

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

ORIGINAL

AYLO FREESITES LTD,
Petitioner

v.

WELLCOMEMAT, LLC,
Patent Owner

Case IPR2024-00710
U.S. Patent No. 8,307,286

DEPOSITION OF DR. HENRY HOUH
TAKEN REMOTELY BY VIDEOCONFERENCE
January 30, 2025

Reported by: Mary Ann Payonk

Job No. 1750

January 30, 2025

9:30 a.m.

DEPOSITION of DR. HENRY H. HOUH, Ph.D., taken
remotely by videoconference pursuant to Notice and
agreement of counsel, stenographically reported by Mary
Ann Payonk, Shorthand Reporter and Notary Public, CA CSR
No. 13431.

All attorneys participating in this deposition
acknowledge that the reporter is not physically present
in the deposition room and there is no objection to the
oath being administered remotely.

1 APPEARANCES:

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16 ALSO PRESENT:

17 Allyson Salud, videographer

18 Erica Gimbel, Bluebear Law

INDEX TO EXAMINATIONS

DEPONENT	PAGE
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DR. HENRY H. HOUH, Ph.D.	
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Examination by Attorney Schreiner	6
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INDEX TO REFERENCED EXHIBITS

Exhibit No. 1001	12
------------------	----

Exhibit No. 1002	17
------------------	----

Exhibit No. 1003	26
------------------	----

Exhibit No. 1004	45
------------------	----

Exhibit No. 1005	46
------------------	----

Exhibit No. 1006	48
------------------	----

Exhibit No. 1007	47
------------------	----

Exhibit No. 1008	49
------------------	----

Exhibit No. 1009	49
------------------	----

Exhibit No. 1012	50
------------------	----

1 THE VIDEOGRAPHER: We are going on the record.
2 The time is now 9:30 AM Eastern Standard Time. Today's
3 date is January 30, 2025.

4 This begins the remote video-recorded
5 deposition of Dr. Henry Houh in the matter of
6 Aylo Freesites LTD v. WellcomeMat LLC filed in the
7 United States Patent and Trademark Office before the
8 Patent Trial and Appeal Board.

9 I will be recording this deposition remotely
10 and the reporter will swear in the witness remotely
11 pursuant to Federal Rules of Civil Procedure and the
12 stipulated deposition protocol in this case.

13 My name is Allyson Salud and I am with
14 BlueBear Solutions. Our court reporter is Mary Ann
15 Payonk.

16 Counsel, please identify yourselves and state
17 whom you represent.

18 ATTORNEY SCHREINER: Steve Schreiner. I'm the
19 taking attorney on behalf of the patent owner,
20 WellcomeMat.

21 ATTORNEY YAM: Stephen Yam of Venable LLP on
22 behalf of petitioner Aylo. With me is Ian Pacquette and
23 Jonathan Sharret, also of Venable. I also note that we
24 have the realtime feed up but it doesn't seem to be
25 updating on our end. Is that something that's --

1 ATTORNEY SCHREINER: It's working on this end.

2 ATTORNEY YAM: All right, let me -- I'll try
3 reconnecting. Thanks.

4 THE VIDEOGRAPHER: Are there any stipulations
5 or announcements from either party?

6 ATTORNEY SCHREINER: Not on this end.

7 THE VIDEOGRAPHER: Court reporter, please
8 swear in the witness.

9 THE REPORTER: Yes. Because I'm a California
10 reporter, I must first state my name, Mary Ann Payonk,
11 and my California license number is 13431. I will now
12 swear the witness.

13 DR. HENRY H. HOUH, Ph.D.,
14 called as a witness, having been duly
15 sworn, was examined and testified as
16 follows:

17 EXAMINATION

18 BY ATTORNEY SCHREINER:

19 Q. Good morning, Dr. Houh.

20 A. Good morning.

21 Q. How are you today?

22 A. I'm well, thank you. How are you?

23 Q. Thank you. Good, well.

24 Can you please state your name for the record.

25 A. My name is Henry Houh. That's spelled

1 H-O-U-H.

2 Q. And what is your residential address?

3 A. I live at 15 Ballard Terrace, with a B, as in
4 Bravo, in Lexington, Massachusetts.

5 Q. And your business address?

6 A. I work from home.

7 Q. And do you understand you're under oath?

8 Correct?

9 A. Yes.

10 Q. Is there any reason you can't give truthful,
11 complete, and accurate testimony today?

12 A. No.

13 Q. Are you under the influence of any sickness or
14 medication that will impair your ability to give
15 accurate, complete testimony today?

16 A. No.

17 Q. Approximately how many times have you been
18 deposed in connection with legal matters?

19 A. I've long lost count, but it's probably around
20 200 times.

21 Q. How many of those depositions were in
22 connection with patent matters?

23 A. Almost all of them.

24 Q. So nearly 200 depositions in connection with
25 patent matters?

1 A. That sounds about right, but I don't have the
2 exact count.

3 Q. Understood.

4 How many depositions have you sat for in
5 connection with IPR matters or PTAB matters?

6 A. I would say probably about three-quarters
7 of -- of my depositions are with respect to IPRs.

8 Q. So something in the neighborhood of 150
9 depositions in connection with IPRs?

10 A. Sounds about right. I -- I'm just kind of
11 estimating that.

12 Q. Understood.

13 How many depositions have you -- strike that.

14 How many IPR depositions have you sat for
15 where you were acting on behalf of a patent owner?

16 A. It's hard to estimate by number of
17 depositions, but I'd say about 10 percent of my IPR case
18 work, roughly, is with patent owner. Maybe 10 to
19 15 percent.

20 Q. So 85 to 90, 95 percent of your work, IPR work
21 is in connection with petitioners?

22 ATTORNEY YAM: Objection, form.

23 A. I mean, that's my best estimate.

24 Q. Sure.

25 Are you currently acting as an expert on

1 behalf of any patent owner?

2 A. For IPRs, I have been, yes. I think I have
3 some active matters, a couple of them probably for
4 patent owner.

5 Q. And how long have you been -- strike that.
6 What percentage of your work life is dedicated
7 to expert services?

8 A. Well, I sold the business about two, three
9 years ago, and since then, it's -- it's -- my -- I'm
10 only doing this expert witness work.

11 But before then, maybe I was spending a --
12 over -- over a period of 10, 12 years, probably a third
13 of my time on average on this other business.

14 Q. Okay. So the last two or three years you've
15 been spending 100 percent of your time on expert work.

16 Is that fair to say?

17 A. Of my professional, yeah, work-work, I suppose
18 that's fair.

19 Q. And for the 10 -- 10 to 15 years prior to
20 that, about two-thirds of your work life was dedicated
21 to expert services?

22 A. Yeah, on average over those 10 or 12 -- 10 to
23 12 years.

24 Q. Okay, understood.

25 And did your expert work start with -- strike

1 that.

2 Did your expert work start in roughly the 2009
3 period when you established Houh Consulting?

4 A. I -- I think I was doing a little bit of work
5 before then, but then I -- I incorporated at the time.

6 Before then, I was working as a -- just a --
7 a -- my individual, and I had some cases. But after a
8 few years, I -- I set up that corporation.

9 Q. When did you start doing expert services work?

10 A. Well, the first case I got, I was working at a
11 consulting company, BBN. And we got an expert case
12 through there so I started working on that, I -- I think
13 around 2006 or 2007. And that was the first case I got.

14 But I was working, you know, at a bigger
15 company doing that. It was -- BBN was a -- mostly an
16 R&D company, mostly the recipient of federal government
17 grants for advanced research and development. But
18 somehow, we landed a -- a -- a legal case, and that was
19 the first case I worked on.

20 Q. In a prior life, I was an engineer doing
21 antisubmarine warfare and I did a lot of work with BBN,
22 and there were a lot of smart people there.

23 A. Yeah, I think there -- there still are. It
24 was a fun place to work. I really enjoyed it.

25 Q. So you've been doing expert services work for

1 something in the neighborhood of 18 years?

2 A. Sounds about right. It started out very --
3 you know, just with a case here and there, though.

4 Q. Right, understood.

5 Just as a bookkeeping matter, I just want to
6 confirm that -- I know you've got a computer there.

7 The only application you have opened is the
8 Zoom application.

9 Is that correct?

10 A. I think I opened Adobe Acrobat, but there's
11 no -- no documents open in that.

12 Q. Sure, that's fine.

13 And if we can stick to that protocol, I'd
14 appreciate that.

15 A. Sure.

16 Q. I'm going to try to make my questions clear
17 today. If I ask you a question that's not clear, you
18 know, feel free to ask me to rephrase it.

19 Does that make sense?

20 A. Yes. Thank you.

21 Q. And when I ask you technical questions or
22 questions about the alleged prior art, do you understand
23 that time -- the relevant time frame is the May 2006
24 time frame, which is the asserted priority date of the
25 '286 patent at issue in this IPR?

1 A. I mean, it sounds about right. I don't have
2 the date memorized, but I can look at the patent or I --
3 I'll -- I'll take your word for it.

4 ATTORNEY SCHREINER: Sure. Allyson, if you
5 can go ahead and share Exhibit 1001, it's the '286
6 patent.

7 (Exhibit No. 1001, previously marked, was
8 referenced and indexed.)

9 THE WITNESS: I -- I have some printed copies
10 in a binder here. They're all clean. Can I refer to
11 those as well when necessary?

12 ATTORNEY SCHREINER: Yeah, I'm fine with that
13 as long as you affirm that they're not marked -- none of
14 those documents are marked up in any way.

15 THE WITNESS: Oh, they're not. And actually,
16 I don't --

17 ATTORNEY YAM: Stephen, the only paper copies
18 Dr. Houh has are his two declarations.

19 ATTORNEY SCHREINER: Oh, I see.

20 ATTORNEY YAM: We're happy to print out paper
21 copies of additional exhibits if -- if you're fine with
22 that on your end.

23 ATTORNEY SCHREINER: Yeah, I'm fine with it.
24 It's -- it's up to you, Stephen. If you guys want to
25 take a few moments and print some of these out,

1 that's -- I'm okay with, you know, taking a short break
2 to do that.

3 ATTORNEY YAM: Okay.

4 ATTORNEY SCHREINER: Or if Dr. Houh can work
5 with the electronic copies, we can proceed that way.
6 I'll leave it up to you guys.

7 ATTORNEY YAM: Yeah, I'll -- I'll leave it up
8 to the witness, since it's his deposition.

9 ATTORNEY SCHREINER: Right.

10 THE VIDEOGRAPHER: Mr. Schreiner, did you want
11 to mark this exhibit?

12 ATTORNEY SCHREINER: It's -- it's premarked as
13 Exhibit 1001.

14 THE VIDEOGRAPHER: Perfect. Thank you.

15 THE WITNESS: I just want to make clear. I --
16 I understand there's two IPRs here. I think this is
17 1001 to both, right?

18 ATTORNEY SCHREINER: Correct. And I'm -- I'm
19 glad you mentioned that.

20 BY ATTORNEY SCHREINER:

21 Q. So when I refer to exhibits or when I refer to
22 your expert declaration, I'm going to be referring to
23 the -- the documents from IPR2024-00710, the first IPR
24 that was petitioned.

25 Does that make sense, Dr. Houh?

1 A. Sure, yes. Thank you.

2 ATTORNEY SCHREINER: Stephen, do you want to
3 just proceed with the electronic copies, or did you want
4 to -- did Dr. Houh want to print some of these out?

5 THE WITNESS: This is fine.

6 ATTORNEY YAM: We can proceed with the
7 electronic copies for now. If we encounter any issues,
8 we can address it at that point. Thank you.

9 ATTORNEY SCHREINER: Sure.

10 BY ATTORNEY SCHREINER:

11 Q. Dr. Houh, you see Exhibit 1001, the '286
12 patent?

13 A. Yes.

14 Q. And on the first page, do you see that there's
15 an assertion to a provisional application May 7, 2006?

16 Do you see that?

17 A. Yes.

18 Q. Do you understand that to be the asserted
19 priority date for the '286 patent?

20 A. Yes, I see that in -- in my declaration for
21 the 710 matter. I say that in paragraph 57.

22 Q. Okay. So getting back to my original
23 question, so any questions I ask you about the -- the
24 prior art or any technical questions, you understand
25 that you'll be answering from the perspective of a

1 POSITA in the 2006 time frame.

2 Does that make sense?

3 A. Yeah, that's -- that makes sense. That's the
4 perspective of a POSITA I take from at the time of the
5 invention, which is the -- I understand that that's the
6 date that the patent claims priority to.

7 Q. For this IPR2024-00710, who are you
8 representing?

9 A. Well, I've been retained by Aylo Freesites in
10 this matter.

11 Q. And you've been retained by them to do what?

12 A. To --

13 ATTORNEY YAM: Objection, form.

14 A. To provide my opinions about the patentability
15 of -- of the '286 patent.

16 Q. And the opinion that you provided Aylo is that
17 all of the claims of the '286 patent are unpatentable.

18 Is that correct?

19 ATTORNEY YAM: Objection, form.

20 A. It's the opinions I provided in the
21 declaration that -- that's submitted in this matter.

22 Q. And that is your opinion in the declaration,
23 that all of the asserted claims in the '286 patent are
24 unpatentable. Correct?

25 A. All the challenged claims in both matters

1 are -- are -- in my opinion, they're unpatentable.

2 Q. And that's the opinion you provided on behalf
3 of Aylo. Correct?

4 A. Well, I submitted the declaration and I'm
5 retained by Aylo, but those are my -- those are my
6 opinions. They're not -- they're -- they're formed by
7 my independent analysis.

8 Q. How much is Aylo paying you to be their
9 expert?

10 A. My rate in this matter is 650 an hour.

11 Q. And is that a straight 650 or does it depend
12 on whether you're giving testimony, for example?

13 A. It's the same for the time that I -- that's
14 my -- that's my rate for my time of --

15 Q. All right.

16 A. -- independent of what -- what it depends for.

17 Q. And what's your definition of a POSITA for
18 this IPR matter involving the '286 patent? And feel
19 free to look at your expert declaration at paragraphs 57
20 through 58.

21 ATTORNEY YAM: Steve, since we're referring to
22 the declaration, do you want to enter that into the
23 record?

24 ATTORNEY SCHREINER: Yeah, thank you, Stephen.
25 Yeah, let's go ahead and share the expert declaration,

1 which is Exhibit 1002. It's the expert declaration of
2 Dr. Houh.

3 THE WITNESS: Yeah, so I see it. I have it
4 loaded now and downloaded.

5 (Exhibit No. 1002, previously marked, was
6 referenced and indexed.)

7 BY ATTORNEY SCHREINER:

8 Q. And what's your -- what's your understanding
9 of the definition of a POSITA for this matter?

10 A. This is the 710 declaration for the matter
11 ending in 710, but it's a -- slightly different
12 paragraph numbers than what you had said earlier.

13 In paragraph 59 and 60, my -- the -- the
14 POSITA, in my opinion, was -- would have had at least a
15 bachelor's degree in electrical engineering, computer
16 engineering, or computer science, or the equivalent
17 degree, plus approximately two years of work experience
18 with technologies relating to video annotation, book --
19 slash, bookmarking and/or video navigation. A higher
20 level of education or specific skill might make up for
21 less experience, and vice versa. So that was -- that
22 was my definition --

23 Q. What is --

24 A. -- in my opinion.

25 Q. What is video annotation/bookmarking?

1 ATTORNEY YAM: Objection, form.

2 A. Well, I think it includes things like the
3 ability to mark a place in a video which -- to jump to
4 or start playing and also add -- add information to the
5 video.

6 Q. When you say add information to the video, can
7 you elaborate, elaborate on that a little bit?

8 ATTORNEY YAM: Objection, form.

9 A. Sure. So one might annotate a video by adding
10 some text or maybe closed captioning information to a
11 video that doesn't have it, for example. And those,
12 I -- I think encompass are -- or are examples of -- of
13 annotating a video.

14 Q. And would that information that's being added,
15 would that be part of the video annotation/bookmark?

16 ATTORNEY YAM: Objection, form.

17 A. I mean, there could be some overlap between
18 those, but I wouldn't say it necessarily have to -- have
19 to be used that way. Depends on how things are used.

20 Q. Is there a difference between video annotation
21 and bookmarking?

22 A. I mean, I think a bookmark, for example -- I
23 mean, they're different words so I think they probably
24 encompass different meaning -- they encompass different
25 meanings.

1 Q. Can you explain what different meanings they
2 encompass? They're in your definition of the POSITA.

3 A. Well, as I said, an example of bookmark would
4 be something you could use to mark the video so that it
5 could be jumped to at some point, kind of like when you
6 bookmark a page in a book, the expectation is that
7 you'll use the bookmark to quickly flip to that page,
8 whereas if I write in the book's margins, it's --
9 they're simply, you know, in the margins and you
10 wouldn't necessarily use those annotations to flip open
11 the -- the book to a particular page.

12 So by way of analogy, I think that's --
13 there -- they could -- they could be overlapping. You
14 could add annotations to a bookmark, but the -- the
15 meanings -- the words are different and so the -- they
16 don't necessarily -- there may be some overlap, but
17 they're -- they're -- depending on how things are used.

18 Q. Can you explain for me what the difference is
19 between video annotation and bookmarking?

20 ATTORNEY YAM: Objection, form. Asked and
21 answered.

22 A. So as I mentioned earlier, a -- bookmarking a
23 video would include things like creating a -- a point at
24 which could be used to jump to a particular place in a
25 video.

1 And an annotation is simply some additional
2 data added to the video, such as maybe a note, a text
3 note added to a certain place in the video, or maybe
4 closed caption information for videos that were not
5 captioned previously to add some captioning information.
6 That would be a form -- an example of a form of
7 annotation.

8 Q. So am I correct to understand that closed
9 captioning would be an example of a video annotation
10 that is not a bookmark?

11 ATTORNEY YAM: Objection, form.

12 A. If the caption information, you can't click on
13 it to go jump to a place, then I would say it's -- it's
14 not a bookmark.

15 Now, I've worked on an application before
16 where we ran -- ran a -- the audio of a video through
17 a -- a speech-to-text engine and we created a pseudo
18 transcript where you could click on each word and jump
19 to the word where it was spoken in the video.

20 And so I would say in that case, then those --
21 you know, what we did there was -- was overlapping in
22 the sense that each of the words that were annotations
23 to the video could be used to jump to a location in the
24 video.

25 So in that sense, that meaning there, those

1 words were both annotations and bookmarks. So it
2 depends on again how things are used.

3 Q. So a bookmark as you're describing it enables
4 the user to navigate to a location in the video by
5 selecting the bookmark?

6 ATTORNEY YAM: Objection, form.

7 A. I think that's an example of what I was
8 saying, which is it allows you to jump to a certain
9 location in a video. And that's an example of what
10 would be considered a bookmark.

11 Q. Is jumping to a location in the video, is that
12 navigating?

13 ATTORNEY YAM: Objection, form.

14 A. I think that would be one example of -- of
15 something that would be considered navigating in that
16 time frame.

17 Q. Are there any other examples of -- of
18 navigating using a bookmark other than what you describe
19 as jumping to a location in the video?

20 A. Sorry, could you repeat the question, please?

21 Q. Sure.

22 Are there any other examples of navigating
23 using a bookmark other than what you describe as jumping
24 to a location in the video?

25 ATTORNEY YAM: Objection, form.

1 ATTORNEY SCHREINER: Let me just withdraw the
2 question and clarify. I'm trying to understand.

3 Q. You've referred to jumping to a location in
4 the video, and we've talked about the term navigating,
5 and I'm just trying to understand the relationship
6 between those two terms as a POSITA would understand it
7 in the art.

8 It sounds like you're using jump kind of --
9 kind of like in the vernacular, and I'm just trying to
10 understand does that correspond to navigating. So let
11 me -- with that kind of background, let me just rephrase
12 the question.

13 When you talk about jumping to a location in
14 the video, is there any other example of navigating
15 other than jumping, as you described it?

16 ATTORNEY YAM: Objection, form.

17 A. Well, I -- I mean, some -- many videos have
18 these things called scrubber bars, which is a little bar
19 that you can -- that indicates a current position in the
20 video. And, I mean, if you slide the bar around, it can
21 cause the video to navigate to certain points.

22 And I don't know if you consider that a jump
23 or not, but that -- that's a different way to navigate
24 within a video that I wouldn't say is a bookmark.

25 Q. Sure.

1 Could you spell that? You scrubber bar?

2 A. Scrubber, as it's sometimes known, S-C, like
3 S-C-R-U-B-B-E-R, like -- like scrubbing a pot. That's a
4 word that's been used for some time, I think. Or it --
5 sometimes it's known as a slider bar or a progress bar.
6 I mean, I guess it -- I -- I've heard it referred to by
7 a number of different names, but yeah, so any -- any of
8 those kind of refer to the same control.

9 Q. What professional experience do you have --
10 strike that.

11 What experience do you have personally in
12 creating video annotations/bookmarks?

13 A. So back in the '90s when I was working as a
14 research assistant at MIT, as part of my graduate
15 studies our group built a full video system. We built
16 the hardware to capture a video. We built the -- the
17 hardware part of that was extracting closed caption from
18 the -- the video.

19 That was my officemate who built that, but it
20 was the group's overall project to -- to -- we built a
21 high-speed network to carry the video. I built the
22 links and network interfaces to -- and wrote the drivers
23 to get that data into the computer from our custom-built
24 network devices.

25 And then we had a toolkit that could do

1 software processing of the video, and I programmed
2 applications in that toolkit that would display the
3 video, including the closed captioning information if --
4 if it was present in the original video.

5 There -- the toolkit allowed -- allowed the
6 creation of -- of -- of -- of bookmarks and had a -- had
7 tools to show, like, keyframes from bookmarked locations
8 within the video so that you could click on them in a --
9 like, if you designed the -- the interface.

10 And we had -- we had many such interfaces
11 that -- that were demonstrated, and we wrote papers
12 about that, that you could click on the -- the keyframe
13 and -- and jump to the location in the video indicated
14 by the keyframe and -- and the -- and the data
15 associated with the keyframe.

16 We had a little progress bar too. I think --
17 I think you could use that to -- to -- to navigate
18 through the video as well.

19 So that's -- that's -- that's in the '90s
20 starting probably in around 1993, '94 time frame. I
21 worked on that throughout my graduate studies.

22 One of my jobs I had after that was -- was
23 kind of what I described. I worked at -- at BBN. We
24 set up a -- a little spinout company called PodZinger
25 that we -- we actually did spin out.

1 So some of the work I did while I was at BBN,
2 some of it, I -- I think after we -- we spun out
3 PodZinger into a separate company that -- that -- we
4 created a -- a search index for video and audio so that
5 you could search through the contents of the video and
6 audio using spoken words within the video and audio as
7 opposed to just metadata that were titles that were
8 associated with the video and audio.

9 And so you could find every occurrence of
10 certain words within our search index for all the video
11 we had -- and audio we indexed.

12 And we -- we built a -- a -- I guess a spider
13 that -- that -- that crawled the web and found video and
14 audio. In -- in particular, we started with podcasts
15 and we -- we added those to our index. And I -- I was
16 the chief technologist for PodZinger at the time, helped
17 build out the whole back-end system for speech
18 recognition and -- and -- and plowing the web to search
19 for video and audio.

20 And then the interface that was provided, we
21 generated the pseudo transcript for each of the, you
22 know, video or audio podcasts and other content we
23 found, and we created a -- a time-based index so when
24 you looked at the pseudo transcript of the video, any of
25 those words you could click on in the web interface and

1 the video would immediately navigate to -- to exactly
2 where that word was spoken.

3 So -- so in that sense, you might say that
4 each of the words in our pseudo transcript was acting
5 also as a -- as a bookmark that a user could click on to
6 immediately jump to a location in a video or an audio
7 file.

8 What else? I think -- I think those are the
9 two big projects that come to mind. And -- and that,
10 the PodZinger effort we did must have been around 2006
11 or '07, '05, 2005, '06 or '07 time frame. I -- I don't
12 remember exactly when we started. I think it's listed
13 in my CV.

14 ATTORNEY SCHREINER: Yeah, let me -- let me
15 check that. Allyson, can we enter Exhibit 1003, it's
16 Dr. Houh's CV, and share that on the chat.

17 (Exhibit No. 1003, previously marked, was
18 referenced and indexed.)

19 BY ATTORNEY SCHREINER:

20 Q. Do you have access to your CV, Exhibit 1003,
21 Dr. Houh?

22 A. Yes, I downloaded it and it's open in Acrobat
23 now. Yeah, if you look at page 3 of 13 at the very top,
24 I guess it was 2006.

25 Q. And what was -- what was the name of the

1 product you developed that crawled the web and performed
2 speech-to-text recognition?

3 A. Well, the first name we had was PodZinger, so
4 you go to podzinger.com. And I think it -- it changed.
5 It became RAMP at one point, it -- it became EveryZing
6 at one point. So there were a few names over -- over
7 time. I think those are -- oh, yeah. It says right
8 there EveryZing and -- and now RAMP.

9 So the original -- the original podcast and
10 video/audio search index was called podzinger.com, and
11 that was the name when we launched the first
12 demonstration.

13 Q. And that was -- I'm sorry, go ahead.

14 A. Oh, sorry. It was a publicly available
15 website, and we went on a press tour of sorts and so
16 there's, you know, YouTube videos and press articles
17 about PodZinger.

18 Q. And --

19 A. And we might have even -- we might have -- we
20 might have even won an award from maybe Forbes, like
21 Forbes' favorite video search engine. I think we even
22 beat out Google at the time.

23 Q. Yeah, that's a pretty cool product.

24 So that was before your time at BBN?

25 A. That was during my time at BBN. That was part

1 of the work I did at BBN. BBN was known to have -- was
2 a leader at the time in -- in speaker-independent logic
3 vocabulary speech recognition so part of my role at BBN
4 was to look at the various technology that BBN had
5 developed and figure out a commercialization path.

6 So what we decided to do is take the BBN
7 speech recognition software and apply it to -- to video
8 and audio search on the web at the -- at the time where
9 the web was really pretty popular, but at a time
10 where -- where podcasts in particular were growing in
11 popularity and there was no real way to search them
12 other than through, you know, the -- the -- the
13 description of the podcast that people would write up.

14 And so we kind of -- and our goal was to kind
15 of unlock the -- the content and -- and make more of the
16 video and audio searchable using BBN speech recognition.
17 And that was spun out as a separate company eventually.

18 Q. Do you know when the PodZinger application was
19 first operational?

20 A. I am not totally sure, but I know that we went
21 to the Consumer Electronics Show. And I don't remember
22 if that was early 2006 or early 2007, that we did a
23 press tour. I mean, I have some of the videos and --
24 and -- somewhere, or links to them, but I -- I -- I
25 don't know offhand which -- which year it was, actually.

1 I mean, it says -- it says on my CV 2006, so
2 if that's true, we probably launched it, you know, in
3 2006. And -- and -- and I think I mentioned the press
4 tour. We did a press tour at the Consumer Electronics
5 Show one year. And again, I don't remember if that
6 was -- it could have been 2006 January time frame. I
7 think that's when CES is.

8 Q. You say you -- you think you might have
9 launched it sometime in 2006. Is that about as specific
10 as you can get based on your recollection today?

11 A. Well, it looks like the spinout was in 2006,
12 which -- which I -- that -- that -- I think we did the
13 press tour when we were still part of BBN. So best of
14 my recollection, it was January 2006 we went to
15 Las Vegas and -- to the CES and did -- did a press tour.

16 Q. And when you went to CES, did you have an
17 operational PodZinger app?

18 A. Yes, I believe we did. It was publicly
19 available, because I remember one thing we did was we --
20 got a laptop with a mobile data adapter so we could surf
21 the web from our laptop. And we -- we -- we actually
22 rented a limo and we -- we -- we -- to do the press
23 tour, we offered to pick people up at the CES, reporters
24 and stuff, and give them a roadshow while we drove them
25 to the hotel. That way, they didn't have to wait an

1 hour in the cab line, which I -- you know, was a fun
2 thing to do. And we actually literally gave demos on a
3 laptop while we were driving reporters to their hotels.

4 And at that time, the website was publicly
5 available. And again, to the best of my recollection,
6 that would have been the Consumer Electronics Show in
7 2006.

8 Q. Were the demos done in the limo?

9 A. Yes. Yeah, that was -- that was the whole
10 idea is that we would do the, you know, interview and
11 talk to reporters while we were driving them to the
12 hotel. And they would save a bunch of time and we'd get
13 an interview with the reporters.

14 And -- and we did that, you know, the --
15 the -- all day the day of, you know, the start of -- you
16 know, at the beginning of the CES. And we did that
17 during the Consumer Electronic Show as well.

18 Q. That's -- that's pretty -- that was pretty
19 clever. When in Vegas, right?

20 A. Yeah, it was the one in Vegas where there's,
21 you know, I don't know, 100,000, like, a lot of people.
22 And you get there and the cab line is super, super
23 long --

24 Q. Right.

25 A. -- so yeah.

1 Q. You talked about the prior work you did in the
2 '93, '94 time frame, and you described a system that
3 would capture video and extract closed captioning
4 information and that it had capability, a toolkit for
5 creating bookmarks.

6 Is that correct?

7 A. Yes, that's right.

8 Q. What was the -- the video that you were
9 inputting to that system?

10 A. Well --

11 ATTORNEY YAM: Objection, form.

12 A. -- we had a satellite dish, so we -- we had a
13 number of satellite channels that we input. And in
14 particular, there was one undergraduate who used the
15 system, and he did create what was known as the joke
16 browser.

17 And we basically recorded it -- was Jay Leno
18 and David Letterman, the monologues. And he used the
19 caption information to break the monologues into
20 individual jokes, so -- so -- and then he wrote a -- an
21 application in -- in -- using our toolkit known as the
22 joke browser. He called it the joke browser, and as a
23 way that -- it -- it actually put bookmarks for each of
24 the beginning of each joke.

25 And so now you had a -- you had the monologues

1 broken down by individual jokes. And you could jump
2 around to pick the joke. You could search the index of
3 Leno and Letterman. Back -- back at that time, Bill
4 Clinton was the President so you could search for all
5 the jokes that -- where they said "Clinton," and it
6 would list all the jokes in the -- in the interface as
7 the -- as the search results. And you could click on
8 them and listen to each joke individually.

9 So that's -- that -- and he won, actually, the
10 best undergraduate thesis prize that year for -- for his
11 joke browser. And that was created using our toolkit
12 and so that's an example of the applications that could
13 have been -- that were -- were actually written using --
14 using the -- using the hardware and software that our
15 group developed.

16 Q. And were you involved in coding the toolkit?

17 A. No. There was another graduate student whose
18 thesis was on -- a couple of them, actually, was on the
19 software of the toolkit. But we -- we all used the
20 toolkit to create our own applications.

21 And -- and, of course, we -- we had
22 discussions. You know, we -- we worked together so we
23 kind of knew -- you know, we talked about -- you know,
24 we knew each other, what each other's projects were in
25 more detail than if you just were a user and not part of

1 our group.

2 The whole software was available publicly.
3 We -- I think we put it all on an FTP site. All our --
4 or most of our papers referred to, you know, how to
5 get -- get our software and things like that.

6 Q. Did you use the toolkit to create bookmarks
7 yourself?

8 A. Yeah. I mean, we all did. I don't remember a
9 specific application, but -- but it was all part of the
10 kind of work the group did.

11 Q. Right. So did you use the toolkit personally
12 to create bookmarks and videos?

13 A. Yeah, I think that I did. I -- I don't
14 remember specific applications, but we all played around
15 with the toolkit to -- to learn its capabilities and --
16 and -- and create simple applications quickly.

17 I mean, you could literally create these
18 applications in a few minutes using -- using the
19 toolkit, and so I -- I experimented and used the
20 toolkit, all the, you know, various capabilities. I
21 don't remember all the exact applications I -- I -- I
22 did, but -- but, I mean, everyone used -- everyone in
23 our group pretty much used the toolkit.

24 Q. Was the toolkit used to create bookmarks that
25 included annotation information?

1 ATTORNEY YAM: Objection, form.

2 A. Yeah, I -- I -- I don't remember -- I -- I --
3 I remember the -- like, looking at -- I forget what
4 they're called, VS Mark Files or something like that.
5 And I -- I know it had some information in there. I
6 can't remember everything, but I think the -- that was
7 one of the underlying data structures used to -- to hold
8 some of the annotation information and the bookmark
9 information.

10 I believe it had, you know, a text description
11 or something that could be added. I don't -- I don't
12 remember all the details now, but -- but -- but there's
13 a bunch of demos out there and papers about this that
14 describe things in more detail.

15 Q. So the bookmarks created in connection with
16 that application would allow a user to navigate to the
17 associated locations in the video.

18 Is that correct?

19 A. Yeah, if the application supported -- like, if
20 that was part of the application that was ran yes, then
21 these -- these -- these -- these -- this supplemental
22 information could be used to -- to jump to and then
23 display also in a pane showing keyframes from the video
24 at the locations of -- of all the -- the bookmarks.

25 I don't think we called them bookmarks. Might

1 have called them marks. Yeah, the VS Mark File. Maybe
2 that was short for bookmark, I don't -- I don't know. I
3 don't remember.

4 But that -- that's one -- one of the data
5 structures that I can remember that can be -- could be
6 used to, with the right control, if you added the right
7 control to your -- to your video application, it would
8 show -- it would load -- load this metadata. And then I
9 think it would use the metadata to extract the keyframe
10 from -- from that location of the video, so as a -- as a
11 preview pane as part of a -- as part of a bookmark or --
12 or playlist in the -- in the interface.

13 And if you clicked on that particular
14 thumbnail, which had some data underneath, which I --
15 might have been the time, might have been the short text
16 description as well. I mean, then you -- you could --
17 you would jump the video to that location in the -- in
18 the underlying video file or -- or a specific video
19 file.

20 Q. Was the input to this system MPEG transport
21 streams?

22 A. No, it was not. We -- we basically took
23 analog video feeds from the satellite tuner and fed them
24 into a -- a custom-built video capture board that
25 converted an analog NTSC signal into a -- a raw -- a --

1 a raw -- raw video, which was not MPEG compressed.

2 So this was -- at this time, it was '93, '94.
3 It was, I think, well before people were transmitting
4 digital video streams over -- over satellite, even.

5 And one other application we -- we did was
6 we -- we basically recorded, I think, CNN News all the
7 time, and we broke the CNN -- well, not all the time. I
8 think we picked a few times a day to record the whole
9 half-hour segment. And the latest half-hour segment of
10 CNN was always available as demonstration on our
11 website, and we were able -- we also were able to break
12 up the CNN News 30-minute episode into, you know,
13 headline news, business news, sports news, so you could
14 jump to just those segments in the CNN News broadcast.

15 I don't remember what times we did, but some
16 of the -- some of the news segments were closed
17 captioned but not all of them were. I know we picked at
18 least some, you know, that were -- that were closed
19 captioned.

20 Q. So you indicate that you took an NTSC analog
21 input and you converted it to raw digitized video.

22 Is that correct?

23 A. Yes.

24 Q. Okay. I guess digitized video and audio.

25 Is that correct?

1 A. It included audio as well. And we extracted
2 the closed caption information if there was some present
3 in the analog NTSC signal.

4 Q. How was that raw digitized video and audio
5 encoded?

6 A. I think it was literally just, you know, maybe
7 3 bytes per pixel for the full, you know, 640-by-480
8 video frame. And it was literally just packed into ATM
9 cells and -- and streamed to the computer requesting the
10 video. And so it wasn't compressed, I don't think,
11 in -- in any way, and certainly not MPEG compressed.

12 Q. So basically just post-coded modulation
13 encoded video and audio per pixel?

14 A. Yeah, I don't remember how many. It might
15 have been 3 bytes per pixel or it might have been the --
16 the color might not be -- I -- I don't know if it was
17 RG -- I don't remember the exact details.

18 I mean, I think my officemate did his, I
19 think, master's thesis on that board that he -- he
20 designed. The details may be in there. But we
21 basically took -- it was raw video uncompressed,
22 effectively, which -- so one or more bytes per pixel is
23 what we got at the computer. And then the -- the
24 toolkit would operate on that form of video, basically
25 raw, you know.

1 And -- and it would be -- it -- it was -- it
2 was -- there's no differential compression. You know,
3 every frame was independently captured and -- and sent
4 upon request to the -- the computer that was capturing
5 the video.

6 Q. Got it.

7 You referred before to the keyframe from a
8 location in the video.

9 What is a keyframe?

10 ATTORNEY YAM: Objection, form.

11 A. So in -- in -- in our system, that -- that
12 keyframe was basically a -- a small -- smaller thumbnail
13 representation of -- of part of video at a certain part
14 in time in the video.

15 So I mean, you -- you know, to date -- so, I
16 mean, the keyframes are meant to represent in some
17 manner the video at a certain point in time. It doesn't
18 have to come from exactly that time of the -- of, you
19 know, where the -- the -- the exact start time of -- of
20 our VS Mark, bookmark, but I -- we may have just done
21 that. But keyframes refer to things that -- that could
22 come from a different point in time as well, oftentimes.

23 Q. Can you explain the relationship between a
24 keyframe and a bookmark?

25 ATTORNEY YAM: Objection, form.

1 A. A -- a keyframe is -- is a -- a visual
2 representation of what might be contained at the point
3 in time represented in the bookmark or -- or shortly
4 thereafter or at -- at some point.

5 It could be -- it could be any image, I
6 suppose, but the idea is you -- you want to be -- get a
7 quick visual glance of -- of what -- what the video
8 starting at that bookmark -- bookmarked time contains.

9 So in our system, for example, with CNN,
10 the -- the -- we -- we would actually be able to segment
11 it down to the, you know, CNN at the time in the early
12 '90s would -- would -- they'd have a very -- the exact
13 same graphic to indicate the start of its sport segment
14 and its business segment and it's headline news segment
15 and all those things.

16 So -- so by -- by creating a pointer to --
17 to -- a point in time where that -- that -- that visual
18 appears and -- and -- and -- and generating a -- a -- a
19 small image representation of the -- of the -- of the
20 video at that point, you literally could see that it was
21 headline news or sports or -- you could see that in
22 that -- that graphic --

23 Q. I see.

24 A. -- in the --

25 Q. So the -- the keyframe might be a thumbnail

1 showing the -- the sports headline teaser on CNN.

2 Is that about right?

3 A. That's about right. And then, you know, if --
4 sometimes you'd record -- yeah, I -- I remember things
5 like this where there was a sports game or -- or some
6 sort of summary and the teaser might be actually like a
7 segment with -- from the news clip itself.

8 And I -- I don't remember when I saw that.
9 That was -- I don't think that was the -- the standard
10 CNN video we -- we did, but we -- I -- I remember also
11 to the other keyframes, you know, I -- we had a couple
12 sports enthusiasts in it so they may have written apps
13 that further broke up the -- the -- the sports segments
14 into different clips for different teams.

15 I remember him specifically -- we talked
16 about, like, his idea for, you know, finding all the Red
17 Sox clips, you know, out of the news, for example, and
18 the different ways he thought of to -- to -- to -- to
19 determine whether they were talking about the Red Sox or
20 a different team.

21 So -- so there were a lot of different apps
22 that people wrote or thought about or we talked about
23 while -- while I was in that group.

24 Q. Is keyframe, is -- is that like a term of art
25 in that space or is that a term that you were using, you

1 know, as -- just as part of this particular project?

2 ATTORNEY YAM: Objection, form.

3 A. I -- I mean, I haven't really thought of it as
4 a -- if it is what I'd call a term of art, but I'm -- if
5 people refer to keyframe in video, oftentimes people are
6 referring to something that was very similar in -- so,
7 I -- I mean, it's a term that I'd certainly heard used,
8 but I hadn't thought as to whether it's -- I would call
9 it the term of art or not.

10 Q. Okay. About how much time did you spend
11 preparing for today's deposition?

12 A. Oh, probably a couple days' worth of time.

13 Q. More than 16 hours?

14 A. It was probably around there. Could have been
15 a little more. I don't have all the hours I, you know,
16 off -- I don't know offhand in my head how many, but it
17 was probably around -- roughly around there.

18 Q. How did you prepare for today's deposition?

19 A. Well, I reviewed my declarations, the patent,
20 the -- the prior art, and I met with the attorneys.

21 Q. And did you meet with the attorneys in person,
22 virtually, or over the phone?

23 A. I think both. Oh, sorry. Not over the phone,
24 but both in person and virtually.

25 Q. And which attorneys did you meet with in

1 connection with preparing for today's deposition?

2 ATTORNEY YAM: Caution the witness not to
3 reveal the substance of any attorney-client -- any
4 communication, but he can answer who was present at
5 these meetings.

6 A. I think it was Ian and Steve and Jonathan. I
7 think that's all. That's all I can remember at the
8 moment at -- at -- at various points in various
9 meetings.

10 Q. Okay. You've got a copy of your declaration,
11 Exhibit 1002. Correct?

12 A. For the 710 matter, I have that open on my
13 desktop.

14 Q. Describe for me how you prepared the
15 declaration, Exhibit 1002.

16 ATTORNEY YAM: Objection, form.

17 A. Yeah, I mean, I typically start by reviewing
18 the patent, prosecution history, and then -- I don't
19 remember the exact process for this case, but, you know,
20 I'm often given some -- some art to review that might
21 qualify as prior art, and I -- I probably had
22 discussions with the attorneys following that.

23 And then I might review some more. I might be
24 asked to do searching on my own. I don't recall exactly
25 what happened for this case. And then might have

1 further discussions, and then I might start a draft
2 report. And then there -- there's some back-and-forth
3 between the attorneys with edits and additions before
4 I -- I, you know, sign off and submit the report.

5 Q. Who prepared --

6 A. Or declaration.

7 Q. Sure.

8 Who prepared the first draft of this
9 declaration?

10 ATTORNEY YAM: Objection, form.

11 A. I -- I don't remember exactly. A lot of the
12 times, I -- I prepare the first draft.

13 Q. But you don't recall with respect to this
14 particular declaration?

15 A. I do too many of these and it -- it varies, so
16 I -- I just don't remember for any particular case.

17 Q. So this declaration is something like 284
18 pages, right?

19 A. That's how many pages there are in the PDF
20 file I have open.

21 Q. Is this a long declaration for you, you know,
22 based on your normal practice as an expert on behalf of
23 petitioners in IPRs?

24 ATTORNEY YAM: Objection, form.

25 A. I would say yes, it is on the longer side for

1 my typical IPR declaration.

2 Q. How long are declarations -- strike that.

3 Typically, how long are declarations that you
4 prepare for petitioners in IPRs?

5 A. I'd say typically, they're maybe about half
6 this size, 120, 140, 100 to 150, some -- something like
7 that. I -- I mean, I don't know. I'm just kind of
8 estimating based on, you know, ones I've looked at
9 and -- and recent ones too, but -- but yeah, this is --
10 this is longer, typically, than the typical one.

11 Q. Yeah, ours will be longer too so you can read
12 that.

13 You mentioned being given art to review.
14 Let's just go through the references that have -- that
15 you identified in your declaration one by one.

16 Do you recall the Gupta reference that you
17 discussed in your declaration? That's Exhibit 1004.

18 A. Yeah, yeah, I do recall that reference.

19 Q. How did you get the Gupta reference?

20 ATTORNEY YAM: Caution the witness not to
21 reveal the substance of any communication, but he can
22 respond as to how he received or acquired this
23 reference.

24 THE WITNESS: Could I take a look at the Gupta
25 reference?

1 ATTORNEY SCHREINER: Yeah, sure. Allyson, if
2 you can put in the chat room Gupta, it's Exhibit 1004.

3 (Exhibit No. 1004, previously marked, was
4 referenced and indexed.)

5 A. Yeah, I -- I don't remember exactly how I --
6 I -- I came to first see this, but it's quite possible
7 that I -- I'd seen this in other previous cases that
8 I've worked on because I -- I do a lot of similar cases,
9 especially in the video domain. So I -- I don't -- I
10 just can't recall where I got it from first.

11 BY ATTORNEY SCHREINER:

12 Q. Were you the person that identified Gupta as a
13 reference to be used in this IPR?

14 ATTORNEY YAM: Same caution.

15 A. I'm not sure how to answer that without --
16 with following the -- the instructions there.

17 Q. I -- I'm just asking were -- were you the
18 person that identified Gupta as a reference to be used
19 in this IPR, or did somebody else first identify Gupta?

20 ATTORNEY YAM: Same caution.

21 A. Yeah, I'm not sure how to answer that
22 without -- while following the caution.

23 Q. Yeah, I'm not asking you about the content of
24 any communications, I'm asking you were you the person
25 that first identified Gupta for this IPR or was it

1 somebody else? That's all.

2 ATTORNEY YAM: Same caution.

3 Q. And understand you have to answer the
4 question, Dr. Houh, unless your attorney instructs you
5 not to answer it.

6 A. For the purpose of this declaration, I don't
7 think I identified it.

8 Q. Your best recollection today is that somebody
9 else identified Gupta for this IPR. Correct?

10 A. That's the -- sure. That's the best
11 recollection I have at the moment.

12 (Exhibit No. 1005, previously marked, was
13 referenced and indexed.)

14 BY ATTORNEY SCHREINER:

15 Q. What about the -- the Fegan reference,
16 Exhibit 1005? And feel free to refer to your
17 declaration.

18 Did you -- were you the person that first
19 identified the Fegan reference for this IPR?

20 ATTORNEY YAM: Same caution.

21 A. Could I also get a copy of the Fegan too,
22 please?

23 Q. If you have it locally, just feel free to go
24 ahead and open it up.

25 ATTORNEY YAM: Dr. Houh has no copies of -- of

1 anything other than his two declarations.

2 A. Yeah. I don't have it, so could I take a look
3 at it? Could -- could it be provided in the chat?

4 Q. Yeah, sure. Let me pull it up.

5 ATTORNEY SCHREINER: Allyson, I did not upload
6 this document. I'm just going to go ahead and share it.
7 It's Exhibit 1005 to Fegan. It's U.S. Patent
8 Publication 2005/0144305.

9 THE VIDEOGRAPHER: Perfect. Thank you.

10 BY ATTORNEY SCHREINER:

11 Q. So I just shared it. Let me know when you
12 have it open, Dr. Houh.

13 A. I don't think I identified this for the
14 purpose of this IPR.

15 Q. So your recollection is that somebody else
16 identified Fegan to be used in this IPR. Correct?

17 A. Yes.

18 (Exhibit No. 1007, previously marked, was
19 referenced and indexed.)

20 BY ATTORNEY SCHREINER:

21 Q. I just shared another exhibit. It's
22 Exhibit 1007 to Sull. That's U.S. Patent Publication
23 2002/0069218. And the question's the same, Dr. Houh.

24 Did you identify Sull to be used in this IPR,
25 or was it somebody else?

1 A. I don't think I did.

2 Q. So somebody else had identified this Sull
3 reference to be used in this IPR. Correct?

4 A. Yes.

5 (Exhibit No. 1006, previously marked, was
6 referenced and indexed.)

7 ATTORNEY SCHREINER: And, Dr. Houh, I'm
8 sharing the Kim reference, which is Exhibit 1006,
9 U.S. Patent Publication 2005/0210145. Let me know when
10 you have that open.

11 THE WITNESS: I have it open.

12 BY ATTORNEY SCHREINER:

13 Q. Were you the person that identified the Kim
14 reference to be used in this IPR, or was it somebody
15 else?

16 A. I mean, it's possible I had been aware of this
17 from an earlier case, but I -- I don't recall
18 identifying it specifically for this case.

19 Q. So your best recollection today is that Kim
20 was identified by somebody else to be used in this IPR.
21 Correct?

22 A. That's the best I can remember right now.

23 Q. Sure.

24 ATTORNEY SCHREINER: Allyson, if we can go
25 ahead and share Exhibit 1008, Vasilevsky,

1 V-A-S-I-L-E-V-S-K-Y. It's a PCT publication, W0
2 03/067594.

3 (Exhibit No. 1008, previously marked, was
4 referenced and indexed.)

5 BY ATTORNEY SCHREINER:

6 Q. And if you can let me know when you have that
7 opened up, Dr. Houh.

8 A. I have it open.

9 Q. Did you identify Vasilevsky to be used in this
10 IPR, or was it somebody else?

11 A. I don't think I did, so I think it was
12 probably somebody else.

13 Q. Okay. So to the best of your recollection as
14 you sit here today, somebody else identified Vasilevsky
15 to be used in this IPR. Correct?

16 A. Sure.

17 Q. Okay.

18 ATTORNEY SCHREINER: And, Allyson, if we can
19 share Exhibit 1009 to Logan, L-O-G-A-N, US Patent Pub.
20 Number 2003/0093790.

21 (Exhibit No. 1009, previously marked, was
22 referenced and indexed.)

23 ATTORNEY SCHREINER: And, Dr. Houh, if you can
24 let me know when you have Logan opened up.

25 THE WITNESS: I don't see anything new in the

1 chat.

2 ATTORNEY SCHREINER: Allyson, do you have
3 Exhibit 1009 to Logan to share?

4 THE VIDEOGRAPHER: One moment.

5 ATTORNEY SCHREINER: Thank you. I actually
6 have it in my chat, Dr. Houh. It's not in your chat?

7 THE WITNESS: No, I -- I -- I have it now. I
8 have it open.

9 ATTORNEY SCHREINER: Okay.

10 BY ATTORNEY SCHREINER:

11 Q. So same question.

12 Did you identify Logan to be used in this IPR,
13 or was it somebody else?

14 A. I mean, this one I may have seen from before
15 this case, but I -- I don't recall identifying it myself
16 for the purpose of this declaration.

17 Q. Okay. So to the best of your recollection
18 today, it was somebody else that identified Logan to be
19 used in this IPR. Correct?

20 A. Sitting here right now, I can't remember
21 anything else.

22 ATTORNEY SCHREINER: And, Allyson, let's go
23 ahead and share Exhibit 1012 to Devore, D-E-V-O-R-E,
24 U.S. Patent Publication 2004/0230600.

25 (Exhibit No. 1012, previously marked, was

1 referenced and indexed.)

2 ATTORNEY SCHREINER: And please let me know
3 when you have Devore open, Dr. Houh.

4 THE WITNESS: I have it open.

5 BY ATTORNEY SCHREINER:

6 Q. Did you identify Devore to be used in this
7 IPR, or was it somebody else?

8 A. I think it was probably someone else from the
9 best I can recall.

10 ATTORNEY SCHREINER: Mary Ann, how long have
11 we been going here?

12 THE REPORTER: Allyson can give you exact
13 numbers.

14 ATTORNEY SCHREINER: Ballpark.

15 THE VIDEOGRAPHER: One hour, 9 minutes.

16 ATTORNEY SCHREINER: Would you like to take a
17 10-minute break, or 15 minutes? Whatever's convenient
18 for you.

19 THE WITNESS: Sure. 10 minutes would be
20 great.

21 ATTORNEY SCHREINER: Okay, sure. Thank you
22 very much.

23 THE VIDEOGRAPHER: We are now off the record.
24 The time is 10:40 AM.

25 (Recess taken.)

1 THE VIDEOGRAPHER: We're back on the record.
2 The time is 10:51 AM.

3 BY ATTORNEY SCHREINER:

4 Q. Dr. Houh, you -- you gave an opinion in your
5 declaration about limitation 13.1 of Claim 1.

6 Do you recall that?

7 A. I think I probably provided many opinions with
8 respect to --

9 Q. Right.

10 A. -- limitation 13.1.

11 ATTORNEY YAM: Counsel, you referred to
12 Claim 1. Was that a reference to --

13 ATTORNEY SCHREINER: Oh, I'm sorry. I meant
14 limitation 13.1 of Claim 13.

15 BY ATTORNEY SCHREINER:

16 Q. I'll refer you to paragraph 65 of your
17 declaration, Dr. Houh.

18 A. Sure. And did you say paragraph 65? I see a
19 listing of -- of Claim 13, the elements therein.

20 Q. And you provided an opinion regarding
21 limitation 13.1, which recites providing a computer
22 system having at least one computer-readable medium
23 comprising a video editing environment, and being
24 disposed at the server side of a public network.

25 Is that correct?

1 A. I think you read that correctly, and I do have
2 various opinions throughout the rest of my declaration
3 about that claim element.

4 Q. And in your declaration, your opinion was that
5 for -- for each of the grounds identified by Aylo that
6 that limitation, 13.1, was met by the prior art set
7 forth in each ground. Correct?

8 A. I -- I think, yeah, I have opinions with
9 respect to anticipation and obviousness, I think. I
10 don't remember with respect to that particular element,
11 but -- but over all the challenged claims.

12 Q. And you found that for each ground, that
13 limitation 13.1 was met by the prior art identified in
14 the ground. Correct?

15 A. So I have opinions that Gupta, Fegan, and Kim
16 disclosed element 13.1, and with respect to Vasilevsky
17 in -- Vasilevsky in view of Logan teach limitation 13.1.

18 Q. What do you understand limitation 13.1
19 reciting a computer system having at least one
20 computer-readable medium comprising a video editing
21 environment, and being disposed at the server side of a
22 public network, close quote, what -- what does that
23 mean?

24 ATTORNEY YAM: Objection, form.

25 A. I -- I haven't provided any express

1 constructions of any phrases in the claim elements.

2 And -- and plus, I've interpreted all the claim elements
3 and any phrases and language as the plain and ordinary
4 meaning as it would have been understood by a POSITA in
5 the context of the specification and prosecution history
6 at the -- at the -- as of the priority date that we
7 discussed earlier.

8 Q. So what's the plain and ordinary meaning of
9 that limitation?

10 ATTORNEY YAM: Objection, form.

11 A. So with respect to my analysis for the -- for
12 each of the -- the grounds, the plain and ordinary
13 meaning would encompass the kinds of things that I -- I
14 show within those -- those different references.

15 Q. What is the plain and ordinary meaning of that
16 claim language?

17 ATTORNEY YAM: Objection, form.

18 A. So, for example, if you look at paragraph 74
19 of my declaration, I talk about the computer-readable
20 media part of that, and I give examples of what that
21 would encompass. And that includes, for example, hard
22 drives, RAM and ROM, and so those are examples of what
23 would be understood to be within the scope of
24 computer-readable media.

25 Q. What about the second part of the -- of the --

1 the limitation, comprising a video editing environment,
2 and being disposed at the server side of a public
3 network?

4 What was your understanding of the plain and
5 ordinary meaning of that language?

6 ATTORNEY YAM: Objection, form.

7 A. So with respect to the video editing
8 environment, what -- what would be required by that
9 would be what the claims lay out.

10 So -- so -- so other -- other claim elements
11 require receiving a set of video information at the
12 video editing environment using the computer system and
13 receiving a set of cue point information at the video
14 editing environment using the computer system.

15 So consistent with the requirements of the
16 claim, I've laid out both in this section what I pointed
17 to for the video editing environment and -- and the
18 other sections, which show that that same thing found
19 in -- in -- in particular, say, for example, in Gupta,
20 meets those other limitations. So -- so with respect to
21 video editing environment, that's part of how I
22 conducted my analysis.

23 And then with respect to being disposed at the
24 server side of a public network, I think if you look at
25 the example given in Gupta that I pointed to, that would

1 be something that would be understood by a POSITA to
2 meet being on the server side of a public network.

3 Q. You're a very experienced expert in patent
4 matters. Correct?

5 A. I have a lot of experience in these cases.

6 Q. Sure.

7 And do you have a general understanding that
8 the process is first, interpret the claims, and then
9 apply the claims to the alleged prior art?

10 A. Yeah, I mean, I don't -- I don't look for
11 prior art and try to jam it into the claim element, if
12 that's what you're asking.

13 Q. I'm asking, do you -- do you have a general
14 understanding that this is a two-step process? First,
15 you interpret the claim; and then second, you apply the
16 claim to the prior art.

17 A. Yeah, I mean, so what I do is I try to
18 understand from looking at the claim terms -- sometimes
19 they use phrases that I'll look in the specification for
20 more clarity on. And then -- and then I -- I do an
21 analysis with respect to prior art.

22 And many of the time, the prior art really
23 discloses the same things that are listed as examples
24 of -- of certain things that are claimed in the claims.

25 So in -- in that particular case, it's very

1 straightforward. You know, if I find the exact same
2 thing in -- in the reference as -- as described in
3 the -- in the -- in the patent specification as an
4 example of something that would be of -- of -- or is
5 described in the same way that claim terms might
6 describe them, that's -- that's -- that's part of how I
7 do my -- my analysis.

8 But I do start from looking at the --
9 reviewing the -- the -- the patent, the specification,
10 the claims themselves, and the prosecution history.
11 Typically, I do that first before diving into looking
12 at -- at potential prior art.

13 Q. So do you agree that the proper framework is
14 to interpret the claims first, and then apply the claims
15 to the prior art?

16 A. Well, I -- I'm not a lawyer, but I do look at
17 the claims, the claim terms, specification, try to
18 understand, you know, what -- what they were talking
19 about, what might be an example of things that they list
20 as -- in the specification or with respect to certain
21 claim terms.

22 And sometimes I find those -- those same
23 descriptions right in the prior art. And so in that
24 case, it's very straightforward to do the analysis for
25 the prior art.

1 Q. So I'm just trying to understand.

2 Is the framework that I referenced, interpret
3 the claims first; second, apply the claims to the prior
4 art, is that the proper inquiry?

5 ATTORNEY YAM: Objection, calls for a legal
6 conclusion.

7 A. Yeah, I mean, I'm not a lawyer, but I -- I
8 described what I typically do as I review the patent,
9 the claims, and the specification, the prosecution
10 history first to understand in some cases examples that
11 are given in the spec of certain things that are
12 claimed. And then -- and then I'll analyze, you know,
13 I'll review prior art, analyze that.

14 And if I find the same dis -- you know, things
15 disclosed in the prior art as -- as examples in the --
16 in the patent, that can be a straightforward mapping of
17 the disclosure of -- of things in the prior art that
18 meet certain claim elements.

19 Q. But you're experienced enough to know that the
20 patent is not limited to examples disclosed in the
21 specification, right?

22 A. That's right. They're not --

23 ATTORNEY YAM: Objection, form.

24 A. I -- I don't -- they're not necessarily
25 limited, but if -- if they are examples, then it's a

1 very straightforward analysis. It's -- it's -- it's
2 where the -- yes, that would be a straightforward
3 analysis if the examples in the -- the discussion in the
4 prior art matches the exact same sam -- examples
5 discussed in the specification, I think that's --
6 that -- that -- that analysis is more straightforward,
7 because if the prior arts disclose pretty much the same
8 thing as what the patent specification or what we
9 recognize as -- as examples of certain claim terms and
10 claim elements within the specification -- and that --
11 and that was the case in a number of these claim
12 elements and the prior art as well here for this case.

13 Q. But you -- you did -- you did interpret the
14 claims, right?

15 In paragraph 61 of your declaration, you say:
16 I've generally applied the plain and ordinary meaning of
17 the terms recited in the claims, as would be under --
18 have been understood are persons of skill in the art in
19 the 2006 through 2007 time frame. Correct?

20 A. Yeah, generally, that's what I did do. And --
21 and that would be in the context of the specification
22 and prosecution history as well.

23 Q. Right. So I'm -- I'm just asking you a very,
24 you know, very, very basic, you know, first gate
25 question, and that is what was your understanding of the

1 plain and ordinary meaning of a computer system with,
2 quote, a video editing environment, and being disposed
3 at a server side of a public network?

4 A. So --

5 ATTORNEY YAM: Objection, form.

6 A. My understanding of that would -- would
7 encompass the kinds of things that I -- I laid out in --
8 in my analysis with respect to this claim element for --
9 for the various references and the various challenges.

10 So those are the kinds of things that POSITAS
11 would under -- you know, would have understood to meet
12 the claim element as laid out in 13.1.

13 And I have shown examples of things from the
14 prior art that a POSITA would understand are within the
15 scope of the plain and ordinary meaning of those -- of
16 that phrase.

17 Q. You're -- you're a step ahead of me. So
18 I'm -- I'm still at the part of the -- the plain and
19 ordinary meaning of the claim language.

20 And I'm asking you what was your understanding
21 of the plain and ordinary meaning of that claim
22 language, a video editing environment, and being
23 disposed at the server side of the public network?

24 ATTORNEY YAM: Objection, form.

25 Q. And if your answer is I don't know or I didn't

1 figure one out, you know, that's -- that's -- that's
2 fine.

3 A. That's not -- that wouldn't be my answer.
4 I -- I do build an understanding of the -- of the --
5 the -- of things that are well within the scope or -- or
6 the requirements.

7 Like, for example, as I laid out earlier,
8 video editing environment has further requirements in
9 other claim elements, and so to be the properly claimed
10 video editing environment, the system would have to meet
11 these further -- further claim elements. Otherwise, it
12 wouldn't be the claimed video editing environment and I
13 wouldn't provide that as a -- as something as -- as --
14 that I would say meets the claimed -- that -- that
15 discloses the claimed video editing environment.

16 So for example, if you look at page 37 of my
17 710 declaration, it talks about the -- the -- at the
18 very bottom I've highlighted some cited portions of --
19 of Gupta. And it says how their program modules may be
20 stored on a hard disk, and it refers to one or more
21 application programs 36, program modules 37, program
22 data 38.

23 Q. Right. No, I see that.

24 But the -- is it your understanding that the
25 plain and ordinary meaning is established based on the

1 claim language in view of the specification and
2 prosecution history?

3 A. It would be the plain and ordinary meaning, so
4 it would be that a POSITA would understand from --
5 from -- in the context of the specification prosecution
6 history at the time of the priority date of the
7 invention, so that's --

8 Q. So the --

9 A. That's --

10 Q. -- plain and ordinary meaning isn't defined
11 based on what's in Gupta, right?

12 A. The -- the plain and ordinary meaning is
13 understood by a -- a POSITA in the context of the
14 specification of the patent, the '286 patent.

15 Q. Right. So I'm looking -- I'm looking at
16 paragraph 73 of your declaration where you start your
17 analysis of this limitation 13.1.

18 Do you see that paragraph 73?

19 A. I do, but I don't see it starting with what
20 you said it started with.

21 Q. Is there a heading that's heading number 2 on
22 page 34 of your declaration that lists limitation 13.1,
23 providing a computer system having at least one
24 computer-readable medium comprising a video editing
25 environment, and being disposed at the server side of a

1 public network?

2 Do you see that?

3 A. Yes.

4 Q. Okay. And -- and you said in your earlier --
5 the earlier passage of your -- of your declaration that
6 you applied the plain and ordinary meaning of the claim
7 language. Correct?

8 A. Yes. That's how I -- I -- I didn't find
9 any -- it necessary to provide any express
10 constructions, and so all the terms I interpreted under
11 the plain and ordinary meaning to a POSITA at the time
12 of the invention in the context of the specification and
13 prosecution history.

14 Q. So it's in the context of the claim language,
15 the specification, and the prosecution history.

16 Is that correct?

17 ATTORNEY YAM: Objection, asked and answered.

18 A. I -- I think that's what I said, that --
19 that's -- that's how I approach the interpretation of
20 the claim language from that perspective.

21 Q. Okay. So my question is what was your
22 understanding of the plain and ordinary meaning of this
23 language, comprising a video editing environment, and
24 being disposed at the server side of the public network?

25 ATTORNEY YAM: Objection to form. Asked and

1 answered.

2 A. So my understanding is that -- that a person
3 would look at that and then look at Gupta and understand
4 that certain things in Gupta would be clearly within the
5 plain and ordinary meaning of -- of -- of that claim
6 language.

7 For example, in paragraph 76, I talk about how
8 Gupta describes at least one computer-readable medium
9 comprising a video editing environment, such as software
10 for both editing annotations and streaming video
11 executed by servers 10 to 13 and scores 17 through 18.
12 And then I describe how the annotation server 10
13 executes software for editing annotations.

14 Q. That's not -- that's not the specification of
15 the '286 patent or the prosecution history of the '286
16 patent, right?

17 A. No, it's Gupta. But -- but based on the
18 person of ordinary skill's understanding of the -- of
19 the plain and ordinary meaning of the claim language,
20 they would have recognized that Gupta is disclosing --
21 that this is an example from Gupta that falls within
22 the -- the scope as interpreted under the -- in the
23 context of the specification of the '286 patent and the
24 prosecution history at the time of the invention.

25 Q. So did you interpret the claim based on Gupta?

1 A. No. I interpreted the claim based on the --
2 the -- at the -- the -- the context of -- of -- that is
3 the specification and the prosecution history and -- and
4 as a person of ordinary skill would have understood it
5 at the time of the invention.

6 Q. So it's the meaning of the claim language to a
7 POSITA in the 2006 time frame based on the claim
8 language, the specification, and the prosecution
9 history, right?

10 ATTORNEY YAM: Objection, asked and answered.

11 A. That would be interpreted by a POSITA at the
12 time of the priority date.

13 Q. How would a POSITA understand -- strike that.
14 What would a POSITA understand to be the --
15 the meaning of this claim language, a video editing
16 environment, and being disposed at the server side of a
17 public network, based on those three sources of
18 intrinsic evidence we've discussed?

19 ATTORNEY YAM: Objection, form.

20 A. Yeah, so video editing environment would have
21 to meet the requirements further laid out in Claim 13,
22 which is that -- that -- receiving a set of video
23 information at the video editing environment using the
24 computer system and receiving a set of cue point
25 information at the video editing environment using the

1 computer system.

2 So part of what's required to be the claimed
3 video editing environment is that it would meet
4 everything laid out in the claims. And I've shown that
5 with respect to the various challenges with respect to
6 the language for claim element 13.1 as well as 13.2 and
7 13.3.

8 Q. Are you saying that the video editing
9 environment in limitation 13.1 is limited to the
10 operations performed at the video editing environment
11 and the other limitations of the claim?

12 ATTORNEY YAM: Objection, mischaracterizes.
13 Form.

14 A. Well, in order to show that the art is
15 disclosing the -- the claimed video editing environment,
16 I would -- would have to show that what I point to in
17 the prior art meets all the limitations of video editing
18 environment. And I believe I've shown that, that --
19 that it's -- that it's the computer-readable medium
20 comprising a video editing environment, and -- and being
21 disposed at a server side of a public network.

22 I think I've shown for the -- in my
23 declaration that the -- the claimed video editing
24 environment, that -- that the -- that's the -- that the
25 disclosures in the prior art in the different grounds

1 meet the limitations of, for the video editing
2 environment, of receiving a set of video information at
3 the video editing environment using the computer system
4 and also receiving a set of cue point information at the
5 video editing environment using the computer system,
6 and -- and that I've shown basically all the -- all the
7 required elements are -- are -- are found in the prior
8 art.

9 Q. Right. But I'm asking you about the meaning
10 of the claim language. You're talking about -- you're
11 talking about how you believe the limitations were found
12 in the prior art.

13 You understand the distinction, right?

14 ATTORNEY YAM: Objection, form.

15 A. Well, the meaning -- yeah, I -- I -- I think
16 I understand the distinction, but the meaning to a
17 person of ordinary skill would -- would include the --
18 the examples and things -- they would understand that it
19 includes what I pointed to in the prior art. That's --
20 that's -- that's --

21 Q. You agree that limitation 13.1 has a meaning
22 independent of Gupta. Correct?

23 A. Sure. The -- the meaning would be to a person
24 of ordinary skill in the context of the specification
25 and the prosecution history at the time of the

1 invention. And -- and I -- I did do that -- that -- I
2 started with developing, you know, understanding,
3 looking at the specification, for example. For example,
4 at examples given in the spec for things that -- that
5 are covered by -- by that claim language.

6 Q. In your analysis of limitation 13.1, your very
7 first paragraph starts with "Gupta," paragraph 73,
8 right?

9 A. Well, paragraph 73, the first word is "Gupta."

10 Q. Right. So can you put for me in your own
11 words what the plain and ordinary meaning of a video
12 editing environment, and being disposed to the server
13 side of a public network is?

14 ATTORNEY YAM: Objection, form.

15 ATTORNEY SCHREINER: You can take that down,
16 Allyson, the -- the excerpt. Thank you.

17 A. Well, so there are concepts like it's a public
18 network, and examples of the public network are things
19 such as the internet. And -- and -- and if you look at
20 Gupta's disclosure, it -- with respect to Figure 1 shown
21 in paragraph 79 --

22 Q. Can -- can I make a request? That in this
23 discussion where I'm asking you about the meaning of the
24 claim limitation, can you give me your answers without
25 referring to Gupta?

1 Is -- are you can -- you do that?

2 A. Well, but the Gupta -- the things in Gupta are
3 clear examples of -- of what's in -- of what would be
4 understood by a POSITA as -- as meeting those claim
5 limitations.

6 Q. Right. But you told me before that the plain
7 and ordinary meaning is based on the claim language, the
8 specification of the '286 patent, and the prosecution
9 history of the '286 patent, right?

10 ATTORNEY YAM: Objection, asked and answered.

11 A. Sure. So I'll give you an example from the
12 specification. If you look at the bottom of column 6 at
13 line 66, it says the application server 110 may be
14 accessible via network 130, like the internet or any
15 other public or -- or private wired or wireless network,
16 so --

17 Q. So what -- what is your understanding of --

18 ATTORNEY YAM: Counsel, can you please allow
19 the witness to finish answering before you ask your
20 question.

21 ATTORNEY SCHREINER: Sure, Stephen. My
22 apologies.

23 ATTORNEY YAM: There's probably a lag here
24 but, you know, he was still going. Thank you.

25 ATTORNEY SCHREINER: No worries.

1 A. So I think if you look at, like, that kind of
2 disclosure in the internet -- sorry, in the
3 specification of the -- of the '286 patent, it's -- it's
4 saying that that's an example of a public network. I
5 mean, it mentions the internet throughout the -- the
6 specification of the '286 patent.

7 Q. Yeah. I'm asking you the meaning of the full
8 limitation, not just the public network, so the portion
9 of the limitation that recites comprising a video
10 editing environment being disposed to the server side of
11 a public network.

12 Can you put for me in your own words what the
13 plain and ordinary meaning is of that language?

14 A. Yeah, so --

15 ATTORNEY YAM: Objection, form.

16 A. So I'm -- I'm trying to do that by building it
17 up. I -- you know, so first, if you want to address
18 the -- the public -- so first, I want to address the
19 public network aspect.

20 And this is -- this is what the '286 patent
21 has to say about internet, part of what I pointed out to
22 you. It's that's an example of -- of what a POSITA
23 would understand is a public network as supported by the
24 '286 specification itself. So that's something that's
25 clearly disclosing -- a -- a POSITA would understand

1 that -- that the internet, for example, is a public
2 network based on the context of the specification
3 itself.

4 And -- and that's because it's an example
5 given of a public network, and so -- so that -- that is
6 clearly within the scope of the meaning, of the plain
7 and ordinary meaning of public network, for example,
8 internet. And that's why I pointed to the internet in
9 Gupta as an example.

10 We were talking earlier. Things that are
11 examples of -- of the claim, things that are within the
12 scope of the claim meaning -- of the claim term that are
13 found within the specification, that analysis is very
14 straightforward. I found that exact same disclosure in
15 Gupta about the internet.

16 Q. So -- so what is the --

17 A. It talks about -- it talks about a public
18 network 16, such as the internet. So it uses literally
19 the same phrase, "public network," and it uses the
20 internet, which is the -- as an example, which is the
21 same example given in the '286 patent.

22 So that's something that -- that clearly is
23 within the scope of that part of that overall phrase for
24 public network. And -- and so that's the kind of
25 analysis that I do. And if you -- I can continue on.

1 Let's look at --

2 Q. I'm just asking you to put in your own words
3 what a POSITA --

4 ATTORNEY YAM: Counsel, could you allow the --
5 the witness to finish answering?

6 ATTORNEY SCHREINER: He's -- come on, Stephen.
7 He's filibustering, I mean, with due respect. I mean,
8 he --

9 ATTORNEY YAM: He's -- he's answering your
10 question, counsel.

11 ATTORNEY SCHREINER: I'm entitled to a fair
12 seven hours.

13 A. I -- so you're asking me --

14 Q. Yes.

15 A. -- about this, so I'm trying to give you that,
16 what that is, so --

17 Q. Well, you said it's the plain and ordinary
18 meaning. You -- you said that in your declaration. You
19 said it here in deposition, and so I'm just simply
20 asking you, okay, so what's the plain and ordinary
21 meaning of that claim language?

22 A. Yeah, so I -- I -- I started with one of the
23 phrases --

24 ATTORNEY YAM: Objection, asked and answered
25 also.

1 A. I started with one of the phrases as part of
2 that claim language to try to build it up. And so if
3 you look at server side, for example, if you look in the
4 '286 patent at column 10 around line 48, it -- it says
5 here in some embodiments, certain components of the
6 system 100 may be part of a subsystem 140. The
7 subsystem 140 may be owned, controlled, operated,
8 maintained, or otherwise associated with a host party.
9 For example, the network may be an external network and
10 one company may own and operate all the system
11 components on one side of the network. In the
12 illustrated case, one company may own a subsystem 140
13 comprising the application server 110, video server 112,
14 cue point server 114, and it goes on. But if you look
15 at that figure --

16 Q. Do you see in that language that it says and
17 all the applications associated with the -- those
18 servers, including the VEE 116?

19 That's in column 10, lines 56 to 58.

20 Do you see that?

21 A. Yes, I see that.

22 Q. How is it characterizing the VEE, video
23 editing environment?

24 A. So --

25 ATTORNEY YAM: Objection, form.

1 A. So it's talking about how one company may own
2 and operate all the system components on one side of the
3 network. And then in the illustrated case, one company
4 may own a subsystem 140 comprising the application
5 server 110, video server 112, cue point server 114,
6 authorization server 122, and all the applications
7 associated with those servers including the VEE 116 and
8 VPE 118. It -- it will be appreciated that many types
9 of ownership arrangements, system and subsystem
10 configurations in network arrangements are possible.

11 And if you look at Figure, I think, 1 that
12 it's referring to, 1A, you can see a bunch of servers
13 separated from the viewer's -- viewer computer down at
14 the bottom by network 130. And it's talking about --
15 and -- and so that's an example of -- of -- if you look
16 at --

17 Q. On the -- I'm sorry.

18 A. That's -- that's one example of claim language
19 that's, for example, being disposed at a server side of
20 a public network or -- or network, in this case.

21 But, you know, we talked about public network,
22 so if you look at the example that it's talking about in
23 Figure 1, from that description you can see those
24 servers are on one side of the network compared to where
25 the viewers are.

1 And so -- and consistent with that -- again,
2 this is exactly what I was talking about earlier.
3 There's a -- the same disclosure of -- of servers in
4 Gupta, separated -- in Gupta, they call them clients --
5 separated by the network.

6 So -- so -- so Gupta provides the same example
7 of the configuration of the servers as -- as -- as shown
8 in the '286 patent in Figure 1 and the Figure 1's
9 example embodiment. And so that's -- that's what --
10 that's how a person of ordinary skill would understand.
11 They look at the spec, they see Figure 1, the
12 description. They say oh, well, what's one disposed at
13 one side of a public network mean? It includes this
14 example in Figure 1, and --

15 Q. You agree -- you agree that the claims --

16 ATTORNEY YAM: Counsel?

17 ATTORNEY SCHREINER: Yeah, I -- you know, I
18 move to strike. This is filibustering, Stephen. Come
19 on, you know, we --

20 ATTORNEY YAM: Steve, he's -- he's answering
21 your question.

22 ATTORNEY SCHREINER: He's -- he's just --
23 without disrespect, Dr. Houh, you're just -- you're not
24 being responsive to my question, and I'd ask you -- I'd
25 ask you to please be responsive to my question, okay, so

1 we can get through this deposition.

2 ATTORNEY YAM: Counsel, he's answering your
3 question and -- and you're not allowing him to finish.

4 A. I have been trying to answer your question,
5 and I believe I've covered, you know, examples from the
6 specification itself of what would -- a person of
7 ordinary skill would understand is encompassed by the
8 plain and ordinary meaning of that -- that part of the
9 claim.

10 Q. Can you --

11 A. You asked --

12 Q. -- express any --

13 A. -- about the -- you asked about the whole
14 claim phrase so I -- I have to explain it to you in
15 parts, and I was trying to do that.

16 Q. Yeah, but you -- you keep going back to the
17 Gupta reference, arguing how Gupta satisfies the claim
18 language.

19 I think you and I both agree that the claim
20 language has meaning independent of Gupta, does it not?

21 ATTORNEY YAM: Objection, form.

22 A. Well, what I've shown is the -- the meaning
23 of -- of -- of the claim language as a POSITA would
24 understand that examples from the specification itself
25 would be -- would -- and so I'm pointing out to you

1 the -- the portions of the '286 spec itself that support
2 things that are included in the plain and ordinary
3 meaning of part of the claim language. And -- and
4 that's what I'm trying to do. And yeah, I --

5 Q. So my question was, I think you and I both
6 agree that the claim language has meaning independent of
7 Gupta. Does it not?

8 ATTORNEY YAM: Objection, form.

9 A. Well, let me then -- an earlier question
10 then -- okay, but sure. The -- the plain -- the plain
11 and ordinary meaning is the -- is understood by a POSITA
12 in the context of the specification and prosecution
13 history of the '286 patent at the time of the invention.

14 Q. The plain and ordinary meaning is not based on
15 Gupta. Correct?

16 A. It's based on -- on the -- the context of the
17 '286 patent. It's -- it's not based on Gupta, no. So a
18 person doesn't look at the '286, look at Gupta to try to
19 determine what -- what the plain and ordinary meaning
20 is.

21 The person of ordinary skill looks at the
22 specification and the prosecution history and -- at the
23 time of the priority date of the invention to determine
24 the plain and ordinary meaning of -- of the claim terms.

25 And in -- and in many cases there are actually

1 examples in the specification given of things that a --
2 a person of ordinary skill would recognize are -- are
3 examples of the claim -- certain claimed phrases.

4 Q. Sure. And you pointed to one. You pointed to
5 one in column 10 of the '286 patent?

6 ATTORNEY SCHREINER: Actually, have we --
7 yeah, we entered that, right, Allyson, Exhibit 1001?

8 THE VIDEOGRAPHER: Yes, sir.

9 ATTORNEY SCHREINER: Okay, thanks.

10 BY ATTORNEY SCHREINER:

11 Q. So column 10, lines 56 through 58 refers to --
12 55 through 58 refers to comprising the application
13 server 110, video server 112, cue point server 114,
14 authorization server 122, and -- and, quote, all the
15 applications associated with those servers, including
16 the VEE 116.

17 Do you see that language?

18 A. Yes.

19 Q. Okay. How is the specification characterizing
20 VEE 116 in that -- in that language from the
21 specification?

22 ATTORNEY YAM: Objection, form.

23 A. Well, here it's characterizing it as an -- an
24 application that's associated with the server, with
25 those servers previously listed. So that's one thing

1 it's saying here, and that would be an example.

2 So other types of applications that perform
3 the claimed functions of the VEE in Claim 13 would
4 meet -- would -- would be within the scope of -- of that
5 claim language.

6 Q. So is it correct that a POSITA would
7 understand the video editing environment to be one or
8 more applications?

9 ATTORNEY YAM: Objection, form.

10 A. I mean, in -- in -- in this section we're
11 looking at, it gives an example of the form of the VEE
12 which, in this example, is -- it's calling it an
13 application.

14 Q. Is it limiting it to an application or could
15 it be more than one application?

16 ATTORNEY YAM: Objection, form.

17 A. I don't think this example in the spec
18 talks -- gets to the heart of your question. It doesn't
19 really say one way or the other.

20 Q. It does use the term "applications," plural.
21 Correct?

22 A. Well, it's referring to the VEE and VPE, so
23 it -- it's -- it's -- it's not -- it's not explicit in
24 saying that the VEE can be multiple applications, as --
25 as your question said. So I don't -- I don't think this

1 question is -- is -- is necessarily directed to what you
2 were asking about.

3 Yeah, it is using the plural of
4 "applications," but it's referring to at least two
5 different things, the VEE and the VPE there.

6 Q. So is it fair to say that the plain and
7 ordinary meaning of the video editing environment is an
8 application?

9 A. Well, I -- I --

10 ATTORNEY YAM: Objection, form.

11 A. I think this example shows that one -- one
12 form the VEE may take is an application that's
13 associated with -- with one or -- with servers.

14 Q. Are there -- is there any other example in the
15 '286 patent where the video editing environment is
16 described as being something other than an application?

17 ATTORNEY YAM: Objection, form.

18 A. So for example, if you look at paragraph --
19 looks like column 9 around line 42, it talks here about
20 how, for example, the video editing functionality of the
21 VEE 116 may require extra processing power. So there
22 are -- there -- this is an example of where the VEE
23 requires something additional, that is, extra processing
24 power.

25 And there are a few other citations where --

1 where it talks about the VEE in the context of -- of,
2 for example, the bottom of column 12 into line -- column
3 13, 12 line 66, loading the VEE may involve executing an
4 application invoking various software and/or hardware
5 commands. So the VEE may require -- and -- and -- and
6 software and/or may -- may mean that it invokes hardware
7 commands. So there may be some requirements in some
8 embodiments where the VEE invokes these hardware
9 commands.

10 Q. Sure. But in the passage you refer to, it --
11 it states that the VEE, quote, may involve executing an
12 application, right?

13 A. Yes.

14 Q. Okay. So in that passage, the VEE is -- is
15 described as executing an application, right?

16 A. Well, it is, but then there -- there -- in --
17 in this example and -- and combined with the one where
18 you need extra processing power, it -- you need the --
19 the proper hardware commands to be supported by the
20 underlying hardware; otherwise, I don't think it
21 would --

22 Q. Right. But the passage you refer to, it
23 indicates that the VEE is executing an application that
24 involves the hardware commands, right?

25 A. It does start off that way. But it's

1 basically saying that, you know, in some cases, the VEE
2 may require additional processing or the right kind of
3 hardware that supports the commands.

4 This is just an example. I'm not saying that
5 it has to have that. These are examples from the
6 specification about -- about that a person of ordinary
7 skill would look at and say oh, well, this is -- this is
8 a different form. The -- it could be an application,
9 but it could be applications that really just invoke
10 hardware commands. It could be applications that need
11 more processing power. So those types of examples from
12 the specification are things that persons of ordinary
13 skill would understand that are within the scope of --
14 of what the VEE has claimed would be.

15 Q. And when we talk about applications, we're
16 talking about software applications.

17 Is that correct?

18 ATTORNEY YAM: Objection, form.

19 A. Well, I -- I mean, one of the examples is a --
20 an application, but -- but -- but it invokes hardware
21 commands, so I -- I wouldn't say that's purely software
22 because it requires the hardware to support certain
23 commands, you know.

24 Q. But a POSITA would understand the reference to
25 application to be referring to a software application,

1 right?

2 ATTORNEY YAM: Objection, form.

3 A. I think it'd be understood that a software
4 application is one form of application that's disclosed
5 in the specification.

6 Q. Does the specification anywhere disclose --
7 strike that.

8 Does the specification anywhere characterize
9 an application, quote-unquote, as being something that
10 is not a software application?

11 A. Well, I mean, it says in many places, not just
12 that one place, that -- that the application can invoke
13 software and/or hardware commands or -- I -- I don't
14 remember the exact wording. Let me pull that up.

15 But -- but I think there, you -- it'd be
16 understood that it's not just a -- it's -- it's not only
17 software. Of course, every application runs on
18 underlying hardware, but -- but this is further
19 emphasizing that there are potentially -- the
20 application that can only invoke hardware commands or --
21 and that the -- and some -- some cases, the -- the VEE
22 actually requires additional processing beyond what -- I
23 guess what would be considered normal processing levels.

24 And so -- so those things are -- are included
25 in what a person of ordinary skill looks at in -- in --

1 in the scope of a VEE.

2 So a VEE could -- could just be a software --
3 it -- you know, it could just be an example of software
4 applic -- one example might be a software application,
5 but other examples are these specialized applications
6 that invoke hardware commands or require extra
7 processor.

8 And those are examples from the spec of what a
9 POSITA would see when they're trying to understand what
10 the -- the -- the -- the plain and ordinary meaning of
11 video editing environment would encompass.

12 Q. Okay. You're not suggesting that when the
13 specification uses the language in column 12, line 67
14 VEE 310 may involve executing an application invoking
15 various software and/or hardware commands that the
16 application that's referred to there is not a software
17 application.

18 You're not suggesting that, are you?

19 ATTORNEY YAM: Objection, form. Compound.

20 A. No. What I'm saying is that one example in
21 the spec is that there are these specialized hardware
22 commands that it's calling out specifically that --
23 that -- that a VEE could invoke. Doesn't have to,
24 because it uses and/or right there, so -- but it's just
25 giving an example of the kinds of things that -- that --

1 that the specification itself describes that a VEE could
2 encompass.

3 Q. Is it fair to say a POSITA would understand
4 that language to -- to refer to executing a software
5 application that invokes software or hardware commands?

6 ATTORNEY YAM: Objection, form.

7 A. Well, I think a person of ordinary skill would
8 probably understand that it's okay for the application
9 to be a software application, and that's one example of
10 what could be the application.

11 Q. Can you point me to anywhere in the '286
12 specification where it refers to an application and it's
13 not referring to a software application?

14 ATTORNEY YAM: Objection, form.

15 A. Well, column 1, line 7 starts off this
16 application is a nonprovisional, claiming the benefit --
17 so that's not referring to a software application.

18 Q. Okay. Can you point me to anywhere in the
19 specification where the -- the specification refers to
20 the video editing environment being something other than
21 a software application?

22 A. So I did a quick search of the -- the use of
23 "application" in the specification, and with respect to
24 things related to a VEE application or things on
25 servers, all the applications, you know, appear to be in

1 the context of some sort of software application that
2 I've seen.

3 Q. Okay. And in paragraph 47 of your
4 declaration, you say something consistent with that
5 where you say that application server 110, executing a
6 video editing environment.

7 Do you see that in paragraph 47 of your
8 declaration?

9 A. Yes, I do, yeah.

10 Q. Okay. And that's consistent with the
11 understanding that video editing environment as being a
12 software application that's executed. Correct?

13 A. Sure.

14 Q. Okay. And just looking at the other language
15 in limitation 13.1, there's the language being disposed
16 to the server side of a public network. Does that
17 indicate that the video editing environment is a
18 software application that's being executed at a server
19 side of a public network?

20 ATTORNEY YAM: Objection, form.

21 THE WITNESS: Could you repeat the question,
22 please?

23 ATTORNEY SCHREINER: Sure.

24 Q. Is limitation 13.1 indicating that the video
25 editing environment is a software application that's

1 being executed at a server side of a public network?

2 ATTORNEY YAM: Objection, form.

3 A. I mean, what the claim requires is that there
4 is a computer system and it has at least one
5 computer-readable medium comprising the video editing
6 environment. And that would be in the form -- you know,
7 software can be stored on computer-readable medium, for
8 example, and -- and that -- and that the computer system
9 having at least one computable read -- readable medium
10 comprising a video editing environment, and being
11 disposed at a server side of the public network.

12 So this particular element doesn't actually
13 say anything about running the software, but other
14 elements require the -- the video editing environment
15 receive things so that the -- it would be understood
16 that that -- that -- but I wouldn't say that that --
17 that's this claim element.

18 But overall, I -- I -- I don't think it's
19 unfair to say that there is some video editing
20 environment application running on a computer system on
21 the server side. But I want to point out that the
22 specification talks about software being run at the
23 client side that provides data to the video editing
24 environment.

25 And if you look, for example, at the --

1 there's a cue point edit mode on the client, and there's
2 a lot of discussion in columns 25, 26, throughout the
3 middle portion of the patent about an application
4 running on the client side that -- that provides data,
5 collects data from a user and provides it to -- to the
6 back end, so to speak.

7 Q. Right. But the -- the claim language here
8 refers to a video -- strike that.

9 The claim language here refers to a video
10 editing environment application that's disposed at the
11 server side of the public network.

12 That's what this claim language says, right?

13 A. Well, the -- the claim language says -- is --
14 is providing a computer system having at least one
15 computable read -- readable medium comprising a video
16 editing environment, and being disposed at a server side
17 of a public network, so I -- I -- it's -- it's -- it may
18 be a little different from the question you asked.

19 Q. Right. I think we established that the video
20 editing environment is a software application. Right?

21 ATTORNEY YAM: Objection, form. Asked and
22 answered.

23 A. I think what I said was that the -- with
24 respect to what the specification says, the -- all the
25 applications involving the VEE appeared to be in the

1 form of -- of software, so I wouldn't dispute that --
2 that. And certainly what's capable to be held on a
3 computer-readable media would -- would really be a
4 software application, would include a software
5 application.

6 Q. And -- and in this case, with this limitation,
7 it's indicating that the software application is, quote,
8 disposed at a server side of a public network, right?
9 Close quote. Right?

10 ATTORNEY YAM: Objection, form.

11 THE WITNESS: Sorry, I -- could you repeat --
12 repeat -- at least repeat that question, please?

13 ATTORNEY SCHREINER: Yeah, sure.

14 Q. With this limitation, it's indicating that the
15 software application is, quote, disposed at a server
16 side of a public network, close quote.

17 ATTORNEY YAM: Objection, form.

18 A. I mean, that's not exactly what the claim
19 says. The claim talks about a computer system having at
20 least one computable reader media -- medium comprising a
21 video editing environment, and being disposed at a
22 server side of a public network.

23 Q. So what's disposed at a server side of a
24 public network in -- in limitation 13.1?

25 A. I mean, the whole claim language is providing

1 a computer -- for this element is providing a computer
2 system having at least one computer-readable medium
3 comprising a video editing environment, and being
4 disposed at a server side of a public network.

5 So there's a first half of that, which is
6 what's provided, which is a computable -- a computer
7 system having at least one computer-readable medium
8 comprising a video editing environment, and being
9 disposed at a server side of a public network.

10 So I think you're kind of reducing that to the
11 video editing environment application running on the
12 server side of a public network, and that's not what the
13 claim requires.

14 Q. So what does the claim require with regard to
15 the video editing environment application?

16 ATTORNEY YAM: Objection, form.

17 A. That it be part of a computable reading --
18 that it be part of a computer-readable medium. That's
19 at least one of them. And that's part of a computer
20 system.

21 Q. And the computer system is disposed to the
22 server side of a public network. Correct?

23 A. So it's -- it's the whole phrase, but the
24 computer system having at least one computer-readable
25 medium, that -- that -- where that computable readable

1 medium comprises a video editing environment, that is --
2 it -- that is on the computer-readable medium, and being
3 disposed at the server side of a public network.

4 Q. So -- so all of that, the computer system with
5 computer-readable medium comprising a video editing
6 environment, all of that is disposed at the server side
7 of a public network. Is that a fair understanding of
8 the limitation?

9 ATTORNEY YAM: Objection, form.

10 A. Taken as a whole, that's -- that's what the
11 limitation says. I mean, the limitation requires what
12 it requires and you have to read it as -- as a whole
13 rather than extracting only one part that needs to be
14 disposed or that is even running.

15 This element says nothing about the
16 application, actually where it's run. It's just where
17 the application resides in the computer-readable medium
18 and what that computable reading medium is part of.

19 Q. Would a POSITA understand this -- the language
20 of Claim 13 to be providing that the video editing
21 environment is executing in order to perform recited --
22 in order to perform the recited functions?

23 ATTORNEY YAM: Objection, form. Asked and
24 answered.

25 A. I mean, all the video editing environment has

1 to -- to be to meet this is be part of a compute --
2 computer-readable medium that's -- that's -- that is
3 part of a computer system and overall, disposed at a
4 server side of a public network. I mean, basically, the
5 claim requires what it requires.

6 Q. I agree with that. That's the nut of it,
7 right, what does that mean. That's not a question,
8 obviously.

9 So are you suggesting that the claim
10 encompasses a scenario where there's a video editing
11 environment application on the server side but that
12 video editing environment application is not being
13 executed?

14 ATTORNEY YAM: Objection, form.
15 Mischaracterizes.

16 A. Well, there are other parts of the Claim 13
17 that require the video editing environment to be -- be
18 active. And this is a method claim and so there are
19 other portions that -- that do require receiving things
20 at the video editing environment.

21 So in that sense, overall, the claim does
22 require it to be executing, but this claim element 13.1
23 simply says -- simply requires a computer system with a
24 computable readable medium, at least one, that comprises
25 the video editing environment. So --

1 Q. Okay.

2 A. -- that's -- that's what -- that's what claim
3 element 13.1 requires with the additional requirement
4 that -- of being disposed at a server side of a public
5 network.

6 Q. Okay. But you agree, though, as -- I'm
7 paraphrasing you -- that reading the claim as a whole
8 requires the video editing environment application to be
9 executing?

10 ATTORNEY YAM: Objection, form.

11 A. It requires it to be executing somewhere, but
12 Claim 1 -- claim element 13.1 only states one place
13 where the application resides. That is in the
14 computable reader media on the computer system. And
15 overall, that whole first part of the phrase, and being
16 disposed at a server side of a public network, that only
17 tells you where there's some software stored. Doesn't
18 say anything about where it has to be executed. Doesn't
19 use the word "executed," only -- only that the
20 computable reader media comprises a video at any
21 environment.

22 Q. So are you suggesting that the claim
23 encompasses a scenario where there is a video editing
24 environment application stored on the server side but
25 it's not being executed?

1 ATTORNEY YAM: Objection, form. Asked and
2 answered.

3 A. I mean, the claim only requires what it says,
4 which is that the -- there's a computer system. It has
5 to have at least one computable reader media -- readable
6 medium, and that compute -- computer-readable medium
7 comprises a video editing environment. And one way for
8 that is that the application itself is stored on the
9 computer-readable medium. I think that's what a POSITA
10 would understand.

11 But that part of the -- and -- and that -- and
12 that overall, that's -- that first half is in
13 conjunction with the second half of being disposed on
14 the server side -- at the server side of a public
15 network. But it doesn't -- there -- there's no
16 requirement in claim element 13.1 about -- about where
17 it's -- it doesn't say anything about where it's
18 executing.

19 Q. Okay. So does the claim encompass a scenario
20 where the video editing environment editing -- strike
21 that.

22 Does the claim encompass a scenario where the
23 video editing environment application is stored on the
24 server side but it is executed on the client side?

25 ATTORNEY YAM: Objection, form.

1 A. Well, I think for the analysis that I did with
2 respect to the prior art, I'm not sure I considered that
3 exact question. But the -- what I considered in all the
4 prior art is, just like the specification, there are --
5 there is -- there is software running on the client.
6 And, you know, it's described in the '286 patent, that
7 collects data from the user and then submits it to the
8 back end system, which it's calling the VEE where things
9 like cue points are updated or modified. And the prior
10 art operates in a very similar manner to that.

11 Q. Did you apply -- did you apply the claim
12 language to the prior art such that the video editing
13 environment application had to be executed on the server
14 side?

15 ATTORNEY YAM: Objection, form.

16 A. What I pointed to, for example, in Gupta, in
17 that, I talked about the server-side application. In
18 fact, we were just looking at that earlier. That, in
19 paragraph 76 of my 710 declaration, talks about how
20 Gupta describes at -- such at least one computable
21 readable media comprising a video editing environment
22 such as software for both editing annotations and
23 streaming video executed by servers 10 through 13 and
24 stores 17 through 18. For example, the annotation
25 server 10 executes software for editing annotations.

1 And I go on to provide some citations.

2 Q. All right.

3 A. And at paragraph 78, Gupta's video editing
4 environment also includes the web server components and
5 program modules and streaming media server and web
6 server since the client computer accesses these servers
7 via its browser to request relevant interfaces and data.

8 And so consistent with -- with the '286 spec,
9 Gupta is describing there's -- there's some clients that
10 collect data, they submit it to the back end, to the
11 annotation server, which -- which modifies -- I forget
12 what Gupta calls them, but the -- but the equivalent cue
13 points. But I'm -- I'm really relying on and pointing
14 to the software that is on the -- on the server side and
15 running on the server side in my analysis of Gupta.

16 Q. Okay. So getting back to my original
17 question, then you applied the claim language to the
18 prior art such that the video editing environment
19 application was allegedly executed on the server side,
20 right?

21 ATTORNEY YAM: Objection, form.

22 A. I -- I believe if -- if for Gupta, I'm talking
23 about the applications that are running on the server
24 side, the server-side applications and the data stores
25 on the server side. So with respect to Gupta, that's

1 how I applied it, and that's consistent with my
2 analysis. And -- and the way Gupta functions is also
3 consistent with the way the '286 -- you know,
4 embodiments of the '286 function as well.

5 ATTORNEY YAM: Steve, we've been going for a
6 bit over an hour now.

7 ATTORNEY SCHREINER: Yes.

8 ATTORNEY YAM: I don't mean to break the flow,
9 but at some point I'd like to get a break in.

10 ATTORNEY SCHREINER: Yeah, yeah, understood.

11 THE VIDEOGRAPHER: All right, we are now off
12 the record --

13 ATTORNEY SCHREINER: No, wait, wait.

14 THE VIDEOGRAPHER: Oh, sorry.

15 ATTORNEY SCHREINER: Just a second, Allyson.
16 Let me just -- let me just -- let's just see if we can
17 close out this line of questioning.

18 THE WITNESS: Are we officially off the
19 record? I'm happy to go back on.

20 THE REPORTER: We are still on the record,
21 sir.

22 ATTORNEY SCHREINER: Okay, yeah, we can go
23 ahead and break. How much time would you like,
24 Dr. Houh?

25 THE WITNESS: Maybe 45. Maybe come back at 1

1 Eastern. Is that okay?

2 ATTORNEY SCHREINER: Yeah, that's fine.

3 THE WITNESS: Great.

4 ATTORNEY YAM: Thank you very much.

5 THE VIDEOGRAPHER: All right, we're now off
6 the record. The time is 12:12 PM.

7 (Recess taken.)

8 THE VIDEOGRAPHER: We are back on the record.
9 The time is 1:01 PM.

10 BY ATTORNEY SCHREINER:

11 Q. Hi, Dr. Houh. I hope you had a satisfying
12 lunch.

13 A. I did, thank you.

14 Q. We were talking about limitation 13.1 before
15 from Claim 13. Do you recall that discussion generally?

16 A. Yes.

17 Q. And -- and I think you -- I think you
18 explained to me that limitation 13.1 should be
19 understood in the context of the other limitations set
20 forth in the claim.

21 Is that about right?

22 ATTORNEY YAM: Objection, form.

23 A. Not exactly. My point there was that video
24 editing environment as recited in claim element 13.1 has
25 further requirements as laid out, I think, in 13.2 and

1 13.3 in that to be the claimed video editing
2 environment, it must meet all the requirements with
3 respect to what -- what the method involves of -- of the
4 video editing environment.

5 Q. Okay. So let's look at limitation 13.2.
6 Strike that.

7 So let's go through the requirements that you
8 allude to in your answer for the video editing
9 environment.

10 If we look at limitation 13.2, does that
11 indicate that the video editing environment has to
12 receive a set of video information?

13 A. Well, I -- I think that's -- I wouldn't
14 dispute that paraphrasing but, I -- I mean, the claim
15 element requires receiving a set of video information at
16 the video editing environment using the computer system.

17 Q. Is what I said consistent with the limitation?

18 A. Yeah, I think you -- I didn't dispute your
19 paraphrasing.

20 Q. Sure.

21 And 13.3, does that require that the video
22 editing environment receives a set of cue point
23 information?

24 A. Yeah, I -- I wouldn't dispute that
25 paraphrasing either. But the claim reads, claim element

1 reads receiving a set of cue point information at the
2 video editing environment using the computer system.

3 Q. And does 13.4 require receiving a cue point
4 editing command over the network from a remote client
5 terminal?

6 A. Could you repeat what you said there? I
7 wasn't looking at the claim element.

8 Q. Sure.

9 Does 13.4 require receiving a cue point
10 editing command over the network from a remote client
11 terminal?

12 A. That's part of what it requires, but it -- it
13 goes on to -- to place further requirements of -- of --
14 on the remote client terminal.

15 Q. But focusing on the -- the video editing
16 environment, limitation 13.4 provides for receiving a
17 cue point editing command over the network from a remote
18 client terminal. Correct?

19 ATTORNEY YAM: Objection, form.

20 A. 13.4 doesn't say anything about the video
21 editing environment.

22 Q. 13.4 at the end says using the computer
23 system. Do you see that?

24 A. Yes.

25 Q. So does that indicate to a POSITA that 13.4 is

1 providing that the computer system is receiving a cue
2 point editing command over the network from a remote
3 client terminal?

4 ATTORNEY YAM: Objection, form.

5 A. I mean, that says that the computer system is
6 used to receive a cue point editing command over the
7 network from a remote client terminal disposed at the
8 client side of a -- of the public network.

9 Q. So does that indicate that the -- the computer
10 system is receiving a cue point editing command, or does
11 that mean something else?

12 ATTORNEY YAM: Objection, form. Compound.

13 A. I mean, it simply says that the computer
14 system is used to received a cue point editing command.
15 It goes on, but I think the -- the core of your question
16 is there.

17 Q. So the computer system is used to receive a
18 cue point editing command over the network in 13.4.

19 Is that correct?

20 A. That's part of what the claim requires.

21 Q. And the computer system includes the video
22 editing environment pursuant to 13.1. Correct?

23 A. The computer system as -- as required by claim
24 element 13.1 has to have at least one computer-readable
25 media, and that computer-readable media has to comprise

1 a video editing environment.

2 Q. Okay. So kind of breaking it down into plain
3 English, is it -- is it fair to say that that provides
4 that the computer system, including -- strike that.

5 Is it fair to say, putting it in plain English
6 terms, that that provides that the computer system
7 includes a video editing environment?

8 ATTORNEY YAM: Objection, form.

9 A. What -- what's required by claim element 13.1
10 is that the computer system has a -- at least one
11 computer-readable medium, and that at least one
12 computable reader -- readable medium comprises a video
13 editing environment, and that's what it -- that's what
14 it requires in claim element 13.1.

15 Q. Okay, so --

16 A. I think that's -- I think that's slightly
17 different than what -- what you were -- you were asking.

18 Q. How's that different?

19 A. I think you didn't use those -- those words of
20 the requirement, and it's implying maybe other things
21 that I think are -- are not recited in the claim
22 language.

23 Q. You're not disputing that 13.1 provides that
24 the computer system includes a video editing
25 environment, are you?

1 ATTORNEY YAM: Objection, form.

2 A. Well, there's -- it's -- it's more specific
3 than that, which is the computer system has to have at
4 least one computable reading -- readable medium, and
5 within that computable readable medium --
6 computer-readable medium must be a video editing
7 environment.

8 Q. Right. So 13.1, for the computer system,
9 it -- it sets forth basically three requirements, right?

10 There's a computer-readable medium. That's
11 one.

12 It comprises a video editing environment.
13 That's two.

14 And three, it's disposed to the server side of
15 a public network.

16 Is that correct?

17 A. I think you're read -- read -- you got all the
18 parts of that claim on 113.1 --

19 Q. Okay, so --

20 A. -- in your question.

21 Q. So if that limitation requires those three
22 elements, then that limitation necessarily requires that
23 the computer system includes the video editing
24 environment, which is the second requirement. Correct?

25 ATTORNEY YAM: Objection, form.

1 A. Sure, by -- by inference. But -- but you --
2 it must be included by being part of a -- being part of
3 a computable reader media -- readable media that's part
4 of the computer system.

5 Q. Okay. So we're talking about the -- strike
6 that.

7 So you understand that we're -- we're
8 discussing the video editing environment and what the
9 requirements are for that pursuant to the various
10 limitations in the claim.

11 Do you understand that generally?

12 ATTORNEY YAM: Objection, form.

13 A. I -- I think some of your questions are
14 directed to the requirements of video editing
15 environment, some are -- some don't appear to be.

16 Q. So 13.4 recites using the computer system to
17 receive a cue point editing command.

18 Is that -- is that accurate?

19 A. I -- I -- I mean, I understand that you want
20 to rephrase the claim element, but the claim element
21 says what it says. I -- I guess I wouldn't dispute this
22 thing subject to that there are additional limitations
23 in the claim element that you're -- you're omitting.

24 Q. Sure. I'm just trying to break it down into
25 plain -- plain English.

1 13.5 provides for modifying a portion of the
2 cue point information at the server side of the public
3 network according to the cue point editing command.

4 Do you see that language?

5 A. I do. That's part of 13.5.

6 Q. Okay. And what's -- what's your understanding
7 of what that claim language means?

8 ATTORNEY YAM: Objection, form.

9 A. Well, the -- that language refer -- contains
10 many references to antecedents that are provided in
11 earlier elements of the claim. For example, the cue
12 point information refers back to receiving a cue
13 point -- sorry, receiving a set of cue point information
14 that appears to refer back to that.

15 The server side of -- of the public network
16 refers back to what's being disposed at a server side of
17 a public network in -- is that -- that 13.1. The cue
18 point editing command received over the public network
19 or the cue point editing command appears to refer back
20 to 13.4, which is receiving a cue point editing command,
21 and goes on.

22 The public network refers back to a public
23 network from 13.1. The client terminal is referring
24 back to -- appears to be referring back to a remote
25 client terminal in 13.4.

1 And so subject to those things, it's not
2 talking about modifying a portion of the cue point
3 information. So a portion of the cue point information
4 would be referring to the cue point information and only
5 a part of the cue point information. And then --

6 Q. You refer to the server side of the public
7 network refers back to what's being disposed at a server
8 side of a public network in 13.1.

9 Do you recall that testimony a moment ago?

10 A. Yes.

11 Q. So what is disposed at the server side of the
12 public network in 13.1?

13 ATTORNEY YAM: Objection, form.

14 A. Claim element 13.1 in full says providing a
15 computer system having at least one computer-readable
16 medium comprising a video editing environment, and being
17 disposed at a server side of a public network.

18 So -- so it's -- the first half of that is --
19 is a computer system having at least one
20 computer-readable medium comprising a video editing
21 environment, and that's -- that's what's -- and that's
22 what's being disposed at a server side of a public
23 network, the second half would be in reference to.

24 Q. So the computer system, including those
25 elements, is disposed at a server side of a public

1 network, right?

2 ATTORNEY YAM: Objection, form.

3 A. Yeah, in the context of the specification,
4 there's -- there's -- there's -- there are -- there are
5 parts of the specification disclosing other computers
6 and client terminals. I don't -- I forget the exact
7 wording, that are running software at the client side.
8 But -- but this claim element is referring to the --
9 the -- the -- what -- the server side is referring back
10 to a server side in claim element 13.1, which -- which
11 is -- well, we talked -- talked about that.

12 Q. So for 13.5, what refers to -- you were
13 referring to antecedent basis. It refers to modifying a
14 portion of the cue point information. I think you were
15 indicating that that refers to the set of cue point
16 information that was received at the video editing
17 environment pursuant to 13.3. Correct?

18 A. Yeah, I -- I think it -- it is referring back
19 to that set of cue point information discussed in 13.3.
20 But there's -- there's further parts of 13.3 I didn't
21 recite in that, but -- but it is 13.3.

22 Q. And at 13.5, the reference to the client
23 terminal at the end, that's an antecedent reference to
24 the -- to the client terminal that provides the cue
25 point editing command under 13.4.

1 Is that correct?

2 A. So I think it is referring back to a remote
3 client terminal in 13.4 with all the requirements that
4 13.4 imposes.

5 Q. Right. And a POSITA would understand 13.4 to
6 be indicating that the remote client terminal provides
7 the cue point editing command that's received over the
8 network, right?

9 ATTORNEY YAM: Objection, form.

10 A. Well, I mean, it doesn't use the word
11 "provides," but it -- it simply requires that the cue
12 point editing command is received over the network. I'm
13 going -- I'm going to paraphrase as well, but I'm using
14 the exact words that are here, from a remote client
15 terminal.

16 Q. Okay. Would a POSITA understand that as
17 indicating that the remote client terminal is providing
18 the cue point editing command that's received at the
19 video editing environment?

20 ATTORNEY YAM: Objection, form.

21 A. I mean, it doesn't use the word "provide," but
22 it simply needs to be received. The cue point editing
23 command simply needs to be received from the remote
24 client -- from a remote client terminal.

25 Q. Would a -- would a POSITA understand that to

1 indicate that the remote client terminal is providing
2 the cue point editing command?

3 ATTORNEY YAM: Objection, form. Asked and
4 answered.

5 A. I don't think I've considered your
6 hypothetical rephrasing of -- of the claim element --
7 term. I mean, the claim term is what it says.

8 Q. You don't -- you don't think -- you don't
9 think my plain English rendition is a fair
10 characterization of the limitation?

11 ATTORNEY YAM: Objection, form.

12 A. I -- I don't think I provided a written
13 opinion about any recharacterizations of the -- of the
14 claim language like -- like you're asking here using a
15 different word, "provides."

16 Q. So to say that the remote client terminal is
17 providing the cue point editing command that's received
18 over the network, that would be inaccurate?

19 ATTORNEY YAM: Objection, form.

20 A. From my knowledge, I actually considered the
21 actual claim language in my analysis, not hypothetical
22 other things that could have been the claim language
23 that might mean the same thing. And so you're using a
24 different word that's not in the claim language. I
25 considered the words that are in the claim language in

1 my analysis.

2 Q. Do you recall that we established earlier that
3 the video editing environment is an application, a
4 software application?

5 ATTORNEY YAM: Objection, form.
6 Mischaracterizes.

7 A. I think I agree that one form of the video
8 editing environment might be that it's as described in
9 the specification, application, which being held on a
10 computable readable media would -- would be understood
11 that a software application could have been one form --

12 Q. And you couldn't --

13 A. -- to a POSITA.

14 Q. And you couldn't point to another example in
15 the specification where the application was something
16 other than a software application, right?

17 ATTORNEY YAM: Objection, form.
18 Mischaracterizes.

19 A. Well, sometimes the -- the -- there were
20 examples in the specification about how the software
21 application required extra things that were not
22 software. For example, indication of hardware commands
23 and -- and extra processing power, for example. I -- I
24 mean, I'm just going to refer you back to what I cited
25 earlier in our earlier discussion, but -- but that's --

1 those were some examples from the specification.

2 Q. Right. And in all those examples there was a
3 software application. Correct?

4 ATTORNEY YAM: Objection, form.

5 A. I think we went through, and the application
6 when referencing the VEE, I agreed earlier that they
7 appear to refer to software forms.

8 Q. Okay. And in paragraph 76 of your
9 declaration, you state, for example -- strike that.

10 What does the video editing environment have
11 to do to meet Claim 13?

12 ATTORNEY YAM: Objection, form.

13 A. They have to meet all the limitations which
14 specifically cite or discuss a video editing environment
15 that, for one, in 13.1, a video editing environment has
16 to be part of a computable readium -- readable media
17 that is part of a computer system, that a set of video
18 information is received at the video editing environment
19 using the computer system, and it has to meet the other
20 requirement, 13.3, receiving a set of cue point
21 information at the video editing environment using the
22 computer system.

23 Q. Does the video editing environment have to do
24 anything else under Claim 13?

25 A. I don't think there are other limitations in

13 that recite explicitly video editing environment.

Q. Where is the cue point editing command recited in the claim process?

A. So claim elements 13.4 and 13.5 use the phrase "cue point editing command," and 13.4 says that -- that the -- the -- receiving a cue point editing command over the network from a remote client terminal disposed at a client side of the public network using a computer system. So really, the first part of that just says the cue point editing command has to be received over the network from some -- something else. But in -- in -- in terms of what's relevant to your question, that doesn't say where that is other than it's received using the computer terminal -- system. Sorry, using the computer system.

Q. So it's saying it's -- the cue point editing command is received using the computer system, right?

A. It does say that, if you -- yeah. And you can omit the -- that middle part of that claim element 13.4, I suppose, as long as you consider that meaning separately. But, yeah, receiving a cue point editing command ... using the computer system.

And that computer system we know is a -- is part of this system having a readable -- computable -- computer-readable medium having a video editing

1 environment, and being disposed at a server side of a
2 public network.

3 And then -- and then if you go on, the next
4 element, 13.5, says that according -- it uses the phrase
5 "according to the cue point editing command received
6 over the public network from the client terminal." But
7 then what's done according -- according to that is
8 modifying a portion of the cue point information at the
9 server side over the public network.

10 Q. So the modification of the cue point
11 information takes place at the server side of the public
12 network under 13.5, right?

13 A. Yeah. I mean, it says modifying a portion of
14 the cue point information at the server side of the
15 public network. That's what's required.

16 Q. So your answer is yes, correct?

17 ATTORNEY YAM: Objection, form.
18 Mischaracterizes.

19 A. I mean, my answer is that the claim says what
20 it says, and I'm trying to use the exact claim language
21 here.

22 Q. Right. But the claim language has a plain and
23 ordinary meaning, right?

24 A. The -- yeah, the -- that's how I interpreted
25 the claim language under its plain and ordinary

1 meaning --

2 Q. It -- it has --

3 A. -- in -- in -- sorry, in the context of the
4 specification and prosecution history at the time of the
5 priority date.

6 Q. The claim language has a plain and ordinary
7 meaning, and you applied the plain and ordinary meaning
8 of the claim language, right?

9 A. Yeah, in my analysis for the -- under the
10 challenged different grounds, I -- I did apply the plain
11 and ordinary meaning of -- of the claim language to --
12 to -- as -- as would have been understand -- understood
13 by a POSITA in my analysis, and -- and that's where I
14 show various elements, various disclosures in the
15 various prior art that discloses this element.

16 Q. When the cases talk about the plain and
17 ordinary meaning, is -- is that -- is that referring to
18 repeating the claim language verbatim?

19 ATTORNEY YAM: Objection, calls for a legal
20 conclusion. Form.

21 A. When the -- when the what talks about it?
22 I -- I -- I didn't quite get that word.

23 Q. When the -- when the cases talk about the
24 plain and ordinary meaning, is that referring to
25 repeating the claim language verbatim?

1 ATTORNEY YAM: Objection, calls for a legal
2 conclusion. Form.

3 A. I -- I don't understand what -- when you say
4 "the cases talk," what cases are you referring to?

5 Q. You -- you've been instructed about the law on
6 claim construction, right, from your attorneys?

7 ATTORNEY YAM: Objection, form.

8 A. Generally, yes.

9 Q. And you've been instructed about the concept
10 of claim language having a plain and ordinary meaning,
11 right?

12 ATTORNEY YAM: Objection, form. Caution the
13 witness not to reveal the substance of any
14 communication.

15 A. So I laid out my understanding of -- of
16 certain issues in -- in my re -- in my declaration, and
17 that's what I applied.

18 Q. So you understand the concept of plain and
19 ordinary meaning of the claim language, right?

20 A. Yeah. I lay out some of that understanding in
21 paragraph 29 of my 710 declaration.

22 Q. So -- so looking back at limitation 13.5, it
23 provides for modifying a portion of the cue point
24 information at the server side of the public network,
25 right?

1 A. I'm sure that's part of it.

2 Q. Okay. And 13.4 recites receiving a cue point
3 editing command ... using the computer system. Correct?

4 A. I'm sorry, I wasn't -- I wasn't -- I didn't
5 catch that in reference to which -- which claim element
6 were you -- that question was about.

7 Q. Sure.

8 13.4 recites receiving a cue point editing
9 command ... using the computer system.

10 A. Yes, in part.

11 Q. Okay. And the computer system is at the
12 server side of a public network, right?

13 A. With all the limitations as laid out in 13.1.

14 Q. Okay. So the cue point editing command is
15 received at a server side of the public network and it
16 modifies a portion of the cue point information at the
17 server side of the public network, right?

18 ATTORNEY YAM: Objection, form.

19 A. The actual language is received using a
20 computer -- the computer system. It's -- it -- you
21 know, if -- if they wanted to use the word "at" instead
22 of "using," they could have, but it's not. It's
23 "using."

24 Q. Do you see a distinction?

25 ATTORNEY YAM: Objection, form.

1 A. They're different words so they would have
2 different meanings.

3 Q. So you're saying that receiving a cue point
4 editing command using a computer system has a different
5 meaning than receiving a cue point editing command at
6 the computer system?

7 A. I'm saying --

8 ATTORNEY YAM: Objection, form.

9 A. I'm saying I used -- I analyzed the actual
10 claim words as opposed to use -- hypothetical other
11 rephrasings of the claim language, that -- that there
12 could be many, many different rewordings of the claim
13 language that actually aren't the claim language.

14 Q. And the -- and the way you applied that
15 language of 13.4 to the -- did the --

16 (Reporter clarification.)

17 BY ATTORNEY SCHREINER:

18 Q. The way that you applied that language of 13.4
19 to the prior art, did the computer system as you
20 identified it receive the cue point editing command as
21 you identified it?

22 ATTORNEY YAM: Objection, form.

23 A. Do -- do you want to look at one of -- are you
24 referring to my analysis for like --

25 Q. That's --

1 A. -- one of the challenges?

2 Q. That's okay. If you can't answer it off the
3 top of your head, that's okay.

4 ATTORNEY YAM: Objection, mischaracterizes the
5 witness.

6 A. I'm trying to ask what you're referring to.
7 If you want to look at my analysis for this moment, I'm
8 happy to do that.

9 ATTORNEY SCHREINER: Yeah, Stephen, let's try
10 to keep the objections to one word. I'm being -- you
11 know, I'm not being really nitpicky about that but, you
12 know, those are the rules. And, you know, you're --
13 you're going over the line a little bit, respectfully.

14 ATTORNEY YAM: Stephen, if you would stop
15 mischaracterizing the witness, I can --

16 ATTORNEY SCHREINER: Yeah, the --

17 (Simultaneous speaking.)

18 ATTORNEY YAM: -- but --

19 ATTORNEY SCHREINER: Stephen? Stephen,
20 objections must be limited to a single word. That's
21 right out of the Consolidated Trial Guide.

22 ATTORNEY YAM: All right. Objection,
23 mischaracterizes. There we go.

24 ATTORNEY SCHREINER: Thank you.

25 BY ATTORNEY SCHREINER:

1 Q. Take a look at Gupta, Exhibit 1004.

2 A. Okay, I have it up.

3 Q. Let's take a look. Let's take a look first at
4 paragraph 32 of Gupta. And do you see the language
5 annotation server 10 controls the storage of annotations
6 and their provision to client computers 15?

7 Do you see that?

8 A. Yes.

9 Q. So what does that mean to you as a POSITA?

10 ATTORNEY YAM: Objection, form.

11 A. I mean, it -- it means what it says it -- it
12 means.

13 Q. So it means that annotation server number 1
14 controls the storage of annotations and, number 2, their
15 provision to client computers.

16 Is that -- is that correct?

17 A. I suppose if you want to break up that
18 sentence into two different parts like that, I -- I
19 wouldn't dispute that.

20 Q. And that passage describes two functions of
21 the annotation server, right? Storage of annotations,
22 and provision of annotations to client computers.

23 Fair to say?

24 ATTORNEY YAM: Objection, form.

25 A. Well, that one particular paragraph starts off

1 that way. It goes on to describe a little more detail
2 about some of that.

3 Q. Right. But just that first sentence, do you
4 agree it describes two -- two functions, the annotation
5 server controls the storage of annotations; and
6 secondly, the provision of annotations to client
7 computers?

8 Is that fair to say?

9 ATTORNEY YAM: Objection, form.

10 A. I mean, 30 -- paragraph 32 starts out saying
11 what it's saying. I'm not disputing the words that are
12 there. But there are lots of other descriptions of
13 things that the annotation server 10 does or was
14 involved with throughout the specification of Gupta.

15 Q. But you don't dispute that that sentence
16 describes annotation server 10 performing two functions,
17 the storage of annotations, and the provision of
18 annotations to client computers.

19 You don't dispute that, do you?

20 ATTORNEY YAM: Objection, form.

21 A. Yeah, I mean, the one sentence in isolation
22 does describe those two functions. And there -- there
23 are lots of other discussions about other functions that
24 the application server does and is involved in.

25 Q. Okay. Does -- does that sentence in

1 paragraph 32 describe annotation server 10 performing
2 the function of editing annotations?

3 ATTORNEY YAM: Objection, form.

4 A. That one sentence in paragraph 32 doesn't use
5 the word "edit."

6 Q. Doesn't refer to editing annotations.
7 Correct?

8 ATTORNEY YAM: Objection, form.

9 A. That one sentence in paragraph 32 that we're
10 looking at doesn't use the word "edit."

11 Q. Do you recall in Figure 3 of Gupta there's
12 a -- there's a component named ABE 132 in the annotation
13 server?

14 Do you -- do you see that in Figure 3?

15 A. I do see ABE in Figure 3.

16 Q. And I'd like to refer you to paragraph 48 of
17 Gupta. Can you read the first full sentence of
18 paragraph 48?

19 A. It says annotation server 10 further includes
20 an annotation back end (ABE module 132) which contains
21 functionality for accessing annotation stores 17 and 18
22 for composing outgoing email based on annotation data
23 and for processing incoming email.

24 Q. Is it fair to say that that describes three
25 functions for ABE module 132?

1 ATTORNEY YAM: Objection, form.

2 A. Sure. That one sentence at the -- the first
3 sentence at the beginning of paragraph 40 -- 48 appears
4 to describe three functions of the ABE server.

5 Q. And what are the three functions --

6 A. ABE --

7 Q. What are the three functions of the ABE module
8 described there?

9 A. In this sentence, the single sentence at the
10 beginning of paragraph 48, it says that the -- an
11 annotation back end module which contains functionality
12 for accessing annotation stores 17 and 18, accessing
13 annotation stores 17 and 18 for composing outgoing email
14 based on annotation data and for processing incoming
15 email. And that's what the first sentence of paragraph
16 48 says in isolation.

17 Q. Okay. So how -- what would a POSITA
18 understand to be the three functions described in
19 paragraph 48 for ABE 132?

20 ATTORNEY YAM: Objection, mischaracterizes.

21 A. If you're talking about the whole paragraph,
22 there's a -- further down, it -- it says that annotation
23 content authored at client 15 using user interface 152
24 is received by ABE 132 and maintained in annotation
25 content store 17, so I guess we're not limited only to

1 those three functions.

2 Q. But it --

3 A. While it is maintaining annotation data,
4 that -- that -- there's a further -- you know, in
5 content store 17 as described in a later sentence in
6 paragraph 48, it's now gone a -- a little bit in more
7 detail --

8 Q. I'm sorry, the --

9 A. -- indicating that accessing annotation stores
10 17 and 18 are -- are -- are -- can include, you know,
11 storing annotated content.

12 Q. I'm sorry, you're not being responsive to my
13 question. I asked you in the first sentence --

14 ATTORNEY YAM: Stephen, please allow the
15 witness to finish answering. You asked about the
16 paragraph 48 and not simply the first sentence, so he's
17 simply responding to your answer -- or to your -- to
18 your question.

19 ATTORNEY SCHREINER: He's filibustering. Come
20 on, Stephen.

21 ATTORNEY YAM: Respectfully, he's not.

22 ATTORNEY SCHREINER: I'll -- I'll withdraw the
23 question and I'll restate the question.

24 BY ATTORNEY SCHREINER:

25 Q. Dr. Houh, did you -- did you agree that the

1 first sentence in paragraph 48 describes three functions
2 for ABE module 132?

3 A. With respect to only the first sentence of
4 paragraph 48 I did agree that it seemed to recite three
5 different functions.

6 Q. What are the three functions described for ABE
7 module 132 in that sentence?

8 A. So with respect to just the first sentence in
9 paragraph 48, which is not the only place in Gupta that
10 discusses the annotation server 10, the first sentence
11 of paragraph 48 says that -- indicates that there are
12 functions contained in the back end -- annotation back
13 end module that include functionality for accessing
14 annotation stores 17 and 18, for composing outgoing
15 email based on annotation data, and for processing
16 incoming email. And just in the first sentence of
17 paragraph 48, it lists those three functions. But --

18 Q. And those -- those three -- you just -- you
19 just read verbatim what paragraph 48 is. I'm trying to
20 understand what your opinion is as to how a POSITA would
21 understand that, not just repeating it.

22 But anyways, I'll just ask you it this way.
23 Is one function accessing annotation stores 17 and 18?

24 A. So I did not just read the paragraph 48. You
25 referred me only to the first sentence, and I read only

1 a part of the first sentence of 48.

2 Q. Okay. All right. Is -- is -- I'm not trying
3 to make this difficult for you, I'm just trying to move
4 us along.

5 You agreed that there's three functions
6 recited in the first sentence of paragraph 48 for ABE
7 module 132, right?

8 A. I did previously agree to that in terms of
9 just what the first sentence of paragraph 48 referred
10 to.

11 Q. Right. And the first function would be
12 accessing annotation stores 17 and 18, right?

13 A. That's the first thing listed. That's the
14 functionality in -- in the first sentence of paragraph
15 48.

16 Q. And those stores 17 and 18, those are storages
17 or memories that store annotations, right?

18 ATTORNEY YAM: Objection, form.

19 A. If you look in paragraph 32, it -- it's --
20 it -- one ex -- in -- in the -- in this example as given
21 in Gupta, it -- it says how the -- it refers to the
22 annotation metadata stores 18 and the annotation content
23 store 17. And if you -- if you take memory to be broad,
24 then yeah, things are stored and they can be stored in
25 memory.

1 Q. Okay. And the second function referred to in
2 the first sentence of paragraph 48 is for composing
3 outgoing email based on annotation data, right?

4 A. Those words are in the first sentence of
5 paragraph 48.

6 Q. And the third function that is identified for
7 ABE module 132 in the first sentence is for processing
8 incoming email, right?

9 A. I just want to be clear. The sentence refers
10 that -- to that as functionality, not literally as -- as
11 a function. But -- but -- but -- but those words, "for
12 processing incoming email," are part of the first
13 sentence of paragraph 48.

14 Q. Does the -- the sentence we're looking at in
15 paragraph 48 -- strike that.

16 Does the sentence -- the sentence in paragraph
17 48 that we're looking at mention anything about editing
18 annotations for ABE module 132?

19 A. So if you're referring to only the first
20 sentence of paragraph 48, I do not see the word "edit"
21 used in that first sentence.

22 Q. A POSITA wouldn't understand that first
23 sentence as referring to editing annotations. Correct?

24 ATTORNEY YAM: Objection, form.

25 A. With respect to the whole Gupta reference,

1 Gupta reference as a whole, I do show and give my
2 reasoning for why Gupta discloses the element 13.5,
3 which is -- but just that sentence, first sentence of 48
4 does not use the word "edit," although there are further
5 discussions of what the annotation server 10 and I think
6 also the -- the module 132 do outside of that first
7 sentence of paragraph 48.

8 Q. I move to strike that as nonresponsive. Let
9 me -- let me pose the question again.

10 A POSITA wouldn't understand that first
11 sentence as referring to editing annotations. Correct?

12 ATTORNEY YAM: Objection, form. Asked and
13 answered.

14 A. So if you're asking about what a POSITA would
15 understand of what might be included in accessing a --
16 a -- a store 17 or 18, they would understand that --
17 that you can access a store or a memory to retrieve
18 contents, to deposit contents, to modify contents, and
19 those are all included in the way stores are accessed.
20 But the first sentence alone does not use the word
21 "edit." And "edit" I don't think is used in -- is not
22 used in claim element 13.5 anyway.

23 Q. So would a POSITA understand the first
24 sentence of paragraph 48 as referring to ABE module
25 performing the function of editing annotations?

1 ATTORNEY YAM: Objection, form. Asked and
2 answered.

3 A. So the first sentence of 48 does not use the
4 word "edit," and neither does claim element 13.5. But I
5 think when -- when discussing accessing the store of 17
6 and 18, which -- which were described in a little more
7 detail on -- as a metadata store, and I -- I forget
8 the -- the other term for it, we -- we just looked at
9 that, that accessing it would involve accessing it to
10 read a value, to write a value, or to modify a value in
11 the store.

12 Q. Does the first sentence of paragraph 48 refer
13 to modifying a portion of an annotation?

14 ATTORNEY YAM: Objection, form.

15 A. The word used in the first sentence of 48 is
16 "accessing annotation stores 17 and 18," or the phrase
17 used.

18 Q. So it doesn't refer to modifying annotations.
19 Fair to say?

20 ATTORNEY YAM: Objection, form.

21 A. It talks about accessing an annotation store,
22 and I think you'd understand that if you wanted to
23 access a memory, one way you could access -- one reason
24 you'd access a memory is to modify a value that's in the
25 memory. One way you'd modify -- access a memory is to

1 read a value that's in the memory.

2 Q. Let's go to the later sentence you refer to in
3 paragraph 48 starting with annotation content authored
4 at client 15.

5 Do you see that?

6 A. Yes.

7 Q. Can you read that sentence?

8 A. Annotation content authored at client 15 using
9 user interface 152 is received by ABE 132 and maintained
10 in annotation content store 17.

11 Q. Are you able to describe how a POSITA would
12 understand that sentence without just reading the
13 sentence?

14 ATTORNEY YAM: Objection, form.

15 A. Sure.

16 Q. Please do.

17 A. So it's talking about annotation content
18 authored at client 15. That refers to some of the -- I
19 think it's Figures 7 and 8, which -- which is described
20 in the specification around paragraphs 101, 102 and
21 thereabouts.

22 I think both figures are -- are discussed
23 around there, even through paragraph 1 -- well, you
24 know, for -- for several paragraphs. And -- and that
25 discusses the -- a dialogue box which is set up to

1 collect information from the user, and -- and that's
2 part of what paragraph 48 is referring to, about the
3 content authored at client 15 and the user interface,
4 and that it's received by the back end, that -- that
5 content, and then maintained in the annotation content
6 store.

7 So for, for example, for a new annotation, it
8 would -- it would create a new annotation. There's also
9 discussion of -- of modifying annotation content
10 elsewhere, and I think with reference to --

11 Q. Figure 21?

12 A. Yes, I think Figure 21, which I think refers
13 back to Figures 7 and 8 in terms of in this
14 description -- well, let me see if I can find that.
15 Yeah, if you look in paragraph 144, that talks about
16 this edit annotation dialogue box. That's the -- the
17 word that Gupta uses, the phrase. And it talks about
18 how it's analogous to the dialogue box 330 of Figure 8,
19 so it refers back to the adding a new, but this is with
20 respect to editing.

21 And then, you know, when the data entered by
22 the user at the user interface on the client side is
23 received by the -- by the back end modules, then they're
24 updated within the content store. And I think if you
25 look at the analysis for 13.5 that I have for modifying

1 the modifying element, I discuss some of that in that
2 section. And so that's -- that's what -- that's what
3 that language in the middle of paragraph 48 is -- is
4 discussing in part.

5 Q. What does it mean when it says annotation
6 content authored at client 15?

7 What -- what does -- what does a POSITA
8 understand that to mean?

9 ATTORNEY YAM: Objection, form.

10 A. I think that's referring to the -- some of the
11 data that's collected at the user interface from the
12 user, the user interface that's displayed on the client
13 and then provided to the back end wherein the back end
14 then updates the -- the -- the content store that --
15 yeah, and updates the data in the annotation content
16 store.

17 And that's very similar to disclosures in the
18 '286 patent itself, which describe the client-side
19 application that collects data, similar data for the cue
20 points that -- that is then submitted back to the -- to
21 the back end for -- where it is stored and modified,
22 modifies the cue points, for example.

23 Q. What does -- what does it mean that the
24 annotation content is authored at client 15?

25 ATTORNEY YAM: Objection, form.

1 A. It means -- what it's discussing is with
2 respect to the forms that are shown in Figures 8, 7
3 and -- and, I guess, 21, there's a dialogue box that
4 collects information from the -- the user, and -- and
5 that's part of the process.

6 But then there's a -- a submission. I -- I --
7 I discuss that as part of the command in Claim 13,
8 whatever element contains that. That then -- that data
9 is then submitted to the back end. And then, you
10 know -- you know, when it's -- when -- when in Gupta
11 you're using the edit annotation interface, it actually
12 performs a modification of the data associated with
13 the -- the cue point or the -- one of -- the concept
14 in -- in Gupta that -- that I relate to cue point in
15 the -- in the '286 patent claims. And so --

16 Q. What would a POSITA understand the term
17 "authored" to mean in the context here of the paragraph
18 48?

19 ATTORNEY YAM: Objection, form. Asked and
20 answered.

21 A. Well, I think that's partly -- you know, you
22 can author something by -- by -- you know, authors can
23 write original material and then they can also make
24 updates to existing -- you know, modifications to
25 existing material they've written. And I think, you

1 know, under just kind of what people generally
2 understand is -- authoring to mean, you could -- here,
3 it -- it's now being applied to annotation content,
4 which specifically with respect to Figures 7 and 8 and
5 21 talk about, let's see, some things that are there,
6 like the -- there's some text.

7 There is from and to times, for example,
8 and -- and that's -- that's kind of what's shown in
9 Figures 7 and 8 as -- as some of the content that's part
10 of -- of the annotations in Gupta.

11 Q. Does authored mean creating?

12 ATTORNEY YAM: Objection, form.

13 A. I -- I think for a -- with respect to a new
14 one, it can -- can include create. As -- as I said,
15 authors can write original material but they can also go
16 back and modify existing material, and that's part of
17 the authoring process.

18 Q. So a user at client 15 can author an
19 annotation by creating a new annotation such as to add
20 an annotation like in Figures 7 or 8, right?

21 ATTORNEY YAM: Objection, form.
22 Mischaracterizes.

23 A. I -- I think that's one -- one example in
24 Gupta of -- of -- with respect to Figures 7 or -- and 8.
25 I think 8 first, then 7 perhaps, of -- of -- of adding a

1 new annotation.

2 Q. And that -- and a user at client 15 can author
3 annotation content by editing an existing annotation,
4 such as pursuant to Figure 21, right?

5 ATTORNEY YAM: Objection, form.

6 A. I think if you look at the text described in
7 Figure 21, it -- it analogizes the -- the kind of
8 information collected with reference to 7 or 8, and I --
9 I think a person of ordinary skill in the art would --
10 would understand that Gupta is disclosing it for what I
11 pointed to that section for, which is, in part, my
12 analysis for claim element 13.5.

13 I don't think I used the word "authoring" in
14 my analysis, it's simply what's there in Gupta that I
15 point to that discloses element 13.5, which -- which
16 I -- I think I have that right. That's the modifying
17 element.

18 Q. Yeah, we're trying to get -- we're trying to
19 get to an understanding of how a POSITA would understand
20 this language about annotation content being authored at
21 client 15 in paragraph 48.

22 You see that language?

23 A. I did. I am not looking at it now.

24 Q. Oh.

25 A. Is it up on the screen? Yeah, I see that.

1 Q. I'm trying to understand how a POSITA would
2 understand that language. I think -- I think you
3 indicated that authoring could -- at the client 15 could
4 include the user creating a new annotation, such as
5 pursuant to Figures 7 and 8.

6 And now I'm asking is -- are there other ways
7 content can be -- annotation content can be authored at
8 client 15?

9 ATTORNEY YAM: Objection, form.

10 A. Yeah, I mean, I don't think I used the word
11 "author" as part of my analysis, at least I don't see it
12 here, for claim element 13.5 with respect to Gupta. I
13 mean, I know you want to focus on "author" here, but I'm
14 pointing to the disclosures in Gupta that clearly
15 disclose modifying and what's -- what's required by the
16 claim, and I'm showing how that's disclosed.

17 Q. Right. But you -- you read the entirety of
18 Gupta and you understand it very well, right?

19 A. I -- I do have an understanding of Gupta that
20 I -- and -- and I base my opinions on my understanding
21 of a POSITA's understanding of -- of -- of -- of
22 analysis at -- from that point of view.

23 Q. And -- and the question is would a POSITA
24 understand annotation content authored at client 15 in
25 paragraph 48 to include editing an -- existing

1 annotations, such as in Figure 21?

2 ATTORNEY YAM: Objection, form.

3 A. So I -- I just want to be clear about what the
4 POSITA's -- it is the POSITA's understanding of the
5 claim language that I do my analysis -- plain and
6 ordinary meaning of the claim language.

7 The claim language doesn't use the word
8 "authoring." I mean, I -- I understand Gupta does at --
9 at that passage in paragraph 48. And I do cite to that
10 passage in -- in my analysis on page 64 of the 710
11 declaration.

12 But the point there is that Gupta does
13 analogize the process of editing an annotation. And it
14 uses the word "edit," but the claim language is
15 "modifying." And it analogizes it to -- it basically
16 says it -- it's basically the same information you
17 collect in Figures 7 and 8. We looked at that earlier.
18 We -- I can go find that again if you want me to.

19 And the point is that -- that it's -- it's --
20 this -- these disclosures in Gupta do disclose
21 limitation 3.5.

22 Q. We're trying to understand the -- the meaning
23 of this language from Gupta. You agree that a POSITA --
24 strike that.

25 You agree that this exercise includes

1 understanding how a POSITA would understand disclosure
2 in the Gupta reference, right?

3 A. The disclosure, taken as a whole, you know, in
4 overall of Gupta --

5 Q. I'm asking --

6 A. -- you know --

7 Q. -- you about this -- this sentence, a sentence
8 that you first -- you first brought up in today's
9 deposition. The sentence in paragraph 48, quote,
10 annotation content authored at client 15 using user
11 interface 152, is received by ABE 132 and maintained in
12 annotation content store 17.

13 You see that sentence, right?

14 A. Yeah, I do.

15 Q. Okay. And -- and I'm -- I'm simply trying to
16 understand, would a POSITA understand that annotation
17 content authored at client 15 would encompass what Gupta
18 discloses elsewhere as being editing an annotation, such
19 as Figure 21?

20 ATTORNEY YAM: Objection to form.

21 A. So I do point to this sentence as part of my
22 analysis for why Gupta meets the modifying element, but
23 I don't really -- you know, and as I've already said
24 before, you know, when an author writes something, they
25 can do something by creating something original, but

1 they can continue to author it by editing what they've
2 already written. And in that sense, I mean, they could
3 change the whole meaning by adding a "not" or, you know,
4 by making edits. They're not stuck with what they
5 originally authored as the only thing they can possibly
6 author because every process of -- of -- of authoring
7 any work typically goes through multiple revisions where
8 content may be changed or updated. And so that's all
9 part of the authoring -- authoring process.

10 And there's no magical definition of Gupta
11 that it lays out that somehow departs from what people
12 would understand to be included in -- in an authoring
13 process.

14 Q. No, you gave that example before, and it
15 actually prompted my question. So what you said about
16 authors updating things, that -- that makes sense to me.

17 So my -- my question is in -- in the context
18 of -- of Gupta where it's talking about annotation
19 content being authored at client 15, does that include
20 updating or editing existing annotations?

21 ATTORNEY YAM: Objection to form.

22 A. Gupta explicitly discloses a -- a -- in
23 Figure 21 an edit annotation dialogue box which it
24 analogizes to the, you know, the key advance button to
25 the same information I think as in Figure 7, which

1 includes times for from and to.

2 And so it's clear that the edit annotation
3 process in Gupta discloses the ability to make
4 modifications to portions of cue point information by
5 submitting the data collected by the user at the client
6 side to the back end where then it's stored, used to
7 update the data store, or -- or maintained in the
8 data -- data con -- annotation content store 17.

9 So collectively, when you put all of the
10 teachings of Gupta together, it is disclosing for the
11 reasons I've laid out in my analysis for element 13.5,
12 the claim element that starts modifying a portion of the
13 cue point information. And that's the analysis I did.

14 The -- the -- you know, yes, I did point to
15 this sentence that talks about authoring or -- or was
16 it -- authored at client 15. But it's -- it's the --
17 the -- the whole of the Gupta taken together as -- as
18 I've laid out in my analysis that clearly discloses
19 claim element 13.5.

20 Q. Right. You're talking about Gupta allegedly
21 satisfying the claim limitation. What I'm asking about
22 is -- is this sentence here, annotation content authored
23 at client 15, how that'd be understood in view of the
24 entirety of the disclosure of Gupta.

25 And my question that I've posed multiple times

1 now is, would annotation content authored by client 15
2 include editing annotations, or if you want to call it
3 modifying annotations such as described in Figure 21 of
4 Gupta?

5 ATTORNEY YAM: Objection, form.

6 A. I mean, taken together, yeah, it does -- Gupta
7 does disclose the modifying claim element as I've laid
8 out in this section starting at paragraph 103 in my
9 declaration for the reasons that I've listed.

10 Gupta discloses an edit annotation as sample
11 edit in an annotation dialogue that's used to collect
12 information from the user and then which is then
13 submitted to the back end, passed to the ABE module,
14 which is then used to main -- you know, maintain the --
15 the -- the annotation content store as -- as this
16 section we're looking at in paragraph 48 discloses.

17 And -- and that's, you know, that's how it
18 works. That's what Gupta says it does, and so that's --
19 that's part of the support for why Gupta is disclosing
20 claim element 13.5 as I've laid out. And part of it is
21 that the annotation that's edited, the information
22 that's collected from the user is used to submit to the
23 back end and pass to the ABE module, and then that is
24 used to update the annotation content store. And if
25 it's an edit, it's modifying the -- the -- the contents

1 of -- of that annotation. And -- and -- and this is
2 part of the support for -- for, you know, put -- put
3 together with other disclosures in Gupta that -- that
4 show why Gupta discloses element 13.5.

5 Q. I move to strike as nonresponsive. I didn't
6 ask you anything about limitation 13.5. I'm asking you
7 a very straightforward question and I'd really
8 appreciate it if you would just answer it. We're going
9 to get to an answer. We're just burning a lot of time
10 here. So let me -- let me ask the question again,
11 Dr. Houh.

12 When Gupta refers in paragraph 48 to
13 annotation content authored at client 15, does that
14 encompass the editing or modifying -- modification of
15 annotations as described in Gupta for Figure 21?

16 ATTORNEY YAM: Objection, form.

17 A. This is describing a process where information
18 provided by the client side submitted to the back end
19 through -- through to the ABE module and then is -- is
20 then used to maintain that data in the content store.
21 And a person of ordinary skill would -- would understand
22 that the overall disclosure of Gupta, including partly
23 this sentence you're asking me about, does disclose that
24 modifications to the annotations in Gupta are then
25 submitted to the server side over the internet according

1 to -- and, you know, the command when the user actually
2 sub -- hits okay on the client side, that is a --
3 there's a command -- you can look at the other portions
4 of my analysis for that -- that's sent to the back end
5 and -- and the data collected from the user on -- from
6 the client side is used to modify the -- the annotation
7 in the content store of Gupta.

8 And taken together, that -- that is what
9 Gupta's teaching. It has the ability to edit
10 annotations and -- and -- and which -- which -- which
11 I've kind of mapped partly to the modifying claim
12 element, and --

13 Q. Is --

14 A. -- I have discussed --

15 (Simultaneous speaking.)

16 Q. Is it anything --

17 A. I've discussed all the different parts of
18 claim element 113.5 with respect to, you know, what this
19 one sentence is saying in the context of -- of the Gupta
20 reference as a whole.

21 Q. Okay. Before, you said you analogized to a --
22 to a writer writing a book or novel.

23 Is that -- is that fair to say?

24 ATTORNEY YAM: Objection, form.

25 A. What I'm saying is that there's no -- there's

1 no magical definition in -- in Gupta that's kind of
2 changing the definition of authoring other than what
3 people understand authoring used generally with --
4 with -- that I -- that I saw.

5 Q. And -- and you said that authoring could be
6 creating an original work, or it could be updating a
7 work. Is -- is that a fair characterization?

8 ATTORNEY YAM: Objection, form.

9 A. I think I said something slightly different,
10 which is the -- the process of authoring a book would
11 involve, of course, writing some portions of the book
12 for the first time, but then also includes the -- the --
13 the process of -- of revising what's already written to
14 come up with the finally authored piece of work.

15 And -- and -- and Gupta's not using this word
16 in -- in a different way, hasn't laid out somewhere that
17 authored only means one thing and only one thing or, you
18 know, there's no magical redefinition within Gupta that
19 I recall that would take it away from just what people
20 understand the authoring process or having authored a
21 book would entail.

22 Q. So you describe authoring as basically
23 creating -- the additional creation as well as revising.

24 Is that fair to say?

25 ATTORNEY YAM: Objection, form.

1 A. I think anyone that has authored a book has
2 gone through both those -- at least those two steps of
3 the process.

4 Q. In the context of Gupta, does that -- does
5 that correspond to creating an annotation as well as
6 editing or modifying an annotation?

7 ATTORNEY YAM: Objection, form.

8 A. I -- I think Gupta already discloses editing
9 an annotation so I don't know why you keep insisting on
10 asking whether it relates back to this authoring process
11 and what it includes.

12 Gupta's very explicit. It shows an interface
13 that's literally called edit annotation, and I've
14 related that function -- function to the modifying claim
15 element of 13.5.

16 Q. Is editing an annotation authoring an
17 annotation?

18 ATTORNEY YAM: Objection, form.

19 A. The Claim 13.5 doesn't use the word
20 "authoring," so I didn't consider the -- the -- the
21 language in -- in -- in the claim because "authoring" is
22 not -- "authored, authoring" is not used in the claim
23 language of 13.5, so -- so I provided that sentence that
24 used the word "authored" as part of the support for why
25 I say that Gupta is disclosing claim element 13.5. But

1 13.5 does not use the word "authored" or "authoring."

2 Q. Right. But Gupta does.

3 Gupta does, right?

4 A. Sure. Gupta uses lots of words. What I'm
5 telling you --

6 Q. Right, right, right.

7 A. -- is that a person of ordinary skill reading
8 Gupta would see that it discloses element 13.5.

9 ATTORNEY YAM: Counsel, we've been going for a
10 bit over an hour. Do you have -- is there a breaking
11 point soon?

12 ATTORNEY SCHREINER: Yeah, soon.

13 Q. Yeah, what I don't understand, Doctor,
14 Dr. Houh, is just why you refuse to answer, like, a very
15 straightforward question. I don't think it's
16 controversial, that authoring a client 15 in Gupta
17 refers to or encompasses both creating new annotations
18 as well as editing existing annotations. You won't
19 answer that question. That's why we're going on and on
20 about it. And there's nothing -- I don't think there's
21 anything really controversial about it. So you don't
22 understand why I'm asking the question; I don't
23 understand why you're refusing to answer the question.

24 A. Oh, I disagree with that because I think I've
25 answered the question the same way multiple times --

1 Q. Right.

2 A. -- because I've already disclosed -- talked to
3 you about what a person of ordinary -- what -- what
4 people think of when they think of someone authoring a
5 work --

6 Q. Right. And you --

7 A. -- and what it includes.

8 Q. And you -- you indicated -- when we started,
9 you indicated that yes, authoring would -- would
10 encompass creating a new annotation, such as Figures 7
11 and 8 in Gupta, right?

12 ATTORNEY YAM: Objection, form.

13 A. I don't remember exactly what you asked,
14 but -- but I -- you know, if it's on the record, it's on
15 the record. I -- I stand by what I said.

16 Q. Okay. So -- so when Gupta says annotation
17 content authored at client 15, does or does that -- does
18 or does -- let me rephrase that.

19 When Gupta says annotation content authored at
20 client 15 in paragraph 48, does that or does that not
21 encompass editing an annotation as elsewhere described
22 in Gupta?

23 ATTORNEY YAM: Objection, form.

24 A. I've already said multiple times how people
25 understand the process of authoring to include both

1 creation of initial content and the revision of -- of
2 such content, that Gupta doesn't somehow magically
3 define authoring, authored, or anything like that, to be
4 something different, and that -- but Gupta, I -- at the
5 same time clearly discloses an edit annotation dialogue
6 box that is used to edit and make modifications to an
7 existing annotation in Gupta and how that relates to and
8 discloses claim element 13.5, which requires modifying a
9 portion of cue point information, and -- and it goes on.

10 And so I -- I understand you're -- I -- I did
11 cite this "authored" sentence as part of my support.
12 But taken as a whole, it's pretty clear that -- that
13 Gupta already can make -- you can make edits to
14 annotations in Gupta already.

15 And so whether or not this issue, which I've
16 already disclosed, that the, you know, people, you know,
17 think of author as a process that includes creating
18 initial content as well as revising that content.

19 Q. Right. And this --

20 A. And all --

21 Q. And this content --

22 A. If you could let me finish, please.

23 Q. All right, sure.

24 A. And all that taken together, all the
25 citations, I've done the analysis in this section to

1 show why Gupta discloses claim element 13.5. But it
2 starts with the -- the -- the disclosure by Gupta that
3 there is a edit annotation -- edit annotation feature.

4 Q. Okay. You said that authoring encompasses
5 revising such content, and so the simple question is
6 does revising such content in the context of Gupta
7 encompass editing an annotation?

8 ATTORNEY YAM: Objection, form.

9 A. What would happen in Gupta is that the content
10 store 17 related to an annotation that's being edited
11 would be modified at the server side to reflect the new
12 information entered by the user at a client side, and so
13 that was done through the annotation form. And taken
14 together, if you look at the way Gupta works, that
15 information is sent back to the -- the back end server
16 side and there -- there is -- and then -- and then
17 updated in the content store for the annotations so that
18 the -- so that the changes that the user has made using
19 the edit annotation function are now actually changed
20 where it counts, which is in the annotation content
21 store.

22 And if you look at the '286 patent, it
23 describes a very similar process where there's an
24 application running on the client side collecting the
25 data, submitting it to the back end where it's updated

1 and stored and -- and -- and -- and the cue point is
2 modified.

3 So Gupta is -- just has basically the same
4 disclosures as the '286 patent with respect to editing
5 and annotation of Gupta and -- and -- and modifying a
6 cue point of -- of the '286 patent.

7 Q. Well, I'd respectfully disagree with that.

8 You don't dispute that paragraph 48, the
9 sentence we've been talking about, states that the
10 annotation content is authored at client 15. You don't
11 dispute that it says that, do you?

12 A. The words are right there. I'm not disputing
13 that the words are different than what they actually
14 say. The words say what they say. It says that.

15 Q. They say that the annotation content is
16 authored at client 15, right?

17 A. If you look at the overall process of Gupta,
18 the user provides the data at the client side using a
19 dialogue box, and it can be generated with a web form.
20 That's one -- I think there's some disclosure about HTML
21 pages in -- in Gupta. And when you hit the okay button,
22 that data is submitted to the back end where then it's
23 stored within the -- the data store of Gupta.

24 And that's analogous to the process described
25 in -- in the '286 patent where there is literally an

1 application running on the client side where the user
2 types in the same types of values, which are then
3 submitted to the back end components of the -- in the
4 '286 system in at least one embodiment and --

5 Q. Okay.

6 A. -- and then used to -- to update the
7 respective cue point storage where the cue point is
8 stored. They're analogous.

9 Q. Okay, I see you won't answer the question as
10 to whether the annotation content is authored at client
11 15 in the first -- in the second sentence of paragraph
12 48.

13 Let's go to the next part that says the
14 annotation content is authored at client 15 using the
15 user interface 152.

16 Do you see that?

17 A. Well, I disagree. I think I've answered the
18 question numerous times.

19 Q. Oh, sure.

20 Do you -- do you see the second part,
21 annotation content authored at client 15, and here's the
22 second part, using user interface 152.

23 Do you see that?

24 A. I do see that.

25 Q. Okay. What does that mean?

1 A. Well, if you look at the overall parts of --
2 of Gupta, it means that there is a -- is a client
3 dialogue that's used to collect information at the
4 client side using an interface, and that data is
5 submitted to the back end, where it's received by the
6 ABE. And then that data, as originally entered on the
7 client side but submitted to the back end, is then used
8 to update the -- the respective annotation data in the
9 content store, annotation content store 17. That's what
10 Gupta's teaching.

11 I understand if you just want to focus on 15
12 words in this one sentence, that, out of context, you
13 might say it would say something. But in the actual
14 context of Gupta, what is actually happening is there's
15 a dialogue box on the user interface that is presented
16 at the client side just like similar disclosures I think
17 in the middle of the '286 patent, if I remember
18 correctly, around columns 25, 26, 27, that area, where
19 it talks about literally a client-side user interface
20 that collects information that's submitted to the back
21 end.

22 And then -- so -- so I'm not disputing what
23 Gupta is -- is saying. It uses the words here. But it
24 certainly describes in more detail in other sections
25 that you don't seem to want to focus on what actually is

1 happening, which is that the user interface is simply
2 collecting data that the user provides, where it's then
3 submitted to the back end ABE 132, which is on the
4 server side, and -- and it's used to update the actual
5 contents of -- of the -- of the record for the
6 annotation in the -- in the content store to -- and
7 therefore, with all this, it discloses the modifying
8 element 13.5.

9 Q. I -- I understand you want to run away from
10 this sentence, Dr. Houh.

11 User interface 152, where is that located and
12 where is it executed?

13 A. So I'm not trying to run away from anything,
14 I'm just saying that you seem to only want to focus on
15 these words, and there's a context beyond what these
16 words say that actually describe something that's
17 basically the same as what the '286 patent describes
18 when the user --

19 Q. Yeah, I --

20 A. -- user --

21 Q. I withdraw -- I withdraw my commentary. I
22 withdraw my commentary. I didn't need to say that. But
23 let's -- let's just go to my substantive question.

24 Where is user interface 152 and where is it
25 executed?

1 A. Okay, sorry, there's a pop-up that says your
2 computer is about to restart but I think I can get rid
3 of it.

4 So if you look at Figure 3 of Gupta, and you
5 can see that the user interface 152 is within the client
6 15. But I want to point out disclosures in the '286
7 patent, which talk about figures at the bottom of column
8 25. Figure 6 provides an exemplary screenshot of an
9 embodiment of a video editing environment as viewed by
10 client terminal according to the invention. The cue
11 point editor screen 600, and it goes on. But that cue
12 point editor 600 is -- is -- is viewed by the client and
13 it is presented at the client.

14 So just like Gupta has the client, this
15 interface where the -- which collects information to
16 submit to the back end, it's the same as -- as what the
17 '286 patent is disclosing starting at the bottom of
18 column 25 in the '286 patent that yeah, there is a
19 client. The client is presented at the -- at the user's
20 client's terminal.

21 And -- and -- and in Gupta, I go on in my
22 analysis to show how that data collected at the user
23 interface in the client is submitted to the back end,
24 where it's used to update the actual contents of the --
25 of -- as stored for the respective annotation being

1 edited in Gupta, which shows the modifying limit in --
2 in Claim 13.5.

3 ATTORNEY SCHREINER: And, Stephen, real quick,
4 we're -- we're almost at the end of my line of
5 questioning.

6 ATTORNEY YAM: Great, Stephen.

7 Q. Paragraph 82 indicates that the user interface
8 module is a application executed at client 15, right?

9 A. 82 does say that -- that -- that the interface
10 module is an application program, I'll skip the
11 parenthesized stuff, that is executed at client 15, but
12 just -- just like the client interface is presented at
13 the terminal in the '286 patent in the client side.

14 And -- and in Gupta, that interface is used to
15 collect data. It talks about the one form I think in
16 Gupta being a web browser. I believe that -- and -- and
17 that -- that you collect the data that's then submitted
18 to the back end where -- where the modifications are
19 made to the actual data store with respect to an
20 annotation being edited in -- in the system of Gupta.

21 Q. Do you -- do you understand the obviousness
22 inquiry to be comparing the referenced disclosure to the
23 claims or comparing the referenced disclosure to the
24 disclosure in the specification of the patent?

25 ATTORNEY YAM: Objection, form.

1 A. Any analysis I do is with respect to the
2 claims. But what I'm saying is that the -- what the
3 claims cover are a -- a -- a person of ordinary skill
4 will recognize the examples, given the specification
5 about what the claims cover, are -- are -- are within
6 the scope of -- of the claims.

7 Q. In paragraph 81, is it -- is it fair to say
8 that paragraph 81 would teach a POSITA that the user
9 interface module 152 generates -- strike that.

10 Is it fair to say that paragraph 81 would
11 teach a POSITA that the client-side user interface
12 module 151 generates dialogue boxes including Figures 7
13 and 8 to add annotations and Figure 21 to edit an
14 annotation in Gupta?

15 ATTORNEY YAM: Objection, form.

16 A. So I would kind of -- I wouldn't use the same
17 words you used in your questions. So Gupta talks about
18 the interface techniques can be using HTML code,
19 which -- which would come from a server. And that's
20 consistent with the disclosures of Gupta.

21 When a -- a dialogue is presented at a client,
22 the -- the client is merely rendering -- the client in
23 Gupta is merely rendering the -- the -- the -- the page
24 as specified by the -- by the web page on the server,
25 which delivers the -- the web document, includes -- that

1 includes a form for collecting data from the user. It
2 merely renders it on the client.

3 And so there is a program running on the
4 client that is effectively rendering dialogue boxes, or
5 forms in -- in -- in the case of a web page, that --
6 that are specified by the server that are delivered over
7 the network to -- to a web browser.

8 That's how your -- that's how your web browser
9 works. CNN or your news site or your video YouTube site
10 is not literally present on your computer. The -- the
11 web page comes from a YouTube server that specifies what
12 you should show on the -- and render on the client.

13 And so -- so it's -- it's -- it's -- it's not
14 really fair to say that the client generates the web
15 page. It's rendering what's specified by the server.

16 So in the case of Gupta, the dialogue box, one
17 form it could be, as -- as Gupta discloses, is a HTML
18 page. And in an HTML page, the -- the page is generated
19 by the server but it's rendered by the client.

20 And then, you know, when you submit, click on
21 a -- when you submit a form, that data, as the user has
22 entered into various form fields, is submitted back to
23 the server, which then can store the -- the data that
24 was submitted in appropriate places or use it
25 appropriately.

1 If you're buying, you know, something from
2 Amazon, you would actually complete the purchase. But
3 before you hit submit, nothing changes on the -- on the
4 back end system. And you haven't bought anything, you
5 haven't changed anything, you haven't edited anything
6 until -- until the right command is sent back to the
7 server that tells it here's the new data for editing
8 and -- and please -- please update your -- please modify
9 your data in the data store.

10 So -- so that's -- that's what Gupta does.
11 That's how I've done the mapping in the section for my
12 analysis for 13.5.

13 Q. Okay. But you don't dispute that paragraph 81
14 indicates that the user interface module presents a GUI
15 to the user, including dialogue boxes.

16 ATTORNEY YAM: Objection, form.

17 A. Yeah, if you look at what paragraph 81 says,
18 it -- it uses many of those words that you -- you asked
19 in your question, including "dialogue boxes." But --
20 but if you look at what Gupta's teaching overall, yeah,
21 it's consistent even with what the '286 patent has,
22 which is that there is a user interface presented on the
23 client side in the '286 system, and -- and that -- that
24 user interface collects information. It's submitted to
25 the back end.

1 Gupta discloses claim element 13.5 for the
2 reasons I lay out, and it's analogous to examples that a
3 person would recognize to be within the scope of the
4 claims that are given in the -- in the specification of
5 the '286 patent.

6 ATTORNEY SCHREINER: Okay, we can go ahead and
7 take that break. How long would you like, Dr. Houh?

8 THE WITNESS: Maybe 10 minutes.

9 ATTORNEY YAM: 10 minutes would be great,
10 thank you.

11 THE VIDEOGRAPHER: We are now off the record.
12 The time is 2:40 PM.

13 (Recess taken.)

14 THE VIDEOGRAPHER: We are now back on the
15 record. The time is 2:51 PM.

16 BY ATTORNEY SCHREINER:

17 Q. Dr. Houh, before we took a break we were
18 talking about the Gupta reference.

19 Do you recall that?

20 A. Yes.

21 Q. Okay. Just as aside, during any of these
22 breaks, including the last one, have you discussed your
23 testimony with counsel?

24 A. Not the substance, no.

25 Q. Okay. So is it correct that Claim 13 requires

1 a video editing environment application that is on the
2 server side of a public network?

3 ATTORNEY YAM: Objection, form.

4 A. What's required by claim element 13.1 with
5 respect to video editing environment is that, first of
6 all, that a computable read -- readable media must
7 comprise a video editing environment. And -- and that
8 could include, like, there's a program stored on a
9 computable readable media such as a hard drive and that
10 that computable readable media has to be part of a
11 computer system, right. And that computer system having
12 the media and the -- and the -- and the -- and the --
13 and thereupon, the media, the video editing environment,
14 that -- that is what is being disposed at the server
15 side of a public network. And that furthermore, with
16 respect to video editing environment, it has to receive
17 a set of video information using the computer system,
18 and that it's also receiving a set of cue point
19 information at the video editing environment using the
20 computer system.

21 With respect to Claim 13, that's -- that's all
22 that's required of the video editing environment. I
23 don't think it extends to exactly what you're asking.

24 Q. And the video editing -- editing environment
25 is an application, right?

1 ATTORNEY YAM: Objection, form.

2 A. So I think one form of the application, one
3 form of video editing environment, it would -- it could
4 be an application in software. And certainly it would
5 need to be some form of digital bits in order to be part
6 of a computable readable media generally. I mean, most
7 conventional ones, anyway.

8 Q. Where -- where's the video editing environment
9 application in Gupta?

10 A. So if you look at paragraph 76 of my 710
11 declaration, it says Gupta describes such at least one
12 computable readable medium comprising a video editing
13 environment such as software for both editing
14 annotations and streaming video executed by servers 10
15 through 13 and stores 17 through 18. For example, the
16 annotation server 10 executes software for editing
17 annotations.

18 So, for example, then some of the software on
19 annotation server 10 is part of the software of the
20 video editing environment in Gupta.

21 Q. So where does it disclose that annotation
22 server 10 executes software for editing annotations, as
23 you state in paragraph 76?

24 A. So part of the support for that is in
25 paragraph 48, which is one we've been looking at, that

1 annotation server 10 further includes an annotation back
2 end ABE module 132, and -- and that's part of the
3 support for that.

4 Q. Right. Where does that passage show that the
5 annotation server is executing software, quote, for
6 editing annotations in paragraph 48?

7 A. Well, that's part of the support. But the ABE
8 receives data, we -- we know, so it's -- it's something
9 that's running. And then -- then it -- it manages the
10 updates to the data stores 17 and 18, so -- so that's --
11 that's how it -- that's part of how -- what Gupta said,
12 Gupta says about the ABE on the back end actually
13 accessing the -- the data stores 17 and 18.

14 Q. I'm having a little trouble finding that in
15 paragraph 48 where you cite it on page 39 of your
16 declaration.

17 Can you -- can you point to me where it
18 indicates that ABE 132 executes software for editing
19 annotations, as you allege?

20 A. Well, part of the support is -- is that
21 highlighted section at the top of page 39. But it
22 continues that the ABE module contains functionality for
23 accessing annotation stores 17 and 18 for com -- and it
24 goes on.

25 And then I have another -- another at the end

1 of that block quote. Annotation server 10 is
2 illustrated in Figure 3 as maintaining the annotation
3 content and associated control information, metadata,
4 separately in two different stores. So it's clear that
5 these modules running on the server, they're -- they're
6 software, and the ABE module is -- is -- is -- is doing
7 what it's doing as -- as part of what's described here
8 in this section.

9 Q. Are you suggesting where it states that
10 annotation server 10 is illustrated in Figure 3 as
11 maintaining the annotation content, are you suggesting
12 that a POSITA would interpret that to mean executing
13 software for editing annotations?

14 A. I mean, if you look at the whole of Gupta
15 where there is a literal edit annotation dialogue that
16 is -- can be used to update the annotation, those
17 annotation contents are stored in annotation content
18 server or a store. I think -- I don't remember if
19 that's 17 or 18, but one of the stores is the annotation
20 content store.

21 And that's -- if you look at the overall
22 disclosure of Gupta, it's -- it -- it -- it's teaching
23 Claim 13 and -- and -- and -- and the modifying element
24 13.5 as well. I mean, that's a given, given it's
25 teaching all of 13, but the -- specifically I -- I --

1 I've got analysis about how Gupta is disclosing element
2 13.5.

3 Q. You don't dispute that Figure 1 illustrates an
4 edit annotation dialogue box, do you?

5 ATTORNEY YAM: Objection, form.

6 A. Figure 1 of Gupta?

7 Q. Figure 21. Oh, I'm sorry, let me restate
8 that.

9 You don't dispute that Figure 21 of Gupta
10 illustrates an edit annotation dialogue -- dialogue box,
11 do you?

12 A. I mean, if you look at paragraph 144 and at
13 the top of Figure 21, paragraph 144 says Figure 21
14 illustrates an exemplary edit annotation dialogue box
15 590. I don't see why I'd dispute that. It's pretty
16 clear.

17 Q. Does the description of Figure 21 -- strike
18 that.

19 As far as you know, is Figure 21 the only
20 mechanism disclosed in Gupta for editing an annotation?

21 ATTORNEY YAM: Objection, form.

22 A. Well, the -- if you look at paragraph 82, it
23 talks about this interface module as a whole, 152, how
24 it can be an application program or part of an
25 application program that is executed at client 15.

1 And -- and the interface module 152 may be incorporated
2 into the web browser, operating system, or run as part
3 of a separate self-contained application, which can be
4 stored locally at client 15 or, alternatively, received
5 from a remote server, e.g., a web page server 12 of
6 Figure 1 for execution at client 15.

7 So and then in any case, the interface module
8 152 operates in a graphical user interface Window
9 environment such as provided by the Windows brand of
10 operating systems available from Microsoft Corporation.
11 It goes on. But -- but that's saying it could be a part
12 within a web browser, it could be a standalone
13 application, it could be provided by the operating
14 system, it could be -- it could be an application which
15 is actually stored at a web server and then provided to
16 the client.

17 Q. The -- the question was is -- is Figure 27 the
18 only mechanism disclosed in Gupta for editing an
19 annotation?

20 ATTORNEY YAM: Objection, form.

21 A. I don't think you were referring to Figure 27,
22 were you?

23 Q. I'm sorry. The question was -- thank you for
24 correcting me.

25 The question, is Figure 21 in Gupta the only

1 mechanism disclosed for editing an annotation?

2 ATTORNEY YAM: Objection, form.

3 ATTORNEY SCHREINER: Allyson, you don't need
4 to put up those screenshots. If I need one, I'll ask
5 for one. Thank you.

6 VIDEOGRAPHER: No problem.

7 A. So it's describing the user interface
8 generally, that it can be available through a browser.
9 In fact, Figure 3 illustrates that. The web browser and
10 the user interface are -- are both there. But
11 alternatively, it could be a, you know, operating
12 system, part of the operating system, part of a
13 standalone app. It could be part -- it could be an app
14 that is -- that is stored on a web server and therefore
15 would be part of its computable readable media but then
16 provided to the client when -- when -- I -- I don't
17 remember if it said upon request or when needed, in that
18 one section we were just looking at. And so -- so those
19 are all different forms of implementations of the
20 dialogue box --

21 Q. Right. But we're talking --

22 A. -- which -- which are collecting the
23 information from the user and it's submitting it to the
24 back end so that the appropriate data store on the back
25 end can be appropriately updated.

1 Q. Does Figure 7 of Gupta disclose the dialogue
2 box to add an annotation named add --

3 ATTORNEY YAM: Objection.

4 Q. -- named add new annotation dialogue box 280?

5 ATTORNEY YAM: Objection, form.

6 A. So in Figure 7 at the top in the top of the
7 window it does show -- it does say, I think, add new
8 annotation. But Figure -- well, paragraph 89 of Gupta
9 describes Figure 7. It says Figure 7 shows an
10 exemplary, quote, add new annotation, close quote,
11 dialogue box 280 that allows a user to create a new
12 annotation, and it goes on.

13 But the way that that works is that the data's
14 collected from the user, submitted to the back end,
15 where the appropriate content store is -- is -- is
16 updated appropriately.

17 Q. So the mechanism to add a new annotation is --
18 is described in connection with the user interface
19 Figure 7 named add new annotation dialogue box 280.

20 Is that correct?

21 ATTORNEY YAM: Objection, form.

22 A. I mean, Figure 7 is described in paragraph 20
23 of Gupta as an exemplary dialogue box, so it's not the
24 only form of the dialogue box but take as just one
25 example.

1 Q. Right. And there's Figures 8 and Figure 9,
2 right? Those are also examples of different dialogue
3 boxes to add a new annotation, right?

4 A. I think Figure 8 is really the same one
5 without the advanced features section open if -- if I --
6 if you want to look at Figure 8. And then -- and then
7 Figure 9 shows a -- a -- in somewhat of a different form
8 with what looks like a -- a progress bar and -- and
9 video controls at the bottom.

10 We can look at what it -- this says. And
11 Figure 10 also shows a window with add new annotation,
12 but I think it's really the same as -- it looks the
13 same, except for the shading, as Figure 8 to me at first
14 glance.

15 And then Figure 11 also has add new annotation
16 at the top but with -- with those similar video progress
17 bar and video controls at the bottom.

18 Q. So we agree that Figures 7 through 11 show
19 different dialogue boxes to add a new annotation, right?

20 A. So that those are five different examples,
21 I -- I guess, of -- of -- to the extent they are
22 different, of dialogue boxes, example dialogue boxes for
23 creating new annotations.

24 Q. And let's turn to -- again, back to editing an
25 annotation. That's -- that's shown in connection with

1 Figure 21, which is named edit annotation dialogue box
2 590, right?

3 ATTORNEY YAM: Objection, form.

4 A. I think if you are referring to paragraph 144,
5 it's -- it's some -- I mean, I wasn't looking there but
6 it seems like it says what you were asking about. But
7 if you look at the description of Figure 21, again, it's
8 another example box. It's -- it's not the only possible
9 one. It's one example.

10 Q. Right.

11 A. And -- and I think if you look at the
12 description where if you click the advanced button on --
13 on -- in Figure 21, then it would -- I think Figure 7
14 illustrates what would appear, you know, under that
15 condition. I think that the specification talks about
16 that. We can go look at that if you want.

17 Q. But the -- but the -- the -- there's a single
18 example of an edit annotation dialogue box shown in
19 Gupta, and that's Figure 21, right?

20 ATTORNEY YAM: Objection, form.

21 A. I mean, Figure 21 is part of what I pointed to
22 for disclosure of the modifying claim element term.
23 I -- I know that Gupta uses the term "edit annotation,"
24 but -- but -- but I pointed to that for the modifying
25 term. And I don't see any other example figures

1 directed to a dialogue box for editing annotations
2 besides 21. But again, it's just one example. And the
3 description does relate it back to what happens in
4 Figure 7, you know, if -- if -- if the -- the advanced
5 button is clicked on -- on, I think, the Figure 21. So
6 it's describing other forms of dialogue boxes, but
7 there's only one figure that -- that I see directed to
8 it, to -- to -- to what I would call the modifying
9 function as claimed in -- in claim element 13.5.

10 Q. Right. You -- you map the -- the claim's
11 recitation of modifying a cue point, you map that to the
12 edit annotation dialogue box, right, for editing an
13 annotation, right?

14 ATTORNEY YAM: Objection, form.

15 A. I mean, part of my support for -- for why
16 Gupta discloses 13.5 is -- is -- is disclosure in
17 Figure 21. I'm -- we can -- we can look at that, but
18 I'm pretty sure that's part of what I referred to in my
19 analysis.

20 Q. Is Figure 21 showing a graphical user
21 interface displayed on the server side in Gupta?

22 ATTORNEY YAM: Objection, form.

23 A. I mean, I think Figure 21 is -- is -- is
24 displayed on the client side just like the 600 in the
25 '286 patent is -- is displayed on the client of -- of

1 the '286 system. They're similar dialogue boxes for
2 collecting information from the user about modifying
3 existing annotations or cue points. And then that
4 collected data is then submitted back to the server.
5 Gupta has a very clear disclosure about receiving the
6 data at the ABE or something and then -- and then
7 modifying the appropriate data stores on the back end.

8 Q. And you reference the okay button of
9 paragraph 100 of Gupta in your paragraph 76 of your
10 declaration.

11 Do you see that on page 39 through 40 of your
12 declaration?

13 A. Well, I do see that in -- in some of the
14 citations in paragraph 100.

15 Q. And the user selects the okay button on the
16 client side, right?

17 A. I think that's -- sure. That's fair. Someone
18 has to select it.

19 Q. I'm looking at the three citations you have in
20 your paragraph 76 for the proposition that annotation
21 server 10 executes software for editing annotations.
22 You cite paragraph 48, you cite paragraph 144, and you
23 cite paragraph 100 of Gupta, right?

24 A. That looks right.

25 Q. Why do those passages disclose Gupta's

1 annotation server 10, quote, executes software for
2 editing annotations, close quote? Just look -- please
3 look at the passages and explain to me.

4 A. So these -- the -- the annotation back end
5 module is -- is -- is what is actually containing
6 functionality for accessing the data stores that is
7 controlling what gets read, written into them including,
8 you know, updating any memory values, any values that
9 are there. And that's -- that's in 48.

10 It talks about the edit annotation dialogue
11 box. And then new information can be entered into the
12 fields analogous to add annotation dialogue box of 330
13 of Figure 8, and that's in paragraph 144. That's why I
14 say that if you look at the description of Figure 8 when
15 you click the advanced button, that pop-up, which is
16 where the section that -- that shows from/to is expanded
17 out in Figure 7, that's why I say that the -- that
18 Figure -- description of Figure 21 relates back to
19 Figures 7 and 8 because it's saying it's just
20 functioning the same way or analogously to the add one,
21 but now it's for edit.

22 And then paragraph 100, the citation there,
23 is -- shows that when the user selects okay, or when
24 okay is selected, that the interface forwards the
25 information entered in the dialogue boxes to the

1 annotation back end 151, which sends the new annotation
2 information to the annotation server 10.

3 And then, you know, if you read it all
4 together, then -- then that -- that is the data that
5 gets used to update the annotation content store so --
6 so that the actual annotation will be modified, as -- as
7 Claim 13.5 requires.

8 And, you know, if the user never submits okay,
9 they can type whatever they want into the -- the fields,
10 but the -- the data store won't actually be -- be
11 updated or modified to accurately reflect the user's
12 input. The user has to hit okay. That's the command.
13 And then the data has to get submitted to the back end.
14 And -- and then the appropriate annotation record in
15 the -- in the -- in the content store, annotation
16 content store, would then be updated to reflect the --
17 the -- the requested changes by the user.

18 And so that's basically the whole process
19 there. So it's that -- it's -- the client can receive
20 the input from the user, but until it's submitted to the
21 back end, the -- the changes actually wouldn't be
22 reflected in -- in the system until okay is hit, the
23 data's submitted, the content store gets updated --
24 updated to reflect the user's requested changes that
25 they input at the client side.

1 Q. So the -- is the edited annotation entered at
2 Figure 21 of Gupta?

3 ATTORNEY YAM: Objection, form.

4 A. The request of the user, the -- you know, if
5 the user wants to change one of the fields, like, say
6 the from field, they would open up the advanced. They
7 could change the from field to -- to a different time.
8 And only after the user hits okay is the data then
9 submitted to the back end where the appropriate -- where
10 the annotation server and -- and the -- and the ABE --
11 ABE, you know, update the -- the -- the -- the
12 appropriate record in the content store. And then --
13 then the back end's record is modified as required by
14 claim element 13.5. That's part of the support for --
15 for -- for my analysis for that element.

16 Q. Does -- does Figure 21 present to the user the
17 existing annotation?

18 ATTORNEY YAM: Objection, form.

19 A. So if you look at paragraph 144, it talks
20 about dialogue box 590 and it says that -- this is kind
21 of a third the way down -- dialogue box 590 includes
22 information in fields displaying the current information
23 for the annotation analogous to dialogue box 560 of
24 Figure 20. So new information can be entered into the
25 fields analogous to the add annotation dialogue box 330

1 of Figure 8.

2 In the illustrated example, existing email
3 addresses cannot be altered and email addresses cannot
4 be entered. So it's saying that, well, you can go --
5 it's going to show you what the current information for
6 the annotation that the user desires to edit is and then
7 they can -- it -- it says they can -- the new
8 information can be entered, but that's new information
9 of the information you want to change. You want to make
10 it different. That would be the new information
11 entered. If you wanted to change the from time, you
12 could put in a new from time that's different than the
13 old from time.

14 Q. So the existing annotation is displayed and
15 then the user can enter information modifying the
16 existing annotation.

17 A. So the user --

18 ATTORNEY YAM: Objection, form.

19 A. The user can input the data that it wants to
20 modify, but only after the okay button is hit and the
21 data's actually submitted to the back end do -- does the
22 actual annotation in the content store get -- get
23 modified. And that -- that's -- that's -- that's how it
24 gets modified at the back end.

25 Q. And when you say modified --

1 (Simultaneous speaking.)

2 Q. When you say modified at the back end, you
3 mean the modified annotation is stored in content store
4 17.

5 ATTORNEY YAM: Objection, form.

6 A. So that's what I'm mapping, I think, the --
7 the -- the system of Gupta to is that -- that -- that --
8 that there's some record reflecting the -- the modif --
9 the annotation. And when it's -- when the user wants to
10 request an edit to that, it -- it uses a dialogue box to
11 populate what the user desires to be the -- the -- the
12 back end should be updated to. But only after the user
13 hits okay and it's submitted, the back end does its
14 processing, does the content store actually reflect the
15 requested new values requested by the user through the
16 use of the edit annotation form.

17 But the actual changes occur within the
18 content store. The actual modifications are made to the
19 content store on the back end of Gupta.

20 Q. The user enters the modified annotation
21 information before hitting okay, right?

22 A. The --

23 ATTORNEY YAM: Objection, form.

24 A. The user inputs the new -- the new values that
25 it wants, and then it hits okay. And what I'm mapping

1 modifying to is -- is the act of actually updating
2 the -- the updating, what I'm mapping it to is the
3 actual, you know, after the -- the command that the user
4 requests for the -- modifying the -- the con -- the
5 record in the content store in the back end. That's
6 what I'm mapping to modifying a portion of the cue point
7 information at the server side of the public network
8 according to the cue point editing command received over
9 the public network from the client terminal.

10 A user typing into the fields does not modify
11 anything on the back end and it's -- it's only when the
12 user hits okay in Gupta are the requested changes input
13 by the user submitted to the back end whereby then the
14 appropriate record in the content store is modified
15 within Gupta, which meets the claim element 3.5 as -- as
16 part of what meets. And the whole analysis is laid out
17 in that section.

18 Q. And that's what you referred to earlier in
19 your testimony as updating the data stored in the -- the
20 back end database, right?

21 ATTORNEY YAM: Objection, form.

22 A. Yeah, modifying the data would be a -- a way
23 of updating the data in the -- in the content store.

24 Q. Describe for me -- describe for me the
25 mechanics -- strike that.

1 We talked about the appropriate record in the
2 content store being modified. What does that mean?

3 Can you elaborate on that?

4 ATTORNEY YAM: Objection, form.

5 A. Sure. Gupta's teaching there's a way to edit
6 an existing annotation, right? So the user is presented
7 with this interface by the back end. This happens in
8 most modern web servers today, which is the web
9 servers -- the web pages are actually dynamically
10 generated, often by -- with -- with values that are
11 extracted from a database. That would -- that would --
12 you know, so -- so --

13 THE WITNESS: Oh, I got that pop-up again.
14 Hold on. It won't let me snooze. It says I have 30
15 minutes, less than 30 minutes before my computer
16 restarts automatically, and it doesn't --

17 ATTORNEY YAM: Do you want to off the record
18 and tend to our IT issue, Steve?

19 THE WITNESS: We have 29 minutes before it's
20 going to shut me off.

21 ATTORNEY YAM: He can --

22 ATTORNEY SCHREINER: Why don't we let Dr. Houh
23 finish his answer, and then we'll go off the record,
24 Stephen?

25 ATTORNEY YAM: Sure.

1 THE WITNESS: Okay.

2 ATTORNEY YAM: Thank you.

3 A. So -- so -- so -- so -- so Gupta is
4 disclosing, you know, the -- these pages and dialogues
5 can be part of a web server gener -- in HTML pages. And
6 even back then at the time of the invention in 2006
7 there were many content management systems that allowed
8 you to populate the web page with data from -- from a
9 database, for example, so it was well known how to do
10 that kind of thing.

11 And what -- what -- what this is showing is
12 that what -- what Gupta says is that this edit
13 annotation, once -- once you selected an existing
14 annotation to edit, it basically shows the current
15 contents or the current values of all the fields in
16 the -- in the particular annotation that's selected.
17 And the user, through the use of this dialogue box, can
18 change the -- update values to new values and -- and
19 they can -- but -- but those values won't be reflected
20 in the back end content store until -- so the user can
21 type whatever they want into any of these dialogue
22 fields, but until the okay button is submitted which
23 reflects a command sent to the back end to -- to
24 update -- well, I've mapped it to the command.

25 And then in response to receiving the

1 submission of the form -- and in -- in HTML and web
2 servers, it -- it'd really be this form submit that
3 typically causes -- it -- it changes to back end data
4 because that's really one of the few forms of -- ways
5 you can actually submit data from a user to -- to the
6 back end.

7 And so -- so, for example, when a form is used
8 there's actually a submit action, and the submit action
9 then can invoke the back end code, which takes -- takes
10 the data supplied by the user and then can update an
11 appropriate record in the database.

12 Oftentimes, like, a lot of people use type --
13 SQL-type databases, and there's -- there's commands to
14 update records in a database where you -- you can
15 specify new values of -- of -- of fields and -- and --
16 and then a database would then appropriately reflect the
17 updates that are requested by the user when it -- when
18 it completes the update operation.

19 So that's -- that's one way. I mean, Gupta
20 isn't describing this in all that gory detail, but those
21 are just things that are well-known ways to do things in
22 Gupta, like, that Gupta's describing. And so it's only
23 when -- when the -- the -- the data's submitted to the
24 back end does the actual data store get updated to
25 reflect the requested changes that the user input on --

1 in the dialogue.

2 Q. What you refer to as the back end code, that
3 would be a database software such as SQL, right?

4 A. It -- it -- it could be. I mean, that's
5 one -- one -- one well-known database that people used a
6 lot for -- for building websites, dynamic websites.

7 Q. Okay. And so let's say -- let's just assume
8 that you have a -- there's a -- there's a record in the
9 annotation content store 17 for a particular annotation,
10 and the user wants to modify or edit that -- that record
11 for that particular annotation.

12 Does that hypothetical make sense so far?

13 A. Sure. I mean, there -- I do discuss that
14 there's a list in Gupta where there can be an edit
15 selection for a particular annotation in Gupta that a
16 user desires to edit. I think that's --

17 Q. Right.

18 A. -- somewhere else in my declaration.

19 Q. Yeah, Figure 15.

20 So after the user enters the modified
21 annotation information using Figure 21 and hits okay,
22 what happens on the back end with respect to the
23 existing record stored in the database for that
24 annotation?

25 A. Well, I mean, Gupta has a description, which

1 is the data's received at the back end by the ABE, and
2 then the ABE has the functionality to update the data
3 store. So at a high level, that's what Gupta's
4 describing.

5 Q. Okay, but what does that mean? You know, tell
6 me mechanically, what does that mean to update that
7 annotation?

8 A. That means that the -- the record for that
9 particular annotation would be updated to reflect the
10 values -- any new value that the user typed in on the
11 dialogue box that are different from the currently
12 existing value.

13 And I -- so that's -- that's -- that's what
14 would happen. And that's what the functionality of the
15 ABE module -- I believe we looked at that earlier -- in
16 Gupta says, that one of the functions it does is to
17 update the data stores.

18 And so if you need to update a data store to
19 reflect a change in a value, then it look -- it looks
20 like the ABE module has the functionality to perform
21 that update.

22 Q. But would the existing annotation in
23 annotation content store 17 be replaced by the modified
24 annotation, or would it be overwritten?

25 How does that work?

1 ATTORNEY YAM: Objection, form. Compound.

2 A. Well, Gupta's simply -- it's -- you know,
3 Gupta's simply saying that, you know, you can edit
4 existing annotations and they would -- you know, a
5 person reading Gupta would understand that you'd update
6 the data for an existing annotation.

7 I mean, it doesn't go to the level of detail,
8 but in a database, you would have to update something
9 from a particular table using a particular ID or row.
10 And you want to specify new values for any of the com
11 fields, and then you would perform that update and the
12 database would change any values that are -- are
13 different in the requested update.

14 And so -- so, I mean, that's -- that's --
15 that's the kind of thing that, you know, someone could
16 do to implement a system of Gupta with respect to
17 updating existing record.

18 But typically, a database, you know, you
19 wouldn't -- typically, you wouldn't delete an existing
20 row and add a new row when you're making modification
21 because it would -- that would cause any foreign keys
22 pointing to that record to -- to become bad unless you
23 went back and updated those keys. There's no reason to.
24 So a lot of times when updating a row in a database or
25 existing record, it would be done by modifying the

1 fields in -- in a row, the same row in a database rather
2 than deleting it and -- and -- and adding a new one.

3 I guess it depends on the database of
4 limitations, but most -- like, things like SQL and
5 SQL-like databases would have a unique identifier for
6 every entry in a table. And to update an entry in
7 table, you'd actually update the fields in that table as
8 opposed to deleting a -- a row and inserting a new row.
9 That -- that's not the typical way to modify a record.

10 Q. Great. So -- so the ABE is going to receive
11 the modified annotation information, and that's going to
12 update the record stored in the annotation content store
13 17. Is that -- is that correct?

14 ATTORNEY YAM: Objection, form.

15 A. Gupta is describing things like the -- the --
16 the ABE receiving the requested either new one or up --
17 up -- update. I mean, that -- that's kind of what
18 Gupta's teaching. And that based on the -- the data,
19 updating or accessing the content store's -- accessing
20 being, you know, if you're creating a new thing, you
21 would add a new record. If you're modifying existing
22 record, you'd -- you'd -- you'd update -- you'd modify
23 an existing record.

24 So generally, Gupta is disclosing the, you
25 know, the modifying claim element 13.5 through these

1 disclosures which I pointed to in my analysis.

2 And I might -- I might add, I mean, I'm
3 talking about all this SQL stuff but, like, I don't
4 think the '286 patent goes to that level of detail
5 either. So it's -- you know, as to how any of the stuff
6 in the back end mechanically would -- would get updated,
7 at least not to my recollection. But we can look there
8 if you'd want.

9 Q. It sounds like for the software for editing
10 annotations, you're pointing to the database software
11 that you're saying would be operating on annotation
12 server 10.

13 ATTORNEY YAM: Objection, form.

14 A. I -- I don't think that's right. I'm pointing
15 to what I'm pointing to. I don't think I talk about
16 database server software in my declaration. I could be
17 wrong, but I -- I don't think that was part.

18 Q. Yeah, I'm trying -- I'm trying to find that
19 software.

20 A. Oh. Well, actually, is this -- is this 30?
21 Hold on a second. So actually, if you look at paragraph
22 30 of -- of Gupta, it says some media -- oh, these are
23 media streams. But it talks about a -- a -- a database
24 or other file storage system.

25 There might be other -- there are other

1 references to database, I think, in -- is it -- in Gupta
2 as well. Let's see, is this one? 48? Yeah, if you
3 look at paragraph 48, the annotation content and
4 metadata can be stored in any of a variety of
5 conventional manners such as in SQL relational
6 databases, e.g., using Microsoft SQL Server Version 7.0
7 available from Microsoft Corporation.

8 So I -- I -- so I think Gupta does describe
9 that the content stores can be implemented as in -- in
10 these SQL relational databases.

11 Q. Under the control of SQL database software,
12 right? That's how a POSITA would understand it?

13 ATTORNEY YAM: Objection, form.

14 A. Sure. This is just one -- one thing. I mean,
15 clearly, there's other -- it's just giving an example of
16 a Microsoft SQL server, and I think a POSITA would
17 understand that there's other ways of storing data as
18 well as other relational databases.

19 ATTORNEY SCHREINER: Okay. Stephen, did you
20 want to take care of that IT issue?

21 ATTORNEY YAM: Yes. Why don't we just go off
22 the record and maybe just take a shorter break, earlier
23 break than normal, just a restart.

24 THE WITNESS: Maybe, but it might take -- I
25 don't know how long it will take --

1 ATTORNEY YAM: Yeah.

2 THE WITNESS: -- to restart again.

3 ATTORNEY YAM: Well, let's aim for 10 minutes
4 and then we'll, if we require a longer time, we can
5 circle back.

6 THE VIDEOGRAPHER: Let's go off the record.

7 The time is 3:39 PM.

8 (Recess taken.)

9 THE VIDEOGRAPHER: We are now back on the
10 record. The time is 3:52 PM.

11 ATTORNEY SCHREINER: Why don't we go ahead and
12 bring up Exhibit 1008, Vasilevsky. That's in the chat
13 if you don't have it immediately.

14 THE WITNESS: Yeah, no, I have it. It's just
15 the whole chat history's gone because I had to log out
16 of Zoom, but I have -- I have it up now.

17 ATTORNEY SCHREINER: Okay, got you.

18 BY ATTORNEY SCHREINER:

19 Q. So let's look at Exhibit 1008, the Vasilevsky
20 reference. Do you see there's a -- on the left-hand
21 side of Figure 1, there's a -- there's a component which
22 is tuner demodulator 1008?

23 Do you see that?

24 A. Yes, I think so.

25 Q. Okay. What is the function of tuner

1 demodulator 1008?

2 ATTORNEY YAM: Steve, do you mean 108 instead
3 of 1008?

4 ATTORNEY SCHREINER: Oh, yeah. Yeah, thank
5 you, Stephen. Let me fix that. I appreciate that.

6 Q. You see on the left-hand side of Figure 1
7 there's a component which is tuner demodulator 108.
8 Could you describe the function of that tuner
9 demodulator 108?

10 A. So if you look at page 13 of Vasilevsky at
11 line 5, it says via inputs 106 and 110, the system 100
12 also receives digital and analog television program
13 signals to be processed by tuner and demodulator
14 circuits 108 and 112 respectively. So 108 is processing
15 the -- the -- the digital and analog television program
16 signals received by input at input 106, so that's part
17 of what Vasilevsky's describing.

18 Q. So is tuner demodulator 108, is that receiver
19 circuitry for receiving a digital television
20 transmission?

21 A. Well, at the same page at line 7, it says the
22 tuner and demodulator circuitry -- circuits have the
23 function of tuning in to program channels selected to be
24 received by the system 100 and then demodulating them in
25 a manner known in the art.

1 Q. So is that receiver circuitry for receiving a
2 digital television transmission?

3 ATTORNEY YAM: Objection, form.

4 ATTORNEY SCHREINER: You can take that
5 Figure 1 down, Allyson, please. Thanks.

6 A. Vasilevsky is using the -- the term
7 "receivers" in many different ways. Can -- which --
8 which way -- what specifically are you referring to?

9 Q. I'm -- I'm -- I get -- the question is would a
10 POSITA understand tuner demodulator 1008 to be receiver
11 for circuitry for receiving a digital television
12 transmission?

13 ATTORNEY YAM: Objection, form.

14 A. I mean, what it's describing, it's -- it's
15 doing tuning and demodulation, which means that, I mean,
16 there's already a signal at 106, it's just converting
17 the form of the signal. It -- basically, tuning and
18 demodulation would -- would imply that it's taking a
19 modulated signal and shifting it down to baseband.

20 Q. Right. And isn't it kind of ordinary parlance
21 in that space to refer to a tuner demodulator as a
22 receiver?

23 ATTORNEY YAM: Objection, form.

24 A. So you're in the context of, like, a -- what
25 do people think of when they think of a television

1 receiver, I guess. That's what you're asking now?

2 Q. Okay, let's take a television receiver.

3 Television receiver tunes to a frequency and reduces it
4 to some baseband frequency and demodulates it.

5 Is that a fair description of a television
6 receiver?

7 ATTORNEY YAM: Objection, form.

8 A. I mean, in the -- in the context of -- of --
9 of tuning televisions, I suppose that -- that seems
10 okay. But, I mean, the point is to be able to then
11 provide that signal to drive the television circuit to
12 display the -- the -- the -- the video that's carried
13 on -- on that carrier frequency. So I -- I think
14 probably that in -- in that domain, one might think of
15 that as -- as a receiver.

16 Q. But tuner demodulator 108, that's needed to
17 take the received digital television transmission and
18 convert it into selected program content. Correct?

19 ATTORNEY YAM: Objection, form.

20 A. I mean, if you're demodulating the data that's
21 maybe digital data perhaps, but I think if you are
22 tuning an analog signal, simply shifting it to baseband,
23 I believe, is sufficient to drive the television
24 circuitry.

25 Q. 108's -- the input to 108 is digital CATV

1 content. Do you see that?

2 A. I mean, it says it receives digital and analog
3 television programs, so it could be digital or analog I
4 think is what Vasilevsky is saying.

5 Q. If you look at Figure 1, 108 is tuner and
6 demodulator, and the input to it is digital to CATV
7 content. I think you're look -- you're thinking of
8 tuner demodulator 112 where the input is analog. So
9 we're starting with 108, which is tuner demodulator
10 which is receiving digital CATV content input.

11 Do you see that in -- in Figure --

12 A. Sure, I -- I see there -- there's -- yes, I
13 see the digital content coming through 106 to 108, sure.

14 Q. So is tuner demodulator 108 needed to convert
15 and -- a received digital television transmission to a
16 selected program?

17 ATTORNEY YAM: Objection, form.

18 A. I think in this example it's showing that's
19 one way to do it.

20 Q. In Figure 1, Figure 1 is not disclosing
21 another way for the system to receive and process a
22 digital television input, right?

23 ATTORNEY YAM: Objection, form.

24 A. I mean, Figure 1 shows the block diagrams, but
25 the description, if you look in page 13 around line 15,

1 it says similarly, the digital content signal can be
2 received either in a modulated form or an unmodulated
3 form, such as straight ATSC stream, for -- which, for
4 the latter case, the tuning and demodulation circuit 108
5 is bypassed.

6 So I think Vasilevsky is disclosing that that
7 tuning and demodulation circuit is not necessary,
8 depending on the form of the input signal.

9 Q. Wouldn't a straight ATS stream still be
10 transmitted on a carrier frequency?

11 ATTORNEY YAM: Objection, form.

12 A. I'm just saying what Vasilevsky's saying here,
13 which is that -- that, you know, it -- it could be
14 either modulated or unmodulated form. And so if it's
15 for the latter case that is unmodulated form, it says
16 the tuning and demodulation circuit 108 is bypassed.

17 Q. What's your understanding of what Vasilevsky
18 means by a, quote, straight ATSC stream?

19 A. Well, there's a -- the standard, I think -- I
20 forget what it stands for. Advanced television maybe,
21 something, something. I -- I -- I think I'd want to
22 look at that, but that's what it's referring to. I
23 think ATSC is a -- a known -- I don't know if it -- I
24 would say standard, if that's the right word maybe.

25 Q. And ATSC stream, a POSITA would understand

1 ATSC stream would be made up of a series of MPEG
2 packets, right?

3 ATTORNEY YAM: Objection, form.

4 A. I -- I don't remember what -- what that was,
5 if it -- sometimes they're -- it -- it -- I don't -- I
6 don't remember. I don't know if packet's the right
7 word. I -- I've heard transport streams or things like
8 that used, but I -- I'd have to look up -- I would want
9 to look up ATSC. I don't have all these things
10 memorized.

11 Q. Okay. Whether you call them -- whether you
12 call it an MPEG transport stream or MPEG packets or MPEG
13 something else, you have general understanding that ATSC
14 formatted television has -- is -- is carried using
15 packets or datagrams referred to as MPEG.

16 ATTORNEY YAM: Objection, form.

17 A. I don't recall the exact term for the protocol
18 data unit used. I -- I'd have -- I'd want to look that
19 up. I don't have -- I don't have all these standards
20 memorized, and -- yeah.

21 Q. I mean, it's discussed in Vasilevsky on page
22 14. It talks about after the television transmissions
23 are received and -- and processed, they can be
24 re-encoded into MPEG.

25 Do you see that?

1 ATTORNEY YAM: Objection, form.

2 A. I mean, I see headline A where it says -- it's
3 talking about analog program signals from the tuning and
4 demodulation circuit -- demodulating circuit 112 are
5 digitized and then encoded by a video encoder using a
6 digital compression scheme such as those established by
7 the Motion Picture Experts Group, or MPEG. And these
8 include the MPEG 2, MPEG 4, and other standards. So, I
9 mean, I see that. Is that what you're referring to?

10 Q. That is what I was referring to. So --

11 A. Yeah, so the -- uh-huh.

12 Q. So do you have an understanding what's --
13 what's being referred to regarding encoding the digital
14 information using MPEG?

15 ATTORNEY YAM: Objection, form.

16 A. So the demodulation -- demodulating circuit
17 110 I think is referring to the lower of the two
18 circuits, which is take -- is taking analog signal. The
19 previous thing we were talking about with respect to
20 what's being bypassed was the digital signal path
21 bypassing tuner circuit 108, or tuning and demodulation
22 circuit 108.

23 But -- but this -- this section's now talking
24 about analog program signals, that they can be digitized
25 and encoded using an encoder using one of these

1 MPEG-type standards, which do provide a -- a degree
2 of -- of compression.

3 And then it says that in the preferred
4 embodiment, the program signals are stored as elementary
5 streams, as will be familiar to those skilled in the
6 art. And so what -- what's being talked about here are
7 analog television signals being encoded so they can be
8 stored efficiently and unencoded using some of these
9 standards described here.

10 Q. Right. In line 14 of paragraph -- of page --
11 page 14, it states where appropriate, the digital
12 program signals are decoded and re-encrypted by the
13 circuit 142 prior to storage as an elementary stream in
14 the memory 118.

15 Do you see that?

16 A. Yes, I see that.

17 Q. That's referring to digital television content
18 that's been received through the path 106 on Figure 1,
19 right?

20 A. Sure. That's the path of the digital program
21 signals.

22 Q. And where it refers to the digital program
23 signals are decoded, do you have an understanding of
24 what that means?

25 A. It goes on to talk about the decryption in the

1 system, that it's a matter of design choice, where the
2 exact point of decryption is a matter of design --
3 design choice dictated by such factors as the legal
4 requirements and restrictions of the content providers
5 who broadcast the program signals.

6 So I think it's talking about some form of
7 decryption that decodes a -- an encrypted signal into a
8 decrypted signal and then re-encrypting by the circuit
9 prior to storage. That appears to be at least part of
10 what it's referring to.

11 Q. So that the CA decoder and re-encryptor 142,
12 do you see that in Figure 1?

13 A. Yes, I see that.

14 Q. So would a POSITA understand that to be needed
15 to decode encrypted digital content that's been received
16 from the digital television input at 106?

17 A. I mean, perhaps, if it is encrypted, which
18 some programs I understand are. I'm not sure everything
19 is always. But sure. So it -- there is a path through
20 this CA decoder and re-encryptor.

21 Q. So if the digital television content input is
22 encrypted, it would need to be decrypted using this
23 block 142 CA decoder and re-encryptor, right?

24 ATTORNEY YAM: Objection, form.

25 A. Well, at the top of 15 in Vasilevsky, it says

1 where allowable, the circuit 142 can decrypt and then
2 re-encrypt program streams using symmetric encryption
3 algorithms, as will be understood by those skilled in
4 the art, so that the receivers 124, 128, and 132 need
5 not contain substantial hardware and/or software
6 complexities.

7 Q. Isn't that just saying that circuit 142 can
8 operate using symmetric encryption algorithms as opposed
9 to asymmetric encryption algorithms?

10 ATTORNEY YAM: Objection, form.

11 A. Well, it's talking about how it's
12 re-encrypting the streams using symmetric. It doesn't
13 say anything about how -- whether the decryption is
14 symmetric or asymmetric in that particular sentence.

15 Q. Okay, let's go back to my original question
16 here.

17 If -- if the digital television input at 106
18 is encrypted, is it -- is it correct that the CA decoder
19 and re-encryptor 142 is needed to decrypt that encrypted
20 digital television information?

21 A. I think if an -- any input signal's encrypted,
22 in order to use the data that it's representing, it
23 would need to be decrypted at some point.

24 Q. Right. And in Vasilevsky's Figure 1, the
25 system described here, that -- that takes place at CA

1 decoder and re-encryptor 142, right?

2 A. Well, one -- in one thing Vasilevsky does say
3 is that where allowable, the circuit 142 can decrypt and
4 then re-encrypt program streams. It goes on, but I
5 think that should -- I think that answers the question.

6 Q. So if -- if the digital television
7 transmission is encrypted, you would need circuit 142 to
8 decrypt that decrypted -- encrypted information, right?

9 A. If you wanted to use the information, sure.
10 You'd need some -- something to do the decryption. And
11 this is probably described as an example embodiment. I
12 can look at, double-check that, but that's perhaps the
13 example given here.

14 Q. For the -- do you see the analog CATV content
15 input 110 on Figure 1?

16 A. Yes.

17 Q. You see that it's input to tuner demodulator
18 112?

19 A. Yes.

20 Q. Okay. Is tuner demodulator 112 needed in
21 order to extract the selected analog television program
22 content?

23 ATTORNEY YAM: Objection, form.

24 A. If you look at Vasilevsky at page 13 at line
25 11, it says that the analog content signal need not

1 initially be in a modulated form, as in the example, but
2 may be unmodulated, in which case the tuning and
3 demodulation circuit 112 is bypassed. So no, it's not
4 always needed, depending on the form of the input's
5 analog signal.

6 Q. Wouldn't a POSITA understand that the analog
7 signal -- strike that.

8 Wouldn't a POSITA understand that the analog
9 television signal input would be a format such as NTSC,
10 as understood in that time frame?

11 ATTORNEY YAM: Objection, form.

12 A. My understanding, in the US, NTSC was used in
13 over-the-air broadcasts. But Vasilevsky at line 13 says
14 such an unmodulated analog content signal may be coupled
15 to the system 100 via an S-video jack. So it's
16 certainly disclosing ways of -- of -- of -- of inputting
17 unmodulated analog content that do not require the use
18 of tuning and demodulation or demodulating circuit 112.

19 Q. Would an S-video input -- strike that.

20 What's your understanding of how an S-video
21 jack would receive analog television content?

22 A. Well, I understand that there's some sort of
23 standard connector form or -- I think for S-video.
24 Might be round. And there's some pins, and their
25 signal's provided to the jack through whatever cable's

1 inserted into an S-video jack that has -- that -- that
2 mates properly with the S-video jack.

3 Q. Do you see 106 and 110 refers to digital CATV
4 content and analog CATV content?

5 Do you see that?

6 A. In Figure 1?

7 Q. Yes.

8 A. Yes, I see that.

9 Q. What does CATV stand for?

10 A. So I don't see it called out in the
11 Vasilevsky, at least through my searching, but I think
12 I've heard it referred to to describe cable TV signals.

13 Q. And in the 2006 timeframe, how would a POSITA
14 understand cable television content to be delivered to a
15 home?

16 A. Well, one form that was common at that time is
17 via coaxial cable. And coaxial cables are a round -- a
18 round cable with a shielding -- cylindrical shielding
19 with a -- a wire in the middle and some sort of
20 dielectric, I think, in between the center -- center
21 conductor and the -- the outer shielding. That's
22 where -- where the -- the conductor's really at the
23 middle of the cylinder.

24 And they have nice properties, that there's
25 less dispersion for -- for signals and -- and -- and

1 therefore can carry kind of wide band signals without
2 much signal distortion. And so that was a very common
3 way to carry cable TV signals at the time.

4 I don't remember when optical fiber began to
5 be pulled, and -- but the transition time might be
6 around -- might be around there. It could have been
7 earlier, but I don't -- I don't remember the exact
8 timeline there. But -- but certainly, coaxial cable was
9 a -- a common method of delivering cable TV signals.

10 Q. Fair to say that the cable TV signals would be
11 delivered by some sort of cable TV line, whether it was
12 coax or some other form of cable line?

13 A. Sure. I think most carriers delivered them
14 over a physical -- physical line there. But, of course,
15 Vasilevsky contemplates other ways of getting video in,
16 including, you know, having an S-video connector, which
17 would not be a standard way of delivering cable TV.
18 Figure 1 is just one example, and -- I think.

19 Q. Is it fair to say that Vasilevsky contemplates
20 that the -- the users at the receivers in the home can
21 select different programs to be received and also stored
22 in the -- the memory 118?

23 ATTORNEY YAM: Objection, form.

24 A. So I think with respect to cable TV signals,
25 you know, what -- what comes into most household that

1 subscribe to cable TV is basically all the channels up
2 at -- at the right modu -- you know, where they're
3 modulated to at the different channels. But all of them
4 would typically come into the household into whatever
5 set-top box, or in this case it's a -- a DVR, or digital
6 video recorder type device. But you -- you would need
7 to actually tune and -- and, you know, extract the
8 signal one -- one channel in order to -- to -- to -- to
9 digitize and record it or -- or play it or -- or watch
10 it.

11 And so I think it -- I mean, typically, I --
12 I -- you know, if you look at, say, Figure 2 of
13 Vasilevsky, it -- it -- it shows a bunch of -- a tab
14 that's -- that's called schedule -- scheduled
15 recordings. And so I think it'd be understood that
16 there's some way for a user to -- to select which shows
17 they want to record. And many DVRs had this feature
18 associated with the program guide, which Figure 2 shows
19 a tab saying Program Guide, and that you could simply
20 navigate around the program guide into the future and
21 select shows that will be scheduled to be broadcast on
22 a -- on a particular channel in the future and schedule
23 that, just that show or the whole series to be recorded,
24 for example.

25 So I -- I think those are the kinds of things

1 that -- features that were generally available in DVRs
2 at that -- at that time. I'm not sure Vasilevsky
3 gets -- I -- I just took a quick look. I didn't see
4 where it got into the details of -- of that, but I think
5 that's just what was known about typical DVR functions
6 where kind of the purpose is to -- is to record shows
7 for later viewing, but -- but doing it digitally,
8 oftentimes on a hard drive with -- with features like
9 being able to watch something live and pause it. And --
10 and I think I did see some reference to that in the
11 Vasilevsky reference of being able to pause live TV.

12 So I -- I think it'd be understood that
13 certainly there'd be a way to select shows to be
14 recorded and then at the appropriate time, you could --
15 the -- the device would tune properly to that channel so
16 we can ex -- get the data, you know, decode or decrypt
17 it, and -- and then, as -- as Vasilevsky describe --
18 describes in places, re-encrypt it for -- for -- and
19 then -- and then store it.

20 And so I think some of that is -- is
21 definitely described in Vasilevsky. Others are just
22 functions that people would understand that are part of
23 a traditional DVR if it's not explicitly disclosed
24 already, which I would want -- I could take more time to
25 look through Vasilevsky if you wanted me to.

1 Q. No, that -- that makes sense.

2 Is it -- is it fair to say that Vasilevsky
3 is -- rather than having the tuner demodulator decoding,
4 decrypting function in each individual set-top box, that
5 functionality is at the -- the front end here on
6 Figure 1 with the re-encryptor, tuner demodulators and
7 so forth, so that the program can be extracted to the
8 front end and then stored in memory 118 and/or delivered
9 to the individual users as appropriate?

10 ATTORNEY YAM: Objection, form.

11 A. I mean, I think Vasilevsky does talk about it.
12 It talks about these in -- in weird terms, about there's
13 a media server and reproduction devices. So the -- so
14 if you mean the front end being what's available in the
15 media server, that it can record shows, but -- but then
16 the reproduction devices might be the TVs that can --
17 you know, are distributed around the -- in this -- in
18 this example, one of the examples, a home area network
19 and -- and -- and being shown that -- that -- I -- I've
20 seen later the marketing terms refer to that kind of
21 thing as a whole-home DVR or something like that.

22 Q. So I'm trying to -- if we could refer to
23 paragraph 322 of your declaration, you discuss modifying
24 Vasilevsky's home area network. And just let me -- let
25 me know when you're there in your declaration.

1 A. Yes, I'm there.

2 Q. So I'm trying to understand the proposed
3 modification. It's -- well, describe for me what the
4 proposed modification is in your words.

5 ATTORNEY YAM: Objection, form.

6 A. So the modification is, as I say in
7 paragraph 323, to implement Vasilevsky's system on a
8 public network as taught by Logan to allow users to
9 access the system when they are not on their home
10 network. And -- and that's kind of actually what's kind
11 of naturally evolved out of these DVR systems, that they
12 are now cloud based, like YouTube TV and -- and the
13 other live TV type systems. YouTube TV does allow
14 DVR-like functionality, but it's all in the cloud, for
15 example. And -- and that's -- that's today -- more
16 recently, like in the last few years at least.

17 Q. So how would you -- how would you implement
18 Vasilevsky's system on a public network, as you state in
19 paragraph 323?

20 A. Well, one -- one way is to have the media
21 server be anywhere in the internet, somewhere in the
22 internet that is publicly accessible. And -- and then
23 other people can contribute things, like bookmarks and
24 annotation -- like, whatever the equivalent is in
25 Vasilevsky.

1 And -- and furthermore, that the users could
2 access it from anywhere in the network as opposed to
3 only in -- within the home. And so there are lots of
4 reasons that one -- a person of ordinary skill to want
5 to make that modification as taught by Logan. And --
6 and that's -- that's how -- that's how it'd be done,
7 that -- that that server, media server, would be
8 publicly accessible over the internet.

9 Q. So you -- you define a portion of Vasilevsky's
10 Figure 1 as being the recited video editing environment,
11 right? This is in your paragraph 319 on page 234.

12 A. Yes. In 319, I do say that the computable
13 readable -- computer-readable media of Vasilevsky
14 comprises a video editing environment in the form of
15 software for both editing bookmarks and streaming video
16 executed by the centralized media server and storages.
17 The centralized media server executes software for
18 editing bookmarks and for streaming video. And then I
19 have some citations from Vasilevsky to support that.

20 Q. Right. And so what's in the red box is what
21 you allege to be the -- the claimed video editing
22 environment, right?

23 ATTORNEY YAM: Objection, form.

24 A. Yeah, if you're referring to, yeah, the -- the
25 figure at the very end of paragraph 319, that red box is

1 meant to highlight the -- the components of -- of the
2 centralized media server.

3 Q. The components of -- your -- let me make sure
4 I understand your -- your position. Is your position in
5 paragraph 19 that the components in the red box on page
6 234 correspond to the claimed video editing environment?

7 ATTORNEY YAM: Objection, form.

8 A. Well, to the extent that those boxes are
9 actually representing software for editing bookmarks and
10 streaming as opposed to kind of hardware, because
11 it's -- it's not the hardware I'm saying, it's -- it's
12 the software, the software components.

13 Q. Right. So collectively, the software
14 components in those -- let me rephrase that.

15 Collectively, the software that allegedly
16 resides in the components in the red box corresponds to
17 the claimed video editing environment.

18 That's your position. Correct?

19 ATTORNEY YAM: Objection, form.

20 A. The software that is -- that is stored on the
21 associated, you know, one or more computer-readable
22 memories that's part of the computer system, that's --
23 that's what -- that's what the --

24 Q. Yeah, maybe I'm a little unclear then.

25 What does the red box signify on page 34 of

1 your declaration where it shows a red box around certain
2 components of Figure 1 of Vasilevsky?

3 A. Those are representing the central media
4 server's components. And then it -- it would be the
5 software for editing bookmarks and streaming video
6 executed by the central media server and storages that
7 represent the -- the -- the video editing environment
8 in -- in this mapping. It's -- because it -- the video
9 map -- the video editing environment has to be
10 effectively something that can be stored in a
11 computer-readable memory, so -- so it's meant to
12 highlight that -- that there -- that these devices or
13 these boxes represent some of the software that's --
14 that's in Vasilevsky that are running on the centralized
15 media server that represent the -- the software for
16 editing bookmarks and streaming video that are executed
17 by the central media server and -- and the storages.

18 Q. Okay, so the -- the items that are not in the
19 red box on Figure 1 in page 234 of your declaration,
20 are -- are those items part of the centralized media
21 server or not?

22 ATTORNEY YAM: Objection, form.

23 A. I mean, what I tried to include in -- in the
24 red box are the components that are -- are -- are --
25 contain the software for -- for both editing bookmarks

1 and streaming video that are executed on those storages.
2 So, you know, I don't -- I don't think I mapped devices
3 outside of the box in -- in a way that would require
4 them to be part of -- part of the video editing
5 environment. The focus was on the -- the component that
6 are in the box.

7 I mean, they may be part of -- part of the
8 core system, but I haven't -- I don't think I've
9 provided any analysis mapping the software and the
10 components outside of the box to requirements of the
11 video editing environment in Claim 13.

12 Q. Okay. So for the components that are within
13 the red box on page 234 of your declaration, your
14 proposal is that they would be connected to the internet
15 in your combination as opposed to the home area network.

16 Is that correct?

17 ATTORNEY YAM: Objection, form.

18 A. Well, so -- so the idea is that -- that you
19 could implement this by -- by implementing Vasilevsky's
20 system on a public network as taught by Logan, and
21 that -- and that way, users can access the system when
22 they are not on their home network.

23 And another way -- another statement I make in
24 322 is that basically, you could modify Vasilevsky's
25 home area network to be a public network such as the

1 internet. But I think moving those devices onto the
2 internet is -- I -- I think it's -- it's -- I'm
3 describing the same sorts of things by implementing the
4 system on the -- on the internet as opposed to within a
5 home area network as -- as in Vasilevsky. But -- but
6 Logan teaches that a -- a -- things in the public
7 network. We can look at the citation of Logan, but
8 that's what Logan is teaching.

9 And so there are many motivations that I lay
10 out that a POSITA would have made this modification, but
11 it's not necessarily saying that you -- you have to
12 leave things in the red box behind and leave them in a
13 home area network. That's not what I'm saying.

14 But, you know, at least part -- the part of
15 the system accessible on the public area network -- on
16 the public network, would be the centralized media
17 server, for example, and just implementing that on -- on
18 the public internet. And if you needed to put the
19 tuners there, that'd be fine.

20 I mean, I -- it's just that I don't think I
21 mapped the tuners to anything, you know, with respect to
22 what the claims required, so they weren't -- they didn't
23 need to be part of the analysis as to whether those
24 devices were where they were.

25 Q. The user devices 124 through 132, do you see

1 those in Figure 1 of Vasilevsky?

2 A. Yeah. I don't think they're described in
3 Vasilevsky as user devices. There are all sorts of
4 different labels that Vasilevsky uses. I didn't see
5 user devices as one of them. But I do see 124, 128, and
6 132 in Figure 1.

7 Q. Sure. He calls them, for example,
8 reproduction devices such as a digital or analog
9 television set.

10 Do you recall that language?

11 A. I think so. I -- I think it also -- it calls
12 them displays at -- at -- at other points, but --

13 Q. Sure.

14 A. But those --

15 Q. What --

16 A. Those are consistent, I think.

17 Q. Sure. What would you like to refer to them
18 as?

19 A. I -- I think if you used displays with a
20 label, I think it -- that that would be fine.

21 Q. Okay. In your proposed combination, would
22 these displays, 124 through 132, require modification?

23 ATTORNEY YAM: Objection to form.

24 A. Well, I mean, I -- I don't -- I don't think of
25 what's -- what -- what they are, but they could be

1 located anywhere throughout the network. That's part of
2 the point is that, you know, it would be -- you want to
3 be able to access the -- the -- the centralized server
4 content, make modifications or view content, access the
5 content from wherever you are, not necessarily only
6 within your home.

7 So if you left them in the home area network
8 and the centralized server were -- were -- were in the
9 public network, it would still be able to access it, but
10 the point is that now you can access it from your
11 friend's house if you go there. If you go on vacation
12 in a hotel, you could access it.

13 So that's -- that's the idea of why someone
14 would want to make the -- the centralized server and
15 implement the system of Vasilevsky in a public network.

16 Q. In Vasilevsky, displays 124 through 132 are
17 located in the home. Correct?

18 A. Well, Figure 1 that shows -- that displays
19 124, 128, 132 is described as a block diagram of --
20 of -- of basically a home area network, a DVR system.
21 So at least in Figure -- in the description of Figure 1
22 in Vasilevsky alone, those appear to be part of the home
23 area network.

24 But the point is the modifications with Logan,
25 to -- to implement the system on the internet, they

1 don't -- they wouldn't have a constraint to be only in
2 the home area network.

3 And -- and it's only Figure 1 that shows --
4 it's Figure 1 that shows that those devices, display
5 devices are in the -- in the home -- describe them as --
6 as the home -- part of a home network, home area
7 network, were part of a home area network digital video
8 recording and playback system.

9 ATTORNEY SCHREINER: I have no further
10 questions. I want to thank you for your time and
11 patience today, Dr. Houh.

12 THE WITNESS: Thank you.

13 ATTORNEY YAM: Steve, can we take a -- thank
14 you. Can we take a short break so we can consider
15 whether to redirect or not?

16 ATTORNEY SCHREINER: Sure.

17 THE VIDEOGRAPHER: We are now off the record.
18 The time is 4:50 PM.

19 (Recess taken.)

20 THE VIDEOGRAPHER: We are now back on the
21 record. The time is 5 PM.

22 ATTORNEY YAM: I have no redirect for the
23 witness. Thank you.

24 ATTORNEY SCHREINER: Great. Thank you,
25 Dr. Houh. Thank you, Stephen.

1 ATTORNEY YAM: Thanks, Steve.

2 THE WITNESS: Take care.

3 ATTORNEY SCHREINER: Oh, Mary Ann?

4 THE VIDEOGRAPHER: Sorry, let's go off the
5 record. The time is 5 PM.

6
7 (Deposition adjourned at 5:00 p.m.)

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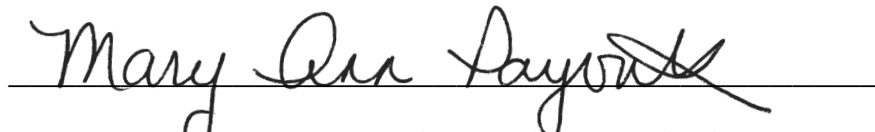
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- REPORTER'S CERTIFICATE -

I, MARY ANN PAYONK, shorthand reporter and Notary Public, CA CSR No. 13431, do hereby certify that the witness whose deposition is hereinbefore set forth was sworn by agreement of all parties, that the proceedings were reported stenographically by me, and that this transcript is a true, correct, and full record of the testimony given.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of February, 2025.


MARY ANN PAYONK, CSR #13431

Virginia Notary Registration No. 219251

My Commission expires 8/21/2026

ERRATA SHEET FOR TRANSCRIPT OF: DR. HENRY H. HOUH

CASE CAPTION: Aylo vs. WellcomeMat (PTAB)

DEPOSITION DATE: January 30, 2025

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Page	_____	Line	_____	Reason	_____
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I,

DR. HENRY H. HOUH,

state that I have read the foregoing deposition and
declare under penalty of perjury:

That the foregoing is my deposition under
oath;

That I have read same and have made the
necessary corrections, additions or changes to my
answers that I deem necessary;

That my answers as indicated are true and
correct.

Executed at _____
this _____ day of _____, 2025.

DR. HENRY H. HOUH

WORD INDEX			
< 0 >		10:40 51:24	195:16
03/067594 49:2		10:51 52:2	196:17 199:3
05 26:11		100 9:15	108 187:2, 7,
06 26:11		44:6 73:6	9, 14, 18
07 26:11		170:9, 14, 23	189:16, 25
		171:22	190:5, 9, 13,
		187:11, 24	14 191:4, 16
		198:15	193:21, 22
< 1 >		100,000 30:21	108's 189:25
1 52:5, 12		1001 4:7	10-minute
68:20 74:11,		12:5, 7	51:17
23 75:8, 11,		13:13, 17	11 167:15, 18
14 85:15		14:11 78:7	197:25
93:12 97:25		1002 4:8	110 69:13
119:13		17:1, 5	73:13 74:5
129:23 163:3,		42:11, 15	78:13 86:5
6 164:6		1003 4:9	187:11
186:21 187:6		26:15, 17, 20	193:17
188:5 190:5,		10036 3:8	197:15 199:3
20, 24 194:18		1004 4:10	112 73:13
195:12		44:17 45:2,	74:5 78:13
196:24		3 119:1	187:14 190:8
197:15 199:6		1005 4:11	193:4 197:18,
200:18 203:6		46:12, 16	20 198:3, 18
205:10 207:2,		47:7	113.1 103:18
19 210:1, 6		1006 4:12	113.5 142:18
211:18, 21		48:5, 8	114 73:14
212:3, 4		1007 4:13	74:5 78:13
1:01 98:9		47:18, 22	116 73:18
10 8:17, 18		1008 4:14	74:7 78:16,
9:12, 19, 22		48:25 49:3	20 80:21
51:19 64:11,		186:12, 19, 22	118 74:8
12 73:4, 19		187:1, 3	194:14
78:5, 11		188:10	200:22 203:8
95:23, 25		1009 4:15	12 4:7 9:12,
119:5 120:13,		49:19, 21	22, 23 81:2,
16 121:1, 19		50:3	3 84:13
124:10 127:5		101 129:20	164:5
158:8, 9		1012 4:16	12:12 98:6
160:14, 16, 19,		50:23, 25	120 44:6
22 161:1		102 129:20	122 74:6
162:1, 10		103 140:8	78:14
167:11		106 187:11,	124 196:4
170:21 171:1		16 188:16	209:25 210:5,
172:2 184:12		190:13	22 211:16, 19
186:3		194:18	128 196:4
			210:5 211:19
			13 26:23
			52:14, 19
			64:11 65:21
			79:3 81:3
			91:20 92:16
			95:23 98:15
			111:11, 24
			112:1 132:7
			158:25
			159:21
			160:15
			162:23, 25
			187:10
			190:25
			197:24
			198:13 208:11
			13.1 52:5, 10,
			14, 21 53:6,
			13, 16, 17, 18
			60:12 62:17,
			22 66:6, 9
			67:21 68:6
			86:15, 24
			89:24 92:22
			93:3, 12
			94:16 98:14,
			18, 24 101:22,
			24 102:9, 14,
			23 103:8
			105:17, 23
			106:8, 12, 14
			107:10
			111:15
			116:13 159:4
			13.2 66:6
			98:25 99:5,
			10
			13.3 66:7
			99:1, 21
			107:17, 19, 20,
			21 111:20
			13.4 100:3, 9,
			16, 20, 22, 25
			101:18
			104:16
			105:20, 25
			107:25 108:3,

4, 5 112:4, 5, 19 116:2, 8 117:15, 18 13.5 105:1, 5 107:12, 22 112:4 113:4, 12 115:22 127:2, 22 128:4 130:25 134:12, 15 135:12 139:11, 19 140:20 141:4, 6 144:15, 19, 23, 25 145:1, 8 147:8 148:1 152:8 154:2 157:12 158:1 162:24 163:2 169:9, 16 172:7 173:14 183:25 130 69:14 74:14 132 121:12, 20, 25 122:19, 24 124:2, 7 125:7 126:7, 18 127:6 129:9 137:11 152:3 161:2, 18 196:4 209:25 210:6, 22 211:16, 19 13431 2:11 6:11 214:3, 17 14 192:22 194:10, 11 140 44:6 73:6, 7, 12 74:4 142 194:13 195:11, 23 196:1, 7, 19 197:1, 3, 7	144 130:15 163:12, 13 168:4 170:22 171:13 173:19 15 7:3 8:19 9:19 51:17 119:6 122:23 129:4, 8, 18 130:3 131:6, 24 133:18 134:2, 21 135:3, 8, 24 137:10, 17 138:19 139:16, 23 140:1 141:13 145:16 146:17, 20 149:10, 16 150:11, 14, 21 151:11 153:6 154:8, 11 163:25 164:4, 6 180:19 190:25 195:25 150 8:8 44:6 151 3:7 155:12 172:1 152 122:23 129:9 137:11 150:15, 22 152:11, 24 153:5 155:9 163:23 164:1, 8 16 41:13 71:18 17 4:8 64:11 95:24 121:21 122:12, 13, 25 123:5, 10 124:14, 23 125:12, 16, 23 127:16 128:5, 16 129:10 137:12 139:8	148:10 151:9 160:15 161:10, 13, 23 162:19 175:4 180:9 181:23 183:13 1750 1:25 18 11:1 64:11 95:24 121:21 122:12, 13 123:10 124:14, 23 125:12, 16, 22 127:16 128:6, 16 160:15 161:10, 13, 23 162:19 19 206:5 1993 24:20 1A 74:12 1's 75:8 < 2 > 2 62:21 119:14 193:8 201:12, 18 2:40 158:12 2:51 158:15 20 166:22 173:24 200 7:20, 24 2002/0069218 47:23 2003/0093790 49:20 2004/0230600 50:24 2005 26:11 2005/0144305 47:8 2005/0210145 48:9 2006 10:13 11:23 14:15 15:1 26:10, 24 28:22	29:1, 3, 6, 9, 11, 14 30:7 59:19 65:7 178:6 199:13 2007 10:13 28:22 59:19 2009 10:2 2025 1:18 2:4 5:3 214:14 215:3 216:13 21 130:11, 12 132:3 133:5 134:4, 7 136:1 137:19 138:23 140:3 141:15 155:13 163:7, 9, 13, 17, 19 164:25 168:1, 7, 13, 19, 21 169:2, 5, 17, 20, 23 171:18 173:2, 16 180:21 219251 214:18 22182 3:14 234 205:11 206:6 207:19 208:13 25 88:2 151:18 153:8, 18 26 4:9 88:2 151:18 27 151:18 164:17, 21 270 3:13 280 166:4, 11, 19 284 43:17 286 11:25 12:5 14:11, 19 15:15, 17, 23 16:18 62:14 64:15, 23 69:8, 9
---	---	---	---

70:3, 6, 20,
24 71:21
73:4 75:8
77:1, 13, 17,
18 78:5
80:15 85:11
95:6 96:8
97:3, 4
131:18
132:15
148:22 149:4,
6, 25 150:4
151:17
152:17 153:6,
17, 18 154:13
157:21, 23
158:5 169:25
170:1 184:4
29 115:21
177:19
2nd 214:14

< 3 >
3 26:23
37:7, 15
121:11, 14, 15
153:4 162:2,
10 165:9
3.5 136:21
176:15
3:39 186:7
3:52 186:10
30 1:18 2:4
5:3 120:10
177:14, 15
184:20, 22
215:3
30-minute
36:12
310 84:14
319 205:11,
12, 25
32 119:4
120:10 121:1,
4, 9 125:19
322 203:23

208:24
323 204:7, 19
330 130:18
171:12 173:25
34 62:22
206:25
36 61:21
37 61:16, 21
38 61:22
39 161:15, 21
170:11

< 4 >
4 193:8
4:50 212:18
40 122:3
170:11
42 80:19
42nd 3:7
45 4:10
97:25
46 4:11
47 4:13
86:3, 7
48 4:12
73:4 121:16,
18 122:3, 10,
16, 19 123:6,
16 124:1, 4,
9, 11, 17, 19,
24 125:1, 6,
9, 15 126:2,
5, 13, 15, 17,
20 127:3, 7,
24 128:3, 12,
15 129:3
130:2 131:3
132:18
134:21
135:25 136:9
137:9 140:16
141:12
146:20 149:8
150:12
160:25 161:6,
15 170:22

171:9 185:2,
3
49 4:14, 15
49th 3:7

< 5 >
5 187:11
212:21 213:5
5:00 213:7
50 4:16
55 78:12
56 73:19
78:11
560 173:23
57 14:21
16:19
58 16:20
73:19 78:11,
12
59 17:13
590 163:15
168:2 173:20,
21

< 6 >
6 4:4 69:12
153:8
60 17:13
600 153:11,
12 169:24
61 59:15
64 136:10
640-by-480
37:7
65 52:16, 18
650 16:10, 11
66 69:13
81:3
67 84:13

< 7 >
7 14:15
85:15 129:19
130:13 132:2
133:4, 9, 20,
24, 25 134:8
135:5 136:17

138:25
146:10
155:12 166:1,
6, 9, 19, 22
167:18
168:13 169:4
171:17, 19
187:21
7.0 185:6
710 14:21
17:10, 11
42:12 61:17
95:19 115:21
136:10 160:10
73 62:16, 18
68:7, 9
74 54:18
76 64:7
95:19 111:8
160:10, 23
170:9, 20
78 96:3
79 68:21

< 8 >
8 129:19
130:13, 18
132:2 133:4,
9, 20, 24, 25
134:8 135:5
136:17
146:11
155:13 167:1,
4, 6, 13
171:13, 14, 19
174:1
8,307,286 1:12
8/21/2026
214:19
81 155:7, 8,
10 157:13, 17
82 154:7, 9
163:22
85 8:20
8607 3:13
89 166:8

<p>< 9 > 9 51:15 80:19 167:1, 7 9:30 2:5 5:2 90 8:20 90s 23:13 24:19 39:12 93 31:2 36:2 94 24:20 31:2 36:2 95 8:20 < A > a.m 2:5 ABE 121:12, 15, 20, 25 122:4, 6, 7, 19, 24 124:2, 6 125:6 126:7, 18 127:24 129:9 137:11 140:13, 23 141:19 151:6 152:3 161:2, 7, 12, 18, 22 162:6 170:6 173:10, 11 181:1, 2, 15, 20 183:10, 16 ability 7:14 18:3 139:3 142:9 able 36:11 39:10 129:11 189:10 202:9, 11 211:3, 9 access 26:20 127:17 128:23, 24, 25 204:9 205:2 208:21 211:3, 4, 9, 10, 12 accessed</p>	<p>127:19 accesses 96:6 accessible 69:14 204:22 205:8 209:15 accessing 121:21 122:12 123:9 124:13, 23 125:12 127:15 128:5, 9, 16, 21 161:13, 23 171:6 183:19 accurate 7:11, 15 104:18 accurately 172:11 acknowledge 2:13 acquired 44:22 Acrobat 11:10 26:22 act 176:1 acting 8:15, 25 26:4 action 179:8 214:10 active 9:3 92:18 actual 109:21 116:19 117:9 151:13 152:4 153:24 154:19 172:6 174:22 175:17, 18 176:3 179:24 adapter 29:20 add 18:4, 6 19:14 20:5 133:19 155:13 166:2, 4, 7, 10, 17, 19 167:3, 11, 15, 19 171:12, 20 173:25</p>	<p>182:20 183:21 184:2 added 18:14 20:2, 3 25:15 34:11 35:6 adding 18:9 130:19 133:25 138:3 183:2 additional 12:21 20:1 80:23 82:2 83:22 93:3 104:22 143:23 additions 43:3 216:8 address 7:2, 5 14:8 70:17, 18 addresses 174:3 adjourned 213:7 administered 2:15 Adobe 11:10 advance 138:24 advanced 10:17 167:5 168:12 169:4 171:15 173:6 191:20 affirm 12:13 ago 9:9 106:9 agree 57:13 67:21 75:15 76:19 77:6 92:6 93:6 110:7 120:4 123:25 124:4 125:8 136:23, 25 167:18 agreed 111:6 125:5</p>	<p>agreement 2:9 214:5 ahead 12:5 16:25 27:13 46:24 47:6 48:25 50:23 60:17 97:23 158:6 186:11 aim 186:3 algorithms 196:3, 8, 9 allege 161:19 205:21 alleged 11:22 56:9 allegedly 96:19 139:20 206:15 allow 34:16 69:18 72:4 123:14 204:8, 13 allowable 196:1 197:3 allowed 24:5 178:7 allowing 76:3 allows 21:8 166:11 allude 99:8 Allyson 3:17 5:13 12:4 26:15 45:1 47:5 48:24 49:18 50:2, 22 51:12 68:16 78:7 97:15 165:3 188:5 altered 174:3 alternatively 164:4 165:11 Amazon 157:2 analog 35:23, 25 36:20 37:3 187:12, 15 189:22</p>
--	---	---	---

190:2, 3, 8 193:3, 18, 24 194:7 197:14, 21, 25 198:5, 6, 8, 14, 17, 21 199:4 210:8 analogize 136:13 analogized 142:21 analogizes 134:7 136:15 138:24 analogous 130:18 149:24 150:8 158:2 171:12 173:23, 25 analogously 171:20 analogy 19:12 analysis 16:7 54:11 55:22 56:21 57:7, 24 59:1, 3, 6 60:8 62:17 68:6 71:13, 25 95:1 96:15 97:2 109:21 110:1 114:9, 13 117:24 118:7 130:25 134:12, 14 135:11, 22 136:5, 10 137:22 139:11, 13, 18 142:4 147:25 153:22 155:1 157:12 163:1 169:19 173:15 176:16 184:1 208:9 209:23	analyze 58:12, 13 analyzed 117:9 and/or 17:19 81:4, 6 83:13 84:15, 24 196:5 203:8 Ann 1:24 2:10 5:14 6:10 51:10 213:3 214:2, 17 annotate 18:9 annotated 123:11 annotating 18:13 annotation 17:18 18:20 19:19 20:1, 7, 9 33:25 34:8 64:12 95:24 96:11 119:5, 13, 21 120:4, 13, 16 121:1, 12, 19, 20, 21, 22 122:11, 12, 13, 14, 22, 24 123:3, 9 124:10, 12, 14, 15, 23 125:12, 22 126:3 127:5 128:13, 16, 21 129:3, 8, 10, 17 130:5, 7, 8, 9, 16 131:5, 15, 24 132:11 133:3, 19, 20 134:1, 3, 20 135:4, 7, 24 136:13 137:10, 12, 16, 18 138:18, 23 139:2, 8, 22	140:1, 10, 11, 15, 21, 24 141:1, 13 142:6 144:5, 6, 9, 13, 16, 17 146:10, 16, 19, 21 147:5, 7 148:3, 7, 10, 13, 19, 20 149:5, 10, 15 150:10, 14, 21 151:8, 9 152:6 153:25 154:20 155:14 160:16, 19, 21 161:1, 5, 23 162:1, 2, 10, 11, 15, 16, 17, 19 163:4, 10, 14, 20 164:19 165:1 166:2, 4, 8, 10, 12, 17, 19 167:3, 11, 15, 19, 25 168:1, 18, 23 169:12, 13 170:20 171:1, 4, 10, 12 172:1, 2, 5, 6, 14, 15 173:1, 10, 17, 23, 25 174:6, 14, 16, 22 175:3, 9, 16, 20 177:6 178:13, 14, 16 180:9, 11, 15, 21, 24 181:7, 9, 22, 23, 24 182:6 183:11, 12 184:11 185:3 204:24 annotation/bookm ark 18:15 annotation/bookm arking 17:25	annotations 19:10, 14 20:22 21:1 64:10, 13 95:22, 25 119:5, 14, 21, 22 120:5, 6, 17, 18 121:2, 6 125:17 126:18, 23 127:11, 25 128:18 133:10 136:1 138:20 140:2, 3 141:15, 24 142:10 145:17, 18 147:14 148:17 155:13 160:14, 17, 22 161:6, 19 162:13 167:23 169:1 170:3, 21 171:2 182:4 184:10 annotations/book marks 23:12 announcements 6:5 answer 42:4 45:15, 21 46:3, 5 60:25 61:3 76:4 99:8 113:16, 19 118:2 123:17 141:8, 9 145:14, 19, 23 150:9 177:23 answered 19:21 63:17 64:1 65:10 69:10 72:24 88:22 91:24 94:2 109:4
---	--	---	---

127:13	128:2	24	79:13, 14,	117:14, 18	17	59:4, 12,	
132:20		15	80:8, 12,	133:3	18	60:14	
145:25	150:17	16	81:4, 12,	apply		66:14, 17, 25	
answering		15, 23	82:8,	28:7		67:8, 12, 19	
14:25	69:19	20, 25	83:4,	56:9, 15		95:2, 4, 10,	
72:5, 9		9, 10, 12, 17,		57:14	58:3	12	96:18
75:20	76:2	20	84:4, 14,	appreciate		114:15	
123:15		16, 17	85:5,	11:14	141:8	117:19	134:9
answers	68:24	8, 9, 10, 12,		187:5		187:25	194:6
197:5	216:9,	13, 16, 17, 21,		appreciated		196:4	
10		23, 24	86:1,	74:8		articles	27:16
antecedent		5, 12, 18, 25		approach	63:19	arts	59:7
107:13, 23		87:20	88:3,	appropriate		aside	158:21
antecedents		10, 20	89:4,	156:24		Asked	19:20
105:10		5, 7, 15		165:24		42:24	63:17,
anticipation		90:11, 15		166:15	170:7	25	65:10
53:9		91:16, 17		172:14	173:9,	69:10	72:24
antisubmarine		92:11, 12		12	176:14	76:11, 13	
10:21		93:8, 13, 24		177:1	179:11	88:18, 21	
anyway	127:22	94:8, 23		194:11		91:23	94:1
160:7		95:13, 17		202:14	203:9	109:3	123:13,
anyways	124:22	96:19	110:3,	appropriately		15	127:12
apologies		4, 9, 11, 15,		156:25		128:1	132:19
69:22		16, 21	111:3,	165:25		146:13	157:18
app	29:17	5	120:24	166:16	179:16	asking	45:17,
165:13		131:19		Approximately		23, 24	56:12,
APPEAL	1:2	148:24	150:1	7:17	17:17	13	59:23
5:8		154:8, 10		apps	40:12, 21	60:20	67:9
appear	85:25	159:1, 25		area	151:18	68:23	70:7
104:15	111:7	160:2, 4, 9		203:18, 24		72:2, 13, 20	
168:14	211:22	163:24, 25		208:15, 25		80:2	102:17
APPEARANCES		164:3, 13, 14		209:5, 13, 15		109:14	
3:1		applications		211:7, 20, 23		127:14	135:6
appeared	88:25	24:2	32:12,	212:2, 6, 7		137:5	139:21
appears	39:18	20	33:14, 16,	arguing	76:17	141:6, 23	
105:14, 19, 24		18, 21	73:17	arrangements		144:10	
122:3	195:9	74:6	78:15	74:9, 10		145:22	
applic	84:4	79:2, 8, 20,		art	11:22	159:23	168:6
application		24	80:4	14:24	22:7	189:1	
11:7, 8		82:9, 10, 15,		40:24	41:4,	aspect	70:19
14:15	20:15	16	84:5	9, 20	42:20,	asserted	
28:18	31:21	85:25	88:25	21	44:13	11:24	14:18
33:9	34:16,	96:23, 24		53:6, 13		15:23	
19, 20	35:7	applied	59:16	56:9, 11, 16,		assertion	
36:5	61:21	63:6	96:17	21, 22	57:12,	14:15	
69:13	73:13	97:1	114:7	15, 23, 25		assistant	
74:4	78:12,	115:17		58:4, 13, 15,		23:14	

associated 24:15 25:8 34:17 73:8, 17 74:7 78:15, 24 80:13 132:12 162:3 201:18 206:21 assume 180:7 asymmetric 196:9, 14 ATM 37:8 ATS 191:9 ATSC 191:3, 18, 23, 25 192:1, 9, 13 Attorney 4:4 5:18, 19, 21 6:1, 2, 6, 18 8:22 12:4, 12, 17, 19, 20, 23 13:3, 4, 7, 9, 12, 18, 20 14:2, 6, 9, 10 15:13, 19 16:21, 24 17:7 18:1, 8, 16 19:20 20:11 21:6, 13, 25 22:1, 16 26:14, 19 31:11 34:1 38:10, 25 41:2 42:2, 16 43:10, 24 44:20 45:1, 11, 14, 20 46:2, 4, 14, 20, 25 47:5, 10, 20 48:7, 12, 24 49:5, 18, 23 50:2, 5, 9, 10, 22 51:2, 5, 10, 14, 16, 21 52:3, 11, 13, 15 53:24	54:10, 17 55:6 58:5, 23 60:5, 24 63:17, 25 65:10, 19 66:12 67:14 68:14, 15 69:10, 18, 21, 23, 25 70:15 72:4, 6, 9, 11, 24 73:25 75:16, 17, 20, 22 76:2, 21 77:8 78:6, 9, 10, 22 79:9, 16 80:10, 17 82:18 83:2 84:19 85:6, 14 86:20, 23 87:2 88:21 89:10, 13, 17 90:16 91:9, 23 92:14 93:10 94:1, 25 95:15 96:21 97:5, 7, 8, 10, 13, 15, 22 98:2, 4, 10, 22 100:19 101:4, 12 102:8 103:1, 25 104:12 105:8 106:13 107:2 108:9, 20 109:3, 11, 19 110:5, 17 111:4, 12 113:17 114:19 115:1, 7, 12 116:18, 25 117:8, 17, 22 118:4, 9, 14, 16, 18, 19, 22, 24, 25 119:10, 24 120:9, 20	121:3, 8 122:1, 20 123:14, 19, 21, 22, 24 125:18 126:24 127:12 128:1, 14, 20 129:14 131:9, 25 132:19 133:12, 21 134:5 135:9 136:2 137:20 138:21 140:5 141:16 142:24 143:8, 25 144:7, 18 145:9, 12 146:12, 23 148:8 154:3, 6, 25 155:15 157:16 158:6, 9, 16 159:3 160:1 163:5, 21 164:20 165:2, 3 166:3, 5, 21 168:3, 20 169:14, 22 173:3, 18 174:18 175:5, 23 176:21 177:4, 17, 21, 22, 25 178:2 182:1 183:14 184:13 185:13, 19, 21 186:1, 3, 11, 17, 18 187:2, 4 188:3, 4, 13, 23 189:7, 19 190:17, 23 191:11 192:3, 16 193:1, 15 195:24 196:10 197:23 198:11	200:23 203:10 204:5 205:23 206:7, 19 207:22 208:17 210:23 212:9, 13, 16, 22, 24 213:1, 3 attorney-client 42:3 attorneys 2:12 41:20, 21, 25 42:22 43:3 115:6 audio 20:16 25:4, 6, 8, 11, 14, 19, 22 26:6 28:8, 16 36:24 37:1, 4, 13 author 132:22 133:18 134:2 135:11, 13 137:24 138:1, 6 147:17 authored 122:23 129:3, 8, 18 130:3 131:6, 24 132:17 133:11 134:20 135:7, 24 137:10, 17 138:5, 19 139:16, 22 140:1 141:13 143:14, 17, 20 144:1, 22, 24 145:1 146:17, 19 147:3, 11 149:10, 16 150:10, 14, 21 authoring 133:2, 17 134:13 135:3 136:8 138:6, 9, 12 139:15
---	---	--	---

143:2, 3, 5, 10, 20, 22 144:10, 16, 20, 21, 22 145:1, 16 146:4, 9, 25 147:3 148:4 authorization 74:6 78:14 authors 132:22 133:15 138:16 automatically 177:16 available 27:14 29:19 30:5 33:2 36:10 164:10 165:8 185:7 202:1 203:14 average 9:13, 22 award 27:20 aware 48:16 AYLO 1:5 5:6, 22 15:9, 16 16:3, 5, 8 53:5 215:2 < B > bachelor's 17:15 back 14:22 23:13 32:3 52:1 76:16 88:6 95:8 96:10, 16 97:19, 25 98:8 105:12, 14, 16, 19, 22, 24 106:7 107:9, 18 108:2 110:24 115:22 121:20 122:11 124:12 130:4,	13, 19, 23 131:13, 20, 21 132:9 133:16 139:6 140:13, 23 141:18 142:4 144:10 148:15, 25 149:22 150:3 151:5, 7, 20 152:3 153:16, 23 154:18 156:22 157:4, 6, 25 158:14 161:1, 12 165:24 166:14 167:24 169:3 170:4, 7 171:4, 18 172:1, 13, 21 173:9, 13 174:21, 24 175:2, 12, 13, 19 176:5, 11, 13, 20 177:7 178:6, 20, 23 179:3, 6, 9, 24 180:2, 22 181:1 182:23 184:6 186:5, 9 196:15 212:20 back-and-forth 43:2 back-end 25:17 background 22:11 bad 182:22 Ballard 7:3 Ballpark 51:14 band 200:1 bar 22:18, 20 23:1, 5 24:16 167:8, 17 bars 22:18 base 135:20	baseband 188:19 189:4, 22 based 29:10 43:22 44:8 61:25 62:11 64:17, 25 65:1, 7, 17 69:7 71:2 77:14, 16, 17 121:22 122:14 124:15 126:3 183:18 204:12 basic 59:24 basically 31:17 35:22 36:6 37:12, 21, 24 38:12 67:6 82:1 92:4 103:9 136:15, 16 143:22 149:3 152:17 172:18 178:14 188:17 201:1 208:24 211:20 basis 107:13 BBN 10:11, 15, 21 24:23 25:1 27:24, 25 28:1, 3, 4, 6, 16 29:13 beat 27:22 began 200:4 beginning 30:16 31:24 122:3, 10 begins 5:4 BEHALF 3:2, 10 5:19, 22 8:15 9:1 16:2 43:22 believe 29:18 34:10 66:18 67:11 76:5	96:22 154:16 181:15 189:23 benefit 85:16 best 8:23 29:13 30:5 32:10 46:8, 10 48:19, 22 49:13 50:17 51:9 beyond 83:22 152:15 big 26:9 bigger 10:14 Bill 32:3 binder 12:10 bit 10:4 18:7 97:6 118:13 123:6 145:10 bits 160:5 block 162:1 190:24 195:23 211:19 blood 214:10 Bluebear 3:18 5:14 BOARD 1:2 5:8 35:24 37:19 book 17:18 19:6, 11 142:22 143:10, 11, 21 144:1 bookkeeping 11:5 bookmark 18:22 19:3, 6, 7, 14 20:10, 14 21:3, 5, 10, 18, 23 22:24 26:5 34:8 35:2, 11 38:20, 24 39:3, 8
--	--	--	--

bookmarked 24:7 39:8 bookmarking 17:19 18:21 19:19, 22 bookmarks 21:1 24:6 31:5, 23 33:6, 12, 24 34:15, 24, 25 204:23 205:15, 18 206:9 207:5, 16, 25 book's 19:8 bottom 61:18 69:12 74:14 81:2 153:7, 17 167:9, 17 bought 157:4 box 129:25 130:16, 18 132:3 138:23 147:6 149:19 151:15 156:16 163:4, 10, 14 165:20 166:2, 4, 11, 19, 23, 24 168:1, 8, 18 169:1, 12 171:11, 12 173:20, 21, 23, 25 175:10 178:17 181:11 201:5 203:4 205:20, 25 206:5, 16, 25 207:1, 19, 24 208:3, 6, 10, 13 209:12 boxes 155:12 156:4 157:15, 19 167:3, 19, 22 169:6 170:1 171:25	206:8 207:13 brand 164:9 Bravo 7:4 break 13:1 31:19 36:11 51:17 97:8, 9, 23 104:24 119:17 158:7, 17 185:22, 23 212:14 breaking 102:2 145:10 breaks 158:22 bring 186:12 broad 125:23 broadcast 36:14 195:5 201:21 broadcasts 198:13 broke 36:7 40:13 broken 32:1 brought 137:8 browser 31:16, 22 32:11 96:7 154:16 156:7, 8 164:2, 12 165:8, 9 build 25:17 61:4 73:2 building 70:16 180:6 built 23:15, 16, 19, 20, 21 25:12 bunch 30:12 34:13 74:12 201:13 burning 141:9 business 7:5 9:8, 13 36:13 39:14 button 138:24 149:21 168:12 169:5	170:8, 15 171:15 174:20 178:22 buying 157:1 bypassed 191:5, 16 193:20 198:3 bypassing 193:21 bytes 37:7, 15, 22 < C > CA 2:10 195:11, 20, 23 196:18, 25 214:3 cab 30:1, 22 cable 199:12, 14, 17, 18 200:3, 8, 9, 10, 11, 12, 17, 24 201:1 cables 199:17 cable's 198:25 California 6:9, 11 call 41:4, 8 75:4 140:2 169:8 192:11, 12 called 6:14 22:18 24:24 27:10 31:22 34:4, 25 35:1 144:13 199:10 201:14 calling 79:12 84:22 95:8 calls 58:5 96:12 114:19 115:1 210:7, 11 capabilities 33:15, 20 capability	31:4 capable 89:2 caption 20:4, 12 23:17 31:19 37:2 215:2 captioned 20:5 36:17, 19 captioning 18:10 20:5, 9 24:3 31:3 capture 23:16 31:3 35:24 captured 38:3 capturing 38:4 care 185:20 213:2 CARMICHAEL 3:12 carried 189:12 192:14 carrier 189:13 191:10 carriers 200:13 carry 23:21 200:1, 3 Case 1:11 5:12 8:17 10:10, 11, 13, 18, 19 11:3 20:20 42:19, 25 43:16 48:17, 18 50:15 56:25 57:24 59:11, 12 73:12 74:3, 20 89:6 156:5, 16 164:7 191:4, 15 198:2 201:5 215:2 cases 10:7 45:7, 8 56:5 58:10 77:25
--	--	--	--

82:1 83:21
114:16, 23
115:4
catch 116:5
CATV 189:25
190:6, 10
197:14 199:3,
4, 9
cause 22:21
182:21
causes 179:3
Caution 42:2
44:20 45:14,
20, 22 46:2,
20 115:12
cells 37:9
Center 3:13
199:20
central 207:3,
6, 17
centralized
205:16, 17
206:2 207:14,
20 209:16
211:3, 8, 14
certain 20:3
21:8 22:21
25:10 38:13,
17 56:24
57:20 58:11,
18 59:9
64:4 73:5
78:3 82:22
115:16 207:1
certainly
37:11 41:7
89:2 151:24
160:4 198:16
200:8 202:13
CERTIFICATE
214:1
certify 214:3,
9
CES 29:7, 15,
16, 23 30:16

challenged
15:25 53:11
114:10
challenges
60:9 66:5
118:1
change 138:3
173:5, 7
174:9, 11
178:18
181:19 182:12
changed 27:4
138:8 148:19
157:5
changes
148:18 157:3
172:17, 21, 24
175:17
176:12 179:3,
25 216:8
changing 143:2
channel 201:8,
22 202:15
channels
31:13 187:23
201:1, 3

characterization
109:10 143:7
characterize
83:8
characterizing
73:22 78:19,
23
chat 26:16
45:2 47:3
50:1, 6
186:12, 15
check 26:15
chief 25:16
choice 195:1,
3
circle 186:5
circuit
189:11 191:4,
7, 16 193:4,
16, 21, 22

194:13 195:8
196:1, 7
197:3, 7
198:3, 18
circuitry
187:19, 22
188:1, 11
189:24
circuits
187:14, 22
193:18
citation
171:22 209:7
citations
80:25 96:1
147:25
170:14, 19
205:19
cite 111:14
136:9 147:11
161:15
170:22, 23
cited 61:18
110:24
Civil 5:11
Claim 52:5,
12, 14, 19
53:3 54:1, 2,
16 55:10, 16
56:11, 15, 16,
18 57:5, 17,
21 58:18
59:9, 10, 11
60:8, 12, 19,
21 61:9, 11
62:1 63:6,
14, 20 64:5,
19, 25 65:1,
6, 7, 15, 21
66:6, 11
67:10 68:5,
24 69:4, 7
71:11, 12
72:21 73:2
74:18 76:9,
14, 17, 19, 23
77:3, 6, 24

78:3 79:3, 5
87:3, 17
88:7, 9, 12,
13 89:18, 19,
25 90:13, 14
91:20 92:5,
9, 16, 18, 21,
22 93:2, 7,
12, 22 94:3,
16, 19, 22
95:11 96:17
98:15, 20, 24
99:14, 25
100:7 101:20,
23 102:9, 14,
21 103:18
104:10, 20, 23
105:7, 11
106:14 107:8,
10 109:6, 7,
14, 21, 22, 24,
25 111:11, 24
112:3, 4, 19
113:19, 20, 22,
25 114:6, 8,
11, 18, 25
115:6, 10, 19
116:5 117:10,
11, 12, 13
127:22 128:4
132:7 134:12
135:12, 16
136:5, 6, 7,
14 139:12, 19,
21 140:7, 20
142:11, 18
144:14, 19, 21,
22, 25 147:8
148:1 154:2
158:1, 25
159:4, 21
162:23
168:22 169:9
172:7 173:14
176:15
183:25 208:11

claimed 56:24
58:12 61:9,
12, 14, 15
66:2, 15, 23
78:3 79:3
82:14 99:1
169:9 205:21
206:6, 17
claiming 85:16
claims 15:6,
17, 23, 25
53:11 55:9
56:8, 9, 24
57:10, 14, 17
58:3, 9
59:14, 17
66:4 75:15
132:15
154:23 155:2,
3, 5, 6 158:4
209:22
claim's 169:10
clarification
117:16
clarify 22:2
clarity 56:20
clean 12:10
clear 11:16,
17 13:15
69:3 126:9
136:3 139:2
147:12 162:4
163:16 170:5
clearly 64:4
70:25 71:6,
22 135:14
139:18 147:5
185:15
clever 30:19
click 20:12,
18 24:8, 12
25:25 26:5
32:7 156:20
168:12 171:15
clicked 35:13
169:5

client 87:23
88:1, 4
94:24 95:5
96:6 100:4,
10, 14, 18
101:3, 7, 8
105:23, 25
107:6, 7, 22,
24 108:3, 6,
14, 17, 24
109:1, 16
112:7, 8
113:6 119:6,
15, 22 120:6,
18 122:23
129:4, 8, 18
130:3, 22
131:6, 12, 24
133:18 134:2,
21 135:3, 8,
24 137:10, 17
138:19 139:5,
16, 23 140:1
141:13, 18
142:2, 6
145:16
146:17, 20
148:12, 24
149:10, 16, 18
150:1, 10, 14,
21 151:2, 4,
7, 16 153:5,
10, 12, 13, 14,
19, 23 154:8,
11, 12, 13
155:21, 22
156:2, 4, 12,
14, 19 157:23
163:25 164:4,
6, 16 165:16
169:24, 25
170:16
172:19, 25
176:9
clients 75:4
96:9

client's
153:20
client-side
131:18
151:19 155:11
Clinton 32:4,
5
clip 40:7
clips 40:14,
17
close 53:22
89:9, 16
97:17 166:10
171:2
closed 18:10
20:4, 8
23:17 24:3
31:3 36:16,
18 37:2
cloud 204:12,
14
CNN 36:6, 7,
10, 12, 14
39:9, 11
40:1, 10
156:9
coax 200:12
coaxial
199:17 200:8
code 155:18
179:9 180:2
coding 32:16
collect 96:10
130:1 136:17
140:11 151:3
154:15, 17
collected
131:11 134:8
139:5 140:22
142:5 153:22
166:14 170:4
collecting
148:24 152:2
156:1 165:22
170:2

collectively
139:9 206:13,
15
collects 88:5
95:7 131:19
132:4 151:20
153:15 157:24
color 37:16
column 69:12
73:4, 19
78:5, 11
80:19 81:2
84:13 85:15
153:7, 18
columns 88:2
151:18
com 161:23
182:10
combination
208:15 210:21
combined 81:17
come 26:9
38:18, 22
72:6 75:18
97:25 123:19
143:14
155:19 201:4
comes 156:11
200:25
coming 190:13
command 100:4,
10, 17 101:2,
6, 10, 14, 18
104:17 105:3,
18, 19, 20
107:25 108:7,
12, 18, 23
109:2, 17
112:2, 5, 6,
10, 17, 22
113:5 116:3,
9, 14 117:4,
5, 20 132:7
142:1, 3
157:6 172:12
176:3, 8
178:23, 24

commands 81:5, 7, 9, 19, 24 82:3, 10, 21, 23 83:13, 20 84:6, 15, 22 85:5 110:22 179:13 commentary 152:21, 22 commercialization 28:5 Commission 214:19 common 199:16 200:2, 9 communication 42:4 44:21 115:14 communications 45:24 company 10:11, 15, 16 24:24 25:3 28:17 73:10, 12 74:1, 3 compared 74:24 comparing 154:22, 23 complete 7:11, 15 157:2 completes 179:18 complexities 196:6 component 121:12 186:21 187:7 208:5 components 73:5, 11 74:2 96:4 150:3 206:1, 3, 5, 12, 14, 16 207:2, 4, 24 208:10, 12 composing 121:22	122:13 124:14 126:2 Compound 84:19 101:12 182:1 compressed 36:1 37:10, 11 compression 38:2 193:6 194:2 comprise 101:25 159:7 comprises 91:1 92:24 93:20 94:7 102:12 103:12 205:14 comprising 52:23 53:20 55:1 62:24 63:23 64:9 66:20 70:9 73:13 74:4 78:12 87:5, 10 88:15 89:20 90:3, 8 91:5 95:21 106:16, 20 160:12 computable 87:9 88:15 89:20 90:6, 17, 25 91:18 92:24 93:14, 20 94:5 95:20 102:12 103:4, 5 104:3 110:10 111:16 112:24 159:6, 9, 10 160:6, 12 165:15 205:12 compute 92:1 94:6	computer 11:6 17:15, 16 23:23 37:9, 23 38:4 52:21 53:19 55:12, 14 60:1 62:23 65:24 66:1 67:3, 5 74:13 87:4, 8, 20 88:14 89:19 90:1, 6, 19, 21, 24 91:4 92:3, 23 93:14 94:4 96:6 99:16 100:2, 22 101:1, 5, 9, 13, 17, 21, 23 102:4, 6, 10, 24 103:3, 8, 23 104:4, 16 106:15, 19, 24 111:17, 19, 22 112:8, 14, 17, 22, 23 116:3, 9, 11, 20 117:4, 6, 19 153:2 156:10 159:11, 17, 20 177:15 206:22 computer- readable 52:22 53:20 54:19, 24 62:24 64:8 66:19 87:5, 7 89:3 90:2, 7, 18, 24 91:2, 5, 17 92:2 94:6, 9 101:24, 25 102:11 103:6, 10 106:15, 20 112:25	205:13 206:21 207:11 computers 107:5 119:6, 15, 22 120:7, 18 con 139:8 176:4 concept 115:9, 18 132:13 concepts 68:17 conclusion 58:6 114:20 115:2 condition 168:15 conducted 55:22 conductor 199:21 conductor's 199:22 configuration 75:7 configurations 74:10 confirm 11:6 conjunction 94:13 connected 208:14 connection 7:18, 22, 24 8:5, 9, 21 34:15 42:1 166:18 167:25 connector 198:23 200:16 consider 22:22 112:20 144:20 212:14 considered 21:10, 15 83:23 95:2, 3 109:5, 20, 25
--	---	---	--

consistent	142:7 146:17,	continue	47:16 48:3,
55:15 75:1	19 147:1, 2,	71:25 138:1	21 49:15
86:4, 10	18, 21 148:5,	continues	50:19 52:25
96:8 97:1, 3	6, 9, 17, 20	161:22	53:7, 14
99:17 155:20	149:10, 15	contribute	56:4 59:19
157:21 210:16	150:10, 14, 21	204:23	63:7, 16
Consolidated	151:9 152:6	control 23:8	67:22 77:15
118:21	162:3, 11, 17,	35:6, 7	79:6, 21
constraint	20 166:15	162:3 185:11	82:17 86:12
212:1	172:5, 15, 16,	controlled	90:22 100:18
construction	23 173:12	73:7	101:19, 22
115:6	174:22 175:3,	controlling	103:16, 24
constructions	14, 18, 19	171:7	107:17 108:1
54:1 63:10	176:5, 14, 23	controls	111:3 113:16
Consulting	177:2 178:7,	119:5, 14	116:3 119:16
10:3, 11	20 180:9	120:5 167:9,	121:7 126:23
Consumer	181:23	17	127:11
28:21 29:4	183:12, 19	controversial	158:25
30:6, 17	185:3, 9	145:16, 21	166:20
contain 196:5	189:18 190:1,	convenient	183:13
207:25	7, 10, 13	51:17	189:18
contained	191:1 194:17	conventional	196:18
39:2 124:12	195:4, 15, 21	160:7 185:5	206:18
containing	197:14, 22, 25	convert	208:16
171:5	198:14, 17, 21	189:18 190:14	211:17 214:7
contains 39:8	199:4, 14	converted	216:11
105:9 121:20	211:4, 5	35:25 36:21	correcting
122:11 132:8	contents 25:5	converting	164:24
161:22	127:18	188:16	corrections
contemplates	140:25 152:5	cool 27:23	216:8
200:15, 19	153:24	copies 12:9,	correctly
content 25:22	162:17 178:15	17, 21 13:5	53:1 151:18
28:15 45:23	context 54:5	14:3, 7 46:25	correspond
122:23, 25	59:21 62:5,	copy 42:10	22:10 144:5
123:5, 11	13 63:12, 14	46:21	206:6
125:22 129:3,	64:23 65:2	core 101:15	corresponds
8, 10, 17	67:24 71:2	208:8	206:16
130:3, 5, 9,	77:12, 16	corporation	counsel 2:9
24 131:6, 14,	81:1 86:1	10:8 164:10	5:16 52:11
15, 24 133:3,	98:19 107:3	185:7	69:18 72:4,
9 134:3, 20	114:3 132:17	Correct 7:8	10 75:16
135:7, 24	138:17	11:9 13:18	76:2 145:9
137:10, 12, 17	142:19 144:4	15:18, 24	158:23
138:8, 19	148:6 151:12,	16:3 20:8	count 7:19
139:8, 22	14 152:15	31:6 34:18	8:2
140:1, 15, 24	188:24 189:8	36:22, 25	counts 148:20
141:13, 20		42:11 46:9	

couple 9:3 32:18 40:11 41:12 coupled 198:14 course 32:21 83:17 143:11 200:14 court 5:14 6:7 cover 155:3, 5 covered 68:5 76:5 crawled 25:13 27:1 create 31:15 32:20 33:6, 12, 16, 17, 24 130:8 133:14 166:11 created 20:17 25:4, 23 32:11 34:15 creating 19:23 23:12 31:5 39:16 133:11, 19 135:4 137:25 143:6, 23 144:5 145:17 146:10 147:17 167:23 183:20 creation 24:6 143:23 147:1 CSR 2:10 214:3, 17 cue 55:13 65:24 67:4 73:14 74:5 78:13 88:1 95:9 96:12 99:22 100:1, 3, 9, 17 101:1, 6, 10, 14, 18 104:17 105:2, 3, 11, 12, 13, 17, 19,	20 106:2, 3, 4, 5 107:14, 15, 19, 24 108:7, 11, 18, 22 109:2, 17 111:20 112:2, 5, 6, 10, 16, 21 113:5, 8, 10, 14 115:23 116:2, 8, 14, 16 117:3, 5, 20 131:19, 22 132:13, 14 139:4, 13 147:9 149:1, 6 150:7 153:10, 11 159:18 169:11 170:3 176:6, 8 current 22:19 173:22 174:5 178:14, 15 currently 8:25 181:11 custom-built 23:23 35:24 CV 26:13, 16, 20 29:1 cylinder 199:23 cylindrical 199:18 < D > data 20:2 23:23 24:14 29:20 34:7 35:4, 14 61:22 87:23 88:4, 5 95:7 96:7, 10, 24 121:22 122:14 123:3 124:15 126:3 130:21 131:11, 15, 19	132:8, 12 139:5, 7, 8 141:20 142:5 148:25 149:18, 22, 23 151:4, 6, 8 152:2 153:22 154:15, 17, 19 156:1, 21, 23 157:7, 9 161:8, 10, 13 165:24 170:4, 6, 7 171:6 172:4, 10, 13 173:8 174:19 176:19, 22, 23 178:8 179:3, 5, 10, 24 181:2, 17, 18 182:6 183:18 185:17 189:20, 21 192:18 196:22 202:16 database 176:20 177:11 178:9 179:11, 14, 16 180:3, 5, 23 182:8, 12, 18, 24 183:1, 3 184:10, 16, 23 185:1, 11 databases 179:13 183:5 185:6, 10, 18 datagrams 192:15 data's 166:13 172:23 174:21 179:23 181:1 date 5:3 11:24 12:2 14:19 15:6 38:15 54:6 62:6 65:12	77:23 114:5 215:3, 24 David 31:18 day 30:15 36:8 214:14 216:13 days 41:12 decided 28:6 declaration 13:22 14:20 15:21, 22 16:4, 19, 22, 25 17:1, 10 42:10, 15 43:6, 9, 14, 17, 21 44:1, 15, 17 46:6, 17 50:16 52:5, 17 53:2, 4 54:19 59:15 61:17 62:16, 22 63:5 66:23 72:18 86:4, 8 95:19 111:9 115:16, 21 136:11 140:9 160:11 161:16 170:10, 12 180:18 184:16 203:23, 25 207:1, 19 208:13 declarations 12:18 41:19 44:2, 3 47:1 declare 216:4 decode 195:15 202:16 decoded 194:12, 23 decoder 195:11, 20, 23
--	---	---	---

196:18	197:1	demodulation	34:14	42:14	description
decodes	195:7	188:15, 18	57:6	64:12	28:13 34:10
decoding	203:3	191:4, 7, 16	120:1, 22		35:16 74:23
decrypt	196:1,	193:4, 16, 21	121:1 122:4		75:12 130:14
19	197:3, 8	198:3, 18	129:11		163:17 168:7,
202:16		demodulator	131:18		12 169:3
decrypted		186:22 187:1,	143:22		171:14, 18
195:8, 22		7, 9, 13, 18,	152:16		180:25 189:5
196:23	197:8	22 188:10, 21	176:24 185:8		190:25 211:21
decrypting		189:16 190:6,	187:8 199:12		descriptions
203:4		8, 9, 14	202:17 204:3		57:23 120:12
decryption		197:17, 20	212:5		design 195:1,
194:25 195:2,		203:3	described		2, 3
7 196:13		demodulators	22:15 24:23		designed 24:9
197:10		203:6	31:2 57:2, 5		37:20
dedicated	9:6,	demonstrated	58:8 80:16		desires 174:6
20		24:11	81:15 95:6		175:11 180:16
deem	216:9	demonstration	110:8 122:8,		desktop 42:13
define	147:3	27:12 36:10	18 123:5		detail 32:25
205:9		demos 30:2, 8	124:6 128:6		34:14 120:1
defined	62:10	34:13	129:19 134:6		123:7 128:7
definitely		departs 138:11	140:3 141:15		151:24
202:21		depend 16:11	146:21		179:20 182:7
definition		depending	149:24 162:7		184:4
16:17 17:9,		19:17 191:8	166:18, 22		details 34:12
22 19:2		198:4	194:9 196:25		37:17, 20
138:10 143:1,		depends 16:16	197:11		202:4
2		18:19 21:2	202:21 210:2		determine
degree	17:15,	183:3	211:19		40:19 77:19,
17 194:1		DEPONENT 4:2	describes		23
delete	182:19	215:24	64:8 85:1		developed
deleting		deposed 7:18	95:20 119:20		27:1 28:5
183:2, 8		deposit 127:18	120:4, 16		32:15
delivered		DEPOSITION	121:24 124:1		developing
156:6 199:14		1:16 2:7, 12,	148:23		68:2
200:11, 13		14 5:5, 9, 12	151:24		development
203:8		13:8 41:11,	152:17		10:17
delivering		18 42:1	160:11 166:9		device 201:6
200:9, 17		72:19 76:1	202:18		202:15
delivers		137:9 213:7	describing		devices 23:24
155:25		214:4 215:3	21:3 96:9		203:13, 16
demodulates		216:3, 5	141:17 165:7		207:12 208:2
189:4		depositions	169:6 179:20,		209:1, 24, 25
demodulating		7:21, 24 8:4,	22 181:4		210:3, 5, 8
187:24		7, 9, 13, 14, 17	183:15		212:4, 5
189:20 193:4,		describe	187:17		Devore 50:23
16 198:18		21:18, 23	188:14 209:3		51:3, 6

D-E-V-O-R-E	142:17 143:9, 16 147:4	160:21 166:1 170:25	135:14 136:20 141:3
50:23	149:13 162:4	disclosed	149:4 151:16
diagram 211:19	165:19 167:2, 7, 19, 20, 22	53:16 58:15, 20 83:4	153:6 155:20
diagrams	173:7 174:10, 12 181:11	135:16 146:2	184:1
190:24	182:13 188:7	147:16	discuss
dialogue	200:21 201:3	163:20	111:14 131:1
129:25	210:4	164:18 165:1	132:7 180:13
130:16, 18	differential	202:23	203:23
132:3 138:23	38:2	discloses	discussed
140:11 147:5	difficult	56:23 61:15	44:17 54:7
149:19 151:3, 15 155:12, 21	125:3	114:15 127:2	59:5 65:18
156:4, 16	digital 36:4	134:15	107:19
157:15, 19	160:5 187:12, 15, 19 188:2,	137:18	129:22
162:15 163:4, 10, 14 165:20	11 189:17, 21, 25 190:2, 3,	138:22 139:3, 18 140:10, 16	142:14, 17
166:1, 4, 11, 19, 23, 24	6, 10, 13, 15, 22 191:1	141:4 144:8	158:22 192:21
167:2, 19, 22	193:6, 13, 20	145:8 147:5, 8 148:1	discusses
168:1, 18	194:11, 17, 20, 22 195:15, 16,	152:7 156:17	124:10 129:25
169:1, 6, 12	21 196:17, 20	158:1 169:16	discussing
170:1 171:10, 12, 25 173:20, 21, 23, 25	197:6 199:3	disclosing	104:8 128:5
175:10	201:5 210:8	64:20 66:15	131:4 132:1
178:17, 21	212:7	70:25 107:5	discussion
180:1 181:11	digitally	134:10	59:3 68:23
dialogues	202:7	139:10	88:2 98:15
178:4	digitize 201:9	140:19	110:25 130:9
dictated 195:3	digitized	144:25	discussions
dielectric	36:21, 24	153:17 163:1	32:22 42:22
199:20	37:4 193:5, 24	178:4 183:24	43:1 120:23
difference	directed 80:1	190:20 191:6	127:5
18:20 19:18	104:14 169:1, 7	198:16	dish 31:12
different	dis 58:14	disclosure	disk 61:20
17:11 18:23, 24 19:1, 15	disagree	58:17 68:20	dispersion
22:23 23:7	145:24 149:7	70:2 71:14	199:25
38:22 40:14, 18, 20, 21	150:17	75:3 137:1, 3 139:24	display 24:2
54:14 66:25	disclose 59:7	141:22 148:2	34:23 189:12
80:5 82:8	83:6 135:15	149:20	212:4
88:18 102:17, 18 109:15, 24	136:20 140:7	154:22, 23, 24	displayed
114:10 117:1, 2, 4, 12	141:23	162:22	131:12
119:18 124:5		168:22	169:21, 24, 25
		169:16 170:5	174:14
		disclosures	displaying
		66:25 114:14	173:22
		131:17	displays
			210:12, 19, 22
			211:16, 18
			disposed
			52:24 53:21

55:2, 23	doing 9:10	203:21	16 177:5
60:2, 23	10:4, 9, 15,	204:11 211:20	178:12, 14
62:25 63:24	20, 25 162:6,	DVR-like	180:10, 14, 16
65:16 66:21	7 188:15	204:14	182:3
68:12 70:10	202:7	DVRs 201:17	edited 140:21
74:19 75:12	domain 45:9	202:1	148:10 154:1,
86:15 87:11	189:14	dynamic 180:6	20 157:5
88:10, 16	double-check	dynamically	173:1
89:8, 15, 21,	197:12	177:9	editing 52:23
23 90:4, 9,	downloaded		53:20 55:1,
21 91:3, 6,	17:4 26:22	< E >	7, 12, 14, 17,
14 92:3	DR 1:16 2:7	e.g 164:5	21 60:2, 22
93:4, 16	4:3 5:5	185:6	61:8, 10, 12,
94:13 101:7	6:13, 19	earlier 17:12	15 62:24
103:14	12:18 13:4,	19:22 48:17	63:23 64:9,
105:16 106:7,	25 14:4, 11	54:7 61:7	10, 13 65:15,
11, 17, 22, 25	17:2 26:16,	63:4, 5	20, 23, 25
112:7 113:1	21 46:4, 25	71:10 75:2	66:3, 8, 10,
159:14	47:12, 23	77:9 95:18	15, 17, 20, 23
dispute 89:1	48:7 49:7,	105:11 110:2,	67:1, 3, 5
99:14, 18, 24	23 50:6	25 111:6	68:12 70:10
104:21	51:3 52:4,	136:17	73:23 79:7
119:19	17 75:23	176:18	80:7, 15, 20
120:15, 19	97:24 98:11	181:15	84:11 85:20
149:8, 11	123:25	185:22 200:7	86:6, 11, 17,
157:13 163:3,	141:11	early 28:22	25 87:5, 10,
9, 15	145:14	39:11	14, 19, 23
disputing	152:10 158:7,	Eastern 5:2	88:10, 16, 20
102:23	17 177:22	98:1	89:21 90:3,
120:11	212:11, 25	edit 88:1	8, 11, 15
149:12 151:22	215:1 216:2,	121:5, 10	91:1, 5, 20,
disrespect	16	126:20 127:4,	25 92:10, 12,
75:23	draft 43:1, 8,	21 128:4	17, 20, 25
distinction	12	130:16	93:8, 23
67:13, 16	Drive 3:13	132:11	94:7, 20, 23
116:24	159:9 189:11,	136:14	95:12, 21, 22,
distortion	23 202:8	138:23 139:2	25 96:3, 18
200:2	drivers 23:22	140:10, 11, 25	98:24 99:1,
distributed	drives 54:22	142:9 144:13	4, 8, 11, 16,
203:17	driving 30:3,	147:5, 6	22 100:2, 4,
diving 57:11	11	148:3, 19	10, 15, 17, 21
Doctor 145:13	drove 29:24	155:13	101:2, 6, 10,
document 47:6	due 72:7	162:15 163:4,	14, 18, 22
155:25	duly 6:14	10, 14 168:1,	102:1, 7, 13,
documents	DVR 201:5	18, 23 169:12	24 103:6, 12,
11:11 12:14	202:5, 23	171:10, 21	23 104:8, 14,
13:23		174:6 175:10,	17 105:3, 18,

19, 20 106:16,	effectively	158:1 159:4	146:10, 21
20 107:16, 25	37:22 156:4	162:23 163:1	148:7
108:7, 12, 18,	207:10	168:22 169:9	encompassed
19, 22 109:2,	efficiently	173:14, 15	76:7
17 110:3, 8	194:8	176:15 183:25	encompasses
111:10, 14, 15,	effort 26:10	elementary	92:10 93:23
18, 21, 23	either 6:5	194:4, 13	145:17 148:4
112:1, 2, 5, 6,	99:25 183:16	elements	encounter 14:7
10, 16, 21, 25	184:5 191:2,	52:19 54:1,	encrypted
113:5 116:3,	14	2 55:10	195:7, 15, 17,
8, 14 117:4,	elaborate	58:18 59:10,	22 196:18, 19,
5, 20 121:2,	18:7 177:3	12 61:9, 11	21 197:7, 8
6 126:17, 23	electrical	67:7 87:14	encryption
127:11, 25	17:15	103:22	196:2, 8, 9
130:20 134:3	electronic	105:11	end's 173:13
135:25	13:5 14:3, 7	106:25 112:4	engine 20:17
136:13	30:17	114:14	27:21
137:18 138:1,	Electronics	email 121:22,	engineer 10:20
20 140:2	28:21 29:4	23 122:13, 15	engineering
141:14 144:6,	30:6	124:15, 16	17:15, 16
8, 16 145:18	element 53:3,	126:3, 8, 12	English 102:3,
146:21 148:7	10, 16 56:11	174:2, 3	5 104:25
149:4 153:9	60:8, 12	embodiment	109:9
157:7 159:1,	66:6 87:12,	75:9 150:4	enjoyed 10:24
5, 7, 13, 16,	17 90:1	153:9 194:4	entail 143:21
19, 22, 24	91:15 92:22	197:11	enter 16:22
160:3, 8, 12,	93:3, 12	embodiments	26:15 174:15
13, 16, 20, 22	94:16 98:24	73:5 81:8	entered 78:7
161:6, 18	99:15, 25	97:4	130:21
162:13	100:7 101:24	emphasizing	148:12 151:6
163:20	102:9, 14	83:19	156:22
164:18 165:1	104:20, 23	enables 21:3	171:11, 25
167:24 169:1,	106:14 107:8,	encoded 37:5,	173:1, 24
12 170:21	10 109:6	13 193:5, 25	174:4, 8, 11
171:2 176:8	112:19 113:4	194:7	enters 175:20
184:9 205:10,	114:15 116:5	encoder 193:5,	180:20
14, 15, 18, 21	127:2, 22	25	enthusiasts
206:6, 9, 17	128:4 131:1	encoding	40:12
207:5, 7, 9,	132:8 134:12,	193:13	entirety
16, 25 208:4,	15, 17 135:12	encompass	135:17 139:24
11	137:22	18:12, 24	entitled 72:11
editor 153:11,	139:11, 12, 19	19:2 54:13,	entry 183:6
12	140:7, 20	21 60:7	environment
edits 43:3	141:4 142:12,	84:11 85:2	52:23 53:21
138:4 147:13	18 144:15, 25	94:19, 22	55:1, 8, 12,
education	145:8 147:8	137:17	14, 17, 21
17:20	148:1 152:8	141:14	60:2, 22

61:8, 10, 12,
15 62:25
63:23 64:9
65:16, 20, 23,
25 66:3, 9,
10, 15, 18, 20,
24 67:2, 3, 5
68:12 70:10
73:23 79:7
80:7, 15
84:11 85:20
86:6, 11, 17,
25 87:6, 10,
14, 20, 24
88:10, 16, 20
89:21 90:3,
8, 11, 15
91:1, 6, 21,
25 92:11, 12,
17, 20, 25
93:8, 21, 24
94:7, 20, 23
95:13, 21
96:4, 18
98:24 99:2,
4, 9, 11, 16,
22 100:2, 16,
21 101:22
102:1, 7, 13,
25 103:7, 12,
24 104:8, 15
106:16, 21
107:17
108:19 110:3,
8 111:10, 14,
15, 18, 21, 23
112:1 113:1
153:9 159:1,
5, 7, 13, 16,
19, 22, 24
160:3, 8, 13,
20 164:9
205:10, 14, 22
206:6, 17
207:7, 9
208:5, 11
episode 36:12

equivalent
17:16 96:12
204:24
Erica 3:18
ERRATA 215:1
especially
45:9
ESQ 3:3, 4, 5,
11
established
10:3 61:25
88:19 110:2
193:6
estimate 8:16,
23
estimating
8:11 44:8
eventually
28:17
EveryZing
27:5, 8
evidence 65:18
evolved 204:11
ex 125:20
202:16
exact 8:2
33:21 37:17
38:19 39:12
42:19 51:12
57:1 59:4
71:14 83:14
95:3 107:6
108:14
113:20
192:17 195:2
200:7
exactly 26:1,
12 38:18
42:24 43:11
45:5 75:2
89:18 98:23
146:13 159:23
Examination
4:4 6:17
EXAMINATIONS
4:1
examined 6:15

example 16:12
18:11, 22
19:3 20:6, 9
21:7, 9, 14
22:14 32:12
39:9 40:17
54:18, 21
55:19, 25
57:4, 19
61:7, 16
64:7, 21
68:3 69:11
70:4, 22
71:1, 4, 7, 9,
20, 21 73:3,
9 74:15, 18,
19, 22 75:6,
9, 14 79:1,
11, 12, 17
80:11, 14, 18,
20, 22 81:2,
17 82:4
84:3, 4, 20,
25 85:9
87:8, 25
95:16, 24
105:11
110:14, 22, 23
111:9 125:20
130:7 131:22
133:7, 23
138:14
160:15, 18
166:25
167:22 168:8,
9, 18, 25
169:2 174:2
178:9 179:7
185:15
190:18
197:11, 13
198:1 200:18
201:24
203:18
204:15
209:17 210:7

examples
18:12 21:17,
22 54:20, 22
56:23 58:10,
15, 20, 25
59:3, 4, 9
60:13 67:18
68:4, 18
69:3 71:11
76:5, 24
78:1, 3 82:5,
11, 19 84:5,
8 110:20
111:1, 2
155:4 158:2
167:2, 20
203:18
excerpt 68:16
executed
64:11 86:12,
18 87:1
92:13 93:18,
19, 25 94:24
95:13, 23
96:19 152:12,
25 154:8, 11
160:14
163:25
205:16 207:6,
16 208:1
216:12
executes
64:13 95:25
160:16, 22
161:18
170:21 171:1
205:17
executing
81:3, 11, 15,
23 84:14
85:4 86:5
91:21 92:22
93:9, 11
94:18 161:5
162:12
execution
164:6

exemplary 153:8 163:14 166:10, 23 exercise 136:25 Exhibit 4:7, 8, 9, 10, 11, 12, 13, 14, 15, 16 12:5, 7 13:11, 13 14:11 17:1, 5 26:15, 17, 20 42:11, 15 44:17 45:2, 3 46:12, 16 47:7, 18, 21, 22 48:5, 8, 25 49:3, 19, 21 50:3, 23, 25 78:7 119:1 186:12, 19 EXHIBITS 4:6 12:21 13:21 existing 132:24, 25 133:16 134:3 135:25 138:20 145:18 147:7 170:3 173:17 174:2, 14, 16 177:6 178:13 180:23 181:12, 22 182:4, 6, 17, 19, 25 183:21, 23 expanded 171:16 expectation 19:6 experience 17:17, 21 23:9, 11 56:5 experienced 56:3 58:19	experimented 33:19 expert 8:25 9:7, 10, 15, 21, 25 10:2, 9, 11, 25 13:22 16:9, 19, 25 17:1 43:22 56:3 Experts 193:7 expires 214:19 explain 19:1, 18 38:23 76:14 171:3 explained 98:18 explicit 79:23 144:12 explicitly 112:1 138:22 202:23 express 53:25 63:9 76:12 extends 159:23 extent 167:21 206:8 external 73:9 extra 80:21, 23 81:18 84:6 110:21, 23 extract 31:3 35:9 197:21 201:7 extracted 37:1 177:11 203:7 extracting 23:17 91:13 < F > fact 95:18 165:9 factors 195:3 fair 9:16, 18 72:11 80:6 85:3 91:7	102:3, 5 109:9 119:23 120:8 121:24 128:19 142:23 143:7, 24 155:7, 10 156:14 170:17 189:5 200:10, 19 203:2 falls 64:21 familiar 194:5 far 163:19 180:12 favorite 27:21 feature 148:3 201:17 features 167:5 202:1, 8 February 214:14 fed 35:23 Federal 5:11 10:16 feed 5:24 feeds 35:23 feel 11:18 16:18 46:16, 23 Fegan 46:15, 19, 21 47:7, 16 53:15 fiber 200:4 field 173:6, 7 fields 156:22 171:12 172:9 173:5, 22, 25 176:10 178:15, 22 179:15 182:11 183:1, 7 figure 28:5 61:1 68:20 73:15 74:11, 23 75:8, 11,	14 121:11, 14, 15 130:11, 12, 18 134:4, 7 136:1 137:19 138:23, 25 140:3 141:15 153:4, 8 155:13 162:2, 10 163:3, 6, 7, 9, 13, 17, 19 164:6, 17, 21, 25 165:9 166:1, 6, 8, 9, 19, 22 167:1, 4, 6, 7, 11, 13, 15 168:1, 7, 13, 19, 21 169:4, 5, 7, 17, 20, 23 171:13, 14, 17, 18 173:2, 16, 24 174:1 180:19, 21 186:21 187:6 188:5 190:5, 11, 20, 24 194:18 195:12 196:24 197:15 199:6 200:18 201:12, 18 203:6 205:10, 25 207:2, 19 210:1, 6 211:18, 21 212:3, 4 Figures 129:19, 22 130:13 132:2 133:4, 9, 20, 24 135:5 136:17 146:10 153:7 155:12 167:1, 18 168:25 171:19
---	--	--	--

file 26:7	126:2, 4, 7,	73:25 76:21	154:15, 25
35:1, 18, 19	12, 19, 21, 22	77:8 78:22	155:15 156:1,
43:20 184:24	127:3, 6, 10,	79:9, 11, 16	17, 21, 22
filed 5:6	20, 23 128:3,	80:10, 12, 17	157:16 159:3
Files 34:4	12, 15 133:25	82:8, 18	160:1, 2, 3, 5
filibustering	137:8 143:12	83:2, 4	163:5, 21
72:7 75:18	150:11 159:5	84:19 85:6,	164:20 165:2
123:19	167:13	14 86:20	166:5, 21, 24
finally 143:14	five 167:20	87:2, 6	167:7 168:3,
find 25:9	fix 187:5	88:21 89:1,	20 169:14, 22
57:1, 22	flip 19:7, 10	10, 17 90:16	173:3, 18
58:14 63:8	Floor 3:7	91:9, 23	174:18 175:5,
130:14	flow 97:8	92:14 93:10	16, 23 176:21
136:18 184:18	focus 135:13	94:1, 25	177:4 179:1,
finding 40:16	151:11, 25	95:15 96:21	2, 7 182:1
161:14	152:14 208:5	98:22 100:19	183:14
fine 11:12	focusing	101:4, 12	184:13
12:12, 21, 23	100:15	102:8 103:1,	185:13 188:3,
14:5 61:2	following	25 104:12	13, 17, 23
98:2 209:19	42:22 45:16,	105:8 106:13	189:7, 19
210:20	22	107:2 108:9,	190:17, 23
finish 69:19	follows 6:16	20 109:3, 11,	191:2, 3, 8,
72:5 76:3	Forbes 27:20,	19 110:5, 7,	11, 14, 15
123:15	21	11, 17 111:4,	192:3, 16
147:22 177:23	foregoing	12 113:17	193:1, 15
first 6:10	216:3, 5	114:20 115:2,	195:6, 24
10:10, 13, 19	foreign 182:21	7, 12 116:18,	196:10
13:23 14:14	forget 34:3	25 117:8, 22	197:23 198:1,
27:3, 11	96:11 107:6	119:10, 24	4, 11, 23
28:19 43:8,	128:7 191:20	120:9, 20	199:16
12 45:6, 10,	form 8:22	121:3, 8	200:12, 23
19, 25 46:18	15:13, 19	122:1 125:18	203:10 204:5
56:8, 14	18:1, 8, 16	126:24	205:14, 23
57:11, 14	19:20 20:6,	127:12 128:1,	206:7, 19
58:3, 10	11 21:6, 13,	14, 20 129:14	207:22
59:24 68:7,	25 22:16	131:9, 25	208:17 210:23
9 70:17, 18	31:11 34:1	132:19	format 198:9
90:5 93:15	37:24 38:10,	133:12, 21	formatted
94:12 106:18	25 41:2	134:5 135:9	192:14
112:9 119:3	42:16 43:10,	136:2 137:20	formed 16:6
120:3 121:17	24 53:24	138:21 140:5	forms 111:7
122:2, 15	54:10, 17	141:16	132:2 156:5
123:13, 16	55:6 58:23	142:24 143:8,	165:19 169:6
124:1, 3, 8,	60:5, 24	25 144:7, 18	179:4
10, 16, 25	63:25 65:19	146:12, 23	forth 53:7
125:1, 6, 9,	66:13 67:14	148:8, 13	98:20 103:9
11, 13, 14	68:14 70:15	149:19	203:7 214:4

forwards 171:24 found 25:13, 23 53:12 55:18 67:7, 11 71:13, 14 frame 11:23, 24 15:1 21:16 24:20 26:11 29:6 31:2 37:8 38:3 59:19 65:7 198:10 framework 57:13 58:2 free 11:18 16:19 46:16, 23 FREESITES 1:5 5:6 15:9 frequency 189:3, 4, 13 191:10 friend's 211:11 from/to 171:16 front 203:5, 8, 14 FTP 33:3 full 23:15 37:7 70:7 106:14 121:17 214:7 fun 10:24 30:1 function 97:4 121:2 124:23 125:11 126:1, 6, 11 127:25 144:14 148:19 169:9 186:25 187:8, 23 203:4 functionality 80:20 121:21 122:11 124:13	125:14 126:10 161:22 171:6 181:2, 14, 20 203:5 204:14 functioning 171:20 functions 79:3 91:22 97:2 119:20 120:4, 16, 22, 23 121:25 122:4, 5, 7, 18 123:1 124:1, 5, 6, 12, 17 125:5 181:16 202:5, 22 further 40:13 43:1 61:8, 11 65:21 83:18 98:25 100:13 107:20 121:19 122:22 123:4 127:4 161:1 212:9 214:9 furthermore 159:15 205:1 future 201:20, 22 < G > game 40:5 gate 59:24 gener 178:5 general 56:7, 13 192:13 generally 59:16, 20 98:15 104:11 115:8 133:1 143:3 160:6 165:8 183:24 202:1	generated 25:21 149:19 156:18 177:10 generates 155:9, 12 156:14 generating 39:18 getting 14:22 96:16 200:15 Gimbel 3:18 give 7:10, 14 29:24 51:12 54:20 68:24 69:11 72:15 127:1 given 42:20 44:13 55:25 58:11 68:4 71:5, 21 78:1 125:20 155:4 158:4 162:24 197:13 214:8 gives 79:11 giving 16:12 84:25 185:15 glad 13:19 glance 39:7 167:14 go 12:5 16:25 20:13 27:4, 13 44:14 46:23 47:6 48:24 50:22 96:1 97:19, 22 99:7 113:3 118:23 129:2 133:15 136:18 150:13 152:23 153:21 158:6 168:16 174:4 177:23 182:7 185:21 186:6,	11 196:15 211:11 213:4 goal 28:14 goes 73:14 100:13 101:15 105:21 120:1 138:7 147:9 153:11 161:24 164:11 166:12 184:4 194:25 197:4 going 5:1 11:16 13:22 47:6 51:11 69:24 76:16 97:5 108:13 110:24 118:13 141:8 145:9, 19 174:5 177:20 183:10, 11 Good 6:19, 20, 23 Google 27:22 gory 179:20 government 10:16 graduate 23:14 24:21 32:17 grants 10:17 graphic 39:13, 22 graphical 164:8 169:20 great 51:20 98:3 154:6 158:9 183:10 212:24 ground 53:7, 12, 14 grounds 53:5 54:12 66:25 114:10
--	--	---	--

group 23:15 32:15 33:1, 10, 23 40:23 193:7 group's 23:20 growing 28:10 guess 23:6 25:12 26:24 36:24 83:23 104:21 122:25 132:3 167:21 183:3 189:1 GUI 157:14 Guide 118:21 201:18, 19, 20 Gupta 44:16, 19, 24 45:2, 12, 18, 19, 25 46:9 53:15 55:19, 25 61:19 62:11 64:3, 4, 8, 17, 20, 21, 25 67:22 68:7, 9, 25 69:2 71:9, 15 75:4, 6 76:17, 20 77:7, 15, 17, 18 95:16, 20 96:9, 12, 15, 22, 25 97:2 119:1, 4 120:14 121:11, 17 124:9 125:21 126:25 127:1, 2 130:17 132:10, 14 133:10, 24 134:10, 14 135:12, 14, 18, 19 136:8, 12, 20, 23 137:2, 4, 17, 22 138:10, 18, 22	139:3, 10, 17, 20, 24 140:4, 6, 10, 18, 19 141:3, 4, 12, 15, 22, 24 142:7, 19 143:1, 18 144:4, 8, 25 145:2, 3, 4, 8, 16 146:11, 16, 19, 22 147:2, 4, 7, 13, 14 148:1, 2, 6, 9, 14 149:3, 5, 17, 21, 23 151:2, 14, 23 153:4, 14, 21 154:1, 14, 16, 20 155:14, 17, 20, 23 156:16, 17 157:10 158:1, 18 160:9, 11, 20 161:11, 12 162:14, 22 163:1, 6, 9, 20 164:18, 25 166:1, 8, 23 168:19, 23 169:16, 21 170:5, 9, 23 173:2 175:7, 19 176:12, 15 178:3, 12 179:19, 22 180:14, 15, 25 181:16 182:5, 16 183:15, 24 184:22 185:1, 8 Gupta's 68:20 96:3 142:9 143:15 144:12 151:10 157:20 170:25 177:5	179:22 181:3 182:2, 3 183:18 guys 12:24 13:6 < H > half 44:5 90:5 94:12, 13 106:18, 23 half-hour 36:9 hand 214:14 happen 148:9 181:14 happened 42:25 happening 151:14 152:1 happens 169:3 177:7 180:22 happy 12:20 97:19 118:8 hard 8:16 54:21 61:20 159:9 202:8 hardware 23:16, 17 32:14 81:4, 6, 8, 19, 20, 24 82:3, 10, 20, 22 83:13, 18, 20 84:6, 15, 21 85:5 110:22 196:5 206:10, 11 head 41:16 118:3 heading 62:21 headline 36:13 39:14, 21 40:1 193:2 heard 23:6 41:7 192:7 199:12 heart 79:18 held 89:2	110:9 helped 25:16 HENRY 1:16 2:7 4:3 5:5 6:13, 25 215:1 216:2, 16 hereinbefore 214:4 hereunto 214:13 Hi 98:11 high 181:3 higher 17:19 highlight 206:1 207:12 highlighted 61:18 161:21 high-speed 23:21 history 42:18 54:5 57:10 58:10 59:22 62:2, 6 63:13, 15 64:15, 24 65:3, 9 67:25 69:9 77:13, 22 114:4 history's 186:15 hit 149:21 157:3 172:12, 22 174:20 hits 142:2 173:8 175:13, 25 176:12 180:21 hitting 175:21 hold 34:7 177:14 184:21 home 7:6 199:15 200:20 203:18, 24 204:9 205:3
---	--	--	---

208:15, 22, 25
209:5, 13
211:6, 7, 17,
20, 22 212:2,
5, 6, 7
hope 98:11
host 73:8
hotel 29:25
30:12 211:12
hotels 30:3
HOUH 1:16
2:7 4:3
5:5 6:13, 19,
25 10:3
12:18 13:4,
25 14:4, 11
17:2 26:21
46:4, 25
47:12, 23
48:7 49:7,
23 50:6
51:3 52:4,
17 75:23
97:24 98:11
123:25
141:11
145:14
152:10 158:7,
17 177:22
212:11, 25
215:1 216:2,
16
H-O-U-H 7:1
Houh's 26:16
hour 16:10
30:1 51:15
97:6 145:10
hours 41:13,
15 72:12
house 211:11
household
200:25 201:4
How's 102:18
HTML 149:20
155:18
156:17, 18
178:5 179:1

hypothetical
109:6, 21
117:10 180:12
< I >
IAN 3:5
5:22 42:6
ID 182:9
idea 30:10
39:6 40:16
208:18 211:13
identified
44:15 45:12,
18, 25 46:7,
9, 19 47:13,
16 48:2, 13,
20 49:14
50:18 53:5,
13 117:20, 21
126:6
identifier
183:5
identify 5:16
45:19 47:24
49:9 50:12
51:6
identifying
48:18 50:15
illustrated
73:12 74:3
162:2, 10
174:2
illustrates
163:3, 10, 14
165:9 168:14
image 39:5, 19
immediately
26:1, 6
186:13
impair 7:14
implement
182:16 204:7,
17 208:19
211:15, 25
implementations
165:19

implemented
185:9
implementing
208:19 209:3,
17
imply 188:18
implying
102:20
imposes 108:4
inaccurate
109:18
include 19:23
67:17 89:4
123:10
124:13
133:14 135:4,
25 138:19
140:2 146:25
159:8 193:8
207:23
included
33:25 37:1
77:2 83:24
104:2 127:15,
19 138:12
includes 18:2
54:21 67:19
75:13 96:4
101:21 102:7,
24 103:23
121:19
136:25 139:1
143:12
144:11 146:7
147:17
155:25 156:1
161:1 173:21
including
24:3 73:18
74:7 78:15
102:4 106:24
141:22
155:12
157:15, 19
158:22 171:7
200:16

incoming
121:23
122:14
124:16 126:8,
12
incorporated
10:5 164:1
independent
16:7, 16
67:22 76:20
77:6
independently
38:3
INDEX 4:1, 6
25:4, 10, 15,
23 27:10
32:2
indexed 12:8
17:6 25:11
26:18 45:4
46:13 47:19
48:6 49:4,
22 51:1
indicate
36:20 39:13
86:17 99:11
100:25 101:9
109:1
indicated
24:13 135:3
146:8, 9
216:10
indicates
22:19 81:23
124:11 154:7
157:14 161:18
indicating
86:24 89:7,
14 107:15
108:6, 17
123:9
indication
110:22
individual
10:7 31:20
32:1 203:4, 9

individually 32:8 inference 104:1 influence 7:13 information 18:4, 6, 10, 14 20:4, 5, 12 24:3 31:4, 19 33:25 34:5, 8, 9, 22 37:2 55:11, 13 65:23, 25 67:2, 4 99:12, 15, 23 100:1 105:2, 12, 13 106:3, 4, 5 107:14, 16, 19 111:18, 21 113:8, 11, 14 115:24 116:16 130:1 132:4 134:8 136:16 138:25 139:4, 13 140:12, 21 141:17 147:9 148:12, 15 151:3, 20 153:15 157:24 159:17, 19 162:3 165:23 170:2 171:11, 25 172:2 173:22, 24 174:5, 8, 9, 10, 15 175:21 176:7 180:21 183:11 193:14 196:20 197:8, 9 initial 147:1, 18	initially 198:1 input 31:13 35:20 36:21 172:12, 20, 25 174:19 176:12 179:25 187:16 189:25 190:6, 8, 10, 22 191:8 195:16, 21 196:17, 21 197:15, 17 198:9, 19 inputs 175:24 187:11 input's 198:4 inputting 31:9 198:16 inquiry 58:4 154:22 inserted 199:1 inserting 183:8 insisting 144:9 instructed 115:5, 9 instructions 45:16 instructs 46:4 interested 214:11 interface 24:9 25:20, 25 32:6 35:12 122:23 129:9 130:3, 22 131:11, 12 132:11 137:11 144:12 150:15, 22 151:4, 15, 19 152:1, 11, 24 153:5, 15, 23	154:7, 9, 12, 14 155:9, 11, 18 157:14, 22, 24 163:23 164:1, 7, 8 165:7, 10 166:18 169:21 171:24 177:7 interfaces 23:22 24:10 96:7 internet 68:19 69:14 70:2, 5, 21 71:1, 8, 15, 18, 20 141:25 204:21, 22 205:8 208:14 209:1, 2, 4, 18 211:25 interpret 56:8, 15 57:14 58:2 59:13 64:25 162:12 interpretation 63:19 interpreted 54:2 63:10 64:22 65:1, 11 113:24 interview 30:10, 13 intrinsic 65:18 invention 15:5 62:7 63:12 64:24 65:5 68:1 77:13, 23 153:10 178:6 invoke 82:9 83:12, 20 84:6, 23 179:9	invokes 81:6, 8 82:20 85:5 invoking 81:4 84:14 involve 81:3, 11 84:14 128:9 143:11 involved 32:16 120:14, 24 involves 81:24 99:3 involving 16:18 88:25 IP 3:12 IPR 8:5, 14, 17, 20 11:25 13:23 16:18 44:1 45:13, 19, 25 46:9, 19 47:14, 16, 24 48:3, 14, 20 49:10, 15 50:12, 19 51:7 IPR2024-00710 1:11 13:23 15:7 IPRs 8:7, 9 9:2 13:16 43:23 44:4 isolation 120:21 122:16 issue 11:25 147:15 177:18 185:20 issues 14:7 115:16 it'd 83:3, 15 179:2 201:15 202:12 205:6 items 207:18, 20 its 33:15 39:13, 14 96:7 113:25
---	---	---	---

165:15	175:13	keys 182:21, 23	47:11 48:9	203:17, 25
< J >		Kim 48:8, 13,	49:6, 24	206:21 208:2
jack 198:15,		19 53:15	51:2 57:1,	209:14, 21
21, 25 199:1,		kind 8:10	18 58:12, 14,	211:2
2		19:5 22:8, 9,	19 59:24	knowledge
jam 56:11		11 23:8	60:11, 25	109:20
January 1:18		24:23 28:14	61:1 68:2	known 23:2, 5
2:4 5:3		32:23 33:10	69:24 70:17	28:1 31:15,
29:6, 14		44:7 70:1	74:21 75:17,	21 178:9
215:3		71:24 82:2	19 76:5	187:25
Jay 31:17		90:10 102:2	82:1, 23	191:23 202:5
Job 1:25		133:1, 8	84:3 85:25	< L >
jobs 24:22		134:7 142:11	87:6 95:6	label 210:20
joke 31:15,		143:1 155:16	97:3 112:23	labels 210:4
22, 24 32:2,		173:20	116:21	lag 69:23
8, 11		178:10	118:11, 12	laid 55:16
jokes 31:20		182:15	123:4, 10	60:7, 12
32:1, 5, 6		183:17	129:24	61:7 65:21
JONATHAN 3:4		188:20 200:1	130:21	66:4 98:25
5:23 42:6		202:6 203:20	132:10, 21, 22,	115:15
jump 18:3		204:10 206:10	24 133:1	116:13
19:24 20:13,	kinds 54:13		135:13 137:3,	139:11, 18
18, 23 21:8	60:7, 10		6, 23, 24	140:7, 20
22:8, 22	84:25 201:25		138:3, 24	143:16 176:16
24:13 26:6	knew 32:23, 24		139:14	landed 10:18
32:1 34:22	know 10:14		140:14, 17	language 54:3,
35:17 36:14	11:3, 6, 18		141:2 142:1,	16 55:5
jumped 19:5	13:1 19:9		18 143:18	60:19, 22
jumping 21:11,	20:21 22:22		144:9 146:14	62:1 63:7,
19, 23 22:3,	25:22 27:16		147:16	14, 20, 23
13, 15	28:12, 18, 20,		156:20 157:1	64:6, 19
< K >	25 29:2		161:8 163:19	65:6, 8, 15
keep 76:16	30:1, 10, 14,		165:11	66:6 67:10
118:10 144:9	15, 16, 21		168:14, 23	68:5 69:7
key 138:24	32:22, 23		169:4 171:8	70:13 72:21
keyframe	33:4, 20		172:3, 8	73:2, 16
24:12, 14, 15	34:5, 10		173:4, 11	74:18 76:18,
35:9 38:7, 9,	35:2 36:12,		176:3 177:12	20, 23 77:3,
12, 24 39:1,	17, 18 37:6,		178:4 181:5	6 78:17, 20
25 40:24	7, 16, 25		182:2, 3, 4,	79:5 84:13
41:5	38:2, 15, 19		15, 18 183:20,	85:4 86:14,
keyframes	39:11 40:3,		25 184:5	15 88:7, 9,
24:7 34:23	11, 16, 17		185:25	12, 13 89:25
38:16, 21	41:1, 15, 16		191:13, 23	91:19 95:12
40:11	42:19 43:4,		192:6 200:16,	96:17 102:22
	21 44:7, 8		25 201:2, 7,	105:4, 7, 9
			12 202:16	

109:14, 21, 22, 24, 25 113:20, 22, 25 114:6, 8, 11, 18, 25 115:10, 19 116:19 117:11, 13, 15, 18 119:4 131:3 134:20, 22 135:2 136:5, 6, 7, 14, 23 144:21, 23 210:10 laptop 29:20, 21 30:3 Las 29:15 latest 36:9 launched 27:11 29:2, 9 Law 3:18 115:5 lawyer 57:16 58:7 lay 55:9 115:20 158:2 209:9 lays 138:11 leader 28:2 learn 33:15 leave 13:6, 7 209:12 left 211:7 left-hand 186:20 187:6 legal 7:18 10:18 58:5 114:19 115:1 195:3 Leno 31:17 32:3 Letterman 31:18 32:3 level 17:20 181:3 182:7 184:4 levels 83:23	Lexington 7:4 license 6:11 life 9:6, 20 10:20 limit 154:1 limitation 52:5, 10, 14, 21 53:6, 13, 17, 18 54:9 55:1 62:17, 22 66:9 67:21 68:6, 24 70:8, 9 86:15, 24 89:6, 14, 24 91:8, 11 98:14, 18 99:5, 10, 17 100:16 103:21, 22 109:10 115:22 136:21 139:21 141:6 limitations 55:20 66:11, 17 67:1, 11 69:5 98:19 104:10, 22 111:13, 25 116:13 183:4 limited 58:20, 25 66:9 118:20 122:25 limiting 79:14 limo 29:22 30:8 line 30:1, 22 69:13 73:4 80:19 81:2, 3 84:13 85:15 97:17 118:13 154:4 187:11, 21 190:25 194:10 197:24	198:13 200:11, 12, 14 215:3, 6, 9, 12, 15, 18, 21 lines 73:19 78:11 links 23:22 28:24 list 32:6 57:19 180:14 listed 26:12 56:23 78:25 125:13 140:9 listen 32:8 listing 52:19 lists 62:22 124:17 literal 162:15 literally 30:2 33:17 37:6, 8 39:20 71:18 126:10 144:13 149:25 151:19 156:10 little 10:4 18:7 22:18 24:16, 24 41:15 88:18 118:13 120:1 123:6 128:6 161:14 206:24 live 7:3 202:9, 11 204:13 LLC 1:8 5:6 LLP 3:6 5:21 load 35:8 loaded 17:4 loading 81:3 locally 46:23 164:4 located 152:11 211:1, 17	location 20:23 21:4, 9, 11, 19, 24 22:3, 13 24:13 26:6 35:10, 17 38:8 locations 24:7 34:17, 24 log 186:15 Logan 49:19, 24 50:3, 12, 18 53:17 204:8 205:5 208:20 209:6, 7, 8 211:24 L-O-G-A-N 49:19 logic 28:2 long 7:19 9:5 12:13 30:23 43:21 44:2, 3 51:10 112:20 158:7 185:25 longer 43:25 44:10, 11 186:4 look 12:2 16:19 26:23 28:4 44:24 47:2 54:18 55:24 56:10, 19 57:16 61:16 64:3 68:19 69:12 70:1 72:1 73:3, 14 74:11, 15, 22 75:11 77:18 80:18 82:7 87:25 99:5, 10 117:23 118:7 119:1, 3 125:19 130:15, 25
---	--	--	---

134:6 142:3	141:9 179:12	marked 12:7,	17 58:7
148:14, 22	180:6 182:24	13, 14 17:5	70:5 72:7
149:17 151:1	lots 120:12,	26:17 45:3	75:13 79:10
153:4 157:17,	23 145:4	46:12 47:18	81:6 82:19
20 160:10	205:3	48:5 49:3,	83:11 87:3
162:14, 21	lower 193:17	21 50:25	89:18, 25
163:12, 22	lunch 98:12	marketing	91:11, 25
167:6, 10		203:20	92:4, 7 94:3
168:7, 11, 16	< M >	marks 35:1	97:8 99:14
169:17 171:2,	magical	marriage	101:5, 11, 13
3, 14 173:19	138:10 143:1,	214:11	104:19
181:19 184:7,	18	Mary 1:24	108:10, 21
21 185:3	magically	2:9 5:14	109:7, 23
186:19	147:2	6:10 51:10	110:24
187:10 190:5,	main 140:14	213:3 214:2,	113:13, 19
7, 25 191:22	maintain	17	119:9, 11
192:8, 9, 18	140:14 141:20	Massachusetts	120:10, 21
197:12, 24	maintained	7:4	131:5, 8, 23
201:12 202:3,	73:8 122:24	master's 37:19	132:17 133:2,
25 209:7	129:9 130:5	matches 59:4	11 135:10, 13
looked 25:24	137:11 139:7	material	136:8 138:2
44:8 128:8	maintaining	132:23, 25	140:6 150:25
136:17 181:15	123:3 162:2,	133:15, 16	160:6 162:12,
looking 34:3	11	mates 199:2	14, 24 163:12
56:18 57:8,	making 138:4	matter 5:5	166:22 168:5,
11 62:15	182:20	11:5 14:21	21 169:15, 23
68:3 79:11	management	15:10, 21	175:3 177:2
86:14 95:18	178:7	16:10, 18	179:19 180:4,
100:7 115:22	manages 161:9	17:9, 10	13, 25 181:5,
121:10	manner 38:17	42:12 195:1,	6 182:7, 14
126:14, 17	95:10 187:25	2 214:12	183:17 184:2
134:23	manners 185:5	matters 7:18,	185:14 187:2
140:16	map 169:10,	22, 25 8:5	188:14, 15
160:25	11 207:9	9:3 15:25	189:8, 10, 20
165:18 168:5	mapped 142:11	56:4	190:2, 24
170:19	178:24 208:2	mean 8:23	192:21 193:2,
looks 29:11	209:21	12:1 18:17,	9 195:17
77:21 80:19	mapping 58:16	22, 23 22:17,	201:11
83:25 167:8,	157:11 175:6,	20 23:6	203:11, 14
12 170:24	25 176:2, 6	28:23 29:1	207:23 208:7
181:19	207:8 208:9	33:8, 17, 22	209:20 210:24
lost 7:19	margins 19:8,	35:16 37:18	meaning 18:24
lot 10:21, 22	9	38:15, 16	20:25 54:4,
30:21 40:21	mark 13:11	41:3, 7	8, 13, 15
43:11 45:8	18:3 19:4	42:17 44:7	55:5 59:16
56:5 88:2	34:4 35:1	48:16 50:14	60:1, 15, 19,
	38:20	53:23 56:10,	21 61:25

62:3, 10, 12	9, 10, 12, 13	129:1 171:8	modification
63:6, 11, 22	160:6 165:15	194:14	113:10
64:5, 19	184:22, 23	200:22 203:8	132:12
65:6, 15	203:13, 15	207:11	141:14
67:9, 15, 16,	204:20 205:7,	mention 126:17	182:20 204:3,
21, 23 68:11,	13, 16, 17	mentioned	4, 6 205:5
23 69:7	206:2 207:3,	13:19 19:22	209:10 210:22
70:7, 13	6, 15, 17, 20	29:3 44:13	modifications
71:6, 7, 12	209:16	mentions 70:5	132:24 139:4
72:18, 21	medication	merely 155:22,	141:24 147:6
76:8, 20, 22	7:14	23 156:2	154:18
77:3, 6, 11,	medium 52:22	met 41:20	175:18 211:4,
14, 19, 24	53:20 62:24	53:6, 13	24
80:7 84:10	64:8 66:19	metadata 25:7	modified 95:9
112:20	87:5, 7, 9	35:8, 9	131:21
113:23 114:1,	88:15 89:20	125:22 128:7	148:11 149:2
7, 11, 17, 24	90:2, 7, 18,	162:3 185:4	172:6, 11
115:10, 19	25 91:1, 2, 5,	method 92:18	173:13
117:5 136:6,	17, 18 92:2,	99:3 200:9	174:23, 24, 25
22 138:3	24 94:6, 9	Microsoft	175:2, 3, 20
meanings	102:11, 12	164:10 185:6,	176:14 177:2
18:25 19:1,	103:4, 5, 6,	7, 16	180:20
15 117:2	10 106:16, 20	middle 88:3	181:23 183:11
means 105:7	112:25 160:12	112:19 131:3	modifies
119:11, 12, 13	meet 41:21,	151:17	96:11 116:16
132:1 143:17	25 56:2	199:19, 23	131:22
151:2 181:8	58:18 60:11	mind 26:9	modify 127:18
188:15	61:10 65:21	minutes 33:18	128:10, 24, 25
191:18 194:24	66:3 67:1	51:15, 17, 19	133:16 142:6
meant 38:16	79:4 92:1	158:8, 9	157:8 174:20
52:13 206:1	99:2 111:11,	177:15, 19	176:10
207:11	13, 19	186:3	180:10 183:9,
mechanically	meeting 69:4	mischaracterizes	22 208:24
181:6 184:6	meetings 42:5,	66:12 92:15	modifying
mechanics	9	110:6, 18	105:1 106:2
176:25	meets 55:20	113:18 118:4,	107:13 113:8,
mechanism	61:14 66:17	23 122:20	13 115:23
163:20	137:22	133:22	128:13, 18
164:18 165:1	176:15, 16	mischaracterizin	130:9, 25
166:17	memories	g 118:15	131:1 134:16
media 54:20,	125:17 206:22	MIT 23:14	135:15
24 89:3, 20	memorized	mobile 29:20	136:15
93:14, 20	12:2 192:10,	mode 88:1	137:22
94:5 95:21	20	modern 177:8	139:12 140:3,
96:5 101:25	memory 125:23,	modif 175:8	7, 25 141:14
104:3 110:10	25 127:17		142:11 144:6,
111:16 159:6,	128:23, 24, 25		14 147:8

149:5 152:7	141:5	need 81:18	105:3, 15, 17,
154:1 162:23	moving 209:1	82:10 152:22	18, 22, 23
168:22, 24	MPEG 35:20	160:5 165:3,	106:7, 8, 12,
169:8, 11	36:1 37:11	4 181:18	17, 23 107:1
170:2, 7	192:1, 12, 15,	195:22 196:4,	108:8, 12
174:15 176:1,	24 193:7, 8,	23 197:7, 10,	109:18 112:7,
4, 6, 22	14	25 201:6	8, 11 113:2,
182:25	MPEG-type	209:23	6, 9, 12, 15
183:21, 25	194:1	needed 165:17	115:24
203:23	multiple	189:16	116:12, 15, 17
modu 201:2	79:24 138:7	190:14	156:7 159:2,
modulated	139:25	195:14	15 176:7, 9
188:19 191:2,	145:25 146:24	196:19	203:18, 24
14 198:1		197:20 198:4	204:8, 10, 18
201:3	< N >	209:18	205:2 208:15,
modulation	name 5:13	needs 91:13	20, 22, 25
37:12	6:10, 24, 25	108:22, 23	209:5, 7, 13,
module 121:20,	26:25 27:3,	neighborhood	15, 16 211:1,
25 122:7, 11	11	8:8 11:1	7, 9, 15, 20,
124:2, 7, 13	named 121:12	neither 128:4	23 212:2, 6, 7
125:7 126:7,	166:2, 4, 19	network 23:21,	never 172:8
18 127:6, 24	168:1	22, 24 52:24	New 3:8
140:13, 23	names 23:7	53:22 55:3,	49:25 130:7,
141:19 154:8,	27:6	24 56:2	8, 19 133:13,
10 155:9, 12	naturally	60:3, 23	19 134:1
157:14 161:2,	204:11	63:1, 24	135:4 145:17
22 162:6	navigate 21:4	65:17 66:21	146:10
163:23 164:1,	22:21, 23	68:13, 18	148:11 157:7
7 171:5	24:17 26:1	69:14, 15	166:4, 7, 10,
181:15, 20	34:16 201:20	70:4, 8, 11,	11, 17, 19
modules 61:19,	navigating	19, 23 71:2,	167:3, 11, 15,
21 96:5	21:12, 15, 18,	5, 7, 18, 19,	19, 23 171:11
130:23 162:5	22 22:4, 10,	24 73:9, 11	172:1 173:24
moment 42:8	14	74:3, 10, 14,	174:7, 8, 10,
46:11 50:4	navigation	20, 21, 24	12 175:15, 24
106:9 118:7	17:19	75:5, 13	178:18
moments 12:25	nearly 7:24	86:16, 19	179:15
monologues	necessarily	87:1, 11	181:10
31:18, 19, 25	18:18 19:10,	88:11, 17	182:10, 20
morning 6:19,	16 58:24	89:8, 16, 22,	183:2, 8, 16,
20	80:1 103:22	24 90:4, 9,	20, 21
Motion 193:7	209:11 211:5	12, 22 91:3,	News 36:6, 12,
motivations	necessary	7 92:4 93:5,	13, 14, 16
209:9	12:11 63:9	16 94:15	39:14, 21
move 75:18	191:7 216:8,	100:4, 10, 17	40:7, 17
125:3 127:8	9	101:2, 7, 8,	156:9
		18 103:15	nice 199:24

nitpicky	65:10, 19	142:24 143:8,	officially
118:11	66:12 67:14	25 144:7, 18	97:18
nonprovisional	68:14 69:10	146:12, 23	oftentimes
85:16	70:15 72:24	148:8 154:25	38:22 41:5
nonresponsive	73:25 76:21	155:15	179:12 202:8
127:8 141:5	77:8 78:22	157:16 159:3	Oh 12:15, 19
normal 43:22	79:9, 16	160:1 163:5,	27:7, 14
83:23 185:23	80:10, 17	21 164:20	41:12, 23
Notary 2:10	82:18 83:2	165:2 166:3,	52:13 75:12
214:3, 18	84:19 85:6,	5, 21 168:3,	82:7 97:14
note 5:23	14 86:20	20 169:14, 22	134:24
20:2, 3	87:2 88:21	173:3, 18	145:24
Notice 2:8	89:10, 17	174:18 175:5,	150:19 163:7
novel 142:22	90:16 91:9,	23 176:21	177:13
NTSC 35:25	23 92:14	177:4 182:1	184:20, 22
36:20 37:3	93:10 94:1,	183:14	187:4 213:3
198:9, 12	25 95:15	184:13	Okay 9:14, 24
number 6:11	96:21 98:22	185:13 188:3,	13:1, 3
8:16 23:7	100:19 101:4,	13, 23 189:7,	14:22 36:24
31:13 49:20	12 102:8	19 190:17, 23	41:10 42:10
59:11 62:21	103:1, 25	191:11 192:3,	49:13, 17
119:13, 14	104:12 105:8	16 193:1, 15	50:9, 17
numbers 17:12	106:13 107:2	195:24	51:21 63:4,
51:13	108:9, 20	196:10	21 72:20
numerous	109:3, 11, 19	197:23	75:25 77:10
150:18	110:5, 17	198:11	78:9, 19
nut 92:6	111:4, 12	200:23	81:14 84:12
NY 3:8	113:17	203:10 204:5	85:8, 18
	114:19 115:1,	205:23 206:7,	86:3, 10, 14
< 0 >	7, 12 116:18,	19 207:22	93:1, 6
oath 2:15	25 117:8, 22	208:17 210:23	94:19 96:16
7:7 216:6	118:4, 22	objections	97:22 98:1
objection	119:10, 24	118:10, 20	99:5 102:2,
2:14 8:22	120:9, 20	obviously 92:8	15 103:19
15:13, 19	121:3, 8	obviousness	104:5 105:6
18:1, 8, 16	122:1, 20	53:9 154:21	108:16 111:8
19:20 20:11	125:18	occur 175:17	116:2, 11, 14
21:6, 13, 25	126:24	occurrence	118:2, 3
22:16 31:11	127:12 128:1,	25:9	119:2 120:25
34:1 38:10,	14, 20 129:14	offered 29:23	122:17 125:2
25 41:2	131:9, 25	offhand 28:25	126:1 137:15
42:16 43:10,	132:19	41:16	142:2, 21
24 53:24	133:12, 21	OFFICE 1:1	146:16 148:4
54:10, 17	134:5 135:9	5:7	149:21 150:5,
55:6 58:5,	136:2 137:20	officemate	9, 25 153:1
23 60:5, 24	138:21 140:5	23:19 37:18	157:13 158:6,
63:17, 25	141:16		21, 25 170:8,

15 171:23, 24 172:8, 12, 22 173:8 174:20 175:13, 21, 25 176:12 178:1, 22 180:7, 21 181:5 185:19 186:17, 25 189:2, 10 192:11 196:15 197:20 207:18 208:12 210:21 old 174:13 omit 112:19 omitting 104:23 once 178:13 ones 44:8, 9 160:7 open 11:11 19:10 26:22 42:12 43:20 46:24 47:12 48:10, 11 49:8 50:8 51:3, 4 167:5 173:6 opened 11:7, 10 49:7, 24 operate 37:24 73:10 74:2 196:8 operated 73:7 operates 95:10 164:8 operating 164:2, 10, 13 165:11, 12 184:11 operation 179:18 operational 28:19 29:17 operations 66:10	opinion 15:16, 22 16:1, 2 17:14, 24 52:4, 20 53:4 109:13 124:20 opinions 15:14, 20 16:6 52:7 53:2, 8, 15 135:20 opposed 25:7 117:10 183:8 196:8 205:2 206:10 208:15 209:4 optical 200:4 order 66:14 91:21, 22 160:5 196:22 197:21 201:8 ordinary 54:3, 8, 12, 15 55:5 59:16 60:1, 15, 19, 21 61:25 62:3, 10, 12 63:6, 11, 22 64:5, 18, 19 65:4 67:17, 24 68:11 69:7 70:13 71:7 72:17, 20 75:10 76:7, 8 77:2, 11, 14, 19, 21, 24 78:2 80:7 82:6, 12 83:25 84:10 85:7 113:23, 25 114:6, 7, 11, 17, 24 115:10, 19 134:9 136:6 141:21 145:7 146:3	155:3 188:20 205:4 original 14:22 24:4 27:9 96:16 132:23 133:15 137:25 143:6 196:15 originally 138:5 151:6 other's 32:24 outcome 214:12 outer 199:21 outgoing 121:22 122:13 124:14 126:3 outside 127:6 208:3, 10 overall 23:20 71:23 87:18 92:3, 21 93:15 94:12 137:4 141:22 149:17 151:1 157:20 162:21 overlap 18:17 19:16 overlapping 19:13 20:21 over-the-air 198:13 overwritten 181:24 owned 73:7 Owner 1:9 3:10 5:19 8:15, 18 9:1, 4 ownership 74:9 < P > p.m 213:7 packed 37:8 packets 192:2,	12, 15 packet's 192:6 PACQUETTE 3:5 5:22 PAGE 4:2 14:14 19:6, 7, 11 26:23 61:16 62:22 136:10 155:23, 24 156:5, 11, 15, 18 161:15, 21 164:5 170:11 178:8 187:10, 21 190:25 192:21 194:10, 11 197:24 205:11 206:5, 25 207:19 208:13 215:3, 6, 9, 12, 15, 18, 21 pages 43:18, 19 149:21 177:9 178:4, 5 pane 34:23 35:11 paper 12:17, 20 papers 24:11 33:4 34:13 paragraph 14:21 17:12, 13 52:16, 18 54:18 59:15 62:16, 18 64:7 68:7, 9, 21 80:18 86:3, 7 95:19 96:3 111:8 115:21 119:4, 25 120:10 121:1, 4, 9, 16, 18 122:3, 10, 15,
--	--	---	---

19, 21 123:6,
16 124:1, 4,
9, 11, 17, 19,
24 125:6, 9,
14, 19 126:2,
5, 13, 15, 16,
20 127:7, 24
128:12 129:3,
23 130:2, 15
131:3 132:17
134:21
135:25 136:9
137:9 140:8,
16 141:12
146:20 149:8
150:11 154:7
155:7, 8, 10
157:13, 17
160:10, 23, 25
161:6, 15
163:12, 13, 22
166:8, 22
168:4 170:9,
14, 20, 22, 23
171:13, 22
173:19
184:21 185:3
194:10
203:23 204:7,
19 205:11, 25
206:5
paragraphs
16:19 129:20,
24
paraphrase
108:13
paraphrasing
93:7 99:14,
19, 25
parenthesized
154:11
parlance
188:20
part 18:15
23:14, 17
27:25 28:3
29:13 32:25

33:9 34:20
35:11 38:13
41:1 54:20,
25 55:21
57:6 60:18
66:2 70:21
71:23 73:1,
6 76:8 77:3
90:17, 18, 19
91:13, 18
92:1, 3
93:15 94:11
100:12
101:20 104:2,
3 105:5
106:5 111:16,
17 112:9, 19,
24 116:1, 10
125:1 126:12
130:2 131:4
132:5, 7
133:9, 16
134:11
135:11
137:21 138:9
140:19, 20
141:2 144:24
147:11
150:13, 20, 22
159:10 160:5,
19, 24 161:2,
7, 11, 20
162:7 163:24
164:2, 11
165:12, 13, 15
168:21
169:15, 18
173:14
176:16 178:5
184:17
187:16 195:9
202:22
206:22
207:20 208:4,
7 209:14, 23
211:1, 22
212:6, 7

participating
2:12
particular
19:11, 24
25:14 28:10
31:14 35:13
41:1 43:14,
16 53:10
55:19 56:25
87:12 119:25
178:16 180:9,
11, 15 181:9
182:9 196:14
201:22
parties 214:5,
10
partly 132:21
141:22 142:11
parts 76:15
92:16 103:18
107:5, 20
119:18
142:17 151:1
party 6:5
73:8
pass 140:23
passage 63:5
81:10, 14, 22
119:20 136:9,
10 161:4
passages
170:25 171:3
passed 140:13
PATENT 1:1, 2,
9, 12 3:10
5:7, 8, 19
7:22, 25
8:15, 18 9:1,
4 11:25
12:2, 6
14:12, 19
15:6, 15, 17,
23 16:18
41:19 42:18
47:7, 22
48:9 49:19
50:24 56:3

57:3, 9 58:8,
16, 20 59:8
62:14 64:15,
16, 23 69:8,
9 70:3, 6, 20
71:21 73:4
75:8 77:13,
17 78:5
80:15 88:3
95:6 131:18
132:15
148:22 149:4,
6, 25 151:17
152:17 153:7,
17, 18 154:13,
24 157:21
158:5 169:25
184:4
patentability
15:14
path 28:5
193:20
194:18, 20
195:19
patience
212:11
pause 202:9,
11
paying 16:8
Payonk 1:24
2:10 5:15
6:10 214:2,
17
PCT 49:1
PDF 43:19
penalty 216:4
people 10:22
28:13 29:23
30:21 36:3
40:22 41:5
133:1 138:11
143:3, 19
146:4, 24
147:16
179:12 180:5
188:25
202:22 204:23

percent 8:17, 19, 20 9:15 percentage 9:6 Perfect 13:14 47:9 perform 79:2 91:21, 22 181:20 182:11 performed 27:1 66:10 performing 120:16 121:1 127:25 performs 132:12 period 9:12 10:3 perjury 216:4 person 41:21, 24 45:12, 18, 24 46:18 48:13 64:2, 18 65:4 67:17, 23 75:10 76:6 77:18, 21 78:2 82:6 83:25 85:7 134:9 141:21 145:7 146:3 155:3 158:3 182:5 205:4 personally 23:11 33:11 persons 59:18 82:12 perspective 14:25 15:4 63:20 petitioned 13:24 Petitioner 1:6 3:2 5:22 petitioners 8:21 43:23 44:4	Ph.D 2:7 4:3 6:13 phone 41:22, 23 phrase 60:16 71:19, 23 76:14 90:23 93:15 112:4 113:4 128:16 130:17 phrases 54:1, 3 56:19 72:23 73:1 78:3 physical 200:14 physically 2:13 pick 29:23 32:2 picked 36:8, 17 Picture 193:7 piece 143:14 pins 198:24 pixel 37:7, 13, 15, 22 place 10:24 18:3 19:24 20:3, 13 83:12 93:12 100:13 113:11 124:9 196:25 places 83:11 156:24 202:18 plain 54:3, 8, 12, 15 55:4 59:16 60:1, 15, 18, 21 61:25 62:3, 10, 12 63:6, 11, 22 64:5, 19 68:11 69:6 70:13 71:6 72:17, 20 76:8	77:2, 10, 14, 19, 24 80:6 84:10 102:2, 5 104:25 109:9 113:22, 25 114:6, 7, 10, 16, 24 115:10, 18 136:5 play 201:9 playback 212:8 played 33:14 playing 18:4 playlist 35:12 please 5:16 6:7, 24 21:20 46:22 51:2 69:18 75:25 86:22 89:12 123:14 129:16 147:22 157:8 171:2 188:5 PLLC 3:12 plowing 25:18 plural 79:20 80:3 plus 17:17 54:2 PM 98:6, 9 158:12, 15 186:7, 10 212:18, 21 213:5 podcast 27:9 28:13 podcasts 25:14, 22 28:10 PodZinger 24:24 25:3, 16 26:10 27:3, 17 28:18 29:17 podzinger.com 27:4, 10	point 14:8 19:5, 23 27:5, 6 38:17, 22 39:2, 4, 17, 20 55:13 65:24 66:16 67:4 73:14 74:5 78:13 85:11, 18 87:21 88:1 97:9 98:23 99:22 100:1, 3, 9, 17 101:2, 6, 10, 14, 18 104:17 105:2, 3, 12, 13, 18, 19, 20 106:2, 3, 4, 5 107:14, 15, 19, 25 108:7, 12, 18, 22 109:2, 17 110:14 111:20 112:2, 5, 6, 10, 16, 21 113:5, 8, 10, 14 115:23 116:2, 8, 14, 16 117:3, 5, 20 132:13, 14 134:15 135:22 136:12, 19 137:21 139:4, 13, 14 145:11 147:9 149:1, 6 150:7 153:6, 11, 12 159:18 161:17 169:11 176:6, 8 189:10 195:2 196:23 211:2, 10, 24 pointed 55:16, 25 67:19 70:21 71:8
--	---	---	--

78:4 95:16
134:11
168:21, 24
184:1
pointer 39:16
pointing
76:25 96:13
135:14
182:22
184:10, 14, 15
points 22:21
42:8 95:9
96:13 131:20,
22 170:3
210:12
popular 28:9
popularity
28:11
populate
175:11 178:8
pop-up 153:1
171:15 177:13
portion 70:8
88:3 105:1
106:2, 3
107:14 113:8,
13 115:23
116:16
128:13
139:12 147:9
176:6 205:9
portions
61:18 77:1
92:19 139:4
142:3 143:11
pose 127:9
posed 139:25
POSITA 15:1,
4 16:17
17:9, 14
19:2 22:6
54:4 56:1
60:14 62:4,
13 63:11
65:7, 11, 13,
14 69:4
70:22, 25

72:3 76:23
77:11 79:6
82:24 84:9
85:3 91:19
94:9 100:25
108:5, 16, 25
110:13
114:13 119:9
122:17
124:20
126:22
127:10, 14, 23
129:11 131:7
132:16
134:19 135:1,
23 136:23
137:1, 16
155:8, 11
162:12
185:12, 16
188:10
191:25
195:14 198:6,
8 199:13
209:10
POSITAs 60:10
POSITA's
135:21 136:4
position
22:19 206:4,
18
possible 45:6
48:16 74:10
168:8
possibly 138:5
post-coded
37:12
pot 23:3
potential
57:12
potentially
83:19
power 80:21,
24 81:18
82:11 110:23
practice 43:22

preferred
194:3
premarked
13:12
prepare 41:18
43:12 44:4
prepared
42:14 43:5, 8
preparing
41:11 42:1
present 2:13
3:16 24:4
37:2 42:4
156:10 173:16
presented
151:15
153:13, 19
154:12
155:21
157:22 177:6
presents
157:14
President 32:4
press 27:15,
16 28:23
29:3, 4, 13,
15, 22
pretty 27:23
28:9 30:18
33:23 59:7
147:12
163:15 169:18
preview 35:11
previous 45:7
193:19
previously
12:7 17:5
20:5 26:17
45:3 46:12
47:18 48:5
49:3, 21
50:25 78:25
125:8
print 12:20,
25 14:4
printed 12:9

prior 9:19
10:20 11:22
14:24 31:1
41:20 42:21
53:6, 13
56:9, 11, 16,
21, 22 57:12,
15, 23, 25
58:3, 13, 15,
17 59:4, 7,
12 60:14
66:17, 25
67:7, 12, 19
95:2, 4, 9, 12
96:18 114:15
117:19
194:13 195:9
priority
11:24 14:19
15:6 54:6
62:6 65:12
77:23 114:5
private 69:15
prize 32:10
probably 7:19
8:6 9:3, 12
18:23 24:20
29:2 41:12,
14, 17 42:21
49:12 51:8
52:7 69:23
85:8 189:14
197:11
problem 165:6
Procedure 5:11
proceed 13:5
14:3, 6
proceedings
214:6
process 42:19
56:8, 14
112:3 132:5
133:17
136:13 138:6,
9, 13 139:3
141:17
143:10, 13, 20

144:3, 10	projects 26:9	provides 75:6	16 94:14
146:25	32:24	87:23 88:4,	101:8 103:15
147:17	prompted	5 100:16	105:2, 15, 17,
148:23	138:15	102:3, 6, 23	18, 22 106:6,
149:17, 24	proper 57:13	105:1 107:24	8, 12, 17, 22,
172:18 190:21	58:4 81:19	108:6, 11	25 112:8
processed	properly 61:9	109:15	113:2, 6, 9,
187:13 192:23	199:2 202:15	115:23	11, 15 115:24
processing	properties	149:18 152:2	116:12, 15, 17
24:1 80:21,	199:24	153:8	159:2, 15
23 81:18	proposal	providing	176:7, 9
82:2, 11	208:14	52:21 62:23	204:8, 18
83:22, 23	proposed	88:14 89:25	208:20, 25
110:23	204:2, 4	90:1 91:20	209:6, 15, 16,
121:23	210:21	101:1 106:14	18 211:9, 15
122:14	proposition	108:17 109:1,	214:3
124:15 126:7,	170:20	17	Publication
12 175:14	prosecution	provision	47:8, 22
187:14	42:18 54:5	119:6, 15, 22	48:9 49:1
processor 84:7	57:10 58:9	120:6, 17	50:24
product 27:1,	59:22 62:2,	provisional	publicly
23	5 63:13, 15	14:15	27:14 29:18
professional	64:15, 24	pseudo 20:17	30:4 33:2
9:17 23:9	65:3, 8	25:21, 24	204:22 205:8
program 61:19,	67:25 69:8	26:4	pull 47:4
21 96:5	77:12, 22	PTAB 8:5	83:14
154:10 156:3	114:4	215:2	pulled 200:5
159:8 163:24,	protocol 5:12	Pub 49:19	purchase 157:2
25 187:12, 15,	11:13 192:17	Public 2:10	purely 82:21
23 189:18	provide 15:14	52:24 53:22	purpose 46:6
190:16 193:3,	61:13 63:9	55:2, 24	47:14 50:16
24 194:4, 12,	96:1 108:21	56:2 60:3,	202:6
20, 22 195:5	189:11 194:1	23 63:1, 24	pursuant 2:8
196:2 197:4,	provided	65:17 66:21	5:11 101:22
21 201:18, 19,	15:16, 20	68:13, 17, 18	104:9 107:17
20 203:7	16:2 25:20	69:15 70:4,	134:4 135:5
programmed	47:3 52:7,	8, 11, 18, 19,	put 31:23
24:1	20 53:25	23 71:1, 5, 7,	33:3 45:2
programs	90:6 105:10	17, 19, 24	68:10 70:12
61:21 190:3	109:12	74:20, 21	72:2 139:9
195:18 200:21	131:13	75:13 86:16,	141:2 165:4
progress 23:5	141:18	19 87:1, 11	174:12 209:18
24:16 167:8,	144:23 164:9,	88:11, 17	putting 102:5
16	13, 15 165:16	89:8, 16, 22,	
project 23:20	198:25 208:9	24 90:4, 9,	< Q >
41:1	providers	12, 22 91:3,	qualify 42:21
	195:4	7 92:4 93:4,	

question 11:17 14:23 21:20 22:2, 12 46:4 50:11 59:25 63:21 69:20 72:10 75:21, 24, 25 76:3, 4 77:5, 9 79:18, 25 80:1 86:21 88:18 89:12 92:7 95:3 96:17 101:15 103:20 112:12 116:6 123:13, 18, 23 127:9 135:23 138:15, 17 139:25 141:7, 10 145:15, 19, 22, 23, 25 148:5 150:9, 18 152:23 157:19 164:17, 23, 25 188:9 196:15 197:5 questioning 97:17 154:5 questions 11:16, 21, 22 14:23, 24 104:13 155:17 212:10 question's 47:23 quick 39:7 85:22 154:3 202:3 quickly 19:7 33:16 quite 45:6 114:22 quote 53:22 60:2 78:14 81:11 89:7,	9, 15, 16 137:9 161:5 162:1 166:10 171:1, 2 191:18 quote-unquote 83:9 < R > R&D 10:16 RAM 54:22 RAMP 27:5, 8 ran 20:16 34:20 rate 16:10, 14 raw 35:25 36:1, 21 37:4, 21, 25 read 44:11 53:1 87:9 88:15 91:12 103:17 121:17 124:19, 24, 25 128:10 129:1, 7 135:17 159:6 171:7 172:3 216:3, 7 readable 87:9 88:15 90:25 92:24 94:5 95:21 102:12 103:4, 5 104:3 110:10 111:16 112:24 159:6, 9, 10 160:6, 12 165:15 205:13 reader 89:20 93:14, 20 94:5 102:12 104:3 reading 90:17 91:18 93:7	103:4 129:12 145:7 182:5 readium 111:16 reads 99:25 100:1 real 28:11 154:3 really 10:24 28:9 41:3 56:22 79:19 82:9 89:3 96:13 112:9 118:11 137:23 141:7 145:21 156:14 167:4, 12 179:2, 4 199:22 realtime 5:24 reason 7:10 128:23 182:23 215:3, 6, 9, 12, 15, 18, 21 reasoning 127:2 reasons 139:11 140:9 158:2 205:4 recall 42:24 43:13 44:16, 18 45:10 48:17 50:15 51:9 52:6 98:15 106:9 110:2 121:11 143:19 158:19 192:17 210:10 receive 87:15 99:12 101:6, 17 104:17 117:20 159:16 172:19 183:10 190:21 198:21	received 44:22 101:14 105:18 107:16 108:7, 12, 18, 22, 23 109:17 111:18 112:10, 13, 17 113:5 116:15, 19 122:24 129:9 130:4, 23 137:11 151:5 164:4 176:8 181:1 187:16, 24 189:17 190:15 191:2 192:23 194:18 195:15 200:21 receiver 187:18 188:1, 10, 22 189:1, 2, 3, 6, 15 receivers 188:7 196:4 200:20 receives 99:22 161:8 187:12 190:2 receiving 55:11, 13 65:22, 24 67:2, 4 92:19 99:15 100:1, 3, 9, 16 101:1, 10 105:12, 13, 20 111:20 112:6, 21 116:2, 8 117:3, 5 159:18 170:5 178:25 183:16 187:19 188:1, 11 190:10
--	---	---	---

Recess 51:25 98:7 158:13 186:8 212:19 recharacterizations 109:13 recipient 10:16 recitation 169:11 recite 107:21 112:1 124:4 recited 59:17 91:21, 22 98:24 102:21 112:2 125:6 205:10 recites 52:21 70:9 104:16 116:2, 8 reciting 53:19 recognition 25:18 27:2 28:3, 7, 16 recognize 59:9 78:2 155:4 158:3 recognized 64:20 recollection 29:10, 14 30:5 46:8, 11 47:15 48:19 49:13 50:17 184:7 reconnecting 6:3 record 5:1 6:24 16:23 36:8 40:4 51:23 52:1 97:12, 19, 20 98:6, 8 146:14, 15 152:5 158:11, 15 172:14 173:12, 13 175:8 176:5,	14 177:1, 17, 23 179:11 180:8, 10, 23 181:8 182:17, 22, 25 183:9, 12, 21, 22, 23 185:22 186:6, 10 201:9, 17 202:6 203:15 212:17, 21 213:5 214:7 recorded 31:17 36:6 201:23 202:14 recorder 201:6 recording 5:9 212:8 recordings 201:15 records 179:14 Red 40:16, 19 205:20, 25 206:5, 16, 25 207:1, 19, 24 208:13 209:12 redefinition 143:18 redirect 212:15, 22 reduces 189:3 reducing 90:10 re-encoded 192:24 re-encrypt 196:2 197:4 202:18 re-encrypted 194:12 re-encrypting 195:8 196:12 re-encryptor 195:11, 20, 23 196:19 197:1 203:6 refer 12:10 13:21 23:8 38:21 41:5	46:16 52:16 81:10, 22 85:4 105:9, 14, 19 106:6 110:24 111:7 121:6, 16 128:12, 18 129:2 180:2 188:21 203:20, 22 210:17 reference 44:16, 18, 19, 23, 25 45:13, 18 46:15, 19 48:3, 8, 14 52:12 57:2 76:17 82:24 106:23 107:22, 23 116:5 126:25 127:1 130:10 134:8 137:2 142:20 158:18 170:8 186:20 202:10, 11 REFERENCED 4:6 12:8 17:6 26:18 45:4 46:13 47:19 48:6 49:4, 22 51:1 58:2 154:22, 23 references 44:14 54:14 60:9 105:10 185:1 referencing 111:6 referred 22:3 23:6 33:4 38:7 52:11 84:16 124:25 125:9 126:1 169:18	176:18 192:15 193:13 199:12 referring 13:22 16:21 41:6 68:25 74:12 79:22 80:4 82:25 85:13, 17 105:23, 24 106:4 107:8, 9, 13, 18 108:2 114:17, 24 115:4 117:24 118:6 126:19, 23 127:11, 24 130:2 131:10 164:21 168:4 188:8 191:22 193:9, 10, 17 194:17 195:10 205:24 refers 61:20 78:11, 12 85:12, 19 88:8, 9 105:12, 16, 22 106:7 107:12, 13, 15 125:21 126:9 129:18 130:12, 19 141:12 145:17 194:22 199:3 reflect 148:11 172:11, 16, 24 175:14 179:16, 25 181:9, 19 reflected 172:22 178:19 reflecting 175:8 reflects
---	---	--	---

178:23	6, 14, 17, 23,	represent	102:20
refuse 145:14	24 109:1, 16	5:17 38:16	103:24 111:20
refusing	112:7 164:5	207:7, 13, 15	requirements
145:23	REMOTELY 1:17	representation	55:15 61:6,
regard 90:14	2:8, 15 5:9,	38:13 39:2,	8 65:21
regarding	10	19	81:7 98:25
52:20 193:13	render 156:12	represented	99:2, 7
Registration	rendered	39:3	100:13 103:9
214:18	156:19	representing	104:9, 14
relate 132:14	rendering	15:8 196:22	108:3 195:4
169:3	155:22, 23	206:9 207:3	208:10
related 85:24	156:4, 15	reproduction	requires
144:14	renders 156:2	203:13, 16	80:23 82:22
148:10 214:9	rendition	210:8	83:22 87:3
relates	109:9	request 38:4	90:13 91:11,
144:10 147:7	rented 29:22	68:22 96:7	12 92:5, 23
171:18	repeat 21:20	165:17 173:4	93:3, 8, 11
relating 17:18	86:21 89:11,	175:10	94:3 99:15
relational	12 100:6	requested	100:12
185:5, 10, 18	repeating	172:17, 24	101:20
relationship	114:18, 25	175:15	102:14
22:5 38:23	124:21	176:12	103:21, 22
relevant	rephrase	179:17, 25	108:11 147:8
11:23 96:7	11:18 22:11	182:13 183:16	158:25 172:7
112:12	104:20	requesting	research
relying 96:13	146:18 206:14	37:9	10:17 23:14
remember	rephrasing	requests 176:4	residential
26:12 28:21	109:6	require 55:11	7:2
29:5, 19	rephrasings	80:21 81:5	resides 91:17
33:8, 14, 21	117:11	82:2 84:6	93:13 206:16
34:2, 3, 6, 12	replaced	87:14 90:14	respect 8:7
35:3, 5	181:23	92:17, 19, 22	43:13 52:8
36:15 37:14,	report 43:2, 4	99:21 100:3,	53:9, 10, 16
17 40:4, 8,	Reported 1:24	9 186:4	54:11 55:7,
10, 15 42:7,	2:9 214:6	198:17 208:3	20, 23 56:21
19 43:11, 16	Reporter 2:10,	210:22	57:20 60:8
45:5 48:22	13 5:10, 14	required 55:8	66:5 68:20
50:20 53:10	6:7, 9, 10	66:2 67:7	72:7 85:23
83:14 146:13	51:12 97:20	101:23 102:9	88:24 95:2
151:17	117:16 214:2	110:21	96:25 99:3
162:18	reporters	113:15	124:3, 8
165:17 192:4,	29:23 30:3,	135:15 159:4,	126:25
6 200:4, 7	11, 13	22 173:13	130:20 132:2
remote 5:4	REPORTER'S	209:22	133:4, 13, 24
100:4, 10, 14,	214:1	requirement	135:12
17 101:2, 7		93:3 94:16	142:18 149:4
105:24 108:2,			154:19 155:1

159:5, 16, 21	6	135:17, 18	23 107:7
180:22	revision 147:1	137:2, 13	148:24 150:1
182:16	revisions	139:20 145:2,	156:3 161:9
193:19	138:7	3, 6 146:1, 6,	162:5 207:14
200:24 209:21	rewordings	11 147:19, 23	runs 83:17
respectfully	117:12	149:12, 16	
118:13	RG 37:17	154:8 157:6	< S >
123:21 149:7	rid 153:2	159:11, 25	Salud 3:17
respective	right 6:2	161:4 165:21	5:13
150:7 151:8	8:1, 10 11:2,	167:1, 2, 3,	sam 59:4
153:25	4 12:1 13:9,	19 168:2, 10,	sample 140:10
respectively	17 16:15	19 169:10, 12,	sat 8:4, 14
187:14	27:7 30:19,	13 170:16, 23,	satellite
respond 44:22	24 31:7	24 175:21	31:12, 13
responding	33:11 35:6	176:20 177:6	35:23 36:4
123:17	40:2, 3	180:3, 17	satisfies
response	43:18 48:22	184:14	76:17
178:25	50:20 52:9	185:12	satisfying
responsive	57:23 58:21,	188:20	98:11 139:21
75:24, 25	22 59:14, 23	190:22	save 30:12
123:12	61:23 62:11,	191:24 192:2,	saw 40:8
rest 53:2	15 64:16	6 194:10, 19	143:4
restart 153:2	65:9 67:9,	195:23	saying 21:8
185:23 186:2	13 68:8, 10	196:24 197:1,	66:8 70:4
restarts	69:6, 9 78:7	8 201:2	79:1, 24
177:16	81:12, 15, 22,	205:11, 20, 22	82:1, 4
restate	24 82:2	206:13	84:20 112:16
123:23 163:7	83:1 84:24	roadshow 29:24	117:3, 7, 9
restrictions	88:7, 12, 19,	role 28:3	120:10, 11
195:4	20 89:8, 9	ROM 54:22	142:19, 25
results 32:7	92:7 96:2,	room 2:14	151:23
retained 15:9,	20 97:11	45:2	152:14 155:2
11 16:5	98:5, 21	roughly 8:18	164:11
retrieve	103:8, 9	10:2 41:17	171:19 174:4
127:17	107:1 108:5,	round 198:24	182:3 184:11
reveal 42:3	8 110:16	199:17, 18	190:4 191:12
44:21 115:13	111:2 112:17	row 182:9, 20,	196:7 201:19
review 42:20,	113:12, 22, 23	24 183:1, 8	206:11
23 44:13	114:8 115:6,	Rules 5:11	209:11, 13
58:8, 13	11, 19, 25	118:12	says 27:7
reviewed 41:19	116:12, 17	run 87:22	29:1 61:19
reviewing	118:21, 22	91:16 152:9,	69:13 73:4,
42:17 57:9	119:21 120:3	13 164:2	16 83:11
revising	125:2, 7, 11,	running 87:13,	88:12, 13, 24
143:13, 23	12, 17 126:3,	20 88:4	89:19 91:11,
147:18 148:5,	8 133:20	90:11 91:14	15 92:23
	134:4, 16	95:5 96:15,	94:3 100:22

101:5, 13	17:7 22:1	S-C-R-U-B-B-E-R	7 121:14, 15
104:21	26:14, 19	23:3	126:20 129:5
106:14 109:7	45:1, 11	scrubbing 23:3	130:14 133:5
112:5, 9	46:14 47:5,	search 25:4,	134:22, 25
113:4, 13, 19,	10, 20 48:7,	5, 10, 18	135:11
20 119:11	12, 24 49:5,	27:10, 21	137:13 145:8
121:19	18, 23 50:2,	28:8, 11	150:9, 16, 20,
122:10, 16, 22	5, 9, 10, 22	32:2, 4, 7	23, 24 153:5
124:11	51:2, 5, 10,	85:22	163:15
125:21 131:5	14, 16, 21	searchable	168:25 169:7
136:16	52:3, 13, 15	28:16	170:11, 13
140:18	68:15 69:21,	searching	185:2 186:20,
146:16, 19	25 72:6, 11	42:24 199:11	23 187:6
149:11, 14	75:17, 22	second 54:25	190:1, 11, 12,
150:13 153:1	78:6, 9, 10	56:15 58:3	13 192:25
157:17	86:23 89:13	94:13 97:15	193:2, 9
160:11	97:7, 10, 13,	103:24	194:15, 16
161:12	15, 22 98:2,	106:23 126:1	195:12, 13
163:13 166:9	10 117:17	150:11, 20, 22	197:14, 17
167:10 168:6	118:9, 16, 19,	184:21	199:3, 5, 8,
173:20 174:7	24, 25 123:19,	secondly 120:6	10 202:3, 10
177:14	22, 24 145:12	section 55:16	209:25 210:4,
178:12	154:3 158:6,	79:10 131:2	5
181:16	16 165:3	134:11 140:8,	seen 45:7
184:22	177:22	16 147:25	50:14 86:2
187:11, 21	185:19	157:11	203:20
190:2 191:1,	186:11, 17, 18	161:21 162:8	segment 36:9
15 193:2	187:4 188:4	165:18 167:5	39:10, 13, 14
194:3 195:25	212:9, 16, 24	171:16 176:17	40:7
197:25 198:13	213:3	sections	segments
S-C 23:2	science 17:16	55:18 151:24	36:14, 16
scenario	scope 54:23	section's	40:13
92:10 93:23	60:15 61:5	193:23	select 170:18
94:19, 22	64:22 71:6,	see 12:19	200:21
schedule	12, 23 79:4	14:11, 14, 16,	201:16, 21
201:14, 22	82:13 84:1	20 17:3	202:13
scheduled	155:6 158:3	39:20, 21, 23	selected
201:14, 21	scores 64:11	45:6 49:25	171:24
scheme 193:6	screen 134:25	52:18 61:23	178:13, 16
SCHREINER	153:11	62:18, 19	187:23
3:11 4:4	screenshot	63:2 73:16,	189:18
5:18 6:1, 6,	153:8	20, 21 74:12,	190:16 197:21
18 12:4, 12,	screenshots	23 75:11	selecting 21:5
19, 23 13:4,	165:4	78:17 84:9	selection
9, 10, 12, 18,	scrubber	86:7 97:16	180:15
20 14:2, 9,	22:18 23:1, 2	100:23 105:4	selects
10 16:24		116:24 119:4,	170:15 171:23

self-contained 164:3 sends 172:1 sense 11:19 13:25 15:2, 3 20:22, 25 26:3 92:21 138:2, 16 180:12 203:1 sent 38:3 142:4 148:15 157:6 178:23 sentence 119:18 120:3, 15, 21, 25 121:4, 9, 17 122:2, 3, 9, 15 123:5, 13, 16 124:1, 3, 7, 8, 10, 16, 25 125:1, 6, 9, 14 126:2, 4, 7, 9, 13, 14, 16, 20, 21, 23 127:3, 7, 11, 20, 24 128:3, 12, 15 129:2, 7, 12, 13 137:7, 9, 13, 21 139:15, 22 141:23 142:19 144:23 147:11 149:9 150:11 151:12 152:10 196:14 separate 25:3 28:17 164:3 separated 74:13 75:4, 5 separately 112:21 162:4 series 192:1 201:23 server 52:24 53:21 55:2,	24 56:2 60:3, 23 62:25 63:24 64:12 65:16 66:21 68:12 69:13 70:10 73:3, 13, 14 74:5, 6, 19 78:13, 14, 24 86:5, 16, 18 87:1, 11, 21 88:11, 16 89:8, 15, 22, 23 90:4, 9, 12, 22 91:3, 6 92:4, 11 93:4, 16, 24 94:14, 24 95:13, 25 96:4, 5, 6, 11, 14, 15, 19, 23, 25 103:14 105:2, 15, 16 106:6, 7, 11, 17, 22, 25 107:9, 10 113:1, 9, 11, 14 115:24 116:12, 15, 17 119:5, 13, 21 120:5, 13, 16, 24 121:1, 13, 19 122:4 124:10 127:5 141:25 148:11, 15 152:4 155:19, 24 156:6, 11, 15, 19, 23 157:7 159:2, 14 160:16, 19, 22 161:1, 5 162:1, 5, 10, 18 164:5, 15 165:14 169:21 170:4, 21 171:1	172:2 173:10 176:7 178:5 184:12, 16 185:6, 16 203:13, 15 204:21 205:7, 16, 17 206:2 207:6, 15, 17, 21 209:17 211:3, 8, 14 servers 64:11 73:18 74:7, 12, 24 75:3, 7 78:15, 25 80:13 85:25 95:23 96:6 160:14 177:8, 9 179:2 server's 207:4 server-side 95:17 96:24 services 9:7, 21 10:9, 25 set 10:8 24:24 53:6 55:11, 13 65:22, 24 67:2, 4 98:19 99:12, 15, 22 100:1 105:13 107:15, 19 111:17, 20 129:25 159:17, 18 210:9 214:4, 13 sets 103:9 set-top 201:5 203:4 seven 72:12 shading 167:13 share 12:5 16:25 26:16 47:6 48:25 49:19 50:3, 23	shared 47:11, 21 sharing 48:8 SHARRET 3:4 5:23 SHEET 215:1 shielding 199:18, 21 shifting 188:19 189:22 short 13:1 35:2, 15 212:14 shorter 185:22 Shorthand 2:10 214:2 shortly 39:3 show 24:7 28:21 29:5 30:6, 17 35:8 54:14 55:18 66:14, 16 114:14 127:1 141:4 148:1 153:22 156:12 161:4 166:7 167:18 174:5 201:23 showing 34:23 40:1 135:16 169:20 178:11 190:18 shown 60:13 66:4, 18, 22 67:6 68:20 75:7 76:22 132:2 133:8 167:25 168:18 203:19 shows 80:11 144:12 154:1 166:9 167:7, 11 171:16, 23 178:14 190:24 201:13, 16, 18, 21 202:6, 13
--	---	--	--

203:15	207:1	172:25	176:7	single	118:20	89:1, 4, 7, 15	
211:18	212:3,	186:21	187:6	122:9	168:17	93:17 95:5,	
4		sign	43:4	sir	78:8	22, 25 96:14	
shut	177:20	signal	35:25	97:21		107:7 110:4,	
sickness	7:13	37:3	188:16,	sit	49:14	11, 16, 20, 22	
side	43:25	17, 19	189:11,	site	33:3	111:3, 7	
52:24	53:21	22	191:1, 8	156:9		160:4, 13, 16,	
55:2, 24		193:18, 20		Sitting	50:20	18, 19, 22	
56:2	60:3,	195:7, 8		size	44:6	161:5, 18	
23	62:25	197:25	198:5,	skill	17:20	162:6, 13	
63:24	65:16	7, 9, 14		59:18	65:4	170:21 171:1	
66:21	68:13	200:2	201:8	67:17, 24		180:3 184:9,	
70:10	73:3,	signals		75:10	76:7	10, 16, 19	
11	74:2, 19,	187:13, 16		77:21	78:2	185:11 196:5	
24	75:13	193:3, 24		82:7, 13		205:15, 17	
86:16, 19		194:4, 7, 12,		83:25	85:7	206:9, 12, 13,	
87:1, 11, 21,		21, 23	195:5	134:9	141:21	15, 20 207:5,	
23	88:4, 11,	199:12, 25		145:7	155:3	13, 15, 25	
16	89:8, 16,	200:1, 3, 9,		205:4		208:9	
22, 23	90:4,	10, 24		skilled	194:5	sold	9:8
9, 12, 22		signal's		196:3		Solutions	5:14
91:3, 6	92:4,	196:21	198:25	skill's	64:18	somebody	
11	93:4, 16,	Signature		skip	154:10	45:19	46:1,
24	94:14, 24	215:24		slash	17:19	8	47:15, 25
95:14	96:14,	signify	206:25	slide	22:20	48:2, 14, 20	
15, 19, 24, 25		similar	41:6	slider	23:5	49:10, 12, 14	
101:8	103:14	45:8	95:10	slightly		50:13, 18	
105:2, 15, 16		131:17, 19		17:11	102:16	51:7	
106:6, 8, 11,		148:23		143:9		somewhat	167:7
17, 22, 25		151:16		small	38:12	soon	145:11,
107:7, 9, 10		167:16	170:1	39:19		12	
112:8	113:1,	similarly		smaller	38:12	Sorry	21:20
9, 11, 14		191:1		smart	10:22	27:13, 14	
115:24		simple	33:16	snooze	177:14	41:23	52:13
116:12, 15, 17		148:5		software	24:1	70:2	74:17
130:22	139:6	simply	19:9	28:7	32:14,	89:11	97:14
141:18, 25		20:1	72:19	19	33:2, 5	105:13	
142:2, 6		92:23	101:13	64:9, 13		112:14	114:3
148:11, 12, 16,		108:11, 22, 23		81:4, 6		116:4	123:8,
24	149:18	123:16, 17		82:16, 21, 25		12	153:1
150:1	151:4,	134:14		83:3, 10, 13,		163:7	164:23
7, 16	152:4	137:15	152:1	17	84:2, 3, 4,	213:4	
154:13		182:2, 3		15, 16	85:4,	sort	40:6
157:23	159:2,	189:22	201:19	5, 9, 13, 17,		86:1	198:22
15	169:21, 24	Simultaneous		21	86:1, 12,	199:19	200:11
170:16		118:17		18, 25	87:7,	sorts	27:15
		142:15	175:1	13, 22	88:20	209:3	210:3

sounds 8:1, 10 11:2 12:1 22:8 184:9	83:5, 6, 8 84:13 85:1, 12, 19, 23 87:22 88:24 95:4 107:3, 5 110:9, 15, 20 111:1 114:4 120:14 129:20 154:24 155:4 158:4 168:15	stand 146:15 199:9 standalone 164:12 165:13 Standard 5:2 40:9 191:19, 24 198:23 200:17 standards 192:19 193:8 194:1, 9 stands 191:20 start 9:25 10:2, 9 18:4 30:15 38:19 39:13 42:17 43:1 57:8 62:16 81:25 started 10:12 11:2 25:14 26:12 62:20 68:2 72:22 73:1 146:8 starting 24:20 39:8 62:19 129:3 140:8 153:17 190:9 starts 68:7 85:15 119:25 120:10 139:12 148:2 state 5:16 6:10, 24 111:9 160:23 204:18 216:3 statement 208:23 STATES 1:1 5:7 81:11 93:12 149:9 162:9 194:11 stenographically 2:9 214:6 step 60:17	STEPHEN 3:3, 11 5:21 12:17, 24 14:2 16:24 69:21 72:6 75:18 118:9, 14, 19 123:14, 20 154:3, 6 177:24 185:19 187:5 212:25 steps 144:2 Steve 5:18 16:21 42:6 75:20 97:5 177:18 187:2 212:13 213:1 stick 11:13 stipulated 5:12 stipulations 6:4 stop 118:14 storage 119:5, 14, 21 120:5, 17 150:7 184:24 194:13 195:9 storages 125:16 205:16 207:6, 17 208:1 store 122:25 123:5 125:17, 23 127:16, 17 128:5, 7, 11, 21 129:10 130:6, 24 131:14, 16 137:12 139:7, 8 140:15, 24 141:20 142:7 148:10, 17, 21 149:23 151:9 152:6 154:19 156:23 157:9 162:18, 20
sources 65:17 Sox 40:17, 19 space 40:25 188:21 speak 88:6 speaker- independent 28:2 speaking 118:17 142:15 175:1 spec 58:11 68:4 75:11 77:1 79:17 84:8, 21 96:8 specialized 84:5, 21 specific 17:20 29:9 33:9, 14 35:18 103:2 specifically 40:15 48:18 84:22 111:14 133:4 162:25 188:8 specification 54:5 56:19 57:3, 9, 17, 20 58:9, 21 59:5, 8, 10, 21 62:1, 5, 14 63:12, 15 64:14, 23 65:3, 8 67:24 68:3 69:8, 12 70:3, 6, 24 71:2, 13 76:6, 24 77:12, 22 78:1, 19, 21 82:6, 12	specified 155:24 156:6, 15 specifies 156:11 specify 179:15 182:10 speech 25:17 28:3, 7, 16 speech-to-text 20:17 27:2 spell 23:1 spelled 6:25 spend 41:10 spending 9:11, 15 spider 25:12 spin 24:25 spinout 24:24 29:11 spoken 20:19 25:6 26:2 sport 39:13 sports 36:13 39:21 40:1, 5, 12, 13 spun 25:2 28:17 SQL 180:3 183:4 184:3 185:5, 6, 10, 11, 16 SQL-like 183:5 SQL-type 179:13		

165:24	58:16 59:1,	submit 43:4	Sull 47:22,
166:15 172:5,	2, 6 71:14	96:10 140:22	24 48:2
10, 15, 16, 23	141:7 145:15	153:16	summary 40:6
173:12	stream 191:3,	156:20, 21	super 30:22
174:22 175:3,	9, 18, 25	157:3 179:2,	supplemental
14, 18, 19	192:1, 12	5, 8	34:21
176:5, 14, 23	194:13	submits 95:7	supplied
177:2 178:20	streamed 37:9	172:8	179:10
179:24 180:9	streaming	submitted	support 77:1
181:3, 18, 23	64:10 95:23	15:21 16:4	82:22 140:19
183:12 202:19	96:5 160:14	131:20 132:9	141:2 144:24
stored 61:20	205:15, 18	140:13	147:11
87:7 93:17,	206:10 207:5,	141:18, 25	160:24 161:3,
24 94:8, 23	16 208:1	149:22 150:3	7, 20 169:15
125:24	streams 35:21	151:5, 7, 20	173:14 205:19
131:21 139:6	36:4 184:23	152:3 153:23	supported
149:1, 23	192:7 194:5	154:17	34:19 70:23
150:8 153:25	196:2, 12	156:22, 24	81:19
159:8 162:17	197:4	157:24	supports 82:3
164:4, 15	Street 3:7	166:14 170:4	suppose 9:17
165:14 175:3	strike 8:13	172:13, 20, 23	39:6 112:20
176:19	9:5, 25	173:9 174:21	119:17 189:9
180:23	23:10 44:2	175:13	Sure 8:24
183:12 185:4	65:13 75:18	176:13	11:12, 15
194:4, 8	83:7 88:8	178:22 179:23	12:4 14:1, 9
200:21 203:8	94:20 99:6	submitting	18:9 21:21
206:20 207:10	102:4 104:5	139:5 148:25	22:25 28:20
stores 95:24	111:9 126:15	165:23	43:7 45:1,
96:24 121:21	127:8 136:24	subscribe	15, 21 46:10
122:12, 13	141:5 155:9	201:1	47:4 48:23
123:9 124:14,	163:17	substance	49:16 51:19,
23 125:12, 16,	176:25 198:7,	42:3 44:21	21 52:18
22 127:19	19	115:13 158:24	56:6 67:23
128:16	structures	substantial	69:11, 21
160:15	34:7 35:5	196:5	77:10 78:4
161:10, 13, 23	stuck 138:4	substantive	81:10 86:13,
162:4, 19	student 32:17	152:23	23 89:13
170:7 171:6	studies 23:15	subsystem	95:2 99:20
181:17 185:9	24:21	73:6, 7, 12	100:8 104:1,
store's 183:19	stuff 29:24	74:4, 9	24 116:1, 7
storing	154:11 184:3,	sufficient	122:2 129:15
123:11 185:17	5	189:23	145:4 147:23
straight	sub 142:2	suggesting	150:19
16:11 191:3,	subject	84:12, 18	169:18
9, 18	104:22 106:1	92:9 93:22	170:17 177:5,
straightforward	submission	162:9, 11	25 180:13
57:1, 24	132:6 179:1	Suite 3:13	185:14

190:12, 13	11, 20 117:4,	148:13	173:19
194:20	6, 19 150:4	158:13 186:8	184:23
195:18, 19	154:20 157:4,	212:19	192:22 203:12
197:9 200:13	23 159:11, 17,	takes 113:11	taught 204:8
202:2 206:3	20 164:2, 14	179:9 196:25	205:5 208:20
210:7, 13, 17	165:12 170:1	talk 22:13	teach 53:17
212:16	172:22 175:7	30:11 54:19	155:8, 11
surf 29:20	182:16	64:7 82:15	teaches 209:6
S-video	184:24	114:16, 23	teaching
198:15, 19, 20,	187:11, 24	115:4 133:5	142:9 151:10
23 199:1, 2	190:21 195:1	153:7 184:15	157:20
200:16	196:25	194:25 203:11	162:22, 25
swear 5:10	198:15 204:7,	talked 22:4	177:5 183:18
6:8, 12	9, 18 206:22	31:1 32:23	209:8
sworn 6:15	208:8, 20, 21	40:15, 22	teachings
214:5	209:4, 15	74:21 95:17	139:10
symmetric	211:15, 20, 25	107:11 146:2	team 40:20
196:2, 8, 12,	212:8	177:1 194:6	teams 40:14
14	systems	talking 40:19	teaser 40:1, 6
system 23:15	164:10 178:7	57:18 67:10,	technical
25:17 31:2,	204:11, 13	11 71:10	11:21 14:24
9, 15 35:20		74:1, 14, 22	techniques
38:11 39:9	< T >	75:2 82:16	155:18
52:22 53:19	tab 201:13, 19	96:22 98:14	technologies
55:12, 14	table 182:9	104:5 106:2	17:18
60:1 61:10	183:6, 7	122:21	technologist
62:23 65:24	take 12:3, 25	129:17	25:16
66:1 67:3, 5	15:4 28:6	138:18	technology
73:6, 10	44:24 47:2	139:20 149:9	28:4
74:2, 9 87:4,	51:16 68:15	158:18	television
8, 20 88:14	80:12 119:1,	165:21 184:3	187:12, 15, 19
89:19 90:2,	3 125:23	193:3, 19, 23	188:2, 11, 25
7, 20, 21, 24	143:19 158:7	195:6 196:11	189:2, 3, 5,
91:4 92:3,	166:24	talks 61:17	11, 17, 23
23 93:14	185:20, 22, 24,	71:17 79:18	190:3, 15, 22
94:4 95:8	25 188:4	80:19 81:1	191:20
99:16 100:2,	189:2, 17	87:22 89:19	192:14, 22
23 101:1, 5,	193:18	95:19 114:21	194:7, 17
10, 14, 17, 21,	202:24	128:21	195:16, 21
23 102:4, 6,	212:13, 14	130:15, 17	196:17, 20
10, 24 103:3,	213:2	139:15	197:6, 21
8, 23 104:4,	TAKEN 1:17	151:19	198:9, 21
16 106:15, 19,	2:7 51:25	154:15	199:14 210:9
24 111:17, 19,	91:10 98:7	155:17	televisions
22 112:9, 14,	137:3 139:17	163:23	189:9
15, 17, 22, 23,	140:6 142:8	168:15	tell 181:5
24 116:3, 9,	147:12, 24	171:10	telling 145:5

tells 93:17	47:9 50:5	84:25 85:24	101:15
157:7	51:21 68:16	87:15 92:19	102:16, 19, 21
tend 177:18	69:24 98:4,	95:8 102:20	103:17
term 22:4	13 118:24	106:1 109:22	104:13
40:24, 25	158:10	110:21	107:14, 18
41:4, 7, 9	164:23 165:5	120:13	108:2 109:5,
71:12 79:20	178:2 187:4	125:24 133:5	8, 9, 12
109:7 128:8	212:10, 12, 13,	138:16	110:7 111:5,
132:16	23, 24, 25	179:21 183:4,	25 127:5, 21
168:22, 23, 25	Thanks 6:3	15 192:7, 9	128:5, 22
188:6 192:17	78:9 188:5	201:25	129:19, 22
terminal	213:1	204:23 209:3,	130:10, 12, 24
100:5, 11, 14,	that'd 139:23	6, 12	131:10
18 101:3, 7	209:19	think 9:2	132:21, 25
105:23, 25	thereabouts	10:4, 12, 23	133:13, 23, 25
107:23, 24	129:21	11:10 13:16	134:6, 9, 13,
108:3, 6, 15,	thesis 32:10,	18:2, 12, 22,	16 135:2, 10
17, 24 109:1,	18 37:19	23 19:12	138:25 143:9
16 112:7, 14	thing 29:19	21:7, 14	144:1, 8
113:6 153:10,	30:2 55:18	23:4 24:16,	145:15, 20, 24
20 154:13	57:2 59:8	17 25:2	146:4 147:17
176:9	78:25 104:22	26:8, 12	149:20
terminals	109:23	27:4, 7, 21	150:17
107:6	125:13 138:5	29:3, 7, 8, 12	151:16 153:2
terms 22:6	143:17	33:3, 13	154:15
56:18 57:5,	178:10	34:6, 25	159:23 160:2
17, 21 59:9,	182:15	35:9 36:3, 6,	162:18
17 63:10	183:20	8 37:6, 10,	164:21 166:7
77:24 102:6	185:14	18, 19 40:9	167:4, 12
112:12 125:8	193:19 197:2	41:23 42:6,	168:4, 11, 13,
130:13	203:21	7 46:7	15 169:5, 23
203:12, 20	things 18:2,	47:13 48:1	170:17 175:6
Terrace 7:3	19 19:17, 23	49:11 51:8	180:16 184:4,
testified 6:15	21:2 22:18	52:7 53:1, 8,	14, 15, 17
testimony	33:5 34:14	9 55:24	185:1, 8, 16
7:11, 15	38:21 39:15	59:5 63:18	186:24
16:12 106:9	40:4 54:13	66:22 67:15	188:25
158:23	56:23, 24	70:1 74:11	189:13, 14, 21
176:19 214:8	57:19 58:11,	76:19 77:5	190:4, 7, 18
text 18:10	14, 17 60:7,	79:17, 25	191:6, 19, 21,
20:2 34:10	10, 13 61:5	80:11 81:20	23 193:17
35:15 133:6	64:4 67:18	83:3, 15	195:6 196:21
134:6	68:4, 18	85:7 87:18	197:5 198:23
thank 6:22,	69:2 71:10,	88:19, 23	199:11, 20
23 11:20	11 77:2	90:10 94:9	200:13, 18, 24
13:14 14:1,	78:1 80:5	95:1 98:17,	201:11, 15, 25
8 16:24	82:12 83:24	25 99:13, 18	202:4, 10, 12,

20 203:11	97:23 98:6,	167:16 195:25	124:19 125:2,
208:2, 8	9 114:4	totally 28:20	3 134:18
209:1, 2, 20	141:9 143:12	tour 27:15	135:1 136:22
210:2, 11, 16,	147:5 158:12,	28:23 29:4,	137:15
19, 20, 24	15 173:7	13, 15, 23	152:13
thinking 190:7	174:11, 12, 13	TRADEMARK 1:1	184:18
third 9:12	178:6 186:4,	5:7	203:22 204:2
126:6 173:21	7, 10 198:10	traditional	tune 201:7
thought 40:18,	199:16 200:3,	202:23	202:15
22 41:3, 8	5 202:2, 14,	transcript	tuner 35:23
three 9:8, 14	24 212:10, 18,	20:18 25:21,	186:22, 25
65:17 103:9,	21 213:5	24 26:4	187:7, 8, 13,
14, 21 121:24	time-based	214:7 215:1	18, 22 188:10,
122:4, 5, 7,	25:23	transition	21 189:16
18 123:1	timeframe	200:5	190:5, 8, 9,
124:1, 4, 6,	199:13	transmission	14 193:21
17, 18 125:5	timeline 200:8	187:20 188:2,	197:17, 20
170:19	times 7:17,	12 189:17	203:3, 6
three-quarters	20 36:8, 15	190:15 197:7	tuners 209:19,
8:6	43:12 133:7	transmissions	21
thumbnail	139:1, 25	192:22	tunes 189:3
35:14 38:12	145:25	transmitted	tuning 187:23
39:25	146:24	191:10	188:15, 17
time 5:2	150:18 182:24	transmitting	189:9, 22
9:13, 15	titles 25:7	36:3	191:4, 7, 16
10:5 11:23,	today 6:21	transport	193:3, 21
24 15:1, 4	7:11, 15	35:20 192:7,	198:2, 18
16:13, 14	11:17 29:10	12	turn 167:24
21:16 23:4	46:8 48:19	TRIAL 1:2	TV 199:12
24:20 25:16	49:14 50:18	5:8 118:21	200:3, 9, 10,
26:11 27:7,	177:8 204:15	tried 207:23	11, 17, 24
22, 24, 25	212:11	trouble 161:14	201:1 202:11
28:2, 8, 9	Today's 5:2	true 29:2	204:12, 13
29:6 30:4,	41:11, 18	214:7 216:10	TVs 203:16
12 31:2	42:1 137:8	truthful 7:10	two 9:8, 14
32:3 35:15	told 69:6	try 6:2	12:18 13:16
36:2, 7	toolkit 23:25	11:16 56:11,	17:17 22:6
38:14, 17, 18,	24:2, 5 31:4,	17 57:17	26:9 47:1
19, 22 39:3,	21 32:11, 16,	73:2 77:18	80:4 103:13
8, 11, 17	19, 20 33:6,	118:9	119:18, 20
41:10, 12	11, 15, 19, 20,	trying 22:2,	120:4, 16, 22
51:24 52:2	23, 24 37:24	5, 9 58:1	144:2 162:4
56:22 59:19	tools 24:7	70:16 72:15	193:17
62:6 63:11	top 26:23	76:4, 15	two-step 56:14
64:24 65:5,	118:3 161:21	77:4 84:9	two-thirds
7, 12 67:25	163:13 166:6	104:24	9:20
77:13, 23		113:20 118:6	

type 172:9 178:21 179:12 201:6 204:13 typed 181:10 types 74:8 79:2 82:11 150:2 typical 44:1, 10 183:9 202:5 typically 42:17 44:3, 5, 10 57:11 58:8 138:7 179:3 182:18, 19 201:4, 11 typing 176:10 Tyson s 3:14 < U > U.S 1:12 47:7, 22 48:9 50:24 uh-huh 193:11 unclear 206:24 uncompressed 37:21 undergraduate 31:14 32:10 underlying 34:7 35:18 81:20 83:18 underneath 35:14 understand 7:7 11:22 13:16 14:18, 24 15:5 20:8 22:2, 5, 6, 10 46:3 53:18 56:18 57:18 58:1, 10 60:14 62:4 64:3 65:13, 14 67:13, 16, 18	70:23, 25 75:10 76:7, 24 79:7 82:13, 24 84:9 85:3, 8 91:19 94:10 104:7, 11, 19 108:5, 16, 25 114:12 115:3, 18 122:18 124:20, 21 126:22 127:10, 15, 16, 23 128:22 129:12 131:8 132:16 133:2 134:10, 19 135:1, 2, 18, 24 136:8, 22 137:1, 16 138:12 141:21 143:3, 20 145:13, 22, 23 146:25 147:10 151:11 152:9 154:21 182:5 185:12, 17 188:10 191:25 195:14, 18 198:6, 8, 22 199:14 202:22 204:2 206:4 understanding 17:8 55:4 56:7, 14 59:25 60:6, 20 61:4, 24 63:22 64:2, 18 68:2 69:17 86:11 91:7 105:6 115:15, 20 134:19 135:19, 20, 21	136:4 137:1 191:17 192:13 193:12 194:23 198:12, 20 Understood 8:3, 12 9:24 11:4 54:4, 23 56:1 59:18 60:11 62:13 65:4 69:4 77:11 83:3, 16 87:15 97:10 98:19 110:10 114:12 139:23 196:3 198:10 201:15 202:12 unencoded 194:8 unfair 87:19 unique 183:5 unit 192:18 UNITED 1:1 5:7 unlock 28:15 unmodulated 191:2, 14, 15 198:2, 14, 17 unpatentable 15:17, 24 16:1 update 139:7 140:24 150:6 151:8 152:4 153:24 157:8 162:16 172:5 173:11 178:18, 24 179:10, 14, 18 181:2, 6, 17, 18, 21 182:5, 8, 11, 13 183:6, 7, 12, 17, 22	updated 95:9 130:24 138:8 148:17, 25 165:25 166:16 172:11, 16, 23, 24 175:12 179:24 181:9 182:23 184:6 updates 131:14, 15 132:24 161:10 179:17 updating 5:25 138:16, 20 143:6 171:8 176:1, 2, 19, 23 182:17, 24 183:19 upload 47:5 use 19:4, 7, 10 24:17 33:6, 11 35:9 56:19 79:20 85:22 93:19 102:19 108:10, 21 112:4 113:20 116:21 117:10 121:4, 10 127:4, 20 128:3 136:7 144:19 145:1 155:16 156:24 175:16 178:17 179:12 196:22 197:9 198:17 user 21:4 26:5 32:25 34:16 88:5 95:7 122:23 129:9 130:1, 3, 22 131:11, 12 132:4
--	--	--	---

133:18 134:2
135:4 137:10
139:5 140:12,
22 142:1, 5
148:12, 18
149:18 150:1,
15, 22 151:15,
19 152:1, 2,
11, 18, 20, 24
153:5, 22
154:7 155:8,
11 156:1, 21
157:14, 15, 22,
24 164:8
165:7, 10, 23
166:11, 14, 18
169:20 170:2,
15 171:23
172:8, 12, 17,
20 173:4, 5,
8, 16 174:6,
15, 17, 19
175:9, 11, 12,
15, 20, 24
176:3, 10, 12,
13 177:6
178:17, 20
179:5, 10, 17,
25 180:10, 16,
20 181:10
201:16
209:25 210:3,
5
users 200:20
203:9 204:8
205:1 208:21
user's 153:19
172:11, 24
uses 71:18,
19 84:13, 24
113:4 130:17
136:14 145:4
151:23
157:18
168:23
175:10 210:4

< V >
VA 3:14
vacation
211:11
value 128:10,
24 129:1
181:10, 12, 19
values 150:2
171:8 175:15,
24 177:10
178:15, 18, 19
179:15
181:10
182:10, 12
varies 43:15
variety 185:4
various 28:4
33:20 42:8
53:2 60:9
66:5 81:4
84:15 104:9
114:14, 15
156:22
Vasilevsky
48:25 49:9,
14 53:16, 17
186:12, 19
187:10 188:6
190:4 191:6,
17 192:21
195:25 197:2,
24 198:13
199:11
200:15, 19
201:13 202:2,
11, 17, 21, 25
203:2, 11
204:25
205:13, 19
207:2, 14
209:5 210:1,
3, 4 211:15,
16, 22
V-A-S-I-L-E-V-S-
K-Y 49:1

Vasilevsky's
187:17
191:12
196:24
203:24 204:7,
18 205:9
208:19, 24
VEE 73:18, 22
74:7 78:16,
20 79:3, 11,
22, 24 80:5,
12, 21, 22
81:1, 3, 5, 8,
11, 14, 23
82:1, 14
83:21 84:1,
2, 14, 23
85:1, 24
88:25 95:8
111:6
Vegas 29:15
30:19, 20
VENABLE 3:6
5:21, 23
verbatim
114:18, 25
124:19
vernacular
22:9
versa 17:21
Version 185:6
vice 17:21
video 17:18,
19, 25 18:3,
5, 6, 9, 11, 13,
15, 20 19:4,
19, 23, 25
20:2, 3, 9, 16,
19, 23, 24
21:4, 9, 11,
19, 24 22:4,
14, 20, 21, 24
23:12, 15, 16,
18, 21 24:1,
3, 4, 8, 13, 18
25:4, 5, 6, 8,
10, 13, 19, 22,

24 26:1, 6
27:21 28:7,
16 31:3, 8
34:17, 23
35:7, 10, 17,
18, 23, 24
36:1, 4, 21,
24 37:4, 8,
10, 13, 21, 24
38:5, 8, 13,
14, 17 39:7,
20 40:10
41:5 45:9
52:23 53:20
55:1, 7, 11,
12, 13, 17, 21
60:2, 22
61:8, 10, 12,
15 62:24
63:23 64:9,
10 65:15, 20,
22, 23, 25
66:3, 8, 10,
15, 17, 20, 23
67:1, 2, 3, 5
68:11 70:9
73:13, 22
74:5 78:13
79:7 80:7,
15, 20 84:11
85:20 86:6,
11, 17, 24
87:5, 10, 14,
19, 23 88:8,
9, 15, 19
89:21 90:3,
8, 11, 15
91:1, 5, 20,
25 92:10, 12,
17, 20, 25
93:8, 20, 23
94:7, 20, 23
95:12, 21, 23
96:3, 18
98:23 99:1,
4, 8, 11, 12,
15, 16, 21

100:2, 15, 20	view 53:17	211:2, 14	5 149:19
101:21 102:1,	62:1 135:22	212:10	154:16
7, 12, 24	139:23 211:4	wanted 116:21	155:24, 25
103:6, 12, 23	viewed 153:9,	128:22	156:5, 7, 8,
104:8, 14	12	174:11 197:9	11, 14 164:2,
106:16, 20	viewer 74:13	202:25	5, 12, 15
107:16	viewers 74:25	wants 173:5	165:9, 14
108:19 110:3,	viewer's 74:13	174:19 175:9,	177:8, 9
7 111:10, 14,	viewing 202:7	25 180:10	178:5, 8
15, 17, 18, 21,	Virginia	warfare 10:21	179:1
23 112:1, 25	214:18	watch 201:9	website 27:15
153:9 156:9	virtually	202:9	30:4 36:11
159:1, 5, 7,	41:22, 24	way 12:14	websites 180:6
13, 16, 17, 19,	visual 39:1,	13:5 18:19	weird 203:12
22, 24 160:3,	7, 17	19:12 22:23	well 6:22, 23
8, 12, 14, 20	vocabulary	28:11 29:25	9:8 10:10
167:9, 16, 17	28:3	31:23 37:11	12:11 15:9
189:12 193:5	VPE 74:8	57:5 79:19	16:4 18:2
200:15 201:6	79:22 80:5	81:25 94:7	19:3 22:17
205:10, 14, 15,	VS 34:4	97:2, 3	24:18 27:3
18, 21 206:6,	35:1 38:20	117:14, 18	29:11 30:17
17 207:5, 7,	215:2	120:1 124:22	31:10 35:16
8, 9, 16		127:19	36:3, 7 37:1
208:1, 4, 11	< W >	128:23, 25	38:22 41:19
212:7	wait 29:25	143:16	57:16 59:12,
video/audio	97:13	145:25	22 61:5
27:10	want 11:5	148:14	66:6, 14
VIDEOCONFERENCE	12:24 13:10,	166:13	67:15 68:9,
1:17 2:8	15 14:2, 3, 4	171:20	17 69:2
videographer	16:22 39:6	173:21	72:17 75:12
3:17 5:1	70:17, 18	176:22 177:5	76:22 77:9
6:4, 7 13:10,	87:21 104:19	179:19 183:9	78:23 79:22
14 47:9	117:23 118:7	188:8 190:19,	80:9 81:16
50:4 51:15,	119:17 126:9	21 200:3, 17	82:7, 19
23 52:1	135:13 136:3,	201:16	83:11 85:7,
78:8 97:11,	18 140:2	202:13	15 88:13
14 98:5, 8	151:11, 25	204:20 208:3,	92:16 95:1
158:11, 14	152:9, 14	21, 23 214:11	97:4 99:13
165:6 186:6,	153:6 167:6	ways 40:18	103:2 105:9
9 212:17, 20	168:16 172:9	135:6 179:4,	107:11
213:4	174:9 177:17	21 185:17	108:10, 13
video-recorded	178:21	188:7 198:16	110:19
5:4	182:10 184:8	200:15	119:25
videos 20:4	185:20	web 25:13, 18,	129:23
22:17 27:16	191:21 192:8,	25 27:1	130:14
28:23 33:12	18 201:17	28:8, 9	132:21
	202:24 205:4	29:21 96:4,	135:18

143:23	144:5	145:9	149:9	114:22	works	140:18
145:18		160:25		116:21	148:14	156:9
147:18	149:7	Whatever's		118:10, 20	166:13	
150:17	151:1	51:17		121:5, 10	work-work	9:17
161:7, 20		WHEREOF	214:13	126:20	worries	69:25
162:24		whole-home		20 128:4, 15	worth	41:12
163:22	166:8	203:21		130:17	write	19:8
170:13	174:4	wide	200:1	134:13	28:13	128:10
178:9, 24		Window	164:8	135:10	132:23	133:15
180:25	182:2	166:7	167:11	14 143:15	writer	142:22
184:20	185:2,	Windows	164:9	144:19, 24	writes	137:24
18 186:3		wire	199:19	145:1	writing	
187:21		wired	69:15	191:24	142:22	143:11
191:19		wireless	69:15	192:7	written	32:13
195:25		withdraw	22:1	wording	40:12	109:12
196:11	197:2	123:22		107:7	132:25	138:2
198:22		152:21, 22		words	143:13	171:7
199:16	204:3,	witness	5:10	18:23	wrong	184:17
20 206:8		6:8, 12, 14		19:15	wrote	23:22
208:18		9:10	12:9,	20:22	24:11	31:20
210:24	211:18	15 13:8, 15		21:1	40:22	
WELLCOMEMAT		14:5	17:3	25:6,		
1:8	5:6, 20	42:2	44:20,	10, 25		
215:2		24 48:11		68:11		
well-known		49:25	50:7	70:12		
179:21	180:5	51:4, 19		72:2		
went	27:15	69:19	72:5	102:19		
28:20	29:14,	86:21	89:11	108:14		
16 111:5		97:18, 25		109:25		
182:23		98:3	115:13	110 120:11		
We're	12:20	118:5, 15		126:4, 11		
16:21	52:1	123:15	158:8	145:4		
79:10	82:15	177:13, 19		149:12,		
98:5	104:5,	178:1	185:24	13, 14		
7 121:9		186:2, 14		151:12,		
122:25		212:12, 23		23 152:15, 16		
126:14, 17		213:2	214:4,	155:17		
134:18		13		157:18		
136:22		WO	49:1	204:4		
140:16	141:8,	won	27:20	work		
9 145:19		32:9		7:6		
154:4	165:21	word	12:3	8:18, 20		
190:9		20:18, 19		9:6,		
West	3:7	23:4	26:2	10, 15, 20, 25		
Westwood	3:13	68:9	93:19	10:2, 4, 9, 21,		
we've	22:4	108:10, 21		24, 25		
65:18	97:5	109:15, 24		13:4		
				17:17		
				25:1		
				28:1		
				31:1		
				33:10		
				138:7		
				143:6, 7, 14		
				146:5		
				181:25		
				worked		
				10:19		
				20:15		
				24:21,		
				23 32:22		
				45:8		
				working		
				6:1		
				10:6, 10, 12,		
				14 23:13		

68:14 69:10,
18, 23 70:15
72:4, 9, 24
73:25 75:16,
20 76:2, 21
77:8 78:22
79:9, 16
80:10, 17
82:18 83:2
84:19 85:6,
14 86:20
87:2 88:21
89:10, 17
90:16 91:9,
23 92:14
93:10 94:1,
25 95:15
96:21 97:5,
8 98:4, 22
100:19 101:4,
12 102:8
103:1, 25
104:12 105:8
106:13 107:2
108:9, 20
109:3, 11, 19
110:5, 17
111:4, 12
113:17
114:19 115:1,
7, 12 116:18,
25 117:8, 22
118:4, 14, 18,
22 119:10, 24
120:9, 20
121:3, 8
122:1, 20
123:14, 21
125:18
126:24
127:12 128:1,
14, 20 129:14
131:9, 25
132:19
133:12, 21
134:5 135:9
136:2 137:20

138:21 140:5
141:16
142:24 143:8,
25 144:7, 18
145:9 146:12,
23 148:8
154:6, 25
155:15
157:16 158:9
159:3 160:1
163:5, 21
164:20 165:2
166:3, 5, 21
168:3, 20
169:14, 22
173:3, 18
174:18 175:5,
23 176:21
177:4, 17, 21,
25 178:2
182:1 183:14
184:13
185:13, 21
186:1, 3
187:2 188:3,
13, 23 189:7,
19 190:17, 23
191:11 192:3,
16 193:1, 15
195:24
196:10
197:23
198:11
200:23
203:10 204:5
205:23 206:7,
19 207:22
208:17
210:23
212:13, 22
213:1
yeah 9:17, 22
10:23 12:12,
23 13:7
15:3 16:24,
25 17:3
23:7 26:14,

23 27:7, 23
30:9, 20, 25
33:8, 13
34:2, 19
35:1 37:14
40:4 42:17
44:9, 11, 18
45:1, 5, 21,
23 47:2, 4
53:8 56:10,
17 58:7
59:20 65:20
67:15 70:7,
14 72:22
75:17 76:16
77:4 78:7
80:3 86:9
89:13 97:10,
22 98:2
99:18, 24
107:3, 18
112:18, 21
113:13, 24
114:9 115:20
118:9, 16
120:21
125:24
130:15
131:15
134:18, 25
135:10
137:14 140:6
145:12, 13
152:19
153:18
157:17, 20
176:22
180:19
184:18 185:2
186:1, 14
187:4 192:20
193:11
205:24
206:24 210:2
year 28:25
29:5 32:10

years 9:9, 12,
14, 19, 23
10:8 11:1
17:17 204:16
York 3:8
YouTube 27:16
156:9, 11
204:12, 13

< Z >
Zoom 11:8
186:16