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Transcript of Robert Stevenson, Ph.D.

Date: April 11, 2025

Case: Google, LLC -v- 138 East LCD Advancements Limited (PTAB)

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

1
2 UNITED STATES PATENT AND TRADEMARK OFFICE

3
4 BEFORE THE PATENT TRIAL AND APPEAL BOARD

5
6 GOOGLE LLC

7 Petitioner,

8 v.

9 138 EAST LCD ADVANCEMENTS LIMITED

10 Patent Owner.

11
12 Case IPR2024-00960

13 U.S. Patent 7,486,807 B2

14
15 Deposition of ROBERT STEVENSON, PH.D.

16 Washington, D.C.

17 Friday, April 11, 2025

18 8:59 a.m.

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20 Job No.: 578947

21 Pages: 1 - 63

22 Reported By: KAREN YOUNG

1 Deposition of ROBERT STEVENSON, PH.D.,
2 held at the offices of:

3
4
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14 Pursuant to notice, before Karen Young, Notary
15 Public in and for the District of Columbia.

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A P P E A R A N C E S

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C O N T E N T S

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E X H I B I T S

(Attached to Transcript)

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P R O C E E D I N G S

ROBERT STEVENSON, PH.D.,

having been duly sworn, testified as follows:

EXAMINATION BY COUNSEL FOR

138 EAST LCD ADVANCEMENT LIMITED

BY MR. CARMAN:

Q Good morning, Dr. Stevenson.

A Good morning.

Q Could you please state your name and home address for the record?

A Robert Stevenson, 1961 Camp Madron Road, Lot 38, Buchanan, Michigan 49107.

Q Have you ever been deposed before?

A Yes.

Q About how many times would you say?

A Don't know the number, but it's over 50.

Q Over 50, okay, and is there kind of a general theme of the cases that you testify in?

A Electrical engineering, signal processing usually, sometimes digital systems, image processing, a lot of imaging stuff.

Q Well, you're an old pro, but I'm going to

1 run through some logistics anyway just to level-
2 set. I will be asking you questions. Please
3 answer the questions completely and accurately.
4 Understand?

5 A Best of my ability.

6 Q If you do not hear or understand any of my
7 questions, please let me know. If there's a -- if
8 you answer a question, I will assume that you have
9 heard it and understood it and answered it
10 completely and accurately. Understand?

11 A I will certainly try to do that.

12 Q Please let me finish my questions before
13 you begin to answer so that the court reporter can
14 transcribe my question and your answer accurately.
15 Make sense?

16 A I'll try to do that also.

17 Q Okay. If the answer's yes or no, please
18 say yes or no so the court reporter can transcribe
19 your answer. Make sense?

20 A Yes.

21 Q Are you under the influence of any
22 medications or drugs that would affect your

1 ability to testify truthfully and completely
2 today?

3 A No.

4 Q Is there any reason at all that you will
5 not be able to testify truthfully and completely
6 today?

7 A No, I don't believe so.

8 Q Have you ever appeared or testified at
9 trial?

10 A Yes.

11 Q About how many times?

12 A In District Court, about a dozen, maybe a
13 little more now, probably 13 or 14, but I've
14 testified other situations.

15 Q Have you ever testified in a Patent Trial
16 and Appeal Board Hearing?

17 A No.

18 Q Have you ever been deposed in a Patent
19 Trial and Appeal Board proceeding before?

20 A Yes.

21 Q About how many times?

22 A That -- that I don't know. I mean, it's

1 -- maybe ten times, probably more.

2 Q And are you typically on the patent
3 owner's side or the petitioner's side? Is there a
4 pattern?

5 A I've never counted it up. I don't feel
6 like there's -- I'm sure there is some bias one
7 way or the other, but I don't know what it is.

8 MR. CARMAN: Mark as Deposition Exhibit 1
9 patent owner's amended notice of deposition of
10 Dr. Robert Stevenson.

11 (Deposition Exhibit Number 1 was marked
12 for identification.)

13 BY MR. CARMAN:

14 Q One other note before I turn to the first
15 exhibit, I'll try to take breaks about every hour.
16 If you need a break, let me know. The only rule
17 is if there's a question pending, we can't take a
18 break until you answer the question. Have you
19 ever seen this document in front of you before?

20 A Yes.

21 Q What is it?

22 A I'm sure there's probably some legal word

1 for it. I just -- I think of it as the document
2 that, you know, kind of kicks off this deposition.

3 Q And you understand that you're here as an
4 expert witness, correct?

5 A Yes.

6 Q And your testimony is in relation to the
7 technology at issue in this proceeding and the
8 declaration that you submitted in this proceeding;
9 is that right?

10 A Yes.

11 Q What did you do to prepare for your
12 deposition today?

13 A Are you talking about since I began
14 working on this issue or like in the past week?

15 Q Specifically for your deposition today,
16 what did you do to prepare?

17 A I guess I'll repeat my question. Are you
18 talking about since the beginning or like just
19 like during the past week or so?

20 Q Let's say during the past week or so.

21 A I guess I -- probably beginning of the
22 week, I started reviewing my declaration and

1 exhibits. I talked to the -- Google's lawyers for
2 a bit I think on Monday, and then I met with them
3 some yesterday.

4 Q Who did you meet with on Monday?

5 A Kevin and the other people here in the
6 room.

7 Q Anybody else?

8 A No, I don't believe so.

9 Q About how long did that meeting last?

10 A It was like the morning, so it was maybe
11 two hours, something like that.

12 Q Did you review any documents?

13 A During that meeting?

14 Q Yes.

15 A I don't recall specifics. Good chance I
16 would say.

17 Q And I believe you said you also met with
18 counsel yesterday; is that right?

19 A Yes.

20 Q And who was in that meeting?

21 A Same people.

22 Q And how long did that last?

1 A I want to say again maybe like three
2 hours.

3 Q And did you review any documents during
4 that meeting?

5 A Yes.

6 Q Which ones?

7 MR. RODKEY: I'm going to object on
8 privilege for that one.

9 BY MR. CARMAN:

10 Q Did the documents that you reviewed
11 refresh your recollection of those documents?

12 A I don't think I reviewed anything new
13 yesterday you might say, so I'd reviewed them all
14 in the past week, so it didn't refresh it any more
15 than having seen it again for the --

16 Q Did you meet with anyone other than
17 counsel to prepare for your deposition today?

18 A No.

19 Q Didn't meet with anybody from Google?

20 A No.

21 Q Didn't talk to any other experts?

22 A No.

1 Q Have you ever been convicted of a felony?

2 A No.

3 Q Have you ever been subject to any type of
4 disciplinary proceedings?

5 A No.

6 Q How many years have you worked as an
7 expert witness?

8 A I could tell you almost exactly because my
9 wife was pregnant with twins at the time, and
10 they're now 28, so 28 and a half years or so.

11 Q Have you ever worked with Finnegan,
12 counsel in this proceeding, before, in prior
13 matters?

14 A I've certainly heard the name before, but
15 I don't know if that was because I'd worked with
16 them before or worked against them before, so I'd
17 have to go back to my records to tell you what
18 that was.

19 Q How much of your time is spent on expert
20 witness work?

21 A Over the course of the year, I don't know,
22 it's usually two, three hundred hours.

1 Q Have you been named as an inventor on any
2 patents?

3 A Yes.

4 Q How many?

5 A One.

6 Q And what does that patent relate to?

7 A Video codecs.

8 Q Would you generally categorize that under
9 image processing technology?

10 A Yes.

11 Q Does that patent relate to the technology
12 at issue in this proceeding?

13 A I'm not sure what you mean by relate.
14 Certainly -- it's an image topic. Relates at
15 least at that level.

16 Q Does that patent relate to generating key
17 words to associate with images?

18 A No, I wouldn't say that.

19 Q Does that patent relate to identification
20 of similar objects across images?

21 A I guess it maybe means by what you mean by
22 identification.

1 Q What do you understand identification to
2 mean?

3 A Well, I don't have any specific idea in
4 mind. I just -- it's a very -- could be a very
5 broad term out of, you know -- and so some of that
6 -- some of that work that I'm thinking about from
7 that patent had to do with image modeling, which
8 is a way we model the data in the imaging kind of
9 for the image, and that's certainly related to
10 things that we do in the identification in images.

11 MR. CARMAN: Going to mark as Deposition
12 Exhibit 2 a document entitled "Declaration of
13 Robert Stevenson, Ph.D."

14 (Deposition Exhibit Number 2 was marked
15 for identification.)

16 BY MR. CARMAN:

17 Q Please take a moment to look at this
18 document and I'll ask you some questions about it.

19 A Okay.

20 Q Have you ever seen this document before?

21 A Yes.

22 Q What is it?

1 A It's the declaration that I wrote that --
2 for this case.

3 Q And if you flip it over to the very back
4 page, is that your signature?

5 A Yes.

6 Q And it's dated June 13th, 2024?

7 A Yes.

8 Q Before we start talking about the
9 document, are there any changes or corrections
10 that you're aware of that you wish to make to your
11 declaration?

12 A Not that I'm aware.

13 Q Who wrote your declaration?

14 A I mean, it's a declaration that expresses
15 my opinions in this case, so I worked with other
16 people to write it, but the idea was to express my
17 opinions.

18 Q Who did you work with to put this
19 together?

20 A The lawyers in the --

21 Q About what percentage of the declaration
22 would you say was written by you versus the

1 lawyers?

2 A I don't know what you mean by that.

3 Q Well, did you write every word in your
4 declaration?

5 A The objective was to get every word to be
6 as accurately as possible to reflect my opinion
7 that I had formed in the case. I don't remember
8 who suggested any particular word I guess.

9 Q So you don't know how much of your
10 declaration was actually written by you versus the
11 lawyers?

12 MR. RODKEY: Objection, mischaracterizes.

13 A When you say written, are you talking
14 about who typed into the declaration or are you --
15 I'm not sure what -- how you're using --

16 Q Sure, yeah, sure. Who typed the words?

17 A That I don't know. Some of them I
18 certainly typed. I didn't put them in the format
19 that we ended up here, but I certainly typed some
20 of the words, but I didn't write them into a Word
21 document.

22 Q How long did you work on your declaration?

1 A Oh, I couldn't recall at this point. I'd
2 have to go back and look at records.

3 Q Is it more than 50 hours?

4 A I really have no recollection at this
5 point.

6 Q What did you have access to in preparing
7 your declaration?

8 A Well, certainly everything I cited in the
9 declaration I had access to. I had access to, you
10 know, all my normal resources that I have on my
11 shelves and the libraries I generally access, and
12 of course, things I can access on the internet.

13 Q I'd like you to turn to paragraph 22 of
14 your declaration, which starts on page 14, but I'm
15 actually more interested in page 15.

16 A Did you say paragraph 24?

17 Q Twenty-two, so --

18 A Oh.

19 Q Twenty-two's on the previous page, and
20 then there's --

21 A Oh.

22 Q -- a table that starts on page 15.

1 A Got you, got you.

2 Q You see that?

3 A Yes.

4 Q So paragraph 22 -- well, there's a
5 heading, Roman numeral 4, "Materials Considered,"
6 and then paragraph 22 says, "In forming my
7 opinions, I have reviewed the following documents
8 as well as other documents cited throughout this
9 declaration," and there's a table on page 15. See
10 that?

11 A Yes.

12 Q Is that table a complete and accurate list
13 of all the materials that you considered in
14 preparing your declaration?

15 A It certainly was an attempt to include
16 everything that I relied on.

17 Q But sitting here, you're not aware of
18 anything that you relied on in preparing your
19 declaration that's not listed in this table?

20 A You know, I kind of -- I generally write
21 this word and this kind of sentence as you read it
22 as cited throughout this declaration. I'm always

1 worried about when I form these tables, that I
2 missed some cite, so if I missed a cite in the
3 rest of the document, I relied on that also, but
4 this is relatively not -- not too complex, so I
5 think I got them all.

6 Q But sitting here, you're not aware of
7 anything that you missed that's not in this table.
8 Is that fair?

9 A That's true, I didn't find any cite that I
10 had missed in this table in the rest of the
11 document when I reviewed it.

12 Q I'd like you to turn to page 27 of your
13 declaration, specifically paragraph 49.

14 A Okay.

15 Q You there? So on page 27, there's a
16 heading Roman numeral 7, "Level of Ordinary Skill
17 in the Art," and paragraph 49 says, "In my
18 opinion, a POSITA, "it's P-O-S-I-T-A, "in the
19 field of the '807 patent would have had at least a
20 bachelor's degree in electrical engineering,
21 computer science or related discipline, and two
22 years of experience in digital image analysis and

1 processing. Relevant work experience can
2 substitute for formal education, and additional
3 education can substitute for work experience."

4 Did I read that correctly?

5 A Yes.

6 Q What did you consider in assigning this
7 level of ordinary skill in the art?

8 A I believe I -- on page 17, paragraph 32,
9 33.

10 Q So paragraph 32, you are referring to
11 where it says I've been informed that a POSITA is
12 determined by considering several factors,
13 including the Romanette 1, type of problems
14 encountered in the art, Romanette 2, prior art
15 solutions to those problems, Romanette 3, rapidity
16 with which innovations are made, Romanette 4,
17 sophistication of the technology, and Romanette 5,
18 educational level of active workers in the field;
19 is that right?

20 A That was the first paragraph, yes.

21 Q Is there additional information in
22 paragraph 33?

1 A I mean, I guess depending on how -- how
2 broadly I asked your -- you know, take your
3 previous question, but certainly 33 was in my mind
4 when I was forming my person of ordinary level --
5 ordinary skill in the art opinion.

6 Q You define the level of ordinary skill in
7 paragraph 49 based on a person with a bachelor's
8 degree, right?

9 A Yes.

10 Q And for that level of education, you
11 provide a certain length of practical experience
12 as well, correct?

13 A Yes, in addition to that degree, right.

14 Q And you state that they would have two
15 years of experience with digital image analysis
16 and processing, correct?

17 A Yes.

18 Q Is there a difference in your mind between
19 digital image analysis and digital image
20 processing?

21 A Processing is a broader term, kind of
22 includes everything, the way we process data.

1 Analysis is a -- you know, digital image analysis
2 is a -- kind of a -- you know, a little more
3 focused area, and so I'm saying you have some
4 experience in that focused area but then also some
5 broader experience in image processing.

6 Q What do you mean when you say analysis is
7 a more focused area?

8 A Well, a lot of things that we do in image
9 processing that, you know -- you know, like video
10 compression may not particularly be relevant to
11 the -- the patent at issue, but you know, that
12 experience gives you ideas of how to -- what sort
13 of processing we can do, how we manipulate image
14 data, what sort of information we can extract from
15 it.

16 Q And that's different from analysis how?

17 A The digital image analysis is more, you
18 know, how can we understand what's in the image
19 and -- you know, and analyze the contents of the
20 image.

21 Q I'd like you to turn to page 28 of your
22 declaration please, Exhibit 2. Let me know when

1 you're there.

2 A I'm there.

3 Q Okay. Heading Roman numeral 8 entitled
4 "Claim Construction," specifically paragraph 52,
5 you state, "In my opinion, none of the claim terms
6 require further construction for me to provide my
7 opinions on whether the prior art anticipates or
8 renders obvious the claims of the '807 patent."
9 Do you see that?

10 A Yes.

11 Q Do you agree with that?

12 A I wrote it. It's my opinion. I still
13 agree with it, yes.

14 Q So looking back then at paragraph 51, the
15 one before, you say, "I understand in this
16 proceeding" --

17 A Sorry. You said paragraph 51. Then you
18 said something else.

19 Q Oh, the paragraph before.

20 A Okay, the paragraph --

21 Q Fifty-two --

22 A Yes.

1 Q -- says, "I understand that in this
2 proceeding, claims are construed according to
3 their ordinary and customary meaning in light of
4 the specification and prosecution history as
5 understood by a POSITA at the time of the
6 invention." Is that right?

7 A Yes.

8 Q And that's the standard that you have
9 applied throughout your declaration?

10 A Yes.

11 MR. CARMAN: We'll mark as Deposition
12 Exhibit 3 U.S. patent publication number US 2002
13 slash 0188602.

14 (Deposition Exhibit Number 3 was marked
15 for identification.)

16 BY MR. CARMAN:

17 Q Have you ever seen this document before?

18 A Yes.

19 Q What is it?

20 A It's a reference I relied on for one of
21 the grounds -- actually, both of the grounds that
22 I put forth in this opinion.

1 Q And if I generally refer to this as
2 Stubler, will you understand me to be referring to
3 this document?

4 A Sure.

5 Q I'd like you to look at figure 2 of
6 Stubler. Are you there?

7 A Yes.

8 Q Okay, and figure 2, it says there at the
9 bottom of the flow chart, figure 2, "Block diagram
10 of similarity-based semantic labeling." Do you
11 see that?

12 A Yes.

13 Q So what do you understand figure 2 to be
14 showing generally?

15 A I mean, it's teaching an embodiment of the
16 invention disclosed in this application.

17 Q And --

18 A I should say maybe certain aspects of the
19 invention.

20 Q And figure 2 is set forth in the form of a
21 flow chart, correct?

22 A Yes.

1 Q And in -- at the top there, step 100, and
2 that says acquire images, right?

3 A I see that, yes.

4 Q And then in step 110, it says extract
5 metadata, correct?

6 A Yes.

7 Q And in step 120, it says cluster slash
8 group images by metadata similarity. See that?

9 A Yes.

10 Q Do you understand this clustering or
11 grouping of images described in step 120 as
12 applying to the images that are acquired in step
13 100?

14 A According to the description of 120 found
15 on -- in paragraph 31 of Stubler, it seems to be
16 referring at least in that embodiment that is
17 talking about acquired images are clustered or
18 grouped by metadata similarity 120, so it does
19 seem to be talking about the acquired images
20 there.

21 Q So based on your understanding then of
22 figure 2 and the description in paragraph 31, is

1 it fair to say that when the images are acquired,
2 they are then clustered or grouped based on
3 extracted metadata?

4 A At least in the embodiment, you know,
5 described in 31, I'd have to read the rest of the
6 patent to see if it gave a broader disclosure
7 someplace else, but at least there, it seems to be
8 talking about the -- acquired set of images.

9 Q And just referring back to figure 2, in
10 step 130, it says, "Similarities between clusters"
11 slash, "groups and images within the database,"
12 and it's a decision diamond; is that right?

13 A I see where you're referring to, yes.

14 Q And then just to round out the rest of the
15 figure, in step 140, it says, "Semantic labels are
16 extended to new groups and clusters based on
17 metadata similarity," correct?

18 MR. RODKEY: Objection. That
19 mischaracterizes. I think you read it wrong.

20 BY MR. CARMAN:

21 Q Oh.

22 A Yeah.

1 Q I was looking at my outline. I'll read it
2 directly from the document. "Extend semantic
3 labels to new groups," slash, "clusters based upon
4 metadata similarity." Is that right?

5 A What you said in the most recent question
6 I think is right.

7 Q Then in step 150, which it indicates is
8 optional, it says, "Present to user for cluster
9 correction and semantic labeling," correct?

10 A I see that.

11 Q And in step 160, "Add images to database
12 and/or index structures." Is that right?

13 A I see that, yes.

14 Q Let's look at -- let's look at paragraph
15 29 of Stubler.

16 A I'm at the paragraph.

17 Q Paragraph 29 generally refers to three
18 different types of metadata; is that correct?

19 A I guess I -- I'm fine with your
20 characterization of the paragraph.

21 Q Okay, well, in the second line it refers
22 -- second and the third line, it refers to

1 something called captured -- or sorry, capture
2 metadata; is that right?

3 A Yes.

4 Q What is capture metadata?

5 A I think they provide a couple examples
6 later on in the paragraph, kind of a sentence that
7 starts, "Well known forms of capture metadata
8 include time, date provided by the capture device,
9 global positioning, GPS data if available from the
10 captured device, event codes entered by the user,"
11 and the like.

12 Q Do you have any opinions in your
13 declaration that any claims of the '807 patent are
14 anticipated based on Stubler's disclosure of
15 capture metadata?

16 A I know I certainly focused on other types
17 of metadata. I would have to look through my
18 declaration to see if there's a mention of
19 anything that relied on the capture metadata.

20 Q But sitting here, you're not aware of any
21 specific opinions that rely on capture metadata to
22 -- to opine that the -- any claims of the '807

1 patent are anticipated by Stubler?

2 A Despite my review of the declaration, I
3 don't have it memorized. You know, I either
4 mention it or I don't, so it's -- it's -- without
5 rereading it, I couldn't tell you if it's
6 mentioned or not, or how it's mentioned or what
7 context it might be mentioned.

8 Q But sitting here, you're not aware of any
9 one.

10 A I don't have the declaration memorized, so
11 no, I guess.

12 Q Do you have any opinions that any claims
13 of the '807 patent are rendered obvious based on
14 Stubler's disclosure of metadata?

15 A Same sort of answer. I mean, I don't have
16 the declaration memorized. I could read through
17 it and see if there's anything, but hopefully that
18 would be relatively clear by reading it yourself.

19 Q Stubler also refers to a type of metadata
20 called global metadata, correct?

21 A Yes.

22 Q What's global metadata?

1 A I think again, if you go on further in
2 that same paragraph, it gives you some examples.
3 "Global metadata includes whole image measurements
4 based upon color histograms, texture features and
5 the like. It also includes whole image
6 distinctions such as indoors or outdoors, which
7 may be determined by number of known algorithms.
8 For instance, use of color histogram and color
9 coherence vectors for image comparison is
10 described," and gives a reference.

11 Q I'd like to point you to paragraph 70 of
12 your declaration, Exhibit 2. I'll give you a
13 moment to quickly read that paragraph.

14 A Paragraph 70 you said?

15 Q Seventy, yes, it's on pages 35 to 36.

16 A Okay, I reread the paragraph.

17 Q There's no mention of capture metadata in
18 paragraph 70, is there?

19 A I didn't see the word "capture metadata"
20 in paragraph 70.

21 Q Do you see any description of anything in
22 paragraph 70 that conceptually sounds like capture

1 metadata to you?

2 A I mean, I don't think the -- you know, the
3 paragraph 70 -- well, I guess I'm trying to
4 understand your question maybe is where I'm
5 struggling a little bit. You know, I think
6 Stubler discloses examples of capture metadata and
7 global metadata, and we also haven't talked about
8 regional metadata, you know, as part of the
9 teachings of Stubler. If I think -- you know, if
10 I just take those teachings, you know, more
11 broadly, I think depending on -- depending on the
12 context, maybe, but I don't think anything in
13 paragraph 70, you know, is talked about as
14 captured data -- capture metadata in the context
15 of Stubler.

16 Q Is there anything in paragraph 70 that you
17 would categorize as global metadata in the context
18 of Stubler's disclosure?

19 A If you talk about the teachings broadly,
20 you know, what a person of ordinary skill in the
21 art would understand from Stubler, I think you
22 probably could, but I think in terms of examples

1 provided in Stubler, I think these sort of
2 examples that are provided here are pulled from
3 the discussion about the regional metadata.

4 Q Let's look at paragraph 56 of your
5 declaration on page 29 please.

6 A You said 56, right?

7 Q Correct, yes.

8 A Okay, I'm there.

9 Q Now, six lines up from the bottom, there's
10 a sentence that starts towards the end of the
11 line, "Stubler further explains that region
12 metadata." Do you see that?

13 A I see that.

14 Q "Stubler further" -- I'm just going to
15 read it. "Stubler further explains that region"
16 -- quote, "region metadata is," quote,
17 "objectively derived from a region in the image,"
18 closed quote, "and," quote, "includes such
19 detected regional features as face, skin, sky,
20 grass, open space, background versus foreground
21 and the like," closed quote. You see that?

22 A Yes.

1 Q What does objectively derived mean to you?

2 A We could do some sort of computation in
3 order to figure out those -- those sort of
4 features.

5 Q Is it fair to say that regional metadata
6 indicates the presence of regional features, such
7 as face, skin, sky, grass, open space?

8 A Can you maybe ask me -- repeat the
9 question again? I'm not sure --

10 MR. CARMAN: Could you read it back
11 please?

12 THE REPORTER: Question: "Is it fair to
13 say that regional metadata indicates the presence
14 of regional features, such as face, skin, sky,
15 grass, open space?"

16 A I think that's part of the idea of what
17 Stubler teaches.

18 Q What exactly is region metadata? I'll
19 clarify my question. Is it pixel values, is it
20 coordinates, is it some other data? What -- what
21 actually is regional metadata?

22 A Are you talking about like in an actual

1 implementation what it might be?

2 Q Yes.

3 A You know, a person of ordinary skill in
4 the art having read Stubler would understand that
5 the concept of this regional metadata is that
6 we're doing some sort of computations, you know,
7 region-based concentrations to try to determine,
8 you know, what sort of, you know, physical
9 features are there or characteristics of physical
10 features, and so out of that process, you're
11 generating some indication of, you know, whether
12 the processing believes that feature is present or
13 not.

14 So you mentioned, for example, I think sky
15 was one of them. So there would be some sort of
16 digital representation of the presence or absence
17 of the sky based on the calculation done in the --
18 in that region.

19 Q And how would a person of ordinary skill
20 in the art make that indication in the data?

21 A There's lots of ways of doing that.

22 Q Can you provide an example?

1 A I mean, you could just generate kind of
2 unique codes that you provide as -- as -- as
3 metadata, as data that you're going to associate
4 with various regions. You could have some sort of
5 table structure where you just have, you know, a
6 bit that indicates whether the -- you know,
7 something is present or not. It's structure data
8 somehow.

9 You could just have a -- you know, a piece
10 of data that refers to data stored other --
11 someplace else that might, you know, provide
12 various lists or something. Just -- there's
13 countless ways of doing it.

14 Q Does Stubler disclose any of those ways?

15 A To a person of skill in the art discloses
16 all of those ways.

17 Q Where? Can you point me to it in Stubler?

18 A Sure. If you want specific cites, I guess
19 I'd have to kind of go through the Stubler and
20 find you the most -- most particular ones, but I
21 mean, certainly the way -- talking about, you
22 know, computing this regional metadata and -- and

1 storing that data, I don't know how else you'd do
2 it other than in sort of the idea I just expressed
3 to you.

4 Q So you could have -- I think one of the
5 examples you mentioned was a bit that indicates
6 presence of, for example, sky. Is that fair?

7 A That would be one way of doing it.

8 Q And is it your opinion that a person of
9 ordinary skill in the art would just understand
10 these different ways based on reading Stubler, or
11 does Stubler actually describe each of these ways?

12 A Well, the -- you know, you asked me to
13 provide examples of how you might do it. I wasn't
14 trying to -- in generating my examples, I wasn't
15 trying to go based on any memory of disclosure.
16 I'm just trying to tell you how someone of
17 ordinary skill in the art would understand the
18 idea of I'm going to have -- I'm going to have
19 regional metadata and I'm going to have something
20 that, you know, indicates these sort of features
21 that we talked about from paragraph -- I guess
22 it's paragraph 29, and then otherwise you haven't

1 talked about it, but also paragraph 30, how, you
2 know, given the -- the -- you might say the
3 technology at hand around what we can do with it,
4 there's lots of different ways you could store
5 that information. I just gave you examples, but a
6 person of ordinary skill in the art, knowing --
7 you know, knowing that this is what Stubler's
8 teaching could have picked any number of ways of
9 doing it.

10 Q Am I correct that it's your opinion that
11 this metadata is used in a subsequent step to
12 conduct some sort of analysis against other images
13 to determine whether there are similar features
14 across those images? Is that fair to say?

15 MR. RODKEY: Objection to form.

16 A I think generally speaking, part of the
17 disclosure of Stubler does have this sort of
18 concept where you're calculating, you know, this
19 -- various types of metadata for the images you
20 acquire, and then comparing that metadata to
21 previously stored images.

22 Q And so let's take, for example, the -- the

1 possibility you mentioned of having a bit that
2 indicates sky. How would you conduct a similarity
3 analysis as taught by Stubler based on that
4 example?

5 A Well, the -- you know, the -- I think
6 we've been talking about this bit in terms of the
7 context of the acquired images, but the images in
8 the database would also -- whatever one of these
9 ways we decided to represent as information, we'd
10 have the same sort of representation. So in your
11 example -- example you're relying on in the
12 question, they would have similar bits stored in
13 the images, so -- in the database, and so you
14 would be comparing, you know, whether those bits
15 were the same in the, you know, acquired images in
16 the database in that simple example.

17 Q I think I heard you say this, but correct
18 me if I'm wrong. Did you say that the images in
19 the database would have similar metadata stored
20 with them in the database?

21 A I probably shouldn't be using the word
22 "similar" given the -- it's a redundant use of the

1 -- you know, not -- not in a way that the claim
2 uses that word, right? They would have a -- they
3 would have -- they would be stored with, you know,
4 the same data structure to represent the same sets
5 of information, and so you would -- you would be
6 comparing those data structures and those bits in
7 those data structures.

8 Q Does Stubler say that the metadata is also
9 stored in the database anywhere that you're aware
10 of?

11 A So the first one I find is in paragraph 9.
12 It talks about the method, including steps, and
13 step C says, "Automatically selecting one or more
14 stored images having metadata similar to the
15 extracted metadata," so that -- "Thereby providing
16 one or more selected stored images with metadata
17 similar to the acquired image," so that would be a
18 reference to the fact that stored images have the
19 same metadata associated with them and stored in
20 the database. That's the first one.

21 Let me continue looking now. The first
22 sentence of paragraph 12 reads, "This invention

1 uses one or more objectively measurable low-level
2 features or derived higher level features that are
3 found within the image regions or are associated
4 with the image regions to find similarities
5 between them." I don't know how you would do that
6 if that information isn't stored in the database
7 based on that disclosure.

8 Q Could you --

9 A Do you not want me to finish the exercise
10 you set me off on or --

11 Q Let's stop right there and talk about the
12 ones that you've brought up, and we can
13 potentially continue later. Could you store
14 images in the database and regenerate that
15 metadata any time you wanted to determine if there
16 was similarities with newly acquired images?

17 A Are you asking me if that is, you know,
18 you might say within the teachings of -- direct
19 teachings or kind of how someone might understand
20 Stubler can be implemented?

21 Q Yes, the second one.

22 A I guess I would have -- that would

1 certainly -- well, you know, I don't think that
2 would be a natural reading of it and I don't think
3 that's what someone with ordinary skill in the art
4 would think Stubler is talking about. Whether
5 that flexibility is -- is kind of you might say
6 present within Stubler, I'd have to reread the
7 patent to be able to answer your question I think.

8 Q But it's your opinion that the natural
9 reading of Stubler is that the regional metadata
10 is also stored in the database with images?

11 A Yes.

12 Q Let's look at paragraph 67 of your
13 declaration, and specifically I'm interested in
14 the table at the top of page 34. Do you see that?

15 A Yes.

16 Q It's your opinion that claims 1 through 14
17 of the '807 patent are anticipated or
18 alternatively obvious in view of Stubler, correct?

19 A Yes.

20 Q And it's your opinion that claims 2
21 through 6 and 9 through 14 are also obvious in
22 view of the combination of Stubler and Wang?

1 MR. RODKEY: I'm going to object. I think
2 you read that wrong.

3 BY MR. CARMAN:

4 Q Two through 5. Sorry, I'll restate the
5 question. And it's your opinion that claims 2
6 through 5 and 9 through 14 are obvious in view of
7 the combination of Stubler and Wang, correct?

8 MR. RODKEY: I think you read it wrong
9 again.

10 A Still read it wrong. I think if you were
11 to look at the tables --

12 Q I got it.

13 A -- it's pretty clear.

14 Q I got it. You're right, you're right.
15 It's also your opinion that claims 2 through 5 and
16 9 through 12 of the '807 patent are also obvious
17 in view of the combination of Stubler and Wang; is
18 that correct?

19 A Yes.

20 Q You don't have any opinions with respect
21 to the Wang reference and claim 1, correct?

22 A I'd have to reread the claim 1 discussion

1 to see if I ever mention Wang in there whatsoever.

2 Without doing that, I couldn't tell you for sure.

3 Q You didn't identify Wang as one of the
4 prior art references on which you contend that
5 claim 1 is anticipated or obvious, correct, in
6 paragraph 67?

7 A That's correct, yes.

8 Q And you didn't identify Wang as one of the
9 prior art references on which you contend claim 7
10 is anticipated or obvious, correct?

11 A Correct.

12 Q And you didn't identify Wang as a prior
13 art reference on which claim 8 is anticipated or
14 obvious, correct?

15 A Correct.

16 Q Let's look at paragraph 68 then.

17 A Sixty-eight?

18 Q Sixty-eight, the next paragraph.

19 A Okay.

20 Q You say that claim 1 is generally directed
21 to a computer called, quote, image retrieving
22 device, and program called, quote, section, for

1 performing various image processing tasks,
2 correct?

3 A Yes.

4 Q And you say independent claim 8 is
5 directed to the corresponding method of processing
6 the images, correct?

7 A I think you read that correctly.

8 Q And it says claim 14 relates to the
9 corresponding computer-readable medium storing the
10 program for performing the image processing,
11 correct?

12 A I think you read it correctly.

13 MR. CARMAN: Going to mark as Deposition
14 Exhibit 4 a document entitled -- document, U.S.
15 patent number 7,486,807.

16 (Deposition Exhibit Number 4 was marked
17 for identification.)

18 BY MR. CARMAN:

19 Q And I'd like you to turn to -- well,
20 first, take a moment to look at the document and
21 let me know when you're done.

22 A I've looked at it.

1 Q Have you seen this before?

2 A Yes.

3 Q What is it?

4 A It's the patent that's at issue in this
5 matter.

6 Q And if I generally refer to it as the '807
7 patent, you'll understand that this is what I'm
8 referring to?

9 A Yes.

10 Q Could you turn to the claims of the '807
11 patent? I believe they begin on page 17. And you
12 see claim 1 there, it says an image retrieving
13 device for classifying and retrieving an image by
14 detecting an object in the image and adding a key
15 word, and that's the preamble of claim 1, correct?

16 A Yes, mostly.

17 Q There's a transitional phrase then but --

18 A Correct.

19 Q Okay, and that's the claim you're
20 referring to in paragraph 68 where you say claim 1
21 is generally directed to a computer called an
22 image-retrieving device et cetera?

1 A Yes.

2 Q And then if we look at claim 8, claim 8
3 says, "A computer-readable medium storing a
4 computer program for operating an image-retrieving
5 device which classifies and retrieves an image by
6 detecting an object in the image and adding a key
7 word, the storage medium comprising." That's the
8 preamble of claim 8, correct?

9 A Yes.

10 Q In paragraph 68, you say that independent
11 claim 8 is directed to the corresponding method,
12 but claim 8 as I just read it is a
13 computer-readable medium, correct?

14 A It looks like I might have -- I wonder if
15 I got the numbering wrong there. Yeah, it seems
16 like I didn't catch this bug when you --

17 Q So I'll just ask you, are there any
18 corrections you'd like to make to paragraph 68?

19 A Yeah, so I think -- I guess the second
20 sentence which reads -- it starts with independent
21 claim 8, I think that 8 should be, what, 7, it
22 looks like, right, and then later on when it says

1 claim 14, that should be claim 8.

2 MR. CARMAN: Mark as the next deposition
3 exhibit a document entitled "Petition for Inter
4 Partes Review."

5 (Deposition Exhibit Number 5 was marked
6 for identification.)

7 BY MR. CARMAN:

8 Q And I'd like to -- well, have you seen
9 this document before?

10 A I don't believe so. If I did, I certainly
11 didn't spend much time looking at it and it would
12 have been very brief. I knew -- well, maybe I
13 presumed it existed, but I don't recall actually
14 ever reading it myself.

15 Q But I'd like you to turn to page 8 of
16 Exhibit 5 please, and there's heading B, "Claims,"
17 and then a paragraph. Do you see that?

18 A Yes.

19 Q And if we compare that paragraph on page 8
20 with paragraph 68 of your declaration, it appears
21 to be identical, doesn't it?

22 A The entire paragraph? I didn't look at

1 the rest of the paragraph. Let me look. They're
2 not identical, but certainly there's a lot of
3 words and sentences that are the same.

4 Q Let's look at the second sentence on page
5 -- of that paragraph on page 8. It says,
6 "Independent claim 8 is directed to the
7 corresponding method of processing the images, and
8 claim 14 relates to the corresponding
9 computer-readable medium storing the program for
10 performing the image processing." Did I read that
11 right?

12 A I believe so.

13 Q And that sentence contains the same
14 misnumbering as paragraph 68 of your declaration,
15 correct?

16 A Yeah, it looks like they're citing my
17 declaration, so it looks like the error propagated
18 from one document to the other.

19 Q Based on your statement earlier that
20 you're not sure you've seen Exhibit 5, is it safe
21 to assume that you did not write Exhibit 5?

22 A It looks like they're citing a bunch of my

1 -- and taking paragraphs from -- or certain large
2 parts of paragraphs from my declaration. Maybe
3 indirectly, since I wrote some of those
4 paragraphs, but I didn't put together this
5 document or review this document to sign it, but
6 they're certainly citing and copying from my
7 declaration, based on the review of that one
8 paragraph.

9 MR. CARMAN: We've been going about an
10 hour. Do you want to take a little break?

11 MR. RODKEY: Yeah, sure.

12 (Recessed at 10:02 a.m.)

13 (Reconvened at 10:11 a.m.)

14 BY MR. CARMAN:

15 Q I'd like you to turn back to Stubler
16 please. Let's look at paragraph 8.

17 A I'm at that part.

18 Q If you look about six lines down, there is
19 a sentence that begins, "What is needed."

20 A I see that sentence.

21 Q Okay. It says, "What is needed is a
22 method that would assign or at least recommend

1 captions or semantic labels to several images
2 simultaneously based upon low-level objectively
3 measurable similarities between the images." Do
4 you see that?

5 A Yes.

6 Q What do you understand low level to mean
7 in the context of Stubler?

8 A I don't remember, you know, focusing on
9 that phrase in Stubler before, so I think that
10 probably to answer your question, I would really
11 need to reread Stubler to understand how they
12 might use that phrase.

13 Q Okay, well, if we look at paragraph 12,
14 the first sentence, "This invention uses one or
15 more objectively measurable low-level features or
16 derived higher level features that are found
17 within the imaged regions or are associated with
18 the imaged regions to find similarities between
19 them." Does that inform your understanding of low
20 level at all?

21 A That would certainly be a sentence I would
22 hope I'd catch when I reread the -- you know, the

1 Stubler with the idea of answering your question
2 about what is low level, so I think that provides
3 some information. Whether it provides the full
4 use of how Stubler might use that phrase, I would
5 have to read the patent.

6 Q All right. Let's look at paragraph 22
7 then, about -- about nine lines up from the bottom
8 of paragraph 2.

9 MR. RODKEY: Paragraph 2, Counsel?

10 BY MR. CARMAN:

11 Q Sorry, paragraph 22.

12 A Okay, I think I'm where you want me to be.

13 Q The sentence says, "While the measurements
14 and region identification is derived from
15 low-level features, the processing," open paren,
16 "including knowledge-based operations," closed
17 paren, "may yield a region with a mixture of
18 high-level feature descriptions," open paren,
19 "clear sky, cloudy sky, mixed sky," closed paren,
20 "and low-level features," open paren, "color
21 representation, area coverage, location," closed
22 paren. Do you see that?

1 A I see that sentence.

2 Q Does that refresh your recollection of how
3 Stubler uses the term "low-level features"?

4 A Again, it says it uses that phrase. I'm
5 sure if -- to answer your question that started
6 this exchange, when I reread Stubler, I would have
7 caught that sentence and -- and used it to inform
8 it, but again, I don't know without rereading
9 Stubler whether that's the full context of which
10 he uses that term.

11 Q Okay, so sitting here, you're not
12 comfortable giving a characterization of how
13 Stubler uses the phrase "low-level features"?

14 MR. RODKEY: Objection, mischaracterizes.

15 A I can do that. I just feel I would need
16 to reread Stubler first.

17 Q Would it be the same answer with respect
18 to high-level features?

19 A Yeah, it's not a phrase I -- I -- I -- I
20 kind of pulled out and focussed on in reading
21 Stubler. I'm sure I read it and I'm sure I
22 understood it at the time, and I kind of -- I

1 would have understood probably when I read Stubler
2 how it was referring to those terms, but I didn't
3 -- I don't think I talked about that within my
4 declaration, so I don't think I can go back to
5 refer to anything, and without, you know,
6 rereading Stubler, I don't think I could, you
7 know, tell you how -- how that term is used
8 throughout Stubler, or those terms.

9 Q I'd like you to turn to paragraph 30 of
10 Stubler please. Let me know when you're there.

11 A I'm there.

12 Q Paragraph 30 starts, "Region metadata
13 includes such detected regional features as face,
14 skin, sky, grass, open space, background versus
15 foreground and the like." Do you see that?

16 A I see that sentence.

17 Q And then it says, "Various well known
18 techniques may be used to detect regional
19 metadata," correct?

20 A I see that.

21 Q And then there's a list of several other
22 publications, right?

1 A Yes.

2 Q And the last sentence of paragraph 30 then
3 is, "Each of these references, patents and patent
4 applications are incorporated herein by
5 reference," right?

6 A Correct.

7 Q I believe we talked earlier about
8 clustering and grouping of acquired images. Do
9 you recall that?

10 A I recall some prior discussion about that
11 topic, yes.

12 Q And if I point you back to figure 2 of
13 Stubler, metadata is extracted in step 110.
14 Clusters in groups of the acquired images based on
15 metadata similarity occurs in step 12, or sorry,
16 in step 120, and then similarities between
17 clusters and groups in images within the database
18 are identified in step 130, right?

19 A I believe you characterized some of the
20 steps in figure 2 correctly.

21 Q If you look at paragraph 34 of Stubler, it
22 says, "For other types of metadata, the data may

1 already be represented in a form suitable for
2 clustering." Do you see that?

3 A I see that sentence.

4 Q Did I read it correctly?

5 A I believe so.

6 Q Then it says, "For instance, in the
7 preferred embodiment, time," slash, "date
8 information is used and may be directly subjected
9 to cluster analysis," right?

10 A Yes.

11 Q Then it says, "In other cases, for
12 example, that of region metadata, the data may
13 need to be processed for similarity by known
14 algorithms," right?

15 A I see that sentence.

16 Q Then it says, "As an example,
17 determination of facial similarity is described in
18 M. Turk and A. Pentland," quote, "Eigenfaces for
19 Recognition," and that's Journal of Cognitive
20 Neuroscience, and there's a specific citation,
21 right?

22 A Yes.

1 Q You understand paragraph 34 to be
2 referring to the clustering in step -- make sure I
3 get it right, 120 of figure 2; is that correct?

4 A So the question is is the discussion of
5 paragraph 34 directed specifically at step 120?
6 Is that -- is that what you're asking me?

7 Q Not exactly. Do you understand paragraph
8 34 to be referring generally to the process of
9 clustering as referenced in step 120 of figure 2?

10 A It talks about other things also though.

11 Q What other things does it talk about?

12 A Well, it talks about that it could be used
13 for process for similarity, so that's part of 130.

14 Q Well, isn't clustering performed based on
15 similarity within the acquired images?

16 A That was also, yes.

17 Q So how do you distinguish similarity as
18 referenced in 34 between whether it's referring to
19 the clustering analysis or the similarity
20 determination?

21 A Well, they're both similarity analysis,
22 and so the teaching about how you measure

1 similarity in Stubler would be equally applicable
2 to both.

3 Q Paragraph 34 doesn't say that that
4 reference, Turk, is incorporated by reference,
5 does it?

6 A I don't see it there. I don't know if it
7 was mentioned in the long list before. I'd have
8 to go back and look, or mentioned somewhere else
9 as incorporated by reference. I'd have to go back
10 and look at the patent.

11 Q Without reading the document, you're not
12 aware of anywhere where it's expressly
13 incorporated by reference, are you?

14 A I remember this document having a bunch of
15 things incorporated by references, numerous
16 references that were specifically incorporated by
17 reference. I certainly don't have, you know, a
18 memory of which ones were and which ones weren't.

19 Q So my question is to make that
20 determination, you would need to go back and --
21 and review the document in detail, correct?

22 A Yeah, I'd have to see if it was referred

1 that way or not by reviewing the document.

2 MR. CARMAN: I don't have any further
3 questions.

4 MR. RODKEY: Okay, can we take maybe five
5 minutes?

6 (Recessed at 10:23 a.m.)

7 (Reconvened at 10:30 a.m.)

8 MR. RODKEY: We have no questions. Thank
9 you for your time, Dr. Stevenson.

10 (Off the record at 10:30 a.m.)

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ACKNOWLEDGMENT OF DEPONENT

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

(DATE) (SIGNATURE)

1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2
3 I, Karen Young, court reporter and notary
4 public within and for the District of Columbia, do
5 hereby certify:

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

13
14 I further certify that the adverse party,
15 Google LLC, was represented by counsel at the
16 deposition.

17
18 I further certify that the deposition of
19 Robert Stevenson, Ph.D. occurred at the offices of
20 Finnegan, Henderson, Farabow, Garrett & Dunner,
21 LLP, 901 New York Avenue, Northwest, Washington,
22 D.C., commencing at 8:59 a.m. to 10:30 a.m.

1 I further certify that I am not related to
2 any of the parties to this action, and that I am
3 in no way interested, financially or otherwise, in
4 the outcome of this matter.

5 IN WITNESS WHEREOF, I have hereunto set my
6 hand this 12th day of April, 2025.

7

8 My commission expires:

9 September 14, 2029

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Kann Young

A circular notary seal for Kann Young, a Notary Public in the State of Oregon. The seal is blue and features the text "KANN YOUNG", "NOTARY PUBLIC", and "STATE OF OREGON" around a central emblem.

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a1	27:19, 28:1,	18:10, 19:13,	45:10, 45:13
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