you have any additional or advanced
4 degrees?

5 A No.

6 Q When did you earn your bachelor's in applied
7 arts?

8 A 1978.

9 Q You said you've been employed with Cinema Vault
10 since 2000. Who was your employer immediately prior to
11 that?

12 A I've always had my own film company. So before
13 that I had a partner, and we had a company called
14 SC Entertainment. And after that I had a company called
15 S Entertainment. Before that I had a company called
16 Stiliadis Productions, so --

17 Q The "S" in SC and S, is that short for --

18 A It was just, you know, initials of us.

19 Q Yeah. All right. You mentioned that you have
20 in front of you a copy of your affidavit. In the -- in
21 the bottom, is there -- around the center does it say
22 that it's Exhibit Number 2109?

23 A No. No, I just have the green copy. I threw
24 out whatever it was in.

25 Q Okay. Are there any notes or any annotations or

1 anything on the copy that you're looking at?

2 A No notes.

3 Q All right. I'll just throw it up on the screen
4 just to make sure that we're all looking at the same
5 document.

6 Can you see my screen?

7 A Yes.

8 Q All right. There is a document. It's been
9 previously marked. You can see in the bottom of the
10 document of the version that I'm looking at, it's been
11 previously marked and submitted as Exhibit 2109.

12 And it is entitled "Declaration of Nick
13 Stiliadis in Support of Response to Petition for
14 Inter Partes Review of US Patent Number 7,574,725."

15 A Yes.

16 Q The document that you have in front of you, is
17 it the same -- the same document?

18 A Yes.

19 Q Okay. So I'm going to refer to the document on
20 the screen. If there's any difference between what's on
21 the screen and what you're looking at, just let me know;
22 but I'm going to work with the document that's on the
23 screen.

24 A Sure.

25 Q So the document is about seven pages long.

1 There's a list of exhibits in the front and a number
2 of -- a number of paragraphs, one through 23. And then
3 there is a signature of "Nick Stiliadis" at the end.

4 Do you see that?

5 A Yes.

6 Q I assume you recognize this document?

7 A Yes.

8 Q And this signature at the end, that's your
9 signature?

10 A Yes.

11 Q Now, this document doesn't have a date on it.
12 Do you recall when you signed this document?

13 A Not -- not exactly, no.

14 Q Do you recall approximately when you signed this
15 document?

16 A A while ago.

17 Q On the order of a month, six months, a year?

18 A Less than a year, more than a month.

19 Q Okay. Now, on this document there are some
20 little squiggles on a number of pages.

21 A That's my initials.

22 Q Okay. So you have initialed each page of that
23 document?

24 A Yes.

25 Q What was the purpose of that initialing?

1 A **So that there was no mix-up.**

2 Q Okay.

3 A **I normally do that anyways if it's documents.**

4 Q I notice that there is one page that doesn't
5 have an initial on it.

6 A **Then I maybe missed it.**

7 Q So maybe -- it's paragraphs 10 through 14. They
8 don't appear to be initialed. Was there any particular
9 reason that it wasn't initialed, or was it in your
10 opinion looking at it --

11 A **Human error.**

12 Q Okay. You are allowed to be human. That's not
13 going to be an issue.

14 Okay. Did you write this document?

15 A **I discussed it with Tony Handal, and he drafted
16 it.**

17 Q Do you recall about how long you discussed this
18 with Tony before you saw the draft of the document?

19 A **I don't understand the question.**

20 Q How much time would you say that you spent
21 speaking about these issues with Tony before he provided
22 the draft of the document to you?

23 A **I can't remember.**

24 MR. HANDAL: I just want to caution the witness
25 that he doesn't have to testify about the contents of our

1 discussion. That's protected by the attorney-client
2 privilege.

3 BY MR. HABER:

4 Q Right. And to be clear, I don't want you to
5 reveal any information that you may have told your
6 counsel. I'm just asking about -- some logistical
7 questions.

8 So would you say, you know, in preparing this
9 declaration you spent five hours or less or more?

10 A Less.

11 Q Okay. So just to understand the process, you
12 had a discussion with your counsel, five hours or less,
13 and then counsel provided you with this document to
14 review and execute; is that correct?

15 A Essentially correct.

16 Q You say, "Essentially correct." Is there
17 anything I'm missing in particular you have in mind?

18 A I'm not sure I understand the question.

19 Q Well, when I asked the process that you used to
20 come up with this declaration, you said what I stated was
21 essentially correct. Was there anything incorrect about
22 what I said?

23 A I'm not 100 percent sure about the time and the
24 whole process, so I can say, you know, essentially that's
25 correct.

1 Q When you reviewed the document that was provided
2 to you, did you make any particular changes or did you
3 have any issues that you wanted to further refine or not?

4 A I just made some comments.

5 Q At the top of -- it's the second page of this
6 document -- there's a list of exhibits that should be on
7 the screen. Do you see that?

8 A Yes.

9 Q Did you collect those exhibits?

10 A No.

11 Q These exhibits were provided to you by counsel;
12 is that correct?

13 A No.

14 Q Do you know who collected those exhibits?

15 A Steve Arroyave.

16 Q For the court reporter's benefit, could you
17 spell that?

18 A A-r-r-o-y-a-v-e.

19 Q And who is Mr. Arroyave?

20 A He's the managing director of Cinema Vault.

21 Q He's one of your employees; is that correct?

22 A Well, he works for the company.

23 Q And why did Mr. Arroyave collect these
24 documents?

25 A He was asked to.

1 Q Was Mr. Arroyave asked to collect these
2 documents by you?

3 A Yes.

4 Q Were you paid to prepare this declaration?

5 A No.

6 Q Are you being paid to sit here for this
7 deposition today?

8 A No.

9 Q Are you paying for your counsel here today,
10 Mr. Handal?

11 A I don't know too many lawyers that work for
12 free.

13 Q Well, I was just wondering if you were paying
14 him or if someone else was paying him.

15 MR. HANDAL: Objection.

16 THE WITNESS: Nobody else is paying him. I know
17 that much. And he's my lawyer.

18 BY MR. HABER:

19 Q Okay. So there are a few individuals I just
20 wanted to ask you about if you are familiar with -- with
21 them. The first individual is a Mr. Harris Tulchin. Are
22 you familiar with a Mr. Harris Tulchin?

23 A Yes, I am.

24 Q How do you know Mr. Tulchin?

25 A He's an entertainment lawyer that's done work

1 with me.

2 Q Do you currently have him on retainer, or do you
3 have other agreements with him to do work for you?

4 A I'm not sure I understand the question.

5 Q Sure. Do you currently have Mr. Harris -- do
6 you currently have agreements with Mr. Harris to
7 represent you in connection with any -- any work that's
8 ongoing?

9 MR. HANDAL: Objection; form. Objection; vague.

10 THE WITNESS: Besides this piece of business?

11 BY MR. HABER:

12 Q Well, let's start -- let's take that in parts.

13 Is Mr. Harris currently representing you in
14 connection with this -- with this matter?

15 MR. HANDAL: Objection to form.

16 THE WITNESS: He's an expert witness that was --
17 that is providing his services.

18 BY MR. HABER:

19 Q Okay. And I assume you are, again, compensating
20 Mr. Tulchin for his services in connection with this
21 matter?

22 A The company is.

23 MR. HANDAL: Objection to form.

24 BY MR. HABER:

25 Q And that's -- just to be clear, your company,

1 Cinema Vault, is compensating Mr. Tulchin; correct?

2 A Yes.

3 Q And other than this particular matter, are you
4 currently engaging Mr. Tulchin or Mr. Tulchin's services
5 in connection with other -- with other matters?

6 A No.

7 Q And have you spoken with Mr. Tulchin in
8 connection with this matter?

9 A I called him and asked him if he would be
10 available to talk to Tony Handal.

11 Q Do you recall when you called him?

12 A Less than a year ago, more than a month.

13 Q After calling and asking for his availability,
14 did you have substantive discussions with him about this
15 case?

16 A No.

17 MR. HANDAL: A belated objection; vague.

18 BY MR. HABER:

19 Q And Mr. Tulchin has prepared a declaration in
20 connection with this matter. Did you speak with
21 Mr. Tulchin about the declaration that he prepared --
22 the contents of the declaration that he prepared?

23 A No.

24 Q Did you review Mr. Tulchin's declaration?

25 A No.

1 Q There's another individual, Mr. John Daniels.
2 Are you aware of Mr. John Daniels?

3 A I don't understand the question.

4 Q Do you know an individual named Mr. John
5 Daniels?

6 A No.

7 Q There is another individual, Mr. Daniels, who
8 submitted a declaration in connection with this matter.
9 Are you aware of Mr. Daniels's declaration?

10 A I don't understand the question.

11 Q What part of the question don't you understand?

12 A Am I aware.

13 Q Have you seen a declaration provided by Mr. John
14 Daniels in connection with this litigation?

15 A No.

16 Q So you didn't speak with Mr. Daniels in
17 connection with any declaration he may have submitted?

18 A No.

19 Q Other than your lawyers, have you spoken with
20 anyone else about this case?

21 A I'm not sure I understand the question.

22 Q Are there any individuals other than your
23 lawyers that you have spoken with about the substance of
24 this case?

25 A Craig Stephens.

1 Q Craig Stephens?

2 A Yes.

3 Q And who is that?

4 A He's my wingman who's been keeping all the
5 paperwork in order.

6 Q Has Mr. Stephens provided any input into the
7 issues in this case?

8 A I don't understand the question.

9 Q Maybe you could tell for me -- describe for me a
10 bit, you know, what your interactions with Mr. Stephens
11 are.

12 A He's an assistant.

13 Q So I have on the screen your declaration. And
14 we have paragraph two. You state, "I am a filmmaker by
15 training." And what are you referring to there when you
16 say "a filmmaker by training"?

17 A I studied filmmaking, and I have a degree in
18 motion picture studies.

19 Q And you continue that you had produced
20 independent feature films. What -- can you give me some
21 examples of the films that you were producing at the
22 time?

23 MR. HANDAL: Objection; vague.

24 THE WITNESS: It's -- I'm not sure how to answer
25 your question. You can look behind me. There's a

1 sampling of some of my films, but --

2 (Simultaneous talking.)

3 (Stenographer clarification.)

4 THE WITNESS: But I'm not prepared -- I don't
5 have everything in front of me to give you a detailed
6 list of all the films I've been involved in. It's a lot.

7 BY MR. HABER:

8 Q So the statement here is, "At the time of filing
9 the patent" -- which was around 2000.

10 A That's correct.

11 Q -- "I was producing independent feature films."

12 A That's correct.

13 Q Do you recall, at the time around the year 2000
14 and following that, some of those films? It's fine if
15 you don't.

16 A No. There's a lot of films. A lot of films.
17 As I said, there's a lot of films. I'd have to go back
18 and, you know, give you a full list; but just off the top
19 of my head, that's 25 years ago.

20 Q When you say "a lot of films," how many were you
21 working on at the time?

22 A Probably -- I don't know. I'd have to check.

23 Q This continues to say that you were working as
24 CEO of a substantial company that distributed and
25 continues to distribute feature films to buyers

1 throughout the world.

2 What company is that?

3 A Cinema Vault.

4 Q And I believe you mentioned earlier it's a
5 company that you founded; correct?

6 A I'm the chairman and the founder, yes.

7 Q When did you found Cinema Vault?

8 A 2000.

9 Q Did you found Cinema Vault before or after the
10 application for the patent at issue in this case?

11 A (Indecipherable.)

12 (Simultaneous talking.)

13 MR. HANDAL: Objection; vague.

14 (Stenographer clarification.)

15 THE WITNESS: I'd have to check, but I'm sure it
16 might be before. That's 25 years ago. I don't have the
17 exact dates.

18 BY MR. HABER:

19 Q Okay. And the statement here is that your
20 company, Cinema Vault, distributed and continues to
21 distribute feature films. When did Cinema Vault begin
22 distributing feature films?

23 A 2000.

24 Q And that has continued throughout the life of
25 your company to the present day?

1 A **Yes.**

2 Q When you founded the company Cinema Vault, how
3 many employees did the company have?

4 A **I can't remember.**

5 Q How many employees does Cinema Vault currently
6 have?

7 MR. HANDAL: Objection; calls for a conclusion
8 of law.

9 **THE WITNESS: Most of the work is outsourced.**
10 **So, four, five employees, depending on the day, of full**
11 **time and then outsourced work.**

12 BY MR. HABER:

13 Q When you say, "The work is outsourced," what do
14 you mean by that?

15 A **Exactly what I said; outsourced.**

16 Q Well, what sort of responsibilities do you
17 outsource?

18 A **Marketing materials, advertising, trailer**
19 **cutting. There's a whole host of work you outsource.**
20 **Digitization.**

21 Q What sort of entities would you say are your
22 primary customers of Cinema Vault?

23 A **I don't understand the question.**

24 Q Does your company, Cinema Vault -- is it
25 consumer basing?

1 Are your primary customers -- customers viewers
2 of movies? Are they movie studios? Are they
3 distribution houses?

4 What would you say your primary customers are?

5 **A Whoever we can sell --**

6 MR. HANDAL: Objection to form, lack of
7 foundation, mischaracterizes the witness's testimony.

8 **THE WITNESS: Retail business, other**
9 **distributors who buy to resell, theaters, EOD platforms,**
10 **airlines, hotels, streamers, DVD companies.**

11 BY MR. HABER:

12 Q So your business model is not a
13 direct-to-consumer model?

14 **A We have a direct --**

15 MR. HANDAL: Objection; mischaracterizes the
16 witness's testimony.

17 BY MR. HABER:

18 Q Go ahead.

19 **A We have a -- we have a platform that goes direct**
20 **to consumers, as well.**

21 Q Is there a particular name of that platform?

22 **A Cinema Vault.**

23 Q Okay. It's the same branding; it's not a
24 different --

25 **A Same story.**

1 Q Okay. Does your company, Cinema Vault, practice
2 your patent, the patent at issue in this case?

3 MR. HANDAL: Objection; calls for a conclusion
4 of law.

5 You may answer.

6 **THE WITNESS: Yes, it does, actually.**

7 BY MR. HABER:

8 Q On the screen, in paragraph three of your
9 declaration, there's reference to a provisional patent
10 application which matured into a patent.

11 Do you see that?

12 **A Yes.**

13 Q I'll change my screen. Let me see if I can do
14 this.

15 Do you see a patent on the screen, or do I need
16 to stop sharing and restart?

17 **A I see one patent on the screen.**

18 Q Okay.

19 **A Yes.**

20 Q Okay. So on the screen should be showing
21 United States Patent Number 7,574,725, issued
22 August 11th, 2009. The document has been previously
23 marked -- you can see it in the lower left-hand corner --
24 Exhibit 1001.

25 What we were looking at previously, paragraph

1 three of your declaration, is this the patent that your
2 declaration was referring to?

3 A I'm not a hundred percent sure. I have a number
4 of patents.

5 Q How many patents would you say you have?

6 A Well, I think there's four patents in this
7 family.

8 Q How many total patents would you say you have?

9 A Four or five.

10 Q Okay. So this patent, Patent Number 7,574,725,
11 it's the patent that is identified on the face of your
12 declaration. I'll represent to you that this is the
13 patent that is at issue in this IPR proceeding.

14 If I refer to this patent as the 725 patent,
15 will you understand what I'm referring to?

16 A Yes.

17 Q Okay. And the inventor there listed on the
18 screen is Nicholas Stiliadis. That's you; correct?

19 A Yes.

20 Q And the assignee of the patent is Nicholas
21 Stiliadis. Also you; correct?

22 A Where do you see the assignee? Yes. Sorry.

23 Q Yeah. Do you know who the current owner of the
24 725 patent is?

25 A Yes.

1 Q And who is that?

2 A It's a company in Delaware.

3 Q I believe it is Digital Media Technology
4 Holdings. Does that sound familiar?

5 A Yes.

6 Q And if I refer to Digital Media Technology
7 Holdings as DMTH, do you understand what I'm referring
8 to?

9 A Yes.

10 Q What is your relationship, if any, with Digital
11 Media Technology Holdings?

12 A I guess I'm the --

13 MR. HANDAL: Objection; calls for a conclusion
14 of law.

15 THE WITNESS: I'd have to check.

16 BY MR. HABER:

17 Q Do you have a relationship with DMTH?

18 A Yes.

19 Q Are you an owner --

20 MR. HANDAL: Belated objection; calls for a
21 conclusion of law.

22 BY MR. HABER:

23 Q Are you an owner of DMTH?

24 A I think the answer is yes.

25 MR. HANDAL: Objection; vague.

1 **THE WITNESS: But I'm not a lawyer, so I've got**
2 **to look at the corporate documents.**

3 BY MR. HABER:

4 Q Can you describe how DMTH came to own the
5 725 patent?

6 A **It was assigned to DMTH.**

7 Q Was the 725 patent assigned to DMTH by you?

8 A **Probably.**

9 Q Do you recall when that occurred?

10 A **No.**

11 Q Did you receive compensation for your assignment
12 of the 725 patent to DMTH?

13 A **No.**

14 MR. HANDAL: Objection; irrelevant.

15 BY MR. HABER:

16 Q So you assigned the 725 patent to DMTH for no
17 value?

18 MR. HANDAL: Objection; mischaracterizes the
19 evidence and testimony.

20 **THE WITNESS: I don't understand the question.**

21 BY MR. HABER:

22 Q I asked if you received compensation for your
23 assignment of the 725 patent to DMTH, and you said no.
24 So I'm trying to understand what you received, if
25 anything, in exchange for your assignment of the

1 725 patent to DMTH.

2 MR. HANDAL: Objection; irrelevant, beyond the
3 scope. Ben, I've let you go through this line of
4 questioning, but you are limited to the scope of this
5 declaration.

6 MR. HABER: So, Tony, I'm going to ask you to
7 refrain from --

8 MR. HANDAL: (Indecipherable.)
9 (Simultaneous talking.)

10 MR. HABER: I'm going to ask you to refrain from
11 speaking objections. You are limited in your objections
12 to objection, form, scope, relevancy.

13 You are very limited in the objections, but
14 you've been making -- you've been taking a lot of
15 liberties, I've been letting it go, but I need you to
16 refrain from your speaking objections.

17 BY MR. HABER:

18 Q So the question that I asked -- and I'll read it
19 back.

20 MR. HANDAL: I have not been making any speaking
21 objections. I -- I just made a statement now. I think
22 you should follow a proper line of questioning.

23 MR. HABER: I understand. And you're making
24 speaking objections, and I'm going to ask you to stop so
25 that I can continue my deposition.

1 BY MR. HABER:

2 Q So the question I asked -- I'll read it back. I
3 asked if you received compensation for your assignment of
4 the 725 patent -- I'm sorry. Let me read that again.

5 I asked if you received compensation for your
6 assignment of the 725 patent to DMTH, and you said no.
7 And I'm trying to understand what you received, if
8 anything, in exchange for your assignment of the
9 725 patent to DMTH.

10 MR. HANDAL: Objection; irrelevant, beyond the
11 scope of the declaration.

12 THE WITNESS: I think I answered your question.

13 BY MR. HABER:

14 Q Well, if you did, I don't think I got it, so --

15 A Well, I received nothing, so that's the answer.

16 Q Okay. So you received nothing for your
17 assignment of the 725 patent to DMTH; correct?

18 A That is correct.

19 MR. HANDAL: Objection; beyond the scope of the
20 declaration, irrelevant, mischaracterizes the witness's
21 testimony.

22 MR. HABER: Again, please keep your objections
23 to form, scope, relevancy. There is a -- a trial
24 practice guide at issue here, you know, very limited
25 objections, and I'd ask you to keep them to the ones that

1 are listed in the trial practice pad.

2 BY MR. HABER:

3 Q Do you plan to receive any value in the future
4 connected to your assignment of the 725 patent for DM- --
5 to DMTH?

6 MR. HANDAL: Objection to form.

7 **THE WITNESS: I don't understand your question.**

8 BY MR. HABER:

9 Q If you have received no value for your
10 assignment of the 725 patent to DMTH, why did you assign
11 the patent to that company?

12 MR. HANDAL: Objection to form, scope,
13 irrelevant, lack of foundation.

14 **THE WITNESS: It was a business decision.**

15 BY MR. HABER:

16 Q And what were the factors that contributed to
17 that business decision?

18 MR. HANDAL: Objection; irrelevant, beyond the
19 scope, lack of foundation.

20 **THE WITNESS: I -- 25 years ago. I can't tell**
21 **you -- or -- sorry. Let's see. What was the reason. It**
22 **was a friendly jurisdiction, at least for purposes of the**
23 **patent.**

24 BY MR. HABER:

25 Q What do you mean by that, it was a friendly

1 jurisdiction for purposes of the patent?

2 MR. HANDAL: Objection; privileged,
3 attorney-client privilege and work product.

4 I don't think you have to answer that.

5 BY MR. HABER:

6 Q So the statement you made that it was a friendly
7 jurisdiction, at least for the purposes of the patent, is
8 that based on information that was provided to you by an
9 attorney?

10 A Can't remember.

11 MR. HANDAL: Objection; attorney-client
12 privilege.

13 Do not answer.

14 BY MR. HABER:

15 Q Okay. Other than any information that was
16 provided to you by attorneys, do you recall
17 considerations that went into your business decision of
18 assigning 725 patent to DMTH?

19 MR. HANDAL: Again, work product.

20 Don't -- don't answer that question.

21 Privilege, work product.

22 MR. HABER: Okay.

23 MR. HANDAL: Vague.

24 BY MR. HABER:

25 Q Just to be a hundred percent clear, I don't want

1 you to tell me anything that your attorneys told you or
2 anything based on work product, anything like that.

3 You said it was a business decision. I'm asking
4 for your business reasoning for assigning 725 patent for
5 no value to DMTH.

6 **A Again, I'm not sure I understand the question.**

7 MR. HANDAL: Objection. Objection;
8 mischaracterizes prior testimony, vague.

9 BY MR. HABER:

10 Q Is there a particular part of the question you
11 don't understand?

12 **A Yes. The whole thing.**

13 Q You understand that DMTH has filed a lawsuit
14 against Petitioner, in this case Disney Media &
15 Entertainment Distribution?

16 **A Yes.**

17 Q Are you participating in the lawsuit?

18 MR. HANDAL: Objection; vague.

19 **THE WITNESS: I don't understand your question.**

20 BY MR. HABER:

21 Q You've prepared a declaration in connection with
22 this proceeding, this IPR proceeding. Are you preparing
23 for similar information in connection with the
24 litigation?

25 MR. HANDAL: Objection; beyond the scope, vague.

1 Objection to form, mischaracterizes the witness's
2 testimony.

3 **THE WITNESS: I'm sorry, but can you be clear**
4 **with your question?**

5 BY MR. HABER:

6 Q Sure. I can ask a better question.

7 So there is a litigation that was filed by DMTH
8 against Disney Media. Have you prepared declarations in
9 connection with that litigation?

10 A **The only declaration I prepared is what's in**
11 **front of us.**

12 Q Do you understand that DMTH is asserting that
13 Disney infringes your 725 patent?

14 A **Yes.**

15 Q Do you understand what DMTH is saying that
16 Disney does that infringes your patent?

17 MR. HANDAL: Objection; beyond the scope.

18 **THE WITNESS: That's a question you'd have to**
19 **ask the lawyers. I'm not a lawyer.**

20 BY MR. HABER:

21 Q Are you financing the litigation that DMTH filed
22 against Disney?

23 MR. HANDAL: Objection; beyond the scope,
24 irrelevant.

25 **THE WITNESS: I'm not sure I understand the**

1 question.

2 BY MR. HABER:

3 Q As you mentioned earlier, lawyers generally
4 won't work without getting paid. So the question is, are
5 you paying the lawyers that are responsible for the DMTH
6 litigation against Disney?

7 A They're working on a contingency.

8 MR. HANDAL: Objection; vague.

9 BY MR. HABER:

10 Q I think you mentioned they're working on a
11 contingency?

12 A Yes.

13 Q Are there any other parties or entities funding
14 the litigation DMTH filed against Disney?

15 A No.

16 MR. HANDAL: Objection; beyond the scope,
17 irrelevant. Belated objection that was.

18 BY MR. HABER:

19 Q So you mentioned you have approximately four to
20 five patents; is that right?

21 A I mentioned that, yes.

22 Q Are all of your patents related to the
23 725 patent that's shown on the screen?

24 MR. HANDAL: Objection; calls for a conclusion
25 of law, beyond the scope, irrelevant.

1 **THE WITNESS: Yes.**

2 BY MR. HABER:

3 Q And since you have a number of patents, I assume
4 you understand how the process for patenting works;
5 correct?

6 MR. HANDAL: Objection; beyond the scope,
7 relevancy.

8 **THE WITNESS: I don't understand your question.**

9 BY MR. HABER:

10 Q Sure. I can back up a little bit.

11 So you filed a provisional application in 2000,
12 and then a year later you filed a nonprovisional
13 application in 2001. And you can see that listed on the
14 face of the patent here "Related US Application Data."

15 A Yes.

16 Q In general, after you file the application,
17 there's a back-and-forth with the patent office.

18 And the question that I have is, did you
19 participate in that back-and-forth exchange with the
20 patent office before the patent was issued between 2000
21 and 2009?

22 MR. HANDAL: Objection; irrelevant, beyond the
23 scope.

24 **THE WITNESS: I did not participate with the**
25 **patent office myself.**

1 BY MR. HABER:

2 Q Okay. I see -- just next to what I have
3 highlighted here, there's -- on the right-hand side of
4 the patent is "Attorney, Agent, or Firm." Listed there
5 is Anthony H. Handal.

6 Do you see that?

7 A Yes.

8 Q I assume that's the same counsel we have on the
9 call with us today?

10 A Yes.

11 Q And so did you work with Mr. Handal to respond
12 to any issues or questions that were part of that
13 back-and-forth exchange with the patent office between
14 2000 and 2009?

15 MR. HANDAL: I'll just caution the witness with
16 respect to being careful not to testify to
17 attorney-client communication or attorney-client work
18 product. I'm also objecting on the basis that this is
19 beyond the scope and irrelevant.

20 THE WITNESS: So that was 25 years ago, and
21 I can't remember.

22 BY MR. HABER:

23 Q Okay. That's fair.

24 And so there is a fairly large document. It's
25 generally referred to as a prosecution history, which is

1 the record of the back-and-forth exchange between,
2 generally, the patent attorneys and other individuals
3 involved with the patent prosecution and the patent
4 office.

5 And in that file there's going to be a number of
6 letters and various statements that were made.

7 And so just sitting here today, do you have any
8 recollection of being involved in that process in any
9 substantial way?

10 MR. HANDAL: Objection; irrelevant, beyond the
11 scope.

12 **THE WITNESS: Again, it was 25 years ago, and**
13 **I can't remember.**

14 BY MR. HABER:

15 Q Okay. So we have the cover of the patent shown
16 here. The patent is made up of, generally, a number of
17 figures, and then there's going to be a big portion of
18 text describing the invention.

19 And at the end of the patent, there are going to
20 be a series of numbered sentences which are the claims.

21 And so regarding the 724 [sic] patent -- I'm
22 just going in parts -- were you involved in the creation
23 of the figures that are part of the issued patent?

24 MR. HANDAL: Beyond the scope, irrelevant.

25 **THE WITNESS: I can't remember. It was a long**

1 time ago.

2 BY MR. HABER:

3 Q Okay. After the figures comes the textual
4 specification, is what it's referred to. Did you draft
5 the specifications of these patents?

6 MR. HANDAL: Objection; beyond the scope,
7 irrelevant.

8 THE WITNESS: That was 25 years ago, so I can't
9 remember.

10 BY MR. HABER:

11 Q A similar question once we get to the claims.
12 The claims begin column 16, line 20 or so. There's
13 numbered claims that go from one through 23.

14 Do you have any particular recollection of
15 drafting or contributing specific language to the claims?

16 MR. HANDAL: Objection; beyond the scope,
17 irrelevant.

18 THE WITNESS: Again, same answer. That was
19 25 years ago, and I can't recall 25 years ago all the
20 details.

21 BY MR. HABER:

22 Q Okay. There is a number of figures. An example
23 here is Figure 3, which I just rotated. Figure 3
24 includes what appears to be a website link,
25 filmsellers.com.

1 Do you see that?

2 A Yes.

3 Q Is filmsellers.com an actual website?

4 A I can't -- I don't recall. That was 25 years
5 ago.

6 Q So you don't recall if there was a website that
7 was available called filmsellers.com that had some of the
8 features that are described in the 725 patent?

9 MR. HANDAL: Objection; irrelevant, beyond the
10 scope.

11 THE WITNESS: That is correct.

12 BY MR. HABER:

13 Q Are you aware of a service that implemented the
14 725 patent?

15 A I don't understand your question.

16 MR. HANDAL: Objection. Objection; calls for a
17 conclusion of law, beyond the scope, irrelevant.

18 BY MR. HABER:

19 Q There is a website here listed in the patent and
20 some of the figures. And you don't believe that that
21 website was an actual website.

22 And so the question that I'm asking is, are you
23 aware of a website that implemented what is described in
24 the 725 patent?

25 MR. HANDAL: Objection to form. Objection;

1 irrelevant. Objection; beyond the scope.

2 THE WITNESS: That's not what I said. I said
3 I wasn't aware of it. That's the first thing. And --

4 MR. HANDAL: Belated objection; calling for a
5 conclusion of law.

6 BY MR. HABER:

7 Q Okay. So I just want to be sure that I
8 understand your testimony.

9 Are you aware of a website that was available
10 that implements the 724 patent?

11 MR. HANDAL: Objection; calls for a conclusion
12 of law, beyond the scope of the declaration. Objection
13 to form, lacks foundation, irrelevant.

14 THE WITNESS: I don't understand the question.
15 Website when?

16 BY MR. HABER:

17 Q Okay. So this application was filed in 2000;
18 correct?

19 A Correct.

20 Q So are you aware of a website or other service
21 that implemented the features described by the 725 patent
22 at the time it was filed?

23 MR. HANDAL: Objection to form, beyond the scope
24 of the declaration, calls for a conclusion of law, and
25 irrelevant.

1 **THE WITNESS:** Again, it's 25 years ago, so I
2 **can't recall.**

3 BY MR. HABER:

4 Q Are you aware of a company or entity that
5 implements the 724 patent at the time it issued in 2009?

6 MR. HANDAL: Objection; beyond the scope, calls
7 for conclusion of law, irrelevant.

8 **THE WITNESS:** I can't remember.

9 BY MR. HABER:

10 Q Are you aware of a company or entity that
11 implements the 725 patent now?

12 MR. HANDAL: Objection; calls for a conclusion
13 of law, beyond the scope.

14 **THE WITNESS:** I'm not a lawyer, but I know we're
15 suing a number of companies that are infringing on the
16 patent, including Disney.

17 BY MR. HABER:

18 Q Other than DMTH, has any company or entity
19 licensed the 725 patent?

20 **A No.**

21 MR. HANDAL: A belated objection; calls for a
22 conclusion of law, beyond the scope, objection to form.

23 BY MR. HABER:

24 Q Other than DMTH and the entities that are --
25 DMTH is currently litigating against, are you aware of

1 any other entities that have practiced the 725 patent?

2 MR. HANDAL: Objection; calls for a conclusion
3 of law, beyond the scope.

4 THE WITNESS: Again, I'm not a lawyer, so
5 I can't say for certain, but I believe there's other
6 entities that are infringing.

7 BY MR. HABER:

8 Q Go back to patent -- it looks like it's
9 upside-down.

10 Okay. In the middle of the screen here, there's
11 a sentence that says:

12 "The invention claimed is, one, a method of
13 marketing and distributing multimedia."

14 Do you see that?

15 A Yes.

16 Q Do you have an understanding of the word
17 "multimedia"?

18 MR. HANDAL: Objection; beyond the scope, calls
19 for a legal conclusion.

20 THE WITNESS: I think you'd have to look in the
21 dictionary to get an exact definition of "multimedia."

22 BY MR. HABER:

23 Q Sitting here today, do you have a definition of
24 "multimedia"?

25 A I'm not a expert in defining --

1 MR. HANDAL: Objection to form, calls for a
2 legal conclusion, beyond the scope.

3 BY MR. HABER:

4 Q Do you have an answer that you were giving?

5 A Sure. Can you repeat the question?

6 Q Sitting here today, do you have a definition of
7 the term "multimedia"?

8 MR. HANDAL: Objection; beyond the scope, calls
9 for a conclusion of law, lack of foundation.

10 THE WITNESS: Again, I'm going to answer I'm
11 not a -- I'm not an expert in defining what "multimedia"
12 means. That would be something I would refer to a
13 dictionary for, and that's the answer for you.

14 BY MR. HABER:

15 Q You are an inventor of this patent; right?

16 A Yes.

17 Q And would you consider yourself at least a
18 person of ordinary skill in the art in --

19 MR. HANDAL: Objection; calls for a legal
20 conclusion.

21 MR. HABER: Please allow me to finish my
22 question.

23 BY MR. HABER:

24 Q Mr. Stiliadis, as the inventor of the
25 725 patent, would you consider yourself at least a person

1 of ordinary skill in the art and the technology that your
2 patent describes?

3 MR. HANDAL: Objection; calls for a conclusion
4 of law, irrelevant, beyond the scope of the declaration.

5 THE WITNESS: So my definition of "multimedia"
6 is what exactly "multimedia" says it is. It captures,
7 you know, a variety of multimedia: Film, photography,
8 digital images, sound, a combination of all those.
9 Artwork. It's -- it's a vast catchall phrase for media,
10 multimedia.

11 BY MR. HABER:

12 Q Okay. Would you agree that the invention
13 described by your patent is related to, at least in part,
14 distributing multimedia?

15 MR. HANDAL: Objection; vague, beyond the scope,
16 objection to form.

17 THE WITNESS: I don't understand the question.

18 BY MR. HABER:

19 Q I'm going to take a step back.

20 At a high level, how would you describe the
21 invention of your 725 patent?

22 A So that's a --

23 MR. HANDAL: Objection; calling -- calling for a
24 conclusion of law, vague.

25 THE WITNESS: That's -- that's the many pages

1 that are on the screen. And for me to dissect that and
2 give you a simple answer is not that easy, sorry to say.

3 BY MR. HABER:

4 Q Fair.

5 All right. If you were asked to testify in this
6 case in front of a jury, how would you describe, in
7 layman's terms, what it is you think you invented in the
8 725 patent?

9 MR. HANDAL: Objection; calls for a conclusion
10 of law.

11 **THE WITNESS: A better --**

12 (Simultaneous talking.)

13 (Stenographer interjection.)

14 MR. HANDAL: I'm not sure I -- I'm sure I got
15 all my objections in, but it calls for a conclusion of
16 law; objection. Objection to form. Objection; beyond
17 the scope.

18 **THE WITNESS: Okay. A better mousetrap.**

19 BY MR. HABER:

20 Q What do you mean by that?

21 MR. HANDAL: Beyond the scope.

22 **THE WITNESS: Very simple. A better mousetrap.**

23 BY MR. HABER:

24 Q Is there some particular problem that you were
25 seeking to solve?

1 MR. HANDAL: Objection; beyond the scope.

2 THE WITNESS: I had the privilege of becoming a
3 filmmaker in the '70s working in analog. And so a better
4 mousetrap referred to a better way of doing the business.

5 BY MR. HABER:

6 Q What specifically was a better way?

7 MR. HANDAL: Objection; beyond the scope.

8 THE WITNESS: It's all outlined in the patent,
9 so it's there for you to read. For me to tell you
10 everything right now, we just have to read it from start
11 to finish, which I think would take the whole day.

12 BY MR. HABER:

13 Q I'd like to not take the whole day if we can
14 avoid it. So -- you know, I'm just trying to get an
15 understanding of what it is that you were trying to do
16 and how, generally, you thought you were going to go
17 about doing it.

18 A I answered your question. I said, again, I was
19 a filmmaker that worked in an analog world. And I could
20 see that there was a better way to handle the process of
21 filmmaking and film distribution. That's what the patent
22 is all about.

23 Q What is an analog world? What do you mean by
24 that?

25 MR. HANDAL: Objection; beyond the scope.

1 **THE WITNESS:** As opposed to a digital world.

2 BY MR. HABER:

3 Q What is the difference between analog and
4 digital as you're --

5 MR. HANDAL: Objection; beyond the scope,
6 objection to form.

7 **THE WITNESS:** You'll have to look in the
8 dictionary for that. It's pretty clear.

9 BY MR. HABER:

10 Q I can do that.

11 A Sure. So when you put a -- when you put an
12 album down, that's analog on your record player. When
13 you go to your iTunes, that's digital.

14 Q How does going from analog to digital make
15 things better?

16 MR. HANDAL: Objection; beyond the scope,
17 irrelevant.

18 **THE WITNESS:** You have to be clear with your
19 question.

20 BY MR. HABER:

21 Q Sure. And so, again, I'm trying to understand.
22 You were building a better mousetrap; the world was
23 analog; digital was better. How was it better?

24 MR. HANDAL: Objection; beyond the scope,
25 irrelevant, lack of foundation.

1 THE WITNESS: I don't understand your question.
2 I didn't say anything about better.

3 BY MR. HABER:

4 Q You were trying to build a better mousetrap.

5 A Yeah. A better mousetrap, right. But I didn't
6 say anything about better to digital. It was just the
7 process is what I'm talking about.

8 MR. HANDAL: I'm going to caution the witness
9 just answer the question and not engage in a --

10 MR. HABER: Again, please -- Tony, please keep
11 your objections --

12 MR. HANDAL: There's nothing wrong with that.

13 MR. HABER: -- to scope. Please refrain from
14 speaking objections.

15 MR. HANDAL: Just go on. Go on. I've -- I've
16 been pretty good. Now, come on.

17 MR. HABER: You've been pretty good.

18 MR. HANDAL: Ask your question.

19 MR. HABER: Let's put it that way. Let's
20 not --

21 (Simultaneous talking.)

22 THE STENOGRAPHER: You're talking at the same
23 time.

24 (Stenographer interjection.)

25 MR. HABER: Okay. Let's not have speaking

1 objections. Let's not be coaching the witness. Let's
2 answer the questions that are asked, and we can continue.

3 MR. HANDAL: Then let's follow the rules which
4 say don't go beyond the scope. And you're -- you're
5 violating that a lot.

6 So follow the rules, and I won't make those --
7 I won't make a record that I'm warning you. I am warning
8 you are flaunting the rules.

9 MR. HABER: Are you finished?

10 MR. HANDAL: And you know the consequences.

11 MR. HABER: Are you finished now? Can I
12 continue with my --

13 MR. HANDAL: Please -- proceed, please, with
14 your examination, Counselor, in accordance with the
15 rules, please.

16 BY MR. HABER:

17 Q I'm going to go back to the claims. I'm going
18 to highlight on the screen "an exhibitor exhibiting said
19 multimedia material."

20 Do you see that?

21 A Yes.

22 Q What is an exhibitor?

23 MR. HANDAL: Objection; beyond the scope.

24 THE WITNESS: A theater, motion picture theater.
25 A theater in a public setting.

1 MR. HANDAL: Ben, I think we've got to contact
2 the board if you're going to continue asking these
3 questions for claim interpretation and construction.

4 It's beyond the scope. I think we've got to
5 contact the board. Do you want to --

6 MR. HABER: Let me just say, I mean, this is the
7 inventor providing a declaration about his patent, and
8 I am asking the inventor about his patent. I can't
9 understand any of your objections, and I think it's
10 entirely improper.

11 If you want to call the board, we can certainly
12 call the board; but the inventor is here, and he has
13 provided a declaration.

14 (Simultaneous talking.)

15 MR. HANDAL: I mean, if the board says you can
16 go ahead with this, that's fine. But I just -- I've let
17 it go as far as I think I responsibly can without getting
18 some guidance from the board, so --

19 Do you have someone in your office who could
20 make that call to the board?

21 MR. HABER: Let's go off the record.

22 MR. HANDAL: And then we can get on?

23 MR. HABER: Let's go off the record.

24 MR. HANDAL: Yeah.

25 (Recess.)

1 MR. HABER: So I just wanted to note for the
2 record that we went off the record to contact the board.
3 The phone number -- they weren't available. I sent an
4 e-mail to the board.

5 I'd like to just note for the record that I
6 believe my questions were proper where I'm asking the
7 witness about his patent that he provided a declaration
8 on, references patent in the declaration.

9 And I don't believe any of my questions are
10 outside of the scope, and I believe that they are proper,
11 and I'd like to have the issue resolved today.

12 If the board gets back to us today, then I
13 think -- I'll continue with my questions.

14 If they don't get back to us today but they
15 confirm that my questioning is proper, then we're going
16 to have to leave this deposition open to continue this
17 line of questioning at a later date if that's what we
18 have to do.

19 MR. HANDAL: Okay. Well, we're reserving our
20 rights, and we're not agreeing to that.

21 MR. HABER: That's fair.

22 BY MR. HABER:

23 Q So let me now move -- let me bring the
24 declaration back up on the screen. I need to share my
25 screen. One moment, please, while I do that.

1 All right. You should see back up on the screen
2 the declaration, Exhibit 2109.

3 Do you see that?

4 A Yes.

5 Q Okay. Looking at paragraph three of your
6 declaration, it says:

7 "In 2000, I made a provisional patent
8 application filing which matured into the
9 patent."

10 And that is the 724 patent that we were
11 discussing prior to the break; correct?

12 A I think it's referred to as the 725 patent.

13 Q Sorry. I misspoke. Yes. It is the 725 patent
14 that we were discussing.

15 A Correct.

16 Q Okay. In paragraph four you state:

17 "I believe that my personal experiences
18 in attempting to implement the technology of
19 my patent shed light on this question."

20 Do you see that?

21 A Yes.

22 Q What did you do to attempt to implement the
23 technology of your patent?

24 A I'm not sure I understand your question. Could
25 you rephrase it, please?

1 Q Sure. Before we do that, while we were on the
2 break, did you have any discussions with counsel?

3 A No.

4 Q While we were on the break, did you have any
5 discussions with anyone regarding the subject matter of
6 this case?

7 A No.

8 Q So the sentence here states -- it's describing,
9 quote, "My personal experiences in attempting to
10 implement the technology of my patent."

11 Do you see that?

12 A Yeah.

13 Q When you wrote those words, what did you mean?

14 A The business that I was in was filmmaking and
15 selling films. Those were my personal experiences.

16 Q And, specifically, "in attempting to implement
17 the technology of my patent," what did you do to attempt
18 to implement the technology of your 725 patent?

19 A With as much as could be done given the
20 challenges putting my materials together in a digital
21 world to streamline the process of filmmaking and film
22 distribution.

23 Q You mentioned challenges. What challenges are
24 you referring to?

25 A Technology was evolving at the time, and so what

1 was available now was not available back then. It was
2 quickly developing, but it needed time.

3 Q When you say "it," what was quickly developing?

4 A The whole aspect of the internet and delivery
5 through the internet and bandwidth and the rest of that.

6 Q Can you describe specifically what you did to
7 attempt to implement the technology of your 725 patent?

8 A That was 25 years ago. You know, I had a staff.
9 They were working with me. I can't remember exactly
10 everything we did.

11 Q So when you're describing your experiences in
12 attempting to implement the technology, what specific
13 experiences are you referring to?

14 A Well, we were shipping stuff out. And we were
15 moving into a digital world, so we didn't have to ship it
16 anymore. That was one thing. We were digitizing
17 material so that we didn't have to keep mounds of stuff
18 around.

19 Q You don't have a technical degree; right?

20 So you weren't developing code or developing
21 software to do that; is that right?

22 MR. HANDAL: Objection; vague, lack of
23 foundation.

24 THE WITNESS: I'm not sure I understand your
25 question. Can you rephrase it, please?

1 BY MR. HABER:

2 Q Sure. You mentioned technology was evolving,
3 the internet was developing.

4 The question is, when you're referring to
5 attempting to implement the technology, were you
6 technologically involved in creating software, technical
7 implementations, et cetera, for implementing these codes?

8 A **Myself personally?**

9 MR. HANDAL: Objection to form.

10 BY MR. HABER:

11 Q Yes.

12 A **No.**

13 Q The experiences that you reference in paragraph
14 four, are those generally related to business
15 interactions or technological interactions?

16 MR. HANDAL: Objection; lack of foundation,
17 vague.

18 **THE WITNESS: Both. Both of them.**

19 BY MR. HABER:

20 Q In paragraph five there's reference to Deluxe
21 Entertainment Services.

22 A **Yes.**

23 Q What is Deluxe Entertainment Services?

24 A **They're a business.**

25 Q What do they do?

1 A They provide services to filmmakers and
2 distributors.

3 Q What sorts of services do they provide?

4 A Right now or back then?

5 Q Let's start with back then, the time period
6 referenced in your declaration, around early 2000.

7 A Okay. They provide front-end lab services.
8 They provided back-end post-production services. They
9 provided fulfillment of deliveries including 35
10 millimeter print, 16 millimeter prints, and a video.

11 Post-production house. They had a sound
12 post-production house. They warehouse materials.

13 They did everything that they could to make
14 money in the industry where there was a chance to make
15 money in their business.

16 Q Do they provide different services now than they
17 did in 2000?

18 A They went bankrupt in 2019, so it's a new
19 company. What they do now is a whole different business
20 plan.

21 Q So the Deluxe Entertainment Services, as it
22 exists now, is a result of a bankruptcy of the company
23 from 2019; is that correct?

24 A Excuse me. I don't understand the question.

25 Q Deluxe Entertainment Services exists currently;

1 right?

2 A Yes.

3 Q They were emerged from bankruptcy in 2019 as a
4 restructured company?

5 A I'm not a lawyer nor am I --

6 MR. HANDAL: Objection; lack of foundation.

7 THE WITNESS: Nor a bankruptcy expert, nor do
8 I know the details, so I don't know the legal framework
9 how they emerged from bankruptcy or anything.

10 BY MR. HABER:

11 Q The services that were provided by Deluxe
12 Entertainment Services around 2000/2001, were there other
13 companies that provided those services?

14 A There was, yes.

15 Q What other companies?

16 A Technicolor was one of them. Photochem did some
17 work. There's a variety of different companies, but the
18 biggest were Deluxe and Technicolor.

19 Q Did you work with Technicolor?

20 A No.

21 Q Is there a reason you worked with Deluxe
22 Entertainment Services as opposed to Technicolor?

23 A I had a relationship with Deluxe going back to
24 1977. Before that they were a film house.

25 Q In paragraph five there's reference to an

1 individual, Cyril Drabinsky?

2 A Cyril Drabinsky, yes.

3 Q Who is Cyril Drabinsky?

4 A He's an executive at Deluxe.

5 Q You mentioned that you had a personal
6 relationship with Cyril Drabinsky?

7 A Yes.

8 Q Friendship relationship, business relationship?

9 A I'd say both.

10 Q Do you know Mr. Drabinsky's educational
11 background?

12 A I think it's in a document that we sent you, but
13 I'm pretty sure he's a lawyer and another -- you know,
14 another degree of some sort.

15 Q And there's another individual, William
16 Townsend, referenced there.

17 A Yes.

18 Q Would you say you have the same, sort of,
19 both friendship and business relationship with
20 Mr. Townsend?

21 A At the time, yes. And I want to say that was
22 with Cyril at the time, yes.

23 Q And do you know Mr. Townsend's educational
24 background?

25 A No. I think we sent you something that

1 describes his background. I didn't -- it's in there
2 somewhere.

3 Q Are Mr. -- take one at a time.

4 Is Mr. Drabinsky still employed in the industry
5 that you know of?

6 A I think he's still running Deluxe, yes. I think
7 he came back to run Deluxe. He retired for a while to do
8 something else.

9 Q How about Mr. Townsend, is Mr. Townsend still at
10 Deluxe?

11 A No.

12 Q Do you know if Mr. Townsend is still employed in
13 the industry in some capacity?

14 A I don't know.

15 Q So paragraph five at the bottom of -- before
16 going to the next page, it says:

17 "In 2000, I had a conversation with
18 Cyril Drabinsky and Bill Townsend."

19 Do you see that?

20 A Yes.

21 Q What was the context of this conversation?

22 MR. HANDAL: Objection; vague. Objection to
23 form.

24 THE WITNESS: You have to be more specific. I
25 had many conversations with him. Are you referring to --

1 BY MR. HABER:

2 Q What's referred to here is:

3 "I had a conversation with Cyril Drabinsky
4 and Bill Townsend."

5 The conversation that you're referring to here,
6 "a conversation." How did that conversation come about?

7 A Well, we -- I was at the lab a lot, and we would
8 talk. And I was telling him about the patent I was
9 putting together.

10 Q What's referenced here is a conversation. Is it
11 one conversation or multiple?

12 A Well, we had, you know, multiple conversations,
13 but that was part of a conversation.

14 Q In this conversation did Mr. Drabinsky or
15 Mr. Townsend ask you about your patent, or did you raise
16 it with them?

17 A No. I raised it with them.

18 Q What did you tell them about your patent?

19 A I told them that I was working on a patent that
20 would simplify the process of delivery of movies to
21 theaters, to buyers, electronically.

22 Q How did you explain to them that it would
23 simplify the process?

24 A Exactly what I just said.

25 Q Other than stating that your patent would

1 simplify the process of delivery of movies to theaters,
2 to buyers, electronically, did you provide any additional
3 information about your patent to Mr. Drabinsky or
4 Mr. Townsend?

5 A I think I gave them a copy of the actual draft
6 that we had at the time.

7 Q You said you think you gave them a copy.

8 A Yes.

9 Q Do you remember one way or the other whether you
10 did or did not?

11 A Well, specifically discussed it, and I'm pretty
12 sure I gave them a draft of the document.

13 And they knew me very well. I was a long-time
14 customer. And I was a respected individual in the
15 industry, and they took what I said seriously. So this
16 was a conversation that we had, yes.

17 Q And when you provided them a copy of the
18 application, did they provide any specific comment on the
19 application?

20 A The essence of the conversation was that they
21 were prejudice to the idea that electronic delivery of
22 movies was something that could be actually utilized in
23 the industry, and -- and if it was, it was 25 years away
24 at the earliest.

25 Q Did you provide a copy of your patent

1 application to anyone other than Mr. Drabinsky and
2 Townsend?

3 MR. HANDAL: Objection; beyond the scope.

4 THE WITNESS: I probably did, but I can't
5 remember. That was 25 years ago.

6 BY MR. HABER:

7 Q But sitting here today, you don't recall
8 providing a copy of your application to anyone other than
9 Mr. Drabinsky and Mr. Townsend?

10 A I provided it to another lawyer that worked --

11 MR. HANDAL: Beyond the scope.

12 THE WITNESS: -- that worked with me, Michael
13 Sax.

14 MR. HANDAL: A belated objection; beyond the
15 scope.

16 BY MR. HABER:

17 Q For what purpose?

18 MR. HANDAL: I need a moment, Nick, to get in my
19 objections.

20 THE WITNESS: Sure. Yeah.

21 BY MR. HABER:

22 Q For what purpose did you provide the application
23 to Mr. Sax?

24 A He was a friend and a lawyer and advisor and a
25 smart guy.

1 Q Did he provide any comments or feedback on the
2 application?

3 A Who?

4 Q Mr. Sax?

5 A I'm sure he did.

6 Q Do you recall what he said?

7 MR. HANDAL: I'm going to object to this line of
8 questioning. Mr. Sax is an attorney, is he not?

9 THE WITNESS: He is. He was my attorney.

10 (Simultaneous talking.)

11 (Stenographer interjection.)

12 MR. HANDAL: Okay. I apologize for the belated
13 objection. It just occurred to me.

14 So we're going to put in a belated objection on
15 this line of questioning relating to communications with
16 Mr. Sax.

17 And I'm going to instruct the witness not to
18 testify as to the substance of those communications with
19 Michael Sax, with Attorney Michael Sax.

20 BY MR. HABER:

21 Q Other than your attorney, Mr. Sax, and
22 Messrs. Townsend and Drabinsky, sitting here today, do
23 you recall providing your application to anyone else?

24 A The people that worked with me at my company.

25 Q Okay. And the people that worked with you at

1 your company, other than attorneys, did they provide any
2 comments or feedbacks on the application when you
3 provided it to them?

4 **A I can't recall. That was 25 years ago.**

5 Q Other than Deluxe Entertainment Services, at the
6 time, were you aware of any other companies or services
7 that were digitally distributing film?

8 MR. HANDAL: Objection to form.

9 **THE WITNESS: The question doesn't make any**
10 **sense.**

11 BY MR. HABER:

12 Q Are you aware of any companies or services that
13 were digitally distributing film around the 2000 time
14 frame when you developed your application?

15 MR. HANDAL: Objection to form.

16 **THE WITNESS: It was 25 years ago. 25 years**
17 **ago. And there was some companies experimenting on**
18 **digital delivery of movies, but I can't remember who they**
19 **were. I think it's some of those cited in the examiner's**
20 **notes.**

21 BY MR. HABER:

22 Q It's fair to say that you didn't invent digital
23 distribution of movies; correct?

24 **A I never said I did.**

25 MR. HANDAL: Objection; calls for a legal

1 conclusion, beyond the scope.

2 BY MR. HABER:

3 Q And it's fair to say that you didn't invent the
4 idea of digitizing analog film into a digital format;
5 correct?

6 MR. HANDAL: Objection; beyond the scope, calls
7 for a legal conclusion, vague, objection to form.

8 **THE WITNESS: No.**

9 BY MR. HABER:

10 Q So when you explained your ideas to
11 Mr. Drabinsky and Mr. Townsend, what is it that you told
12 them you could do better than was being done currently?

13 A My position with them was that if they followed
14 what I had put together in my patent and joined me in
15 getting it further along the line, that there would be
16 great benefits to them in the business.

17 Q What benefits to them and their business would
18 they have received?

19 A They would've been ahead of the curve in terms
20 of the role of digital distribution.

21 Q How specifically would they have been ahead of
22 the curve?

23 A Well, they decided not to and were forced to
24 take -- get involved much later in the process. They
25 could've just had a running start. It's very simple.

1 Q So as a result of your conversations, is it fair
2 to say that Deluxe Entertainment Services made a business
3 decision not to invest in digital distribution?

4 A At the time when we discussed my patent, they
5 were prejudice to the idea of electronic delivery of
6 movies to theaters.

7 Q Is it fair to say that others in the industry
8 were not prejudice to the idea of digital -- of
9 electronic delivery of movies to theaters?

10 MR. HANDAL: Objection; beyond the scope.

11 THE WITNESS: I'm not sure what your question
12 is.

13 BY MR. HABER:

14 Q There were others in the field that were working
15 on electronic delivery of movies to theaters; correct?

16 A Yes.

17 MR. HANDAL: Objection; mischaracterizes the
18 evidence, mischaracterizes the witness's testimony.

19 BY MR. HABER:

20 Q Is there a reason why you didn't discuss your
21 ideas with others in the field that were working on
22 electronic delivery of movies to theaters?

23 MR. HANDAL: Objection; mischaracterizes the
24 evidence, lack of foundation.

25 THE WITNESS: I'm trying to understand your

1 question. Can you rephrase it, please?

2 BY MR. HABER:

3 Q Sure. You previously stated that there were
4 others in the field that were working on electronic
5 delivery of movies to theaters.

6 And the question is, is there a reason why you
7 didn't discuss your ideas with those others in the field
8 that were working on electronic delivery of movies to
9 theaters?

10 A Well --

11 MR. HANDAL: Objection to form. Objection;
12 mischaracterizes the witness's testimony, beyond the
13 scope.

14 THE WITNESS: As a filmmaker, I had a much more
15 hands-on grasp of the industry and what's involved in
16 some scientists doing some tests.

17 So it wasn't really practical for me to talk to
18 them. It was more practical for me to deal with somebody
19 like Deluxe that was doing -- working with me for many
20 years which involve many more things than just the
21 electronic delivery as outlined in my patent.

22 BY MR. HABER:

23 Q So is it fair to say that you had a preexisting
24 business arrangement with Deluxe, and the reason that you
25 went to Deluxe is because you had that preexisting

1 relationship?

2 MR. HANDAL: Objection; mischaracterizes the
3 witness's testimony.

4 THE WITNESS: I was a client of Deluxe and a
5 friend to the executives. I did a lot of work there.
6 I was treated very well. I was given gifts at Christmas.

7 As a filmmaker, they respected that I did my
8 job. I paid my bills. I knew their business as well as
9 they did. So they were the natural people to talk to,
10 ongoing conversations, about what my idea was.

11 (Stenographer clarification.)

12 THE WITNESS: Like this here, this is one of my
13 gifts. Can you see that? It's a Deluxe marker. It's a
14 radio, you know, multiband radio wrapped in leather.
15 Grande.

16 It's one of my gifts that they gave me. It's
17 kind of a cute, little thing to keep on my desk. A
18 leather -- leather -- nice leather carrying bag for
19 travel. All kinds of things, so --

20 If you're spending money there, you're
21 appreciated. And I used all their -- all their services.
22 So it wasn't just lab printing, sound.

23 Right then, processing, sound transfers, mixing,
24 playback, Foley room, the whole gamut. So -- timing,
25 IPs, dupe negs, shipping.

1 And they also asked me to help them on many
2 occasions when they got into trouble. I saved them once
3 on some films that they had lost money on.

4 And they asked me to look in their materials
5 they had to see if there's any other films we could turn
6 in to cash, just ongoing things.

7 Cyril asked me to help his brother on a deal.
8 So I had a very in-depth relationship, you know. That's
9 the relationship I had.

10 BY MR. HABER:

11 Q Okay. So is it fair to say, then, that you --
12 you had an important relationship; and if you wanted to
13 talk to Mr. Drabinsky, you could get a meeting, and you
14 could talk to him about the things that, you know, were
15 important to you and were potentially important to that
16 relationship?

17 A I'm not sure I understand the question. I just
18 explained to you the relationship I had, so it's -- I
19 think it was pretty obvious.

20 Q You mentioned Technicolor.

21 A Yes.

22 Q Did you not have such a relationship with
23 Technicolor or the executives at Technicolor?

24 A No.

25 Q And there were a handful of other similar

1 companies that provided similar services. You mentioned
2 Photochem, and you said there may be others.

3 A Yes.

4 (Simultaneous talking.)

5 (Stenographer interjection.)

6 BY MR. HABER:

7 Q Did you not have a similar relationship with
8 those other companies either?

9 A Well, first off, I'm based in Toronto, so -- you
10 can't hop around between suppliers. You're not going to
11 get the service you want. You're not going to get the
12 relationship you want.

13 So you have to pick the supplier you want to
14 stick with, and it's like a team, so -- there was other
15 suppliers, but my deal was with Deluxe. My relationship
16 was with Deluxe.

17 They wouldn't look kindly on me going to their
18 competitor and then welcome me in the front door and
19 handing me a gift.

20 Q Okay. Fair.

21 You mentioned that, at the time, Deluxe did not
22 transition to digital delivery of films, but they may
23 have at a later date. Do you know when that occurred?

24 A Well, they had to start looking at business
25 opportunities, so they got involved in providing services

1 to James Cameron when he was about to deliver Avatar.

2 So they got involved. And the date, I'm not
3 sure. You know, maybe it was 2008 or '9. Less -- yeah,
4 somewhere around there.

5 So that would've had to be around 2000- -- yeah,
6 working on the post-production detail around 2008 or '9.
7 They also maybe dabbled in a few other things; but when
8 I talked to them, that's a different conversation.

9 Q In 2008 or 2009, when they transitioned to
10 digital distribution of films, did they want to take a
11 license of your patent?

12 A I'm not sure the equation is correct, and I'm
13 not sure exact dates; but, no, they weren't interested in
14 taking a license on my patent. By that time we had a
15 falling-out.

16 Q When did you have a falling-out with Deluxe?

17 A I can't remember the date.

18 Q The falling-out you had with Deluxe, was it
19 before 2009?

20 A I can't remember the date.

21 Q When you had a falling-out with Deluxe, do you
22 recall if it was before or after your patent had issued,
23 August 11th, 2009?

24 A I can't remember the date. I can find out and
25 get back to you if you want. Do you want me to do that

1 **and get back to you?**

2 Q Well, I mean, we're going to -- we're going to
3 go on a lunch break soon. So if it's something you can
4 find --

5 A I can Google it right now, because it relates to
6 a movie that his brother asked me to help. It's -- Cyril
7 Drabinsky asked me to help his brother on.

8 MR. HABER: Yeah. Well, so I think it's 1:30,
9 so why don't we -- why don't we take a break. And, you
10 know, if you can find the answer to that question,
11 then --

12 MR. HANDAL: Ben, let's -- let's have some
13 clarity. He offered to Google and give you the date. Do
14 you want him to do that?

15 Are you okay with that?

16 MR. HABER: Sure.

17 BY MR. HABER:

18 Q Just let me know what you're --

19 MR. HANDAL: So then, Nick, you can Google and
20 try to get the information.

21 **THE WITNESS: Right now?**

22 MR. HANDAL: You can do it now, yeah. And then
23 let's take a break.

24 I just didn't want him Googling something, and
25 then you're objecting to him. I just want to get it

1 clear on the record that you're okay with that.

2 **THE WITNESS: So that happened in around 2003.**

3 BY MR. HABER:

4 Q Okay. And you said it was in connection with a
5 film? What was the film?

6 A The film was called the "Gospel of John."

7 MR. HANDAL: Okay. Just for the record, I'm
8 going to note that the witness used his Smartphone to get
9 that 2003 date, if it's not apparent from the record.
10 Okay.

11 MR. HABER: And then -- so I'll have some
12 follow-up questions, you know, for maybe another
13 10 minutes or so on this issue. I'm happy to do it now.

14 **THE WITNESS: I'm happy to keep going,**
15 **because -- you know, I want to keep going. We're --**
16 **let's finish.**

17 MR. HABER: I don't want to -- I don't want to
18 interrupt anyone's lunch, but --

19 **THE WITNESS: I've got my nuts. And you guys**
20 **are in LA, so it's a different zone. I'll go with you.**

21 MR. HABER: It's breakfast for me.

22 BY MR. HABER:

23 Q So after you had a falling-out with Deluxe in
24 2003, what was the -- how did that affect the
25 relationship?

1 A Well, we had to move our business away after
2 that.

3 Q Where did you move to after -- after that?

4 A Different labs. I think we used Technicolor and
5 some other labs.

6 Q After the falling-out you had in 2003 --

7 A It was -- 2003 was the release of the movie.
8 So, to be clear, it happened after that. The exact time,
9 I don't know. But it was 2003, 2004, maybe 2000- --
10 between '3 and '5. And, you know, so more or less '4 or
11 '5. 2004 or '5. Could've been something like that.

12 Q After you had your falling-out with Deluxe, did
13 you have further discussions with them about your
14 725 patent?

15 A No. I had a falling-out with Deluxe, so there's
16 no conversations. Everything was just stopped.

17 Q After you had your falling-out with Deluxe and
18 you had a new relationship with Technicolor, did you
19 have any discussions with Technicolor about your
20 725 patent?

21 A I think I said with different suppliers. Not
22 just Technicolor. We moved our business around to
23 different people. And the answer to that is no.

24 Q Okay. So after you moved your business to
25 different suppliers, you didn't have discussions with any

1 of them about the 725 patent; fair?

2 A That is correct.

3 Q When Deluxe -- I've referenced here in
4 paragraph 15. When Deluxe was working with James Cameron
5 on his digital distribution of the movie, did you believe
6 that Deluxe was practicing your patent?

7 A No. They weren't at the time, actually. They
8 were just providing services. And I don't believe --
9 I don't have enough information on what was going on to
10 give you a clear answer.

11 MR. HANDAL: Belated objection; calls for a
12 conclusion of law, beyond the scope.

13 BY MR. HABER:

14 Q When -- you mentioned in paragraph 15 the movie
15 Avatar being digitally filmed and distributed. How was
16 that related to your 725 patent?

17 MR. HANDAL: Objection; calls for a conclusion
18 of law.

19 THE WITNESS: Well, part of the --

20 MR. HANDAL: Beyond the scope.

21 THE WITNESS: Part of the patent talked about
22 electronic delivery of movies to theaters. And because
23 James Cameron would not take conventional celluloid, his
24 film required electronic delivery to theaters. So he
25 basically jump-started the process.

1 BY MR. HABER:

2 Q And you would agree that your patent doesn't
3 claim all electronic delivery of movies to theaters;
4 right?

5 MR. HANDAL: Objection. Objection; calls for a
6 conclusion of law. Let's put that question in the hopper
7 to deal with the board on.

8 MR. HABER: Hold on. Are you instructing the
9 witness not to answer that question?

10 MR. HANDAL: Yes. Yeah, let's wait till we get
11 a board ruling.

12 MR. HABER: On what basis exactly are you
13 instructing the witness not to answer that question?

14 MR. HANDAL: We're waiting for the board to
15 contact us with respect to claim interpretation. And
16 that's it. And that's -- that's the conclusion, my
17 interpretation in my view.

18 (Simultaneous talking.)

19 (Stenographer interjection.)

20 MR. HANDAL: Okay. Madam Court Reporter, could
21 you re-read that question? Maybe my -- my recollection
22 is not complete.

23 (Whereupon the record was read as follows:

24 Question: "You mentioned in paragraph 15 the
25 movie Avatar being digitally filmed and

1 distributed. How was that related to your
2 725 patent?")

3 MR. HANDAL: You can answer that question.

4 **THE WITNESS: I answered it. You can just read**
5 **on, because I answered the question.**

6 BY MR. HABER:

7 Q And so there was a follow-on question after
8 that.

9 You would agree that your patent doesn't claim
10 all electronic delivery of movies to theaters; right?

11 **A I don't understand that question, "you would**
12 **agree." What are you asking me? Ask me a question.**

13 MR. HANDAL: I'm objecting to the question as
14 calling for a conclusion of law.

15 BY MR. HABER:

16 Q Okay. Well, there's a lot of colloquy here, so
17 let me just ask a slightly different question so that way
18 we can -- maybe we can short-circuit whatever the issue
19 is.

20 I'm trying to understand the relationship
21 between the movie Avatar and the invention described by
22 your patent and how the movie Avatar is related to the
23 issues in this case.

24 MR. HANDAL: Objection; vague. Objection to
25 form.

1 THE WITNESS: Well, I've already said that in
2 early 2000 I was talking to Deluxe, Cyril Drabinsky, Bill
3 Townsend, about reviewing my patent and looking at moving
4 to electronic delivery of movies to theaters in an
5 aggressive way.

6 They were about to invest \$30 million in
7 building more high speed printers. And since I consider
8 them friends, I said that was a mistake. So Avatar, by
9 coming out when it did, proved that I was right and they
10 were wrong.

11 BY MR. HABER:

12 Q How did the movie Avatar prove that you were
13 right?

14 A Because there was no prints being used in
15 Avatar, no celluloid.

16 Q Did you see the movie Avatar?

17 A Yes.

18 Q It was a good movie; right?

19 MR. HANDAL: Objection; beyond the scope.

20 BY MR. HABER:

21 Q I mean, Avatar grossed \$2.9 billion. That's
22 what you say in paragraph 17.

23 Is it your testimony that Avatar made
24 \$2.9 billion not because it was a good movie but because
25 it was digitally distributed?

1 MR. HANDAL: Objection; mischaracterizes his
2 testimony, beyond the scope, irrelevant.

3 THE WITNESS: The simple answer is the
4 commercial success; okay? So this is -- you know, "good"
5 is in the eye of the beholder.

6 BY MR. HABER:

7 Q Okay. So the question is, is it your testimony
8 that Avatar made \$2.9 billion because it was digitally
9 distributed, not because it was a good movie?

10 MR. HANDAL: Objection to form, beyond the
11 scope, mischaracterizes the witness's testimony.

12 THE WITNESS: I don't understand the question.

13 BY MR. HABER:

14 Q You have in paragraph 17 a statement that Avatar
15 was a resounding success, grossing \$2.9 billion. That's
16 all good, and it may be true. How is that at all
17 connected to this case?

18 A Again --

19 MR. HANDAL: Objection; assumes -- assumes --
20 mischaracterizes the evidence, assumes facts not in
21 evidence, lack of foundation.

22 THE WITNESS: As I said earlier, Avatar was the
23 first wide release that was not released on celluloid.
24 So that was the purpose of our conversation, was how we
25 can make a better mousetrap and simplify the whole

1 process.

2 Avatar was the first commercial movie to at
3 least go out the door electronically and succeed
4 worldwide.

5 BY MR. HABER:

6 Q So is it your testimony, then, that Avatar did
7 what is recited in your 725 patent?

8 MR. HANDAL: I'm sorry. I didn't hear that
9 question. Could I hear that question again?

10 BY MR. HABER:

11 Q Is it your testimony that Avatar did what is
12 recited in your 725 patent?

13 MR. HANDAL: I'm sorry. I didn't hear the
14 question.

15 MR. HABER: I'll repeat it again.

16 MR. HANDAL: I apologize. I just didn't -- you
17 know.

18 BY MR. HABER:

19 Q Is it your testimony that Avatar did what is
20 recited in your 725 patent?

21 MR. HANDAL: Objection; calls for a conclusion
22 of law, beyond the scope, vague.

23 THE WITNESS: My patent has many aspects to it.
24 Avatar was delivered to theaters electronically. That's
25 part of my patent.

1 BY MR. HABER:

2 Q We may have covered this earlier, but I just
3 want to confirm.

4 You would agree that you did not invent
5 electronic delivery of movies to theaters; correct?

6 A What's the question?

7 MR. HANDAL: Objection. Objection; calls for a
8 conclusion of law, lack of foundation.

9 BY MR. HABER:

10 Q I'll restate the question.
11 Did you invent electronic delivery of movies to
12 theaters?

13 A No.

14 MR. HANDAL: Objection; vague.

15 MR. HABER: All right. Maybe we can break for
16 lunch.

17 THE WITNESS: Well, I'm ready to keep going.
18 And I'm on, you know, east coast time with Tony. So if
19 we can keep going, maybe we can get finished. It's only
20 a quarter to 2:00 here. You guys are on lunch break for
21 another hour and 15 minutes.

22 MR. HABER: All right. We can definitely keep
23 going. That's fine with me.

24 THE WITNESS: Is that okay with you, Tony?

25 MR. HANDAL: I'm okay.

1 BY MR. HABER:

2 Q What's mentioned in paragraph 12, the Evans
3 Avenue plant, that plant was built; right?

4 A Is that a question?

5 Q Yes.

6 A What's the question?

7 Q Was the Evans Avenue plant built?

8 A I don't know if it was built or they took over
9 an existing building.

10 Q Okay. Was the Evans Avenue plant in operation
11 for some period of time?

12 A Yes.

13 Q Do you know how long it was in operation for?

14 A I don't know the exact dates.

15 Q Do you know when the Evans Avenue plant ceased
16 operation?

17 A No, I don't, but I could find out.

18 Q All right. Was the -- do you know if the Evans
19 Avenue plant was still in operation when Deluxe went
20 bankrupt in 2019?

21 A No. No.

22 Q No, you don't know, or no, it wasn't operating?

23 A No, it definitely was not operating in 2019.

24 Q In paragraph 13, you mentioned that the project
25 was a mistake. Was that referring to the Evans Avenue

1 plant that Deluxe was investing in?

2 A Yes.

3 Q Then you say:

4 "They made it clear to me that as one of the
5 largest companies in the business, they had
6 access to the best minds and the best advice on
7 the technology."

8 How did they make it clear to you?

9 A Well, they're the guys running the show there.
10 So they told me I'm wrong and they're right.

11 Q Was there a formal proposal that you made, or
12 was this a more informal discussion you were having?

13 A What are we talking about?

14 Q When you say that they made it clear to you that
15 they were right and you were wrong, was there a formal
16 document, was there a business transaction that was being
17 discussed, or was this more of an interpersonal
18 discussion?

19 A This was just a conversation.

20 MR. HANDAL: Object to form.

21 THE WITNESS: Conversation between me and those
22 two. There's no formal paperwork or anything like that.

23 BY MR. HABER:

24 Q You don't have any documents or paperworks
25 explaining how they made this clear to you?

1 A **No.**

2 Q And you said in this paragraph 13 they had
3 access to the best minds and best advice. What are you
4 referring to there?

5 A **Well, this is their business. So they reach**
6 **out, and they talk to people that are in the know, and**
7 **this is how they make decisions. So -- who that is,**
8 **I don't know.**

9 Q They didn't identify to you individuals?

10 A **No.**

11 Q It says in paragraph 13 that they were convinced
12 of the impracticality of digital file transfer. What
13 specific impracticalities were they concerned about?

14 A **It was not a feasible effort to put electronic**
15 **delivery of movies in theaters.**

16 Q Did they tell you why it was impractical, in
17 their view?

18 A **They were prejudice to the system.**

19 Q What do you mean by that, "They were prejudice
20 to the system"? That's a --

21 A **They didn't have confidence in it.**

22 Q Were there particular parts of the system that
23 they didn't have confidence in?

24 A **The idea that you could --**

25 MR. HANDAL: Objection; lack of foundation.

1 **THE WITNESS:** -- remove celluloid and replace it
2 with electronic at the time, didn't have any confidence
3 in that process. They said that it's a process that's
4 25 years away, and that's why they're moving ahead with
5 their high speed printing lab.

6 BY MR. HABER:

7 Q Paragraph 14 you said you presented to Townsend
8 and Drabinsky the full details of your invention as laid
9 out in the application.

10 Again, was there some sort of a presentation or,
11 you know, a formal document that you provided to them?

12 A I believe you asked me this --

13 MR. HANDAL: Objection; asked and answered.

14 **THE WITNESS:** Thank you.

15 BY MR. HABER:

16 Q So the question is, was there a presentation or
17 a formal document?

18 A I believe you asked me this question, Ben, and
19 my answer was I wasn't sure. I think I gave them a draft
20 of the patent. We discussed it.

21 Q Other than the patent, did you provide business
22 plans, a proposal, I mean, anything in excess of the
23 patent?

24 A I think that covered it all.

25 Q In paragraph 18, when you mention the theater

1 industry transitioning dramatically and suddenly to
2 digital projection, do you see that?

3 A Yes.

4 Q Does your 725 patent cover digital projectors?

5 A What's the question?

6 Q Does your 725 patent cover digital projectors?

7 A I'd have to check.

8 MR. HANDAL: Objection. Belated objection;
9 calls for a conclusion of law.

10 BY MR. HABER:

11 Q Do you believe that you invented digital
12 projection?

13 A I didn't say that.

14 MR. HANDAL: Objection; calls for a conclusion
15 of law.

16 BY MR. HABER:

17 Q Right. I don't think you did. I'm just asking
18 you. Do you believe that you invented digital
19 projection?

20 A You have to ask me a question, and I'm not
21 sure -- you know, the way you phrase it to me, you're
22 looking for me to answer something that I'm not sure
23 I understand your question specifically.

24 You said "do you believe." Maybe just ask me a
25 question.

1 Q Did you invent digital projection?

2 A No.

3 MR. HANDAL: Beyond the scope, belated.

4 BY MR. HABER:

5 Q In paragraph 19 you mentioned Townsend and
6 Drabinsky at the helm of the company dominating the
7 business of getting feature films from studios to movie
8 theaters.

9 What was Townsend -- what was Deluxe -- strike
10 that.

11 What was the market share of Deluxe in providing
12 feature films from studios to movie theaters?

13 A I don't know the exact number, but they were one
14 of the top two. It was either Deluxe or Technicolor.
15 I guess that market share would change if they got an
16 account with one studio or another, so -- it's all about
17 competing for the business.

18 MR. HANDAL: I'm not hearing anything. Hello?

19 MR. HABER: Hello?

20 MR. HANDAL: Yeah, I wasn't -- I had about
21 10 seconds of complete silence.

22 MR. HABER: Okay. Well --

23 THE WITNESS: Did you hear the bit about the
24 movie share?

25 MR. HANDAL: Yeah. Last thing I heard was if

1 they got an account, the market share change. Maybe the
2 court reporter could read back slowly the back-and-forth
3 before that. Or right after that. I'm sorry.

4 MR. HABER: There wasn't anything after that
5 other than you saying you're not hearing anything, so --

6 MR. HANDAL: Oh, okay. Apologies. I saw what
7 I thought were lips moving. Okay. It was you smiling.
8 Only smiles, not -- not voices. Okay.

9 BY MR. HABER:

10 Q So in paragraph 20 there is reference to the
11 technology disclosed and claimed in the patent.

12 Do you see that?

13 A Yeah.

14 Q When you wrote those words, "the technology
15 disclosed and claimed in the patent," what are you
16 referring to?

17 A Exactly what I said.

18 Q So how would you describe the technology
19 disclosed and claimed in the patent?

20 A It embodies the entire patent. You'd have to go
21 through it. There's a lot of information.

22 Q So I have been told by your counsel that I'm not
23 allowed to go through it with you.

24 So I'm asking you to describe for me the
25 technology disclosed and claimed in the patent that is

1 referenced in your declaration.

2 And I'd be happy to go through the patent with
3 you. I have it right here, and I have the patent right
4 here.

5 A So, in a nutshell, it's the electronic delivery
6 of audiovisual material through a computer to an end,
7 including all the promotional materials, trailers,
8 stills, paperwork, PR materials, EPKs, contractual
9 materials delivered without the requirements of physical
10 delivery through couriers in an efficient way and very
11 cost effective, utilizing marketing materials in order
12 for theaters to gauge their performance city by city or
13 block by block and adjust their scheduling to maximize
14 return on what movie they're playing real time feedback.

15 So each demographic could be focused and
16 different trailers could be utilized and different
17 campaigns for that demographic, providing that feedback
18 to exhibitors and distributors to tailor ongoing
19 distribution.

20 A bit like a football quarterback taking his
21 team down the field and adjusting his plan as they go in
22 order to get to the end zone.

23 Q Were you reading from something when you were
24 providing that answer?

25 A No.

1 Q Okay. In your answer you mentioned exhibitors.

2 A Yeah.

3 Q What are exhibitors?

4 MR. HANDAL: I'm going to object to that,
5 calling -- calling for conclusion of law with respect to
6 claim interpretation.

7 MR. HABER: I'm not asking --

8 MR. HANDAL: Beyond the scope.

9 (Simultaneous talking.)

10 MR. HANDAL: I think we got a --

11 BY MR. HABER:

12 Q Okay. So, again, to be clear, I'm not asking
13 for claim interpretation. This is a word that you just
14 gave me in your answer. You said "exhibitors." I just
15 want to know what you meant when you said "exhibitors."

16 A If you go through the transcript, you'll find
17 that I already answered that question for you. You asked
18 me that question much earlier, with all due respect.

19 Q If you can bear with me, there was a lot of
20 back-and-forth at that period. When you just gave the
21 answer that used the word "exhibitors" --

22 A I'm sorry. Maybe the court reporter can find
23 that section. It would've been near the beginning of
24 our --

25 MR. HANDAL: Okay. Wait, wait, wait, wait,

1 wait. There's an order to this, and it becomes very
2 difficult for the court reporter --

3 THE WITNESS: Okay.

4 MR. HANDAL: -- and for everybody. Okay.
5 You're -- you're there to answer questions and --

6 THE WITNESS: Okay.

7 MR. HANDAL: -- not to -- to suggest how things
8 might be efficiently addressed, so --

9 THE WITNESS: Okay.

10 MR. HANDAL: But it's Mr. Haber's deposition.

11 THE WITNESS: Okay. My mistake. I'm sorry.

12 MR. HANDAL: If there's a problem with -- with
13 what he wants to do, you know I will pipe up.

14 THE WITNESS: Okay.

15 MR. HANDAL: Just answer the question, you know,
16 directly. Okay. Why don't you repeat the answer --

17 MR. HABER: Let me ask the question.

18 MR. HANDAL: And let me say I won't object to
19 the question if you're asking for his understanding of
20 the word "exhibitor," you know, from a -- you know, I
21 don't want to -- maybe you can -- you can ask a better
22 question. I'm not going to suggest how you could take
23 care of it.

24 MR. HABER: I will ask the question, and I would
25 appreciate an answer from the witness.

1 BY MR. HABER:

2 Q You used the word "exhibitor" in the prior
3 answer that you gave, and I would like to know what your
4 understanding of the term "exhibitor" is in the answer
5 you just gave me.

6 A Okay. Sorry. I did answer the question
7 earlier. And the -- my understanding of "exhibitor" is
8 public audience paying to see or not paying to see a
9 performance of a movie. Could be in a theater, could be
10 at a university, but it's a public performance of a
11 movie.

12 Q As you used that term "exhibitor," the idea of a
13 public performance seems to be important to you. What do
14 you mean by a public performance?

15 A Available to the public.

16 MR. HANDAL: Objection. Objection; beyond the
17 scope. Okay. I think -- I think we've got to make
18 another call to the board, see if we can get a little --
19 a little guidance here; okay?

20 Do you have any other questions?

21 MR. HABER: I have a number of questions. And
22 you are interrupting my deposition, and you're continuing
23 to do that. And I'm happy to take this up with the
24 board. And like we --

25 MR. HANDAL: Okay. So let's -- let's make

1 another call to the board. I'm happy to do that, too.

2 MR. HABER: For the record, your objections and
3 the witness's evasive answers are improper, and we can --
4 we can talk about it with the board. And I'm happy to go
5 off the record and do that right now.

6 MR. HANDAL: Okay. Let's try. Thank you.

7 **THE WITNESS: I don't believe my answers were**
8 **evasive, by the way.**

9 MR. HABER: Fair. Let's go off the record.

10 (Recess.)

11 MR. HABER: So we're back on the record.

12 I tried to contact the board again, and they did
13 not respond to my call. Sent an e-mail earlier.

14 I have a number of questions that I want to get,
15 and I've been told that, you know, those are not areas
16 that the witness is going to answer or be allowed to
17 answer my questions. And so I think we should continue
18 this deposition until we hear back from the board.

19 MR. HANDAL: Do you have any other examination
20 that doesn't relate to claim construction or arguably
21 relates to claim construction of the type I'm objecting
22 to?

23 MR. HABER: Right. So I don't have any
24 questions about claim construction. I have questions
25 about the declaration and the testimony that the witness

1 has provided off his declaration.

2 And those are the questions that I'm asking, and
3 I would like to think that they are along the lines of
4 the ones that I've been asking.

5 I do have questions about the witness's patent.
6 It is his patent and his technology that he attempted to
7 implement according to his declaration, and I wanted to
8 understand that and been told that I can't get those
9 questions answered right now until we hear from the
10 board.

11 MR. HANDAL: Let's try. And if you can keep
12 your questions to that declaration, I think, you know, we
13 can make some progress. I mean, you've got a declaration
14 there. You know, stick to that declaration.

15 MR. HABER: I believe I have been.

16 MR. HANDAL: Go to claim one, term by term, you
17 know, that's -- that's, like, where you were going.
18 But -- so we're not going to do that.

19 But everything other than that, I think you can
20 go to that declaration, tie it into the declaration. And
21 I'll -- you know.

22 I have no problem with going forward. I may
23 have an objection, but -- if you can tie it to the
24 declaration, maybe we can save everybody some trouble.

25 MR. HABER: I've been doing that, and I disagree

1 that the questions that I've been asking about his patent
2 are not tied to the declaration when his declaration
3 references his patent and his implementation of it. So
4 that's what I'm trying to understand. And, you know --

5 MR. HANDAL: Well, you know, I don't want to say
6 too much, but, you know, if you're asking questions about
7 his declaration and --

8 MR. HABER: We seem to be going in circles here.
9 I think the questions that I've been asking are proper,
10 and I think we just have to leave it at that unless I
11 can --

12 MR. HANDAL: Why don't you take -- see what we
13 can do without bothering the board. Hopefully, we'll
14 hear from the board soon, and we'll -- we'll have a
15 resolution. Maybe we've got a resolution now. I don't
16 know. We'll see.

17 MR. HABER: I can continue if the witness is
18 here and wants to continue.

19 MR. HANDAL: Okay.

20 MR. HABER: All right.

21 MR. HANDAL: Just give me two seconds. I want
22 to grab my -- my water glass. Okay.

23 BY MR. HABER:

24 Q Okay. I was asking you previously about --
25 share my screen again. All right. I have to reopen a

1 document. Just give me a moment.

2 I have on the screen Exhibit 1001, which is your
3 725 patent, Mr. Stiliadis. And what's on the screen is
4 Figure 1.

5 And the answer you provided me before was
6 regarding exhibitors. And what's shown in Figure 1 shows
7 boxes labeled 18a, 18b, 18c, 18d, 18e.

8 Are those examples of exhibitors, as you
9 understand that term?

10 **A The only exhibitor --**

11 MR. HANDAL: Objection; calls for a conclusion
12 of law, beyond the scope, and give me a moment to look at
13 your drawing. Objection; vague. Vague. It's compound.
14 BY MR. HABER:

15 Q All right, Mr. Stiliadis. Do you have an
16 answer?

17 **A The only ask exhibitor there is the movie**
18 **theater.**

19 Q Why is the movie theater the only exhibitor
20 there?

21 **A Because that's what it is, an exhibitor. A**
22 **movie theater is an exhibitor.**

23 Q You mentioned earlier that --

24 MR. HANDAL: Wait. A belated objection; calling
25 for conclusions of law. I'm not sure if there were two

1 questions there or one, but they both called for a
2 conclusion of law.

3 BY MR. HABER:

4 Q Okay. You mentioned earlier that an exhibitor
5 displays performance publicly.

6 A Right.

7 Q Is it your testimony that only a movie theater
8 of those listed boxes 18 will display a film publicly?

9 MR. HANDAL: Objection; calling for a conclusion
10 of law, beyond the scope.

11 You know, maybe we ought to just hold the
12 deposition -- put it on hold if you don't have any
13 questions that are not tied to the -- you know.

14 Obviously, you know, you're going for some sort
15 of claim construction ammunition here. So maybe we'll go
16 to just -- if you don't have anything else, maybe we
17 should just adjourn the deposition.

18 MR. HABER: I disagree that I'm going for any
19 claim construction, but I think we do have a dispute
20 here. We just need to hold this open until we hear from
21 the board.

22 Okay. So I think we can -- we can conclude for
23 now, and we will potentially reopen this when we hear
24 back from the board.

25 THE STENOGRAPHER: Mr. Handal, would you like to

1 purchase a copy of the transcript?

2 MR. HANDAL: Would I like a what copy now?

3 THE STENOGRAPHER: Would you like to purchase a
4 copy of the transcript?

5 MR. HANDAL: Yes, we will. We will purchase a
6 copy of the transcript, and I -- can you make the real
7 time available to me?

8 I'll speak with you offline about cost and
9 everything, but I'd like that option. Was there real
10 time in this -- in this transcript?

11 THE STENOGRAPHER: Yes.

12 MR. HANDAL: Okay. So I might -- I might ask
13 for a download of that, but we can -- we can do that
14 offline.

15 THE STENOGRAPHER: Are you saying you would like
16 a rough draft of the transcript?

17 MR. HANDAL: Let's go off the record.

18 (Recess.)

19 BY MR. HABER:

20 Q So welcome back. We did have a call with the
21 board, and the board provided some instruction regarding
22 objections.

23 And the board's instruction was that, you know,
24 absent an express instruction not to answer, you are to
25 answer the questions. And those instructions really

1 should only be covering privilege or very limited
2 situations.

3 So I do have a few further questions that
4 I wanted to ask you. And I have --

5 MR. HANDAL: Let me just -- just as a matter of
6 formality for the record, the board also stated that if
7 there was, you know, questioning which we believe was
8 beyond the scope, we were directed to make the
9 appropriate motion to strike at the appropriate time.

10 Okay. Sorry. I didn't mean to -- just to
11 complete things so Mr. Stiliadis has not got half the
12 story.

13 MR. HABER: Yeah.

14 BY MR. HABER:

15 Q So let me share my screen again.

16 Do you recall in your declaration you mentioned
17 a provisional application? And there was submitted in
18 the record an exhibit that has been previously marked
19 2005, which I understand to be the provisional
20 application, Application Number 60/201,118.

21 And when you refer in your application to the
22 provisional application, is this the document that you
23 are referring to?

24 A What date is that?

25 Q The date on the document, it was filed May --

1 A No, no, the date of the actual provisional thing
2 that you just -- can you go up?

3 Okay. So is that the first filing? Is that
4 the -- what we sent out on the first round? If that's
5 what it is.

6 Q Yeah. So this is what was provided by --

7 A Sure.

8 Q -- you as Exhibit 2005.

9 A Just grabbed it. I've got it right here.

10 Q You have it in front of you?

11 A Yeah. I just had her print this.

12 Q Okay. So maybe you could just take a quick skim
13 through it.

14 A No, I got it right here. So what's the
15 question?

16 Q The question is when you refer to the
17 provisional application in paragraph three of your
18 declaration, is this the document that you are referring
19 to?

20 A It would seem so.

21 Q And previously you testified that you
22 provided -- well, strike that.

23 You testified that you may have provided an
24 application to Messrs. Drabinsky and Townsend. And is
25 this a copy of the document that you may have provided to

1 them?

2 A I'm not sure. We were -- we were dealing with
3 some drafts that were -- you know, we were going through
4 it. It might have been something earlier. I think it
5 probably was.

6 Q Okay. So the document you provided to them may
7 have been an earlier draft of the application; is that
8 right?

9 A That's correct. I'm not a hundred percent sure.
10 It was 25 years ago.

11 Q Okay. So at the end of this particular
12 document, Exhibit 2005 --

13 A Yeah, I think it was. I think it was -- yeah.
14 I think I had something that I was, you know, working off
15 of it. I think that's what I put in front of him.

16 Q Okay. So at the end of this particular
17 document, Exhibit 2005, starting on page 45, are a number
18 of claims.

19 Do you see that?

20 A Page 45. Yes.

21 Q The document that you provided, do you recall
22 whether or not it included claims specifically?

23 A Yes, I think it did.

24 Q And do you recall whether or not the claims were
25 substantially of the form as what's listed here on

1 page 45 to the end?

2 A To be honest with you, I'm not sure. But it
3 probably -- they probably were.

4 MR. HANDAL: I'm having some difficulty hearing
5 you, Ben.

6 MR. HABER: Okay. I'll speak up a little bit.

7 BY MR. HABER:

8 Q Were there particular portions of Exhibit 2005,
9 your application, that you discussed specifically with
10 them?

11 A Excuse me. 2005?

12 Q Yeah. Exhibit 2005 is the document that we're
13 looking at right now.

14 A Okay. So this is from 2000.

15 Q Yeah.

16 A So what's the question?

17 Q Let me ask a better question.

18 Do you recall any particular portions or parts
19 of your application that you discussed specifically with
20 Messrs. Drabinsky and Townsend?

21 A No, I don't recall. It was a general
22 conversation about the entirety; the patent I was doing,
23 and they were welcome to read through the documents.

24 I mean, in essence, I gave them information
25 about what it was; but line by line, no. It's just too

1 much stuff to talk about at a conversation.

2 Q And then were there any written comments or
3 responses that were provided to you by Messrs. Townsend
4 and Drabinsky regarding the application?

5 A No, there were not any written comments. It was
6 a general conversation I had with them since I'd see them
7 quite regularly where I was doing business.

8 MR. HABER: All right. I don't think I have
9 anything further at this time. I think we can wrap up.

10 THE STENOGRAPHER: Mr. Handal, did you want to
11 purchase a rough?

12 MR. HANDAL: Okay. I have the information. We
13 probably will, and we'll get in touch with -- First
14 Legal?

15 THE STENOGRAPHER: Yes.

16 MR. HANDAL: Okay. I think Mr. Haber already
17 sent me the contact information, so we're not going to
18 have a problem.

19 Okay. So, actually, I just have a very simple
20 request or two, minor.

21

22 EXAMINATION

23 BY MR. HANDAL:

24 Q Okay. During examination you testified that the
25 Cinema Vault practiced the patent. You were asked.

1 And -- and I think you said yes.

2 Did you say that Cinema Vault practices the 725
3 patent?

4 Is that what you meant?

5 A Well, parts of it, you know. And by digitizing
6 our materials, the delivery process, not -- we haven't
7 done direct delivery to the theaters. Scanning
8 everything, putting everything together in a digital file
9 folder, having everything on a hard drive.

10 So I guess the simple answer is as much as we
11 could given the size and scope of the business we run.

12 Q Okay. And what time frame did your last answer
13 relate to?

14 A Well, immediately once we started in 2000, we
15 started, you know, even earlier going down that route.

16 Q Okay. I believe there was also testimony which
17 was you were asked whether someone -- meaning, I believe,
18 someone else -- was practicing the invention in or about
19 the year 2000.

20 Do you recall that question?

21 A Yes.

22 Q Okay. Do you know of anybody that practiced the
23 invention before your invention of the invention in the
24 patent?

25 MR. HABER: Objection; leading.

1 THE WITNESS: I don't. I know there were some
2 companies dabbling on the -- certain parts of it but
3 nobody that was actually doing what was outlined in the
4 patent.

5 BY MR. HANDAL:

6 Q Okay. You mentioned during your testimony the
7 closure of the Evans Avenue facility by Deluxe.

8 To the best of your knowledge, when was Evans
9 Avenue -- when was the Deluxe Evans Avenue release print
10 facility closed?

11 A I can't tell you the exact date, but I can tell
12 you that the moment Cameron's Avatar went out the door,
13 that basically was the nail in the coffin, and that
14 business basically wound down.

15 So they might've picked up a year or two of some
16 printing business but nothing to justify the facility,
17 so --

18 I'm trying to remember the date. It seemed like
19 2012 would be, like, a -- that kind of a date that
20 makes -- because -- yeah, that would be about when --
21 when the business basically went tips up.

22 MR. HANDAL: Okay. I have no further questions.

23 MR. HABER: All right. I just have a couple
24 follow-up questions.

25

1 FURTHER EXAMINATION

2 BY MR. HABER:

3 Q Regarding Cinema Vault and your prior testimony
4 that that practiced some parts of the patent, is it your
5 testimony now that Cinema Vault never practiced the
6 entirety of the claimed invention?

7 A No, that's not what I said. That, in some
8 aspects, we weren't exhibiting films, so we could not use
9 that part of the patent and nor could anybody else
10 because nobody was actually using that system. But many
11 other parts of it we were using.

12 Q So is it fair to say, then, that there were
13 parts of your invention that were not practiced by Cinema
14 Vault?

15 MR. HANDAL: I'm going to object to the question
16 as vague and calling for a legal conclusion and assert
17 the same belated objection to the prior question.

18 I think we're -- okay. My objections are on the
19 record. You can answer.

20 THE WITNESS: So in 2000, we couldn't deliver
21 the films electronically to any theaters, so we couldn't
22 practice that part of the process.

23 BY MR. HABER:

24 Q Does Cinema Vault have a license to practice the
25 patent from the patent owner, DMTH?

1 A Well they're both essentially owned by the same
2 people, so there was no need to get a patent. To get a
3 license. Sorry.

4 Q You say they're owned by the same people. Who
5 are those people?

6 A Well, I'm one of them. My wife's one of them.

7 Q Others? Are there any others?

8 A Right now there isn't.

9 Q Okay. So DMTH owns both Cinema Vault, your
10 business, and patents?

11 A Excuse me?

12 Q DMTH owns both Cinema Vault, the business, and
13 the patents that issued from your patent application; is
14 that correct?

15 MR. HANDAL: Objection; beyond the scope.
16 Belated objection to the prior question as beyond the
17 scope.

18 THE WITNESS: No, they don't -- it doesn't
19 own -- no. They're two separate companies. One doesn't
20 own the other.

21 BY MR. HABER:

22 Q So maybe I'm misunderstanding. I thought -- so
23 Cinema Vault doesn't have a license and -- I thought you
24 said that it didn't need a license because they're owned
25 by the same entity, but maybe I misunderstood.

1 A Well, no. Principals. Not entities;
2 principals. Same shareholders; principals.

3 Q I see.

4 MR. HANDAL: Objection. Belated objection;
5 hypothetical, calling for a legal conclusion,
6 mischaracterizing the evidence, and beyond the scope.

7 MR. HABER: Very long objection, and, again,
8 it's improper. Be very short and concise. But I'll move
9 on.

10 BY MR. HABER:

11 Q You mentioned earlier that there were companies
12 you knew of that were dabbling in this field.

13 Do you have any specific examples of companies
14 that were dabbling in this field in the 2000 time frame?

15 A That was 25 years ago, and I can't remember
16 25 years ago who they were.

17 MR. HABER: Okay. I don't have any further
18 questions.

19 MR. HANDAL: Okay. All right. I guess
20 we're --

21 MR. HABER: I think we're done.

22 MR. HANDAL: Going off the record.

23 (Deposition concluded at 2:21 p.m.)

24

25

1 REPORTER'S CERTIFICATE

2 I, LYNDEN J. GLOVER, a Certified Shorthand
3 Reporter holding a valid and current license issued by
4 the State of California, the State of Washington, and the
5 State of Oregon, do hereby certify:

6 That said proceedings were stenographically taken
7 before me at the time and place therein set forth, and
8 was taken down by me in shorthand and thereafter
9 transcribed into typewriting under my direction and
10 supervision; and I hereby certify that the foregoing
11 transcript of the proceedings is a full, true, and
12 correct transcript of my shorthand notes so taken.

13 I further certify that I am neither counsel for
14 nor related to any party to said action, not in anywise
15 interested in the outcome thereof.

16 The dismantling, unsealing, or unbinding of the
17 original transcript will render the Reporter's
18 Certificate null and void.

19 IN WITNESS WHEREOF, I have hereunto subscribed my
20 name this 11th day of May 2025.

21

22

23

24

25



LYNDEN J. GLOVER
CA CSR No. 5510
WA CCR No. 23022842
OR CSR No. 230115

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