Apple Computer Inc. v. Burst.com, Inc.

Sheila Hememi - 9/4/07

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12:39:56 1	but it's not akin to what we would consider to be the	12:42:55 1	I'm a little uncomfortable making a definitive statement as to
12:40:02 2	computational heart of either a a personal computer or a	12:42:59 2	what RAID does or doesn't do.
12:40:08 3	a higher-end scientific computation work station.	12:43:01 3	Q. Okay. So, again, though, the question was: The
12:40:12 4	Q. But it it doesn't say that it's a microcontroller,	12:43:03 4	memory modules are removable, you say, right, in the central
12:40:15 5	right?	12:43:07 5	data station?
12:40:16 6	A. All it tells us is that it is host computer so	12:43:07 6	A. Sorry, I'm still back on RAID. Let me say, I'm
12:40:20 7	Q. Okay. And you can't say from that description	12:43:11 7	definitely not sure what RAID does. Let's just leave it at
12:40:21 8	whether or not it's capable of performing the video	12:43:14 8	that. Now, I'm sorry, if you could repeat your question.
12:40:25 9	compression described, correct?	12:43:15 9	Q. Okay. But RAID uses that term "striping"?
12:40:2710	A. From from what's described here, I do not know,	12:43:1710	A. 1 I don't remember. So, I was trying to sort out
12:40:3011	really, what the computational horsepower of the host computer	12:43:2011	what did I remember, what do I not remember. And what I
12:40:3612	is.	12:43:2212	remember about RAID is often having an error-correcting disk.
12:40:3613	Q. Okay. Is it your okay. Never mind.	12:43:2613	Q. Where did you come with you the word "striping" in
12:40:4314	Now, again, looking at Figure 1, I think your	12:43:2814	your declaration?
12:40:5015	declaration says that the memory modules, 24, 26, 28, et	12:43:2915	A. This is a term I'm familiar with from my history as
12:40:5616	cetera, are removable; is that right?	12:43:3316	an electrical engineer. I don't think I drew on any you
12:41:0017	A. Yeah. And if I can just take a small I just want	12:43:3517	know, at some point in my life, I learned and understood what
12:41:0318	to I found a typo yesterday, and I would like to just	12:43:3818	striping data across multiple storage entities, for lack of a
12:41:0619	clarify that.	12:43:4319	better word, meant. And
12:41:0720	Q. Okay.	12:43:4620	Q. And that's where you borrowed it?
12:41:0821	A. I was a little bit overeager in my use of the term	12:43:4721	A that's where it came from, yes. Now, that what
12:41:1022	"memory module."	12:43:4722	did I that may well have come from my interaction with RAID
12:41:1223	Q. Which declaration are you referring to?	12:43:5023	at some point in my career. I just don't remember its origin.
12:41:1524	A. This is the second one.	12:43:5524	Q. Okay. So, again, memory modules in the central data
12:41:1925	Q. Which paragraph?	12:43:5825	station are removable, right?
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12:41:19 1	A. And, yeah, let me find that. So, I'll point out that	12:44:01 1	A. Yes.
12:41:26 2	Item 39 correctly states that Walter's central data station	12:44:01 2	Q. And I mean, at least that's what you say. I don't
12:41:28 3	stores a single/program in each memory module and okay.	12:44:04 3	see that anywhere in the patent. Is that fair to say?
12:41:33 4	So, in Item 45 on page 13, I've used the term "memory modules"	12:44:06 4	A. Yes. And you you clarified that. And, yes, let
12:41:42 5	in Item 45; and what I should have said was "data cells." So,	12:44:08 5	me follow that up. But my my reading of the patent with
12:41:50 6	that's both in the first sentence of of Item 45 should	12:44:12 6	the extensive use of the term "preprogrammed," as we have
12:41:55 7	read "rather uses multiple data cells to store a single	12:44:16 7	discussed, says to me that these are these are removable
12:42:00 8	program." And at the very top of yeah, you see that,	12:44:19 8	modules. And let me just add that, also, given that Walter
12:42:05 9	too	12:44:22 9	doesn't teach any mechanism by which the central data station
12:42:0710	Q. I do.	12:44:2810	would receive content, that I I took as support of the fact
12:42:0811	A of of page 14, that's propagated through the	12:44:3611	that these modules themselves could be removed and and
12:42:1012	through that item.	12:44:4012	programmed.
12:42:1213	Q. Okay.	12:44:4013	Q. So, you from the word "preprogrammed" and from the
12:42:1214	A. So, I apologize. I just want to make that point	12:44:43 14	fact that it doesn't describe how you load the information
12:42:1515	so	12:44:4515	into the modules, you took it to mean that you received them
12:42:1516	Q. So, while we're there with the "striped," that	12:44:5116	by FedEx or something like that?
12:42:1817	striping is sort of like you would do in a RAID array? Is	12:44:53 17	A. That would be one option. They you know, courier,
12:42:2218	that the way you understand it?	12:44:5618	somebody could walk them. We don't know where the compression
12:42:2519	A. Yeah, yeah. At some level I mean, let me say, I'm	12:45:0019	occurs.
12:42:2820	not you know, I'm familiar with RAID peripherally from a	12:45:0120	Q. Okay.
12:42:3421	long time ago; but the general concept of rather than stacking	12:45:02 21	A. I am very confident that the compression doesn't
12:42:3722	up the data sequentially in a single storage, we have	12:45:05 22	occur here. But other than saying it doesn't occur in the
12:42:4323	essentially nopping from from device to device. Now, let	12:45:08 23	central data station, I I don't know where it occurs.
12:42:4624	The add the caveat that that I believe that's as done in	12:45:1124	
12:42:3125	KAID, out having not done anything with KAID since about 1994,	143:45:1125	A. So, FEGEX may not be necessary.

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12:45:17 1	Q. Okay. Now, is there any reason why "preprogram"	12:48:10 1	Q. Okay.
12:45:20 2	doesn't simply mean programming before you make the content	12:48:11 2	A. Now, you know, I would like to add that the data
12:45:23 3	available for download?	12:48:13 3	receiving station again, we'll colloquially use a term for
12:45:27 4	A. In the context of the Walter patent, given that there	12:48:16 4	today, a "set top box" this is a piece of consumer
12:45:34 5	was no mechanism described to get the information on to the	12:48:21 5	electronics equipment. One can reasonably anticipate that
12:45:39 6	central data station or no video jukebox or anything of the	12:48:25 6	this piece of equipment is going to sit in some reasonably
12:45:45 7	sort, that is how I interpreted that "preprogrammed" in this	12:48:29 7	sized cabinet and that the the operator, the customer, is
12:45:54 8	case, in the specification. The way it gets used implies that	12:48:35 8	not going to be taking pieces in and out. But I suspect that
12:45:57 9	these are removable. And, you know, I think that the way I	12:48:40 9	as today, the the companies get somewhat upset if you try
12:46:0110	looked at this was "preprogrammed" is it's quite a verb.	12:48:4410	to mess around with the inside of your box.
12:46:0711	Contrast it with "stored." All right. From the standpoint, I	12:48:4811	On the other hand, the central data station is
12:46:1012	think, of describing the operation of the Walter unit to	12:48:5312	at the cable head end or certainly at a location which is
12:46:1413	somebody sitting on the bus next to me, I would say, "Well,	12:48:5513	operated by presumably the cable company; and they have an
12:46:1714	see these things? They store the video." But, in fact,	12:49:0414	interest, I think, in in providing more than one set of
12:46:2015	Walter does not use that term. Walter specifically uses	12:49:0715	programs for the rest of eternity. So, from the standpoint of
12:46:2516	"preprogrammed" over and over to describe those modules.	12:49:1116	these things being preprogrammed elsewhere, this is the
12:46:2917	Q. Well, and he might have been using that to indicate	12:49:1717	mechanism by which they can change their programming.
12:46:3218	that they're dedicated to a particular program, right?	12:49:2118	Otherwise we have sort of a video-on-demand system which is a
12:46:3719	A. Well, from the standpoint that he doesn't give us any	12:49:2519	video-to-exhaust system.
12:46:4020	mechanism to alter them using a central data station and he	12:49:2720	Q. Is is there any engineering obstacle or anything
12:46:4621	also tells us that a single module has a single program, I	12:49:3121	unpredictable about making a memory module in the receiving
12:46:5322	think that we could call that dedicated.	12:49:3322	station removable?
12:46:5623	Q. Okay. Well, he does, in fact, give us a way to to	12:49:3823	A. I'm sorry, the second part was unpredictable. The
12:46:5924	alter the memory modules in the data receiving station, right?	12:49:4024	first part was
12:47:0525	A. The the memory modules in the data receiving	12:49:4125	Q. Let me just use the word "unpredictable" instead.
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12:47:08 1	station are the local storage. So, certainly.	12:49:44 1	So, is there anything unpredictable about changing the data
12:47:10 2	Q. And it's your opinion, I think you said in your	12:49:48 2	receiving station to make the memory module there removable as
12:47:12 3	declaration, that that memory module is of the same type	12:49:52 3	you say the ones in the central data station are?
12:47:16 4	that's in the central data station, right?	12:49:55 4	MR. PAYNE: Objection, form.
12:47:19 5	A. I believe that the Walter patent explicitly makes	12:49:55 5	A. I'm sorry, I'm still getting a little hung up on this
12:47:23 6	that statement.	12:49:59 6	question. Can I ask you to repeat it one more time?
12:47:23 7	Q. Okay. Is the memory module in the data receiving	12:50:00 7	Q. Yeah. Is there any reason why you would not be able
12:47:25 8	station also removable?	12:50:03 8	to or would expect any unusual engineering difficulties that
12:47:28 9	A. I do not expect that the memory module in the data	12:50:07 9	
		5	would make it unpredictable or lead to an unpredictable result
12:47:3110	receiving station is removable.	12:50:1110	if you were to modify the data receiving station to make the
12:47:3110	receiving station is removable. Q. But the patent doesn't say one way or another about	12:50:1110 12:50:1411	would make it unpredictable or lead to an unpredictable result if you were to modify the data receiving station to make the memory module removable?
12:47:3110 12:47:3211 12:47:3612	receiving station is removable. Q. But the patent doesn't say one way or another about any of the memory modules, right, being removable?	12:50:1110 12:50:1411 12:50:1712	would make it unpredictable or lead to an unpredictable result if you were to modify the data receiving station to make the memory module removable? MR. PAYNE: Objection, form.
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12:47:3110 12:47:3211 12:47:3612 12:47:3913 12:47:4014 12:47:4415 12:47:4716 12:47:4917 12:47:5018 12:47:5419 12:47:5520 12:47:5521 12:48:0222	<ul> <li>receiving station is removable.</li> <li>Q. But the patent doesn't say one way or another about any of the memory modules, right, being removable? MR. PAYNE: Objection, form.</li> <li>A. Well, again, upon reading the specification, looking at the preprogramming, the extensive use of the "preprogramming" term</li> <li>Q. (By Mr. Stephens) Let me just be clear. I'm not</li> <li>I'm not asking whether or not you concluded based on what it does say, that they're removable. I understand you did. I'm asking about whether it says they're removable anywhere.</li> <li>A. There is no sentence in the patent that says this memory module is removable.</li> </ul>	12:50:1110 12:50:1411 12:50:2013 12:50:2114 12:50:2515 12:50:3016 12:50:3117 12:50:3418 12:50:3619 12:50:3720 12:50:4021 12:50:4022	<ul> <li>would make it unpredictable or lead to an unpredictable result</li> <li>if you were to modify the data receiving station to make the</li> <li>memory module removable?</li> <li>MR. PAYNE: Objection, form.</li> <li>A. I don't know what unpredictable mean can let me ask you this. And I'm not trying to be difficult.</li> <li>Maybe it's just the metabolism is kicking in after lunch.</li> <li>Can I ask you to start the question again and</li> <li>pause before you get to the predictable part because I digest</li> <li>the question, and then all of a sudden we're on predictable</li> <li>and I don't know what predictable means and I get hung up and</li> <li>then I've forgotten what the beginning part of the question</li> <li>is. So</li> <li>Q. (By Mr. Stephens) Okay. Could you modify the data</li> </ul>
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	12:50:52 1	anybody would want to do such a thing.	12:53:24 1	Q. I'm not asking I'm specifically not asking about
	12:50:54 2	Q. (By Mr. Stephens) Well, we'll get to that in a	12:53:26 2	motivation. I'm asking about doing it. If you're instructed
	12:50:55 3	second; but if you wanted to, is there any particular	12:53:29 3	to do it, all you have to do is say: I'm going to put a
	12:50:57 4	engineering difficulty in doing that?	12:53:31 4	socket on there instead of soldering it to the board, right?
	12:50:59 5	A. I don't know. I don't know. That depends on how the	12:53:35 5	MR. PAYNE: Objection, form.
	12:51:02 6	system is designed.	12:53:38 6	A. I don't even know if a socket exists for these
	12:51:05 7	Q. Okay. Well, if it was designed so that they fit in	12:53:41 7	things.
	12:51:10 8	the same kinds of sockets that they did in the central data	12:53:41 8	Q. (By Mr. Stephens) Do you know what they were?
	12:51:11 9	station, presumably it would be doable, right?	12:53:42 9	A. So, I that is a potential
	12:51:1410	A. Well, actually, we already have a very different	12:53:4310	Q. Do you know what these memory chips are?
	12:51:1711	setup from simply looking at the memory modules. I mean, I	12:53:4511	A. And we are told that they are recirculating shift
	12:51:2212	I believe and I think I said this and I hope I'm not	12:53:4712	registers.
	12:51:2513	misspeaking when I say that Walter tells us that the memory	12:53:4813	Q. And what is that? Is that a chip that you could go
	12:51:2814	module is of the same type, but the memory module as shown in	12:53:5014	out and buy?
	12:51:3315	Figure 1 in 102 has both inputs and an output and also a	12:53:5115	A. Well, Walter has not given us a specific part; and I
	12:51:4016	little computer control input. The memory modules in the	12:53:5416	do not know if there were integrated units of these things
	12:51:4517	central data station that we see in the upper left-hand corner	12:53:5917	available.
	12:51:4918	have one single arrows coming out of them. We don't see	12:53:5918	Q. Okay. But you could fabricate one using DRAM,
	12:51:5519	input data going into those.	12:54:0219	correct?
:	12:51:5620	So, this already, even though the memory module	12:54:0620	A. No. I don't think one would fabricate one using
:	12:51:5921	itself may be of the same type, says to me that these are	12:54:1021	DRAM.
:	12:52:0322	integrated into their respective positions in a different	12:54:1122	Q. I'm not asking whether you would.
:	12:52:1023	manner.	12:54:1123	A. No. I don't
:	12:52:1024	Q. Do you have any reason to believe that it would be	12:54:1324	Q. I'm saying you could.
	12:52:1425	anything other than a straightforward exercise to make the	12:54:1325	A. No.
			**************************************	
		Page 151		Page 153
	12:52:16 1	Page 151 memory modules the data receiving station removable?	12:54:14 1	Page 153 Q. Why not?
	12:52:16 1 12:52:21 2	Page 151 memory modules the data receiving station removable? A. What is a straightforward exercise?	12:54:14 1 12:54:15 2	Page 153 Q. Why not? A. Because DRAM is a random access memory technique
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	Page 154		Page 156
12.55.26 1	A For one one of ordinary skill would never, would not	12:57:13 1	long long answers to simple questions, if you can avoid it.
12:55:28 2	do this This is starting off with a system that is overly	12:57:18 2	I I'm not I'm not questioning whether you're intending
12:55:32 3	complex for what is needed and then having to design logic	12:57:23 3	to do it the way it's done. I'm not saying that because I
12:55:36 4	that sits on top of it or in conjunction with it.	12:57:26 4	don't believe that you are. I'm simply saying we don't have
12:55:40 5	O. Is a counter is a counter a complex circuit?	12:57:30 5	much time and I have a lot of material to cover so I'm asking
12:55:43 6	A. Given that the recirculating shift register does not	12:57:32 6	you, please, to answer the question I'm asking and not give me
12:55:46 7	require the random access, the DRAM already has all of the	12:57:35 7	long answers.
12:55:50 8	write and read lines and apparatus on it to do the access	12:57:36 8	A. Just so you know, as I told Les, this is the relaxing
12:55:56 9	We're essentially, then, designing more circuitry to bypass	12:57:38 9	part the day because I have to fly later. So
12:56:0210	that	12:57:4210	Q. Okay. I fly a hundred thousand miles a year. I can
12:56:0211	O. Look	12:57:4611	definitely relate to that. Well, no, I've flown a hundred
12:56:0212	A and on top of it, then, I have to actually route	12:57:4812	thousand miles
12:56:0613	the output of my DRAM to the input.	12:57:4813	A. I'm sorry.
12:56:0914	Q. Okay. Sorry to interrupt	12:57:4914	Q as of last month.
12:56:0915	A. Now I have capacitance issues.	12:57:5115	A. I'm sorry.
12:56:1116	Q. You keep changing my question. I'm not asking you	12:57:5216	Q. Okay. So, is it a difficult thing to design a
12:56:1417	about motivation. I'm asking you about whether it's something	12:57:5517	counter?
12:56:1618	that's easy to do if you're instructed to do it.	12:57:5618	A. In the abstract, designing a counter well, it
12:56:1919	A. I don't think it's easy.	12:58:0019	depends who you're speaking to. To one of ordinary skill as
12:56:2020	Q. So, it's not easy to make a counter that would	12:58:0420	described in my various reports, I think designing a counter
12:56:2321	increment the address with each clock pulse; is that right?	12:58:1021	is easy.
12:56:3022	Is that your testimony?	12:58:1222	Q. Okay. And you could use a counter to make a DRAM
12:56:3023	A. I'm starting off with a recirculating shift register.	12:58:1523	function as a recirculating shift register from the outside,
12:56:3324	Q. No. I'm not. I'm starting out I'm asking you	12:58:2024	right? In other words, it would look like a recirculating
12:56:3425	whether	12:58:2625	shift register to the circuits that interface with it; is that
1		5	-
	Page 155		Page 157
12:56:34 1	Page 155 A. No. no. no. I'm going to compare to that, okay?	12:58:29 1	Page 157
12:56:34 1 12:56:36 2	Page 155 A. No, no, no. I'm going to compare to that, okay? Bear with me. I have a recirculating shift register	12:58:29 1 12:58:30 2	Page 157 right? A. I would say that while one of ordinary skill would
12:56:34 1 12:56:36 2 12:56:39 3	Page 155 A. No, no, no. I'm going to compare to that, okay? Bear with me. I have a recirculating shift register Q. I would bear with you, but your counsel has severely	12:58:29 1 12:58:30 2 12:58:33 3	Page 157 right? A. I would say that while one of ordinary skill would not do that and I'll cease the pontificating for the rest
12:56:34 1 12:56:36 2 12:56:39 3 12:56:42 4	Page 155 A. No, no, no. I'm going to compare to that, okay? Bear with me. I have a recirculating shift register Q. I would bear with you, but your counsel has severely limited the amount of time we have. So, I can't allow you to	12:58:29 1 12:58:30 2 12:58:33 3 12:58:39 4	Page 157 right? A. I would say that while one of ordinary skill would not do that and I'll cease the pontificating for the rest of it certainly we could put a recirculating shift register
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12:56:34 1 12:56:36 2 12:56:39 3 12:56:42 4 12:56:45 5 12:56:46 6	Page 155 A. No, no, no. I'm going to compare to that, okay? Bear with me. I have a recirculating shift register Q. I would bear with you, but your counsel has severely limited the amount of time we have. So, I can't allow you to go off on these lectures. MR. PAYNE: What do you mean I've limited?	12:58:29 1 12:58:30 2 12:58:33 3 12:58:39 4 12:58:42 5 12:58:47 6	Page 157 right? A. I would say that while one of ordinary skill would not do that and I'll cease the pontificating for the rest of it certainly we could put a recirculating shift register in a black box and have another black box with DRAM and associated circuitry and wiring and potential other stuff to
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	Page 158		Page 160
12:59:53 1	Q. Well, if my point is to get video from Point A to	13:03:16 1	from another level of servers.
12:59:57 2	Point B, I can use the system in Figure 1 to do that, right?	13:03:18 2	Q. Look, I'm not asking about that. I'm simply asking
13:00:04 3	A. A courier could deliver video from let's just	13:03:20 3	about whether you could use the system designed in Figure 1 to
13:00:13 4	stick to, you know, Figure 1. So, suppose that we have some	13:03:25 4	transport video from the place where compression occurs to the
13:00:15 5	other location which either requires a FedEx courier or some	13:03:28 5	central data station?
13:00:19 6	type of mechanical transport. To use the system in Figure 1	13:03:31 6	A. I I don't know that the place where compression
13:00:29 7	would require that first the central data station have	13:03:36 7	occurs would have such a system.
13:00:37 8	receiving capabilities which it doesn't have; and secondly,	13:03:38 8	O. But if they didn't, this is one way to solve the
13:00:44 9	the origin, the location of the compression would need to have	13:03:41 9	problem of getting video from the central data from the
13:00:5310	transmission facilities. And we don't know anything about the	13:03:4410	place where compression occurs to the central data station,
13:00:5911	location that does the compression. So, even writing that	13:03:4811	right?
13:01:0212	off, our central data station does not have reception	13:03:4812	A. This is a video-on-demand cable system,
13:01:0613	capabilities. We're not that's lacking as described in the	13:03:5513	video-on-demand system for use it's called a cable
13:01:1114	specification.	13:03:5814	provider. The problem that this addresses is very, very
13:01:1115	O. Okay. So, I just want to go back to the courier for	13:04:0315	different from the problem of a location needing to transfer
13:01:1516	a moment. So, the manual delivery of the chips that you	13:04:1216	or transmit all of what it's producing to a single location.
13:01:1917	described was intended to	13:04:1817	O. But it could be used for that, right? And, in fact.
13:01:2318	A. Module.	13:04:2518	all that's shown in Figure 1 is transporting it to a single
13:01:2319	O. I'm sorry, modules, memory modules was intended to	13:04:3019	location. right?
13:01:2720	transport compressed video from the place it's compressed to	13:04:3420	A. All that's shown as opposed to
13:01:3021	the central data station, right?	13:04:3721	O. Well, there's only one receiving station shown in
13:01:3322	A. Yes. We could call the compression location where	13:04:4022	Figure 1, right?
13:01:3623	that preprogramming occurs, yes.	13:04:4123	A. So, you're contrasting that with having multiple
13:01:3924	O. Okay. So, the reason for using that courier is to	13:04:4324	receiving stations?
13:01:4225	move the video, the compressed video, from the place where	13:04:4425	Q. Yeah.
	Page 159		Page 161
13:01:46 1	Page 159	13:04:46 1	Page 161 A. Louess I don't see how that's relevant to
13:01:46 1 13:01:48 2	Page 159 compression occurs to the central data station where it would be installed in the system. right?	13:04:46 1 13:04:48 2	Page 161 A. I guess I don't see how that's relevant to O. Well, you said it's it's designed to solve a
13:01:46 1 13:01:48 2 13:01:49 3	Page 159 compression occurs to the central data station where it would be installed in the system, right?	13:04:46 1 13:04:48 2 13:04:52 3	Page 161 A. I guess I don't see how that's relevant to Q. Well, you said it's it's designed to solve a different problem, but what's shown in Figure 1 is
13:01:46 1 13:01:48 2 13:01:49 3 13:01:52 4	Page 159 compression occurs to the central data station where it would be installed in the system, right? A. It has to get there somehow.	13:04:46 1 13:04:48 2 13:04:52 3 13:04:55 4	Page 161 A. I guess I don't see how that's relevant to Q. Well, you said it's it's designed to solve a different problem, but what's shown in Figure 1 is transporting video from one location to one other location
13:01:46 1 13:01:48 2 13:01:49 3 13:01:52 4 13:01:56 5	Page 159 compression occurs to the central data station where it would be installed in the system, right? A. It has to get there somehow. Q. Okay. So, given that problem of moving video from one place to another a possible solution to that problem is	13:04:46 1 13:04:48 2 13:04:52 3 13:04:55 4 13:04:57 5	Page 161 A. I guess I don't see how that's relevant to Q. Well, you said it's it's designed to solve a different problem, but what's shown in Figure 1 is transporting video from one location to one other location, right?
13:01:46 1 13:01:48 2 13:01:49 3 13:01:52 4 13:01:56 5 13:02:02 6	Page 159 compression occurs to the central data station where it would be installed in the system, right? A. It has to get there somehow. Q. Okay. So, given that problem of moving video from one place to another, a possible solution to that problem is the system shown in Figure 1 right? It does move video from	13:04:46 1 13:04:48 2 13:04:52 3 13:04:55 4 13:04:57 5 13:05:01 6	Page 161 A. I guess I don't see how that's relevant to Q. Well, you said it's it's designed to solve a different problem, but what's shown in Figure 1 is transporting video from one location to one other location, right? A. Walter teaches us a system for use in a
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13:01:46 1 13:01:48 2 13:01:52 4 13:01:52 4 13:01:56 5 13:02:02 6 13:02:12 8 13:02:12 8 13:02:14 9 13:02:2512 13:02:2512 13:02:2613 13:02:3014 13:02:315 13:02:315 13:02:4117 13:02:4718 13:02:4919 13:02:5020 13:02:5522	Page 159 compression occurs to the central data station where it would be installed in the system, right? A. It has to get there somehow. Q. Okay. So, given that problem of moving video from one place to another, a possible solution to that problem is the system shown in Figure 1, right? It does move video from the central data station to the data receiving station, right? A. The latter half of your question, it does move video from the central data station to the data receiving stations, correct. Maybe I can ask you to clarify a little bit exactly how that would be used in conjunction with the compression location. Q. Okay. So, if you were to locate the apparatus we see at the central data station, a copy of it, at the place where you did the compression and put a copy of the data receiving station at the central data station, you could then replace the courier by transmitting the compressed video from the place where the compression occurred to the data receiving station, right? A. So, effectively what you've described is almost a tiered system. Q. Yes.	13:04:46 1 13:04:48 2 13:04:52 3 13:04:55 4 13:05:01 6 13:05:04 7 13:05:08 8 13:05:17 9 13:05:2010 13:05:2010 13:05:3112 13:05:3413 13:05:3413 13:05:4215 13:05:5317 13:05:5317 13:05:5618 13:05:5618 13:05:5819 13:06:0020 13:06:0321 13:06:0822	<ul> <li>Page 161</li> <li>A. I guess I don't see how that's relevant to</li> <li>Q. Well, you said it's it's designed to solve a different problem, but what's shown in Figure 1 is transporting video from one location to one other location, right?</li> <li>A. Walter teaches us a system for use in a video-on-demand scenario. The point of, for example, the call-back line is so that different users can request whatever video they want, that being the purpose of video-on-demand. You watch Shrek, and I watch Monsters, Inc. To say that this is simply a point-to-point delivery system because Figure 1 only shows one data receiving station, I think, is a misrepresentation of what is what this patent addresses.</li> <li>Q. I'm not asking about whether that that it's limited to a point-to-point transmission system. It could be used for a point-to-point transmission system, correct?</li> <li>A. It's extreme overkill, at best, for a point-to-point transmission system.</li> <li>Q. Okay. Well, it could also be used for broader distribution, right? And I think that's your point, that it is, in fact, designed for broader distribution of compressed video, right?</li> </ul>
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13:01:46 1 13:01:48 2 13:01:49 3 13:01:52 4 13:01:56 5 13:02:02 6 13:02:12 8 13:02:12 8 13:02:14 9 13:02:1910 13:02:2512 13:02:2512 13:02:2512 13:02:3014 13:02:3716 13:02:4117 13:02:4117 13:02:4718 13:02:4919 13:02:5020 13:02:5522 13:02:5523 13:02:5523 13:03:0124	<ul> <li>Page 159</li> <li>compression occurs to the central data station where it would be installed in the system, right?</li> <li>A. It has to get there somehow.</li> <li>Q. Okay. So, given that problem of moving video from one place to another, a possible solution to that problem is the system shown in Figure 1, right? It does move video from the central data station to the data receiving station, right?</li> <li>A. The latter half of your question, it does move video from the central data station to the data receiving stations, correct. Maybe I can ask you to clarify a little bit exactly how that would be used in conjunction with the compression location.</li> <li>Q. Okay. So, if you were to locate the apparatus we see at the central data station, a copy of it, at the place where you did the compression and put a copy of the data receiving station at the central data station, you could then replace the courier by transmitting the compressed video from the place where the compression occurred to the data receiving station, right?</li> <li>A. So, effectively what you've described is almost a tiered system.</li> <li>Q. Yes.</li> <li>A. A second tier system. So, I I worked on video on demand in 1994; and there certainly was no discussion of</li> </ul>	13:04:46 1 13:04:48 2 13:04:52 3 13:04:55 4 13:05:01 6 13:05:04 7 13:05:08 8 13:05:17 9 13:05:2010 13:05:2010 13:05:2611 13:05:3112 13:05:3413 13:05:3413 13:05:4215 13:05:5317 13:05:5618 13:05:5618 13:06:020 13:06:0321 13:06:0822 13:06:0923 13:06:1124	<ul> <li>Page 161</li> <li>A. I guess I don't see how that's relevant to</li> <li>Q. Well, you said it's it's designed to solve a different problem, but what's shown in Figure 1 is transporting video from one location to one other location, right?</li> <li>A. Walter teaches us a system for use in a video-on-demand scenario. The point of, for example, the call-back line is so that different users can request whatever video they want, that being the purpose of video-on-demand. You watch Shrek, and I watch Monsters, Inc. To say that this is simply a point-to-point delivery system because Figure 1 only shows one data receiving station, I think, is a misrepresentation of what is what this patent addresses.</li> <li>Q. I'm not asking about whether that that it's limited to a point-to-point transmission system. It could be used for a point-to-point transmission system, correct?</li> <li>A. It's extreme overkill, at best, for a point-to-point transmission system.</li> <li>Q. Okay. Well, it could also be used for broader distribution, right? And I think that's your point, that it is, in fact, designed for broader distribution of compressed video, right?</li> <li>A. What's described is a central data station that can serve a variety of users. This is not the same scenario as a</li> </ul>

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13:06:22 1 information to a single end point. 13:09:14 1	Q. And those places, those central data stations have to
13:06:25 2 O. Now, you said that the central data station is like a 13:09:19 2 g	et their content from somewhere, right?
13:06:30 3 cable head end, right? 13:09:22 3	A. Well, in the case of Walter, we see the central data
13:06:32 4 A. I'm using this colloquially so 13:09:26 4 st	tation has these memory modules which are installed in the
13:06:35 5 O. But most cable systems have lots of head ends, right? 13:09:29 5 ca	ase of, for example, the the Time Warner building in
13:06:39 6 A. Well, it depends what we call the "head end" so 13:09:34 6 It	thaca, they certainly have cable receivers.
13:06:43 7 O. Most cable systems have lots of things that those 13:09:38 7	Q. Okay.
13:06:46 8 cable systems refer to as the head end, right? 13:09:38 8	A. I'm sorry, satellite receivers.
13:06:49 9 A. Yeah. And let me you know, what I have in mind is 13:09:40 9	Q. So, the normal way to do it is electronically rather
13:06:5210 the single Time Warner unit address, really, building in 13:09:4410 th	han sending things by courier to the cable head end, right?
13:06:5911 Ithaca. Yeah, the central data station is at some some 13:09:4911	MR. PAYNE: Objection, form.
13:07:0412 location that can access many users so that many users can 13:09:5012	A. I don't know what's normal in distribution these
13:07:0813 access it. 13:09:5313 da	lays.
13:07:0814 O. And most cable systems in the Eighties have multiple 13:09:5314	Q. (By Mr. Stephens) Okay. And you don't know what was
13:07:1215 communities that they served and each community had its own 13:09:5515 n	ormal in 1985, right?
13:07:1516 cable head end, right? 13:09:5616	A. In terms of cable head ends, that's correct.
13:07:1617 A. That, I don't know. I don't know how cable systems 13:09:5917	Q. Okay. So, you don't know whether a cable operator
13:07:1718 were configured in the Eighties. 13:10:0518 w	vould have been motivated to use the same kind of system that
13:07:1819 Q. It's certainly true today, right? 13:10:0719 w	ve see in Walter to distribute video to its cable head ends,
13:07:2020 A. I don't actually know how cable systems are 13:10:1220 ri	ight?
13:07:2221 configured today. 13:10:1521	MR. PAYNE: Objection, form.
13:07:2222 Q. Okay. So, you just pulled the cable head end idea 13:10:1522	A. So, I would like to see, I guess, a diagram of the
13:07:2623 out of your head I'm just trying to understand how you 13:10:2023 ty	ype of cable system that you're referring to with what's
13:07:2824 decided that the central data station would be located in the 13:10:2224 ca	alled head end in order to answer that.
13:07:3125 cable head end. 13:10:2625	Q. (By Mr. Stephens) So, you just don't know without
Page 163	Page 165
13:07:31 1 A. Well, because colloquially, I I would like to 13:10:27 1 h	having more information; is that right?
13:07:36 2 delineate between using these as okay. 13:10:29 2	A. Yes.
13:07:37 3 When I write these declarations in my reports, I 13:10:47 3	Q. Okay. Would a person of ordinary skill in the
13:07:42 4 am attempting, I hope, to write these things in a manner that 13:10:50 4 H	Eighties have understood that you could use a disk drive in
13:07:46 5 people who are not tremendously technical can understand; and 13:10:52 5 p	place of the memory modules in Walter?
13:07:57 6 let me just clarify something here. And my understanding of 13:10:55 6	A. I missed the very beginning verb. Did you say "would
13:08:01 7 cable head end, which I think is a general person's 13:10:59 7 a	a"?
13:08:06 8 understanding of cable head end, is a location which can 13:10:59 8	Q. Would a person of ordinary skill in the art in 1985
13:08:09 9branch out and serve multiple users.13:11:02 9	have understood that you could use a disk drive in place of
13:08:1410 Q. Okay. And are those often connected to other 13:11:0510 t	the memory module described in Walter?
13:08:1611 locations? So, just, for example, cable head ends often will 13:11:0811	A. I think that one of ordinary skill would have
13:08:2112 have satellite down link, right? 13:11:0912 u	understood that you would not use a disk drive in place of the
13:08:2313 A. Cable head ends, yes, I would agree with that. They 13:11:1213 r	
13:08:2714 do receive information, yes. 13:11:1514	memory modules.
13:08:2815 Q. And they receive it so that they can retransmit it to 13:11:1515	Memory modules. Q. Why?
13:08:3016 their subscribers, nght? 13:11:1916 t	<ul><li>memory modules.</li><li>Q. Why?</li><li>A. So, first off, Walter has explicitly taught us that</li></ul>
	memory modules. Q. Why? A. So, first off, Walter has explicitly taught us that those are recirculating shift registers. But outside of that,
13:08:3317 A. Yes. 13:11:2417 t	memory modules. Q. Why? A. So, first off, Walter has explicitly taught us that those are recirculating shift registers. But outside of that, those units had particular speed requirements in order to get
13:08:3317       A. Yes.       13:11:2417       t         13:08:3418       Q. And a typical cable operator like Time Warner will       13:11:3318       t         13:00:00:00:00:00:00:00:00:00:00:00:00:00	Memory modules. Q. Why? A. So, first off, Walter has explicitly taught us that those are recirculating shift registers. But outside of that, those units had particular speed requirements in order to get the data out at the speeds required for the the temanisation. And in fact Walter an acidential talks about
13:08:3317       A. Yes.       13:11:2417       t         13:08:3418       Q. And a typical cable operator like Time Warner will       13:11:3318       t         13:08:3819       possess many head ends, right?       13:11:3819       t         13:08:4720       A. Luce net wine the term head ender an energy of term head ender an e	Memory modules. Q. Why? A. So, first off, Walter has explicitly taught us that those are recirculating shift registers. But outside of that, those units had particular speed requirements in order to get the data out at the speeds required for the the transmission. And, in fact, Walter specifically talks about doing the setup of the data calle to some what reduce these
13:08:3317       A. Yes.       13:11:2417       t         13:08:3418       Q. And a typical cable operator like Time Warner will       13:11:3318       t         13:08:3819       possess many head ends, right?       13:11:3819       t         13:08:4720       A. I was not using the term head end as one or many.       13:11:4220       d         13:08:4621       Im. Im. using that term from the standard of from a       12:11:4621       t	Memory modules. Q. Why? A. So, first off, Walter has explicitly taught us that those are recirculating shift registers. But outside of that, those units had particular speed requirements in order to get the data out at the speeds required for the the transmission. And, in fact, Walter specifically talks about doing the setup of the data cells to somewhat reduce those trates a little bit. And I do not believe that that data could
13:08:3317       A. Yes.       13:11:2417         13:08:3418       Q. And a typical cable operator like Time Warner will       13:11:3318         13:08:3819       possess many head ends, right?       13:11:3819         13:08:4720       A. I was not using the term head end as one or many.       13:11:4220         13:08:4921       I'm I'm using that term from the standpoint of from a       13:11:4621         13:08:5822       late use Walket's term       data receiving station that data	memory modules. Q. Why? A. So, first off, Walter has explicitly taught us that those are recirculating shift registers. But outside of that, those units had particular speed requirements in order to get the data out at the speeds required for the the transmission. And, in fact, Walter specifically talks about doing the setup of the data cells to somewhat reduce those rates a little bit. And I do not believe that that data could have been accessed quickly enough using hard drives with the
13:08:3317A. Yes.13:11:2417t13:08:3418Q. And a typical cable operator like Time Warner will13:11:3318t13:08:3819possess many head ends, right?13:11:3819t13:08:4720A. I was not using the term head end as one or many.13:11:4220t13:08:4921I'm I'm using that term from the standpoint of from a13:11:4621r13:08:5922let's use Walter's term data receiving station, that data13:11:5322H13:09:0323is going to come from some central location where there are13:12:0123s	memory modules. Q. Why? A. So, first off, Walter has explicitly taught us that those are recirculating shift registers. But outside of that, those units had particular speed requirements in order to get the data out at the speeds required for the the transmission. And, in fact, Walter specifically talks about doing the setup of the data cells to somewhat reduce those rates a little bit. And I do not believe that that data could have been accessed quickly enough using hard drives with the speeds that they had available in the Fighties
13:08:3317A. Yes.13:11:2417t13:08:3418Q. And a typical cable operator like Time Warner will13:11:3318t13:08:3819possess many head ends, right?13:11:3819t13:08:4720A. I was not using the term head end as one or many.13:11:4220d13:08:4921I'm I'm using that term from the standpoint of from a13:11:4621r13:09:0323is going to come from some central location where there are13:12:0123s13:09:0724there is equipment located designed to appropriately set the13:12:0524	Memory modules. Q. Why? A. So, first off, Walter has explicitly taught us that those are recirculating shift registers. But outside of that, those units had particular speed requirements in order to get the data out at the speeds required for the the transmission. And, in fact, Walter specifically talks about doing the setup of the data cells to somewhat reduce those rates a little bit. And I do not believe that that data could have been accessed quickly enough using hard drives with the speeds that they had available in the Eighties. O. But you in other words you might not be able with

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13:12:11 1	a two-hour movie in 31 seconds; is that right?	13:15:21 1	Walter, right?
13:12:13 2	A. Well, a single magnetic disk drive is certainly not a	13:15:25 2	A. I don't know that that would be possible in that one
13:12:16 3	recirculating shift register.	13:15:31 3	would have a substantial issue in coordinating what I expect
13:12:16 4	Q. No, I'm	13:15:36 4	to be a fairly large number of drives. I mean, we're not
13:12:16 5	A. But yes.	13:15:39 5	talking, like, five drives here to get 300 megabits.
13:12:19 6	Q I'm specifically asking about if you replaced the	13:15:42 6	Q. Do you know how many drives would be required?
13:12:21 7	recirculating shift register with a disk drive.	13:15:46 7	A. I am sure it would be at least double digit; but,
13:12:25 8	A. If you replaced a recirculating shift register with a	13:15:49 8	again, I just don't have those disk capacities on the tip of
13:12:25 9	disk drive first off, let me note that Walter states that	13:15:53 9	my tongue right now. So, I'd rather not do some hypothetical
13:12:3410	the compressed data rate is, if I remember correctly, 44	13:15:5710	calculation which may or may not. But I am confident that it
13:12:381	megabits per second. So, we see that on Column 7 around	13:16:0011	would be double digit and possibly even over a hundred. So,
13:12:4412	line 39. So, given the size of single disk drives in the	13:16:0412	having said that, the data could certainly be stored. One
13:12:5013	Eighties, which I don't have on the tip of my tongue, but I am	13:16:1213	could have the fiber optic lines, but there's still a matter
13:12:5414	certain would not be able to store more than several seconds	13:16:1714	of getting the data off and coordinating it, for lack of a
13:12:581	of video so, from the standpoint that we're Walter is	13:16:2315	better way to put it, in such a manner that it can be
13:13:0210	referring to a two-hour movie, I think one of ordinary skill	13:16:2816	appropriately multiplexed and packaged for transmission over
13:13:071	would understand that.	13:16:3517	the fiber optic links as taught.
13:13:1518	Q. So, you it's your testimony that disk drives	13:17:0918	Q. Now, earlier today we were talking about audio
13:13:1819	weren't big enough to store a two-hour movie at that data	13:17:1219	compression and you said that a person of ordinary skill in
13:13:2220	rate; is that right?	13:17:1820	the art would have been aware of statistical characteristics
13:13:232	A. Well, at 44 megabits per second, two hours is 7,200	13:17:2221	of audio and the way human ear processes audio information,
13:13:2822	seconds. And actually, we can do the multiplication here, 31	13:17:2822	right?
13:13:3823	seconds times 10,400 megabits per second. So, this gives	13:17:2823	A. Yes.
13:13:4124	us 300 300 megabits, and I don't believe in the	13:17:2824	Q. Now, humans hear audio in a way that makes them more
13:13:5125	mid Eighties there were 300 megabit single magnetic drives.	13:17:4025	sensitive to lower frequencies across the human hearing range;
	Page 167		Page 169
13:13:55 1	Q. Okay. But you could stripe disk drives together in a	13:17:44 1	is that right? Or maybe I should say more finely able to
13:13:59 2	RAID array to get that size, right?	13:17:49 2	distinguish between tones at lower frequencies?
13:14:08 3	A. Can you give me a little bit more details about what	13:17:53 3	A. That's very well put. Yes. We essentially have a
13:14:10 4	you mean by RAID? I think I mentioned	13:17:57 4	filter bank in our ears, and the bandwidths of the lower
13:14:14 5	Q. Redundant	13:18:00 5	frequency channels are narrower. So, therefore, if we have
13:14:14 6	A. Yeah, I understand what Redundant Arrays of I'll	13:18:04 6	two tones that are some distance apart, they may fall into
13:14:17 7	let you finish that.	13:18:08 7	separate channels and we can delineate that. Where if we move
13:14:18 8	Q. I think it's variously called Inexpensive Disks or	13:18:13 8	them up to higher frequencies, they may fall within a single
13:14:22 9	something else, which I don't remember.	13:18:14 9	filter bandwidth.
13:14:2510	A. So, my familiarity with RAID also came from when I	13:18:1410	Q. And that's reflected in the way musical instruments
13:14:2811	worked on video on demand, which was in 1994. So, all the	13:18:1811	are configured in octaves, right?
13:14:3212	nuances involved in in something specific known as RAID, I	13:18:2412	A. I think that's a philosophical question. I don't
13:14:3713	don't I'm uncomfortable answering. I would agree that one	13:18:2713	I don't know even what configured for a musical instrument
13:14:4214	could assemble a large group of disk drives such that the sum	13:18:3214	means.
13:14:4715	of the capacity was 300 megabits.	13:18:3315	Q. Well, for example, you've referred to the keys on a
13:14:5016	Q. And it was known that you could stripe data across	13:18:3616	piano keyboard as being in different octaves, right?
13:14:5317	them and to increase the I/O, the data rate, at which you	13:18:4117	A. Yes, but that okay.
13:14:5718	could read them, right?	13:18:4418	Q. And an octave in ordinary acoustical meaning refers
13:14:5819	A. I don't know for a fact that that was known in the	13:18:4919	to doubling frequency. If you move up one octave, you double
13:15:0120	mid Eighties, but I think it's reasonable to expect that it	13:18:5320	the frequency?
13:15:0321	was.	13:18:5421	A. Oh, okay. Now I understand what you're saying. So,
13:15:0422	Q. Okay. And if your only concern was to send it	13:18:5622	I would say that, yeah, our as humans, our representation
13:15:0823	quickly but maybe not send it in 31 seconds, you could use a	13:19:0023	of music or acoustical information is tied in with with our
13:15:1324	KAID array of disks in 1985 to store digital video and send it	13:19:0424	hearing sensitivity, yeah. That statement, I that I just
	rester than real-time over the optical network decombed in	1 4 1 9 1 9 2 5	card I would I would agree with

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### 44 (Pages 170 to 173)

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	Page 170		Page 172
13:19:10 1	Q. Okay. And, so, the entire human hearing frequency	13:22:05 1	A. You know, I have to say that I have no idea what unit
13:19:14 2	range from 10,000 hertz to 20,000 hertz is really just the top	13:22:10 2	you have, how it is computing, how much it should light up of
13:19:18 3	octave; is that right?	13:22:14 3	those, what type of preprocessing or signal conditioning
13:19:23 4	A. Now, let's delineate octaves are terms that we use	13:22:18 4	they're doing, whether that is reflecting what your graphic
13:19:29 5	as humans to describe music. With respect to the ear, we	13:22:22 5	equalizer settings are or not. So, I I would not like to
13:19:34 6	refer to what are called critical bands. And the critical	13:22:25 6	make any type of guess based on what you've just told me.
13:19:40 7	bands are effectively there's no one single answer for	13:22:29 7	Q. Do you have any reason to believe that it do you
13:19:43 8	exactly where the edges of the critical bands are. I think	13:22:35 8	have any reason to disbelieve the proposition that I'm making
13:19:47 9	there's sort of general agreement, but specifically people can	13:22:38 9	that there is relatively little musical content above 13
13:19:5110	move them around a little bit is the critical bands that we	13:22:4310	kilohertz?
13:19:5411	refer to that actually serve as the frequency delineations in	13:22:4311	A. Well, I'll make two comments. One is I don't know
13:20:0012	the ear. Now	13:22:4612	what "relatively little" is; and secondly, I do believe that
13:20:0113	Q. How many critical bands are there?	13:22:5213	the standard that exists for digitizing audio for compact
13:20:0414	A. I don't know how many critical bands there are, but	13:22:5614	disks was designed by smart people and it is a reasonable
13:20:0715	to map the critical band back to your question or the area	13:23:0215	standard and the fact that they sample at 44.1 kilohertz,
13:20:1016	that you talked about between 10,000 and 20,000, I do not know	13:23:0816	which would be twice of the highest frequency of 22.05, I
13:20:1617	whether there are critical boundaries, critical band	13:23:1317	believe that decision was made on sound engineering
13:20:2118	boundaries in that range or not.	13:23:1518	principles. And if they really believed that, indeed, we
13:20:2419	Q. Do you know approximately how many critical bands	13:23:1919	needed to we could get away with cutting off at 13.5 or 15
13:20:2620	there are?	13:23:2420	or 17, that we would have that because the end result means
13:20:3021	A. They're on the order of tens "tens" meaning order	13:23:2921	that we would this goes back to our storage. We would have
13:20:3322	of magnitude so	13:23:3322	more data on a compact disk.
13:20:3523	Q. But not a hundred, right?	13:23:3423	Q. Is it fair to say, though, that that decision does
13:20:3624	A. Not a hundred, no.	13:23:3724	not mean that information is uniformly distributed across the
13:20:3925	Q. Do you know offhand statistically how much musical	13:23:4225	audio spectrum?
	Page 171	-	Page 173
13:20:44 1	Page 171 information is represented in a band from 10,000 to 20,000	13:23:44 1	Page 173 A. Information is certainly not, in the content of any
13:20:44 1 13:20:48 2	Page 171 information is represented in a band from 10,000 to 20,000 hertz?	13:23:44 1 13:23:47 2	Page 173 A. Information is certainly not, in the content of any type of audio with the exception of white noise, uniformly
13:20:44 1 13:20:48 2 13:20:49 3	Page 171 information is represented in a band from 10,000 to 20,000 hertz? A. So, can you clarify what you mean by "statistically"	13:23:44 1 13:23:47 2 13:23:52 3	Page 173 A. Information is certainly not, in the content of any type of audio with the exception of white noise, uniformly distributed across the audio spectrum.
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# 45 (Pages 174 to 177)

	Page 174		Page 176
13:27:38 1	A. Could I just see the patent? I don't want to go on	13:30:43 1	Q. Looks like
13:27:40 2	my memory of the claim.	13:30:45 2	A I've mentioned that
13:27:50 3	Q. All right. Just a second.	13:30:48 3	Q. Okay. Go ahead.
13:28:04 4	This has previously been marked as Exhibit 1.	13:30:49 4	A. I don't know what the host I don't know enough
13:28:13 5	MR. STEPHENS: Les, I'm assuming you've got	13:30:50 5	about the host computer to say whether it was capable of doing
13:28:13 6	that?	13:30:53 6	that or not.
13:28:14 7	MR. PAYNE: Yeah, thanks.	13:30:55 7	Q. I think your misapprehending my question a little
13:28:15 8	A. Okay.	13:30:56 8	bit. I'm not asking whether all the elements in Claim 1 are
13:28:16 9	Q. (By Mr. Stephens) If you took Claim 1, would you be	13:31:00 9	present in Walter. I'm asking whether if you had the
13:28:1710	able to build that a person of ordinary skill in the art,	13:31:0310	information in Walter, would you be able to build what's in
13:28:2111	would they have been able to build that just based on what	13:31:0511	Claim 1 if you were looking at Claim 1 so it tells you you
13:28:2512	they knew as a person of ordinary skill in the art?	13:31:0912	need something to do compression and it tells you you need
13:28:2813	MR. PAYNE: Wait, this is a is this an	13:31:1213	random access memory. With that and the knowledge of a person
13:28:3014	enablement question?	13:31:1514	of ordinary skill in the art and Walter, would you be able to
13:28:3315	MR. STEPHENS: No. It's actually about Walter;	13:31:2215	build what's in Claim 1?
13:28:3316	so, bear with me.	13:31:2816	A. I I I genuinely do not understand the question.
13:28:4017	MR. PAYNE: Can you repeat	13:31:3517	Q. Well, so, for example, when it talks about a means
13:28:4118	Q. (By Mr. Stephens) So, let me let me just ask the	13:31:4218	for compressing audio/video source information, Walter
13:28:4119	question differently. Would a person of ordinary skill in the	13:31:4719	describes an algorithm for doing that, right?
13:28:4520	art in 1985, if they were presented with Claim 1 of the '995	13:31:5120	A. Walter mentions an algorithm for compression of
13:28:4821	patent and the disclosure of Walter been able to build what's	13:31:5521	video.
13:28:5122	claimed?	13:31:5622	Q. Okay. And random access storage means is something
13:28:5623	A. Okay. I'm going to repeat this to make sure I	13:31:5923	that people of ordinary skill in the art were very familiar
13:28:5924	understand this. This person has Walter.	13:32:0224	with in the mid Eighties, right?
13:29:0225	Q. Yes.	13:32:0625	A. Random access storage would have been known to one of
	Page 175	n la serie de la serie de La serie de la s	Page 177
13:29:03 1	A. And this person has just the text of Claim 1 from the	13:32:10 1	skill.
13:29:09 2	'995 patent?	13:32:11 2	Q. Okay. And Walter describes a way of outputting
13:29:11 3	Q. That's right.	13:32:16 3	audio/video information over an optical fiber faster than
13:29:20 4	A. Well, my first off-the-cuff remark is that Walter	13:32:20 4	real-time, right?
13:29:25 5	hasn't given us any compression means.	13:32:27 5	A. Walter describes in fact, most of the stuff in the
13:29:29 6	Q. Okay. So, let me ask it slightly differently then.	13:32:31 6	central data station is to get the data onto the fiber optic
13:29:33 7	Let's look only at the functions for the means-plus-function	13:32:36 7	lines.
13:29:37 8	claims.	13:32:36 8	Q. Okay. So, is there anything that's in Claim 1 that
13:29:38 9	A. Let me also add, we don't have any random access	13:32:40 9	you would not be able to figure out how to do if you had
13:29:4110	storage means. So okay. So, you would like me to look	13:32:4510	Claim 1 and the disclosure of Walter?
13:29:4311	just at what's going on	13:32:5011	THE REPORTER: I'm sorry, "disclosure of"
13:29:44 12	Q. Right.	13:32:5312	MR. STEPHENS: Of Walter in 1985.
13:29:4513	A not the thing itself.	13:32:5413	A. Well, Claim 1 also requires an input means.
13:29:4614	Q. Right. I'm not asking you to perform the 112	13:33:0014	Q. (By Mr. Stephens) Okay.
13:29:4815	analysis. If you'd just look at the functions that are	13:33:0015	A. And I look at Walter and we've discussed that our
13:29:5016	recited.	13:33:1116	central data station does not have an input means.
13:29:5017	A. I don't know what that means.	13:33:1317	Q. But the receiving station does, right?
13:29:5218	Q. Fair enough. If you just look at the the	13:33:1618	A. The receiving station does receive.
13:29:5319	functions that are recited and you take a person of ordinary	13:33:1919	Q. So, if you need an input means, the the structures
13:29:5620	skill in the art that has that list of functions in Claim 1	13:33:2320	for creating one are described in Walter, right?
13:30:0021	and Walter, would they have enough information to build	13:33:3221	A. Walter there are two other things here, and I
13:30:0422	Claim 1?	13:33:3422	think I'm still not exactly understanding what it is you're
13:30:2623	A. I guess I'm not exactly I mentioned that Walter	13:33:3723	asking me. Claim 1 starts off with an audio/video transceiver
13:30:2824	doesn't give us any compression mechanism. Walter doesn't	13:33:4224	apparatus. So, we have an apparatus, not two apparatii or
13:30:3225	teach us that anything in Figure 1 is a compressor, and	13:33:4825	Q. Okay.

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	Page 178		Page 180
13:33:49 1	A or two central two separate locations.	13:36:10 1	of hindsight and you were looking at the claim?
13:33:52 2	Q. So, you're looking at Claim 1; and it tells you, you	13:36:14 2	A. Well
13:33:55 3	want them both in a transceiver, you're trying to build a	13:36:15 3	MR. PAYNE: Objection, form.
13:33:59 4	transceiver. Walter has both a transmitter and a receiver.	13:36:16 4	A I feel like I'm still missing something; but let
13:34:02 5	Now, according to you, it doesn't disclose or suggest putting	13:36:20 5	me say, I look at Walter. First off, I want a single
13:34:05 6	them together into one box, but Claim 1 does, right? So, if	13:36:24 6	apparatus.
13:34:09 7	you had Claim 1 and the disclosure of Walter, you'd have a	13:36:24 7	Q. (By Mr. Stephens) Okay. And the claim tells you
13:34:12 8	transmitter and you'd have a receiver and you could combine	13:36:25 8	that, single apparatus?
13:34:16 9	them in a way to make a transceiver, right?	13:36:27 9	A. And I don't see that in Walter. The
13.34.1710	A So at the risk of sounding as if I'm trying to	13:36:3110	O. But but could you build it, given the disclosure
13.34.1911	agitate you and I'm truly not: this is a genuine legal	13:36:3311	of Walter and the suggestion from the claim?
$13 \cdot 34 \cdot 2212$	question isn't this a classical case of hindsight? I have	13:36:3512	A. Well, let me work through the four elements.
13.34.2513	ingredients in a boy	13:36:3713	O Okay
13.34.2814	$\mathbf{O}  \text{It absolutely is yes}$	13:36:3814	A. So, okay, we have our apparatus requirement. Input
13.34.2815	$\Delta_{\text{res}}$ = that I didn't intent to ==	13:36:4315	means: So, I look at Walter and Walter as a data receiving
12.24.2116	$A_{\rm r} = 0$ at 1 durit ment to $=$	13.36.4716	station certainly has input means. The signal gets on it
13.34.3117	Q. This saying, you have the claim.	13.36.5217	through the fiber ontic Compression means: Now I think I'm
12.24.2210	A put together and	13.36.5818	still confused about what's going on here, but one of ordinary
12.24.2510	Q. So, Thi asking you, if you have that hindsight, if	13.37.0419	skill certaintily understands would understand as we just
13:34:3519	you have the claim, do you have an the technology that you	12.27.0720	discussed that this thing could be implemented in a variety
13:34:3920	need to build it? So, yes, I agree with you. This is	12.37.1021	of wave which decent really partoin to what Walter provides
13:34:4221	nindsignt I m asking you to engage in.	13:37:1021	of ways, which doesn't rearry pertain to what watch provides
13:34:4522	A. well, again, we don't we don't have watter has	13.37.2022	O But that a single an argonani.
13:34:4923	given us a compression algorithm. Walter walter has said	13:37:2023	Q. But that algorithm would be chough to create the
13:34:5624	the data is compressed using this algorithm. Walter has not	13:37:2324	A I feel like that might he a legal question and I
13:34:5925	given us any mechanism by which	13:3/:2925	A. Theel like that might be a legal question, and T
1			
	Page 179		Page 181
13:35:03 1	Page 179 Q. Now, you told the Court	13:37:31 1	Page 181 don't know how to answer that.
13:35:03 1 13:35:04 2	Page 179 Q. Now, you told the Court A that could be done.	13:37:31 1 13:37:32 2	Page 181 don't know how to answer that. Q. Okay. I'm just talking about the function.
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	Page 182		Page 184
13:38:44 1	A. They would certainly have an understanding of what	13:41:05 1	random access memory, is there anything else that you would
13:38:46 2	random access referred to.	13:41:09 2	need in order to be able to do it: or is the suggestion
13:38:47 3	O And they would know that you could store video.	13:41:12 3	enough?
13:38:49 4	compressed video in random access memory right?	13:41:15 4	A I'm not sure what you mean by
13:38:52 5	A I don't know if compressed video was stored in random	13:41:16 5	O Do what the claim requires In other words
13:38:56 6	access memory at that time 1 I don't know	13:41:24 6	A I'm still not sure Lunderstand what you're asking
13.38.59 7	$\Omega$ Certainly it was done in the process of compressing	13.41.26 7	$\Omega_{\rm res}$ random access storage coupled to compression for
13.39.01 8	it on a computer, correct?	13.41.29 8	storing a time compressed representation. So, would a person
13.39.02 9	A Well actually I don't know that either. I mean	13.41.32 9	of ordinary skill in 1985 who had that suggestion along with
13.39.0510	for one what do we call compressed video? Is it a portion of	13.41.3710	the rest of the claim he able to build a random access storage
13.39.0811	a bit stream? Is it the whole thing? If we are using the RAM	13.41.4111	means that stored the compressed video as we've talked about?
13.39.1212	as a buffer, do we call that storage or do we call it a	13.41.4812	A Okay Can you repeat that again?
12.20.1612	buffer? I think one of skill would not necessarily say that	13.41.5013	$\Omega$ Ves. Would a person in 1985 looking at the claim
13.39.1914	passing through a huffer would be storage	13.41.5414	language that talks about a random access storage counled to
12.20.2215	O Okay So Linet Linet need on answer Would a	13.41.5715	the compression for storing a time compressed representation
12.20.2416	Q. Okay. 50, 1 just - 1 just need an answer. Would a	12.42.0116	would they be able to build such a random aggess storage
13.39.2410	having Walter available he analysed to store video in random	12.42.0110	device?
13:39:2017	having water available be enabled to store video in random	12.42.1010	A Wall I think containly they could go with a hunch of
13:39:3210	A Obset. So I think that he applied here level	13:42:1018	A. Wen, I think certainly they could go with a bunch of
13:39:3519	A. Okay. So, I think that be enabled has a legal	12.42.1720	chips and set them on. Now, again, you know, watter doesn't
13:39:3620	incaning	13:42:1720	give us any compression means. So, uns is an very nebulous,
13:39:3621	Q. On	13:42:2021	inght? We've got some way that some system designer is going
13:39:3722	A and i in a fittle bit unconflortable with that	13:42:2322	to implement the compression means. Can that be interfaced to
13:39:3823	Q forget forget about the word enabled.	13:42:2723	random access storage means? I guess that depends on now they
12.20.4225	dispessed in 1985 to do what the claim requires with respect to	13:42:3124	O Olean But if you ware if your base handed you
13:35:4223	disposar in 1985 to do what the claim requires with respect to	10.42.0120	Q. Okay. But it you were it your boss handed you
	Page 183		Page 185
13:39:45 1	random access storage?	13:42:34 1	Claim 1 and said "Go implement it" and here's a piece of known
13:39:48 2	A. They would understand what random access storage was,	13:42:38 2	technology, Walter, in 1985, you'd be able to do that, right?
13:39:51 3	and certainly the claim is suggesting that the compressed	13:42:42 3	You, meaning a person of ordinary skill in the art.
13:39:55 4	video be put in the random access storage. So, from that	13:42:50 4	A. I think that I don't know, would be able to do
13:40:00 5	standpoint, they at least have the planting of an idea.	13:42:54 5	that, given Walter. It's not clear to me that Walter would be
13:40:04 6	Q. And is there any anything else they would need in	13:42:58 6	the only thing that one would need
13:40:05 7	order to be able to actually build something that did that?	13:43:00 7	Q. Well, no. You'd have the other resources that a
13:40:09 8	A. Well, yeah. Let me we're still on	13:43:02 8	person of ordinary skill would have at the time.
13:40:11 9	Q. Okay. Keep going.	13:43:09 9	A. And it's not clear to me that there would not
13:40:1210	A I think I have output means is right because I	13:43:1110	necessarily have to be some creativity in getting everything
13:40:1411	think that	13:43:1611	to work. I mean, let's face it. If building things was so
13:40:1512	Q. No, you're right.	13:43:2212	easy, we'd have a lot more engineers in the world and probably
13:40:1613	A we did random access.	13:43:2513	a lot better design systems around us. What I'm trying to
13:40:1814	Okay. So, output means. So, again, looking at	13:43:3214	what I'm trying to say here is, I don't think that if one had
13:40:2415	Walter, we see that the central data station does provide a	13:43:3615	all of these units in a box, legal box, one could just pull
13:40:3216	mechanism by which the stored video in the memory modules,	13:43:4016	them out and interconnect and in the course of an afternoon be
13:40:3817	which are not random access, can be transmitted from the	13:43:4317	done.
13:40:4118	central data station to the data receiving station.	13:43:4318	Q. No
13:40:4619	Q. Okay. And that can be done faster than real-time so	13:43:4319	A. And then say, "Well, okay. So, I also have to do a
13:40:4820	that you're compressed representation would have an associated	13:43:4620	compression means and a random access storage means."
13:40:5221	time period shorter than the time period associated with	13:43:4921	I think that it would you know, it would
13:40:5622	real-time representation, right?	13:43:5122	require some work. This is a nontrivial operation. And it
13:40:5723	A. That's what Walter Walter tells us that we have 31	13:43:5523	may require some some unique design elements which, you
13:41:0024	seconds to get a two-hour movie.	13:43:5724	know, I don't think I could foresee, given the ten minutes

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	Page 186		Page 188
			O (Du Ma Stanhana) Why Dr Hamami da yay baliaya
13:44:02 1	Q. So, there's nothing you could point to that you would	13:45:51 1	Q. (By Mr. Stephens) why, Dr. Hemann, do you believe
13:44:05 2	say, "Ah, I see a problem here that, you know, really takes	13:45:55 2	factor than real time?
13:44:08 3	something from the disclosure in Lang to solve ?	12.45.50 3	A So I read Allen Gercho's evaluation and I believe
13:44:11 4	A. Well, I don't see anything immediately, but my	13:45:59 4	A. So, I read Alleh Gersho's explanation, and I believe
13:44:16 5	experience, which I don't think is unique, is that sometimes	12.46.09 6	$\Omega$ So you believe that it has a hundred subband
13:44:19 6	we get we have to get into a problem a little bit to fully	12.46.00 7	decoders: is that right?
13:44:24 /	understand that what the issues are more often then not	12.46.11 9	A I believe that Mr. Kramer did not necessarily
13:44:28 8	experience, the issue that arise are more often than not not	13:40:11 8	A. Toeneve that Mr. Kramer did not necessarily
13:44:32 9	the ones that were anticipated at the beginning of a design	13.46.2010	decoders in the figures and that he believed that he needed a
13:44:3610	process.	13.46.2611	large number of subband decoders for the implementation
13:44:3/11	Q. And sometimes you don't find that so you it'y and	13.46.2012	O But he doesn't anywhere disclose a large number of
13:44:3812	A That's right	13.46.3313	subband decoders right?
13:44:3913	A. mats right. mats right.	13.46.3414	A He mentions a hundred
13:44:4114	Q. Okay. But stung here now, you can't identify	13.46.3515	O No he does not anywhere. If you can identify it.
13:44:4315	A Cortainly not in the short time period, you know	13.46.3916	tell me
13:44:4410	A. Certainly not in the short time period, you know.	13.46.3917	A The number 100 is in the specification.
12.44.4010	This sure that on the plane something will smack the upside the	13.46.4118	O Yeah It says that that and I'll read it to
13:44:4910	A Okay New I'd like to move on a little bit since we	13.46.4419	you Bear with me one moment here. Dig through this stack of
12:44:5119	den't have much time and there's a whole lot more in your	13.47.0320	napers here
12.44.5320	dealerations. Now, one thing I noticed in your declarations	13.47.0421	A You're going to find your lost exhibit tags.
12.45.0122	is that you don't anywhere say that Kramer fails to disclose	13:47:2722	O. I know.
12.45.0523	transmitting audio data faster than real-time. Is that right?	13:47:2823	It says: "This output will be at a speed much
13.45.0924	Is that your recollection?	13:47:2924	faster, at least 100 times, than that required for actual
13.45.1225	A I have not made that statement but I firmly believe	13:47:3325	sound reproduction." Okay. And then later it says that "the
	· · · · · · · · · · · · · · · · · · ·		
	$D_{2} = 0.7$		Dage 189
	Page 187		Page 189
13:45:15 1	Page 187 that to be true.	13:47:39 1	Page 189 decoder can read the data at the required slower reproduction
13:45:15 1 13:45:17 2	Page 187 that to be true. Q. Okay. And why do you believe that?	13:47:39 1 13:47:44 2	Page 189 decoder can read the data at the required slower reproduction rate by taking, for example, only one out of every 100 bits of
13:45:15 1 13:45:17 2 13:45:20 3	Page 187 that to be true. Q. Okay. And why do you believe that? MR. PAYNE: Hold on a second. You're outside	13:47:39 1 13:47:44 2 13:47:48 3	Page 189 decoder can read the data at the required slower reproduction rate by taking, for example, only one out of every 100 bits of information presented to it at a time."
13:45:15 1 13:45:17 2 13:45:20 3 13:45:21 4	Page 187 that to be true. Q. Okay. And why do you believe that? MR. PAYNE: Hold on a second. You're outside the scope of the declaration by your own admission.	13:47:39 1 13:47:44 2 13:47:48 3 13:47:50 4	Page 189 decoder can read the data at the required slower reproduction rate by taking, for example, only one out of every 100 bits of information presented to it at a time." Those are the only two times that the number 100
13:45:15 1 13:45:17 2 13:45:20 3 13:45:21 4 13:45:25 5	Page 187 that to be true. Q. Okay. And why do you believe that? MR. PAYNE: Hold on a second. You're outside the scope of the declaration by your own admission. MR. STEPHENS: She opined about Kramer. If	13:47:39 1 13:47:44 2 13:47:48 3 13:47:50 4 13:47:54 5	Page 189 decoder can read the data at the required slower reproduction rate by taking, for example, only one out of every 100 bits of information presented to it at a time." Those are the only two times that the number 100 appears with respect to the transmission of data; and there
13:45:15 1 13:45:17 2 13:45:20 3 13:45:21 4 13:45:25 5 13:45:27 6	Page 187 that to be true. Q. Okay. And why do you believe that? MR. PAYNE: Hold on a second. You're outside the scope of the declaration by your own admission. MR. STEPHENS: She opined about Kramer. If you're going to direct her not to answer questions about	13:47:39 1 13:47:44 2 13:47:48 3 13:47:50 4 13:47:54 5 13:47:59 6	Page 189 decoder can read the data at the required slower reproduction rate by taking, for example, only one out of every 100 bits of information presented to it at a time." Those are the only two times that the number 100 appears with respect to the transmission of data; and there are only four decoders, subband decoders shown.
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13:45:15 1 13:45:17 2 13:45:20 3 13:45:21 4 13:45:25 5 13:45:27 6 13:45:32 8 13:45:32 9 13:45:32 9 13:45:3510 13:45:3711 13:45:3812 13:45:3913 13:45:4114 13:45:4115 13:45:4116 13:45:4217 13:45:4219 13:45:4220	Page 187 that to be true. Q. Okay. And why do you believe that? MR. PAYNE: Hold on a second. You're outside the scope of the declaration by your own admission. MR. STEPHENS: She opined about Kramer. If you're going to direct her not to answer questions about Kramer, you go right ahead. Are you going to do that? MR. PAYNE: That question, she's not going to answer. Your by your own admission, you're beyond the scope of the declaration. MR. STEPHENS: That is her the scope of her declaration includes Kramer which she admits she's studied. If you're going to you're directing her not to answer? MR. PAYNE: I tell you what, if you're going to MR. STEPHENS: Les, this is simple. Are you going to MR. PAYNE: Go ahead. MR. STEPHENS: Okay. Then I'm going to go	13:47:39 1 $13:47:44 2$ $13:47:48 3$ $13:47:50 4$ $13:47:59 6$ $13:48:04 7$ $13:48:05 8$ $13:48:09 9$ $13:48:05 8$ $13:48:1511$ $13:48:1512$ $13:48:1512$ $13:48:2713$ $13:48:3214$ $13:48:3214$ $13:48:3717$ $13:48:3717$ $13:48:3918$ $13:48:4419$ $13:49:2120$	Page 189 decoder can read the data at the required slower reproduction rate by taking, for example, only one out of every 100 bits of information presented to it at a time." Those are the only two times that the number 100 appears with respect to the transmission of data; and there are only four decoders, subband decoders shown. A. Yes. Q. So, when it says: "This output will be at a speed much faster than that required for actual sound reproduction, it's your testimony that that's just wrong; is that right? A. Yes. Q. Okay. Now, in Kepley, Kepley also discloses sending voicemail messages faster than real-time, right? A. Can I can I have a copy of Kepley, please? Q. Yeah. Here's Exhibit 250. (Exh.250 marked) MR. STEPHENS: Do you have that, Les? MR. PAYNE: Yes. Thanks. Objection to form. Q. (By Mr. Stephens) And you'll see in here in the summary invention in Column 2, line 63, it says that the
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13:49:35 1	MR. STEPHENS: Column 2, line 63.	13:52:11 1	rate interface, ISDN connection, right?	
13:49:38 2	A. Yes.	13:52:15 2	MR. PAYNE: Objection, form.	
13:49:38 3	Q. (By Mr. Stephens) It talking about transferring a	13:52:16 3	A. No, I don't think that's correct.	
13:49:40 4	data file containing voicemail messages, right?	13:52:18 4	Q. (By Mr. Stephens) It was 64 kilobits per second, you	
13:49:44 5	A. It's not clear to me that single data file has	13:52:20 5 testified earlier?		
13:49:48 6	messages, but	13:52:21 6 A. The D channel was 64 kilobit per second.		
13:49:48 7	Q. Well, it says the "message transfer capability	13:52:24 7	Q. Okay.	
13:49:51 8	includes the transmission of an in-depth header, containing	13:52:24 8	A. But the D channel is a signaling channel for use by	
13:49:55 9	for example the name of the message and the telephone	13:52:28 9	the provider, and those D channels, both in basic rate	
13:49:5710	number of the message sender and the message recipient, along	13:52:3310	interface and in primary RAM interface, regardless of the	
13:50:0111	with the recorded message."	13:52:3611	D channel bandwidth, did provide the capability for a data	
13:50:0212	A. Right. So, I think that's a single message.	13:52:4212	link. So, essentially the provider in this case, AT&T, could	
13:50:0513	Q. Okay. I see. I I understand. Then it says, the	13:52:4813	steal some of their signaling bandwidth for a data capability;	
13:50:0814	"intermessage service system communication efficiently uses	13:52:5214	but the default rate of that data capability was 9.6 kilobits	
13:50:1315	transmission capacity by performing the message transfer as a	13:53:0015	per second.	
13:50:1516	computer-to-computer data file transfer over high speed data	13:53:0116	Q. In basic rate.	
13:50:2017	lines which provides error correction capability." Then it	13:53:0317	A. In both.	
13:50:2318	says: "If a wideband transmission facility is available, this	13:53:0318	Q. Okay. And is it your testimony that the document you	
13:50:2819	computer data file transmission can be executed faster than a	13:53:0719	cited in connection with your declaration says that about	
13:50:3120	realtime voice message transmission."	13:53:0920	both?	
13:50:3521	A. Yes.	13:53:0921	A. Yes.	
13:50:3522	Q. Right?	13:53:1122	Q. Okay. That specific portion that you cited also says	
13:50:3623	Now, that explicitly describes sending a	13:53:1423	that the default profile includes rate negotiation, right?	
13:50:3824	voicemail message in less time than it takes to listen to it,	13:53:1924	A. Now, for that, I would like to see the document.	
13:50:4125	right?	13:53:2225	Q. Okay. Bear with me a second.	
	Page 191		Page 193	
13:50:41 1	A. I think it gives a hypothetical. If a wideband	13:54:32 1	Well, rather than search through my documents	
13:50:46 2	transmission facility is available, then this is possible.	13:54:35 2	which I've had trouble having well organized because of the	
13:50:49 3	Q. Okay. So so, it does suggest doing it, right?	13:54:38 3	weekend, would you agree that if and I'm asking you to	
13:50:54 4	A. I guess if that's a suggestion, then yes. It	13:54:41 4	assume for the moment that it does the basic profile in the	
13:50:58 5	certainly poses a hypothetical that if A, then B.	13:54:44 5	document you cited specifies the rate negotiation is a part of	
13:51:01 6	Q. Now, AT&T is the assignee of this patent, right?	13:54:46 6	the profile, that you would not be limited to the 9600 bits	
13:51:06 7	A. Yes.	13:54:52 7	per second in the D channel that you described in your	
13:51:07 8	Q. And AT&T was in the business of providing wideband	13:54:55 8	declaration?	
13:51:10 9	transmission facilities at the time, right?	13:54:55 9	A. So, I don't know what the rate negotiation what	
13:51:1310	A. So, providing to who? What can you	13:54:5910	that refers to; and I would I would prefer to go read some	
13:51:1911	Q. To business customers.	13:55:0411	of the standards documents in greater detail to understand	
13:51:2012	A. And how are you defining wideband?	13:55:0712	exactly what that refers to.	
13:51:2513	Q. Lots of bits per second.	13:55:0913	Q. Okay. But so, sitting here now, you don't know	
13:51:3114	A. So, wideband actually has some meaning which did	13:55:1114	whether you, in fact, would be limited in that default profile	
13:51:3815	refer to some things and didn't refer to others. So, that's	13:55:1415	to 9600 bits per second?	
13:51:4016	why I asked what wideband is.	13:55:1616	A. The default profile is 9600 bits per second, and	
13:51:4317	Q. Okay. Well, let's assume for the moment that it	13:55:2017	Kepley teaches us to use an LAPD profile and gives us gives	
13:51:4518	means a primary rate interface ISDN connection.	13:55:2518	me no reason to believe that there should be any deviation	
13:51:5019	A. Okay.	13:55:2919	from that.	
13:51:5120	Q. Now, a primary rate interface ISDN connection had	13:55:3020	Q. Well, he does give you reason to believe it because	
13:51:5521	enough capacity to send the compressed voice message described	13:55:3221	he says that the transmission is faster than real-time; and	
13:52:0122	in the portion we were just reading faster than real-time,	13:55:3522	according to you, that means it has to be more than 9600 bits	
13:52:0523	right?	13:55:3923	per second, right?	
13:52:0624	A. Yes.	13:55:3924	A. He didn't say it was faster than real-time. He says,	
13:52:0725	Q. And that's also true for the D channel of the primary	13:55:4125	if a wideband transmission facility is available, it can be	

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13:55:46 1	executed faster than real-time. And, in fact, I I believe,	13:58:32 1	various message formats."	
13:55:53 2	in reading the specification and trying to understand it, that	13:58:36 2	A. Yeah, but I think he has what I'm looking for is	
13:56:00 3	it was not an accident that 9.6 was mentioned in Column 13	13:58:40 3	the part in the specification where he describes the the	
13:56:06 4	because I think that we we all agree that Kepley refers to	13:58:46 4	protocols which I think is is done quite nicely. I	
13:56:14 5	compression of speech to 16 kilobits per second. So,	13:58:52 5 MR. PAYNE: Garland, we're going to have to		
13:56:18 6	certainly this 9.6 is a little bit of a strange number to show	13:58:54 6	it up here.	
13:56:23 7	up here in Column 13.	13:58:55 7	MR. STEPHENS: All right.	
13:56:25 8	O. Unless the silence compression actually worked to	13:58:56 8	A. Just give me	
13:56:28 9	reduce the 16 to 9.6 rather than not working at all as you	13:58:59 9	O. (By Mr. Stephens) Well, let me just withdraw the	
13:56:3210	claim correct?	13:59:0110	question because I don't want to waste the last two minutes on	
13:56:3311	A I do not believe that the silence compression would	13:59:0411	searching through the specifications since we clearly don't	
13.56.3612	reduce the data rate from 16 to 9.6.	13:59:0712	have enough time that we need to.	
13.56.3913	O Now AT&T was the world leader in voice compression.	13:59:0813	A. Isn't it amazing how the material always disappears	
13.56.4514	you said at the time right?	13:59:1114	when you need it most?	
13.56.4715	A I did	13:59:1215	O The system in Kepley specifically used UUCP to	
13.56.4816	$\Omega$ And the some of the documents that you cited as	13:59:1516	transfer the voice messages, right?	
12.56.5117	2. This are - some of the documents that you once as	13:59:1817	A Yeah we see UUCP as one of the headers in Figure 6.	
12.56.5410	studies right?	13.59.2118	O Okay Now the fact that there is a protocol header	
13:50:5410	A Indeed they were That's why I falt very comfortable	13.59.2519	suggests that the message format could be used for different	
13:50:5519	A. Indeed they were. That's why I felt very connortable	13.59.2820	protocols right?	
13:56:5720	O Olay So AT&T would have known whether silence	13.59.3121	A I guess I'm not sure I understand your question	
13:50:5921	Q. Okay. So, A1&1 would have known whether shence	12.59.3422	O Well you wouldn't need to specify the protocol in	
13:57:0122	A I do believe that there were recrule there who would	12.59.3722	the message unless you sometimes used other protocols right?	
13:57:0423	A. I do beneve that there were people there who would	13.59.4324	MR PAYNE: Objection form	
13:57:0024	O Okay	13.59.4425	9:4324 MR. PATNE. Objection, John.	
13:57:0025	Q. UKay.		A. Fullink we die Iniseenintanieuting. A Fuebre	
	Dage 195		Page 197	
12 57 00 1	Page 195	12.50.51 1	Page 197	
13:57:09 1	Page 195 A. Whether Mr. Kepley was one of them or not does he	13:59:51 1	Page 197 believe that Kepley puts the protocol header I'm sorry, the I don't believe Kepley includes information about the	
13:57:09 1 13:57:11 2	Page 195 A. Whether Mr. Kepley was one of them or not does he have other inventors I don't know. I certainly don't know	13:59:51 1 13:59:55 2	Page 197 believe that Kepley puts the protocol header I'm sorry, the I don't believe Kepley includes information about the protocol in the message if I'm interpreting what you seled	
13:57:091 13:57:112 13:57:143	Page 195 A. Whether Mr. Kepley was one of them or not does he have other inventors I don't know. I certainly don't know any of these names in association with any of the speech coding work that I've som out of them	13:59:51 1 13:59:55 2 13:59:59 3	Page 197 believe that Kepley puts the protocol header I'm sorry, the I don't believe Kepley includes information about the protocol in the message, if I'm interpreting what you asked	
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	Page 198		Page 200
14:00:58 1	were designed.	14:03:31 1	THE VIDEOGRAPHER. Off the record at 2:03
14:00:58 2	O. What is your understanding?	2	(Deposition adjourned at 2:03 p m)
14:01:00 3	A. Well, protocols I think I have a nicer definition	3	(= -p
14:01:04 4	in in perhaps one of my declarations essentially allow	4	
14:01:11 5	reliable exchange of information.	5	
14:01:13 6	Q. Let me withdraw that question because	6	
14:01:15 7	MR. PAYNE: Yeah, we're going to have to wrap it	7	
14:01:17 8	up. It's 2:00. She's got to get to the airport.	8	
14:01:20 9	MR. STEPHENS: Okay. A couple more questions,	9	
14:01:2210	and then I'll stop.	10	
14:01:2411	Q. (By Mr. Stephens) So, UUCP, you testified before, was	11	
14:01:2812	Unix to Unix copy protocol right?	12	
14:01:3013	A. Yes.	13	
14:01:3014	Q. So, Kepley clearly discloses storing voice messages	14	
14:01:3915	as files on a disk system and transferring them using a	15	
14:01:4716	computer file transfer protocol, correct?	16	
14:01:5217	A. UUCP does mean Unix to Unix copy protocol, and we see	17	
14:01:5718	this protocol in the stack. So, in that they are using a	18	
14:02:0219	protocol that was designed for computer communication, that	19	
14:02:0620	that is correct.	20	
14:02:0821	Q. Okay.	21	
14:02:0922	MR. PAYNE: All right. Let's	22	
14:02:1123	MR. STEPHENS: One last question.	23	
14:02:1424	Q. (By Mr. Stephens) Now, in Figure 2, the database	24	
14:02:2125	processor interface, do you see that?	25	
	Page 199		Page 201
14.02.24 1	Page 199	1	Page 201 CHANGES AND SIGNATURE
14:02:24 1 14:02:25 2	Page 199 A. Item 290. O. Yeah	1	Page 201 CHANGES AND SIGNATURE PAGE LINE CHANGE REASON
14:02:24 1 14:02:25 2 14:02:26 3	Page 199 A. Item 290. Q. Yeah. A. Yeah	1 2 3	Page 201 CHANGES AND SIGNATURE PAGE LINE CHANGE REASON
14:02:24 1 14:02:25 2 14:02:26 3 14:02:27 4	Page 199 A. Item 290. Q. Yeah. A. Yeah. O. That is designed to be able to support simultaneous	1 2 3 4	Page 201 CHANGES AND SIGNATURE PAGE LINE CHANGE REASON
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Sheila Hememi - 9/4/07

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8	I declare under penalty of perjury that the				
9	foregoing is true and correct.				
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12	SHEILA HEMANI				
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1	STATE OF TEXAS				
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2	REPORTER'S CERTIFICATE	-			
4	in and for the State of Texas, do certify that this				
5	deposition transcript is a true record of the testimony				
6 7	given by the witness named herein, after said witness was duly sworn by me. The witness was requested to				
8	review the deposition				
9	I further certify that I am neither attorney or				
10	the action in which this testimony is taken and,				
12	further, that I am not a relative or employee of any				
13 14	counsel employed by the parties hereto or financially interested in the action.				
15	I further certify that the amount of time used by				
10	each party at the deposition is as follows:				
то	Mr. Garland T. Stephens - 04:42				
17					
18	office on this the day of day of				
20	-1, $5$ , $7$ , $6$ , $9$ , $9$ , $9$ , $9$ , $1$				
19	Nana Kichirdroff 200 1200				
20	Dana Richardson, CSR				
_	Texas CSR 5386				
22	Expiration: 12/31/07 Merrill Legal Solutions Firm No. 210				
23	315 Capitol, Suite 100				
<u>.</u>	Houston, Texas 77002				
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#### REPORTER'S CERTIFICATE

I, Dana Richardson, a Certified Shorthand Reporter in and for the State of Texas, do certify that this deposition transcript is a true record of the testimony given by the witness named herein, after said witness was duly sworn by me. The witness was requested to review the deposition.

I further certify that I am neither attorney or counsel for, related to, nor employed by any parties to the action in which this testimony is taken and, further, that I am not a relative or employee of any counsel employed by the parties hereto or financially interested in the action.

I further certify that the amount of time used by each party at the deposition is as follows:

SUBSCRIBED AND SWORN TO under my hand and seal of

Mr. Garland T. Stephens - 04:42

office on this the \_\_\_\_ day of September

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2007	Mana Richardson
	Dana Richardson, CSR
	Texas CSR 5386
	Expiration: 12/31/07

Expiration: 12/31/07 Merrill Legal Solutions, Firm No. 210 315 Capitol, Suite 100 Houston, Texas 77002 Phone (713) 426-0400 Fax (713) 426-0600

