

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

AYLO FREESITES, LTD

Petitioner,

vs.

DISH TECHNOLOGIES, L.L.C.,

Patent Owner.

IPR2024-00940

Patent No. 11,991,234

FUBOTV MEDIA, INC. & YANKA INDUSTRIES, INC.,

Petitioners,

vs.

DISH TECHNOLOGIES L.L.C.,

Patent Owner.

IPR2024-00917 (Patent 10,757,156 B2)

IPR2024-00918 (Patent 9,407,564 B2)

IPR2024-00919 (Patent 8,868,772 B2)

DEPOSITION OF MARK MITCHELL

Friday, May 30, 2025

Conducted Remotely

REPORTED BY

Christina Diaz, RDR CRC CRR RMR CSR-NY/NJ CLR

HUDSON COURT REPORTING & VIDEO (800) 310-1769

New York
212-273-9911

Hudson Court Reporting & Video
1-800-310-1769

New Jersey
732-906-2078

fuboTV Media Inc.
Exhibit 1034
fuboTV v. Dish
IPR2024-00917, -00918, -00919
Ex. 1034-001

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

May 30, 2025

9:01 A.M. M.S.T.

Videotaped deposition of MARK
MITCHELL, pursuant to notice dated May 28,
2025, conducted remotely, before Christina
Diaz, a Registered Diplomate Reporter,
Certified Realtime Captioner, Certified
Realtime and Registered Merit Reporter and
Notary Public within and for the State of
New York.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

VENABLE LLP
Attorneys for Petitioner Aylo Freesites, Ltd.
101 California Street
Suite 3800
San Francisco, CA 94111
415.343.4493
ptsheng@venable.com
igpaquette@venable.com
BY: PHILIP T. SHENG, ESQUIRE
IAN G. PAQUETTE, ESQUIRE

LATHAM & WATKINS LLP
Attorneys for Petitioners fuboTV Media
and Yanka Industries d/b/a MasterClass
555 Eleventh Street, NW
Suite 1000
Washington, D.C. 20004
202.637.2353
inge.osman@lw.com
BY: INGE A. OSMAN, ESQUIRE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S (Cont'd.)

BAKER BOTTS
Attorneys for Patent Owner
700 K Street, N.W.
Washington, D.C. 20001-5692
202.639-1312
jamie.lynn@bakerbotts.com
BY: JAMIE R. LYNN, ESQUIRE
- and -
910 Louisiana Street
Houston, TX 77002-4995
713.229.1108
laura.natchev@bakerbotts.com
BY: LAURA NATCHEV, ESQUIRE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S (Cont'd.)

THE OFFICE OF GENERAL COUNSEL
BRIGHAM YOUNG UNIVERSITY
Attorneys for Witness Mark Mitchell
and Brigham Young University
150 East 1230 North
Provo, UT 84602
801.422.6102
david_andersen@byu.edu

BY: DAVID M. ANDERSEN, ESQUIRE

ALSO PRESENT:

PASHA KORNEYCHUK, Videographer

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

WITNESS

Mark Mitchell

EXAMINATION BY

PAGE

Ms. Osman

11

Mr. Sheng

73

R E F E R E N C E D E X H I B I T S

EXHIBIT PAGE

2120 46

2127 36

2128 40

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INFORMATION REQUESTS

INSERTED INFORMATION - NONE -
REQUESTS FOR PRODUCTION - NONE -
RULING - NONE -

DIRECTIONS NOT TO ANSWER PAGE LINE
78 11

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED,
by and between counsel for the respective
parties hereto, that all objections, except
as to form, are reserved to the time of
trial.

IT IS FURTHER STIPULATED AND AGREED
that the deposition may be signed and sworn
to before any officer authorized to
administer an oath.

IT IS FURTHER STIPULATED AND AGREED
that the sealing and filing of the
deposition be waived.

1 M. Mitchell

2 THE VIDEOGRAPHER: Good morning.
3 We are on the record at 9:01 a.m.,
4 Mountain time, on Friday, May 30th,
5 2025, for the stenographically recorded
6 and videotaped deposition of Mark
7 Mitchell in the action of Aylo
8 Freesites versus DISH Technologies. My
9 name is Pasha Korneychuk. I am the
10 videographer, and Ms. Christina Diaz is
11 the court reporter. We are with Hudson
12 Court Reporting & Video Nationwide.

13 This deposition is being taken
14 remotely with all parties attending via
15 video conferencing and all counsel
16 present will be noted on the
17 stenographic record.

18 Before swearing in the witness,
19 all counsel present, please introduce
20 yourselves for the record.

21
22 MS. OSMAN: Inge Osman, from
23 Latham & Watkins, on behalf of
24 petitioners, fuboTV & Media, and Yanka
25 Industries, doing business as

1 M. Mitchell

2 "MasterClass."

3

4 MR. SHENG: This is Philip Sheng,
5 with the law firm, Venable, LLP. I am
6 joined by my colleague, Ian Paquette,
7 who is on the Zoom with us. We
8 represent -- we are with the law firm,
9 Venable, LLP, on behalf of the Aylo
10 petitioner.

11

12 MR. LYNN: This is Jamie Lynn
13 with Baker Botts. I'm here with
14 Laura Natchev. We are here on behalf
15 of DISH Technologies, LLC, the patent
16 owner.

17

18 MR. ANDERSEN: This is David
19 Andersen, on behalf of Brigham Young
20 University.

21

22 THE VIDEOGRAPHER: Thank you.
23 The Utah notary is Hillary Diamond.
24 Can you please swear in the witness.

25

1 M. Mitchell
2 M A R K M I T C H E L L,
3 having been remotely sworn as stipulated
4 by the parties, was examined and
5 testified as follows:

6
7 EXAMINATION

8 BY MS. OSMAN:

9
10 Q. Good morning, Mr. Mitchell. My
11 name is Inge Osman.

12 THE VIDEOGRAPHER: I'm sorry,
13 Counsel, to interrupt. This is the
14 videographer.

15 For Mr. Mitchell's office, I am
16 about to spotlight the witness. That's
17 for video purposes. That way no one
18 else shows up on the screen.

19 There is a view icon somewhere on
20 the -- I'm not sure of your setup --
21 somewhere on the top right. You can
22 change the "view" to "gallery." You
23 will be able to see the other
24 participants a little bit better
25 instead of yourselves as front and

1 M. Mitchell

2 center.

3 MR. ANDERSEN: Okay. Great.

4 BY MS. OSMAN:

5 Q. If we are ready...

6 Good morning, Mr. Mitchell. My
7 name is Inge Osman. Very nice to meet you.
8 Thank you for being here today.

9 Can you please state and spell
10 your full name for the record?

11 A. Yes. It's Mark Mitchell,
12 M-A-R-K, M-I-T-C-H-E-L-L.

13 Q. Thank you. Can you please also
14 state your address for the record?

15 A. My home address?

16 Q. Home address.

17 A. It's 1969 East 1130 South, in
18 Spanish Fork, Utah.

19 Q. Where are you right now?

20 A. We are on the campus of Brigham
21 Young University, which is in Provo, Utah.

22 Q. Based on what I can see, it looks
23 like you don't have any materials with you
24 today.

25 Is that correct?

1 M. Mitchell

2 A. That's correct. Just water.

3 Q. So you don't have any notes with
4 you, no documents with you?

5 A. No.

6 Q. My understanding is you have been
7 deposed before, at least once, and that
8 first deposition was taken in December of
9 2021 in an ITC case involving Dish, Peloton
10 and some other parties.

11 Is that right?

12 A. Yes. That's correct.

13 Q. Have you been deposed any other
14 time since then?

15 A. No.

16 Q. And that was your first
17 deposition?

18 A. Yes, it was.

19 Q. In that deposition, you were a
20 designee of BYU broadcasting.

21 Is that right?

22 A. Yes, that's correct.

23 Q. But in this case today, you are
24 being deposed because you gave a
25 declaration in a number of IPR proceedings.

1 M. Mitchell

2 Is that right?

3 A. Yes.

4 Q. So I am going to go over some
5 ground rules about just deposition basics
6 to refresh your recollection. I know you
7 have done it before, but it has been a few
8 years. I just want to kind of remind you.
9 So I will be asking questions, and you will
10 answer them.

11 Do you understand?

12 A. Yes, I do.

13 Q. The court reporter is writing
14 down everything that you say. So what that
15 means is it's really important to have
16 verbal answers. Shaking your head or
17 nodding your head can't be recorded on the
18 transcript, so please make sure that your
19 responses are verbal.

20 Does that make sense?

21 A. Yes, it does.

22 Q. If at any time I ask you a
23 question and it doesn't make sense, can you
24 please tell me, and I will rephrase and
25 clarify.

1 M. Mitchell

2 Is that fair?

3 A. Yes, that's fair.

4 Q. And especially because we are in
5 a remote deposition today, only one of us
6 can talk at a time. So I am going to ask
7 that you please pause and let me finish my
8 question, and I will pause and let you
9 finish your answer.

10 Does that sound fair?

11 A. Yes, that's fair.

12 Q. During the deposition today, your
13 lawyer might object to one of my questions.
14 He is doing that for the record. Unless he
15 specifically instructs you not to answer my
16 question, you still do have to answer it
17 after your lawyer finishes making the
18 objection.

19 Is that clear?

20 A. Yes.

21 Q. Also during the deposition, you
22 might provide an answer, you might give an
23 answer and then later realize that you need
24 to correct something or clarify something.
25 If that happens, can you tell me, and we

1 M. Mitchell

2 will clarify your testimony?

3 A. Yes, I understand.

4 Q. Is there any reason that you
5 can't give truthful and accurate testimony,
6 sitting here today?

7 A. No.

8 Q. Now as I mentioned before we
9 started, we will try to take a break about
10 every hour during the deposition today, but
11 if you need a break at any time, just let
12 me know. The only thing that I would ask
13 is if there is a question pending, that you
14 answer the question, and then we will take
15 a break.

16 Does that sound fair?

17 A. Yes, that's great.

18 Q. I am going to ask you a couple
19 more questions about the room that you are
20 sitting in because we are in a remote
21 deposition. So I see there are a few other
22 people in the room with you today. Can you
23 tell me who they are for the record, if you
24 know?

25 A. I know David Andersen. The

1 M. Mitchell

2 others are law clerks and I don't know them
3 very well.

4 Q. How many law clerks are there in
5 the room with you?

6 A. There are three and --

7 MR. ANDERSEN: We have three law
8 clerks and a paralegal.

9 BY MS. OSMAN:

10 Q. Thank you. And you said you
11 don't have any documents or notes in the
12 room with you today?

13 A. I don't.

14 Q. How many computers or devices? I
15 don't see that you have any that are yours?

16 A. None that are mine.

17 MS. OSMAN: Mr. Andersen, would
18 you mind moving your computer a little
19 bit farther away from Mr. Mitchell just
20 so that he is not looking at anything
21 on the computer? I would appreciate
22 that.

23 MR. ANDERSEN: Yes. I will turn
24 it and make sure he can't see the
25 screen.

1 M. Mitchell

2 MS. OSMAN: I appreciate it.

3 Thank you.

4 MR. ANDERSEN: For some reason,
5 we just lost audio. Can you hear us?

6 MS. OSMAN: We can hear you.

7 MR. ANDERSEN: We can hear you.

8 BY MS. OSMAN:

9 Q. My last sort of devices question
10 was it doesn't look like you have your cell
11 phone in front of you. But can you agree
12 not to take your cell phone out and look at
13 it at any time during the deposition today?

14 A. Yes, I can agree to that.

15 Q. Mr. Mitchell, what did you do to
16 prepare for your deposition today?

17 A. I reread the old deposition from
18 five years ago last night and I met with
19 David Andersen just to kind of go through
20 ground rules and things like that.

21 Q. How many times did you meet with
22 Mr. Andersen?

23 A. Just once. Yesterday.

24 Q. How long was that meeting?

25 A. Gosh. It was about a half hour,

1 M. Mitchell

2 45 minutes.

3 Q. So you said you reviewed the
4 deposition transcript from a few years ago.
5 Is there anything else that you looked at
6 or reviewed in preparation for today's
7 deposition?

8 A. No.

9 Q. And since you signed your
10 declaration that you submitted in these
11 IPRs, have you changed any of your
12 opinions?

13 A. No.

14 Q. Did you review your declaration
15 in preparation for the deposition today?

16 A. Yes. I read through it.

17 Q. But nothing else, you didn't look
18 at any other documents to prepare for the
19 deposition?

20 A. No.

21 Q. Other than Mr. Andersen, did you
22 discuss the substance of your declaration
23 with anyone else?

24 A. No.

25 Q. How much time have you put into

1 M. Mitchell

2 this case so far? And by this case, I mean
3 these IPRs.

4 A. Does that include the previous
5 deposition?

6 Q. No. So these are a separate
7 proceeding.

8 A. Okay. I don't know. Just
9 reading through the deposition. So
10 probably a total of about two to three
11 hours, I guess.

12 Q. And how about preparing your
13 declaration? How much time would you say
14 you spent doing that?

15 A. All I did was read that. I
16 didn't actually write that so...

17 Q. Who wrote your declaration?

18 A. I don't know. I received it from
19 our general counsel's office so... It's
20 factual.

21 Q. So somebody else drafted it,
22 you're not sure who, but you signed it?

23 A. Yes.

24 Q. And when did that happen?

25 A. I believe that was in February.

1 M. Mitchell

2 MS. OSMAN: I am going to drop
3 your declaration into the chat so that
4 you have it in front of you. Give me a
5 moment. Let's see if this will work
6 for us.

7 MR. ANDERSEN: I guess the other
8 alternative, Ms. Osman, is if you want
9 to just share your screen, but we can
10 click on a link.

11 MS. OSMAN: Maybe I will share my
12 screen because I am having trouble,
13 actually, dropping it into the chat.
14 That might be better. Let me do that.
15 Give me one moment, please.

16 BY MS. OSMAN:

17 Q. Mr. Mitchell, can you see your
18 declaration on the screen?

19 A. Not yet. Yes. Now I can.

20 Q. And is this the declaration that
21 you submitted in the four IPRs that are
22 listed on the face of this document?

23 A. Yes.

24 MR. ANDERSEN: Can you go through
25 the full document, Ms. Osman?

1 M. Mitchell

2 MS. OSMAN: Of course.

3 BY MS. OSMAN:

4 Q. I will flip through it and you
5 tell me if I am going through it too
6 quickly. Okay? I will try to go slowly so
7 that you can take a look at all the pages.

8 A. (Witness reviewing document).

9 Q. Do you recognize this document as
10 your declaration?

11 A. Yes.

12 Q. Perfect.

13 And this isn't a declaration that
14 you drafted. This is one that somebody
15 else drafted and you signed.

16 Is that right?

17 A. Yes. That's correct.

18 Q. Do you have any information about
19 who put this declaration together?

20 MR. LYNN: Objection. Form.

21 A. No.

22 BY MS. OSMAN:

23 Q. Just to be clear, I know there
24 are several attorneys on this call today.
25 DISH's counsel is Baker Botts. Does Baker

1 M. Mitchell

2 Botts represent you in any legal capacity
3 in this deposition today?

4 A. No.

5 Q. And so the attorneys at Baker
6 Botts are not your attorneys?

7 A. No.

8 Q. So the -- your declaration, I am
9 going to scroll down a little bit so you
10 can see what I am talking about. And
11 please let me know if I am scrolling too
12 quickly, because I don't know how fast you
13 are viewing what I have. But your
14 declaration cites a number of exhibits.
15 Actually, just a handful of exhibits.

16 Did you review these exhibits
17 before your deposition?

18 A. Just from reading the previous
19 transcript.

20 Q. So you took a look at the ITC
21 deposition transcript in preparation for
22 the deposition today?

23 A. Yes. That's correct.

24 Q. But you didn't take a look at any
25 other exhibits cited in this declaration?

1 M. Mitchell

2 A. No.

3 Q. Did you rely on any other
4 documents or did you review any other
5 documents to refresh your recollection
6 about this declaration or about your
7 testimony?

8 A. Documents, no.

9 Q. Was there anything else that
10 helped to refresh your recollection?

11 A. I mean, I pulled up the
12 archive.org and reviewed some of the
13 exhibits on that yesterday as I was reading
14 through the deposition.

15 Q. What's the archive.org?

16 A. It's a web archive of some of the
17 screenshots that were shared in the
18 previous deposition.

19 Q. So are you talking about exhibits
20 that were used in the previous deposition?

21 A. Yes.

22 Q. But those exhibits were not
23 submitted in these IPR proceedings, were
24 they?

25 MR. LYNN: Objection. Form.

1 M. Mitchell

2 MR. ANDERSEN: Speculation.

3 A. I don't know.

4 BY MS. OSMAN:

5 Q. To your knowledge, sitting here
6 today, were those exhibits submitted with
7 your declaration?

8 A. I don't know.

9 Q. Is there anything in your
10 declaration, sitting here today, that you'd
11 like to correct?

12 A. No.

13 Q. Mr. Mitchell, I understand that
14 you are a manager of business intelligence
15 at BYU.

16 Is that right?

17 A. BYU Broadcasting.

18 Q. Can you tell me what that means?
19 What do you do on a day-to-day basis?

20 A. Yes. So we manage the analytics
21 for BYU TV, BYU Radio, and Classical 89,
22 which are the three media properties that
23 are here on campus.

24 Q. What does that involve?

25 A. It involves a lot of gathering

1 M. Mitchell

2 data from various sources for our apps and
3 our TV channels and over-the-air signals
4 and things like that as well as social
5 media stuff.

6 Q. How long have you been in that
7 role?

8 A. It's been about five years, I
9 believe. Five, six, years.

10 Q. How long have you been at BYU
11 Broadcasting generally?

12 A. Since May of 2003.

13 Q. Is your title today the same as
14 it was in 2021 at the time of your
15 deposition for the ITC proceeding?

16 A. Yes.

17 Q. When you joined in 2003, what
18 were you doing? What was your role then?

19 A. I was the web master for BYU's
20 websites, or BYU TV's websites, BYU
21 Broadcasting's websites. Sorry.

22 Q. So you were still at BYU
23 Broadcasting, and your role kind of evolved
24 over time.

25 Is that right?

1 M. Mitchell

2 A. Yes.

3 Q. And you were working for BYU in
4 2005.

5 Is that correct?

6 A. Yes, that's correct.

7 Q. Looking back at your
8 declaration -- hopefully if it's still on
9 your screen -- in paragraph 2, you say that
10 you have been asked by DISH to recount your
11 experience with MOVE Networks in connection
12 with their successful implementation of
13 adaptive bitrate ("ABR") streaming
14 technology for BYU Broadcasting.

15 Is that right?

16 A. Yes. That's correct.

17 MR. ANDERSEN: Ms. Osman, the
18 image on our screen is kind of small
19 because it's not in landscape format.
20 Is there any way for you to zoom it in?

21 MS. OSMAN: Can we take a break.
22 Let me see if we can figure this out.
23 Let's go off the record for a moment.

24 (Discussion off the record)

25 THE VIDEOGRAPHER: Back on the

1 M. Mitchell

2 record at 9:20.

3 BY MS. OSMAN:

4 Q. Mr. Mitchell, I was asking you
5 about paragraph 2 in your declaration. But
6 I would like to go back to the first page
7 of your declaration and look at that for a
8 moment.

9 A. Okay.

10 Q. On that first page, you list four
11 different IPR proceedings. The first is
12 IPR 2024-00917. Then IPR 2024-00918. Then
13 IPR 2024-00919. And then finally under
14 this sort of line separating the two
15 captions, there is IPR 2024-00940.

16 Am I correct that you submitted
17 the same declaration in each of these four
18 different IPR proceedings?

19 A. Yes.

20 Q. Thank you. We can turn back to
21 paragraph 2 and look at that again.

22 A. We are ready when you are.

23 Q. In paragraph 2, you mentioned
24 that you were asked by DISH to recount your
25 experience at MOVE Networks and you talk

1 M. Mitchell

2 about ABR streaming.

3 Do you agree that ABR streaming
4 is adaptive bitrate streaming? Is that
5 correct?

6 A. Yes. That's correct.

7 Q. In the very next paragraph, you
8 talk about the ITC deposition that we have
9 mentioned a couple times already today and
10 you say a true and correct copy of the
11 deposition is attached as Exhibit 2128.
12 You reviewed that transcript when you put
13 together your declaration, or not?

14 A. I have reviewed the deposition.
15 Again, I was not the one who wrote this. I
16 just signed it.

17 Q. Before you signed it, did you
18 review your deposition transcript?

19 A. Yes. I did.

20 Q. Is there anything that you saw as
21 you reviewed the deposition transcript that
22 was inaccurate?

23 A. The only thing that I noticed
24 there was one mention of BYU.org instead of
25 BYUTV.org in the original deposition, but

1 M. Mitchell

2 that's the only thing that stood out to me.

3 Q. In paragraph 5 of your
4 declaration, on the top of page 3 of your
5 declaration, you say you fully incorporate
6 your previously provided deposition
7 testimony into this declaration.

8 Is that right?

9 A. Yes. That's correct.

10 Q. And that previous deposition
11 testimony is that ITC deposition?

12 A. Yes. It is.

13 Q. So if we -- I am going to share
14 the -- actually, I will just ask you a
15 question. Do you remember in your
16 deposition, in the ITC deposition, you said
17 that you were looking at and reviewing the
18 exhibits that were part of that deposition
19 -- right? -- in preparation for today's
20 deposition.

21 Is that correct?

22 A. Yes. That's correct.

23 Q. But there were no exhibits
24 attached to Exhibit 2128, the deposition
25 transcript that was entered in this

1 M. Mitchell

2 proceeding; is that right?

3 MR. LYNN: Objection. Form.

4 BY MS. OSMAN:

5 Q. Let me share the deposition
6 transcript so that you can answer that just
7 in case you are not sure. So give me a
8 moment. I will add that to the chat.

9 So, Mr. Mitchell, I just shared
10 Exhibit 2128. This is the deposition
11 transcript from your ITC proceeding. Can
12 you please take a look at that exhibit and
13 confirm that that's correct?

14 A. Could you repeat the question?

15 Q. Sure. Mr. Mitchell, I just
16 shared Exhibit 2128. Can you take a moment
17 and let me know if you recognize this
18 exhibit?

19 A. Yes, I do.

20 Q. This is the transcript of your
21 ITC deposition.

22 Is that correct?

23 A. Yes, that's correct.

24 Q. Can you please scroll through
25 this transcript and let me know if there

1 M. Mitchell

2 are any exhibits attached to this
3 transcript?

4 A. No. There are not.

5 Q. But you did see some of the
6 deposition exhibits from this 2021
7 deposition in preparing for your testimony
8 today; is that right?

9 A. Yes. Well, I reviewed the items
10 that were on archive.org.

11 Q. Can you let me know which items
12 those are -- which exhibits exactly did you
13 review?

14 A. The exact -- all of them or --

15 Q. So to be candid, I have not seen
16 these exhibits. They were not attached to
17 the deposition transcript. If you look at
18 page 6 of the deposition transcript, 6 of
19 the PDF and 5 of the transcript, there is a
20 list of all the exhibits that were
21 apparently included in this deposition.

22 Can you take a look at that list
23 and please let me know which exhibits you
24 looked at to prepare for the deposition
25 today.

1 M. Mitchell

2 A. (Witness reviewing document).

3 So I know I looked at -- let's
4 see -- are the numbers -- 7, 10, 11, 12 --
5 those ones -- is that the actual numbers
6 that you want?

7 MR. ANDERSEN: You want the
8 exhibit number that he looked at?

9 BY MS. OSMAN:

10 Q. I would like a description of
11 what the exhibit was. Actually,
12 Mr. Mitchell, I am going to ask you what
13 the exhibit number was and I would like to
14 ask you to explain what the exhibit
15 actually is.

16 A. Okay. I thought you were going
17 to ask me a number.

18 Q. Maybe we can do it that way. Did
19 you -- in preparing for your deposition
20 today, did you take a look at Exhibit 1
21 identified on page 6 of the ITC deposition
22 transcript, that's Exhibit 2128, Subpoena
23 Duces Tecum and Ad Testificandum?

24 A. No. I did not look at that one.

25 Q. Did you take a look at Exhibit --

1 M. Mitchell
2 identified as Exhibit 2, Conference Summary
3 for the 175th Semiannual General
4 Conference?

5 A. I don't know if I looked at that
6 one.

7 Q. Did you look at exhibit -- the
8 exhibit identified as 3, BYU
9 Television/Streaming Bates BYU 000001?

10 A. I don't recall if I looked at
11 that one either.

12 Q. Did you look at Exhibit 4, BYU
13 TV/Streaming Bates RESP-PA06261 -
14 RESP-PA06262?

15 A. I don't recall if I looked at
16 that one either.

17 Q. Did you look at Exhibit 5
18 identified as BYU TV/Streaming, Bates
19 RESP-PA06263 - RESP-PA06264?

20 A. I don't know if I looked at that
21 one either.

22 Q. How about Exhibit 6 identified as
23 2005 BYU TV Launches Live Stream, Bates BYU
24 000012-BYU 000013?

25 A. I don't recall if I looked at

1 M. Mitchell

2 that one either.

3 Q. Are there -- I could keep walking
4 through all of these exhibits. But are
5 there any in particular, looking at this
6 list, that you do recall that you have
7 looked at?

8 A. The naming is different than I
9 remember them. I mean, any that were in
10 the Wayback Machine, which is archive.org.
11 I did look at those. So like 17, 18, 15 --
12 yes. Yes. I guess those ones.

13 Q. So you looked at the exhibits
14 identified as 15, 17, and 18.

15 Why did you look at those
16 exhibits?

17 A. Just out of curiosity more than
18 anything just to recall my memory from the
19 previous deposition.

20 Q. What made you select those
21 exhibits to look at out of everything else
22 that was identified in this deposition?

23 A. I was just reading through it,
24 and I was trying to remember what the
25 questions were about. So I pulled up

1 M. Mitchell

2 Chrome and went to archive.org and looked
3 at the data they were talking about and the
4 URL.

5 Q. So you needed to look at the
6 exhibits to understand the deposition
7 testimony; is that right?

8 MR. LYNN: Objection. Form.

9 A. Yes.

10 BY MS. OSMAN:

11 Q. But you agree those exhibits are
12 not attached to this deposition transcript,
13 correct?

14 A. Yes, I agree.

15 (Exhibit 2127 was referenced for
16 identification)

17 BY MS. OSMAN:

18 Q. Looking back at your declaration
19 and that's Exhibit 2127 that I think
20 you have downloaded, the only place in
21 your declaration where you talk about MOVE
22 -- the MOVE player in particular is
23 paragraph 4.

24 Is that right?

25 MR. LYNN: Objection. Form.

1 M. Mitchell

2 A. Can we scroll up.

3 BY MS. OSMAN:

4 Q. Feel free. Take your time to
5 take a look at the deposition. I can
6 re-ask the question.

7 A. Re-ask the question, please.

8 Q. So the question is, the only
9 paragraph in your declaration where you
10 talk about the MOVE media player is
11 paragraph 4?

12 A. (Witness reviewing document).

13 Yes. That's correct.

14 Q. And that paragraph 4 is also the
15 only part of your declaration where you
16 quote anything from your deposition
17 transcript. Is that right?

18 Just to be clear for the record,
19 the deposition transcript here is that
20 Exhibit 2128, the transcript from your ITC
21 deposition?

22 A. Yes. That's correct.

23 Q. Mr. Mitchell, you don't have a
24 technical degree in engineering. Is that
25 right?

1 M. Mitchell

2 A. No. My degree is in information
3 systems through the business school here at
4 the Brigham Young University.

5 Q. In 2005, you were responsible for
6 the internet site for BYU broadcasting. Is
7 that right?

8 A. Yes. That's correct.

9 Q. And I believe that you testified
10 that back in 2001, and you testified today
11 that you were the webmaster back in 2005.

12 Is that right?

13 A. Yes, that's correct.

14 Q. And you started working with MOVE
15 Networks in 2005?

16 MR. LYNN: Objection. Form.

17 A. Yes. That's correct.

18 BY MS. OSMAN:

19 Q. And you were working with them
20 also in October of 2005 when there was a
21 livestream of the general conference?

22 A. Yes. That's correct.

23 Q. And just for completion, is the
24 general conference a meeting of the Church
25 of Jesus Christ of Latter Day Saints?

1 M. Mitchell

2 A. Yes, it is.

3 Q. At the time that you were working
4 with MOVE Networks in October 2005, you had
5 no idea what file formats were used to
6 transmit live broadcasts using the MOVE
7 Viewer.

8 Is that right?

9 MR. LYNN: Objection. Form.

10 A. That's correct.

11 BY MS. OSMAN:

12 Q. You didn't know anything about
13 the MOVE technology at that time. Is that
14 right?

15 MR. LYNN: Objection. Form.

16 MR. ANDERSEN: Objection to the
17 form.

18 A. Yes. That's correct.

19 BY MS. OSMAN:

20 Q. MOVE Networks told you about ABR
21 or adaptive bitrate streaming several years
22 later when you were working with them.

23 Is that right?

24 MR. LYNN: Objection. Form.

25 A. Can you repeat the question?

1 M. Mitchell

2 BY MS. OSMAN:

3 Q. The MOVE Networks told you about
4 ABR or adaptive bitrate streaming several
5 years later, several years after October of
6 2005 when you were working with them.

7 Is that correct?

8 MR. LYNN: Same objection.

9 A. I don't know when it was.

10 (Exhibit 2128 was referenced for
11 identification)

12 BY MS. OSMAN:

13 Q. Let's look at your deposition
14 transcript from the ITC proceeding. This
15 is Exhibit 2128. And I want to turn you to
16 -- it's page 23 of the PDF, and page 22 of
17 the transcript. This is where you are
18 talking about when you learned about ABR or
19 adaptive bitrate streaming.

20 And so if you look at starting at
21 line 7, the question was asked:

22 Do you know anything about the
23 video file formats that were used to
24 transmit the live broadcast using the
25 MOVE Viewer?

1 M. Mitchell

2 And you answered, "As of that
3 date, no, I did not know anything about
4 the technology."

5 And then the question was posed
6 to you: "Was there a later date when
7 you did learn something about what
8 video formats were used with the MOVE
9 Viewer?"

10 And you said, "Yes. We worked
11 with MOVE for several years and I
12 learned through all of that. So I
13 learned a little bit later more about
14 their technology as we worked with
15 them."

16 So is that consistent with your
17 recollection today?

18 A. Yes.

19 Q. And then back in 2021, you also
20 -- and this is, again, your ITC deposition
21 transcript.

22 You also testified that your
23 understanding of adaptive bitrate streaming
24 was allowing a stream to adjust based on
25 network conditions, such as jumping to a

1 M. Mitchell

2 lower quality bitrate to prevent the stream
3 from buffering as opposed to stopping and
4 buffering?

5 Is that right?

6 A. Yes. That's correct.

7 Q. So you remember giving that
8 testimony?

9 A. Yes. I do.

10 Q. Is that still your understanding
11 of adaptive bitrate streaming today?

12 A. Yes.

13 Q. Let's go back to paragraph 4 of
14 your declaration.

15 Again, that's Exhibit 2127. So
16 paragraph 4 has four sentences. And I
17 would just like to walk through them
18 together.

19 So the first sentence -- I will
20 read it to you for the record is, "As part
21 of that deposition, I testified about the
22 use of the MOVE media player to stream the
23 October 2005 general conference for the
24 Church of Jesus Christ of Latter Day Saints
25 and its continued use allowing a livestream

1 M. Mitchell
2 of BYU TV over the internet."

3 Did I read that correctly?

4 A. Yes.

5 Q. And you cited to your deposition
6 transcript that's Exhibit 2128. And there
7 are a couple of cites there.

8 Let's turn to Exhibit 2128 and
9 look at the portions of the transcript that
10 you cited. So you start with page 16,
11 lines 17 through 20.

12 So if you don't mind, let's turn
13 there.

14 A. Okay. We are finding it.

15 MR. ANDERSEN: Okay. We are
16 there.

17 BY MS. OSMAN:

18 Q. We are looking at Exhibit 2128
19 line -- page 16 line 17 through 20.

20 If you look there, the question
21 that was asked to you is, "Can you tell us
22 briefly what the conference is?"

23 And line 17 through 20 was a
24 description of the general conference. Is
25 that right?

1 M. Mitchell

2 A. Yes, that's correct.

3 Q. So the cited lines, 17 through
4 20, are just a description of what the
5 general conference was?

6 A. Correct.

7 Q. And then the next cite you had to
8 that same sentence was, again, your
9 deposition transcript, this time, at page
10 27.

11 If you could turn to page 27, we
12 will look at the cited lines there.

13 MR. ANDERSEN: Okay. We are
14 there.

15 BY MS. OSMAN:

16 Q. So the lines cited there were
17 lines 17 through 25.

18 Please take a look at that
19 testimony, and let me know when you are
20 ready to answer a question.

21 A. (Witness reviewing document).

22 Okay.

23 Q. So lines 17 through 25 -- this is
24 just a statement that the public could view
25 BYU TV over the internet using the MOVE

1 M. Mitchell

2 Network's Viewer in late 2005.

3 Is that right?

4 MR. LYNN: Objection. Form.

5 A. Yes, that's correct.

6 BY MS. OSMAN:

7 Q. Let's go back to your
8 declaration. Again, that's Exhibit 2127.
9 Let's look at paragraph 4. And this time,
10 look at the second sentence in that same
11 paragraph.

12 I will read that sentence into
13 the record. It says, "A plaque
14 commemorating this achievement states, BYU
15 TV launches livestream using MOVE Network's
16 adaptive bitrate technology, essentially
17 making BYU TV the first television network
18 to stream its signal uninterrupted and free
19 of charge 24/7 on the internet."

20 Did I read that correctly?

21 A. Yes.

22 Q. And here you cite to Exhibit
23 2120. Is that right?

24 A. Yes. That's correct.

25 Q. To be clear, you cite to two

1 M. Mitchell

2 things. You cite to your deposition
3 transcript, and then also to Exhibit 2120.

4 Is that right?

5 A. Yes.

6 Q. So I would like to look first at
7 Exhibit 2120. So I will share that and
8 drop it in the chat.

9 A. Okay.

10 (Exhibit 2120 was referenced for
11 identification)

12 BY MS. OSMAN:

13 Q. Let me know when you have that
14 up.

15 MR. ANDERSEN: We have that up.

16 BY MS. OSMAN:

17 Q. This is Exhibit 2120 in the
18 proceeding that you cited to in that
19 sentence that we just read.

20 Do you recognize this exhibit?

21 A. Yes. I do.

22 Q. What is it?

23 A. It is a plaque that's hanging in
24 the BYU broadcasting building on the campus
25 at BYU.

1 M. Mitchell

2 Q. I am sorry. I didn't mean to cut
3 you off.

4 A. I just said it's the BYU
5 broadcasting building, which is here on
6 BYU's campus.

7 Q. So this is the plaque that you
8 discuss in your declaration.

9 Is that right?

10 A. Yes.

11 Q. The second sentence that I just
12 read out of your declaration, that's the
13 same as the language that's on this plaque;
14 is that right? It looks like a
15 word-for-word recitation of what's printed
16 on this plaque.

17 Is that correct?

18 A. Yes, that's correct.

19 Q. Were you involved in creating
20 this plaque?

21 A. No, I was not.

22 Q. So you didn't write the words
23 that were on this plaque?

24 A. No, I didn't.

25 Q. Do you know who wrote these

1 M. Mitchell

2 words?

3 A. I don't.

4 Q. Someone at BYU, presumably?

5 A. I can speculate, yes. Probably.
6 I don't know for sure.

7 Q. So you don't know if MOVE
8 Networks had any input into drafting this
9 language on this plaque?

10 MR. LYNN: Objection. Form.

11 A. No, I do not know.

12 BY MS. OSMAN:

13 Q. Let's look now to the deposition
14 testimony that you cite. I said you cited
15 two things. You cited to Exhibit 2120.
16 And then you also cited to your deposition
17 testimony that's Exhibit 2128, page 28,
18 line 9 through page 29, line 13.

19 So let's look there. So let's go
20 to page 28.

21 A. (Witness reviewing document).

22 Okay. We are there.

23 Q. It's line 9. And let's start by
24 looking at line 9 through 19.

25 A. Okay.

1 M. Mitchell

2 Q. And here you are talking about
3 that same plaque that we were just looking
4 at. Is that correct?

5 A. Yes.

6 Q. So let's continue reading because
7 you cited more than just this. Let's look
8 at the rest of this testimony, which is
9 lines -- it would go from 19 on page 28
10 onto line 13 on page 29.

11 A. (Witness reviewing document).
12 Go back to the declaration real
13 quick.

14 Q. Are you going back to your
15 declaration?

16 A. Yes. Just looking at the
17 reference.

18 Q. You are just making sure that
19 you're looking at the right lines?

20 A. Yes.

21 Q. Feel free to take a look at the
22 transcript and make sure you know what you
23 said, and then I will ask you a question.

24 A. (Witness reviewing document).
25 Scroll down.

1 M. Mitchell

2 Okay. Go ahead.

3 Q. So would you agree that the
4 deposition testimony cited there
5 establishes -- only establishes first that
6 there is a plaque as pictured in Exhibit
7 2120, and the specific words of which are
8 the second sentence of your paragraph 4 in
9 your declaration?

10 MR. LYNN: Objection to form.

11 MR. ANDERSEN: Objection to form.

12 BY MS. OSMAN:

13 Q. That was a bad question. Let me
14 strike that and ask you again.

15 So that testimony that you just
16 looked at, would you agree that that
17 deposition testimony establishes first that
18 there was a plaque?

19 A. Yes.

20 Q. And it also establishes that the
21 language that we just looked at on the
22 plaque was printed on this plaque.

23 Is that correct?

24 A. Yes, that's correct.

25 Q. But that deposition testimony

1 M. Mitchell

2 only establishes that there was a plaque
3 and that there was language printed on the
4 plaque.

5 Is that correct?

6 MR. LYNN: Objection to form.

7 MR. ANDERSEN: Objection to form.

8 A. Yes, I guess.

9 BY MS. OSMAN:

10 Q. Let's go back to your declaration
11 that's Exhibit 2127. And look at the third
12 sentence in that paragraph 4. Again, I am
13 going to read it into the record.

14 So that third sentence says,
15 "This adaptive bitrate technology for the
16 MOVE media player allowed for continuous
17 viewing even in times of network congestion
18 by shifting the quality to prevent the
19 stream from buffering."

20 Did I read that correctly?

21 A. Yes, you did.

22 Q. And there you cite to your
23 deposition transcript, again, Exhibit 2128.
24 And that's page 29, line 14 through
25 page 30, line 7. Let's take a look at the

1 M. Mitchell

2 language that's cited.

3 Let's go back to your deposition
4 transcript. This is Exhibit 2128, and
5 let's look at page 29, line 14 through
6 page 30, line 7.

7 A. What was the ending line on
8 page 30?

9 Q. It was page 30, line 7. So just
10 read up to line 7.

11 A. (Witness reviewing document).

12 Okay. Yes. Okay.

13 Q. Okay. You never used the phrase,
14 "allowed for continuous viewing" in your
15 deposition.

16 Did you?

17 A. That's -- I don't know. I don't
18 know if I used that exact phrase.

19 Q. In that portion that you just
20 looked at, did you use the phrase, "allowed
21 for continuous viewing"?

22 A. No, not in that section.

23 Q. And sitting here today, do you
24 recall using the words, "allowed for
25 continuous viewing" anywhere in your

1 M. Mitchell

2 deposition?

3 MR. LYNN: Objection. Form.

4 A. Not that exact phrase, no.

5 BY MS. OSMAN:

6 Q. Do you know where that phrase
7 came from in your declaration?

8 MR. LYNN: Objection. Form.

9 A. No. I don't know.

10 BY MS. OSMAN:

11 Q. Okay. You did say in your
12 deposition that the MOVE Network's Viewer
13 would prevent the stream from buffering.

14 Is that right?

15 A. Yes.

16 Q. Does that mean that there was
17 never any buffering at all for any viewers
18 who ever looked at the MOVE Network stream?

19 MR. LYNN: Objection. Form.

20 A. No. That's -- I mean, obviously,
21 if a network connection completely failed,
22 there would definitely be buffering.

23 BY MS. OSMAN:

24 Q. So it's not your position that
25 the MOVE Network's Viewer would never have

1 M. Mitchell

2 buffering?

3 MR. LYNN: Objection. Form.

4 A. Sorry. Can you repeat the
5 question?

6 BY MS. OSMAN:

7 Q. It's not your position that the
8 MOVE Network's viewer would never buffer --
9 never have buffering?

10 MR. ANDERSEN: Objection to form.

11 A. No video player never buffers,
12 so...

13 BY MS. OSMAN:

14 Q. So you would agree that the MOVE
15 Network's Viewer could sometimes buffer?

16 A. Yes. In the right conditions.

17 Q. Do you know who David Ericson is?
18 Have you heard that name before?

19 A. Yes, I do know David Ericson.

20 Q. How do you know Mr. Ericson?

21 A. He is currently my boss at BYU
22 Broadcasting.

23 Q. So if Mr. Ericson testified that
24 the MOVE Network's video stream had blips,
25 you would believe that to be true?

1 M. Mitchell

2 MR. LYNN: Objection to form.

3 A. Yes.

4 BY MS. OSMAN:

5 Q. What are blips?

6 MR. LYNN: Objection. Form.

7 A. Maybe hiccups in the system.
8 Times when congestion caused it to have
9 issues.

10 BY MS. OSMAN:

11 Q. Does that mean like a delay or a
12 freezing in the video?

13 MR. LYNN: Objection to form.

14 A. Yes.

15 BY MS. OSMAN:

16 Q. Sorry. I didn't hear your
17 answer.

18 A. It could.

19 MR. ANDERSEN: Let him object,
20 and then you can answer, so you are not
21 speaking over each other. Sorry.

22 BY MS. OSMAN:

23 Q. My question was, what else could
24 a blip be?

25 MR. ANDERSEN: Calls for

1 M. Mitchell

2 speculation.

3 A. I can speculate. It could be an
4 issue from the head end where the source
5 originates. I don't know. There are
6 several reasons it could have an issue.

7 BY MS. OSMAN:

8 Q. You would agree that a blip is an
9 interruption in the video streaming.
10 Correct?

11 MR. LYNN: Objection. Form.

12 A. Yes. I would agree with that.

13 BY MS. OSMAN:

14 Q. And Mr. Ericson, you said, is
15 your boss.

16 Is it fair to say that you would
17 defer to Mr. Ericson on technical issues?

18 A. Some.

19 Q. But not always?

20 A. Not always, no. Most of those, I
21 handle myself.

22 Q. Have you ever reviewed the
23 patents challenged in these four IPRs?

24 A. Have I reviewed the language in
25 them? Is that what you are asking?

1 M. Mitchell

2 Q. So let me rephrase my question.
3 Have you taken a look at the patents
4 challenged in these four IPR proceedings?

5 MR. LYNN: Objection to form.

6 A. No.

7 BY MS. OSMAN:

8 Q. No. Do you know the patent
9 numbers?

10 A. No, I don't.

11 Q. Have you looked at the claim
12 language at all?

13 A. No.

14 Q. Have you looked at any other ABR,
15 adaptive bitrate, streaming patents?

16 A. No.

17 Q. Have you looked at any patents
18 related to the MOVE player in any way?

19 A. No.

20 Q. Have you looked at any patents
21 that are owned by DISH?

22 A. No.

23 Q. Have you looked at any patents at
24 all?

25 A. No.

1 M. Mitchell

2 Q. Let's go back to your
3 declaration. That's Exhibit 2127. Let's
4 look at the last sentence in your
5 declaration. I am going to read it, again,
6 into the record.

7 You say, "At the same time, BYU
8 TV also offered a Windows Media Stream, but
9 the stream using the MOVE media player 'was
10 definitely better than our Window Media
11 stream by leaps and bounds.'"

12 Did I read that correctly?

13 A. Yes.

14 Q. And you cite there -- this is
15 your deposition transcript again, using
16 2128, page 90, line 17 through page 91,
17 line 6. So if you don't mind, let's look
18 at your deposition transcript, and look at
19 the language that was cited.

20 A. Okay.

21 Q. Actually, before we go there --
22 apologies -- could we turn to page 87
23 instead? Let's look at page 87 in your
24 transcript.

25 And I would like you to look at

1 M. Mitchell

2 line 21. And look at page 87, line 21
3 through 88, line 6.

4 A. Scroll up. I want to see the
5 question that was asked before that.

6 (Witness reviewing document).

7 Okay. Sorry. Line 21, you said?

8 Q. Yes, but it's fine for you to
9 look at line 16. Take a look at the
10 question. So we are looking at page 87.
11 Let's look at line 16 through page 88.
12 Let's look through line 6.

13 A. Okay.

14 (Witness reviewing document).

15 Okay.

16 Q. So in that testimony, am I
17 correct that you testified that the Windows
18 Media stream was a constant bitrate stream?

19 Is that correct?

20 A. Yes.

21 Q. And you distinguish that from the
22 MOVE Network stream, which you said was an
23 adaptive bitrate stream.

24 Is that right?

25 A. Yes, that's correct.

1 M. Mitchell

2 Q. So now let's turn back to the
3 testimony that you cited in support of your
4 last sentence in paragraph 4, which was at
5 page 90, line 17, and it went on through
6 page 91, line 6.

7 A. (Witness reviewing document).
8 Okay.

9 Q. So your testimony here -- you
10 were comparing the MOVE Network's media
11 player stream, which was an adaptive
12 bitrate stream, correct?

13 A. Yes.

14 Q. And you were comparing that
15 adaptive bitrate stream to the Windows
16 Media stream, which was a constant bitrate
17 stream, correct?

18 A. That's correct.

19 Q. So the testimony here related to
20 your view that the quality of that adaptive
21 bitrate stream was better than the quality
22 of a constant bitrate stream.

23 Is that right?

24 MR. LYNN: Objection. Form.

25 A. Yes, that's correct.

1 M. Mitchell

2 BY MS. OSMAN:

3 Q. Did you have any other technical
4 details about how either the Windows Media
5 or the MOVE Network's player operated?

6 MR. LYNN: Objection. Form.

7 THE WITNESS: Can I -- repeat the
8 question one more time?

9 BY MS. OSMAN:

10 Q. You had no other technical
11 details about how either the Windows Media
12 Player or the MOVE Network's player
13 operated at that time.

14 Is that correct?

15 MR. LYNN: Objection. Form.

16 MR. ANDERSEN: Objection to form.

17 A. Yes. I don't understand the
18 question. Are you talking about in the
19 transcript?

20 BY MS. OSMAN:

21 Q. I'm talking about in 2005, when
22 you were opining about the Windows -- the
23 MOVE Network's player.

24 So in 2005, you had no other
25 technical details about how either the

1 M. Mitchell
2 Windows Media player or the MOVE Network's
3 player operated.

4 Is that right?

5 MR. LYNN: Objection. Form.

6 MR. ANDERSEN: Objection. Form
7 and foundation.

8 A. So you are asking me if, in 2005,
9 I knew of any technical differences between
10 them. I am still not understanding your
11 question. It's not clear to me.

12 BY MS. OSMAN:

13 Q. Okay. We can move on.

14 But you agree that your
15 comparison here, you were comparing the
16 adaptive bitrate streaming to the constant
17 bitrate streaming, correct?

18 A. Yes, that's correct.

19 MS. OSMAN: I think we are about
20 ready for a break. Let's take 15
21 minutes.

22 MR. ANDERSEN: Okay.

23 MS. OSMAN: Let's go off the
24 record.

25 THE VIDEOGRAPHER: Off the record

1 M. Mitchell

2 at 9:53.

3 (Recess)

4 THE VIDEOGRAPHER: Back on the
5 record at 10:11.

6 BY MS. OSMAN:

7 Q. Thank you. Mr. Mitchell, welcome
8 back. Thanks for joining.

9 A. Thank you.

10 Q. Mr. Mitchell, did you talk to
11 your attorney about your testimony today
12 during the break?

13 MR. ANDERSEN: Objection.

14 Privileged. You can ask him if he
15 spoke to me but not about what we
16 talked about.

17 MS. OSMAN: Mr. Andersen, you
18 can't coach the witness during breaks
19 and deposition testimony.

20 MR. ANDERSEN: I understand that.
21 I understand.

22 BY MS. OSMAN:

23 Q. Mr. Mitchell, did you talk to
24 your attorney about your substantive
25 deposition testimony during the break?

1 M. Mitchell

2 A. I guess just about a couple of
3 things.

4 Q. What did you talk to your
5 attorney about?

6 MR. ANDERSEN: Objection.
7 Privileged.

8 MS. OSMAN: Mr. Andersen, it's
9 not privileged. You can't coach your
10 witness during a break in a deposition.

11 MR. ANDERSEN: Ms. Osman, I
12 didn't coach my witness. You can't ask
13 him about what he spoke to his attorney
14 about.

15 MS. OSMAN: Okay. Let's go off
16 the record, and we can talk about this.

17 THE VIDEOGRAPHER: Hearing no
18 objections, off the record at 10:12.

19 (Recess)

20 THE VIDEOGRAPHER: Back on the
21 record at 10:13.

22 BY MS. OSMAN:

23 Q. Mr. Mitchell, what did you
24 talk to your counsel about during the
25 break?

1 M. Mitchell

2 MR. ANDERSEN: Objection.

3 Privileged.

4 But I will let you answer.

5 A. We talked about words,
6 superlatives, and that's it.

7 BY MS. OSMAN:

8 Q. What kind of words and
9 superlatives did you discuss?

10 A. Just paying attention to things
11 like "only" and things like that.

12 Q. What else did you talk about?

13 MR. ANDERSEN: Objection.

14 Privileged.

15 MS. OSMAN: Are you instructing
16 the witness not to answer?

17 MR. ANDERSEN: If you ask him
18 about substance of attorney-client
19 privileged protected communications,
20 yes.

21 MS. OSMAN: Mr. Andersen, your
22 discussions with your witness during my
23 deposition are not privileged. This
24 break is during an ongoing deposition.
25 It is not privileged.

1 M. Mitchell

2 BY MS. OSMAN:

3 Q. Mr. Mitchell, answer the
4 question. What did you talk to your
5 attorney about during the break?

6 A. I told him I was going to check
7 my blood sugar, I did and had something to
8 eat. I went to the restroom.

9 Q. What did you speak with your
10 attorney about during the break?

11 A. Nothing, really. Just, again, we
12 talked about superlatives, and it was just
13 a brief mention of that. We didn't talk at
14 all about like what my deposition -- is in
15 my -- the whole deposition.

16 Q. What kind of superlatives did you
17 discuss?

18 MR. ANDERSEN: Objection. Asked
19 and answered.

20 MS. OSMAN: Mr. Andersen, the
21 rules in this forum are that you can
22 object using one word.

23 MR. ANDERSEN: Objection. Form.

24 BY MS. OSMAN:

25 Q. Mr. Mitchell, please answer my

1 M. Mitchell

2 question. What kind of superlatives did
3 you discuss with your attorney during the
4 break?

5 A. He just said to pay attention to
6 words like "only" and things like that in
7 questions.

8 Q. Did he explain to you why he
9 instructed you to pay attention to words
10 like "only" in questions?

11 A. No, not really. Just be cautious
12 of the form of things.

13 Q. Why did he instruct you to be
14 cautious of the form of things?

15 MR. ANDERSEN: Objection. Form.

16 A. I don't know. That's a good
17 question.

18 BY MS. OSMAN:

19 Q. Did he identify any particular
20 testimony that he thought you should be
21 cautious of?

22 A. No.

23 Q. What other superlatives did he
24 mention during the break?

25 A. I don't know. "Only" is the only

1 M. Mitchell

2 one I remember.

3 Q. What else did Mr. Andersen tell
4 you during the break?

5 A. I don't know. Nothing that
6 sticks out to me.

7 Q. So your testimony, sitting here
8 today, is the only thing you remember him
9 telling you during the break was to be
10 cautious of the word "only."

11 Is that correct?

12 MR. ANDERSEN: Objection. Form.

13 A. I mean, yes. We talked about
14 other -- or just daily things. We are old
15 friends, so...

16 BY MS. OSMAN:

17 Q. Can you tell me what else did you
18 talk about?

19 A. Again, I told him I was going to
20 check my blood sugar because I am a
21 diabetic. It was getting kind of low, so I
22 had something to eat. I went to the
23 restroom, and we just -- he asked if I
24 wanted another water. I said, "Sure."

25 Q. My understanding that your

1 M. Mitchell
2 testimony, sitting here today, is the only
3 thing related to the substance of the
4 deposition that you talked about with
5 Mr. Andersen during the break is your use
6 of the word "only"?

7 MR. ANDERSEN: Objection. Form.

8 A. Not my use of the word only. So
9 in questions that were asked to me.

10 BY MS. OSMAN:

11 Q. So I will re-ask my question.
12 Your testimony, sitting here today, is that
13 the only substantive matter that you talked
14 to Mr. Andersen about during the break was
15 the use of the word "only" in questions.

16 Is that correct?

17 MR. ANDERSEN: Objection. Form.

18 A. That's the only thing that I
19 remember.

20 BY MS. OSMAN:

21 Q. Did you talk to anybody else
22 during the break?

23 A. No.

24 Q. Did you talk to DISH's counsel
25 during the break?

1 M. Mitchell

2 A. No.

3 Q. Mr. Mitchell, are you being
4 compensated for your time today?

5 A. No, I am not.

6 Q. Were you compensated for your
7 time in putting together your declaration?

8 A. No.

9 Q. Were you compensated for your
10 testimony in the ITC proceeding?

11 A. No.

12 Q. Mr. Andersen -- sorry. Excuse
13 me.

14 Mr. Mitchell, you agreed a little
15 bit earlier when we were talking about
16 buffering -- you agreed that the MOVE
17 player could sometimes buffer.

18 Is that correct?

19 A. Yes, that's correct.

20 Q. And do you agree that that would
21 mean the MOVE player's video would
22 sometimes be interrupted?

23 MR. ANDERSEN: Objection.

24 Foundation.

25 A. Can you repeat the question?

1 M. Mitchell

2 BY MS. OSMAN:

3 Q. Would you also agree that the
4 MOVE player's video playback would
5 sometimes be interrupted as a result of
6 buffering?

7 MR. LYNN: Objection. Form.

8 A. I mean, as I stated before, in
9 certain cases -- certain extreme cases,
10 that is a possibility. Just like --

11 BY MS. OSMAN:

12 Q. In some cases, you agree that the
13 MOVE player's video playback would be
14 interrupted as a result of buffering.

15 Is that correct?

16 A. Yes, that's correct.

17 Q. And those interruptions would be
18 a discontinuity in playback, correct?

19 MR. LYNN: Objection. Form.

20 A. It could be.

21 BY MS. OSMAN:

22 Q. And that discontinuity could be a
23 time delay.

24 Is that right?

25 MR. LYNN: Objection. Form.

1 M. Mitchell

2 A. It could be.

3 BY MS. OSMAN:

4 Q. Would that discontinuity also be
5 a discontinuity in content?

6 MR. LYNN: Objection. Form.

7 A. What do you mean by that, "in
8 content"?

9 BY MS. OSMAN:

10 Q. So skipping over part of a video,
11 for instance?

12 A. I don't recall it ever doing
13 that.

14 Q. So you haven't seen a content
15 discontinuity?

16 A. No, I have not.

17 Q. Is it possible that you would
18 have a content discontinuity?

19 MR. LYNN: Objection. Form.

20 A. With any stream, it's possible
21 that that could happen if the network
22 conditions were bad enough.

23 BY MS. OSMAN:

24 Q. So it's possible that the MOVE
25 player could have a content discontinuity?

1 M. Mitchell

2 MR. LYNN: Objection. Form.

3 A. I suppose it could be possible.

4 MS. OSMAN: I have no further
5 questions at this time. I am going to
6 turn the witness over to Aylo's
7 counsel, Mr. Sheng.

8

9 EXAMINATION

10 BY MR. SHENG:

11

12 Q. Good morning, Mr. Mitchell.

13 Thank you for your time. I represent the
14 Aylo petitioner. I am going to ask you a
15 few questions and wrap up pretty quickly.
16 Okay?

17 A. Okay.

18 Q. I want to pick up just at the
19 last question that fubo's counsel asked you
20 about content discontinuities.

21 Have you ever heard of that term
22 before used in the context of streaming,
23 the term "content discontinuity"?

24 MR. LYNN: Objection. Form.

25 A. Maybe not those exact words, but

1 M. Mitchell

2 I -- from what I would understand, yes. I
3 mean, streams do have issues from time to
4 time.

5 BY MR. SHENG:

6 Q. And a content discontinuity could
7 be several frames -- a skipping of just
8 several frames.

9 Would you agree with that?

10 MR. LYNN: Objection. Form.

11 A. That is one possibility.

12 BY MR. SHENG:

13 Q. What are other possibilities?

14 A. It could stop altogether. It
15 could slow like a buffer and then repeat
16 back where it was.

17 Q. So you would agree, then, that
18 the MOVE player could have content
19 discontinuities, agreed?

20 MR. LYNN: Objection. Form.

21 A. It's possible.

22 BY MR. SHENG:

23 Q. You have never seen it happen?

24 A. Not a -- not a jump in the
25 frames. I have -- I have seen in really

1 M. Mitchell

2 bad network conditions, I remember seeing
3 it kind of slow down and then jump back in
4 once the conditions improved.

5 Q. And you have seen that happen
6 with the MOVE player, correct?

7 A. Yes. I can't say a specific
8 time, but, yes, I do remember seeing that.

9 Q. When were you first approached
10 about submitting a declaration in these
11 IPRs?

12 A. Are you talking for this
13 particular case -- not the original 2021.

14 Q. Correct. This case.

15 A. It would have been probably in
16 February when that -- when I signed the --
17 whatever it's called the "disclosure."

18 Is that what it's called?

19 Q. So you were first reached at --
20 let's strike that.

21 Who reached out to you about
22 submitting a declaration in February?

23 A. It was a counsel.

24 Q. It was Mr. Andersen?

25 A. Yes. Mr. Andersen.

1 M. Mitchell

2 Q. Prior to being approached by
3 Mr. Andersen, were you aware that DISH was
4 in litigation with Aylo or fuboTV?

5 A. No, I was not.

6 Q. Prior to being approached by
7 Mr. Andersen, were you aware that DISH was
8 in any litigation with any party at all?

9 A. No, I was not.

10 Q. At the time Mr. Andersen
11 approached you about submitting a
12 declaration, were you aware of any legal
13 proceeding involving DISH?

14 MR. LYNN: Objection. Form.

15 A. No, I was not.

16 BY MR. SHENG:

17 Q. And Mr. Andersen reached out to
18 you, you didn't reach out to Mr. Andersen
19 seeking legal advice.

20 Is that fair?

21 MR. LYNN: Objection. Form.

22 A. Yes, that's fair.

23 BY MR. SHENG

24 Q. What did Mr. Andersen tell you --
25 let's strike that.

1 M. Mitchell

2 Did Mr. Andersen call you or did
3 he e-mail you or something else?

4 A. It was an e-mail, I believe.

5 Q. What did Mr. Andersen's e-mail
6 say to you?

7 MR. LYNN: Objection.

8 Privileged.

9 A. I don't remember.

10 MR. ANDERSEN: Objection. It is
11 privileged.

12 BY MR. SHENG:

13 Q. Prior to receiving that e-mail
14 from Mr. Andersen in February, you didn't
15 know that DISH was in any legal
16 proceedings, correct?

17 A. That's correct.

18 Q. And you didn't reach out to
19 Mr. Andersen seeking legal advice in
20 February, correct?

21 A. That's correct.

22 Q. And Mr. Andersen reached out to
23 you in February asking you to submit a
24 declaration in the IPRs, correct?

25 A. I don't recall the specific

1 M. Mitchell

2 request that he gave me.

3 Q. What do you recall in that e-mail
4 that Mr. Andersen sent to you in February
5 regarding submitting a declaration in these
6 IPRs?

7 MR. LYNN: Objection.

8 MR. ANDERSEN: Objection.

9 Privileged.

10 THE WITNESS: Can I answer or...

11 MR. ANDERSEN: I am actually
12 going to instruct you not to answer
13 that.

14 MR. SHENG: Well, Counsel, I
15 think we've -- I think I have laid the
16 foundation that Mr. Andersen didn't
17 reach out to you seeking any legal
18 advice or legal counsel.

19 And also I don't understand how
20 your e-mail to him would be privileged.

21 MR. ANDERSEN: Counsel, I can
22 still object because I can provide
23 legal advice to an employee of the
24 university via e-mail. Not all
25 attorney-client privileged

1 M. Mitchell
2 communications are initiated by the
3 client.

4 BY MR. SHENG:

5 Q. Mr. Mitchell, you testified
6 earlier that someone else drafted your
7 declaration.

8 Is that correct?

9 A. Yes, that's correct.

10 Q. Do you know who drafted your
11 declaration?

12 MR. LYNN: Objection. Form.

13 A. No, I do not.

14 BY MR. SHENG:

15 Q. Do you know if Mr. Andersen
16 drafted your declaration?

17 A. No, I don't.

18 Q. Have you ever had any discussions
19 with DISH's counsel, Baker Botts?

20 A. No, I have not.

21 Q. Do you know if Baker Botts
22 drafted your declaration?

23 A. I don't know.

24 Q. Did you ask?

25 A. No, I didn't.

1 M. Mitchell

2 Q. Do you know if Mr. Andersen had
3 any discussions with attorneys from Baker
4 Botts -- yes or no?

5 A. No.

6 Q. Prior to submitting your
7 declaration in these IPRs, were you aware
8 that you would need to be -- strike that.

9 Prior to signing your declaration
10 in these IPRs, were you aware that you
11 would need to sit for a deposition?

12 A. Can you repeat the question?

13 Q. Sure. Prior to submitting your
14 declaration in these IPRs, were you aware
15 that you would need to sit for a
16 deposition?

17 A. I believe I was aware that that
18 was a possibility.

19 Q. In paragraph 4 of your
20 declaration, you talked about a plaque
21 commemorating the MOVE Network's -- or the
22 BYU TV's use of MOVE Networks.

23 Do you recall that generally?

24 A. Yes.

25 Q. Where is that plaque displayed?

1 M. Mitchell

2 A. It's in the BYU Broadcasting
3 building, the main hallway.

4 Q. Is that plaque still there, do
5 you know?

6 A. I believe so.

7 Q. When was the last time you saw
8 the plaque?

9 A. Oh, I don't know. That's a good
10 question. Probably a few weeks ago. I
11 don't know, specifically.

12 Q. Were you aware that Mr. Ericson
13 was deposed in these proceedings -- these
14 IPR proceedings?

15 A. He mentioned to me that he was.

16 Q. When did he mention that to you?

17 A. I don't know a specific day.

18 Q. Can you give me an estimate?

19 A. It was probably three, four weeks
20 ago.

21 Q. What did Mr. Ericson say about
22 this case?

23 A. Just that he was being deposed.

24 Q. So you spoke to Mr. Ericson prior
25 to his deposition.

1 M. Mitchell

2 Is that right?

3 A. I speak to him almost daily.

4 Q. Fair enough.

5 You spoke to Mr. Ericson prior to
6 him being deposed about this litigation,
7 fair?

8 MR. LYNN: Objection. Form.

9 A. Just about the fact -- he said
10 that he was being deposed.

11 BY MR. SHENG:

12 Q. Did you and Mr. Ericson have any
13 discussions about this litigation -- any
14 specifics about this litigation?

15 A. No.

16 Q. Did you review Mr. Ericson's
17 deposition transcript in this case?

18 A. No.

19 Q. Did you review Mr. Ericson's ITC
20 deposition transcript?

21 A. No, I did not.

22 Q. Did you speak to Mr. Ericson at
23 all for purposes of preparing for this
24 deposition?

25 A. No.

1 M. Mitchell

2 Q. Are you a BYU sports fan?

3 A. Yes, I am.

4 Q. Football? Basketball?

5 A. Yes, both.

6 Q. Football like on a scale of 1 to
7 10, what level of fan are you?

8 A. Gosh, I don't know. I guess it
9 depends on what your parameters of 1 to 10
10 mean.

11 Q. Pretty high.

12 A. I am a good sports fan.

13 Q. Since I have you under oath
14 today, Mr. Mitchell, will Jake Retzlaff
15 play snap this season?

16 A. I don't know. I have not
17 followed that story. I have seen
18 headlines, but I have not seen any articles
19 about it.

20 MR. ANDERSEN: I object.

21 MR. SHENG: Fair enough.

22 I don't have any questions for
23 you. DISH's counsel might have some
24 questions for you. Your own counsel
25 may have some questions for you.

1 M. Mitchell

2 Thank you, Mr. Mitchell, for your
3 time. Appreciate it.

4 THE WITNESS: Thank you.

5 MR. LYNN: DISH has no questions.

6 MR. ANDERSEN: I have no
7 questions either.

8 MR. SHENG: Okay. Counsel, I
9 think we are done.

10 Is that correct?

11 MS. OSMAN: I think we are done.

12 MR. ANDERSEN: He will reserve
13 his right to sign. Read and sign,
14 please.

15 THE VIDEOGRAPHER: I will go
16 ahead and take us off the record. This
17 concludes the video-recorded deposition
18 of Mark Mitchell. Off the record at
19 10:30 a.m.

20 (Proceedings concluded at 10:30
21 A.M. M.S.T.)

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ACKNOWLEDGMENT OF DEPONENT

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I, MARK MITCHELL, hereby certify, that
I have read the transcript of my testimony
taken under oath in my deposition of May 30,
2025; that the transcript is a true,
complete and correct record of what was
asked, answered and said during this
deposition, and that the answers on the
record as given by me are true and correct.

MARK MITCHELL

SUBSCRIBED AND SWORN BEFORE ME

THIS _____ DAY OF _____ 2025.

Notary Public

My Commission Expires: _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

STATE OF NEW YORK)

) ss.:

COUNTY OF NEW YORK)

I, Christina Diaz, a Certified Realtime
Captioner, Registered Merit Reporter and
Certified Realtime Reporter and Notary Public
within and for the State of New York, do hereby
certify:

That MARK MITCHELL, the witness whose
deposition is hereinbefore set forth, was duly
sworn by me and that such deposition is a true
record of the testimony given by such witness on
May 30, 2025.

I further certify that I am not related
to any of the parties to this action by blood or
marriage and that I am in no way interested in
the outcome of this matter.

Dated: June 1, 2025

CHRISTINA DIAZ, RDR CRC CRR RMR CSR-NY/NJ CLR

NCRA Registered Diplomate Reporter

NCRA Certified Realtime Captioner

NCRA Certified Realtime Reporter

NCRA Registered Merit Reporter

NYS Certified Shorthand Reporter Lic. 001046-1

NJ Certified Shorthand Reporter Lic. 30XI00244900

Certified LiveNote Reporter

1

2

ERRATA SHEET

3

Case Name: Aylo Freesites LTD and fuboTV
Media Inc. vs. DISH

4

Technologies L.L.C.

5

Deposition Date: Friday, May 30, 2025

Deponent: Mark Mitchell

6

Page/Line	Now Reads	Should Read	Reason
-----------	-----------	-------------	--------

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

Date

Signature

A	54:14 56:8	66:23	archive.org	73:14 76:4
a.m 2:8 9:3	56:12	67:15 68:3	24:12,15	87:3
84:19,21	62:14	68:12 69:5	32:10	Aylo's 73:6
able 11:23	70:20 71:3	69:7,14,17	35:10 36:2	
ABR 27:13	71:12 74:9	70:12,23	articles	B
29:2,3	74:17	75:24,25	83:18	B 6:14
39:20 40:4	agreed 8:4	76:3,7,10	asked 27:10	B2 1:13,14
40:18	8:10,15	76:17,18	28:24	1:14
57:14	70:14,16	76:24 77:2	40:21	back 27:7,25
accurate	74:19	77:10,14	43:21 59:5	28:6,20
16:5	ahead 50:2	77:19,22	66:18	36:18
achievement	84:16	78:4,8,11	68:23 69:9	38:10,11
45:14	allowed	78:16,21	73:19	41:19
ACKNOWLEDGE...	51:16	79:15 80:2	85:13	42:13 45:7
85:2	52:14,20	83:20 84:6	asking 14:9	49:12,14
action 9:7	52:24	84:12	28:4 56:25	51:10 52:3
86:17	allowing	Andersen's	62:8 77:23	58:2 60:2
actual 33:5	41:24	77:5	attached	63:4,8
Ad 33:23	42:25	answer 7:7	29:11	64:20
adaptive	alternative	14:10 15:9	30:24 32:2	74:16 75:3
27:13 29:4	21:8	15:15,16	32:16	bad 50:13
39:21 40:4	altogether	15:22,23	36:12	72:22 75:2
40:19	74:14	16:14 31:6	attending	Baker 4:4
41:23	analytics	44:20	9:14	10:13
42:11	25:20	55:17,20	attention	22:25,25
45:16	Andersen	65:4,16	65:10 67:5	23:5 79:19
51:15	5:12 10:18	66:3,25	67:9	79:21 80:3
57:15	10:19 12:3	78:10,12	attorney	based 12:22
59:23	16:25 17:7	answered	63:11,24	41:24
60:11,15	17:17,23	41:2 66:19	64:5,13	basics 14:5
60:20	18:4,7,19	85:13	66:5,10	basis 25:19
62:16	18:22	answers	67:3	Basketball
add 31:8	19:21 21:7	14:16	attorney...	83:4
address	21:24 25:2	85:14	65:18	Bates 34:9
12:14,15	27:17 33:7	anybody	78:25	34:13,18
12:16	39:16	69:21	attorneys	34:23
adjust 41:24	43:15	apologies	3:5,16 4:5	behalf 9:23
administer	44:13	58:22	5:6 22:24	10:9,14,19
8:13	46:15	apparently	23:5,6	believe
advice 76:19	50:11 51:7	32:21	80:3	20:25 26:9
77:19	54:10	APPEAL 1:2	audio 18:5	38:9 54:25
78:18,23	55:19,25	appreciate	authorized	77:4 80:17
ago 18:18	61:16 62:6	17:21 18:2	8:12	81:6
19:4 81:10	62:22	84:3	aware 76:3,7	better 11:24
81:20	63:13,17	approached	76:12 80:7	21:14
agree 18:11	63:20 64:6	75:9 76:2	80:10,14	58:10
18:14 29:3	64:8,11	76:6,11	80:17	60:21
36:11,14	65:2,13,17	apps 26:2	81:12	bit 11:24
50:3,16	65:21	archive	Aylo 1:4 3:5	17:19 23:9
	66:18,20	24:16	9:7 10:9	41:13

70:15	12:20 38:4	47:6	86:6,8,22	45:25
bitrate	broadcast	BYU.org	86:23,24	62:11
27:13 29:4	40:24	29:24	86:24,25	clerks 17:2
39:21 40:4	broadcas...	BYUTV.org	certify 85:8	17:4,8
40:19	13:20	29:25	86:10,16	click 21:10
41:23 42:2	25:17		challenged	client 79:3
42:11	26:11,23	C	56:23 57:4	CLR 1:24
45:16	27:14 38:6	C 3:2 4:2	change 11:22	86:21
51:15	46:24 47:5	5:2 6:14	changed	coach 63:18
57:15	54:22 81:2	11:2 86:2	19:11	64:9,12
59:18,23	Broadcas...	86:2	channels	colleague
60:12,15	26:21	CA 3:8	26:3	10:6
60:16,21	broadcasts	California	charge 45:19	commemor...
60:22	39:6	3:6	chat 21:3,13	45:14
62:16,17	buffer 54:8	call 22:24	31:8 46:8	80:21
blip 55:24	54:15	77:2	check 66:6	Commission
56:8	70:17	called 75:17	68:20	85:23
blips 54:24	74:15	75:18	Christ 38:25	communic...
55:5	buffering	Calls 55:25	42:24	65:19 79:2
blood 66:7	42:3,4	campus 12:20	Christina	comparing
68:20	51:19	25:23	1:24 2:12	60:10,14
86:17	53:13,17	46:24 47:6	9:10 86:6	62:15
BOARD 1:2	53:22 54:2	candid 32:15	86:21	comparison
boss 54:21	54:9 70:16	capacity	Chrome 36:2	62:15
56:15	71:6,14	23:2	Church 38:24	compensated
Botts 4:4	buffers	Captioner	42:24	70:4,6,9
10:13	54:11	2:14 86:7	cite 44:7	complete
22:25 23:2	building	86:22	45:22,25	85:12
23:6 79:19	46:24 47:5	captions	46:2 48:14	completely
79:21 80:4	81:3	28:15	51:22	53:21
bounds. '	business	case 13:9,23	58:14	completion
58:11	9:25 25:14	20:2,2	cited 23:25	38:23
break 16:9	38:3	31:7 75:13	43:5,10	computer
16:11,15	BYU 13:20	75:14	44:3,12,16	17:18,21
27:21	25:15,17	81:22	46:18	computers
62:20	25:21,21	82:17 87:3	48:14,15	17:14
63:12,25	26:10,20	cases 71:9,9	48:16 49:7	concluded
64:10,25	26:20,22	71:12	50:4 52:2	84:20
65:24 66:5	27:3,14	caused 55:8	58:19 60:3	concludes
66:10 67:4	34:8,9,12	cautious	cites 23:14	84:17
67:24 68:4	34:18,23	67:11,14	43:7	conditions
68:9 69:5	34:23 38:6	67:21	claim 57:11	41:25
69:14,22	43:2 44:25	68:10	clarify	54:16
69:25	45:14,17	cell 18:10	14:25	72:22 75:2
breaks 63:18	46:24,25	18:12	15:24 16:2	75:4
brief 66:13	47:4 48:4	center 12:2	Classical	conducted
briefly	54:21 58:7	certain 71:9	25:21	1:19 2:12
43:22	80:22 81:2	71:9	clear 15:19	conference
Brigham 5:5	83:2	Certified	22:23	34:2,4
5:7 10:19	BYU's 26:19	2:14,14	37:18	38:21,24

42:23	37:13,22	29:9 43:7	19:22	19:7,15,19
43:22,24	38:8,13,17	64:2	20:13,17	20:5,9
44:5	38:22	course 22:2	21:3,18,20	23:3,17,21
conferen...	39:10,18	court 1:25	22:10,13	23:22
9:15	40:7 42:6	9:11,12	22:19 23:8	24:14,18
confirm	44:2,6	14:13	23:14,25	24:20
31:13	45:5,24	CRC 1:24	24:6 25:7	26:15 29:8
congestion	47:17,18	86:21	25:10 27:8	29:11,14
51:17 55:8	49:4 50:23	creating	28:5,7,17	29:18,21
connection	50:24 51:5	47:19	29:13 30:4	29:25 30:6
27:11	56:10	CRR 1:24	30:5,7	30:10,11
53:21	59:17,19	86:21	36:18,21	30:16,16
consistent	59:25	CSR-NY/NJ	37:9,15	30:18,20
41:16	60:12,17	1:24 86:21	42:14 45:8	30:24 31:5
constant	60:18,25	curiosity	47:8,12	31:10,21
59:18	61:14	35:17	49:12,15	32:6,7,17
60:16,22	62:17,18	currently	50:9 51:10	32:18,21
62:16	68:11	54:21	53:7 58:3	32:24
Cont'd 4:2	69:16	cut 47:2	58:5 70:7	33:19,21
5:2	70:18,19		75:10,22	35:19,22
content 72:5	71:15,16	D	76:12	36:6,12
72:8,14,18	71:18 75:6	D 6:2,14	77:24 78:5	37:5,16,19
72:25	75:14	D.C 3:20 4:7	79:7,11,16	37:21
73:20,23	77:16,17	d/b/a 3:17	79:22 80:7	40:13
74:6,18	77:20,21	daily 68:14	80:9,14,20	41:20
context	77:24 79:8	82:3	defer 56:17	42:21 43:5
73:22	79:9 84:10	data 26:2	definitely	44:9 46:2
continue	85:12,15	36:3	53:22	48:13,16
49:6	correctly	date 41:3,6	58:10	50:4,17,25
continued	43:3 45:20	87:5,25	degree 37:24	51:23 52:3
42:25	51:20	dated 2:11	38:2	52:15 53:2
continuous	58:12	86:20	delay 55:11	53:12
51:16	counsel 5:4	David 5:12	71:23	58:15,18
52:14,21	8:5 9:15	10:18	depends 83:9	63:19,25
52:25	9:19 11:13	16:25	Deponent	64:10
copy 29:10	22:25	18:19	85:2 87:5	65:23,24
correct	64:24	54:17,19	deposed 13:7	66:14,15
12:25 13:2	69:24 73:7	david_an...	13:13,24	69:4 80:11
13:12,22	73:19	5:11	81:13,23	80:16
15:24	75:23	day 38:25	82:6,10	81:25
22:17	78:14,18	42:24	deposition	82:17,20
23:23	78:21	81:17	1:17 2:10	82:24
25:11 27:5	79:19	85:20	8:11,17	84:17
27:6,16	83:23,24	day-to-day	9:6,13	85:10,14
28:16 29:5	84:8	25:19	13:8,17,19	86:12,13
29:6,10	counsel's	December	14:5 15:5	87:5
30:9,21,22	20:19	13:8	15:12,21	description
31:13,22	COUNTY 85:6	declaration	16:10,21	33:10
31:23	86:5	13:25	18:13,16	43:24 44:4
36:13	couple 16:18	19:10,14	18:17 19:4	designee

13:20	69:24	77:4,5,13	EXAMINATION	F
details 61:4	79:19	78:3,20,24	6:5 11:7	F 6:14 86:2
61:11,25	83:23	earlier	73:9	face 21:22
devices	displayed	70:15 79:6	examined	fact 82:9
17:14 18:9	80:25	East 5:8	11:4	factual
diabetic	distinguish	12:17	Excuse 70:12	20:20
68:21	59:21	eat 66:8	exhibit 6:15	failed 53:21
Diamond	document	68:22	29:11	fair 15:2,3
10:23	21:22,25	either 34:11	30:24	15:10,11
Diaz 1:24	22:8,9	34:16,21	31:10,12	16:16
2:13 9:10	33:2 37:12	35:2 61:4	31:16,18	56:16
86:6,21	44:21	61:11,25	33:8,11,13	76:20,22
differences	48:21	84:7	33:14,20	82:4,7
62:9	49:11,24	Eleventh	33:22,25	83:21
different	52:11 59:6	3:18	34:2,7,8	fan 83:2,7
28:11,18	59:14 60:7	employee	34:12,17	83:12
35:8	documents	78:23	34:22	far 20:2
Diplomate	13:4 17:11	engineering	36:15,19	farther
2:13 86:22	19:18 24:4	37:24	37:20	17:19
DIRECTIONS	24:5,8	entered	40:10,15	fast 23:12
7:7	doing 9:25	30:25	42:15 43:6	February
disclosure	15:14	Ericson	43:8,18	20:25
75:17	20:14	54:17,19	45:8,22	75:16,22
disconti...	26:18	54:20,23	46:3,7,10	77:14,20
73:20	72:12	56:14,17	46:17,20	77:23 78:4
74:19	downloaded	81:12,21	48:15,17	Feel 37:4
disconti...	36:20	81:24 82:5	50:6 51:11	49:21
71:18,22	drafted	82:12,22	51:23 52:4	figure 27:22
72:4,5,15	20:21	Ericson's	58:3	file 39:5
72:18,25	22:14,15	82:16,19	exhibits	40:23
73:23 74:6	79:6,10,16	especially	23:14,15	filing 8:16
discuss	79:22	15:4	23:16,25	finally
19:22 47:8	drafting	ESQUIRE 3:12	24:13,19	28:13
65:9 66:17	48:8	3:13,23	24:22 25:6	finding
67:3	drop 21:2	4:10,16	30:18,23	43:14
Discussion	46:8	5:12	32:2,6,12	fine 59:8
27:24	dropping	essentially	32:16,20	finish 15:7
discussions	21:13	45:16	32:23 35:4	15:9
65:22	Duces 33:23	establishes	35:13,16	finishes
79:18 80:3	duly 86:12	50:5,5,17	35:21 36:6	15:17
82:13		50:20 51:2	36:11	firm 10:5,8
Dish 1:6,12	E	estimate	experience	first 13:8
9:8 10:15	E 3:2,2 4:2	81:18	27:11	13:16 28:6
13:9 27:10	4:2 5:2,2	evolved	28:25	28:10,11
28:24	6:2,14,14	26:23	Expires	42:19
57:21 76:3	6:14,14,14	exact 32:14	85:23	45:17 46:6
76:7,13	11:2 86:2	52:18 53:4	explain	50:5,17
77:15 84:5	86:2 87:2	73:25	33:14 67:8	75:9,19
87:3	87:2,2	exactly	extreme 71:9	five 18:18
DISH's 22:25	e-mail 77:3	32:12		

followed	3:8	18:19	happens	27:12
83:17	free 37:4	21:24 22:6	15:25	important
follows 11:5	45:18	27:23 28:6	head 14:16	14:15
Football	49:21	42:13 45:7	14:17 56:4	improved
83:4,6	Freesites	48:19 49:9	headlines	75:4
Fork 12:18	1:4 3:5	49:12 50:2	83:18	inaccurate
form 8:7	9:8 87:3	51:10 52:3	hear 18:5,6	29:22
22:20	freezing	58:2,21	18:7 55:16	include 20:4
24:25 31:3	55:12	62:23	heard 54:18	included
36:8,25	Friday 1:18	64:15	73:21	32:21
38:16 39:9	9:4 87:5	84:15	Hearing	incorporate
39:15,17	friends	going 14:4	64:17	30:5
39:24 45:4	68:15	15:6 16:18	helped 24:10	Industries
48:10	front 11:25	21:2 22:5	hereinbe...	1:10 3:17
50:10,11	18:11 21:4	23:9 30:13	86:12	9:25
51:6,7	fubo's 73:19	33:12,16	hereto 8:6	information
53:3,8,19	fuboTV 1:10	49:14	hiccups 55:7	7:2,3
54:3,10	3:16 9:24	51:13 58:5	high 83:11	22:18 38:2
55:2,6,13	76:4 87:3	66:6 68:19	Hillary	Inge 3:23
56:11 57:5	full 12:10	73:5,14	10:23	9:22 11:11
60:24 61:6	21:25	78:12	home 12:15	12:7
61:15,16	fully 30:5	good 9:2	12:16	inge.osm...
62:5,6	further 8:10	11:10 12:6	hopefully	3:22
66:23	8:15 73:4	67:16	27:8	initiated
67:12,14	86:16	73:12 81:9	hour 16:10	79:2
67:15		83:12	18:25	input 48:8
68:12 69:7	G	Gosh 18:25	hours 20:11	INSERTED 7:3
69:17 71:7	G 3:13	83:8	Houston 4:13	instance
71:19,25	gallery	great 12:3	Hudson 1:25	72:11
72:6,19	11:22	16:17	9:11	instruct
73:2,24	gathering	ground 14:5		67:13
74:10,20	25:25	18:20	I	78:12
76:14,21	general 5:4	guess 20:11	Ian 3:13	instructed
79:12 82:8	20:19 34:3	21:7 35:12	10:6	67:9
format 27:19	38:21,24	51:8 64:2	icon 11:19	instructing
formats 39:5	42:23	83:8	idea 39:5	65:15
40:23 41:8	43:24 44:5		identifi...	instructs
forth 86:12	generally	H	36:16	15:15
forum 66:21	26:11	H 6:14 11:2	40:11	intellig...
foundation	80:23	87:2	46:11	25:14
62:7 70:24	getting	half 18:25	identified	interested
78:16	68:21	hallway 81:3	33:21 34:2	86:18
four 21:21	give 15:22	handful	34:8,18,22	internet
28:10,17	16:5 21:4	23:15	35:14,22	38:6 43:2
42:16	21:15 31:7	handle 56:21	identify	44:25
56:23 57:4	81:18	hanging	67:19	45:19
81:19	given 85:15	46:23	igpaquet...	interrupt
frames 74:7	86:14	happen 20:24	3:11	11:13
74:8,25	giving 42:7	72:21	image 27:18	interrupted
Francisco	go 14:4	74:23 75:5	implemen...	70:22 71:5

71:14 interrup... 56:9 interrup... 71:17 introduce 9:19 involve 25:24 involved 47:19 involves 25:25 involving 13:9 76:13 IPR 13:25 24:23 28:11,12 28:12,13 28:15,18 57:4 81:14 IPR2024-... 1:13 IPR2024-... 1:14 IPR2024-... 1:14 IPR2024-... 1:7 IPRs 19:11 20:3 21:21 56:23 75:11 77:24 78:6 80:7,10,14 issue 56:4,6 issues 55:9 56:17 74:3 ITC 13:9 23:20 26:15 29:8 30:11,16 31:11,21 33:21 37:20 40:14 41:20 70:10 82:19 items 32:9	32:11 J Jake 83:14 Jamie 4:10 10:12 jamie.ly... 4:9 Jesus 38:25 42:24 joined 10:6 26:17 joining 63:8 jump 74:24 75:3 jumping 41:25 June 86:20 K K 4:6 11:2 keep 35:3 kind 14:8 18:19 26:23 27:18 65:8 66:16 67:2 68:21 75:3 knew 62:9 know 14:6 16:12,24 16:25 17:2 20:8,18 22:23 23:11,12 25:3,8 31:17,25 32:11,23 33:3 34:5 34:20 39:12 40:9 40:22 41:3 44:19 46:13 47:25 48:6 48:7,11 49:22 52:17,18 53:6,9 54:17,19	54:20 56:5 57:8 67:16 67:25 68:5 77:15 79:10,15 79:21,23 80:2 81:5 81:9,11,17 83:8,16 knowledge 25:5 Korneychuk 5:15 9:9 L L 8:2 11:2,2 L.L.C 1:6,12 87:4 laid 78:15 landscape 27:19 language 47:13 48:9 50:21 51:3 52:2 56:24 57:12 58:19 late 45:2 Latham 3:15 9:23 launches 34:23 45:15 Laura 4:16 10:14 laura.na... 4:15 law 10:5,8 17:2,4,7 lawyer 15:13 15:17 leaps 58:11 learn 41:7 learned 40:18 41:12,13 legal 23:2 76:12,19 77:15,19 78:17,18	78:23 let's 21:5 27:23 33:3 40:13 42:13 43:8 43:12 45:7 45:9 48:13 48:19,19 48:23 49:6 49:7 51:10 51:25 52:3 52:5 58:2 58:3,17,23 59:11,12 60:2 62:20 62:23 64:15 75:20 76:25 level 83:7 Lic 86:24,24 line 7:7 28:14 40:21 43:19,19 43:23 48:18,18 48:23,24 49:10 51:24,25 52:5,6,7,9 52:10 58:16,17 59:2,2,3,7 59:9,11,12 60:5,6 lines 43:11 44:3,12,16 44:17,23 49:9,19 link 21:10 list 28:10 32:20,22 35:6 listed 21:22 litigation 76:4,8 82:6,13,14 little 11:24 17:18 23:9	41:13 70:14 live 34:23 39:6 40:24 LiveNote 86:25 livestream 38:21 42:25 45:15 LLC 10:15 LLP 3:4,15 10:5,9 long 18:24 26:6,10 look 18:10 18:12 19:17 22:7 23:20,24 28:7,21 31:12 32:17,22 33:20,24 33:25 34:7 34:12,17 35:11,15 35:21 36:5 37:5 40:13 40:20 43:9 43:20 44:12,18 45:9,10 46:6 48:13 48:19 49:7 49:21 51:11,25 52:5 57:3 58:4,17,18 58:23,25 59:2,9,9 59:11,12 looked 19:5 32:24 33:3 33:8 34:5 34:10,15 34:20,25 35:7,13 36:2 50:16 50:21 52:20
--	--	--	--	--

80:21,22 moving 17:18	86:3,5,9 nice 12:7 night 18:18 NJ 86:24 nodding 14:17 North 5:8 notary 2:16 10:23 85:22 86:8 noted 9:16 notes 13:3 17:11 notice 2:11 noticed 29:23 number 13:25 23:14 33:8 33:13,17 numbers 33:4 33:5 57:9 NW 3:18 NYS 86:24	61:15,16 62:5,6 63:13 64:6 65:2,13 66:18,23 67:15 68:12 69:7 69:17 70:23 71:7 71:19,25 72:6,19 73:2,24 74:10,20 76:14,21 77:7,10 78:7,8 79:12 82:8 objections 8:6 64:18 obviously 53:20 October 38:20 39:4 40:5 42:23 offered 58:8 office 1:1 5:4 11:15 20:19 officer 8:12 Oh 81:9 Okay 12:3 20:8 22:6 28:9 33:16 43:14,15 44:13,22 46:9 48:22 48:25 50:2 52:12,12 52:13 53:11 58:20 59:7 59:13,15 60:8 62:13 62:22 64:15 73:16,17 84:8 old 18:17 68:14 once 13:7	18:23 75:4 ones 33:5 35:12 ongoing 65:24 operated 61:5,13 62:3 opining 61:22 opinions 19:12 opposed 42:3 original 29:25 75:13 originates 56:5 Osman 3:23 6:6 9:22 9:22 11:8 11:11 12:4 12:7 17:9 17:17 18:2 18:6,8 21:2,8,11 21:16,25 22:2,3,22 25:4 27:17 27:21 28:3 31:4 33:9 36:10,17 37:3 38:18 39:11,19 40:2,12 43:17 44:15 45:6 46:12,16 48:12 50:12 51:9 53:5,10,23 54:6,13 55:4,10,15 55:22 56:7 56:13 57:7 61:2,9,20 62:12,19 62:23 63:6 63:17,22 64:8,11,15	64:22 65:7 65:15,21 66:2,20,24 67:18 68:16 69:10,20 71:2,11,21 72:3,9,23 73:4 84:11 outcome 86:19 over-the... 26:3 owned 57:21 owner 1:6,12 4:5 10:16
N N 3:2 4:2 5:2 6:2,14 8:2 N.W 4:6 name 9:9 11:11 12:7 12:10 54:18 87:3 naming 35:8 Natchev 4:16 10:14 Nationwide 9:12 NCRA 86:22 86:22,23 86:23 need 15:23 16:11 80:8 80:11,15 needed 36:5 network 41:25 45:17 51:17 53:18,21 59:22 72:21 75:2 Network's 45:2,15 53:12,25 54:8,15,24 60:10 61:5 61:12,23 62:2 80:21 Networks 27:11 28:25 38:15 39:4 39:20 40:3 48:8 80:22 never 52:13 53:17,25 54:8,9,11 74:23 New 2:17 85:4,6	O O 8:2 oath 8:13 83:13 85:10 object 15:13 55:19 66:22 78:22 83:20 objection 15:18 22:20 24:25 31:3 36:8,25 38:16 39:9 39:15,16 39:24 40:8 45:4 48:10 50:10,11 51:6,7 53:3,8,19 54:3,10 55:2,6,13 56:11 57:5 60:24 61:6	objections 8:6 64:18 obviously 53:20 October 38:20 39:4 40:5 42:23 offered 58:8 office 1:1 5:4 11:15 20:19 officer 8:12 Oh 81:9 Okay 12:3 20:8 22:6 28:9 33:16 43:14,15 44:13,22 46:9 48:22 48:25 50:2 52:12,12 52:13 53:11 58:20 59:7 59:13,15 60:8 62:13 62:22 64:15 73:16,17 84:8 old 18:17 68:14 once 13:7	ones 33:5 35:12 ongoing 65:24 operated 61:5,13 62:3 opining 61:22 opinions 19:12 opposed 42:3 original 29:25 75:13 originates 56:5 Osman 3:23 6:6 9:22 9:22 11:8 11:11 12:4 12:7 17:9 17:17 18:2 18:6,8 21:2,8,11 21:16,25 22:2,3,22 25:4 27:17 27:21 28:3 31:4 33:9 36:10,17 37:3 38:18 39:11,19 40:2,12 43:17 44:15 45:6 46:12,16 48:12 50:12 51:9 53:5,10,23 54:6,13 55:4,10,15 55:22 56:7 56:13 57:7 61:2,9,20 62:12,19 62:23 63:6 63:17,22 64:8,11,15	P P 3:2,2 4:2 4:2 5:2,2 8:2 page 6:5,15 7:7 28:6 28:10 30:4 32:18 33:21 40:16,16 43:10,19 44:9,11 48:17,18 48:20 49:9 49:10 51:24,25 52:5,6,8,9 58:16,16 58:22,23 59:2,10,11 60:5,6 Page/Line 87:6 pages 22:7 Paquette 3:13 10:6 paragraph 27:9 28:5 28:21,23 29:7 30:3 36:23 37:9 37:11,14 42:13,16

45:9,11 50:8 51:12 60:4 80:19 paralegal 17:8 parameters 83:9 part 30:18 37:15 42:20 72:10 particip... 11:24 particular 35:5 36:22 67:19 75:13 parties 8:6 9:14 11:4 13:10 86:17 party 76:8 Pasha 5:15 9:9 patent 1:1,2 1:6,8,12 1:13,14,14 4:5 10:15 57:8 patents 56:23 57:3 57:15,17 57:20,23 pause 15:7,8 pay 67:5,9 paying 65:10 PDF 32:19 40:16 Peloton 13:9 pending 16:13 people 16:22 Perfect 22:12 petitioner 1:4 3:5 10:10 73:14 petitioners 1:10 3:16	9:24 Philip 3:12 10:4 phone 18:11 18:12 phrase 52:13 52:18,20 53:4,6 pick 73:18 pictured 50:6 place 36:20 plaque 45:13 46:23 47:7 47:13,16 47:20,23 48:9 49:3 50:6,18,22 50:22 51:2 51:4 80:20 80:25 81:4 81:8 play 83:15 playback 71:4,13,18 player 36:22 37:10 42:22 51:16 54:11 57:18 58:9 60:11 61:5 61:12,12 61:23 62:2 62:3 70:17 72:25 74:18 75:6 player's 70:21 71:4 71:13 please 9:19 10:24 12:9 12:13 14:18,24 15:7 21:15 23:11 31:12,24 32:23 37:7 44:18 66:25	84:14 portion 52:19 portions 43:9 posed 41:5 position 53:24 54:7 possibil... 74:13 possibility 71:10 74:11 80:18 possible 72:17,20 72:24 73:3 74:21 preparation 19:6,15 23:21 30:19 prepare 18:16 19:18 32:24 preparing 20:12 32:7 33:19 82:23 present 5:14 9:16,19 presumably 48:4 pretty 73:15 83:11 prevent 42:2 51:18 53:13 previous 20:4 23:18 24:18,20 30:10 35:19 previously 30:6 printed 47:15 50:22 51:3 prior 76:2,6	77:13 80:6 80:9,13 81:24 82:5 privileged 63:14 64:7 64:9 65:3 65:14,19 65:23,25 77:8,11 78:9,20,25 probably 20:10 48:5 75:15 81:10,19 proceeding 20:7 26:15 31:2,11 40:14 46:18 70:10 76:13 proceedings 13:25 24:23 28:11,18 57:4 77:16 81:13,14 84:20 PRODUCTION 7:4 properties 25:22 protected 65:19 provide 15:22 78:22 provided 30:6 Provo 5:9 12:21 ptsheng@... 3:10 public 2:16 44:24 85:22 86:8 pulled 24:11 35:25 purposes 11:17	82:23 pursuant 2:11 put 19:25 22:19 29:12 putting 70:7 Q quality 42:2 51:18 60:20,21 question 14:23 15:8 15:16 16:13,14 18:9 30:15 31:14 37:6 37:7,8 39:25 40:21 41:5 43:20 44:20 49:23 50:13 54:5 55:23 57:2 59:5,10 61:8,18 62:11 66:4 67:2,17 69:11 70:25 73:19 80:12 81:10 questions 14:9 15:13 16:19 35:25 67:7 67:10 69:9 69:15 73:5 73:15 83:22,24 83:25 84:5 84:7 quick 49:13 quickly 22:6 23:12 73:15 quote 37:16
---	--	---	---	---

R	reason 16:4 18:4 87:6	40:10 46:10	reread 18:17	27:15 30:8
R 3:2 4:2,10	reasons 56:6	refresh 14:6	reserve	30:19 31:2
5:2 6:14	recall 34:10	24:5,10	84:12	32:8 36:7
6:14 11:2	34:15,25	regarding	reserved 8:7	36:24
86:2 87:2	35:6,18	78:5	RESP-PA0...	37:17,25
87:2	52:24	Registered	34:13	38:7,12
Radio 25:21	72:12	2:13,15	RESP-PA0...	39:8,14,23
RDR 1:24	77:25 78:3	86:7,22,23	34:14	42:5 43:25
86:21	80:23	related	RESP-PA0...	45:3,23
re-ask 37:6	received	57:18	34:19	46:4 47:9
37:7 69:11	20:18	60:19 69:3	RESP-PA0...	47:14
reach 76:18	receiving	86:16	34:19	49:19
77:18	77:13	rely 24:3	respective	53:14
78:17	Recess 63:3	remember	8:5	54:16
reached	64:19	30:15 35:9	responses	59:24
75:19,21	recitation	35:24 42:7	14:19	60:23 62:4
76:17	47:15	68:2,8	responsible	71:24 82:2
77:22	recognize	69:19 75:2	38:5	84:13
read 19:16	22:9 31:17	75:8 77:9	rest 49:8	RMR 1:24
20:15	46:20	remind 14:8	restroom	86:21
42:20 43:3	recollec...	remote 15:5	66:8 68:23	role 26:7,18
45:12,20	14:6 24:5	16:20	result 71:5	26:23
46:19	24:10	remotely	71:14	room 16:19
47:12	41:17	1:19 2:12	Retzlaff	16:22 17:5
51:13,20	record 9:3	9:14 11:3	83:14	17:12
52:10 58:5	9:17,20	repeat 31:14	review 19:14	rules 14:5
58:12	12:10,14	39:25 54:4	23:16 24:4	18:20
84:13 85:9	15:14	61:7 70:25	29:18	66:21
87:6	16:23	74:15	32:13	RULING 7:5
reading 20:9	27:23,24	80:12	82:16,19	
23:18	28:2 37:18	rephrase	reviewed	S
24:13	42:20	14:24 57:2	19:3,6	S 3:2 4:2
35:23 49:6	45:13	REPORTED	24:12	5:2 6:14
Reads 87:6	51:13 58:6	1:23	29:12,14	8:2,2 87:2
ready 12:5	62:24,25	reporter	29:21 32:9	Saints 38:25
28:22	63:5 64:16	2:13,15	56:22,24	42:24
44:20	64:18,21	9:11 14:13	reviewing	San 3:8
62:20	84:16,18	86:7,8,22	22:8 30:17	saw 29:20
real 49:12	85:12,15	86:23,23	33:2 37:12	81:7
realize	86:14	86:24,24	44:21	says 45:13
15:23	recorded 9:5	86:25	48:21	51:14
really 14:15	14:17	Reporting	49:11,24	scale 83:6
66:11	recount	1:25 9:12	52:11 59:6	school 38:3
67:11	27:10	represent	59:14 60:7	screen 11:18
74:25	28:24	10:8 23:2	right 11:21	17:25 21:9
Realtime	reference	73:13	12:19	21:12,18
2:14,15	49:17	request 78:2	13:11,21	27:9,18
86:6,8,22	referenced	REQUESTS 7:2	14:2 22:16	screenshots
86:23	36:15	7:4	25:16	24:17
			26:25	scroll 23:9

31:24 37:2	Shaking	social 26:4	40:20	3:18 4:6
49:25 59:4	14:16	somebody	state 2:16	4:12
scrolling	share 21:9	20:21	12:9,14	strike 50:14
23:11	21:11	22:14	85:4 86:3	75:20
sealing 8:16	30:13 31:5	sorry 11:12	86:9	76:25 80:8
season 83:15	46:7	26:21 47:2	stated 71:8	stuff 26:5
second 45:10	shared 24:17	54:4 55:16	statement	submit 77:23
47:11 50:8	31:9,16	55:21 59:7	44:24	submitted
section	Sheng 3:12	70:12	states 1:1	19:10
52:22	6:7 10:4,4	sort 18:9	45:14	21:21
see 11:23	73:7,10	28:14	stenogra...	24:23 25:6
12:22	74:5,12,22	sound 15:10	9:17	28:16
16:21	76:16,23	16:16	stenogra...	submitting
17:15,24	77:12	source 56:4	9:5	75:10,22
21:5,17	78:14 79:4	sources 26:2	sticks 68:6	76:11 78:5
23:10	79:14	South 12:17	stipulated	80:6,13
27:22 32:5	82:11	Spanish	8:4,10,15	Subpoena
33:4 59:4	83:21 84:8	12:18	11:3	33:22
seeing 75:2	shifting	speak 66:9	stood 30:2	SUBSCRIBED
75:8	51:18	82:3,22	stop 74:14	85:19
seeking	Shorthand	speaking	stopping	substance
76:19	86:24,24	55:21	42:3	19:22
77:19	shows 11:18	specific	story 83:17	65:18 69:3
78:17	sign 84:13	50:7 75:7	stream 34:23	substantive
seen 32:15	84:13	77:25	41:24 42:2	63:24
72:14	signal 45:18	81:17	42:22	69:13
74:23,25	signals 26:3	specific...	45:18	successful
75:5 83:17	Signature	15:15	51:19	27:12
83:18	87:25	81:11	53:13,18	sugar 66:7
select 35:20	signed 8:11	specifics	54:24 58:8	68:20
Semiannual	19:9 20:22	82:14	58:9,11	Suite 3:7,19
34:3	22:15	speculate	59:18,18	Summary 34:2
sense 14:20	29:16,17	48:5 56:3	59:22,23	superlat...
14:23	75:16	speculation	60:11,12	65:6,9
sent 78:4	signing 80:9	25:2 56:2	60:15,16	66:12,16
sentence	sit 80:11,15	spell 12:9	60:17,21	67:2,23
42:19 44:8	site 38:6	spent 20:14	60:22	support 60:3
45:10,12	sitting 16:6	spoke 63:15	72:20	suppose 73:3
46:19	16:20 25:5	64:13	streaming	sure 11:20
47:11 50:8	25:10	81:24 82:5	27:13 29:2	14:18
51:12,14	52:23 68:7	sports 83:2	29:3,4	17:24
58:4 60:4	69:2,12	83:12	39:21 40:4	20:22 31:7
sentences	six 26:9	spotlight	40:19	31:15 48:6
42:16	skipping	11:16	41:23	49:18,22
separate	72:10 74:7	ss 85:5 86:4	42:11 56:9	68:24
20:6	slow 74:15	start 43:10	57:15	80:13
separating	75:3	48:23	62:16,17	swear 10:24
28:14	slowly 22:6	started 16:9	73:22	swearing
set 86:12	small 27:18	38:14	streams 74:3	9:18
setup 11:20	snap 83:15	starting	Street 3:6	sworn 8:11

11:3 85:19 86:13 system 55:7 systems 38:3	56:17 61:3 61:10,25 62:9 Technolo... 1:6,12 9:8 10:15 87:4 technology 27:14 39:13 41:4 41:14 45:16 51:15 Tecum 33:23 television 45:17 Televisi... 34:9 tell 14:24 15:25 16:23 22:5 25:18 43:21 68:3 68:17 76:24 telling 68:9 term 73:21 73:23 Testific... 33:23 testified 11:5 38:9 38:10 41:22 42:21 54:23 59:17 79:5 testimony 16:2,5 24:7 30:7 30:11 32:7 36:7 42:8 44:19 48:14,17 49:8 50:4 50:15,17 50:25 59:16 60:3 60:9,19 63:11,19 63:25	67:20 68:7 69:2,12 70:10 85:9 86:14 Thank 10:22 12:8,13 17:10 18:3 28:20 63:7 63:9 73:13 84:2,4 Thanks 63:8 thing 16:12 29:23 30:2 68:8 69:3 69:18 things 18:20 26:4 46:2 48:15 64:3 65:10,11 67:6,12,14 68:14 think 36:19 62:19 78:15,15 84:9,11 third 51:11 51:14 thought 33:16 67:20 three 17:6,7 20:10 25:22 81:19 time 8:7 9:4 13:14 14:22 15:6 16:11 18:13 19:25 20:13 26:14,24 37:4 39:3 39:13 44:9 45:9 58:7 61:8,13 70:4,7 71:23 73:5 73:13 74:3 74:4 75:8	76:10 81:7 84:3 times 18:21 29:9 51:17 55:8 title 26:13 today 12:8 12:24 13:23 15:5 15:12 16:6 16:10,22 17:12 18:13,16 19:15 22:24 23:3 23:22 25:6 25:10 26:13 29:9 32:8,25 33:20 38:10 41:17 42:11 52:23 63:11 68:8 69:2,12 70:4 83:14 today's 19:6 30:19 told 39:20 40:3 66:6 68:19 top 11:21 30:4 total 20:10 TRADEMARK 1:1 transcript 14:18 19:4 23:19,21 29:12,18 29:21 30:25 31:6 31:11,20 31:25 32:3 32:17,18 32:19 33:22 36:12 37:17,19	37:20 40:14,17 41:21 43:6 43:9 44:9 46:3 49:22 51:23 52:4 58:15,18 58:24 61:19 82:17,20 85:9,11 transmit 39:6 40:24 trial 1:2 8:8 trouble 21:12 true 29:10 54:25 85:11,15 86:13 truthful 16:5 try 16:9 22:6 trying 35:24 turn 17:23 28:20 40:15 43:8 43:12 44:11 58:22 60:2 73:6 TV 25:21 26:3 34:23 43:2 44:25 45:15,17 58:8 TV's 26:20 80:22 TV/Strea... 34:13,18 two 20:10 28:14 45:25 48:15 TX 4:13
T T 3:12 6:14 8:2,2 11:2 86:2,2 87:2,2 take 16:9,14 18:12 22:7 23:24 27:21 31:12,16 32:22 33:20,25 37:4,5 44:18 49:21 51:25 59:9 62:20 84:16 taken 9:13 13:8 57:3 85:10 talk 15:6 28:25 29:8 36:21 37:10 63:10,23 64:4,16,24 65:12 66:4 66:13 68:18 69:21,24 talked 63:16 65:5 66:12 68:13 69:4 69:13 80:20 talking 23:10 24:19 36:3 40:18 49:2 61:18,21 70:15 75:12 technical 37:24				U U 8:2

understand 14:11 16:3 25:13 36:6 61:17 63:20,21 74:2 78:19	27:25 62:25 63:4 64:17,20 84:15	webmaster 38:11	wrap 73:15	10:12 64:18
understa... 13:6 41:23 42:10 62:10 68:25	videotaped 2:10 9:6 view 11:19 11:22 44:24 60:20	websites 26:20,20 26:21	write 20:16 47:22	10:13 64:21
uninterr... 45:18	viewer 39:7 40:25 41:9 45:2 53:12 53:25 54:8 54:15	weeks 81:10 81:19	writing 14:13	10:30 84:19
UNITED 1:1	viewers 53:17	welcome 63:7	wrote 20:17 29:15 47:25	84:20
university 5:5,7 10:20 12:21 38:4 78:24	viewing 23:13 51:17 52:14,21 52:25	went 36:2 60:5 66:8 68:22	X	1000 3:19
URL 36:4	vs 1:5,11 87:3	Window 58:10	X 6:2,14	101 3:6
use 42:22,25 52:20 69:5 69:8,15 80:22	W	Windows 58:8 59:17 60:15 61:4 61:11,22 62:2	Y	11 6:6 7:8 33:4
UT 5:9	waived 8:17	witness 5:6 6:3 9:18 10:24 11:16 22:8 33:2 37:12 44:21 48:21 49:11,24 52:11 59:6 59:14 60:7 61:7 63:18 64:10,12 65:16,22 73:6 78:10 84:4 86:11 86:14	Yanka 1:10 3:17 9:24	11,991,234 1:8
Utah 10:23 12:18,21	walk 42:17 walking 35:3 want 14:8 21:8 33:6 33:7 40:15 59:4 73:18	word 66:22 68:10 69:6 69:8,15	years 14:8 18:18 19:4 26:8,9 39:21 40:5 40:5 41:11	1130 12:17
V	wanted 68:24	word-for... 47:15	yesterday 18:23 24:13	12 33:4
various 26:2	Washington 3:20 4:7	words 47:22 48:2 50:7 52:24 65:5 65:8 67:6 67:9 73:25	York 2:17 85:4,6 86:3,5,9	1230 5:8
Venable 3:4 10:5,9	water 13:2 68:24	work 21:5	Young 5:5,7 10:19 12:21 38:4	13 48:18 49:10
verbal 14:16 14:19	Watkins 3:15 9:23	worked 41:10 41:14	Z	14 51:24 52:5
versus 9:8	way 11:17 27:20 33:18 57:18 86:18	working 27:3 38:14,19 39:3,22 40:6	zoom 10:7 27:20	15 35:11,14 62:20
video 1:25 9:12,15 11:17 40:23 41:8 54:11,24 55:12 56:9 70:21 71:4 71:13 72:10	Wayback 35:10		0	150 5:8
video-re... 84:17	we've 78:15		000001 34:9	16 43:10,19 59:9,11
videogra... 5:15 9:2 9:10 10:22 11:12,14	web 24:16 26:19		000012-BYU 34:24	17 35:11,14 43:11,19 43:23 44:3 44:17,23 58:16 60:5
			000013 34:24	175th 34:3
			001046-1 86:24	18 35:11,14
			1	19 48:24 49:9
			1 33:20 83:6 83:9 86:20	1969 12:17
			10 33:4 83:7 83:9	2
			10,757,156 1:13	2 27:9 28:5 28:21,23 34:2
			10:11 63:5	20 43:11,19 43:23 44:4
				20001-5692 4:7
				20004 3:20
				2001 38:10
				2003 26:12 26:17
				2005 27:4 34:23 38:5 38:11,15 38:20 39:4 40:6 42:23

45:2 61:21 61:24 62:8 202.637.... 3:21 202.639-... 4:8 2021 13:9 26:14 32:6 41:19 75:13 2024-00917 28:12 2024-00918 28:12 2024-00919 28:13 2024-00940 28:15 2025 1:18 2:7,12 9:5 85:11,20 86:15,20 87:5 21 59:2,2,7 2120 6:16 45:23 46:3 46:7,10,17 48:15 50:7 2127 6:17 36:15,19 42:15 45:8 51:11 58:3 2128 6:18 29:11 30:24 31:10,16 33:22 37:20 40:10,15 43:6,8,18 48:17 51:23 52:4 58:16 22 40:16 23 40:16 24/7 45:19 25 44:17,23 27 44:10,11 28 2:11 48:17,20	49:9 29 48:18 49:10 51:24 52:5 3 3 30:4 34:8 30 1:18 2:7 51:25 52:6 52:8,9 85:10 86:15 87:5 30th 9:4 30XI0024... 86:24 310-1769 1:25 36 6:17 3800 3:7 4 4 34:12 36:23 37:11,14 42:13,16 45:9 50:8 51:12 60:4 80:19 40 6:18 415.343.... 3:9 45 19:2 46 6:16 5 5 30:3 32:19 34:17 555 3:18 6 6 32:18,18 33:21 34:22 58:17 59:3 59:12 60:6 7 7 33:4 40:21 51:25 52:6 52:9,10	700 4:6 713.229.... 4:14 73 6:7 77002-4995 4:13 78 7:8 8 8,868,772 1:14 800 1:25 801.422.... 5:10 84602 5:9 87 58:22,23 59:2,10 88 59:3,11 89 25:21 9 9 48:18,23 48:24 9,407,564 1:14 9:01 2:8 9:3 9:20 28:2 9:53 63:2 90 58:16 60:5 91 58:16 60:6 910 4:12 94111 3:8		
---	---	---	--	--