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

TABLEAU SOFTWARE, LLC,	)	
	)	
Petitioner,	)	
	)	
VS.	)	Case IPR2024-01387
	)	Patent No. 8,271,892
ICHARTS, LLC,	)	
	)	
Patent Owner.	)	
_____	)	

IN-PERSON DEPOSITION OF
DR. JEFFREY MILLER
THURSDAY, OCTOBER 9, 2025

STENOGRAPHIC REPORTER: CHRISTA YAN, CSR NO. 14316, RPR

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17 ALSO PRESENT PERSONALLY:
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E X H I B I T S

EXHIBIT

MARKED FOR IDENTIFICATION

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Exhibit 1

Declaration of Dr. Miller

25

--oOo--

1 BE IT REMEMBERED that on THURSDAY, the 9TH DAY OF
2 OCTOBER, 2025, at the hour of 9:38 A.M., Pacific Standard
3 Time, of said day, at 1279 Oakmead Parkway, Sunnyvale,
4 California 94085, before me personally, CHRISTA YAN, a
5 Certified Shorthand Reporter, State of California,
6 personally appeared DR. JEFFREY MILLER, who was examined
7 as a witness in said cause; that said transcript format
8 was prepared in accordance with California Code of
9 Regulations Section 2473.

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1 DR. JEFFREY MILLER,
2 the Witness, called on behalf of the Petitioner, being
3 duly sworn to state the truth, the whole truth, and
4 nothing but the truth, testified on oath as follows:

5 EXAMINATION

6 BY MR. PAPPAS:

7 Q Good morning, Dr. Miller.

8 A Good morning.

9 Q Would you please state your full legal name for
10 the record.

11 A Jeffrey Alan Miller.

12 Q Do you understand that you're having your
13 deposition taken today in connection with the declarations
14 you provided in IPR2024-01387?

15 A Yes.

16 Q And that proceeding concerns U.S. Patent Number
17 8,271,892. Does that sound right?

18 A Yes.

19 Q If I refer to the patent as the '892 patent, will
20 you understand what I'm referring to?

21 A Yes.

22 MR. PAPPAS: All right. Counsel do you want to make
23 appearances on the record?

24 MR. VINCENT: Yeah, so I'm Lester Vincent, counsel for
25 iCharts.

1 MR. MARINO: Fabio Marino with Womble Bond Dickinson,
2 also for iCharts, and with us is our client, Nisha
3 Agarwal.

4 MR. PAPPAS: Steve Pappas with the firm of Sterne,
5 Kessler, Goldstein & Fox on behalf of Tableau Software,
6 and with me is Tyler Dutton from the same law firm.

7 BY MR. PAPPAS:

8 Q All right, Dr. Miller, you submitted two
9 declarations in this proceeding, correct?

10 A Yes.

11 Q I'm going to hand you both of those declarations
12 so you'll have them in front of you. You may already have
13 documents. As long as they're clean copies, I don't mind
14 if you use them.

15 So first, I'm handing you Exhibit 2201. And
16 that's titled, The Supplemental Declaration of Dr. Jeffrey
17 Miller. Do you recognize that document?

18 A Yes.

19 Q Is this the supplemental declaration you
20 submitted in this proceeding?

21 A Yes.

22 Q And if you turn to page 48, is that your
23 signature on the page?

24 A Yes.

25 Q All right. For efficiency, I'll hand you your

1 other declaration as well. It is clipped. Apparently
2 there weren't big enough staples. I'm handing you what's
3 been marked as Exhibit 2001 in this proceeding, titled,
4 The Declaration of Jeffrey Miller. Do you recognize this
5 document?

6 A Yes.

7 Q If you turn to page 104, is that your signature
8 on the page?

9 A Yes.

10 THE STENOGRAPHIC REPORTER: I'm sorry, is this being
11 marked as Exhibit 1? Are we putting a sticker on this?

12 MR. PAPPAS: No. This already has a marking of 2001.
13 So I'll just mark any exhibits that are not already marked
14 in this proceeding.

15 MR. VINCENT: Do you have an extra copy?

16 MR. PAPPAS: Yes.

17 MR. VINCENT: Thank you.

18 BY MR. PAPPAS:

19 Q All right. You can keep those in front of you.
20 You can reference them as you need during this deposition.
21 Did you review your declarations in preparing for this
22 deposition?

23 A Yes.

24 Q In your review, did you come across any errors in
25 the declarations?

1 A No.

2 Q Are there any opinions that you'd like to change
3 or clarify before we get started today?

4 A No.

5 Q Now, you understand you're under oath today?

6 A Yes.

7 Q And you understand that you're here to give
8 complete and accurate testimony?

9 A Yes.

10 Q Now, you've been deposed before, correct?

11 A Yes.

12 Q Approximately how many times?

13 A Approximately 20 times.

14 Q And how many of those depositions were
15 proceedings before the United States Patent Trademark
16 Offices, approximately?

17 A I don't remember exactly. But I have been
18 deposed before the Patent and Trademark Office.

19 Q And those were depositions for IPR proceedings?

20 A Yes.

21 Q So I know you've been deposed before. I just
22 want to go over a few basic ground rules. So everything
23 you say today will be written down. Please try to give
24 verbal answers, no head nods, et cetera. Is that fair?

25 A Yes.

1 Q If you can't understand any part of my question
2 today, will you let me know so I can clarify?

3 A Yes.

4 Q If you answer my question, I'm going to assume
5 that you understood it, is that fair?

6 A Yes.

7 Q From time to time, your counsel may object to
8 questions. Do you understand you still need to answer the
9 question unless your counsel instructs you not to?

10 A Yes.

11 Q I expect to take breaks every hour or so. But if
12 you need a break at a different time, just let me know.
13 And then I would just ask that before we take a break,
14 that you answer any pending question on the record; is
15 that fair?

16 A Yes.

17 Q So let's talk generally about your preparation
18 for writing your declarations. Let's start with your
19 first declaration, Exhibit 2001. Did you write that
20 declaration yourself?

21 A It was a collaborative effort between myself and
22 the attorneys. And I did write the declaration, the
23 formatting of it. The -- putting it together into the
24 final version was done by the attorneys. I reviewed
25 everything before signing the document, though. And it

1 expresses my opinions.

2 Q So you wrote the first draft of your declaration?

3 A I don't recall exactly if I was given a template
4 to start from or not. But as I said, it was collaborative
5 in forming the declaration.

6 Q Approximately how much time did you spend on your
7 first declaration?

8 A I don't recall exactly because there was a lot of
9 preparation in this in reading material and understanding
10 prior to actually putting the declaration together.

11 Q If you include that time, can you give a ballpark
12 estimate of approximately how many hours you spent putting
13 together that declaration?

14 A I don't know that I can. That declaration was a
15 while ago, as well. And I don't recall exactly. I'm
16 looking at the date of it. That was in February of this
17 year. So the preparation and the writing would have been
18 prior to that.

19 Q Would you say that it was more than ten hours
20 spent putting together that declaration?

21 A Yes.

22 Q More than 20 hours?

23 A Yes.

24 Q More than 50 hours?

25 A I don't know.

1 Q So somewhere in the -- between 20 and 50 hours
2 would you estimate?

3 A Perhaps.

4 Q And it could have been more than that?

5 A It could have been.

6 Q Did you review each of the exhibits cited in your
7 declaration prior to submitting the declaration?

8 A Yes.

9 Q Did you talk to anyone outside of counsel for
10 iCharts in the process of preparing your declaration?

11 A I don't recall if it was in the process of
12 creating the declaration. But I did also talk with the
13 client. I don't recall if it was in the process of
14 creating the declaration or prior to that.

15 Q Who did you talk to with the -- at the client?

16 A Nisha.

17 Q And do you recall Nisha's last name?

18 A I believe it's Agarwal.

19 Q Did you talk to anyone else outside of iCharts'
20 counsel in the process of preparing your declaration?

21 A I don't believe so.

22 Q Was counsel for iCharts present when you talked
23 with Ms. Agarwal?

24 A Yes.

25 Q Did you talk to any of the inventors of the '892

1 patent in the process of preparing your declaration?

2 A No.

3 Q So you did not talk to Mr. Seymour Duncker in the
4 process of preparing your declaration?

5 A No.

6 Q Did you talk to Mr. Duncker in the process of
7 preparing for this deposition today?

8 A Yes.

9 Q When did you talk with Mr. Duncker?

10 A Yesterday.

11 Q Approximately how long did you spend speaking
12 with Mr. Duncker?

13 A About five minutes.

14 Q And was counsel for iCharts present during that
15 conversation with Mr. Duncker?

16 A Yes.

17 Q Did you review iCharts patent owner preliminary
18 response in advance of writing your first declaration,
19 Exhibit 2001?

20 A I believe they were submitted at the same time.
21 So I don't believe I was able to review the final version
22 of it, but I believe I did review a draft of it.

23 Q And you reviewed a draft of that prior to writing
24 your declaration?

25 A Yes.

1 Q Did you use material from the patent owner
2 preliminary response in your declaration here?

3 A I don't remember.

4 Q Let's talk about your supplemental declaration.
5 Did you write -- and that's Exhibit 2201 for clarity. Did
6 you write that declaration yourself?

7 A The process for the supplemental declaration was
8 similar to the process for the declaration where it was
9 collaborative between myself and the attorneys.

10 Q Do you recall whether you wrote the first draft
11 of your supplemental declaration?

12 A I know that there is material that I wrote that
13 is included in that declaration. I don't recall if that
14 was done as the first draft or added into a template.

15 Q Okay. And approximately how much time did you
16 spend preparing and writing that declaration?

17 A Maybe approximately 30 hours.

18 Q Okay. Did you talk with anyone outside of
19 counsel for iCharts aside from Mr. Duncker -- sorry, let
20 me -- let me rephrase. Did you talk to anyone outside of
21 counsel for iCharts in the process of preparing your
22 supplemental declaration?

23 A No, I don't believe I did.

24 Q Okay. And again, you did not talk with
25 Mr. Duncker in the process of writing your supplemental

1 declaration?

2 A No.

3 Q Did you review iCharts's patent owner response in
4 advance of writing your supplemental declaration?

5 A Similar to the declaration, I believe that I did
6 review a draft prior to submitting the supplemental
7 declaration.

8 Q Did you review that draft prior to writing your
9 supplemental declaration?

10 A No.

11 Q Did you review the draft in the process of
12 writing your supplemental declaration?

13 A Yes.

14 Q Okay. All right. Let's talk about today's
15 deposition prep.

16 What did you do to prepare for today's
17 deposition?

18 A I reviewed my declaration, supplemental
19 declaration, the patent, the '892 patent, a few other
20 pieces of prior art, and I met with the attorneys.

21 Q When did you meet with the attorneys?

22 A Yesterday.

23 Q And the -- who were the attorneys that you met
24 with?

25 A Lester and Fabio.

1 Q Were those meetings in person?

2 A Yes.

3 Q And approximately, how long did you spend meeting
4 with the attorneys?

5 A About seven hours.

6 Q Did you meet with the attorneys before yesterday
7 in preparing for this deposition?

8 A No.

9 Q Did you review every exhibit cited in your
10 declarations in preparation for this deposition?

11 A I would need to check everything that I cited in
12 there to answer that.

13 Q From the best of your recollection, did you
14 review every exhibit cited in your declarations?

15 A I don't recall if I reviewed every exhibit that I
16 cited.

17 Q Okay. Did you talk to anyone outside of counsel
18 for iCharts while preparing for this deposition aside from
19 Mr. Duncker which we already talked about?

20 A Yes.

21 Q Who else did you talk to outside of counsel for
22 iCharts in preparing for this deposition?

23 A Nisha.

24 Q And when did you meet with Ms. Agarwal?

25 A Yesterday.

1 Q Was that meeting -- was Ms. Agarwal present
2 during your meeting with the attorneys for iCharts?

3 A For a portion of it.

4 Q Did you meet with Ms. Agarwal outside of --
5 separate from meeting with the attorneys for iCharts?

6 A No.

7 Q And approximately how long did you meet with
8 Ms. Agarwal yesterday?

9 A Maybe four to five hours.

10 Q All right. Let's open up Exhibit 2001, and let's
11 turn to paragraph 98. Just let me know when you get
12 there.

13 A Okay. I'm there.

14 Q In this paragraph, you're discussing the level of
15 ordinary skill in the art in this proceeding; is that
16 right?

17 A Yes.

18 Q Do you agree that a person of ordinary skill in
19 the art at the time of the '892 patent would have had two
20 to three additional years of academic or industry
21 experience related to web application development and data
22 visualization services?

23 A Yes. In that paragraph I say, Petitioner
24 suggested a Bachelor's Degree in Computer Science,
25 Computer Engineering, or equivalent experience relating to

1 computing, as well as two to three additional years of
2 academic or industry experience related to web application
3 development and data visualization services.

4 Q And you agree that is the correct level of
5 ordinary skill in the art in this proceeding?

6 A Yes. I didn't disagree with that.

7 Q What's your experience related to data
8 visualization services?

9 A I've worked in companies where we created data
10 visualization tools, custom ones. We considered some
11 off-the-shelf products as well but ultimately decided to
12 create our own.

13 Q Approximately what time frame were you creating
14 data visualization tools?

15 A I believe it would have been in the '03 to '06
16 time frame.

17 Q And was that for a specific company?

18 A Yes.

19 Q And what was the company?

20 A INQ.

21 Q Can you spell that?

22 A INQ.

23 Q Simple enough.

24 What -- and can you elaborate on what the data
25 visualization tools did?

1 A Sure. The company was involved in upselling
2 products from other companies on websites as soon as a
3 customer of that site completed a sale. So a customer
4 would go to a website, order something, complete the
5 transaction, and then our system would initiate an upsell
6 opportunity to that customer, perhaps with a discount or a
7 different product or a related product. We had chat
8 agents that would facilitate the communication with that
9 customer.

10 And all of this data was tracked so that we could
11 then determine the conversion rates of the upselling for
12 individual chat agents, for products, and just do a lot of
13 analysis on all of the data that we had. So that we knew
14 whether we needed to change the chat script or change the
15 agent or train the agent more or change the product or
16 change the price point, working with all of our different
17 clients and customers and employees to determine that.

18 All of this data was stored, and we created a
19 visualization tool so that the business side could look at
20 this data, drill down in it, and identify areas that
21 needed to be improved.

22 On the technical team side, which is where I was,
23 we weren't involved in making the decisions on what was to
24 happen with the data but rather visualizing the data so
25 the business could then determine what changes needed to

1 be made.

2 Q So you mentioned those data visualization tools
3 had drill-down features that allowed users to interact
4 with the charts; is that right?

5 A Yes.

6 Q What types of data visualizations were present in
7 those tools?

8 A Can you clarify that?

9 Q In other words what would the user be looking at
10 on the screen, what was the visualization?

11 A They would be looking at a graph of some sort or
12 a chart of some sort, like a bar chart, perhaps, to say
13 here's the number of chat transactions that converted into
14 a sale and here's the number that didn't. And then they
15 would be able to drill down to see for the ones that did,
16 who were the chat agents and what was the script or what
17 was the product.

18 Q And they'd be drilling down into a bar chart in
19 that example?

20 A Yes. I believe that's true.

21 Q Were there -- were there interactive tables of
22 data that the people could interact with?

23 A I don't recall whether we exposed tables of the
24 raw data. Of course, we had raw data stored in a
25 database. That's what we were visualizing. I don't

1 recall whether we enabled the business side to actually
2 get access to that raw data.

3 Q Okay. What are the other types of charts that
4 were available in your data visualization tools other than
5 bar charts?

6 A I don't recall all of them.

7 Q What are some examples?

8 A We may have had some line charts as well. I
9 can't recall others.

10 Q And were those, those data visualizations,
11 exposed in a website?

12 A We created them as an intranet application. So
13 it was through a browser that they were accessed but only
14 internally to our company.

15 Q Okay. So when a user would access those data
16 visualizations through the browser, it would connect to
17 some server over the intranet to pull the data for the
18 visualization; is that fair?

19 A No. It would connect with a server on the
20 intranet. So it was internal to our company.

21 Q Yeah, sorry, I thought I said intranet. I may
22 not have been clear.

23 THE STENOGRAPHIC REPORTER: I heard intranet.

24 MR. PAPPAS: Thank you for validating me.
25

1 BY MR. PAPPAS:

2 Q So I think we're saying the same thing then.

3 I'm just getting clarity on the way this works.
4 So you would have a data visualization. It would connect
5 to a server internal to the company on the intranet to
6 pull the data that you were visualizing; is that right?

7 A Yes, that's correct.

8 Q Okay. Did you develop -- were you part of the
9 team that developed these data visualization services?
10 I'll stop there.

11 A Yes.

12 Q Okay. Did you contribute to the actual code to
13 develop the software for these data visualization
14 services?

15 A Yes.

16 Q Okay. All right. Well, we'll leave that there
17 for the moment.

18 And I'm going to hand you Exhibit 1001, which is
19 the '892 patent. Do you recognize this document?

20 A Yes.

21 Q Just checking.

22 Did you review this document in preparation for
23 your deposition today?

24 A Yes.

25 Q Okay. Let's turn to Claim 1, which is in

1 Column 18. So Claim 1 recites, A computer system
2 comprising a data module configured to store data, right?

3 A Yes, that's part of the claim.

4 Q That data could be, for example, numeric values;
5 is that fair?

6 A Yes. I believe numeric values is a type of data.

7 Q And looking at the claim, the data module just
8 needs to be part of the recited computer system; is that
9 right?

10 A This says, The computer system comprising a data
11 module configured to store data.

12 Q So the data module is part of the computer
13 system, right?

14 A Yes.

15 Q And are there any other restrictions on data
16 module that are recited in Claim 1?

17 A When it talks about the generation module, it
18 says, Wherein the generation interface is configured to
19 enable a user to generate the interactive chart from data
20 stored in the data module and a template from the chart
21 template module. So it refers to the data stored in the
22 data module there.

23 Q So that's referring to the functionality of the
24 data module. Is that what you're saying?

25 A I was just answering your question on if data

1 module was referenced anywhere else in that claim.

2 Q Well, I'll clarify. I'm not asking if it's
3 referenced in the claim. I'm asking if there are any
4 restrictions put on the data module in the claim.

5 A Well, I see that one restriction is that the data
6 module needs to be configured to store data. And then
7 data stored in the data module needs to be retrieved for
8 use by the generation interface.

9 Q Okay. Anything else?

10 A That's what I see specifically in Claim 1.

11 Q Okay. Let's turn Column 16, starting around
12 line 20. Let me know when you've reviewed that paragraph.

13 A Okay. I've reviewed that paragraph.

14 Q At line 23, the patent states, As shown in
15 Figure 40B, A user can select the preset Tab 4008 which
16 includes several selectable preset chart templates, 4012.
17 Did I read that right?

18 A Yes.

19 Q Could you turn to Figure 40B? There are a lot of
20 figures here, so take your time.

21 A Okay.

22 Q In Figure 40B there's a panel titled, Presets.
23 Do you see that?

24 A Yes.

25 Q And in that panel titled, Presets, it shows a

1 number of different chart templates; is that right?

2 A Yes.

3 Q Some of those chart templates are line graph
4 templates, do you see those?

5 A Yes.

6 Q Some of the chart templates are bar chart
7 templates, do you see those?

8 A Yes.

9 Q And there's a pie chart template, right?

10 A Yes.

11 Q So the type of chart here, pie chart, bar chart,
12 line chart is part of those preset chart templates, right?

13 A I don't understand your question.

14 Q The bar -- let's take the bar chart. One of the
15 bar chart templates, for example, that template is
16 formatted in the form of a bar chart, right?

17 A Yes.

18 Q And so that's part of the preset chart templates
19 that are illustrated here in Figure 40B, right?

20 A Yes.

21 Q All right. Let's leave that for a moment. We
22 might come back.

23 Are you aware that the '892 patent is involved in
24 a parallel district court proceeding involving the parties
25 in this IPR?

1 A Yes.

2 Q Have you been retained by iCharts to assist with
3 the parallel district court proceeding?

4 A I don't believe so.

5 Q Did you previously submit any declarations in the
6 parallel district court proceeding?

7 A No.

8 Q So let me hand you... we'll mark this as
9 Exhibit 1 to the deposition of Dr. Miller.

10 (Whereupon Deposition Exhibit 1 was
11 marked for identification.)

12 BY MR. PAPPAS:

13 Q Do you recognize this document, Dr. Miller?

14 A Yes.

15 Q What is this document?

16 A It's a declaration that I submitted in support of
17 plaintiff iCharts's opposition to defendant Tableau's
18 motion for judgment on the pleadings under 35 U.S.C.
19 Section 101.

20 Q And that's your signature on the last page,
21 page 17?

22 A Yes.

23 Q Does this refresh your recollection of whether
24 you were retained to assist iCharts in the parallel
25 district court proceeding?

1 A Yes.

2 Q And what's the answer to that question?

3 A I didn't recall whether I was retained on a
4 specific case or just retained by iCharts. So I was
5 mistaken that I was just retained by iCharts to help
6 support them.

7 Q So you have assisted in some capacity with
8 iCharts in the parallel district court proceeding; is that
9 fair?

10 A Yes. And looking at this document, it was
11 submitted in August of 2024. So... it's been over a year
12 since this was submitted.

13 Q Do you recall in what capacity you were asked to
14 assist iCharts in the parallel litigation?

15 A I don't recall.

16 Q Was it anything more than submitting a
17 declaration in support of plaintiff's opposition to
18 defendant's motion for judgment on the pleadings?

19 A I don't know.

20 Q Do you recall if you submitted any other
21 declarations or reports in this proceeding -- in the
22 parallel district court proceeding?

23 A I don't know. This one was submitted over a year
24 ago, and I hadn't remembered that I had. So I don't know
25 if there was something else as well.

1 Q Okay. Let's turn to -- in this declaration to
2 paragraph 40. And here, you're discussing the '892
3 patent, correct?

4 A It looks like I'm relating the '892 patent and
5 the '595 patent based on arguments that Tableau made.

6 Q And in paragraphs 41 and 42, you're discussing
7 Claim 1 of the '892 patent, right?

8 A That's what it looks like. But I didn't review
9 this document in preparation for today.

10 Q Do you want to review paragraphs 41 and 42 before
11 I ask a question about it?

12 A Sure.

13 Q Just let me know when you're finished.

14 A Okay. I've read those paragraphs.

15 Q Are the opinions you set forth in paragraphs 41
16 and 42 consistent with the opinions you've rendered in
17 your declarations in this IPR proceeding?

18 A Yes.

19 Q Looking at paragraph 42, you state, The sharing
20 module enables the user to publish the interactive chart
21 as a self-contained and interactive electronic document.
22 Do you see that?

23 A Yes.

24 Q And then you state, The self-contained and
25 independent interactive chart is capable of rendering in

1 absence of the generation interface and the chart template
2 module and being rerendered using user input as a
3 parameter. Did I read that correctly?

4 A Yes.

5 Q That self-contained and interactive electronic
6 document could be, for example, a Flash file; is that
7 right?

8 A Yes.

9 Q The interactive chart, in your opinion is
10 self-contained and independent because it's capable of
11 rendering in absence of the generation interface in the
12 chart template module; is that correct?

13 A Yes. I believe that that's included in what's
14 meant by self-contained in independent interactive chart.

15 Q Let's go back to the -- sorry, let's go back to
16 Claim 1 of the '892 patent. So the language that we were
17 just referring to in your district court declaration
18 appears in -- is recited in Claim 1 in your opinion,
19 correct?

20 MR. VINCENT: Objection; form.

21 THE WITNESS: It's not verbatim what's in the -- in
22 Claim 1.

23 BY MR. PAPPAS:

24 Q Claim 1 recites, starting at Column 18, around
25 line 43, A sharing module configured to enable a user to

1 publish or embed the interactive chart as a self-contained
2 and independent electronic document, right?

3 A Yes.

4 Q And then the next element refers to that
5 self-contained and independent electronic document as the
6 self-contained and independent interactive chart; is that
7 right?

8 A On line 44 to 45, it says, To embed the
9 interactive chart as a self-contained and independent
10 electronic document. And on 46, it says, Wherein the
11 self-contained and independent interactive chart.

12 Q And the self-contained and interactive -- sorry.
13 The self-contained and independent interactive chart is
14 referring back to something based on the word the,
15 correct?

16 A Yes.

17 Q And so is it referring back to that
18 self-contained and independent electronic document?

19 A It is referring to that. But specifically,
20 referring to the interactive chart that was embedded as a
21 self-contained and independent electronic document.

22 Q Okay. And the -- going back to that sharing
23 module limitation, it says, To enable a user to publish or
24 embed the interactive chart as a self-contained and
25 independent electronic document, correct?

1 A Yes.

2 Q It doesn't say to publish or embed the
3 interactive chart within a self-contained and independent
4 electronic document, correct?

5 A That's correct.

6 Q Can you turn to Figure 30 of the '892 patent.
7 What does this figure show? If it helps, I can point you
8 to where this figure is discussed in the patent.

9 A In Column 5, it says, Figure 30 is a schematic
10 view of a user interface for creating, sharing, and
11 embedding an interactive chart in accordance with one
12 embodiment of the invention.

13 Q Okay. So in this figure, there is a popup window
14 titled, Publish iChart, right?

15 A Yes.

16 Q And then it lists a number of publishing options;
17 is that right?

18 A Yes.

19 Q For example, the -- as pictured in Figure 30, a
20 user could publish the chart by downloading the iChart as
21 a static image, right?

22 A I don't believe that's what's actually meant by
23 publish. I realize that that window says, Publish iChart
24 at the top, but merely downloading the iChart would not
25 encompass publishing.

1 Q So these options in the publish iChart window you
2 don't think are publish options. Is that what you're
3 saying?

4 A Well, I don't believe that they encompass what
5 publishing actually means. Even though that's what that
6 window is -- that says at the top.

7 Q If you look at the option that says, Download
8 iChart as interactive object for embedding into PDF or
9 PowerPoint, do you see that option?

10 A Yes.

11 Q Is embedding into PDF or PowerPoint publishing
12 the interactive chart?

13 A Well, I believe that that is embedding.

14 Q And not publishing?

15 A In the claim that we were reading on the sharing
16 module, it says, Configured to enable a user to publish or
17 embed. That option that says, Download iChart as
18 interactive object for embedding into PDF or PowerPoint,
19 would be the embed portion. Or it would enable embedding.

20 Q So are any of the options listed in that
21 published iChart popup window Figure 30 publishing
22 options?

23 A I believe that the iChart could be published.
24 These could be steps that are part of the publishing but
25 not publishing in its entirety.

1 Q So these steps, downloading the chart as an
2 interactive object, for example, would then enable the
3 user to publish the chart. Is that your opinion?

4 A It could. But that option specifically says for
5 embedding into PDF or PowerPoint. So that would be the
6 embedding portion of that claim.

7 Q Would it -- would downloading the iChart as
8 interactive object also enable the user to publish it?

9 A It could.

10 Q So for example, if the user downloaded the
11 interactive object and placed that object on a website,
12 would that be publishing in your opinion?

13 A Well, there's a few steps that would have to be
14 included there, what the format of the interactive object
15 is and whether that's even possible to just put it onto a
16 website somewhere based on what that format is. If it was
17 put onto a website that was publicly available and that
18 that was possible to do, which are things that are unknown
19 from what your question is right there, then I would agree
20 that that would be publishing.

21 Q If the interactive object were a Flash object,
22 for example, would that be possible?

23 A Well, again, there's -- there's steps in the
24 middle there. You're asking a hypothetical question here.
25 And there's a number of steps that would be required. But

1 if you were able to get the iChart onto a public website,
2 then I would agree that that would be publishing.

3 Q And if you downloaded the iChart as an
4 interactive object, would that enable the user to embed it
5 into a PDF or PowerPoint?

6 A Well, that's specifically what that option says.
7 So that's why I said your question being hypothetical is
8 because the downloading the iChart as an interactive
9 object was not for placing onto a website but instead was
10 for embedding into a PDF or PowerPoint.

11 Q So now I'm talking about embedding. And would
12 downloading the iChart then in that example as an
13 interactive object, that would enable the user to embed
14 the object in a PowerPoint or PDF?

15 MR. VINCENT: Objection; form.

16 THE WITNESS: If the user selected that second option
17 of downloading iChart as interactive object for embedding
18 into PDF or PowerPoint, that would enable them to embed
19 that, that iChart as an interactive object into a PDF or a
20 PowerPoint.

21 BY MR. PAPPAS:

22 Q All right. At the time -- well, let me ask you
23 this. We've been going for sure an hour. Do you want to
24 take a break now or do you want to answer a few more
25 questions?

1 A I'm okay.

2 Q Okay. So just to wrap that up, in the context of
3 the '892 patent, would downloading the Flash --
4 downloading a Flash file be downloading the iChart as an
5 interactive object?

6 MR. VINCENT: Objection; form.

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

8 BY MR. PAPPAS:

9 Q Would an example of downloading the iChart as an
10 interactive object be downloading a Flash object in the
11 context of the '892 patent?

12 MR. VINCENT: Objection; scope.

13 THE WITNESS: I believe that you're asking about the
14 format of the interactive object that is downloaded for
15 embedding into a PDF or PowerPoint. And I believe that a
16 Flash object was able to be embedded into a PDF or a
17 PowerPoint at the time of the patent.

18 BY MR. PAPPAS:

19 Q And the Flash object would be a form of the
20 iChart as an interactive chart?

21 MR. VINCENT: Objection; scope. Objection; form.

22 THE WITNESS: I believe that a Flash object could have
23 been a self-contained and independent interactive chart.

24 BY MR. PAPPAS:

25 Q Okay. So we were talking about -- okay.

1 So yeah, just to wrap up on that, so looking back
2 at that Figure 30 in the published iChart window, I'm
3 referring to the download iChart as interactive object for
4 embedding into PDF or PowerPoint. Do you see that?

5 A Yes.

6 Q Downloading that iChart as an interactive object
7 could include downloading the iChart in the form of a
8 Flash object, right?

9 MR. VINCENT: Objection; scope. Objection; form.

10 THE WITNESS: I believe that's true.

11 BY MR. PAPPAS:

12 Q And at the time of the '892 patent, correct me if
13 I'm wrong, you said that Microsoft PowerPoint would have
14 functionality built in to allow users to embed Flash
15 objects within a PowerPoint presentation; is that right?

16 MR. VINCENT: Objection; scope. Objection; form.

17 THE WITNESS: I don't know.

18 BY MR. PAPPAS:

19 Q You don't know whether PowerPoint allowed users
20 at the time of the '892 patent to embed Flash objects?

21 MR. VINCENT: Objection; scope. Objection; form.

22 THE WITNESS: I don't know if it did at that time.

23 BY MR. PAPPAS:

24 Q Okay. Let me hand you...

25 MR. VINCENT: Actually, can we take a break now?

1 MR. PAPPAS: Yeah, I think this is fine. We can take
2 a break.

3 MR. VINCENT: Okay.

4 THE STENOGRAPHIC REPORTER: Off the record?

5 MR. PAPPAS: Off the record.

6 (Recess taken.)

7 BY MR. PAPPAS:

8 Q Welcome back, Dr. Miller.

9 A Thank you.

10 Q During the break, did you discuss any of the
11 substance of your testimony with counsel?

12 A No.

13 Q I'm going to shift gears a little and hand you
14 Exhibit 1005, which is the Becerra reference. You can put
15 the rest to the side if you like. Just keep your
16 declarations, et cetera, available.

17 Did you review the Becerra in preparation for
18 your deposition today?

19 A Yes.

20 Q Can you turn to Figure 5 of Becerra?

21 A Okay.

22 Q What does this figure show?

23 A In paragraph 17, it says, Figure 5 illustrates an
24 exemplary control panel created in accordance with one
25 embodiment of the invention.

1 Q Okay. And looking at Figure 5, there are two are
2 line graphs shown, do you see that?

3 A Yes.

4 Q A line graph is a type of chart; is that right?

5 A Yes.

6 Q There are also controls for manipulating data
7 shown in Figure 5; is that right?

8 A Yes -- well, sorry, let me clarify. It's for
9 manipulating -- or manipulating input values.

10 Q And those input values, for example, could be
11 changing the APR or the tax?

12 THE STENOGRAPHIC REPORTER: I'm sorry, you said the
13 text?

14 MR. PAPPAS: Tax, t-a-x.

15 THE STENOGRAPHIC REPORTER: Thank you.

16 THE WITNESS: It's a little grainy, but yes, I believe
17 that's true.

18 BY MR. PAPPAS:

19 Q And to back, up the charts that are displayed in
20 Figure 5 relate to car leasing and buying; is that right?

21 A I don't think so. It looks like it's on the home
22 equity calculator tab, not the car leasing and buying tab,
23 but again it's kind of grainy.

24 Q Well, if you look at the data in the charts, do
25 you see where it says, Leased and purchased?

1 A I do see that. Yes. That's a little misleading
2 in that figure.

3 Q And then below it says, MSRP \$20,000. Do you see
4 that?

5 A Yes, I see that.

6 Q I think -- I do agree that the figure's a bit
7 grainy, but does it look like this is referring to the car
8 leasing and buying tab?

9 A It appears that's true.

10 Q So in this example, if the user were to change
11 the APR input, the line graph would change to reflect that
12 changed input; is that right?

13 A Just to clarify, the image that's shown there
14 would change if the APR input were to have an effect on
15 what the output is.

16 Q Right. So if the user changed one of the inputs
17 in Figure 5 and it had an effect on the output, that would
18 change the line charts that are displayed, correct?

19 A Well, it would change what's displayed there. I
20 just want to be careful and, you know, calling it. So
21 what we're seeing there is a line chart, and what's
22 changing is what's displayed there. The way that Becerra
23 works, those aren't actually going to -- it's not actually
24 changing the data that's shown there. It's changing
25 the -- what is shown to the user.

1 Q So I'm trying to parse that.

2 So the actual line in the line graph would
3 change, correct?

4 MR. VINCENT: Objection; form.

5 THE WITNESS: What the user is seeing in that image
6 there would be different if the change of the input value
7 had an effect on what the output was.

8 BY MR. PAPPAS:

9 Q And that -- what the user would see is a
10 different looking line graph; is that fair?

11 A Yes.

12 Q Okay. Let's keep that open but -- or keep that
13 near. But go to the '892 patent at Column 9, around
14 line 50. And I'll read the relevant portion for clarity.
15 Here it says, In one embodiment the interactive chart 300
16 is a Flash file that contains code that, A, renders the
17 chart, B, obtains input from the user as per his desired
18 action on the chart, i.e., interactivity, and, C,
19 rerenders the chart using the input as parameters. The
20 chart data is stored within the Flash file.

21 Did I read that correctly?

22 A Yes.

23 Q So in this example in the '892 patent, the Flash
24 file contains code that rerenders a chart in response to
25 user input, correct?

1 A No, that's incorrect.

2 Q How would you characterize it?

3 A Just to make sure I understood, you were talking
4 about the Becerra chart? Is that your -- was that your
5 question or not?

6 Q No. I'm talking about the '892 patent.

7 A I'm sorry, can you repeat your question?

8 Q So in this example that we just read in the '892
9 patent, the Flash file contains code that rerenders a
10 chart in response to user input; is that correct?

11 A Yes, that's correct.

12 Q Okay. What are example of input from the user
13 that would cause rerendering the chart?

14 MR. VINCENT: Objection; scope.

15 THE WITNESS: Are you asking relative to the '892
16 patent?

17 BY MR. PAPPAS:

18 Q Yes.

19 We're still right now talking about this example
20 in the '892 patent.

21 A The paragraph you are reading from in Column 9
22 starts off referencing Figures 3 through 7. Looking at
23 Figure 3, it appears that the label 332 and 336 both allow
24 the user to interact with the chart. And in Column 10 at
25 line 27 -- or 28, it says, The scale 324 includes a

1 line 328, a first end marker 332, and a second end marker
2 336.

3 So this seems that those end markers could be
4 moved to change what's displayed in the chart.

5 Q And when those end markers are moved that would
6 cause rerendering of the chart?

7 A Yes.

8 Q Would zooming in on the chart be another example
9 of what might cause rerendering of the chart?

10 MR. VINCENT: Objection; scope.

11 THE WITNESS: Yes, that could cause rerendering of the
12 chart.

13 BY MR. PAPPAS:

14 Q Would changing input values, input data values,
15 be an example of something that would cause rerendering of
16 the chart?

17 MR. VINCENT: Objection; scope.

18 THE WITNESS: Yes. That could cause rerendering of
19 the chart.

20 BY MR. PAPPAS:

21 Q Would interacting with the chart to play an
22 animation be an example of something that would cause
23 rerendering of the chart?

24 MR. VINCENT: Objection; scope.

25 THE WITNESS: What do you mean by the play an

1 animation?

2 BY MR. PAPPAS:

3 Q The '892 patent talks about animation as a type
4 of interactive feature, right?

5 MR. VINCENT: Objection; form. Objection; scope.

6 THE WITNESS: Can you show me where it says that?

7 BY MR. PAPPAS:

8 Q So, first, in dependent Claim 7, for example, it
9 recites an animation feature. And similarly, in Column 3,
10 lines 1 through 4, you'll see an animation feature as a
11 type of interactive features. Do you see that?

12 A Yes, I see that.

13 Q So would receiving an input to perform an
14 animation feature cause rerendering of the chart?

15 MR. VINCENT: Objection; scope. Objection; form.

16 THE WITNESS: That could cause rerendering of the
17 chart.

18 BY MR. PAPPAS:

19 Q Okay. Can you turn back to Claim 7 of the '892
20 patent.

21 A Okay.

22 Q Claim 7 recites a group of interactive features;
23 is that right?

24 MR. VINCENT: Objection, form.

25 THE WITNESS: Yes.

1 BY MR. PAPPAS:

2 Q And Claim 7 requires one of the interactive
3 features to be selected from that group; is that right?

4 MR. VINCENT: Objection; form.

5 THE WITNESS: That's what it seems like to me.

6 BY MR. PAPPAS:

7 Q So if one of those interactive features is
8 present, then that would satisfy dependent Claim 7,
9 correct?

10 MR. VINCENT: Objection; scope. Objection; form.

11 THE WITNESS: Well, my understanding is that it would
12 also have to satisfy Claim 5, which requires satisfying
13 Claim 1. Because it's a dependent claim.

14 BY MR. PAPPAS:

15 Q That's fair.

16 So assuming that Claims 1 and 5 were satisfied,
17 to satisfy the additional limitations of Claim 7, having
18 one of those interactive features present would be
19 sufficient, correct?

20 MR. VINCENT: Objection; scope. Objection; form.

21 THE WITNESS: I don't know if there's any legal
22 implication with that or within that question. Obviously,
23 I'm not an attorney. But it appears that what you're
24 asking would be true. But I don't know if legally that's
25 true.

1 BY MR. PAPPAS:

2 Q Reading as a person of ordinary skill in the art
3 and not -- understanding that you're not rendering a legal
4 conclusion, that's your opinion, correct?

5 MR. VINCENT: Objection; form. Objection; scope.

6 THE WITNESS: I believe so.

7 BY MR. PAPPAS:

8 Q Okay. I'm going to hand you next, Exhibit 1007.
9 This is the Jou reference in this proceeding.

10 MR. VINCENT: Is it Jou?

11 MR. PAPPAS: Let's go with Jou then. Sounds more
12 friendly.

13 BY MR. PAPPAS:

14 Q All right. Did you review the Jou reference in
15 preparation for your deposition today?

16 A Yes.

17 Q Okay. So I want you to keep that handy, but
18 let's also pull out your first declaration, Exhibit 2001,
19 and if you can go to paragraph 185. And here, you're
20 discussing Claim 7 and the combination of Becerra and Jou;
21 is that right?

22 MR. VINCENT: Objection; form.

23 THE WITNESS: Can you ask your question again?

24 BY MR. PAPPAS:

25 Q Here, is it correct that you're discussing

1 dependent Claim 7?

2 A Yes.

3 Q And specifically, you're discussing dependent
4 Claim 7 with respect to the combination of Becerra and
5 Jou; is that right?

6 A In paragraph 185, that's correct.

7 Q And that discussion goes through paragraph 189;
8 is that right?

9 A Yes.

10 Q And you don't dispute the Jou teaches a zoom
11 feature; is that correct?

12 MR. VINCENT: Objection; form.

13 THE WITNESS: Can you repeat your question?

14 BY MR. PAPPAS:

15 Q You do not dispute that Jou teaches a zoom
16 feature; is that correct?

17 A Paragraph 49 of Jou says, Map layers can be
18 customized and the area view of the map can be changed to
19 control the map appearance. In particular, the user can
20 obtain a closer area view of a map or layer, zooming in,
21 obtain a wider area view of a map or layer, zooming out,
22 and so on.

23 So it appears that Jou does discuss zooming in
24 and out of a map or layer.

25 Q And you do not dispute that Jou teaches a data

1 hiding feature; is that correct?

2 MR. VINCENT: Objection; form.

3 THE WITNESS: Can you direct me in Jou where it talks
4 about data hiding?

5 BY MR. PAPPAS:

6 Q Well, I'll start with your declaration in -- or
7 paragraph 186. Where you say, Jou discloses the data to
8 be included in a visualization may be filtered, i.e.,
9 limited to the subset of data available from a given
10 source.

11 A In paragraph 38 of Jou, it discusses filtering
12 data specifically limited to the subset of data available
13 from a given source.

14 Q Would filtering data within a chart hide certain
15 data from that source?

16 MR. VINCENT: Objection; scope. Objection; form.

17 THE WITNESS: Filtering data would show -- could show
18 less data in the chart than what was available in the data
19 source. The data doesn't disappear. The data is just not
20 shown in the chart.

21 BY MR. PAPPAS:

22 Q Do you dispute that Jou teaches a drill-down
23 feature?

24 A Paragraph 44 of Jou discusses drilling up and
25 drilling down on the dimension axis of charts.

1 Q So you don't dispute that Jou teaches a
2 drill-down feature then, correct?

3 MR. VINCENT: Objection; form.

4 THE WITNESS: That's correct.

5 BY MR. PAPPAS:

6 Q Okay. In paragraph 188 of your declaration, you
7 characterize Becerra's control panel as, Just an
8 interactive graphics simulation; is that right?

9 A Yes, I did characterize Becerra's control panel
10 as an interactive graphics simulation.

11 Q You agree that Becerra's control panel is
12 interactive, correct?

13 A Yes.

14 Q What do you mean by interactive graphics
15 simulation?

16 A The control panel of Becerra was created by
17 another program within Becerra. Prior to that control
18 panel being created, the chart was already rendered. In
19 the Becerra control panel, when any of the input values
20 are changed, the chart is not rerendered. But the image
21 of where the chart is changes.

22 And that's based on the way that Becerra's
23 implemented of taking data and formulas from an Excel
24 document, using a mathematical model to create expression
25 trees that are then used for changing the images that are

1 displayed in the control panel, different from rerendering
2 the graph or the chart at the point that the input values
3 are changed.

4 Q So it's your opinion that changing the image on
5 the screen in Becerra is different than changing the image
6 on the screen in the '892 patent?

7 MR. VINCENT: Objection; scope.

8 THE WITNESS: Looking at how Becerra implements those
9 changes, is just changing the image that's displayed and
10 is not rerendering the chart, which is what the '892
11 patent says.

12 BY MR. PAPPAS:

13 Q Are you saying that Becerra has a series of all
14 possible images that it could display stored somewhere
15 within its control panel?

16 MR. VINCENT: Objection; form.

17 THE WITNESS: No, that's not what I'm saying.

18 BY MR. PAPPAS:

19 Q Becerra is implemented using Flash, correct,
20 Becerra's control panel?

21 A I believe that that was at least one embodiment
22 of the control panel in Becerra, was a Flash file.

23 Q And so if there were user input into Becerra's
24 control panel, would that be handled by some sort of
25 action scripts that was coded for Becerra's control panel?

1 A Yes, it could be.

2 Q In the '892 patent, one of the embodiments of a
3 self-contained and independent interactive chart is a
4 Flash object, correct?

5 A Yes.

6 Q And presumably, interactions with the charts in
7 the '892 patent are also handled by action script code,
8 correct?

9 MR. VINCENT: Objection; form. Objection; scope.

10 THE WITNESS: Yes, it could be.

11 BY MR. PAPPAS:

12 Q But you're drawing a distinction between
13 rendering in the '892 patent and Becerra even though they
14 both rely on Flash objects in those embodiments, correct?

15 MR. VINCENT: Objection; form. Objection; scope.

16 THE WITNESS: Yes, I'm drawing a distinction there.
17 Merely because two applications use the same language,
18 doesn't mean that the way that they're doing things are
19 the same. Becerra does not have all of the data in the
20 control panel. It has the mathematical models in the
21 control panel whereas the '892 patent has the data in the
22 self-contained and independent interactive chart, allowing
23 rerendering to happen if data is changed.

24 Becerra does not allow rerendering to happen
25 because the data is not present in the control panel.

1 It's only the mathematical models that are used to create
2 expression trees that changes the image that is shown in
3 Becerra's control panel.

4 BY MR. PAPPAS:

5 Q Is it your opinion that the only way to cause
6 rerendering is to change the input data?

7 MR. VINCENT: Objection; form. Objection; scope.

8 THE WITNESS: No, that's not my opinion. But with
9 respect to the '892 patent, the rerendering of the chart
10 in Claim 1 states, Rerender the chart using the input as a
11 parameter.

12 BY MR. PAPPAS:

13 Q And the input could be, for example, hovering
14 over a data point in the chart, correct, in the '892
15 patent?

16 MR. VINCENT: Objection; scope. Objection; form.

17 THE WITNESS: Well, that claim states obtained input
18 from a user.

19 BY MR. PAPPAS:

20 Q An example input would be interactive features in
21 the '892 patent?

22 MR. VINCENT: Objection; scope. Objection; form.

23 THE WITNESS: Perhaps.

24 BY MR. PAPPAS:

25 Q Let's -- in paragraph 188 of your first

1 declaration, Exhibit 2001, you also state in the middle of
2 the paragraph, Becerra and Jou teach away from
3 combination; is that correct?

4 A Yes.

5 Q Are you providing a legal conclusion with that
6 opinion?

7 MR. VINCENT: Objection; scope.

8 THE WITNESS: I'm not providing a legal opinion on
9 that. I was putting myself in the position of a POSITA
10 and stating that it didn't make sense to combine Becerra
11 and Jou.

12 BY MR. PAPPAS:

13 Q Does either Becerra or Jou criticize the use of
14 any interactive features?

15 MR. VINCENT: Objection; form.

16 THE WITNESS: If either of them did, I assume it would
17 be in one of those documents. If you could point me to
18 where that is or isn't, I could answer that question
19 better.

20 BY MR. PAPPAS:

21 Q So to the best of your recollection, do you
22 recall Becerra or Jou criticizing any interactive
23 features?

24 MR. VINCENT: Objection; form.

25 THE WITNESS: Again, if you could point me to

1 somewhere in those documents, I don't have either one of
2 them memorized. I could answer that question better. I
3 just want to make sure that I'm accurately answering your
4 question.

5 BY MR. PAPPAS:

6 Q I can't point you to anywhere in the document for
7 that question. But do you believe or do you have any
8 knowledge of Becerra or Jou criticizing the use of any
9 interactive features sitting here today?

10 MR. VINCENT: Objection; form.

11 THE WITNESS: I don't know.

12 BY MR. PAPPAS:

13 Q Okay. Did you render any opinions in your
14 declarations about Becerra or Jou criticizing the use of
15 any interactive features?

16 MR. VINCENT: Objection; form.

17 THE WITNESS: I don't know if I stated that in my
18 declarations. But if you could point me to somewhere
19 where I did, I could accurately answer your question.

20 BY MR. PAPPAS:

21 Q Anywhere in paragraphs 185 to 189 of your
22 declarations.

23 MR. VINCENT: Objection; form.

24 BY MR. PAPPAS:

25 Q Of your first declaration, Exhibit 2001, to be

1 clear.

2 MR. VINCENT: Objection; form.

3 THE WITNESS: I can read through those paragraphs and
4 then answer your question if you'd like.

5 BY MR. PAPPAS:

6 Q Sure. Go ahead.

7 A Can you ask your question again?

8 Q Sure.

9 Anywhere in paragraphs 185 to 189 of
10 Exhibit 2001, do you render any opinions about Becerra or
11 Jou criticizing the use of any interactive features?

12 MR. VINCENT: Objection; form.

13 THE WITNESS: No, I don't see anywhere in paragraphs
14 185 to 189 where I did.

15 BY MR. PAPPAS:

16 Q We talked about this earlier, but Jou discusses
17 the use of map charts, right?

18 MR. VINCENT: Objection; form.

19 THE WITNESS: Did you say map?

20 BY MR. PAPPAS:

21 Q Map, yes.

22 A Yes.

23 Q Yes. Oh, I'm sorry, you said yes. Thank you for
24 answering.

25 And that was, for example, in paragraph 49 of

1 Jou, right?

2 A Yes.

3 Q And Jou discloses that a user can zoom in and
4 zoom out of these map charts to obtain a closer, wider
5 view of the map; is that right?

6 A Yes.

7 Q Would you agree that a zoom feature for maps can
8 be useful?

9 MR. VINCENT: Objection; scope.

10 THE WITNESS: Yes.

11 MR. VINCENT: Objection; form.

12 BY MR. PAPPAS:

13 Q And Becerra also discloses different component
14 categories that include maps, correct?

15 MR. VINCENT: Objection; form.

16 THE WITNESS: I don't recall.

17 BY MR. PAPPAS:

18 Q I will point you -- I can point you first to your
19 declaration, Exhibit 2001, at paragraph 153 and also,
20 Becerra at paragraph 11. I may have -- actually, sorry.
21 I may have misspoke. It was, I believe, paragraph 152 of
22 your declaration.

23 A Yes.

24 Q So to be clear, since I think my question was --
25 Becerra discloses different component categories that

1 include maps, correct?

2 MR. VINCENT: Objection; form.

3 THE WITNESS: In paragraph 11 of Becerra, it states,
4 The control panel includes the graphic components
5 associated with the data cells which can, as described
6 above, include a variety of components including user
7 interface elements such as sliders, buttons, and check
8 boxes, charts, maps, et cetera.

9 BY MR. PAPPAS:

10 Q So the answer is yes?

11 A Yes.

12 Q Okay. I'm going to hand you another exhibit.
13 This is Exhibit 1006. I will apologize in advance because
14 I really -- I do not understand how to pronounce this one,
15 but I will say (indecipherable utterance) Couckuyt?

16 THE STENOGRAPHIC REPORTER: I'm sorry, what was that?

17 MR. PAPPAS: I will hand you a copy.

18 Unless somebody has a different suggestion, I
19 will have to go with that. This somehow sounds offensive
20 to me, but I will keep using the name Couckuyt.

21 THE STENOGRAPHIC REPORTER: You're going to say
22 Couckuyt?

23 MR. PAPPAS: Unless you have a different suggestion.

24 THE STENOGRAPHIC REPORTER: No. That's fine.
25

1 BY MR. PAPPAS:

2 Q Did you, Dr. Miller, review the Couckuyt
3 reference in preparation for this deposition?

4 A Yes.

5 Q Okay. If you can keep that handy but also turn
6 to your first declaration, Exhibit 2001, at paragraph 146.
7 And here, you say, Couckuyt focuses on selecting a data
8 icon that corresponds to dragging and dropping data
9 fields, not dragging and dropping data. Did I read that
10 correctly?

11 A Yes.

12 Q Can you turn to Figure 4 of Couckuyt?

13 A Okay.

14 Q What does this figure show?

15 A In Column 3, it states, Figure 4 depicts an
16 exemplary drag and drop user interface operative to
17 generate a chart report.

18 Q And if you turn to Column 7, around line 10,
19 there's also a description of Figure 4. Do you see that?

20 A Yes.

21 Q And the first line of that paragraph says,
22 Figure 4 depicts an exemplary drag and drop user
23 interface, DDUI, for generate a chart report having a
24 single chart; is that correct?

25 A Yes.

1 Q So in this particular embodiment of Figure 4,
2 Couckuyt uses drag and drop techniques to generate a
3 single chart; is that correct?

4 A Yes.

5 Q In Figure 4 there are a number of data fields
6 that are shown on the right; is that correct?

7 A Yes.

8 Q That's in field list 408, correct?

9 A Yes.

10 Q Do those data fields correspond to a particular
11 set of data?

12 A I believe so.

13 Q Is that the dataset illustrated in Figure 3A of
14 Couckuyt?

15 MR. VINCENT: Objection; form.

16 THE WITNESS: Yes, I believe so.

17 BY MR. PAPPAS:

18 Q Figure 3A of Couckuyt depicts a flat data source
19 like a spreadsheet; is that right?

20 MR. VINCENT: Objection; form.

21 THE WITNESS: Yes, that's correct.

22 BY MR. PAPPAS:

23 Q So in Figure 4, when a user drags and drops a
24 data field into the chart, that data field corresponds to
25 data shown in Figure 3A, correct?

1 MR. VINCENT: Objection; form.

2 THE WITNESS: I think that you're confusing the data
3 with the data field. So the data field is what's being
4 dropped in Figure 4. And in Figure 3A, there's the data
5 fields, but there's also the data.

6 Figure 4 is not dropping the data through the
7 drag and drop but just dropping the data field.

8 BY MR. PAPPAS:

9 Q So my question was when the user drags and drops
10 the data field into the chart, the data field still
11 corresponds to the data shown in Figure 3A --

12 MR. VINCENT: Objection; form.

13 BY MR. PAPPAS:

14 Q -- is that wrong?

15 MR. VINCENT: Objection; form.

16 THE WITNESS: I believe that the data field in
17 Figure 4 corresponds to the data field in Figure 3A.

18 BY MR. PAPPAS:

19 Q And dropping that data field into the chart, into
20 Couckuyt's chart, would update the chart based on the data
21 that is present in Figure 3A, right?

22 MR. VINCENT: Objection; form.

23 THE WITNESS: I believe that's what is stated in
24 figure -- in Column 7.

25

1 BY MR. PAPPAS:

2 Q So the data field includes the column of data
3 that is shown in Figure 3A, right?

4 A No.

5 MR. VINCENT: Objection; form.

6 THE WITNESS: No, that's not true.

7 BY MR. PAPPAS:

8 Q Why not?

9 A The data field doesn't include the data. The
10 data field may correspond to the data that's included.
11 But the data field does not include the data.

12 Q Is it a reference to the data?

13 MR. VINCENT: Objection; form.

14 THE WITNESS: There is a connection between the name
15 of the data field and the data, But the data field does
16 not contain the data.

17 BY MR. PAPPAS:

18 Q When the data field is dropped into Couckuyt's
19 chart, is that how the chart knows what data to use to
20 update the chart?

21 MR. VINCENT: Objection; form.

22 THE WITNESS: Based on the data field that's dropped
23 into Couckuyt, the data that's associated with that field
24 then updates the chart.

25 MR. PAPPAS: Okay. Is this a good time to take a

1 break?

2 MR. VINCENT: Yeah.

3 MR. PAPPAS: Okay.

4 (Recess taken.)

5 BY MR. PAPPAS:

6 Q Okay. Welcome back, Dr. Miller.

7 A Thank you.

8 Q During the break, I'll ask you again, did you
9 discuss the substance of your testimony with counsel?

10 A No.

11 Q I am going to hand you a couple very large
12 documents. Again, they could not staple this one. So the
13 first one is Exhibit 1008. QlikView Reference Manual. If
14 you'd like it.

15 MR. VINCENT: Thank you.

16 BY MR. PAPPAS:

17 Q The second one is Exhibit 1009. And that is the
18 QlikView Server Reference Manual.

19 THE STENOGRAPHIC REPORTER: You said click views?

20 MR. PAPPAS: QlikView. It's Q-l-i-k-V-i-e-w.

21 THE STENOGRAPHIC REPORTER: Thank you.

22 BY MR. PAPPAS:

23 Q Do you recognize Exhibits 1008 and 1009?

24 A Yes.

25 Q Did you review Exhibits 1008 and 1009 in

1 preparation for your deposition today?

2 A I did review both of them with respect to my
3 declarations. But obviously, Exhibit 1008 is extremely
4 lengthy.

5 Q Understood.

6 Were you familiar with QlikView before this case?

7 A No.

8 Q Had you ever heard of QlikView before?

9 A No.

10 Q So you never used QlikView before this -- let me
11 rephrase. You've never used the QlikView products before?

12 A No.

13 Q And you never came across QlikView in your work
14 developing visualizations in the 2000s?

15 A No.

16 Q So keeping that handy, let's turn to your
17 supplemental declaration, Exhibit 2201, at paragraph 52.
18 Let me find exactly the spot to point you here to make it
19 easier. In the middle of paragraph 52 -- this is on
20 page 42 -- you say, A Java applet, i.e., embedded
21 container, was able to only show a table, not a chart. Do
22 you see that?

23 A Yes.

24 Q And you're referring to the Java applets in the
25 QlikView products?

1 A Yes, that's correct.

2 Q What is your basis for saying that Java applets
3 cannot show tables -- sorry, could not show charts?

4 MR. VINCENT: Objection; form.

5 THE WITNESS: Earlier in paragraph 52, I state,
6 Petitioner points to QlikView VinGuiden example but that
7 example shows a table, not a chart. So the statement that
8 you read, a Java applet was able to only show a table, not
9 a chart was based on my review of QlikView where the
10 example that petitioner pointed to didn't show a chart but
11 instead only showed a table.

12 BY MR. PAPPAS:

13 Q I see.

14 So your opinion expressed in paragraph 52 is
15 based on the VinGuiden example of QlikView, correct?

16 A Well, it was based on what the petitioner had
17 pointed out as well as the petitioner's expert.

18 Q Can you turn to Exhibit 1009 at page 0199. I'm
19 referring to the pages at the very bottom of the page.

20 A Okay.

21 Q This page is discussing the QlikView Java client,
22 correct?

23 A Yes.

24 Q And the QlikView Java client runs as a Java
25 applet; is that right?

1 MR. VINCENT: Objection; form.

2 THE WITNESS: QlikView did talk about Java applets in
3 it. And it seems that there is a little discussion on
4 page 0119 about that.

5 THE STENOGRAPHIC REPORTER: I'm sorry, Counsel, you
6 said Java client?

7 MR. PAPPAS: Yes.

8 THE STENOGRAPHIC REPORTER: Thank you.

9 BY MR. PAPPAS:

10 Q So in the middle of that page 199, do you see
11 where it says, Java applets, e.g., QlikView Java clients?

12 A Yes.

13 Q So an example of a Java applet would be the
14 QlikView Java client?

15 A Yes.

16 Q Okay. Let's flip to page 0134.

17 This page is discussing QlikView's objects client
18 page generator tool; is that right?

19 A Yes.

20 Q And this tool is used to generate a page for use
21 with QlikView's Java objects client; is that right?

22 A Can you ask that again?

23 Q This tool is used to generate a page for use with
24 QlikView's Java objects client; is that right?

25 A Yes.

1 Q On the next page, which is page 0135, do you see
2 there's an objects definition?

3 A I see the heading that says, Objects definition.

4 Q And then you see a general section, a section
5 titled, General?

6 A Yes.

7 Q At the end of that section titled, General, do
8 you see where it says, The object can be a list box, a
9 graph, a button, et cetera?

10 A Yes.

11 Q So is it fair to say that QlikView's Java client
12 would work with all of these types of components,
13 including list boxes, graphs, and buttons?

14 A Yes.

15 Q Can we turn back to the '892 patent for the
16 moment and look at Figure 42? I apologize for jumping
17 around a bit.

18 In Figure 42, is this depicting a web page that
19 includes an interactive chart?

20 A Yes.

21 Q And this is an interactive chart in accordance
22 with an embodiment of the invention, right?

23 A Yes.

24 Q Is this a self-contained and independent
25 interactive chart that is embedded in a web page?

1 A In this specific embodiment, reading the
2 description at the bottom of Column 16 and the top of
3 Column 17, there is an embodiment where this would be a
4 self-contained and independent interactive chart, but the
5 description also allows for this to not be completely
6 self-contained where it could have an updated data where
7 it's connected to -- it says an RSS feed, Atom feed, et
8 cetera for updating data.

9 THE STENOGRAPHIC REPORTER: You said ADA feed?

10 THE WITNESS: Atom, A-t-o-m.

11 BY MR. PAPPAS:

12 Q So you're saying that embodiment in which the
13 data on the web page could be updated using a data feed
14 would not be self-contained and independent in your
15 opinion?

16 MR. VINCENT: Objection; form.

17 THE WITNESS: That's correct.

18 BY MR. PAPPAS:

19 Q But the other embodiments discussed in figure --
20 sorry, in that same paragraph of the patent starting at
21 line 54 of column -- let me start this over since I'm
22 messing up the line numbers.

23 Are you saying that the other embodiments
24 discussed at Column 16, line 57 and the subsequent
25 paragraph, those would be examples of self-contained and

1 independent interactive charts?

2 MR. VINCENT: Objection; form.

3 THE WITNESS: No. Not completely in that paragraph.
4 Where it says, For example, the data on the web page can
5 be updated using a new Flash file. If embed code has been
6 implemented in a web page, the web page fetches the new
7 Flash file from the server and displays it.

8 So that would be the web browser fetching a new
9 Flash object for displaying it. That Flash object could
10 be self-contained and independent. If there is a
11 connection to the server, though, that is maintained such
12 as the example with an RSS feed or an Atom feed, then that
13 would not be a self-contained and independent interactive
14 chart and continuing... the last sentence, If the online
15 portal is a flex engine that includes live cycle data
16 services, the online portal has data management and
17 messaging services that can automatically track changes
18 and publishes the changes in the document or on the web
19 page.

20 Again, would not be self-contained and
21 independent because there's a connection to the server
22 where the server is feeding data to the client.

23 BY MR. PAPPAS:

24 Q So in the first example, when you were talking
25 about the Flash file being -- when you were talking about

1 a new Flash file being created and fetched from the
2 server, that would still be a self-contained and
3 independent interactive chart?

4 MR. VINCENT: Objection; form.

5 THE WITNESS: Yes. That could be a self-contained and
6 independent interactive chart. In that -- the next
7 sentence says, When the user refreshes the web page, the
8 new Flash chart is displayed. So there isn't a connection
9 that's being maintained to a server that is updating it
10 with data, but rather, the user refreshes the browser, it
11 pulls a new Flash object and displays that.

12 Once the Flash object is displayed, there's no
13 connection to the server for retrieving any data or for
14 the server pushing new data out. Which would then allow
15 that Flash object to be self-contained and independent.
16 BY MR. PAPPAS:

17 Q In that case the website though would still have
18 a connection to the web server, right?

19 MR. VINCENT: Objection; form.

20 THE WITNESS: No. That's not right. And that's not
21 the way that -- that most websites work. Is that once a
22 page is requested from the server, there is no persistent
23 connection between the browser and the server at that
24 point. Each request that's made over HTTP, the protocol
25 that's primarily used for web communication, is a

1 stateless protocol.

2 Meaning that once you make a request, the
3 response comes back, the connection is dropped. The next
4 request is independent from the previous one.

5 BY MR. PAPPAS:

6 Q And so what you're saying is what makes it not
7 self-contained and independent in this particular example
8 is if it has a persistent connection with another server
9 or service?

10 MR. VINCENT: Objection; form.

11 BY MR. PAPPAS:

12 Q Is that right?

13 MR. VINCENT: Objection; form.

14 THE WITNESS: So if a Flash object in this example is
15 self-contained and independent, it would not be depending
16 on something else on another program. So it wouldn't be
17 depending on getting data from a server. If it is
18 depending on getting data from a server, then it would not
19 be self-contained and independent.

20 BY MR. PAPPAS:

21 Q But in the case that data is updated and a new
22 Flash file is generated and transmitted to the website,
23 that's still a self-contained and independent chart
24 because the new Flash file is not dependent on another
25 service; is that correct?

1 MR. VINCENT: Objection; form.

2 THE WITNESS: Not exactly. In this paragraph, it
3 says, When the user refreshes the web page, the new Flash
4 chart is displayed. Meaning that the user has to refresh
5 the page in the browser, which causes a request from the
6 browser to be made to the server to then retrieve the
7 Flash object that's stored on the server.

8 As opposed to having a connection to the server
9 where the server pushes a new object out, without the user
10 having to initiate the request.

11 BY MR. PAPPAS:

12 Q So even in that case, if it pushed the new Flash
13 file out, when the user displays it on the website, it
14 doesn't -- it's not -- the chart is not dependent on
15 another program, is it?

16 MR. VINCENT: Objection; form.

17 THE WITNESS: If the server is able to push a new
18 interactive chart out to the client, a connection had to
19 be maintained between the browser and the server. So even
20 though the interactive chart may be self-contained and all
21 of the interaction that's happening is happening solely
22 within the Flash object that's within the browser, it
23 would not be independent if the server was able to push an
24 updated version out with new data.

25 Because it would then be dependent on what the

1 server is doing.

2 BY MR. PAPPAS:

3 Q Even if no updates were made and the user could
4 interact with the chart independent from the server,
5 you're saying in that case, it still wouldn't be
6 independent in the context of the '892 patent claims?

7 MR. VINCENT: Objection; form.

8 THE WITNESS: You're asking a question which is
9 contrary to what we're talking about in Column 16 because
10 it says, For example, the data on the web page can be
11 updated using a new Flash file. You're saying if there's
12 no update to the data, and then the server pushes a new
13 version of the Flash file out.

14 Which wouldn't happen because if there was no
15 update to the data, there would be no new Flash file on
16 the server. Therefore, there would be no new Flash file
17 for the server to push out to the client.

18 BY MR. PAPPAS:

19 Q My question is: Between updates, is the
20 interactive chart that's being displayed on the website
21 self-contained and independent?

22 A In what instance? We've talked about different
23 instances in this paragraph.

24 Q In the instance that we're talking about where
25 when updates are made, the new Flash file is created and

1 transmitted to the website.

2 A And so what is your question?

3 Q In that case, are you still saying that the
4 interactive chart that is currently displayed on the
5 user's screen on the website is not self-contained and
6 independent?

7 MR. VINCENT: Objection; form.

8 THE WITNESS: If the server has the ability to send a
9 new Flash file out to the client, then that Flash object
10 that's displayed in the browser would not be independent.
11 That doesn't mean for -- for the Flash file to be
12 independent -- I'm sorry, for the Flash file to not be
13 independent, doesn't mean data has to be flowing to it in
14 a continuous fashion, but just that the data could be
15 updated without anything happening in the client.

16 BY MR. PAPPAS:

17 Q Okay. So the possibility of the data being
18 updated without the client initiating the update would
19 make the chart not independent; is that correct?

20 MR. VINCENT: Objection; form.

21 THE WITNESS: Yes, I agree with that.

22 BY MR. PAPPAS:

23 Q Okay. Is that understanding of independent
24 recited anywhere in the '892 patent claims?

25 A My understanding of the term self-contained and

1 independent along with all the other terms in the patent
2 is that they were given their plain and ordinary meaning
3 and none of them were construed. So this is my
4 understanding of the plain and ordinary meaning of the
5 term self-contained and independent.

6 Q Okay. Let's... let's turn to your supplemental
7 declaration again, Exhibit 2201, at page 14. And I --
8 here you cite Exhibit 1013. Do you see that?

9 A Yes.

10 MR. PAPPAS: I'll give you a copy of that just so you
11 have it. (Indicating.)

12 MR. VINCENT: Thank you.

13 BY MR. PAPPAS:

14 Q Do you recognize this document?

15 A Yes.

16 Q Is this the file provisional application that led
17 to the '892 patent application?

18 A Yes, I believe so.

19 Q So in Exhibit 1013 at page 61, there's a figure
20 titled, iCharts Personal Chart Gallery. Do you see that?

21 A Yes.

22 MR. VINCENT: Excuse me, Counsel, I don't think I have
23 page 61. Is that...

24 MR. PAPPAS: It should be...

25 MR. VINCENT: Mine goes up to 40.

1 MR. PAPPAS: May have been a printing error if that's
2 the case. You're more than welcome to inspect
3 Dr. Miller's copy if you'd like.

4 MR. VINCENT: Okay. Just put it... yeah, there we go.
5 Okay.

6 THE WITNESS: (Indicating.)

7 BY MR. PAPPAS:

8 Q So, Dr. Miller, this chart is titled, iCharts --
9 I'm sorry, this figure is titled, ICharts Personal Chart
10 Gallery. Do you see that?

11 A Yes.

12 Q And this figure shows generated iCharts for a
13 particular user?

14 MR. VINCENT: Objection; form.

15 THE WITNESS: I don't believe that's what it's showing
16 here. This seems to be showing the chart template module,
17 I believe.

18 BY MR. PAPPAS:

19 Q Do you see where it says, iCharts list above the
20 images of the charts?

21 A Yes.

22 Q Does that indicate to you that these are iCharts
23 that are part of a particular user's account?

24 A Perhaps.

25 Q Is there anywhere in this figure that says chart

1 template?

2 A I can't read all of the words that are in it, but
3 I don't see that.

4 Q Can you turn to page 16 of your supplemental
5 declaration, Exhibit 2201.

6 A Okay.

7 Q Is it correct that here, you're trying to show
8 support in the provisional application for the element
9 wherein the interactive chart, when opened in a program in
10 the absence of the generation interface and the chart
11 template module, enables a user to, A, render the chart,
12 B, obtain input from a user, and, C, rerender the chart
13 using the input as a parameter?

14 A Yes. That's at the bottom of page 16, continuing
15 on page 17 and the top part of page 18.

16 Q If you turn to page 17, you highlight live
17 updating. Do you see that?

18 A Yes.

19 Q Is that what you're relying on to support this
20 claim element in the provisional application?

21 A Well, as I said, it's what's at the bottom of
22 page 16, page -- all of page 17 and the top part of
23 page 18.

24 Q Is live updating one of the things that you're
25 relying on to support this claim element in the

1 provisional application?

2 A What I have highlighted on page 17 with live
3 updating is one of the aspects of the provisional patent
4 that I'm using to show that it enables the claim that you
5 read.

6 Q The claim element that I read?

7 A Yes. The claim element that you read.

8 Q On page 18, you highlight the word update.
9 Correct?

10 A Yes.

11 Q This image shown on page 18 is showing new data
12 being uploaded and the chart being regenerated and
13 transmitted to websites and portals; is that fair?

14 A Yes. That's what it seems like.

15 Q And in your opinion, that supports the claim
16 element that we've been talking about. I'll say it for
17 clarity, When the interactive chart, when opened in the
18 program in the absence of the generation interface and the
19 chart template module enables a user to, A, render the
20 chart, B, obtain input from user, and, C, rerender the
21 chart using the input as a parameter?

22 MR. VINCENT: Objection; form.

23 THE WITNESS: Yes.

24 BY MR. PAPPAS:

25 Q So I just want to walk through this briefly. The

1 claim element first requires opening the interactive chart
2 in a program in the absence of the generation interface
3 and the chart template module, right?

4 A Yes.

5 Q That would be, in this case, opening the chart in
6 the online portal where it's embedded in the case of the
7 diagram on page 18?

8 A Yes, that would be one embodiment of that claim
9 element.

10 Q And that is rendering the chart?

11 A And what's rendering the chart?

12 Q When the chart is opened in the online portal,
13 that would be rendering the chart in your opinion?

14 A Yes.

15 Q Okay.

16 A That would be -- rendering the chart would be
17 included in that.

18 Q Understood.

19 Then the claim element requires obtaining input
20 from a user, right?

21 A Yes.

22 Q So is that the user uploading new data?

23 A Yes.

24 Q And that would happen in the iCharts interface;
25 is that right?

1 MR. VINCENT: Objection; form.

2 THE WITNESS: What do you mean by iCharts interface?

3 BY MR. PAPPAS:

4 Q Where is the user uploading new data?

5 A So looking at what I have highlighted at the
6 bottom of page 16, it says, For example, if the chart is
7 embedded in an online portal, the user can upload
8 additional data to update the chart in the online portal.
9 So this could be occurring through the interactive chart
10 that's displayed.

11 Q Well, so I'm looking at page 18 in that diagram.
12 And at the bottom of the diagram, it says, Uploading new
13 data sheet to iCharts refreshes embedded charts
14 everywhere. Do you see that?

15 A Yes.

16 Q And then once the data is uploaded, the refreshed
17 chart is transmitted to these different websites and
18 portals. Is that what it's showing?

19 A That is an embodiment that's being shown here.

20 Q And so in that embodiment, the uploading of the
21 data would occur separate from the three websites and
22 portals, wouldn't it?

23 A Well, it could or it might not. It could be a
24 website or portal that is updating the data sheet.

25 Q But that's not what's shown in the diagram, is

1 it?

2 A The comment that says, Uploading new data sheet
3 to iCharts's refreshes embedded charts everywhere could
4 occur through a website or portal.

5 Q But would it be occurring through the website or
6 portal that are shown at the top of that diagram?

7 A It could be.

8 Q Maybe I'm confused. If you uploaded the new data
9 at the website or portal on the top left of the diagram,
10 would that then update the iChart at the other two
11 websites and portals?

12 A I believe that it could in one embodiment of the
13 invention.

14 Q Is that what's shown in this diagram?

15 A It's not shown what the bottom comment, Uploading
16 new data sheet to iCharts refreshes embedded charts
17 everywhere. It's not showing where that's coming from.
18 Which could be a website or a portal. I feel like what
19 you're specifically asking is is it one of the three
20 that's at the top, and my answer is that it could be.

21 Q Well, what I'm asking is there's an iCharts logo
22 in the middle, right?

23 A Yes.

24 Q And there's an arrow pointing from the caption,
25 Uploading new data sheet to iCharts refreshes embedded

1 charts everywhere, pointing upward to the iCharts logo,
2 right?

3 A Yes.

4 Q Does that iCharts logo represent the iCharts
5 program interface?

6 A I believe that in this specific embodiment, this
7 is going to represent an iCharts program that's going to
8 be on a server, for example.

9 Q And the user would presumably have an interface
10 to interact with the server to upload data, right?

11 A Yes.

12 Q And then once the user uploads data, using that
13 interface, the diagram shows that charts that are embedded
14 in other websites would be updated, correct?

15 A Yes. What I'm saying is the interface that you
16 just referred to for a user uploading data into the
17 iCharts application could be a website or portal.

18 Q Understood.

19 But in this diagram, it would be a different
20 website or portal than the three websites or portals shown
21 at the top; isn't that right?

22 A Maybe. Maybe not.

23 Q At least for one of the websites and portals, it
24 would be different than the interface used to upload the
25 data; is that fair?

1 MR. VINCENT: Objection; form.

2 THE WITNESS: Yes, I would agree with that.

3 BY MR. PAPPAS:

4 Q And then once the data is uploaded, a new Flash
5 file would be generated and transmitted to these different
6 websites and portals where the chart is embedded, right?

7 A That would be one way of doing it, but not the
8 only way.

9 Q In that specific example, does that provide
10 support for the claim element we've been discussing in
11 your opinion?

12 A Yes.

13 MR. PAPPAS: All right. Is it okay if we take a
14 ten-minute break?

15 MR. VINCENT: Yes.

16 MR. PAPPAS: Okay.

17 (Recess taken.)

18 BY MR. PAPPAS:

19 Q Dr. Miller, welcome back.

20 A Thank you.

21 Q During the break, did you discuss any of the
22 substance of your testimony with counsel?

23 A No.

24 Q All right. Well, thank you for your time,
25 Dr. Miller. I have nothing more for you right now. I

1 will pass the witness.

2 MR. VINCENT: We have no questions.

3 MR. PAPPAS: All right. We can conclude.

4 (WHEREUPON THE DEPOSITION WAS
5 CONCLUDED AT 1:50 P.M.)
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1 Please be advised I have read the
2 foregoing deposition, pages 1 through
84, inclusive.

3 I hereby state there are:

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(Check one) _____ no corrections

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_____ corrections per attached

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DR. JEFFREY MILLER

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WITNESS'S CHANGES OR CORRECTIONS

NOTE: If you are adding to your testimony, print the exact words you want to add. If you are deleting from your testimony, print the exact words you want to delete. Specify with "Add" or "Delete" and sign this form.

Deposition of: DR. JEFFREY MILLER
Case Title: TABLEAU V. ICHARTS
Date of Deposition: OCTOBER 9, 2025

I, _____ have

the following corrections to make to my deposition:

Page Line Change/Add/Delete

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CERTIFICATE OF SHORTHAND REPORTER/STENOGRAPHER

I, Christa Yan, Certified Shorthand/Stenographic Reporter within and for the State of California do hereby certify:

That Dr. Jeffrey Miller, the Witness whose deposition is hereinbefore set forth, was duly sworn by me before the commencement of such deposition and that such deposition was taken before me and is a true record of the testimony given by such witness.

I further certify that both parties were represented by counsel at the deposition.

I further certify that the deposition of Dr. Jeffrey Miller occurred personally at the offices of Womble Bond Dickinson on October 9, 2025, commencing at 9:38 a.m. to 1:50 p.m.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of October 2025.



CERTIFIED SHORTHAND/STENOGRAPHIC REPORTER
IN AND FOR THE STATE OF CALIFORNIA

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