EXHIBIT E1

		1	
	Page 146		Page 148
1	claim 1, it says, "providing a means for 13:22:57	1	not even sure it would ever read on the preferred 13:25:20
2	transmitting." If you accept for sake of argument 13:22:59	2	embodiment, and I don't I just don't think that's 13:25:23
3	for the moment that the seller is the one 13:23:04	3	the appropriate way that it it can't be that. 13:25:25
4	transmitting in the "whereby clause," you're not 13:23:06	4	Q. Well, what is it? So what I'm asking 13:25:28
5	saying those two things are inconsistent with each 13:23:08	5	you is, it says, comma, "and transmit." I read that 13:25:31
6	other? 13:23:10	6	to mean it's the third step third in a list of 13:25:33
7	A. I think 13:23:10	7	three things. You're saying it's not? 13:25:35
8	MR. BRANDON: Objection to form. 13:23:11	8	A. No. 13:25:37
9	A. — when you read the claim as a whole 13:23:12	9	Q. If it's not, what does comma, "and 13:25:38
10	and read what's taught in the specification about 13:23:14	10	transmit" modify? 13:25:40
11	the structure corresponding to the provided means 13:23:16	11	A. It - 13:25:42
12	for transmitting, it it's not directly under the 13:23:22	12	MR. BRANDON: Objection to form. 13:25:42
13	control of the seller. 13:23:25	13	Q. (BY MR. LUMISH) I think 13:25:43
14	Q. (BY MR. LUMISH) I didn't understand. 13:23:31	14	A. It it relates to the whereby. 13:25:44
15	Sorry. Let me let's go back to the "whereby 13:23:32	15	"Whereby the seller may select one or more of the 13:25:45
16	clause." It's your position in your testimony today 13:23:34	16	media venues." And I it's not the most artful 13:25:48
17	that it's not the seller that is transmitting the 13:23:36	17	English I've ever seen, but I'm the seller 13:25:51
18	presentation to the respective media venue? 13:23:38	18	doesn't create the presentation and the seller does 13:25:55
19	A. Only at at the most indirectly. The 13:23:40	19	not transmit the presentation, at least not 13:25:57
20	seller obviously picks the the venues that they 13:23:43	20	directly. I mean, ultimately, they have something 13:26:01
21	would like to have their advertisement or 13:23:47	21	to do with where they might hope that their 13:26:02
22	presentation be eligible to be sent to if possible. 13:23:51	22	presentation would go, but I I don't believe it's 13:26:04
23	I think something one of the language that's used 13:23:57	23	correct to construe a claim in a way that doesn't 13:26:08
24	in the specification is to target those venues. And 13:23:59	24	read on the preferred embodiment, for example. 13:26:10
25	if everything goes according to the seller's intent 13:24:05	25	Q. And your position is the preferred 13:26:12
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	Page 147		Page 149
1	and it can be done, then the ultimate presentation 13:24:08		
	and it can be done, then the didinate presentation 15.24.00	1	embodiment doesn't teach the seller creating the 13:26:14
2	will be transmitted. But I don't think the seller 13:24:12	1 2	advertisement and transmitting the advertisement? 13:26:19
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	will be transmitted. But I don't think the seller is directly under control of that as required by the claim. 13:24:16 Claim. 13:24:23 Q. I didn't ask about directly under 13:24:25 control. I'm just trying to understand if you think 13:24:26 the language in the "whereby clause" includes 13:24:29 identification of two things the seller does or 13:24:31 three things, whether it's a list that follows 13:24:34 "seller may." 13:24:37 A. Not not directly. That's the best 13:24:38 answer I can give you. 13:24:40 Q. Okay. It says and transmit in the 13:24:41 singular form. Do you see that? 13:24:48 Q. What do you think that word is 13:24:48 modifying, if not the "seller may"? 13:24:49 A. I think as I said, I think you can 13:24:51 naively read the language to imply or to to 13:24:57 and transmits. But when you read that "whereby clause" in the context of the limitations of 13:25:06 claim 1, which track that language, and when you 13:25:09	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Well, it says "presentation." I don't 13:26:21 have a problem with you substituting another word, but, yes, I think the answer to your question is, 13:26:26 yes, I don't think that. 13:26:28 Q. But your your construction says 13:26:29 "advertisements." Says, "customized 13:26:31 advertisements," which is why I used that. 13:26:33 A. I don't have a 13:26:35 A. Yeah, I don't have a problem with that, 13:26:36 but forgive me. I was reading the exact bold 13:26:38 language. And I I told you I don't have any 13:26:42 advertisement. But I don't think that the preferred embodiment has the seller create the advertisement, 13:26:45 embodiment has the seller create the advertisement, 13:26:52 language of the claim requires that the seller do 13:26:55 the present excuse me, transmit the presentation. 13:27:02 seller creating the advertisement and transmitting 13:27:04 it to the media venue, would your position be 13:27:07
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	will be transmitted. But I don't think the seller is directly under control of that as required by the claim. 13:24:16 Q. I didn't ask about directly under 13:24:25 control. I'm just trying to understand if you think the language in the "whereby clause" includes in 13:24:29 identification of two things the seller does or 13:24:31 three things, whether it's a list that follows 13:24:34 "seller may." 13:24:37 A. Not not directly. That's the best 13:24:38 answer I can give you. 13:24:40 Q. Okay. It says and transmit in the 13:24:41 singular form. Do you see that? 13:24:48 Q. What do you think that word is 13:24:48 Modifying, if not the "seller may"? 13:24:49 A. I think as I said, I think you can 13:24:51 naively read the language to imply or to to 13:24:57 and transmits. But when you read that "whereby clause" in the context of the limitations of 13:25:06 claim 1, which track that language, and when you read what's going on in the specification itself, 13:25:12	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. Well, it says "presentation." I don't 13:26:21 have a problem with you substituting another word, but, yes, I think the answer to your question is, 13:26:26 yes, I don't think that. 13:26:28 Q. But your your construction says 13:26:29 "advertisements." Says, "customized 13:26:31 advertisements." Says, "customized 13:26:33 A. I don't have a 13:26:35 A. Yeah, I don't have a problem with that, 13:26:36 but forgive me. I was reading the exact bold 13:26:38 language. And I I told you I don't have any problem with substituting presentation with 13:26:42 advertisement. But I don't think that the preferred embodiment has the seller create the advertisement, 13:26:49 and I don't think the preferred embodiment or the language of the claim requires that the seller do the present excuse me, transmit the presentation. 13:26:58 Q. If the specification did teach the 13:27:00 seller creating the advertisement and transmitting it to the media venue, would your position be 13:27:07 different, then?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	will be transmitted. But I don't think the seller is directly under control of that as required by the claim. 13:24:16 Claim. 13:24:23 Q. I didn't ask about directly under 13:24:25 control. I'm just trying to understand if you think 13:24:26 the language in the "whereby clause" includes 13:24:29 identification of two things the seller does or 13:24:31 three things, whether it's a list that follows 13:24:34 "seller may." 13:24:37 A. Not not directly. That's the best 13:24:38 answer I can give you. 13:24:40 Q. Okay. It says and transmit in the 13:24:41 singular form. Do you see that? 13:24:48 Q. What do you think that word is 13:24:48 modifying, if not the "seller may"? 13:24:49 A. I think as I said, I think you can 13:24:51 naively read the language to imply or to to 13:24:57 and transmits. But when you read that "whereby clause" in the context of the limitations of 13:25:06 claim 1, which track that language, and when you 13:25:09	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Well, it says "presentation." I don't 13:26:21 have a problem with you substituting another word, but, yes, I think the answer to your question is, 13:26:26 yes, I don't think that. 13:26:28 Q. But your your construction says 13:26:29 "advertisements." Says, "customized 13:26:31 advertisements," which is why I used that. 13:26:33 A. I don't have a 13:26:35 A. Yeah, I don't have a problem with that, 13:26:36 but forgive me. I was reading the exact bold 13:26:38 language. And I I told you I don't have any 13:26:41 problem with substituting presentation with 13:26:42 advertisement. But I don't think that the preferred 13:26:45 embodiment has the seller create the advertisement, 13:26:52 language of the claim requires that the seller do 13:26:55 Q. If the specification did teach the 13:27:02 seller creating the advertisement and transmitting 13:27:04 it to the media venue, would your position be 13:27:07

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	Page 150		Page 15.
1	A. That's a hypothetical. It I'd have 13:27:12	1	venues. 13:29:23
2	to see whether somebody believed that the 13:27:15	2	Q. (BY MR. LUMISH) Well, it says, "and 13:29:23
3	specification did that, and it might. 13:27:18	3	transmit," right? It doesn't just it doesn't say 13:29:24
4	Q. (BY MR. LUMISH) But your position, 13:27:19	4	transmitting in some generic sense. The claim item 13:29:2
5	then, is that because in your opinion the 13:27:20	5	says, "and transmit." 13:29:30
6	specification doesn't teach the seller selecting the 13:27:23	6	A. Oh, I mean, who could argue with that? 13:29:31
7	venues, creating the advertisements, and 13:27:26	7	That's exactly the two words that are included in 13:29:33
8	transmitting them, this claim language can't be read 13:27:28	8	the "whereby clause." 13:29:36
9	to mean that the seller does those three things? 13:27:31	9	Q. So what's the thing that's transmitting 13:29:37
10	MR. BRANDON: Objection to form. 13:27:34	10	in this claim language? 13:29:39
11	A. Yes. 13:27:35	11	A. In my opinion 13:29:40
12	Q. (BY MR. LUMISH) So let me ask my other 13:27:37	12	MR. BRANDON: Objection 13:29:42
13	question again, because I don't think we've really 13:27:38	13	Q. (BY MR. LUMISH) I'm not asking the 13:29:43
14	gotten to an answer of it. You've got comma "and 13:27:41	14	specification. I'm asking the language of the 13:29:45
15	transmit." I want to know what that "and transmit" 13:27:43	15	claim, which I don't think you've answered yet. 13:29:45
16	is referring to in this claim language. 13:27:46	16	A. It would be 13:29:45
17	A. That the presentation customized 13:27:48	17	Q. Is there something you can point me to 13:29:46
18	presentation, as I said on the right-hand side, to 13:27:53	18	in the "whereby clause" that's doing the 13:29:47
19	reflect the language of this preamble is transmitted 13:27:56	19	transmitting, other than the seller? 13:29:49
20	to as I believe it should be construed to each 13:27:59	20	A. Have you finished your question? 13:29:51
21	representative media venue for publication. But I 13:28:02	21	Q. Yes, sir. 13:29:52
22	don't believe that that should be limited to an act 13:28:04	22	A. It would be the means for transmitting. 13:29:53
23	done by the seller himself or herself. 13:28:08	23	Q. But it's a separate limitation in your 13:29:59
24	Q. Who is it 13:28:11	24	opinion? 13:30:01
25	A. Ultimately it has to be transmitted. 13:28:12	25	A. I don't know how to answer that 13:30:03
	Dana 151		Page 15'
1	Page 151 O. Who's it done by in the claim? 13:28:14	1	Page 15: question. 13:30:04
1 2	Q. Who's it done by in the claim? 13:28:14	1 2	question. 13:30:04
	Q. Who's it done by in the claim? 13:28:14	ı	question. 13:30:04 MR. BRANDON: Objection, form. 13:30:04
2	Q. Who's it done by in the claim? 13:28:14 A. It's done in my opinion, it's done by 13:28:15	2	question. 13:30:04 MR. BRANDON: Objection, form. 13:30:04 Q. (BY MR. LUMISH) So you're saying the 13:30:05
2	Q. Who's it done by in the claim? 13:28:14 A. It's done in my opinion, it's done by 13:28:15 software. 13:28:18	2	question. 13:30:04 MR. BRANDON: Objection, form. 13:30:04 Q. (BY MR. LUMISH) So you're saying the 13:30:05
2 3 4	Q. Who's it done by in the claim? 13:28:14 A. It's done in my opinion, it's done by 13:28:15 software. 13:28:18 Q. Any software? 13:28:18	2 3 4	question. 13:30:04 MR. BRANDON: Objection, form. 13:30:04 Q. (BY MR. LUMISH) So you're saying the 13:30:05 last part of the "whereby clause" is saying that the 13:30:06
2 3 4 5	 Q. Who's it done by in the claim? 13:28:14 A. It's done in my opinion, it's done by 13:28:15 software. 13:28:18 Q. Any software? 13:28:18 A. No. If you would like to look at where 13:28:19 	2 3 4 5	question. 13:30:04 MR. BRANDON: Objection, form. 13:30:04 Q. (BY MR. LUMISH) So you're saying the 13:30:05 last part of the "whereby clause" is saying that the 13:30:06 limitation before that's in your opinion 13:30:09
2 3 4 5 6	Q. Who's it done by in the claim? 13:28:14 A. It's done in my opinion, it's done by 13:28:15 software. 13:28:18 Q. Any software? 13:28:18 A. No. If you would like to look at where 13:28:19 I construed the means for transmitting in an earlier 13:28:21	2 3 4 5 6	question. 13:30:04 MR. BRANDON: Objection, form. 13:30:04 Q. (BY MR. LUMISH) So you're saying the 13:30:05 last part of the "whereby clause" is saying that the 13:30:06 limitation before that's in your opinion 13:30:09 disassociated is the thing that's transmitting? 13:30:13
2 3 4 5 6 7	Q. Who's it done by in the claim? 13:28:14 A. It's done in my opinion, it's done by 13:28:15 software. 13:28:18 Q. Any software? 13:28:18 A. No. If you would like to look at where 13:28:19 I construed the means for transmitting in an earlier 13:28:21 claim, I think it's in here. I think I identify the 13:28:26	2 3 4 5 6 7	question. 13:30:04 MR. BRANDON: Objection, form. 13:30:04 Q. (BY MR. LUMISH) So you're saying the 13:30:05 last part of the "whereby clause" is saying that the 13:30:06 limitation before that's in your opinion 13:30:09 disassociated is the thing that's transmitting? 13:30:13 A. Did you say 13:30:15
2 3 4 5 6 7 8	Q. Who's it done by in the claim? 13:28:14 A. It's done in my opinion, it's done by 13:28:15 software. 13:28:18 Q. Any software? 13:28:18 A. No. If you would like to look at where 13:28:19 I construed the means for transmitting in an earlier 13:28:21 claim, I think it's in here. I think I identify the 13:28:26 particular piece of the software. 13:28:30	2 3 4 5 6 7 8	question. 13:30:04 MR. BRANDON: Objection, form. 13:30:04 Q. (BY MR. LUMISH) So you're saying the 13:30:05 last part of the "whereby clause" is saying that the 13:30:06 limitation before that's in your opinion 13:30:09 disassociated is the thing that's transmitting? 13:30:13 A. Did you say 13:30:15 MR. BRANDON: Objection to the form. 13:30:16
2 3 4 5 6 7 8 9	Q. Who's it done by in the claim? 13:28:14 A. It's done in my opinion, it's done by 13:28:15 software. 13:28:18 Q. Any software? 13:28:18 A. No. If you would like to look at where 13:28:19 I construed the means for transmitting in an earlier 13:28:21 claim, I think it's in here. I think I identify the 13:28:26 particular piece of the software. 13:28:30 Q. Well, would you add so then are you 13:28:31	2 3 4 5 6 7 8 9	question. 13:30:04 MR. BRANDON: Objection, form. 13:30:04 Q. (BY MR. LUMISH) So you're saying the 13:30:05 last part of the "whereby clause" is saying that the 13:30:06 limitation before that's in your opinion 13:30:09 disassociated is the thing that's transmitting? 13:30:13 A. Did you say 13:30:15 MR. BRANDON: Objection to the form. 13:30:16 A. Did you say "disassociated"? 13:30:17
2 3 4 5 6 7 8 9	Q. Who's it done by in the claim? 13:28:14 A. It's done in my opinion, it's done by 13:28:15 software. 13:28:18 Q. Any software? 13:28:18 A. No. If you would like to look at where 13:28:19 I construed the means for transmitting in an earlier 13:28:21 claim, I think it's in here. I think I identify the 13:28:26 particular piece of the software. 13:28:30 Q. Well, would you add so then are you 13:28:31 saying the claim language should be read to say, 13:28:33	2 3 4 5 6 7 8 9	question. MR. BRANDON: Objection, form. 13:30:04 Q. (BY MR. LUMISH) So you're saying the 13:30:05 last part of the "whereby clause" is saying that the 13:30:06 limitation before that's in your opinion 13:30:09 disassociated is the thing that's transmitting? 13:30:13 A. Did you say 13:30:15 MR. BRANDON: Objection to the form. 13:30:16 A. Did you say "disassociated"? 13:30:17 Q. (BY MR. LUMISH) Disassociated. 13:30:19
2 3 4 5 6 7 8 9 10	Q. Who's it done by in the claim? 13:28:14 A. It's done in my opinion, it's done by 13:28:15 software. 13:28:18 Q. Any software? 13:28:18 A. No. If you would like to look at where 13:28:19 I construed the means for transmitting in an earlier 13:28:21 claim, I think it's in here. I think I identify the 13:28:26 particular piece of the software. 13:28:30 Q. Well, would you add so then are you 13:28:31 saying the claim language should be read to say, 13:28:33 "whereby software may select, create and transmit 13:28:35	2 3 4 5 6 7 8 9 10 11	question. MR. BRANDON: Objection, form. 13:30:04 Q. (BY MR. LUMISH) So you're saying the 13:30:05 last part of the "whereby clause" is saying that the 13:30:06 limitation before that's in your opinion 13:30:09 disassociated is the thing that's transmitting? 13:30:13 A. Did you say 13:30:15 MR. BRANDON: Objection to the form. 13:30:16 A. Did you say "disassociated"? 13:30:17 Q. (BY MR. LUMISH) Disassociated. 13:30:19 A. I don't even know how that would relate 13:30:20
2 3 4 5 6 7 8 9 10 11	Q. Who's it done by in the claim? 13:28:14 A. It's done in my opinion, it's done by 13:28:15 software. 13:28:18 Q. Any software? 13:28:18 A. No. If you would like to look at where 13:28:19 I construed the means for transmitting in an earlier 13:28:21 claim, I think it's in here. I think I identify the 13:28:26 particular piece of the software. 13:28:30 Q. Well, would you add so then are you 13:28:31 saying the claim language should be read to say, 13:28:33 "whereby software may select, create and transmit 13:28:35 the presentations"? 13:28:39	2 3 4 5 6 7 8 9 10 11	question. MR. BRANDON: Objection, form. 13:30:04 Q. (BY MR. LUMISH) So you're saying the 13:30:05 last part of the "whereby clause" is saying that the 13:30:06 limitation before that's in your opinion 13:30:09 disassociated is the thing that's transmitting? 13:30:13 A. Did you say 13:30:15 MR. BRANDON: Objection to the form. 13:30:16 A. Did you say "disassociated"? 13:30:17 Q. (BY MR. LUMISH) Disassociated. 13:30:20 to the claim. Have no way to answer that question. 13:30:23
2 3 4 5 6 7 8 9 10 11 12 13	Q. Who's it done by in the claim? 13:28:14 A. It's done in my opinion, it's done by 13:28:15 software. 13:28:18 Q. Any software? 13:28:18 A. No. If you would like to look at where 13:28:19 I construed the means for transmitting in an earlier 13:28:21 claim, I think it's in here. I think I identify the 13:28:26 particular piece of the software. 13:28:30 Q. Well, would you add so then are you 13:28:31 saying the claim language should be read to say, 13:28:33 "whereby software may select, create and transmit 13:28:35 the presentations"? 13:28:39 MR. BRANDON: Objection to form. 13:28:41	2 3 4 5 6 7 8 9 10 11 12 13	question. MR. BRANDON: Objection, form. 13:30:04 Q. (BY MR. LUMISH) So you're saying the 13:30:05 last part of the "whereby clause" is saying that the 13:30:06 limitation before that's in your opinion 13:30:09 disassociated is the thing that's transmitting? 13:30:13 A. Did you say 13:30:15 MR. BRANDON: Objection to the form. 13:30:16 A. Did you say "disassociated"? 13:30:17 Q. (BY MR. LUMISH) Disassociated. 13:30:20 to the claim. Have no way to answer that question. 13:30:23 I don't understand what you mean, "disassociated." 13:30:25
2 3 4 5 6 7 8 9 10 11 12 13 14	Q. Who's it done by in the claim? 13:28:14 A. It's done in my opinion, it's done by 13:28:15 software. 13:28:18 Q. Any software? 13:28:18 A. No. If you would like to look at where 13:28:19 I construed the means for transmitting in an earlier 13:28:21 claim, I think it's in here. I think I identify the 13:28:26 particular piece of the software. 13:28:30 Q. Well, would you add so then are you 13:28:31 saying the claim language should be read to say, 13:28:33 "whereby software may select, create and transmit 13:28:35 the presentations"? 13:28:49 MR. BRANDON: Objection to form. 13:28:42	2 3 4 5 6 7 8 9 10 11 12 13 14	question. MR. BRANDON: Objection, form. 13:30:04 Q. (BY MR. LUMISH) So you're saying the 13:30:05 last part of the "whereby clause" is saying that the 13:30:06 limitation before that's in your opinion 13:30:09 disassociated is the thing that's transmitting? 13:30:13 A. Did you say 13:30:15 MR. BRANDON: Objection to the form. 13:30:16 A. Did you say "disassociated"? 13:30:17 Q. (BY MR. LUMISH) Disassociated. 13:30:19 A. I don't even know how that would relate 13:30:20 to the claim. Have no way to answer that question. 13:30:23 I don't understand what you mean, "disassociated." 13:30:25 Q. Other than the means for transmitting, 13:30:28
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Who's it done by in the claim? 13:28:14 A. It's done in my opinion, it's done by 13:28:15 software. 13:28:18 Q. Any software? 13:28:18 A. No. If you would like to look at where 13:28:19 I construed the means for transmitting in an earlier 13:28:21 claim, I think it's in here. I think I identify the 13:28:26 particular piece of the software. 13:28:30 Q. Well, would you add so then are you 13:28:31 saying the claim language should be read to say, 13:28:33 "whereby software may select, create and transmit 13:28:35 the presentations"? 13:28:39 MR. BRANDON: Objection to form. 13:28:41 A. I don't think you need to say that, no. 13:28:42 I just I don't know how I can be more clear. 13:28:45	2 3 4 5 6 7 8 9 10 11 12 13 14 15	question. MR. BRANDON: Objection, form. 13:30:04 Q. (BY MR. LUMISH) So you're saying the 13:30:05 last part of the "whereby clause" is saying that the 13:30:06 limitation before that's in your opinion 13:30:09 disassociated is the thing that's transmitting? 13:30:13 A. Did you say 13:30:15 MR. BRANDON: Objection to the form. 13:30:16 A. Did you say "disassociated"? 13:30:17 Q. (BY MR. LUMISH) Disassociated. 13:30:19 A. I don't even know how that would relate 13:30:20 to the claim. Have no way to answer that question. 13:30:23 I don't understand what you mean, "disassociated." 13:30:28 Q. Other than the means for transmitting, 13:30:29
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Who's it done by in the claim? 13:28:14 A. It's done in my opinion, it's done by 13:28:15 software. 13:28:18 Q. Any software? 13:28:18 A. No. If you would like to look at where 13:28:19 I construed the means for transmitting in an earlier 13:28:21 claim, I think it's in here. I think I identify the 13:28:26 particular piece of the software. 13:28:30 Q. Well, would you add so then are you 13:28:31 saying the claim language should be read to say, 13:28:33 "whereby software may select, create and transmit 13:28:35 the presentations"? 13:28:39 MR. BRANDON: Objection to form. 13:28:41 A. I don't think you need to say that, no. 13:28:42 I just I don't know how I can be more clear. 13:28:49 the language of that limitation to construe it to 13:28:52	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	question. MR. BRANDON: Objection, form. 13:30:04 Q. (BY MR. LUMISH) So you're saying the 13:30:05 last part of the "whereby clause" is saying that the 13:30:06 limitation before that's in your opinion 13:30:09 disassociated is the thing that's transmitting? 13:30:13 A. Did you say 13:30:15 MR. BRANDON: Objection to the form. 13:30:16 A. Did you say "disassociated"? 13:30:17 Q. (BY MR. LUMISH) Disassociated. 13:30:19 A. I don't even know how that would relate 13:30:20 to the claim. Have no way to answer that question. 13:30:23 I don't understand what you mean, "disassociated." 13:30:28 can you point me to anything else in the claim 13:30:29 language claim language that you say is 13:30:29 transmitting, that's doing this transmit step at the 13:30:30
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Who's it done by in the claim? 13:28:14 A. It's done in my opinion, it's done by 13:28:15 software. 13:28:18 Q. Any software? 13:28:18 A. No. If you would like to look at where 13:28:19 I construed the means for transmitting in an earlier 13:28:21 claim, I think it's in here. I think I identify the 13:28:26 particular piece of the software. 13:28:30 Q. Well, would you add so then are you 13:28:31 saying the claim language should be read to say, 13:28:33 "whereby software may select, create and transmit 13:28:35 the presentations"? 13:28:39 MR. BRANDON: Objection to form. 13:28:41 A. I don't think you need to say that, no. 13:28:42 I just I don't know how I can be more clear. 13:28:45 I I can understand how someone would naively read 13:28:52 say that the seller must do A, B and C. But I know 13:28:55	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	question. MR. BRANDON: Objection, form. 13:30:04 Q. (BY MR. LUMISH) So you're saying the 13:30:05 last part of the "whereby clause" is saying that the 13:30:06 limitation before that's in your opinion 13:30:09 disassociated is the thing that's transmitting? 13:30:13 A. Did you say 13:30:15 MR. BRANDON: Objection to the form. 13:30:16 A. Did you say "disassociated"? 13:30:17 Q. (BY MR. LUMISH) Disassociated. 13:30:19 A. I don't even know how that would relate 13:30:20 to the claim. Have no way to answer that question. 13:30:25 Q. Other than the means for transmitting, 13:30:28 can you point me to anything else in the claim 13:30:29 language claim language that you say is 13:30:29 transmitting, that's doing this transmit step at the 13:30:30 bottom of the "whereby clause" shown in your page 13:30:34
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23 A. WOIL, 1 13.71.12 20 A. 1 doing and decrease decrease and a fact of the fact of th	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	before, but I believe there's just an extra 2, but 13:33:01 let me 13:33:04 Q. (BY MR. LUMISH) Top of page 14? 13:33:05 the fifth line, see for example. I think that 13:33:08 should just say 27 instead of 227. 13:33:11 Q. Yes. 13:33:14 A. Let me just confirm. Yes, just strike 13:33:15 the first 2. Let me continue to read, if you will. 13:33:25 Q. Sure. 13:33:29 (Witness Reviews Document.) 13:33:30 A. Okay. I'll stop with 43. If I need to 13:33:39 read any further, I'll let you know. But you had a question, actually, back on 42, so I'm up to speed. 13:33:44 Q. (BY MR. LUMISH) Sure. You say there further this is the very first line of 13:33:47 paragraph 42. Quote, "Further at 54:59 and 55:7, the '045 specification discloses that the operator provides this software and not any hardware," closed quote. How does that relate to the constructions 13:34:04	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	exemplary situation with all the ABCs and XYZs. And I 3:35:45 I pointed out to you that it for example, step 3 says, down at the bottom of page 13, "A computer operator XYZ installs the software on their 13:35:59 computer." That means that the the computer preexisted at XYZ. 13:36:10 Q. Why does that matter for whether there's 13:36:13 a means for inputting, whether the thing preexisted? 13:36:15 A. It's it's not provided, I think. The 13:36:18 hardware is not provided in in association with 13:36:23 the provision of the means for said media venues to input said guidelines and information. That kind of language. 13:36:34 Q. Well, the software preexisted before it 13:36:35 was installed, too, right? 13:36:37 A. It preexisted with the operator of the 13:36:38 invention, but it it was not installed and 13:36:40 configured at the XYZ site. It didn't exist there. 13:36:49 then, to say that it means providing these means from some source other than the XYZ seller and then providing it to that seller? 13:37:08
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	Page 158		Page 160
1	Q. (BY MR. LUMISH) Well, you seem to be 13:37:12	1	in charge of providing it. I simply am saying in 13:39:38
2	drawing some distinction about whether the 13:37:14	2	paragraph 42 that the specification in that example 13:39:42
3	provider the seller already has the software or 13:37:15	3	makes it clear that it is ABC which sends XYZ the 13:39:46
4	the hardware. I'm trying to understand it. Is it 13:37:18	4	necessary software to be installed on their 13:39:53
5	your position that the '045 patent claims require 13:37:21	5	computer. ABC does not provide the computer system 13:39:55
6	you to provide that software to XYZ from some third 13:37:24	6	that's associated with enabling the seller to input 13:40:00
7	party? 13:37:27	7	the information that they need to input to the 13:40:04
8	MR, BRANDON: Objection to form. 13:37:28	8	invention. 13:40:09
9	A. From ABC. Okay. Look at step 2. "ABC 13:37:29	9	Q. (BY MR. LUMISH) And you're saying that 13:40:10
10	sends XYZ the necessary software to be installed on 13:37:34	10	ABC has to provide that computer for it to be 13:40:11
11	their computer." 13:37:37	11	provided within the meaning of the claim language? 13:40:14
12	Q. (BY MR. LUMISH) Well, I'm asking about 13:37:38	12	MR. BRANDON: Objection to form. 13:40:16
13	the claim requirement, though. Is it your position, 13:37:39	13	A. I don't understand that question. I'm 13:40:17
14	then, providing of these means has to come from some 13:37:41	14	saying I think I'm saying exactly the opposite. 13:40:19
15	third party to the seller? 13:37:43	15	In that in this example, ABC does not provide the 13:40:23
16	MR. BRANDON: Objection to form. 13:37:45	16	computer. That's that's what I said. 13:40:26
17	A. I don't I don't know about the third 13:37:51	17	Q. (BY MR. LUMISH) Right. And I'm asking 13:40:27
18	party part of it, but I don't think the seller had 13:37:53	18	the the flip of that, which is: Are you saying 13:40:29
19	it in their possession before it was provided to 13:37:56	19	that for the computer to be the means in the claim 13:40:31
20	them in accordance with the claim. 13:37:58	20	language, it would have to have been provided by ABC 13:40:35
21	Q. (BY MR. LUMISH) Well, do you have an 13:37:59	21	in this example? 13:40:38
22	opinion or not that the in saying "providing" 13:38:00	22	A. I don't think I'm saying that. 13:40:39
23	means for said media venues to input guidelines and 13:38:04	23	MR. BRANDON: Objection, form. 13:40:40
24	information or "providing" means for the seller to 13:38:07	24	A. Yeah, I I don't think I'm even 13:40:41
25	input information, that those means have to be 13:38:09	25	addressing that point. 13:40:43
1	Page 159		Page 161
1	Page 159 provided by a third party to the seller or the media 13:38:13	1	Page 161 Q. (BY MR. LUMISH) There's no requirement 13:40:44
1 2	provided by a third party to the seller or the media 13:38:13	1 2	-
2	provided by a third party to the seller or the media 13:38:13 venues? 13:38:18	l	Q. (BY MR. LUMISH) There's no requirement 13:40:44
2	provided by a third party to the seller or the media 13:38:13 venues? 13:38:18 MR. BRANDON: Objection to form. 13:38:18	2	Q. (BY MR. LUMISH) There's no requirement 13:40:44 in the claims you buy the software from somebody 13:40:46
2 3 4	provided by a third party to the seller or the media venues? 13:38:18 MR. BRANDON: Objection to form. 13:38:18 A. Well, in paragraph 42, I'm only dealing 13:38:19	2	Q. (BY MR. LUMISH) There's no requirement in the claims you buy the software from somebody else, right? 13:40:46
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2 3 4 5 6	provided by a third party to the seller or the media 13:38:13 venues? 13:38:18 MR. BRANDON: Objection to form. 13:38:18 A. Well, in paragraph 42, I'm only dealing 13:38:19 with the seller. So I'm — I don't see how to 13:38:21 relate that discussion to the media venue. 13:38:24	2 3 4 5	Q. (BY MR. LUMISH) There's no requirement 13:40:44 in the claims you buy the software from somebody else, right? 13:40:48 A. I I don't 13:40:49 MR. BRANDON: Objection, form. 13:40:50
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	venues? 13:38:18 MR. BRANDON: Objection to form. 13:38:18 A. Well, in paragraph 42, I'm only dealing 13:38:19 with the seller. So I'm — I don't see how to 13:38:21 relate that discussion to the media venue. 13:38:24 Q. (BY MR. LUMISH) Well, you told me that 13:38:29 the sentence about the operator applies — 13:38:32 Q. Oh, I'm sorry, sir. I didn't mean to 13:38:33 interrupt you. I apologize. 13:38:35 A. I just consider my previous answer 13:38:36 incomplete. And so I would like — I can't really 13:38:38 strike it, but it's not complete. 13:38:40 Q. I apologize. 13:38:40 Q. I apologize. 13:38:40 A. And I don't remember what I was going to 13:38:43 say. So if you want to re-ask your last question, 13:38:44 I'll try to answer it completely. 13:38:46 back my question, please, and his partial answer to 13:38:47 see if he can remember what he wants to say. 13:38:59	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. (BY MR. LUMISH) There's no requirement in the claims you buy the software from somebody else, right? A. I I don't 13:40:49 MR. BRANDON: Objection, form. 13:40:50 A. I don't understand the context of that. 13:40:50 Q. (BY MR. LUMISH) Well, you're saying 13:40:53 that providing the software, ABC sends it to XYZ, so it's provided. Are you does that mean the claim 13:40:58 language requires you to you the seller or you the media venue, depending on which of these two terms we're hooking at, to to buy the software for from somebody else? 13:41:08 A. I don't say anything about buying at 13:41:09 all. 13:41:11 Q. You say you have to get it from somebody else? 13:41:13 A. I didn't say that. 13:41:13 Q. Does it say you have is there 13:41:14 anything about it that says you can't write it 13:41:15
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	Page 162		Page 164
1	provide means for said media venues to input said 13:41:29	1	provided software that's sent to them in this 13:43:46 example. And and that then is configured as 13:43:50
2	guidelines and information. That's in there's 13:41:33	2	Champion That Site that store to compare
3	actually two very similar languages — language, but 13:41:36	3	
4	I I think it it has to be provided. 13:41:40	4	Shorth in high case at your section at the section
5	And as I said in paragraph 42, the 13:41:43	5	1.94.4 20, 10 10 0.00 0.00 0.00 0.00 0.00 0.00 0
6	example in the specification of the '045 patent 13:41:45	6	naturally and the story and the story and the
7	discloses that the operator of the invention 13:41:48	7	7,0000011012077120
8	provides the software, whereas the hardware that 13:41:51	8	, 10 01.114 / 01.114
9	that software will be executed on is already in 13:41:54	9	Interface 4000, capital S, capital I, as shown in 13:44:17 figure 2c. That much I'll agree with. But you had 13:44:22
10	existence at XYZ. 13:41:58	10	most of that before. And the reason it was 13:44:25
11	Q. (BY MR. LUMISH) But that's 13:41:58	11	
12	A. That's all 13:42:00	12	mosposio, citas comparer, a.
13	Q. But that's 13:42:00	13	runded to the mean of the same
14	A I'm saying. 13:42:01	14	
15	Q. But that's what I'm trying to understand 13:42:02	15	
16	is why it matters at all if it's already in 13:42:03	16	Q. (BY MR. LUMISH) So are you saying 13:44:41 providing is synonymous with sent here? 13:44:42
17	existence. 13:42:06	17	
18	A. It's not provided, in order to establish 13:42:06	18	A. In the example, the way it's provided is 13:44:45 that ABC sends it the necessary software. That's 13:44:48
19	a means for said media venues to input said 13:42:10 quidelines and information. 13:42:12	19 20	just in the example. 13:44:51
20	galacinios and morning	21	Q. And providing doesn't mean to you the 13:44:52
21	Q. Because it preexisted? 13:42:14 MR. BRANDON: Objection to form, 13:42:17	22	combination, as you put it, of the software on the 13:44:55
22	,	23	hardware to create this interface described as 4000 13:44:58
23	A. The the hardware's there, but it 13:42:18 can't support the function of allowing the media 13:42:20	24	in figure 2c? 13:45:02
24	venues to input guidelines and information until the 13:42:26	25	A. Yes. 13:45:03
25	vertues to input guidelines and information until the 13.12.20		7. 700
	Page 163		Page 165
1	software that I've identified as being the required 13:42:31	1	MR. BRANDON: Objection, form. 13:45:03
2	software has been provided. 13:42:37	2	Q. (BY MR. LUMISH) It does not mean that; 13:45:04
3	Q. (BY MR. LUMISH) In paragraph in that 13:42:41	3	that's your position? 13:45:05
4	part 3 there that you read at the bottom of page 13 13:42:46	4	A. Yes. 13:45:06
5	of your report, paragraph 42 13:42:49	5	Q. So you say here the in the text of 13:45:34
6	A. Uh-huh. 13:42:49	6	'0 in paragraph 42 that you wrote before the 13:45:37
7	Q. — it says that the computer operator 13:42:51	7	quote, that the '045 discloses that the operator 13:45:39
8	installs the software on their computer, quote, 13:42:53	8	provides this software. That's not what it says, 13:45:42
9	"that then is configured as Seller Interface 4000," 13:42:56	9	right? It says ABC provides the software which is 13:45:45
10	closed quote. Why isn't it that the configuration 13:43:01	10	installed by an operator. 13:45:48
11	of the computer isn't the provision of the interface 13:43:04	11	MR. BRANDON: Objection to form. 13:45:50
12	in the form of the computer running the software? 13:43:06	12	A. That's a misunderstanding. And I I 13:45:51
13	MR. BRANDON: Objection to form. 13:43:09	13	read this last night or the day before, and I 13:45:54
14	A. Well, the claim doesn't say anything 13:43:10	14	thought that's not very clear. The operator there 13:45:57
15	about interface, does it? It just says that you 13:43:11	15	is ABC, okay, or a person at ABC. It's not the same 13:46:01
16	provide a means for the media venues to input said 13:43:15	16	computer operator at XYZ. And I I understand 13:46:06
17	guidelines and information. 13:43:18	17	your confusion, and it's poorly written. 13:46:10
18	Q. (BY MR. LUMISH) All right. Why isn't 13:43:19	18	Q. (BY MR. LUMISH) Where did you come up 13:46:12
19	the installation of the software and the 13:43:21	19	with the word "operator"? 13:46:13
20	configuration of the computer into the Seller 13:43:26	20	A, It's it's in the patent. They refer 13:46:14
21	Interface 4000 the providing of a means for the 13:43:29	21	to the operator of the invention. 13:46:16
22	seller to input information? 13:43:35	22	Q. Well, there's lots of operators in the 13:46:18
	AND DEASIDON, Objection to form 12:42:20	23	patent, right? 13:46:21
23	MR. BRANDON: Objection to form. 13:43:38	Į.	•
24	A. Well, if you read it, it says the - 13:43:39	24	A. Well, I agree with you that that's not 13:46:21
		Į.	•

		·	
	Page 166 about effectively ABC. 13:46:29	1	Page 168 place, entity or thing? 13:48:58
1		2	A. I I actually haven't construed for 13:48:59
2		3	the purposes of my report the entirety of the 13:49:01
3	A. The company or person that operates the 13:46:31 facilities that are associated in this example with 13:46:34	4	limitation. It's my understanding that the 13:49:03
4		5	disagreement between me and Function Media and you 13:49:07
5		6	and I — I gather your expert was on what the 13:49:10
6	Q. So are you reading claim 1, then, to say 13:46:43 that something called you call an operator of the 13:46:46	7	corresponding structure of that means was. And I 13:49:16
7	invention has to perform all of these providing 13:46:49	8	provided you my opinion on that part of that 13:49:18
8	steps, has to be the thing that provides A, B, C, D 13:46:51	9	limitation. 13:49:20
9	and E in claim 1? 13:46:56	10	Q. And for claim 5, you're not offering an 13:49:25
10		11	opinion today that there's any specific entity, 13:49:27
11		12	thing or person who has to provide the means for the 13:49:31
12	Q. All these 13:47:00 A. I haven't tried again, you've got to 13:47:00	13	said media venues to input said guidelines, either? 13:49:35
13	keep in mind that other than reading these disputed 13:47:03	14	A. I have not in any way tried to decide 13:49:38
14	terms in the context of the claim, the specification 13:47:05	15	as I say, I think that's an infringement issue that 13:49:43
15	and the other things that I identified for you, I 13:47:08	16	would be related to something that Function Media 13:49:45
16	have not tried to define what I think the full scope 13:47:11	17	would hope would be met by some aspect of your 13:49:50
17	of these claims would be, say, for an infringement 13:47:15	18	product or Google's product and your you and your 13:49:54
18	analysis. I haven't done that. I've looked at that 13:47:18	19	expert would probably, hopefully try to find a way 13:49:57
19	term, and I haven't made any decision in my mind as 13:47:21	20	to say that whatever it is it's not the same as what 13:50:00
20	to whether there's some limitation that the 13:47:24	21	we do. But I haven't gotten there yet. Okay. I'm 13:50:03
21 22	provision has to be made by a single entity or 13:47:27	22	just trying to identify the corresponding structure 13:50:07
23	whatever. Okay. I'm just citing this is just an 13:47:30	23	of that means to input. 13:50:09
24	example that shows and and the point that's 13:47:33	24	Q. Back at the top of page 12, please, on 13:50:12
25	being made here is that XYZ already had the 13:47:35	25	the means for the seller to input information, you 13:50:14
23	being made here is that XTZ already had the 2017/100		
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1	hardware. It wouldn't do the function of the means 13:47:39	1	change the claim language in the function to say, 13:50:17
2	to input guidelines and information. And it it 13:47:44	2	quote, "enabling a seller to input information." 13:50:20
3	was incapable of performing that until ABC sent it 13:47:48	3	The word "enabling" is not in the claim language. 13:50:23
4	the necessary software to be installed on their 13:47:52	4	You see that? 13:50:26
5	computer. That's the point I'm making. 13:47:54	5	A. Yes. And actually I think that I was 13:50:26
6	Q. When the claim says in step e, quote, 13:47:56	6	trying to adopt sort of in a spirit of camaraderie 13:50:30
7	"providing means for the seller to input 13:47:59	7	as much as the of the function proposed by Google 13:50:36
8	information," are you saying that is it your 13:48:02	8	and Yahoo! as I I could adopt. 13:50:39
9	position or not that the providing of that means has 13:48:05	9	Q. Okay. And you understand, though, it's 13:50:41
10	to come from somebody you call the operator or 13:48:08	10	describing here that it's the seller that inputs the 13:50:43
11	something you call the operator of the invention? 13:48:11	11	information, right? 13:50:45
11 12	something you call the operator of the invention? 13:48:11 A. I no, I don't read the limitations of 13:48:13	12	information, right? 13:50:45 A. I think you've asked me that numerous 13:50:45
	something you call the operator of the invention? 13:48:11 A. I - no, I don't read the limitations of 13:48:13 a claim to be the same as the disclosed examples or 13:48:17	12 13	information, right? 13:50:45 A. I think you've asked me that numerous 13:50:45 MR. BRANDON: Objection, form. 13:50:48
12 13 14	something you call the operator of the invention? 13:48:11 A. I no, I don't read the limitations of 13:48:13 a claim to be the same as the disclosed examples or 13:48:17 embodiments in the patent. 13:48:22	12 13 14	information, right? 13:50:45 A. I think you've asked me that numerous 13:50:45 MR. BRANDON: Objection, form. 13:50:48 A times. And I I continue to 13:50:50
12 13 14 15	something you call the operator of the invention? A. I no, I don't read the limitations of 13:48:13 a claim to be the same as the disclosed examples or 13:48:17 embodiments in the patent. 13:48:22 Q. Is there any limit on what entity or 13:48:24	12 13 14 15	information, right? 13:50:45 A. I think you've asked me that numerous 13:50:45 MR. BRANDON: Objection, form. 13:50:48 A times. And I I continue to 13:50:50 believe when it says "enabling a seller to input 13:50:52
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	Page 174		Page 176
1	is the right phrase. 13:56:21	1	A. By name, ten. 13:58:39
2	Q. I'm going to give you a hypothetical. 13:56:29	2	Q. Ten by name? 13:58:40
3	A. Okay. 13:56:31	3	A. These ten, check, check, check, check, 13:58:42
4	Q. I didn't want to hide it. 13:56:32	4	check. 13:58:43
5	A. I think it was your expert who said, 13:56:33	5	Q. Right. 13:58:44
6	"I'm not sure I have to answer a hypothetical," 13:56:36	6	A. Okay. 13:58:44
7	but 13:56:38	7	Q. Flowers.com, 1 through 10. 13:58:44
8		8	A, Uh-huh. 13:58:46
1	e na na mang.	9	Q. You with me so far? 13:58:46
9		10	A. I think. 13:58:48
10	2. 2.500 115 41151 117 117	11	Q. You're saying that the narrowing down 13:58:53
11		12	from a thousand to a hundred is selecting, and so is 13:58:54
12	Ψ, ————————————————————————————————————	13	the selection by name of the ten that she ultimately 13:58:59
13	wants to advertise her her product, her website, 13:56:48		advertises on? 13:59:02
14	and there's a thousand possible media venues to 13:56:55	14	
15	choose from. You with me so far? 13:57:01	15	
16	A. So far. 13:57:04	16	•
17	Q. Total universe is a thousand. 13:57:05	17	to you? 13:59:05
18	A. All right. 13:57:07	18	A. Oh, no, there's a there's a 13:59:06
19	Q. The advertisement, though, she is for 13:57:07	19	difference. 13:59:07
20	her flower shop. 13:57:12	20	Q. What's the difference? 13:59:07
21	A. Okay. 13:57:14	21	A. I think of it, at least in the 13:59:08
22	Q. If she wanted to narrow down that 13:57:22	22	vocabulary that I used in my patent, picking the ten 13:59:09
23	thousand to some smaller number so she didn't have 13:57:24	23	where you know the names of those venues is what I 13:59:13
24	to go through all thousand to try to pick the ones 13:57:26	24	thought of as a direct selection. But the 13:59:18
25	that she really wanted to use as her media venues, 13:57:29	25	winnowing, if you will, by saying "Texas" and and 13:59:22
1 2 3 4 5 6 7 8 9 10 11 12	couldn't she target those by entering demographics to get down to a hundred and still not have selected the specific media venues on which she wants to advertise? MR. BRANDON: Objection to form. 13:57:42 A. I would think of that as being as exactly being targeting, and it's a form of selection. It's not directly selecting specific venues, but if she said, "I only want to send my ads to people in Texas" Q. (BY MR. LUMISH) Well, let let me finish. Okay. So that was one step in the 13:57:32 13:57:47 13:57:59 13:57:59	1 2 3 4 5 6 7 8 9 10 11	sites that have a met a key word or something like that of flowers or relate to weddings or other things where she thinks she might be able to elicit a cross interest in in selling her flowers is a form of selection, as well. That's what I mean by indirect. She didn't say, "I want this place," but she said, "I want a set of places like this." Q. In the language of the patent, as you put it, would you agree that the winnowing down from 13:59:51 put it, would you agree that the winnowing down from 13:59:57 A. The reason that I used I think the word targeting is interesting interesting is that 14:00:03
13	hypothetical. Let's keep going. 13:58:03	13	there's no guarantee given issues like blocked URLs 14:00:08
14	A. Uh-huh. 13:58:03	14	and the fact that the media venue can basically say, 14:00:11
15	Q. So let me give you several steps, and 13:58:05	15	"I don't want that." Okay. They can reject it in 14:00:15
16	then I'll ask you a question. So she has a thousand 13:58:06	16	various ways that you're guaranteed that your ad 14:00:18
17	to start with. She didn't want to advertise on all 13:58:08	17	will ever show up on a particular even if you 14:00:22
18	thousand. She wants to target down to Texas and to 13:58:11	18	check one, you may not make it. And and I think 14:00:26
19	people that might be interested in flowers, to 13:58:13	19	
20	websites that are media venues that are about 13:58:16	20	·
21	flowers. Couldn't she enter "Texas," enter 13:58:18	21	that's the difference that I'm trying to imply. It 14:00:34
22	"flowers" in some way in the systems described in 13:58:26	22	•
23	the Function Media patents, and then get back a list 13:58:31	23	· · · · · · · · · · · · · · · · · · ·
24	of let's say 50 websites or 50 media venues from 13:58:33	24	
25	which she chooses 10 to advertise on? 13:58:38	25	a thousand to a hundred websites in the hypothetical 14:00:44
		1	

ı			B 400
	Page 178 I gave you would be consistent with the notion of 14:00:45		Page 180 Q. Okay. 14:03:03
1 1	2 gard / ad violate be believed to	1 2	Q. Okay. 14:03:03 A. And in a sense I think what you're doing 14:03:10
2	targeting of the patent? 14:00:47	3	is kind of what I referred to in on the next page 14:03:12
3	A. Either that or or selection. I don't 14:00:48 have any difference there. 14:00:50	4	of my report as as picking channels. 14:03:15
4		5	Q. Which page is that? 14:03:17
5	~ .	6	A. Those two two quotes where I 14:03:19
6	1.00 5.4	7	underlined at the top of page 18. 14:03:23
7		8	Q. But we already discussed the claims 14:03:28
8	notae, each to the analysis and analysis analysis and analysis analysis and analysis analysis and analysis analysis and analysis and analysis analy	9	don't use the word "channel," right? 14:03:30
9	their mac are made of the property and t	10	A. We did. That's a fact. 14:03:32
10		11	Q. I mean, the hypothetical I gave you, 14:03:42
11	,	12	would it also be consistent with the understanding 14:03:45
12	G. To the tipe meaning general and the tipe of the tip	13	of the patent to pick a channel such as, for 14:03:47
13		14	example, gardening a channel called gardening if 14:03:50
14	thousand and their provides and their	15	you were my my person who wanted to advertise her 14:03:53
15	hypothetically, do you think it's consistent with 14:01:31 the process taught in the Function Media patents? 14:01:34	16	flower website, and then find the 50 entries under 14:03:55
16	the process talegram and the process of the process	17	gardening and select individual sites on that or 14:04:00
17	14 2111110101111111111111111111111111111	18	individual media venues on that with which to 14:04:03
18	date and a new to be a new to the second	19	advertise? 14:04:05
19	to me diele mas come discussion of a tangle and	20	A. I would think the first step would be 14:04:06
20	comograpinos ana goography and any mare	21	like a channel, and the second one would be like 14:04:08
21	tookee at the apparent to provide a second	22	precise, direct implication of potential media 14:04:12
22	a while. So I I'm just not prepared to give you 14:01:52	23	venues where my ad might show up. 14:04:18
23	a hard answer on that one. 14:01:54	ļ.	MR. BRANDON: Now a good place for 14:04:27
24	Q. But as you sit here now, there's nothing 14:01:56	24 25	44.04.00
25	about the hypothetical that jumps out to you and 14:01:58	23	a 14:04:30
	Day 170		
	Page 179		Page 181
1	Page 179 says "Well, that's not the way the patent works" 14:02:01	1	Page 181 MR. LUMISH: Sure. 14:04:30
1	says, "Well, that's not the way the patent works" 14:02:01	1 2	
2	says, "Well, that's not the way the patent works" 14:02:01 "patents work"? 14:02:03	2	MR. LUMISH: Sure. 14:04:30
2 3	says, "Well, that's not the way the patent works" 14:02:01 "patents work"? 14:02:03 MR. BRANDON: Objection, form. 14:02:03	ı	MR. LUMISH: Sure. 14:04:30 MR. BRANDON: break? 14:04:31
2 3 4	says, "Well, that's not the way the patent works" - 14:02:01 "patents work"? 14:02:03 MR. BRANDON: Objection, form. 14:02:03 A. Well, okay, there's a difference between 14:02:04	2	MR. LUMISH: Sure. 14:04:30 MR. BRANDON: break? 14:04:31 THE VIDEOGRAPHER: Off the record, 14:04:31
2 3 4 5	says, "Well, that's not the way the patent works" - 14:02:01 "patents work"? 14:02:03 MR. BRANDON: Objection, form. 14:02:03 A. Well, okay, there's a difference between 14:02:04 your two questions. I don't remember the details of 14:02:06	2 3 4	MR. LUMISH: Sure. 14:04:30 MR. BRANDON: break? 14:04:31 THE VIDEOGRAPHER: Off the record, 14:04:31 2:04. 14:04:34
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	says, "Well, that's not the way the patent works" — 14:02:01 "patents work"? 14:02:03 MR. BRANDON: Objection, form. 14:02:04 your two questions. I don't remember the details of 14:02:06 how the patent and its discussion of preferred embodiments dealt with issues like geography or demographics or key words. It seems to me that it 14:02:19 does, but I — I think both of those are consistent with the concept of selecting media venues in the claims that we've been talking — talking about. 14:02:27 Q. (BY MR. LUMISH) That's a different — 14:02:31 different than what I'm asking you. I'm asking you 14:02:32 that as you understand the hypothetical in the Function Media patents, there's nothing you can point me to now that you think would say that that 14:02:39 hypothetical is inapplicable, given some text in the specification or something about the claim language 14:02:46 that you think makes it an inapplicable 14:02:51 A. I — I can't offer an opinion, really. 14:02:51 Either way. I don't — if you wish, I think I kind 14:02:53	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. LUMISH: Sure. MR. BRANDON: — break? THE VIDEOGRAPHER: Off the record, 14:04:31 2:04. (Recess Taken From 2:04 p.m. To 2:21 p.m.) THE VIDEOGRAPHER: Back on the record, 2:21. Q. (BY MR. LUMISH) Before we broke, sir, we were talking about the selection of media venues. I want to stay in that topic for a few moments longer. In the specification, if you look at column 4:20:59 41 of the '045 patent, please, starting at line 15 — you have 41, line 15 in front of you? A. Yeah. It looks like it's in the middle 14:21:21 of a sentence. Should I — Q. Well, let me — let me read the whole thing into the record, and we'll get back to that part. So actually starting at line 13, the specification reads, quote, "As an example, if the instance of the present invention were configured to support, quote, 'Sailboats For Sale,' closed quote, 14:21:39
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	says, "Well, that's not the way the patent works" — 14:02:03 MR. BRANDON: Objection, form. 14:02:03 A. Well, okay, there's a difference between 14:02:04 your two questions. I don't remember the details of how the patent and its discussion of preferred embodiments dealt with issues like geography or demographics or key words. It seems to me that it 14:02:19 does, but I — I think both of those are consistent with the concept of selecting media venues in the claims that we've been talking — talking about. 14:02:27 Q. (BY MR. LUMISH) That's a different — 14:02:31 different than what I'm asking you. I'm asking you 14:02:32 that as you understand the hypothetical in the Function Media patents, there's nothing you can point me to now that you think would say that that 14:02:39 hypothetical is inapplicable, given some text in the specification or something about the claim language 14:02:46 that you think makes it an inapplicable 14:02:51 A. I — I can't offer an opinion, really. 14:02:53 of remember generally where those kinds of processes 14:02:56	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. LUMISH: Sure. 14:04:30 MR. BRANDON: — break? 14:04:31 THE VIDEOGRAPHER: Off the record, 14:04:31 2:04. 14:04:34 (Recess Taken From 2:04 p.m. To 2:21 p.m.) 14:04:35 THE VIDEOGRAPHER: Back on the 14:20:46 record, 2:21. 14:20:49 Q. (BY MR. LUMISH) Before we broke, sir, 14:20:52 we were talking about the selection of media venues. 14:20:55 I want to stay in that topic for a few moments 14:20:55 longer. In the specification, if you look at column 14:20:59 41 of the '045 patent, please, starting at line 14:21:01 15 you have 41, line 15 in front of you? 14:21:05 A. Yeah. It looks like it's in the middle 14:21:21 of a sentence. Should I - 14:21:24 Q. Well, let me let me read the whole 14:21:26 thing into the record, and we'll get back to that 14:21:30 specification reads, quote, "As an example, if the instance of the present invention were configured to support, quote, 'Sailboats For Sale,' closed quote, 14:21:39 the Seller may be given the choice of three Internet 14:21:43
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	says, "Well, that's not the way the patent works" — 14:02:03 MR. BRANDON: Objection, form. 14:02:04 your two questions. I don't remember the details of how the patent and its discussion of preferred embodiments dealt with issues like geography or demographics or key words. It seems to me that it does, but I — I think both of those are consistent with the concept of selecting media venues in the claims that we've been talking — talking about. 14:02:27 Q. (BY MR. LUMISH) That's a different — 14:02:31 different than what I'm asking you. I'm asking you that as you understand the hypothetical in the Function Media patents, there's nothing you can point me to now that you think would say that that hypothetical is inapplicable, given some text in the specification or something about the claim language 14:02:46 that you think makes it an inapplicable 14:02:51 A. I — I can't offer an opinion, really. 14:02:53 of remember generally where those kinds of processes 14:02:56	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. LUMISH: Sure. MR. BRANDON: — break? THE VIDEOGRAPHER: Off the record, 14:04:31 2:04. (Recess Taken From 2:04 p.m. To 2:21 p.m.) THE VIDEOGRAPHER: Back on the record, 2:21. (BY MR. LUMISH) Before we broke, sir, we were talking about the selection of media venues. I want to stay in that topic for a few moments longer. In the specification, if you look at column 14:20:55 41 of the '045 patent, please, starting at line 14:21:01 15 you have 41, line 15 in front of you? A. Yeah. It looks like it's in the middle 14:21:21 of a sentence. Should I Q. Well, let me let me read the whole 14:21:24 Q. Well, let me let me read the whole 14:21:25 thing into the record, and we'll get back to that part. So actually starting at line 13, the specification reads, quote, "As an example, if the instance of the present invention were configured to support, quote, 'Sailboats For Sale,' closed quote, the Seller may be given the choice of three Internet Directories that specialize in boating-related goods 14:21:46

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	Page 182		Page 184
1	choose one or two or all of the media/means of 14:21:55	1	sentence, which is numbered paragraph 7 there, 14:25:19
2	communication in which to be represented, with all 14:21:58	2	beginning on line 13 of column 55 says, quote, "XYZ 14:25:22
3	presentations created by the Presentation and 14:22:01	3	management reviews available media and chooses The 14:25:26
4	Configuration Program." I left out the reference 14:22:06	4	DEF Sports Web, HIJ Basket Ball Magazine, and The 14:25:29
5	numerals. 14:22:08	5	KLM Newspaper Chain to advertise their schedule of 14:25:34
6	Do you agree with me that this 14:22:10	6	games," closed quote. 14:25:37
7	passage from the Function Media patents is 14:22:11	7	A. Yeah, I read that and thought this I 14:25:39
8	describing the selection by a seller of media 14:22:14	8	don't think I've ever seen "basket ball." That must 14:25:40
9	venues? 14:22:18	9	be a new sport to me. Okay. But, yes, I'm familiar 14:25:45
10	MR. BRANDON: Objection to form. 14:22:20	10	with that. 14:25:47
11	A. I don't have any reason to disagree with 14:22:37	11	Q. You understand this description here in 14:25:47
12	that right now. 14:22:39	12	the example to be XYZ as a seller selecting specific 14:25:49
13	Q. (BY MR. LUMISH) And in this 14:22:51	13	individual media venues? 14:25:55
14	description, it's identifying the selection of 14:22:52	14	A. Yes. 14:25:56
15	the media venues is the choosing of specific media 14:22:55	15	Q. And those are specifically the Sports 14:25:57
16	venues, right? It's not an indirect selection as 14:22:59	16	Web, DEF DEF, HIJ and KLM as entities, right? 14:25:58
17	you put it before? 14:23:02	17	A. Yes, that's what I I took that to 14:26:04
18	A. I think I think this this is an 14:23:12	18	mean. 14:26:06
19	example of where they're picking I would tend to 14:23:15	19	Q. Nothing in this example, and take your 14:26:12
20	use the word "classes," because it says that 14:23:19	20	time to read whatever you want for context, 14:26:14
21	they're like in printed magazines or Internet 14:23:22	21	describes the seller as selecting a category of 14:26:17
22	directories that specialize in boating-related goods 14:23:26	22	media venues, does it? 14:26:23
23	and services, it seems to me the only one where 14:23:29	23	A. Well, I that's a pretty broad 14:26:26
24	there's a specific selection would be if they 14:23:32	24	question, so let me nothing in that paragraph 7 14:26:28
25	selected a subscription-based CD-ROM, but they're 14:23:34	25	does. Do you want me to take time to read the rest 14:26:35
23	Selected a Subscription based ob North bat they re		
1		1	
	Page 183		Page 185
	Page 183 talking about three different types of media. 14:23:39	1	_
1 2	talking about three different types of media. 14:23:39	1 2	of it or 14:26:37
2	talking about three different types of media. 14:23:39 Q. All right. Well, let's look at the 14:23:47	2	of it or 14:26:37 Q. Yeah, whatever you need to do. I guess, 14:26:39
2	talking about three different types of media. 14:23:39 Q. All right. Well, let's look at the 14:23:47 the example we've looked at a few times, then, for 14:23:49	2 3	of it or 14:26:37 Q. Yeah, whatever you need to do. I guess, 14:26:39 my let me broaden my question a little bit, which 14:26:41
2 3 4	Q. All right. Well, let's look at the 14:23:47 the example we've looked at a few times, then, for the same reason. If you go to column 55, please 14:23:52	2 3 4	of it or 14:26:37 Q. Yeah, whatever you need to do. I guess, 14:26:39 my let me broaden my question a little bit, which 14:26:41 may make it worse for you. 14:26:45
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2 3 4 5 6 7 8	Q. All right. Well, let's look at the 14:23:47 the example we've looked at a few times, then, for 14:23:49 the same reason. If you go to column 55, please 14:23:52 A. Okay. All right. 14:23:55 Q. If you look at column 55, beginning at 14:24:10 line 8 going through 11 and 12 there excuse me, 14:24:15 let me start over again. 14:24:23	2 3 4 5 6 7 8	of it or Q. Yeah, whatever you need to do. I guess, my let me broaden my question a little bit, which may make it worse for you. But can you point me to anything in 14:26:47 the '045 patent specification where the selection by the seller of the Internet media venues is described to be the selection of a group or a channel or 14:26:57
2 3 4 5 6 7 8 9	A. Okay. All right. 14:23:55 Q. If you look at column 55, beginning at 14:24:10 line 8 going through 11 and 12 there excuse me, So in the '045 patent column 55, 14:24:25	2 3 4 5 6 7 8 9	Of it or Q. Yeah, whatever you need to do. I guess, my let me broaden my question a little bit, which may make it worse for you. But can you point me to anything in 14:26:47 the '045 patent specification where the selection by the seller of the Internet media venues is described to be the selection of a group or a channel or category, as opposed to specific media venues the 14:27:01
2 3 4 5 6 7 8 9	Q. All right. Well, let's look at the 14:23:47 the example we've looked at a few times, then, for 14:23:49 the same reason. If you go to column 55, please 14:23:52 A. Okay. All right. 14:23:55 Q. If you look at column 55, beginning at 14:24:10 line 8 going through 11 and 12 there excuse me, 14:24:15 let me start over again. 14:24:23 So in the '045 patent column 55, 14:24:25 beginning at line 8, it says, quote, "ABC currently 14:24:27	2 3 4 5 6 7 8 9	Q. Yeah, whatever you need to do. I guess, my let me broaden my question a little bit, which may make it worse for you. 14:26:45 But can you point me to anything in 14:26:47 the '045 patent specification where the selection by the seller of the Internet media venues is described to be the selection of a group or a channel or category, as opposed to specific media venues the way it's shown in column 55? 14:27:03
2 3 4 5 6 7 8 9 10	talking about three different types of media. Q. All right. Well, let's look at the 14:23:47 the example we've looked at a few times, then, for 14:23:49 the same reason. If you go to column 55, please 14:23:52 A. Okay. All right. 14:23:55 Q. If you look at column 55, beginning at 14:24:10 line 8 going through 11 and 12 there excuse me, 14:24:15 let me start over again. 14:24:23 So in the '045 patent column 55, 14:24:25 beginning at line 8, it says, quote, "ABC currently 14:24:27 represents 15 different Media venues within its 14:24:30	2 3 4 5 6 7 8 9 10	Of it or Q. Yeah, whatever you need to do. I guess, my let me broaden my question a little bit, which may make it worse for you. But can you point me to anything in 14:26:47 the '045 patent specification where the selection by the seller of the Internet media venues is described to be the selection of a group or a channel or category, as opposed to specific media venues the way it's shown in column 55? A. That's going 14:27:06
2 3 4 5 6 7 8 9 10 11 12	talking about three different types of media. Q. All right. Well, let's look at the 14:23:47 the example we've looked at a few times, then, for the same reason. If you go to column 55, please 14:23:52 A. Okay. All right. 14:23:55 Q. If you look at column 55, beginning at 14:24:10 line 8 going through 11 and 12 there excuse me, let me start over again. 14:24:23 So in the '045 patent column 55, 14:24:25 beginning at line 8, it says, quote, "ABC currently represents 15 different Media venues within its 14:24:30 instance of the present invention. Information such 14:24:33	2 3 4 5 6 7 8 9 10 11 12	of it or Q. Yeah, whatever you need to do. I guess, my let me broaden my question a little bit, which may make it worse for you. But can you point me to anything in 14:26:47 the '045 patent specification where the selection by the seller of the Internet media venues is described to be the selection of a group or a channel or category, as opposed to specific media venues the way it's shown in column 55? A. That's going - 14:27:06 MR. BRANDON: Objection to form. 14:26:39
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2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. All right. Well, let's look at the 14:23:47 the example we've looked at a few times, then, for 14:23:49 the same reason. If you go to column 55, please 14:23:52 A. Okay. All right. 14:23:55 Q. If you look at column 55, beginning at 14:24:10 line 8 going through 11 and 12 there excuse me, 14:24:15 let me start over again. 14:24:23 So in the '045 patent column 55, 14:24:25 beginning at line 8, it says, quote, "ABC currently 14:24:27 represents 15 different Media venues within its 14:24:30 instance of the present invention. Information such 14:24:33 as distribution, users or viewers, price, content, 14:24:36 restrictions, et cetera, about each Media venue is 14:24:41 available for review by the XYZ management," closed 14:24:44	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Yeah, whatever you need to do. I guess, my let me broaden my question a little bit, which may make it worse for you. 14:26:45 But can you point me to anything in 14:26:47 the '045 patent specification where the selection by the seller of the Internet media venues is described to be the selection of a group or a channel or category, as opposed to specific media venues the way it's shown in column 55? 14:27:03 A. That's going - 14:27:06 MR. BRANDON: Objection to form. 14:27:06 A. Yeah, that's going to make it much 14:27:07 worse. I'm not going to be able to answer that question without essentially rereading the entire 14:27:11
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	All right. Well, let's look at the 14:23:47 the example we've looked at a few times, then, for the same reason. If you go to column 55, please 14:23:52 A. Okay. All right. 14:23:55 Q. If you look at column 55, beginning at 14:24:10 line 8 going through 11 and 12 there excuse me, 14:24:15 let me start over again. 14:24:23 So in the '045 patent column 55, 14:24:25 beginning at line 8, it says, quote, "ABC currently represents 15 different Media venues within its instance of the present invention. Information such 14:24:33 as distribution, users or viewers, price, content, 14:24:36 restrictions, et cetera, about each Media venue is available for review by the XYZ management," closed 14:24:44 quote. 14:24:48	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Of it or Q. Yeah, whatever you need to do. I guess, my let me broaden my question a little bit, which may make it worse for you. But can you point me to anything in 14:26:47 the '045 patent specification where the selection by the seller of the Internet media venues is described to be the selection of a group or a channel or category, as opposed to specific media venues the way it's shown in column 55? A. That's going - 14:27:06 MR. BRANDON: Objection to form. A. Yeah, that's going to make it much 14:27:07 worse. I'm not going to be able to answer that question without essentially rereading the entire 14:27:11 specification.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	talking about three different types of media. Q. All right. Well, let's look at the 14:23:47 the example we've looked at a few times, then, for the same reason. If you go to column 55, please 14:23:52 A. Okay. All right. 14:23:55 Q. If you look at column 55, beginning at let 24:10 line 8 going through 11 and 12 there excuse me, let me start over again. 14:24:23 So in the '045 patent column 55, let 24:25 beginning at line 8, it says, quote, "ABC currently represents 15 different Media venues within its let 24:30 instance of the present invention. Information such as distribution, users or viewers, price, content, restrictions, et cetera, about each Media venue is let 24:41 available for review by the XYZ management," closed quote. Do you understand this passage in 14:24:49 the specification to mean that the sellers, XYZ 14:24:52	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Of it or Q. Yeah, whatever you need to do. I guess, my let me broaden my question a little bit, which may make it worse for you. But can you point me to anything in 14:26:47 the '045 patent specification where the selection by the seller of the Internet media venues is described to be the selection of a group or a channel or category, as opposed to specific media venues the way it's shown in column 55? A. That's going - 14:27:06 MR. BRANDON: Objection to form. 14:27:07 worse. I'm not going to be able to answer that question without essentially rereading the entire specification. Q. (BY MR. LUMISH) All right. You can't 14:27:14 do that as you stand here now? 14:27:14
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	All right. Well, let's look at the 14:23:47 the example we've looked at a few times, then, for the same reason. If you go to column 55, please 14:23:52 A. Okay. All right. 14:23:55 Q. If you look at column 55, beginning at let 24:10 line 8 going through 11 and 12 there excuse me, let me start over again. 14:24:23 So in the '045 patent column 55, let 24:25 beginning at line 8, it says, quote, "ABC currently represents 15 different Media venues within its instance of the present invention. Information such restrictions, et cetera, about each Media venue is available for review by the XYZ management," closed quote. 14:24:49 Do you understand this passage in 14:24:49 the specification to mean that the sellers, XYZ 14:25:00	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Of it or Q. Yeah, whatever you need to do. I guess, my let me broaden my question a little bit, which may make it worse for you. But can you point me to anything in 14:26:47 the '045 patent specification where the selection by the seller of the Internet media venues is described to be the selection of a group or a channel or category, as opposed to specific media venues the way it's shown in column 55? A. That's going - 14:27:06 MR. BRANDON: Objection to form. 14:27:07 worse. I'm not going to be able to answer that question without essentially rereading the entire specification. Q. (BY MR. LUMISH) All right. You can't 14:27:14 do that as you stand here now? 14:27:16
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	All right. Well, let's look at the 14:23:47 the example we've looked at a few times, then, for 14:23:49 the same reason. If you go to column 55, please 14:23:52 A. Okay. All right. 14:23:55 Q. If you look at column 55, beginning at 14:24:10 line 8 going through 11 and 12 there excuse me, 14:24:15 let me start over again. 14:24:23 So in the '045 patent column 55, 14:24:25 beginning at line 8, it says, quote, "ABC currently represents 15 different Media venues within its instance of the present invention. Information such 14:24:33 as distribution, users or viewers, price, content, restrictions, et cetera, about each Media venue is 14:24:41 available for review by the XYZ management," closed 14:24:44 quote. 14:24:48 Do you understand this passage in 14:24:49 the specification to mean that the sellers, XYZ 14:24:52 here, can read specific information about each of 14:25:00 the specific media venues? 14:25:04 A. That certainly appears to be the case 14:25:05	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Yeah, whatever you need to do. I guess, my let me broaden my question a little bit, which may make it worse for you. 14:26:45 But can you point me to anything in 14:26:47 the '045 patent specification where the selection by the seller of the Internet media venues is described to be the selection of a group or a channel or category, as opposed to specific media venues the way it's shown in column 55? 14:27:03 A. That's going 14:27:06 MR. BRANDON: Objection to form. 14:27:06 A. Yeah, that's going to make it much 14:27:07 worse. I'm not going to be able to answer that question without essentially rereading the entire specification. 14:27:13 Q. (BY MR. LUMISH) All right. You can't 14:27:14 do that as you stand here now? 14:27:16 A. I don't 14:27:16 A. I know I've I've actually cited to 14:27:19
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. All right. Well, let's look at the 14:23:47 the example we've looked at a few times, then, for 14:23:49 the same reason. If you go to column 55, please 14:23:52 A. Okay. All right. 14:23:55 Q. If you look at column 55, beginning at 14:24:10 line 8 going through 11 and 12 there excuse me, 14:24:15 let me start over again. 14:24:23 So in the '045 patent column 55, 14:24:25 beginning at line 8, it says, quote, "ABC currently represents 15 different Media venues within its instance of the present invention. Information such 14:24:33 as distribution, users or viewers, price, content, 14:24:36 restrictions, et cetera, about each Media venue is 14:24:41 available for review by the XYZ management," closed 14:24:44 quote. 14:24:48 Do you understand this passage in 14:24:49 the specification to mean that the sellers, XYZ 14:24:52 here, can read specific information about each of 14:25:00 the specific media venues? 14:25:05 here. I don't know how precise it is, but it's 14:25:07	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Yeah, whatever you need to do. I guess, my let me broaden my question a little bit, which may make it worse for you. 14:26:45 But can you point me to anything in 14:26:47 the '045 patent specification where the selection by the seller of the Internet media venues is described to be the selection of a group or a channel or category, as opposed to specific media venues the way it's shown in column 55? 14:27:03 A. That's going 14:27:06 MR. BRANDON: Objection to form. 14:27:06 A. Yeah, that's going to make it much 14:27:07 worse. I'm not going to be able to answer that question without essentially rereading the entire specification. 14:27:13 Q. (BY MR. LUMISH) All right. You can't 14:27:14 do that as you stand here now? 14:27:16 A. I don't 14:27:16 A. I know I've I've actually cited to 14:27:19 you whether there was a discussion of choosing 14:27:20
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. All right. Well, let's look at the 14:23:47 the example we've looked at a few times, then, for 14:23:49 the same reason. If you go to column 55, please 14:23:52 A. Okay. All right. 14:23:55 Q. If you look at column 55, beginning at 14:24:10 line 8 going through 11 and 12 there excuse me, 14:24:15 let me start over again. 14:24:23 So in the '045 patent column 55, 14:24:25 beginning at line 8, it says, quote, "ABC currently represents 15 different Media venues within its instance of the present invention. Information such 14:24:33 as distribution, users or viewers, price, content, 14:24:36 restrictions, et cetera, about each Media venue is 14:24:41 available for review by the XYZ management, "closed 14:24:44 quote. 14:24:48 Do you understand this passage in 14:24:49 the specification to mean that the sellers, XYZ 14:24:52 here, can read specific information about each of 14:25:00 the specific media venues? 14:25:05 here. I don't know how precise it is, but it's 14:25:07	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Yeah, whatever you need to do. I guess, my let me broaden my question a little bit, which may make it worse for you. 14:26:45 But can you point me to anything in 14:26:47 the '045 patent specification where the selection by the seller of the Internet media venues is described to be the selection of a group or a channel or category, as opposed to specific media venues the way it's shown in column 55? 14:27:03 A. That's going - 14:27:06 MR. BRANDON: Objection to form. 14:27:06 A. Yeah, that's going to make it much 14:27:07 worse. I'm not going to be able to answer that question without essentially rereading the entire 14:27:11 specification. 14:27:13 Q. (BY MR. LUMISH) All right. You can't 14:27:14 do that as you stand here now? 14:27:16 A. I don't 14:27:16 A. I know I've I've actually cited to 14:27:19 you whether there was a discussion of choosing 14:27:20

		Ι	
	Page 186		Page 188
1	there are even claims, I think. If not in the '045, 14:27:31	1	information that's used to select. 14:29:43
2	maybe I'm remembering the '025. But there's some 14:27:38	2	Q. I'm asking about the action words, 14:29:46
3	claims about having these kinds of characteristics 14:27:41	3	though. There's in the in claim 1 it says 14:29:47
4	like demography and and so forth demographics 14:27:45	4	"select," to select. That's the verb, right? 14:29:50
5	and so forth. But I I can't do it without 14:27:49	5	MR. BRANDON: Claim 1 of the '025? 14:29:54
6	skimming through it. 14:27:51	6	MR. LUMISH: Yes, sir. 14:29:56
7	Q. Well, if you look at claim 23 of the 14:27:55	7	A. Information to input information 14:29:58
8	'025 patent, that says that "the seller targets one 14:28:06	8	to select one or more of the input Internet media 14:30:08
9	or more Internet media" 14:28:10	9	venues. 14:30:13
10	A. Uh-huh. 14:28:10	10	Q. (BY MR. LUMISH) Right. 14:30:13
11	Q "venues by targeting demographics." 14:28:11	11	A. I think that phrase is the antecedent 14:30:14
12	A. Yes, that's right. 14:28:13	12	for the chain of claims that ultimately reaches 14:30:18
13	Q. Is that what you're referring to? 14:28:13	13	claim 23, where in claim 23 they refer to that as 14:30:24
14	A. That's at least one thing that that I 14:28:14	14	the selection information input by the seller. 14:30:27
15	was thinking about that kind of bubbled up in the 14:28:16	15	Q. But I'm asking a different question. 14:30:29
16	back of my head. But I think that's true for 14:28:19	16	I'm just asking a simple question. Which is: In 14:30:31
17	several of the claims in that general area. 14:28:22	17	that claim, claim 1, the action that's occurring, 14:30:33
18	Q. This claim is using the word "targets," 14:28:24	18	the verb, is to select, right? 14:30:37
19	not "selects," as far as the action taken by the 14:28:27	19	MR. BRANDON: Objection to form. 14:30:41
20	seller right there, isn't it? 14:28:31	20	A. I don't I'm I don't think that's a 14:31:00
21	MR. BRANDON: Objection to form. 14:28:32	21	verb in the sense of it's "input information to 14:31:02
22	A. They're saying the selection targets. 14:28:38	22	select." Okay. So it's — it's modifying the 14:31:08
23	They're talking about a way of selecting. 14:28:41	23	nature of the input information. 14:31:12
24	Q. (BY MR. LUMISH) It says selection 14:28:43	24	Q. (BY MR. LUMISH) It's not modifying what 14:31:15
25	information 14:28:45	25	the seller is doing, in your opinion? 14:31:17
	Page 187		Page 189
1	Page 187 A. Uh-huh. 14:28:45	1	A. The seller is input is prompted to 14:31:19
1 2		1 2	A. The seller is input is prompted to 14:31:19 to input. Okay. To select. Input information to 14:31:22
1	A. Uh-huh. 14:28:45	l	A. The seller is input is prompted to 14:31:19 to input. Okay. To select. Input information to select. So I I'm answering your question 14:31:27
2	A. Uh-huh. 14:28:45 Q is used to target, not to select, 14:28:46	2	A. The seller is input is prompted to 14:31:19 to input. Okay. To select. Input information to select. So I I'm answering your question 14:31:27 relative to claim 23. The antecedent for the 14:31:31
2 3	A. Uh-huh. 14:28:45 Q is used to target, not to select, 14:28:46 right? 14:28:49	2	A. The seller is input is prompted to 14:31:19 to input. Okay. To select. Input information to select. So I I'm answering your question relative to claim 23. The antecedent for the selection information input by the seller, that's 14:31:37
2 3 4	A. Uh-huh. 14:28:45 Q is used to target, not to select, 14:28:46 right? 14:28:49 MR. BRANDON: Objection; form. 14:28:50	2 3 4	A. The seller is input is prompted to 14:31:19 to input. Okay. To select. Input information to select. So I I'm answering your question relative to claim 23. The antecedent for the selection information input by the seller, that's 14:31:37 the information that's input to select one or more 14:31:42
2 3 4 5	A. Uh-huh. 14:28:45 Q is used to target, not to select, 14:28:46 right? 14:28:49 MR. BRANDON: Objection; form. 14:28:50 A. Yeah, but work my way back. If 14:28:54	2 3 4 5	A. The seller is input is prompted to 14:31:19 to input. Okay. To select. Input information to select. So I I'm answering your question 14:31:27 relative to claim 23. The antecedent for the selection information input by the seller, that's 14:31:37 the information that's input to select one or more of the Internet media venues. And in claim 23, they 14:31:42
2 3 4 5 6	A. Uh-huh. 14:28:45 Q is used to target, not to select, 14:28:46 right? 14:28:49 MR. BRANDON: Objection; form. 14:28:50 A. Yeah, but work my way back. If 14:28:54 you they they work their way back to claim 1. 14:28:56 And claim 1 the at column 65, line 3, says that 14:28:59 the second interface to the computer "a second 14:29:05	2 3 4 5 6	A. The seller is input is prompted to 14:31:19 to input. Okay. To select. Input information to select. So I I'm answering your question 14:31:27 relative to claim 23. The antecedent for the selection information input by the seller, that's 14:31:37 the information that's input to select one or more of the Internet media venues. And in claim 23, they say as a result of that, the seller has targeted one 14:31:47
2 3 4 5 6 7	A. Uh-huh. 14:28:45 Q is used to target, not to select, 14:28:46 right? 14:28:49 MR. BRANDON: Objection; form. 14:28:50 A. Yeah, but work my way back. If 14:28:54 you they they work their way back to claim 1. 14:28:56 And claim 1 the at column 65, line 3, says that 14:28:59	2 3 4 5 6 7	A. The seller is input is prompted to 14:31:19 to input. Okay. To select. Input information to select. So I I'm answering your question 14:31:27 relative to claim 23. The antecedent for the selection information input by the seller, that's 14:31:37 the information that's input to select one or more of the Internet media venues. And in claim 23, they say as a result of that, the seller has targeted one or more venues by targeting demographics or 14:31:47
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2 3 4 5 6 7 8 9	A. Uh-huh. 14:28:45 Q is used to target, not to select, 14:28:46 right? 14:28:49 MR. BRANDON: Objection; form. 14:28:50 A. Yeah, but work my way back. If 14:28:54 you they they work their way back to claim 1. 14:28:56 And claim 1 the at column 65, line 3, says that the second interface to the computer "a second interface to the computer system through which a 14:29:08	2 3 4 5 6 7 8 9	A. The seller is input is prompted to 14:31:19 to input. Okay. To select. Input information to select. So I I'm answering your question 14:31:27 relative to claim 23. The antecedent for the selection information input by the seller, that's 14:31:37 the information that's input to select one or more of the Internet media venues. And in claim 23, they say as a result of that, the seller has targeted one or more venues by targeting demographics or something along that you know, it's 14:31:58 Q. Where does claim 23 say that targeting 14:32:00
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2 3 4 5 6 7 8 9 10 11	A. Uh-huh. 14:28:45 Q is used to target, not to select, 14:28:46 right? 14:28:49 MR. BRANDON: Objection; form. 14:28:50 A. Yeah, but work my way back. If 14:28:54 you they they work their way back to claim 1. 14:28:56 And claim 1 the at column 65, line 3, says that 14:28:59 the second interface to the computer "a second interface to the computer system through which a seller is prompted to input information to select 14:29:10 one or more." I I think of that as being the 14:29:12	2 3 4 5 6 7 8 9 10	A. The seller is input is prompted to 14:31:19 to input. Okay. To select. Input information to select. So I I'm answering your question 14:31:27 relative to claim 23. The antecedent for the selection information input by the seller, that's 14:31:37 the information that's input to select one or more of the Internet media venues. And in claim 23, they say as a result of that, the seller has targeted one or more venues by targeting demographics or something along that you know, it's 14:31:58 Q. Where does claim 23 say that targeting is the result of the selecting? 14:32:03 A. It refers to the selection information 14:32:04
2 3 4 5 6 7 8 9 10 11 12	A. Uh-huh. 14:28:45 Q is used to target, not to select, 14:28:46 right? 14:28:49 MR. BRANDON: Objection; form. 14:28:50 A. Yeah, but work my way back. If 14:28:54 you they they work their way back to claim 1. 14:28:56 And claim 1 the at column 65, line 3, says that 14:28:59 the second interface to the computer "a second interface to the computer system through which a seller is prompted to input information to select one or more." I I think of that as being the ultimate antecedent for that selection information. 14:29:15	2 3 4 5 6 7 8 9 10 11 12	A. The seller is input is prompted to 14:31:19 to input. Okay. To select. Input information to select. So I I'm answering your question 14:31:27 relative to claim 23. The antecedent for the selection information input by the seller, that's 14:31:37 the information that's input to select one or more of the Internet media venues. And in claim 23, they say as a result of that, the seller has targeted one or more venues by targeting demographics or something along that you know, it's 14:31:58 Q. Where does claim 23 say that targeting 14:32:00 is the result of the selecting? 14:32:04 input by the seller targets. 14:32:07
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2 3 4 5 6 7 8 9 10 11 12 13 14	A. Uh-huh. 14:28:45 Q is used to target, not to select, 14:28:46 right? 14:28:49 MR. BRANDON: Objection; form. 14:28:50 A. Yeah, but work my way back. If 14:28:54 you they they work their way back to claim 1. 14:28:56 And claim 1 the at column 65, line 3, says that 14:28:59 the second interface to the computer "a second interface to the computer which a seller is prompted to input information to select one or more," I I think of that as being the ultimate antecedent for that selection information. Q. (BY MR. LUMISH) Well, so the language in claim 1, though, specifically says "to select," 14:29:20 right? 14:29:22 A. Yes. 14:29:23	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. The seller is input is prompted to 14:31:19 to input. Okay. To select. Input information to select. So I I'm answering your question 14:31:27 relative to claim 23. The antecedent for the selection information input by the seller, that's 14:31:37 the information that's input to select one or more of the Internet media venues. And in claim 23, they say as a result of that, the seller has targeted one or more venues by targeting demographics or something along that you know, it's 14:31:58 Q. Where does claim 23 say that targeting is the result of the selecting? 14:32:00 is the result of the selecting? 14:32:03 A. It refers to the selection information 14:32:07 Q. Where does it say "results from"? 14:32:10 MR. BRANDON: Objection to form. 14:32:13
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Uh-huh. 14:28:45 Q is used to target, not to select, 14:28:46 right? 14:28:49 MR. BRANDON: Objection; form. 14:28:50 A. Yeah, but work my way back. If 14:28:54 you they they work their way back to claim 1. 14:28:56 And claim 1 the at column 65, line 3, says that the second interface to the computer "a second interface to the computer which a seller is prompted to input information to select one or more." I I think of that as being the ultimate antecedent for that selection information. Q. (BY MR. LUMISH) Well, so the language in claim 1, though, specifically says "to select," 14:29:20 right? 14:29:22 A. Yes. 14:29:23 Q. But in 23 it says "targets," not select? 14:29:23 MR. BRANDON: Objection; form. 14:29:30 as exactly the same? 14:29:31 A. I read claim 23 to say the computer 14:29:33	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. The seller is input is prompted to 14:31:19 to input. Okay. To select. Input information to select. So I I'm answering your question 14:31:27 relative to claim 23. The antecedent for the selection information input by the seller, that's 14:31:37 the information that's input to select one or more of the Internet media venues. And in claim 23, they or more venues by targeting demographics or something along that you know, it's 14:31:58 Q. Where does claim 23 say that targeting 14:32:00 is the result of the selecting? 14:32:03 A. It refers to the selection information 14:32:07 Q. Where does it say "results from"? 14:32:10 MR. BRANDON: Objection to form. 14:32:13 it. Put it back in context for me. 14:32:21 Q. (BY MR. LUMISH) You were saying that 14:32:23 information to select 14:32:26 A. Yeah. 14:32:28
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	D 400		Page 102
١.	Page 190 Q. Where do you see the "result from" 14:32:30	1	Page 192 understand what your what the bounds of your 14:34:51
1	Q	2	position are here. So let's assume, and then I'll 14:34:53
2		3	just accept. Let's let's just go with the 14:34:55
3		4	discussion that the input information or I'm 14:34:57
4		5	sorry, the selection information described in 14:35:00
5	A. It is the selection information input by 14:32:34	6	claim 23 is the same information referenced in 14:35:03
6	the seller. It has a purpose. Okay. 14:32:36 O. Can't have two purposes, one in the 14:32:41	7	claim 1 as the, quote, "information to select one or 14:35:07
7		8	more." 14:35:13
8	independent claim and one in the dependent claim? 14:32:43 MR. BRANDON: Objection to form. 14:32:46	9	A. Uh-huh. 14:35:13
9		10	Q. Okay. Is that is that the basic 14:35:13
10	A. I can't answer that. I mean, I don't 14:32:50	11	principle you're espousing there? 14:35:15
11	think that's what's happening here. 14:32:52		A, Yes. 14:35:18
12	Q. (BY MR. LUMISH) Well 14:32:53	12	
13	A. I disagree with what you're trying to 14:32:54	13	
14	say is an appropriate understanding of claim 23 in 14:32:56	14	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
15	relation to the original independent claim 1. I 14:33:00	15	
16	I don't I don't see any reason to take the view 14:33:04	16	coming to below, the true comments of the series
17	that you're taking. I'm perfectly comfortable with 14:33:06	17	claim 23? 14:35:29
18	the interpretation I've had on claim 23 that I 14:33:10	18	A. I think claim 23 is simply explaining 14:35:30
19	just just described to you. 14:33:13	19	how that information is used to select using the 14:35:32
20	Q. In general, dependent claims can add 14:33:15	20	term "target," because it's not specific to a 14:35:35
21	limitations to independent claims; that's consistent 14:33:18	21	particular location, but rather, they say by 14:35:39
22	with your experience as a patent agent and a person 14:33:20	22	targeting demographics of one or more Internet media 14:35:42
23	who's done a lot of these cases, right? 14:33:23	23	venues, they are in a sense aiming at multiple 14:35:50
24	A. Yes. 14:33:26	24	venues based on demographics, rather than 14:35:53
25	Q. Targets in there are different words 14:33:29	25	specifically trying to identify one based on the 14:35:55
├─			
1	B 101	l	Page 102
١.	Page 191		Page 193
1	used in claims 1 and claim 23, at least give you 14:33:32	1	name of the venue or whatever. 14:35:58
2	used in claims 1 and claim 23, at least give you 14:33:32 that, right? One says target, one says input 14:33:36	2	name of the venue or whatever. 14:35:58 Q. Aiming at meaning targeting? 14:36:02
2 3	used in claims 1 and claim 23, at least give you 14:33:32 that, right? One says target, one says input 14:33:36 information to select? 14:33:39	2	name of the venue or whatever. 14:35:58 Q. Aiming at meaning targeting? 14:36:02 A. Yes. 14:36:04
2 3 4	used in claims 1 and claim 23, at least give you 14:33:32 that, right? One says target, one says input 14:33:36 information to select? 14:33:39 A. I don't agree with that. I keep telling 14:33:40	2 3 4	name of the venue or whatever. 14:35:58 Q. Aiming at meaning targeting? 14:36:02 A. Yes. 14:36:04 Q. Zeroing in on? 14:36:05
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2 3 4 5 6 7 8 9 10	that, right? One says target, one says input 14:33:32 that, right? One says target, one says input 14:33:36 information to select? 14:33:39 A. I don't agree with that. I keep telling 14:33:40 you that. 14:33:43 Q. No different in words there? 14:33:43 A. Well, there's a new word there, but 14:33:44 the when the claim 23 refers to the selection 14:33:47 information input by the seller, that is a reference 14:33:51 back to input information to select one or more 14:33:54 Internet media venues. And they say the way they 14:33:57	2 3 4 5 6 7 8 9 10	name of the venue or whatever. Q. Aiming at meaning targeting? A. Yes. Q. Zeroing in on? A. In a sense, except it's it's a group concept based on demographics. Q. The going back to your report, please, on top of page 18, I think you mentioned several answers back, you said there was part of your report where you had some citations about channels. 14:35:58 14:36:02 14:36:05 14:36:08 14:36:31 14:36:32 14:36:32 14:36:39 14:36:39
2 3 4 5 6 7 8 9 10 11 12	used in claims 1 and claim 23, at least give you that, right? One says target, one says input 14:33:36 information to select? 14:33:39 A. I don't agree with that. I keep telling 14:33:40 you that. 14:33:43 Q. No different in words there? 14:33:43 A. Well, there's a new word there, but 14:33:47 information input by the seller, that is a reference 14:33:51 back to input information to select one or more 14:33:57 in claim 23, the way that information is used to 14:34:05	2 3 4 5 6 7 8 9 10 11	name of the venue or whatever. Q. Aiming at meaning targeting? A. Yes. Q. Zeroing in on? A. In a sense, except it's it's a group Concept based on demographics. Q. The going back to your report, please, on top of page 18, I think you mentioned several answers back, you said there was part of your report where you had some citations about channels. A. Uh-huh. 14:36:45
2 3 4 5 6 7 8 9 10 11 12 13	used in claims 1 and claim 23, at least give you that, right? One says target, one says input 14:33:36 information to select? 14:33:39 A. I don't agree with that. I keep telling 14:33:40 you that. 14:33:43 Q. No different in words there? 14:33:43 A. Well, there's a new word there, but 14:33:47 information input by the seller, that is a reference 14:33:51 back to input information to select one or more 14:33:57 in claim 23, the way that information is used to 14:34:05 target one or more venues by targeting demographics. 14:34:07	2 3 4 5 6 7 8 9 10 11 12 13	name of the venue or whatever. Q. Aiming at meaning targeting? A. Yes. Q. Zeroing in on? A. In a sense, except it's it's a group Concept based on demographics. Q. The going back to your report, please, on top of page 18, I think you mentioned several answers back, you said there was part of your report where you had some citations about channels. A. Uh-huh. Q. So here you're specifically referring to 14:36:45
2 3 4 5 6 7 8 9 10 11 12 13 14	that, right? One says target, one says input 14:33:32 that, right? One says target, one says input 14:33:36 information to select? 14:33:39 A. I don't agree with that. I keep telling 14:33:40 you that. 14:33:43 Q. No different in words there? 14:33:43 A. Well, there's a new word there, but 14:33:47 the when the claim 23 refers to the selection 14:33:47 information input by the seller, that is a reference 14:33:51 back to input information to select one or more 14:33:57 Internet media venues. And they say the way they 14:33:57 in claim 23, the way that information is used to 14:34:05 target one or more venues by targeting demographics. 14:34:07 Q. You're saying that you can't read the 14:34:14	2 3 4 5 6 7 8 9 10 11 12 13 14	name of the venue or whatever. Q. Aiming at meaning targeting? A. Yes. Q. Zeroing in on? A. In a sense, except it's it's a group Concept based on demographics. Q. The going back to your report, please, on top of page 18, I think you mentioned several answers back, you said there was part of your report where you had some citations about channels. A. Uh-huh. Q. So here you're specifically referring to 14:36:45 column 27, lines 1 though 22, column 28, lines 42 14:36:47
2 3 4 5 6 7 8 9 10 11 12 13 14 15	that, right? One says target, one says input 14:33:32 that, right? One says target, one says input 14:33:36 information to select? 14:33:39 A. I don't agree with that. I keep telling 14:33:40 you that. 14:33:43 Q. No different in words there? 14:33:43 A. Well, there's a new word there, but 14:33:47 information input by the seller, that is a reference 14:33:51 back to input information to select one or more 14:33:57 in claim 23, the way that information is used to 14:34:05 target one or more venues by targeting demographics. 14:34:07 Q. You're saying that you can't read the dependent claim to describe a different an 14:34:16	2 3 4 5 6 7 8 9 10 11 12 13 14 15	name of the venue or whatever. Q. Aiming at meaning targeting? A. Yes. Q. Zeroing in on? A. In a sense, except it's it's a group Concept based on demographics. Q. The going back to your report, please, on top of page 18, I think you mentioned several answers back, you said there was part of your report where you had some citations about channels. A. Uh-huh. Q. So here you're specifically referring to 14:36:45 Column 27, lines 1 though 22, column 28, lines 42 through 48. And you you have choice of 14:36:49
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	that, right? One says target, one says input 14:33:32 that, right? One says target, one says input 14:33:36 information to select? 14:33:39 A. I don't agree with that. I keep telling 14:33:40 you that. 14:33:43 Q. No different in words there? 14:33:43 A. Well, there's a new word there, but 14:33:47 information input by the seller, that is a reference 14:33:51 back to input information to select one or more 14:33:54 Internet media venues. And they say the way they — 14:33:57 in claim 23, the way that information is used to 14:34:05 target one or more venues by targeting demographics. 14:34:07 Q. You're saying that you can't read the dependent claim to describe a different — an 14:34:16 additional function performed by the input 14:34:20	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	name of the venue or whatever. Q. Aiming at meaning targeting? A. Yes. Q. Zeroing in on? A. In a sense, except it's it's a group Concept based on demographics. Q. The going back to your report, please, on top of page 18, I think you mentioned several answers back, you said there was part of your report where you had some citations about channels. A. Uh-huh. Q. So here you're specifically referring to 14:36:45 Column 27, lines 1 though 22, column 28, lines 42 through 48. And you you have choice of nonresident media or advertising channels in the 14:36:52
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	used in claims 1 and claim 23, at least give you that, right? One says target, one says input 14:33:36 information to select? 14:33:39 A. I don't agree with that. I keep telling 14:33:40 you that. 14:33:43 Q. No different in words there? 14:33:43 A. Well, there's a new word there, but 14:33:44 the when the claim 23 refers to the selection 14:33:47 information input by the seller, that is a reference 14:33:51 back to input information to select one or more 14:33:57 in claim 23, the way that information is used to 14:34:05 target one or more venues by targeting demographics. 14:34:07 Q. You're saying that you can't read the 14:34:16 dependent claim to describe a different an additional function performed by the input 14:34:20 information in claim 1? 14:34:23	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	name of the venue or whatever. Q. Aiming at meaning targeting? A. Yes. Q. Zeroing in on? A. In a sense, except it's it's a group Concept based on demographics. Q. The going back to your report, please, on top of page 18, I think you mentioned several answers back, you said there was part of your report where you had some citations about channels. A. Uh-huh. Q. So here you're specifically referring to 14:36:45 Column 27, lines 1 though 22, column 28, lines 42 through 48. And you you have choice of nonresident media or advertising channels in the first quote. You see that? 14:36:55
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	that, right? One says target, one says input 14:33:32 that, right? One says target, one says input 14:33:36 information to select? 14:33:39 A. I don't agree with that. I keep telling 14:33:40 you that. 14:33:43 Q. No different in words there? 14:33:43 A. Well, there's a new word there, but 14:33:47 information input by the seller, that is a reference 14:33:51 back to input information to select one or more 14:33:54 Internet media venues. And they say the way they - 14:33:57 in claim 23, the way that information is used to 14:34:05 target one or more venues by targeting demographics. 14:34:07 Q. You're saying that you can't read the 14:34:14 dependent claim to describe a different an 14:34:16 additional function performed by the input 14:34:20 information in claim 1? 14:34:25	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	name of the venue or whatever. Q. Aiming at meaning targeting? A. Yes. Q. Zeroing in on? A. In a sense, except it's it's a group Concept based on demographics. Q. The going back to your report, please, on top of page 18, I think you mentioned several answers back, you said there was part of your report where you had some citations about channels. A. Uh-huh. Q. So here you're specifically referring to column 27, lines 1 though 22, column 28, lines 42 through 48. And you you have choice of nonresident media or advertising channels in the first quote. You see that? A. Yes. 14:36:57
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	that, right? One says target, one says input 14:33:32 that, right? One says target, one says input 14:33:36 information to select? 14:33:39 A. I don't agree with that. I keep telling 14:33:40 you that. 14:33:43 Q. No different in words there? 14:33:43 A. Well, there's a new word there, but 14:33:47 information input by the seller, that is a reference 14:33:51 back to input information to select one or more 14:33:57 in claim 23, the way that information is used to 14:34:05 target one or more venues by targeting demographics. 14:34:07 Q. You're saying that you can't read the dependent claim to describe a different an 14:34:16 additional function performed by the input 14:34:20 information in claim 1? 14:34:25 intentionally did or accidentally did, but as it's 14:34:27	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	name of the venue or whatever. Q. Aiming at meaning targeting? A. Yes. Q. Zeroing in on? A. In a sense, except it's it's a group Concept based on demographics. Q. The going back to your report, please, on top of page 18, I think you mentioned several answers back, you said there was part of your report where you had some citations about channels. A. Uh-huh. Q. So here you're specifically referring to column 27, lines 1 though 22, column 28, lines 42 through 48. And you you have choice of nonresident media or advertising channels in the first quote. You see that? A. Yes. Q. It says, "or," right? You understand 14:36:58
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	that, right? One says target, one says input 14:33:32 that, right? One says target, one says input 14:33:36 information to select? 14:33:39 A. I don't agree with that. I keep telling 14:33:40 you that. 14:33:43 Q. No different in words there? 14:33:43 A. Well, there's a new word there, but 14:33:47 information input by the seller, that is a reference 14:33:51 back to input information to select one or more 14:33:57 in claim 23, the way that information is used to 14:34:05 target one or more venues by targeting demographics. 14:34:07 Q. You're saying that you can't read the dependent claim to describe a different an additional function performed by the input 14:34:20 information in claim 1? 14:34:25 intentionally did or accidentally did, but as it's 14:34:27 referred to in in claim 23, it's referred to as 14:34:31	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	name of the venue or whatever. Q. Aiming at meaning targeting? A. Yes. Q. Zeroing in on? A. In a sense, except it's it's a group Q. The going back to your report, please, on top of page 18, I think you mentioned several answers back, you said there was part of your report where you had some citations about channels. Q. The-huh. Q. So here you're specifically referring to column 27, lines 1 though 22, column 28, lines 42 through 48. And you you have choice of nonresident media or advertising channels in the first quote. You see that? Q. It says, "or," right? You understand 14:36:59 14:36:59
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	that, right? One says target, one says input 14:33:32 that, right? One says target, one says input 14:33:36 information to select? 14:33:39 A. I don't agree with that. I keep telling 14:33:40 you that. 14:33:43 Q. No different in words there? 14:33:43 A. Well, there's a new word there, but 14:33:47 information input by the seller, that is a reference 14:33:51 back to input information to select one or more 14:33:51 Internet media venues. And they say the way they - 14:33:57 in claim 23, the way that information is used to 14:34:05 target one or more venues by targeting demographics. 14:34:07 Q. You're saying that you can't read the dependent claim to describe a different an additional function performed by the input 14:34:16 additional function performed by the input 14:34:20 information in claim 1? 14:34:23 A. It's I don't know whether you 14:34:25 intentionally did or accidentally did, but as it's 14:34:31 the selection information input, which in my opinion 14:34:33	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	name of the venue or whatever. Q. Aiming at meaning targeting? A. Yes. Q. Zeroing in on? A. In a sense, except it's it's a group A. The going back to your report, please, on top of page 18, I think you mentioned several answers back, you said there was part of your report where you had some citations about channels. A. Uh-huh. Q. So here you're specifically referring to column 27, lines 1 though 22, column 28, lines 42 through 48. And you you have choice of nonresident media or advertising channels in the first quote. You see that? Q. It says, "or," right? You understand the same in
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	that, right? One says target, one says input information to select? 14:33:39 A. I don't agree with that. I keep telling 14:33:40 you that. 14:33:43 Q. No different in words there? 14:33:43 A. Well, there's a new word there, but 14:33:47 information input by the seller, that is a reference 14:33:51 back to input information to select one or more 14:33:54 Internet media venues. And they say the way they — 14:33:57 in claim 23, the way that information is used to 14:34:05 target one or more venues by targeting demographics. 14:34:07 Q. You're saying that you can't read the dependent claim to describe a different — an 14:34:14 dependent claim to describe a different — an 14:34:20 information in claim 1? 14:34:23 A. It's — I don't know whether you 14:34:25 intentionally did or accidentally did, but as it's 14:34:31 the selection information input, which in my opinion 14:34:33 is a reference back to the input information to 14:34:39	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	name of the venue or whatever. Q. Aiming at meaning targeting? A. Yes. Q. Zeroing in on? A. In a sense, except it's it's a group Concept based on demographics. Q. The going back to your report, please, on top of page 18, I think you mentioned several answers back, you said there was part of your report where you had some citations about channels. A. Uh-huh. Q. So here you're specifically referring to 14:36:45 Q. So here you're specifically referring to 14:36:45 column 27, lines 1 though 22, column 28, lines 42 through 48. And you you have choice of nonresident media or advertising channels in the first quote. You see that? A. Yes. Q. It says, "or," right? You understand these are two alternatives? A. I think with this particular 14:37:01 construction, they are.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	that, right? One says target, one says input information to select? 14:33:39 A. I don't agree with that. I keep telling 14:33:40 you that. 14:33:43 Q. No different in words there? 14:33:43 A. Well, there's a new word there, but 14:33:47 information input by the seller, that is a reference 14:33:51 back to input information to select one or more 14:33:57 in claim 23, the way that information is used to 14:34:05 target one or more venues by targeting demographics. 14:34:07 Q. You're saying that you can't read the dependent claim to describe a different — an additional function performed by the input information in claim 1? 14:34:23 A. It's — I don't know whether you intentionally did or accidentally did, but as it's 14:34:31 the selection information input, which in my opinion 14:34:39 select one or more of the Internet media venues. 14:34:39 select one or more of the Internet media venues. 14:34:39	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	name of the venue or whatever. Q. Aiming at meaning targeting? A. Yes. Q. Zeroing in on? A. In a sense, except it's it's a group concept based on demographics. Q. The going back to your report, please, on top of page 18, I think you mentioned several answers back, you said there was part of your report where you had some citations about channels. A. Uh-huh. Q. So here you're specifically referring to 14:36:45 Q. So here you're specifically referring to 14:36:45 Column 27, lines 1 though 22, column 28, lines 42 14:36:49 through 48. And you you have choice of nonresident media or advertising channels in the first quote. You see that? A. Yes. Q. It says, "or," right? You understand these are two alternatives? A. I think with this particular construction, they are. Q. So it's media or channels? 14:36:08 14:36:08 14:36:08 14:36:32 14:36:32 14:36:35 14:36:35 14:36:49 14:36:55 14:36:55 14:36:59 14:36:59 14:37:01 14:37:02
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	that, right? One says target, one says input 14:33:32 that, right? One says target, one says input 14:33:36 information to select? 14:33:39 A. I don't agree with that. I keep telling 14:33:40 you that. 14:33:43 Q. No different in words there? 14:33:43 A. Well, there's a new word there, but 14:33:47 information input by the seller, that is a reference 14:33:51 back to input information to select one or more 14:33:57 in claim 23, the way that information is used to 14:34:05 target one or more venues by targeting demographics. 14:34:07 Q. You're saying that you can't read the 14:34:14 dependent claim to describe a different — an 14:34:16 additional function performed by the input 14:34:20 information in claim 1? 14:34:25 intentionally did or accidentally did, but as it's 14:34:27 referred to in — in claim 23, it's referred to as 14:34:31 the selection information input, which in my opinion 14:34:39 select one or more of the Internet media venues. 14:34:46	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	name of the venue or whatever. Q. Aiming at meaning targeting? A. Yes. Q. Zeroing in on? A. In a sense, except it's it's a group Concept based on demographics. Q. The going back to your report, Please, on top of page 18, I think you mentioned Several answers back, you said there was part of your report where you had some citations about Channels. Q. So here you're specifically referring to Column 27, lines 1 though 22, column 28, lines 42 Chrough 48. And you you have choice of nonresident media or advertising channels in the first quote. You see that? Q. It says, "or," right? You understand these are two alternatives? A. I think with this particular Construction, they are. Q. So it's media or channels? A. That's what I think my wife would call a 14:36:02 14:36:08 14:36:08 14:36:08 14:36:32 14:36:32 14:36:32 14:36:39 14:36:49 14:36:49 14:36:55 A. Yes. 14:36:59 A. I think with this particular 14:37:02 Q. So it's media or channels? 14:37:03 A. That's what I think my wife would call a 14:37:04
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	that, right? One says target, one says input information to select? 14:33:39 A. I don't agree with that. I keep telling 14:33:40 you that. 14:33:43 Q. No different in words there? 14:33:43 A. Well, there's a new word there, but 14:33:47 information input by the seller, that is a reference 14:33:51 back to input information to select one or more 14:33:57 in claim 23, the way that information is used to 14:34:05 target one or more venues by targeting demographics. 14:34:07 Q. You're saying that you can't read the dependent claim to describe a different — an additional function performed by the input information in claim 1? 14:34:23 A. It's — I don't know whether you intentionally did or accidentally did, but as it's 14:34:31 the selection information input, which in my opinion 14:34:39 select one or more of the Internet media venues. 14:34:39 select one or more of the Internet media venues. 14:34:39	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	name of the venue or whatever. Q. Aiming at meaning targeting? A. Yes. Q. Zeroing in on? A. In a sense, except it's it's a group concept based on demographics. Q. The going back to your report, please, on top of page 18, I think you mentioned several answers back, you said there was part of your report where you had some citations about channels. A. Uh-huh. Q. So here you're specifically referring to 14:36:45 Q. So here you're specifically referring to 14:36:45 Column 27, lines 1 though 22, column 28, lines 42 14:36:49 through 48. And you you have choice of nonresident media or advertising channels in the first quote. You see that? A. Yes. Q. It says, "or," right? You understand these are two alternatives? A. I think with this particular construction, they are. Q. So it's media or channels? 14:36:08 14:36:08 14:36:08 14:36:32 14:36:32 14:36:35 14:36:35 14:36:49 14:36:55 14:36:55 14:36:59 14:36:59 14:37:01 14:37:02

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1	Page 194		Page 196
1	is. 14:37:10	1	your would you turn to column 19, around line 10 14:38:59
2	Q. You're not taking the position that the 14:37:10	2	of the '045 patent? And as always read whatever 14:39:05
3	channels in the media and that are the same thing, 14:37:13	3	you'd like for content, and you can see that the 14:39:23
4	then? 14:37:15	4	paragraph really starts at the bottom of page 18 14:39:25
5	A. I'm not 14:37:16	5	A. I think I'm generally familiar with that 14:39:28
6	MR. BRANDON: Objection to form. 14:37:16	6	paragraph, so if you want to go ahead and ask your 14:39:31
7	A. I'm not taking the position that they 14:37:16	7	question, if I need to read back, I will. 14:39:34
8	have to be completely different. But I I think 14:37:18	8	Q. Sure thing. This — in general, this 14:39:36
9	it says that you can choose nonresident media or 14:37:22	9	paragraph is talking about the Presentation 14:39:38
10	advertation advertising channels, but that's not 14:37:27	10	Generation Program generating advertisements. Do 14:39:41
11	to say that among the advertising channels there 14:37:29	11	you agree with that 14:39:46
12	can't be any nonresident media. 14:37:32	12	A. Yes. 14:39:46
13	Q. (BY MR. LUMISH) And then in 14:37:34	13	Q in general principle? 14:39:47
14	A. It's just two different ways of 14:37:35	14	A. Yes. 14:39:49
15	choosing. 14:37:37	15	Q. All right. If you look at line 10, I'm 14:39:49
16	Q. In the second quotation you have, it 14:37:37	16	going read from there. It says, quote, "With the 14:39:55
17	says, "which media or advertising channels the 14:37:39	17	same rules and guidelines" wait, withdraw. I 14:39:57
18	Seller wishes to participate." You see that? 14:37:43	18	need to start a little bit before that. 14:40:01
19	A. Uh-huh. 14:37:45	19	Let's start at line 5. "It should 14:40:03
20	Q. Again, there's an "or" between media and 14:37:45	20	be noted that in the preferred embodiment of the 14:40:06
21	advertising channels that's telling you there are 14:37:48	21	present invention the same rules and guidelines 14:40:09 contained in the Presentation Rules Database 1650 14:40:12
22	two alternatives there. 14:37:51	22	CONTRACTOR OF CO
23	A. I think they're two alternative ways to 14:37:53	23	are discrimination of the second of the seco
24	choose. 14:37:55	24	1000 (19010 20) (11110) 11
25	Q. And you well, they're two different 14:37:55	25	Interface 4000 figure 2c. With the same rules and 14:40:22
1	Page 195		Page 197
1	Page 195 things 14:37:58	 1	Page 197 quidelines as those in Presentations Rules Database 14:40:27
1 2	things. 14:37:58	1 2	= -
2	things. 14:37:58 A. But I don't think they're like an 14:37:58	I -	guidelines as those in Presentations Rules Database 14:40:27
2 3	things. 14:37:58 A. But I don't think they're like an 14:37:58 exclusive. Okay. That just says you can choose 14:38:01	2	guidelines as those in Presentations Rules Database 14:40:27 1650 applied and enforced during data input at the 14:40:30
2 3 4	things. 14:37:58 A. But I don't think they're like an 14:37:58 exclusive. Okay. That just says you can choose 14:38:01 I I would think media would be specific or 14:38:03	2	guidelines as those in Presentations Rules Database 14:40:27 1650 applied and enforced during data input at the Seller Interface 4000 of figure 2c module, no 14:40:35
2 3 4 5	things. 14:37:58 A. But I don't think they're like an 14:37:58 exclusive. Okay. That just says you can choose 14:38:01 I I would think media would be specific or 14:38:03 channels is just a channel. 14:38:05	2 3 4	guidelines as those in Presentations Rules Database 14:40:27 1650 applied and enforced during data input at the 14:40:30 Seller Interface 4000 of figure 2c module, no 14:40:35 modification or editing should be necessary at the 14:40:40
2 3 4	things. 14:37:58 A. But I don't think they're like an 14:37:58 exclusive. Okay. That just says you can choose 14:38:01 I I would think media would be specific or 14:38:03 channels is just a channel. 14:38:05 Q. Okay. Well, it's saying, though, that 14:38:08	2 3 4 5	guidelines as those in Presentations Rules Database 14:40:27 1650 applied and enforced during data input at the Seller Interface 4000 of figure 2c module, no modification or editing should be necessary at the Central Controller and Presentation Processor 1000 14:40:40 14:40:40
2 3 4 5 6	things. 14:37:58 A. But I don't think they're like an 14:37:58 exclusive. Okay. That just says you can choose 14:38:01 I I would think media would be specific or 14:38:03 channels is just a channel. 14:38:05 Q. Okay. Well, it's saying, though, that 14:38:08	2 3 4 5 6	guidelines as those in Presentations Rules Database 14:40:27 1650 applied and enforced during data input at the Seller Interface 4000 of figure 2c module, no modification or editing should be necessary at the Central Controller and Presentation Processor 1000 module," closed quote. A. Yes. Q. That's a long sentence, but do you 14:40:27 14:40:30 14:40:35 14:40:40 14:40:40 14:40:40 14:40:40 14:40:50
2 3 4 5 6 7	things. 14:37:58 A. But I don't think they're like an 14:37:58 exclusive. Okay. That just says you can choose 14:38:01 I I would think media would be specific or 14:38:03 channels is just a channel. 14:38:05 Q. Okay. Well, it's saying, though, that 14:38:08 the chip seller can choose media or advertising 14:38:10	2 3 4 5 6 7	guidelines as those in Presentations Rules Database 14:40:27 1650 applied and enforced during data input at the Seller Interface 4000 of figure 2c module, no modification or editing should be necessary at the Central Controller and Presentation Processor 1000 module," closed quote. A. Yes. Q. That's a long sentence, but do you understand this to be saying that the advertisements 14:40:27 14:40:30 14:40:35 14:40:40 14:40:40 14:40:40 14:40:50
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	things. A. But I don't think they're like an 14:37:58 exclusive. Okay. That just says you can choose — 14:38:01 I — I would think media would be specific or 14:38:03 channels is just a channel. 14:38:05 Q. Okay. Well, it's saying, though, that the chip seller can choose media or advertising 14:38:10 channels. 14:38:14 A. Yes. 14:38:14 Q. Those are different things, right? 14:38:15 A. Two different ways to choose. 14:38:15 Q. I'm not asking about ways to choose. 14:38:15 I'm asking about things to choose. 14:38:15 Q. (BY MR. LUMISH) You can choose media or 14:38:21 Q. (BY MR. LUMISH) You can choose media or 14:38:22 you can choose advertising channels in this 14:38:26 A. That's the — you can define your choice 14:38:27 either with relation to media or advertising 14:38:29 channels. 14:38:31 Q. I think before — let me switch gears 14:38:47 here. We talked a little bit about whether the 14:38:50 seller — withdraw. 14:38:52 Let me just point to something 14:38:53	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	guidelines as those in Presentations Rules Database 14:40:27 1650 applied and enforced during data input at the Seller Interface 4000 of figure 2c module, no 14:40:35 modification or editing should be necessary at the Central Controller and Presentation Processor 1000 module," closed quote. A. Yes. 14:40:48 A. Yes. 14:40:49 Q. That's a long sentence, but do you understand this to be saying that the advertisements are first generated on the seller interface and then don't need to be modified or edited when they get to the central controller and presentation processor? A. This is a in this preferred 4:41:04 embodiment, the way I understand that is that the presentation rules database is replicated at the 14:41:09 Seller Interface, the capital S, capital I, 4000. And in that embodiment, they allow for the rules to seller so that they don't input something that down the presentation rules are applied as particular venue, that they will not this seller will not have inadvertently entered something that was going to be ruled out or found to be invalid 14:40:30 14:40:30 14:40:40 14:40:40 14:40:48 14:40:50 14:40:52 14:40:52 14:40:52 14:40:52 14:40:52 14:41:01 14:
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١.	Page 198	4	Page 200 they actually went out to — to pick a venue. This 14:44:27
1	actually runs with that same rules database. It's 14:41:59	1 2	seems to imply that the seller has not entered 14:44:30
2	kind of like an early editorial control for that 14:42:01	3	anything, other than the selection of the venue. 14:44:34
3	preferred embodiment. 14:42:07		, =
4	Q. Well, the next sentence, you read the 14:42:07	4	, and de dide pointy didn't the property of
5	whole thing to yourself, you can, but it ends by 14:42:09	5	
6	saying that "both processes should be utilized to 14:42:12	6	9.001.1007 11
7	insure consistency and quality control." 14:42:15	7	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
8	A. That's what that 14:42:17	8	Q. I don't mean this to be snide, but I'm 14:44:57
9	Q. You see that? 14:42:18	9	not sure if that was a yes or a no, though. So my 14:44:59
10	A that preferred embodiment says. I 14:42:19	10	question was whether you agree that this paragraph 9 14:45:02
11	took that to mean like if the if the ultimate 14:42:21	11	is describing the Seller Interface 4000 as the thing 14:45:05
12	venue wants the ZIP code without the extra digits, 14:42:27	12	that creates and formats the individual ads. 14:45:09
13	okay, or with the extra digits at the end of the ZIP 14:42:33	13	MR. BRANDON: Objection to form. 14:45:12
14	code, that while I'm typing in something over here 14:42:36	14	A. I I apologize, then. I didn't mean 14:45:13
15	on the seller and I'm giving you my home address 14:42:39	15	not to answer your question. Let me keep I want 14:45:15
16	the seller's address, that you know, if you did 14:42:44	16	to see something further down the way here. 14:45:18
17	or didn't leave if you'd added them or left them 14:42:46	17	(Witness Reviews Document.) 14:45:30
18	out and the other guy really wanted to see them, it 14:42:49	18	A. Assume hereafter the example breaks off 14:45:37
19	would kind of in this preferred embodiment say, 14:42:50	19	into selling tickets, and but I I think it 14:45:40
20	"Hey, you know, I need those other four digits" or 14:42:52	20	does say that the information required to create and 14:45:43
21	"don't put those other four digits." 14:42:55	21	format the ads for the chosen media is entered. I 14:45:49
22	Another example would be do you 14:42:58	22	don't think it says that the seller interface is 14:45:53
23	want the phone number with dashes or parenthesis in 14:42:59	23	necessarily the aspect of the ABC system that has to 14:45:56
24	it. Those kinds of thing s. I gather they're just 14:43:02	24	do that. What's what's required is to gather up 14:46:02
25	saying it would be nice to have an early warning 14:43:02	25	from the seller the information necessary as 14:46:06
		┢	
	Page 199		Page 201
1	here. 14:43:05	1	required by the three chosen media to create and 14:46:10
2	here. 14:43:05 Q. But do you understand that this portion 14:43:05	2	required by the three chosen media to create and 14:46:10 format the individual ads. 14:46:13
2 3	here. 14:43:05 Q. But do you understand that this portion of the patent is describing the processing of the 14:43:07	2	required by the three chosen media to create and 14:46:10 format the individual ads. 14:46:13 Q. (BY MR. LUMISH) If you look down at 14:46:16
2 3 4	here. 14:43:05 Q. But do you understand that this portion of the patent is describing the processing of the of presentation at the central controller as being a 14:43:12	2 3 4	required by the three chosen media to create and format the individual ads. 14:46:13 Q. (BY MR. LUMISH) If you look down at paragraph 14, which is column 55, lines 62 through 14:46:17
2 3 4 5	here. 14:43:05 Q. But do you understand that this portion of the patent is describing the processing of the of presentation at the central controller as being a quality control and consistency check, as opposed to 14:43:16	2 3 4 5	required by the three chosen media to create and format the individual ads. 14:46:13 Q. (BY MR. LUMISH) If you look down at paragraph 14, which is column 55, lines 62 through 14:46:17 65 14:46:22
2 3 4 5 6	here. 14:43:05 Q. But do you understand that this portion 14:43:05 of the patent is describing the processing of the - of presentation at the central controller as being a quality control and consistency check, as opposed to anything else? 14:43:19	2 3 4 5 6	required by the three chosen media to create and format the individual ads. 14:46:13 Q. (BY MR. LUMISH) If you look down at paragraph 14, which is column 55, lines 62 through 14:46:17 65 14:46:22 A. Yes. 14:46:23
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2 3 4 5 6 7 8	here. 14:43:05 Q. But do you understand that this portion of the patent is describing the processing of the - 14:43:07 of presentation at the central controller as being a quality control and consistency check, as opposed to anything else? 14:43:19 A. Well, that's what they say the goal of 14:43:19 doing this is in this preferred embodiment. This is 14:43:21	2 3 4 5 6 7 8	required by the three chosen media to create and format the individual ads. 14:46:13 Q. (BY MR. LUMISH) If you look down at paragraph 14, which is column 55, lines 62 through 14:46:17 65 14:46:22 A. Yes. 14:46:23 Q I think this is elaborating on 14:46:23 paragraph 9 among other things. You can tell me if 14:46:26
2 3 4 5 6 7 8 9	here. 14:43:05 Q. But do you understand that this portion 14:43:05 of the patent is describing the processing of the 14:43:07 of presentation at the central controller as being a 14:43:12 quality control and consistency check, as opposed to anything else? 14:43:19 A. Well, that's what they say the goal of 14:43:19 doing this is in this preferred embodiment. This is 14:43:21 one way of doing it. 14:43:25	2 3 4 5 6 7 8 9	required by the three chosen media to create and format the individual ads. 14:46:13 Q. (BY MR. LUMISH) If you look down at paragraph 14, which is column 55, lines 62 through 14:46:17 65 14:46:22 A. Yes. 14:46:23 Q I think this is elaborating on 14:46:23 paragraph 9 among other things. You can tell me if you disagree, but it says, quote, "At any point 14:46:29
2 3 4 5 6 7 8 9	here. 14:43:05 Q. But do you understand that this portion 14:43:05 of the patent is describing the processing of the 14:43:07 of presentation at the central controller as being a 14:43:12 quality control and consistency check, as opposed to anything else? 14:43:19 A. Well, that's what they say the goal of 14:43:19 doing this is in this preferred embodiment. This is 14:43:21 one way of doing it. 14:43:25 Q. All right. Let's look at the example 14:43:26	2 3 4 5 6 7 8 9	required by the three chosen media to create and format the individual ads. 14:46:13 Q. (BY MR. LUMISH) If you look down at paragraph 14, which is column 55, lines 62 through 14:46:17 65 14:46:22 A. Yes. 14:46:23 Q I think this is elaborating on 14:46:23 paragraph 9 among other things. You can tell me if you disagree, but it says, quote, "At any point 14:46:29 during the content input phase, the operator may 14:46:31
2 3 4 5 6 7 8 9 10	here. 14:43:05 Q. But do you understand that this portion 14:43:05 of the patent is describing the processing of the 14:43:07 of presentation at the central controller as being a 14:43:12 quality control and consistency check, as opposed to 14:43:16 anything else? 14:43:19 A. Well, that's what they say the goal of 14:43:19 doing this is in this preferred embodiment. This is 14:43:21 one way of doing it. 14:43:25 Q. All right. Let's look at the example 14:43:26 again, please, now on column 55. 14:43:28	2 3 4 5 6 7 8 9 10	required by the three chosen media to create and format the individual ads. 14:46:13 Q. (BY MR. LUMISH) If you look down at paragraph 14, which is column 55, lines 62 through 14:46:17 A. Yes. 14:46:23 Q I think this is elaborating on 14:46:23 paragraph 9 among other things. You can tell me if you disagree, but it says, quote, "At any point 14:46:29 during the content input phase, the operator may view the final formatted presentation products based 14:46:34
2 3 4 5 6 7 8 9 10 11 12	here. 14:43:05 Q. But do you understand that this portion 14:43:05 of the patent is describing the processing of the of presentation at the central controller as being a 14:43:12 quality control and consistency check, as opposed to 14:43:16 anything else? 14:43:19 A. Well, that's what they say the goal of 14:43:19 doing this is in this preferred embodiment. This is 14:43:21 one way of doing it. 14:43:25 Q. All right. Let's look at the example 14:43:26 again, please, now on column 55. 14:43:28 A. Okay. All right. 14:43:30	2 3 4 5 6 7 8 9 10 11 12	required by the three chosen media to create and format the individual ads. 14:46:13 Q. (BY MR. LUMISH) If you look down at paragraph 14, which is column 55, lines 62 through 14:46:17 65 14:46:22 A. Yes. 14:46:23 Q I think this is elaborating on 14:46:23 paragraph 9 among other things. You can tell me if you disagree, but it says, quote, "At any point during the content input phase, the operator may view the final formatted presentation products based on each Media venue's restructuring of the 14:46:37
2 3 4 5 6 7 8 9 10 11 12 13	here. 14:43:05 Q. But do you understand that this portion 14:43:05 of the patent is describing the processing of the of presentation at the central controller as being a 14:43:12 quality control and consistency check, as opposed to anything else? 14:43:19 A. Well, that's what they say the goal of 14:43:19 doing this is in this preferred embodiment. This is 14:43:21 one way of doing it. 14:43:25 Q. All right. Let's look at the example 14:43:26 again, please, now on column 55. 14:43:28 A. Okay. All right. 14:43:30 Q. Paragraph 9 there on line 25 says, 14:43:40	2 3 4 5 6 7 8 9 10 11 12 13	required by the three chosen media to create and format the individual ads. 14:46:13 Q. (BY MR. LUMISH) If you look down at paragraph 14, which is column 55, lines 62 through 14:46:17 65 14:46:22 A. Yes. 14:46:23 Q I think this is elaborating on 14:46:23 paragraph 9 among other things. You can tell me if you disagree, but it says, quote, "At any point 14:46:29 during the content input phase, the operator may view the final formatted presentation products based on each Media venue's restructuring of the 14:46:37 information to create specific" "specific Media 14:46:40
2 3 4 5 6 7 8 9 10 11 12 13 14	here. 14:43:05 Q. But do you understand that this portion of the patent is describing the processing of the patent is describing the processing of the presentation at the central controller as being a quality control and consistency check, as opposed to anything else? 14:43:19 A. Well, that's what they say the goal of 14:43:19 doing this is in this preferred embodiment. This is 14:43:21 one way of doing it. 14:43:25 Q. All right. Let's look at the example 14:43:26 again, please, now on column 55. 14:43:28 A. Okay. All right. 14:43:30 Q. Paragraph 9 there on line 25 says, 14:43:40 quote "On" "upon approval of those items, the 14:43:44	2 3 4 5 6 7 8 9 10 11 12 13 14	required by the three chosen media to create and format the individual ads. 14:46:13 Q. (BY MR. LUMISH) If you look down at paragraph 14, which is column 55, lines 62 through 14:46:17 65 14:46:22 A. Yes. 14:46:23 Q I think this is elaborating on 14:46:23 paragraph 9 among other things. You can tell me if you disagree, but it says, quote, "At any point 14:46:29 during the content input phase, the operator may view the final formatted presentation products based on each Media venue's restructuring of the 14:46:37 information to create specific" "specific Media presentations," closed quote. That's described 14:46:43
2 3 4 5 6 7 8 9 10 11 12 13 14 15	here. 14:43:05 Q. But do you understand that this portion of the patent is describing the processing of the - 14:43:07 of presentation at the central controller as being a quality control and consistency check, as opposed to anything else? 14:43:19 A. Well, that's what they say the goal of 14:43:19 doing this is in this preferred embodiment. This is 14:43:21 one way of doing it. 14:43:25 Q. All right. Let's look at the example 14:43:26 again, please, now on column 55. 14:43:28 A. Okay. All right. 14:43:30 Q. Paragraph 9 there on line 25 says, 14:43:40 quote - "On" "upon approval of those items, the 14:43:48 Seller Interface 4000 prompts the operator for the 14:43:48	2 3 4 5 6 7 8 9 10 11 12 13 14 15	required by the three chosen media to create and format the individual ads. 14:46:13 Q. (BY MR. LUMISH) If you look down at paragraph 14, which is column 55, lines 62 through 14:46:17 65 14:46:22 A. Yes. 14:46:23 Q I think this is elaborating on 14:46:23 paragraph 9 among other things. You can tell me if you disagree, but it says, quote, "At any point during the content input phase, the operator may view the final formatted presentation products based on each Media venue's restructuring of the 14:46:37 information to create specific" "specific Media presentations," closed quote. That's described 14:46:43 this is all in the seller participation part part 14:46:46
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	here. 14:43:05 Q. But do you understand that this portion of the patent is describing the processing of the patent is describing the processing of the quality control and consistency check, as opposed to anything else? 14:43:19 A. Well, that's what they say the goal of 14:43:19 doing this is in this preferred embodiment. This is 14:43:21 one way of doing it. 14:43:25 Q. All right. Let's look at the example 14:43:26 again, please, now on column 55. 14:43:28 A. Okay. All right. 14:43:30 Q. Paragraph 9 there on line 25 says, 14:43:40 quote — "On" — "upon approval of those items, the Seller Interface 4000 prompts the operator for the necessary text, graphics, and any other information 14:43:51	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	required by the three chosen media to create and format the individual ads. 14:46:13 Q. (BY MR. LUMISH) If you look down at paragraph 14, which is column 55, lines 62 through 14:46:17 65 14:46:22 A. Yes. 14:46:23 Q I think this is elaborating on 14:46:23 paragraph 9 among other things. You can tell me if you disagree, but it says, quote, "At any point 14:46:29 during the content input phase, the operator may view the final formatted presentation products based on each Media venue's restructuring of the information to create specific" "specific Media 14:46:40 presentations," closed quote. That's described 14:46:43 this is all in the seller participation part part 14:46:46 of the example. You see that? 14:46:48
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	here. Q. But do you understand that this portion 14:43:05 of the patent is describing the processing of the of presentation at the central controller as being a 14:43:12 quality control and consistency check, as opposed to anything else? 14:43:19 A. Well, that's what they say the goal of 14:43:19 doing this is in this preferred embodiment. This is 14:43:21 one way of doing it. 14:43:25 Q. All right. Let's look at the example 14:43:26 again, please, now on column 55. 14:43:28 A. Okay. All right. 14:43:30 Q. Paragraph 9 there on line 25 says, 14:43:40 quote "On" "upon approval of those items, the Seller Interface 4000 prompts the operator for the necessary text, graphics, and any other information 14:43:51 as required by the three chosen media to create and 14:43:54	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	required by the three chosen media to create and format the individual ads. 14:46:13 Q. (BY MR. LUMISH) If you look down at paragraph 14, which is column 55, lines 62 through 14:46:17 A. Yes. 14:46:22 A. Yes. 14:46:23 Q I think this is elaborating on 14:46:23 paragraph 9 among other things. You can tell me if 14:46:29 you disagree, but it says, quote, "At any point during the content input phase, the operator may view the final formatted presentation products based on each Media venue's restructuring of the information to create specific" "specific Media presentations," closed quote. That's described 14:46:40 presentations," closed quote. That's described 14:46:46 of the example. You see that? 14:46:50
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	here. 14:43:05 Q. But do you understand that this portion 14:43:05 of the patent is describing the processing of the of presentation at the central controller as being a 14:43:12 quality control and consistency check, as opposed to anything else? 14:43:19 A. Well, that's what they say the goal of 14:43:19 doing this is in this preferred embodiment. This is 14:43:21 one way of doing it. 14:43:25 Q. All right. Let's look at the example 14:43:26 again, please, now on column 55. 14:43:28 A. Okay. All right. 14:43:30 Q. Paragraph 9 there on line 25 says, 14:43:40 quote "On" "upon approval of those items, the Seller Interface 4000 prompts the operator for the necessary text, graphics, and any other information as required by the three chosen media to create and format the individual ads for the chosen media." 14:43:58	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	required by the three chosen media to create and format the individual ads. 14:46:13 Q. (BY MR. LUMISH) If you look down at paragraph 14, which is column 55, lines 62 through 14:46:17 A. Yes. 14:46:22 A. Yes. 14:46:23 Q I think this is elaborating on 14:46:23 paragraph 9 among other things. You can tell me if you disagree, but it says, quote, "At any point during the content input phase, the operator may view the final formatted presentation products based on each Media venue's restructuring of the information to create specific" "specific Media presentations," closed quote. That's described 14:46:40 presentations," closed quote. That's described 14:46:40 of the example. You see that? 14:46:50 A. Let me think about that. 14:46:50 Can I tell you what the question is 14:46:54
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	here. 14:43:05 Q. But do you understand that this portion 14:43:05 of the patent is describing the processing of the of presentation at the central controller as being a 14:43:12 quality control and consistency check, as opposed to anything else? 14:43:19 A. Well, that's what they say the goal of 14:43:19 doing this is in this preferred embodiment. This is 14:43:21 one way of doing it. 14:43:25 Q. All right. Let's look at the example 14:43:26 again, please, now on column 55. 14:43:28 A. Okay. All right. 14:43:30 Q. Paragraph 9 there on line 25 says, 14:43:40 quote "On" "upon approval of those items, the Seller Interface 4000 prompts the operator for the necessary text, graphics, and any other information as required by the three chosen media to create and format the individual ads for the chosen media." 14:43:58 This passage is describing a Seller 14:44:02	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	required by the three chosen media to create and format the individual ads. 14:46:13 Q. (BY MR. LUMISH) If you look down at paragraph 14, which is column 55, lines 62 through 14:46:17 65 14:46:22 A. Yes. 14:46:23 Q I think this is elaborating on 14:46:23 paragraph 9 among other things. You can tell me if you disagree, but it says, quote, "At any point 14:46:29 during the content input phase, the operator may view the final formatted presentation products based on each Media venue's restructuring of the information to create specific" "specific Media presentations," closed quote. That's described 14:46:40 presentations," closed quote. That's described 14:46:46 this is all in the seller participation part part 14:46:46 of the example. You see that? 14:46:50 Q. Can I tell you what the question is 14:46:54 while you're thinking? 14:46:56
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	here. 14:43:05 Q. But do you understand that this portion of the patent is describing the processing of the patent is described by the three chosen media. This passage is describing a Seller 14:43:05 Q. But do you understand that this portion 14:43:19 14:43:19 14:43:19 14:43:21 14:43:25 14:43:25 14:43:25 14:43:26 14:43:28 14:43:28 14:43:28 14:43:30 Q. Paragraph 9 there on line 25 says, 14:43:40 14:43:40 14:43:41 14:43:41 14:43:41 14:43:51 14:43:51 14:43:58 This passage is describing a Seller 14:44:02 Interface 4000 as creating the ad, isn't it? 14:44:07	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	required by the three chosen media to create and format the individual ads. 14:46:13 Q. (BY MR. LUMISH) If you look down at paragraph 14, which is column 55, lines 62 through 14:46:17 A. Yes. 14:46:23 Q I think this is elaborating on 14:46:23 paragraph 9 among other things. You can tell me if you disagree, but it says, quote, "At any point 14:46:29 during the content input phase, the operator may view the final formatted presentation products based on each Media venue's restructuring of the information to create specific" "specific Media presentations," closed quote. That's described 14:46:40 presentations," closed quote. That's described 14:46:40 this is all in the seller participation part part 14:46:46 A. Let me think about that. 14:46:50 Q. Can I tell you what the question is 14:46:56 while you're thinking? 14:46:56 A. Sure. 14:46:57
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Nere. Q. But do you understand that this portion of the patent is describing the processing of the patent is described by the three chosen media. This is particular instance, they patent is describing a Seller 14:43:05 Q. All right. Let's look at the example patent is described by the three chosen media. This passage is describing a Seller patent is described by the three chosen media. This passage is describing a Seller patent is described by the three chosen media. This particular instance, they the patent is described by the three chosen media. This particular instance, they the patent is described by the three chosen media. This particular instance, they they are patent in the pa	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	required by the three chosen media to create and format the individual ads. 14:46:13 Q. (BY MR. LUMISH) If you look down at paragraph 14, which is column 55, lines 62 through 14:46:16 65 14:46:22 A. Yes. 14:46:23 Q I think this is elaborating on 14:46:23 paragraph 9 among other things. You can tell me if you disagree, but it says, quote, "At any point 14:46:29 during the content input phase, the operator may view the final formatted presentation products based on each Media venue's restructuring of the information to create specific" "specific Media presentations," closed quote. That's described 14:46:40 presentations," closed quote. That's described 14:46:46 of the example. You see that? 14:46:48 A. Let me think about that. 14:46:50 Q. Can I tell you what the question is 14:46:56 While you're thinking? 14:46:56 A. Sure. 14:46:57 Q. Okay. The question is 14:46:57
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Nere. Q. But do you understand that this portion of the patent is describing the processing of the patent is described by the processing to the patent is described by the processing to the patent is described by the processing to the patent is described by the processing the processing to the patent is described by the processing as seller patent in the patent in the particular instance, they the patent in the paten	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	required by the three chosen media to create and format the individual ads. 14:46:13 Q. (BY MR. LUMISH) If you look down at paragraph 14, which is column 55, lines 62 through 14:46:16 65 14:46:22 A. Yes. 14:46:23 Q I think this is elaborating on 14:46:23 paragraph 9 among other things. You can tell me if you disagree, but it says, quote, "At any point 14:46:29 during the content input phase, the operator may view the final formatted presentation products based on each Media venue's restructuring of the 14:46:37 information to create specific" "specific Media presentations," closed quote. That's described 14:46:43 this is all in the seller participation part part 14:46:46 of the example. You see that? 14:46:48 A. Let me think about that. 14:46:50 Q. Can I tell you what the question is 14:46:56 A. Sure. 14:46:57 Q. Okay. The question is 14:46:57 A. I thought that was the question. 14:46:58
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. But do you understand that this portion of the patent is describing the processing of the patent is described by the processing to me patent is described by the processing to me patent is described by the patent is described by the patent is described by the particular instance, the patent in patent in patent in particular instance, the patent in patent i	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	required by the three chosen media to create and format the individual ads. 14:46:13 Q. (BY MR. LUMISH) If you look down at paragraph 14, which is column 55, lines 62 through 65 14:46:22 A. Yes. 14:46:23 Q I think this is elaborating on 14:46:23 paragraph 9 among other things. You can tell me if you disagree, but it says, quote, "At any point during the content input phase, the operator may view the final formatted presentation products based on each Media venue's restructuring of the information to create specific" "specific Media presentations," closed quote. That's described 14:46:40 presentations," closed quote. That's described 14:46:40 of the example. You see that? 14:46:46 A. Let me think about that. 14:46:50 Q. Can I tell you what the question is 14:46:56 A. Sure. 14:46:57 Q. Okay. The question is 14:46:58 Q. Well, that was sort of a foundational 14:46:58
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Nere. Q. But do you understand that this portion of the patent is describing the processing of the patent is described by the processing to the patent is described by the processing to the patent is described by the processing to the patent is described by the processing the processing to the patent is described by the processing as seller patent in the patent in the particular instance, they the patent in the paten	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	required by the three chosen media to create and format the individual ads. 14:46:13 Q. (BY MR. LUMISH) If you look down at paragraph 14, which is column 55, lines 62 through 14:46:16 65 14:46:22 A. Yes. 14:46:23 Q I think this is elaborating on 14:46:23 paragraph 9 among other things. You can tell me if you disagree, but it says, quote, "At any point 14:46:29 during the content input phase, the operator may view the final formatted presentation products based on each Media venue's restructuring of the 14:46:37 information to create specific" "specific Media presentations," closed quote. That's described 14:46:43 this is all in the seller participation part part 14:46:46 of the example. You see that? 14:46:48 A. Let me think about that. 14:46:50 Q. Can I tell you what the question is 14:46:56 A. Sure. 14:46:57 Q. Okay. The question is 14:46:57 A. I thought that was the question. 14:46:58

	Page 202		Page 204
1	just read establishes that it's that the seller 14:47:06	1	they indicate their approval of the presentations 14:49:49
2	interface is being used by the seller here to create 14:47:09	2	and charges and then transmits the information to 14:49:52
3	the specific media presentations. 14:47:12	3	the ABC Central Controller and Presentation 14:49:54
4	A. I won't agree with that. And and the 14:47:15	4	Processor 1000." Isn't that saying that in the 14:49:59
5	thing that concerned me, again, from the first time 14:47:18	5	context in combination with paragraph 14, there, 14:50:01
6	I read 14 is it says, "at any point during the 14:47:21	6	that the seller can generate the ad, look at the ad, 14:50:04
7	content input phase." Yet paragraph 9 talks about 14:47:24	7	decide that it's satisfied with the ad and then 14:50:09
8	the necessary text, graphics and other information 14:47:28	8	transmit it to the processor? 14:50:14
9	as required. I'm not sure how you can view the 14:47:31	9	MR. BRANDON: Objection, form. 14:50:16
10	final formatted presentation at a point when you 14:47:35	10	A. I I haven't read it that way. I took 14:50:17
11	haven't fully entered the information that's 14:47:40	11	the "transmits the information" in the top of 14:50:19
12	required or necessary. You understand my 14:47:42	12	column 56 to be the information, that they've 14:50:21
13	Q. Uh-huh. 14:47:46	13	approved it, what they are now able to see, and that 14:50:24
14	A concern? 14:47:47	14	they're willing to pay the charges. 14:50:31
15	But it it doesn't necessarily say 14:47:48	15	THE VIDEOGRAPHER: This is the end 14:50:33
16	in 14 that at the seller computer that the final 14:47:49	16	of tape 3. Off the record, 2:50. 14:50:34
17	format presentation has been generated. What it 14:47:56	17	(Recess Taken From 2:50 p.m. To 3:02 p.m.) 14:50:38
18	says is that in some way and I took the operator 14:47:59	18	THE VIDEOGRAPHER: This is the 15:02:25
19	in 14 to mean I I took that in that context to 14:48:02	19	beginning of tape 4. Back on the record, 3:02. 15:02:29
20	be the operator at the seller's location, as 14:48:08	20	Q. (BY MR. LUMISH) If we could look at 15:02:33
21	opposed, for example, the operator that I talked 14:48:12	21	page 9 of your report, sir, Exhibit 84 15:02:34
22	about where I kind of not well labeled in 14:48:16	22	A. Okay. 15:02:41
23	paragraph 42. 14:48:18	23	Q. This is the where you address the 15:02:42
24	It may be that that operator has the 14:48:20	24	means for transmitting said presentations to a 15:02:44
25	ability to reach over to the central computer 14:48:22	25	selected venue media venue on the media venues 15:02:46
23	ability to reach over to the central compact.		
	Page 203		Page 205
1	facility where the program Presentation 14:48:26	1	limitation. You see that? 15:02:50
2	Generation Program is running and see what it looks 14:48:29	2	A. Yes. 15:02:51
3	like so far. If I were writing this, I probably 14:48:32	3	Q. And, again, your position is that the 15:02:51
4	wouldn't have said "the final formatted 14:48:36	4	structure here is only computer software. How would 15:02:54
5	presentation." I would have said "like the 14:48:39	5	software actually transmit a presentation to a media 15:02:58
6	currently" or so you know, "thus far." But I 14:48:41	6	venue? 15:03:05
7	it certainly in 14 says that, if I'm reading it 14:48:46	7	MR. BRANDON: Objection to form. 15:03:05
8	right, that the selling operator seller operator 14:48:50	8	A. The software sets up and controls the 15:03:11
ا ا	can in some way view a formatted presentation. 14:48:54	9	transmission process and initiates it. And, 15:03:16
10	Q. The purpose of the seller viewing the 14:48:59	10	thereafter, once that's been set up, the 15:03:21
11	presentation is to decide whether it's done, right, 14:49:02	11	transmission takes place, but I don't know what more 15:03:25
12	in the context of this example? 14:49:04	12	to tell you than that. 15:03:28
13	MR. BRANDON: Objection, form. 14:49:06	13	Q. (BY MR. LUMISH) Well, but the parties 15:03:29
14	A. Given that it begins with "at any point 14:49:07	14	agree on the function here, right? 15:03:31
15	during the input phase," I would say it's just to 14:49:09	15	A. Uh-huh. 15:03:33
16	see what it looks like so far. That's why I'm I 14:49:12	16	Q. See that at the top of the page, 15:03:33
17	can't resolve those two phrases in this particular 14:49:15	17	paragraph 35, parties agreed that agree that the 15:03:35
18	example. And that I don't see how it can have a 14:49:19	18	function is transmitting presentations to a selected 15:03:38
19	final formatted presentation until I have entered in 14:49:25	19	media venue. 15:03:42
20	all the necessary text, graphics and any other 14:49:30	20	A. Yeah. 15:03:42
	information as required by the chosen media. 14:49:34	21	Q. So my question is how does this software 15:03:42
21	44.40.07	22	itself actually transmit; it doesn't, right? 15:03:46
1	Q. (BY MR. LUMISH) Well, the next 14:49:37 paragraph 15 beginning in line 66 on column 55 says, 14:49:38	23	MR. BRANDON: Objection to form. 15:03:50
23	"When the XYZ management is satisfied with the 14:49:42	24	A. It controls the transmission by 15:03:51
24	results as presented by the Seller Interface 4000, 14:49:45	25	actually got a cite there at the Presentation 15:03:55
43	results as presented by the seller interface floor, 11 in 15 ins		
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	Page 206		Page 208
1	Generation Program as part of the publishing. And 15:03:59	1	it's based on the specification and what the 15:06:40
2	I — I guess I was just astounded at — at the 15:04:05	2	specification says about the transmission process. 15:06:42
3	degree to which your your side of the case 15:04:07	3	Q. In the quote from the patent that Google 15:06:43
4	reached out into the Bell Telephone System and the 15:04:12	4	and Yahoo! used for this structure, do you agree 15:06:45
5	Internet and all in terms of trying to identify 15:04:15	5	that the things listed in that quote are, in fact, 15:06:48
6	the the corresponding structure. 15:04:23	6	used to transmit the presentations to the media 15:06:52
7	As you can see at the last sentence 15:04:25	7	venues? 15:06:56
8	of paragraph 37, I think that's a cite from the 15:04:27	8	A. Well, you forgive me for asking you a 15:06:56
9	specification of the Function Media patents. "The 15:04:32	9	question. Are you familiar are you familiar with 15:06:59
10	Presentation Generation Program," it's a program, 15:04:35	10	like the OSI model, the seven-layer model? Does 15:07:01
11	"1710, then either transmits the presentation to the 15:04:38	11	that mean anything to you? 15:07:04
12	appropriate destination or holds it for a 15:04:41	12	Q. Yes, sir. 15:07:07
13	publication date to be submitted for a particular 15:04:45	13	A. I think those kind of for the most part 15:07:07
14	deadline or predetermined promotional market." 15:04:47	14	fall at the physical layer or something. They're 15:07:08
15	And I think while I'm there, I'll 15:04:50	15	sort of low-end, point-to-point structures. And, I 15:07:11
16	comment to you that you showed me figure what was 15:04:54	16	mean, the phone line has no idea that it's going to 15:07:14
17	it, 4g? Wasn't it 4f? And you took me down the 15:04:57	17	be used to perform the function of transmitting 15:07:19
18	right side. But I think part of what's being 15:05:04	18	presentations to a selected media venue of the media 15:07:21
19	discussed there is I believe it's 4f. If you 15:05:07	19	venues. That's all accomplished by software running 15:07:25
20	look on the left side of that figure straight down 15:05:11	20	in the inventive system. 15:07:28
21	to box 11360, you didn't ask me about the electronic 15:05:14	21	These are the things that ultimately 15:07:30
22	publication, which I think is an important part, 15:05:18	22	will push the bits, but and they are disclosed as 15:07:32
23	maybe the most important part of what ultimately 15:05:21	23	ways in which information can be carried, but, you 15:07:37
24	this case is about, where it talks about publishing 15:05:24	24	know, I don't I don't think anyone would have 15:07:42
25	it through the Internet or an intranet or some other 15:05:28	25	been intending in describing this patent and using 15:07:45
		ļ	
1	Page 207	l	Page 209
1	Page 207 form of electronic processing. 15:05:31	1	means-plus-function elements to incorporate the Page 209 15:07:48
1 2		1 2	
	form of electronic processing. 15:05:31	ŀ	means-plus-function elements to incorporate the 15:07:48
2	form of electronic processing. 15:05:31 But I think that the 15:05:34 specification says that the Program 1710 either 15:05:36	2	means-plus-function elements to incorporate the 15:07:48 the microwave towers and a satellite network as 15:07:53
2	form of electronic processing. 15:05:31 But I think that the 15:05:34 specification says that the Program 1710 either 15:05:36	2	means-plus-function elements to incorporate the 15:07:48 the microwave towers and a satellite network as being required to be provided by the invention. 15:07:58
2 3 4	form of electronic processing. $15:05:31$ But I think that the $15:05:34$ specification says that the Program 1710 either $15:05:36$ transmits the presentation. So I I think that's $15:05:41$	2 3 4	means-plus-function elements to incorporate the the microwave towers and a satellite network as being required to be provided by the invention. Q. I don't think you answered my question. 15:07:48 15:07:48 15:07:53 15:07:58
2 3 4 5	form of electronic processing. 15:05:31 But I think that the 15:05:34 specification says that the Program 1710 either 15:05:36 transmits the presentation. So I I think that's 15:05:41 a clear characteristic set forth in the 15:05:47	2 3 4 5	means-plus-function elements to incorporate the the microwave towers and a satellite network as being required to be provided by the invention. Q. I don't think you answered my question. Or maybe I misunderstood you. But my question is 15:07:48 15:07:48 15:07:48 15:07:48 15:07:58
2 3 4 5 6	form of electronic processing. $15:05:31$ But I think that the $15:05:34$ specification says that the Program 1710 either transmits the presentation. So I I think that's $15:05:41$ a clear characteristic set forth in the $15:05:47$ specification. $15:05:49$	2 3 4 5 6	means-plus-function elements to incorporate the the microwave towers and a satellite network as being required to be provided by the invention. Q. I don't think you answered my question. Or maybe I misunderstood you. But my question is simply: Do you agree that these things in quotation 15:07:48 15:07:48 15:07:48 15:07:48 15:07:58 15:08:09 15:08:09
2 3 4 5 6 7	form of electronic processing. $15:05:31$ But I think that the $15:05:34$ specification says that the Program 1710 either $15:05:36$ transmits the presentation. So I I think that's $15:05:41$ a clear characteristic set forth in the $15:05:47$ specification. $15:05:49$ Q. (BY MR. LUMISH) So this thing you said $15:05:50$	2 3 4 5 6 7	means-plus-function elements to incorporate the the microwave towers and a satellite network as being required to be provided by the invention. Q. I don't think you answered my question. Or maybe I misunderstood you. But my question is simply: Do you agree that these things in quotation from Google and Yahoo! in the structure are, in 15:07:48 15:07:48 15:07:48 15:07:48 15:07:48 15:07:48 15:07:48 15:07:48
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2 3 4 5 6 7 8 9	form of electronic processing. 15:05:31 But I think that the 15:05:34 specification says that the Program 1710 either 15:05:36 transmits the presentation. So I I think that's 15:05:41 a clear characteristic set forth in the 15:05:47 specification. 15:05:49 Q. (BY MR. LUMISH) So this thing you said is the parties the defendants reaching out, you 15:05:51 understand that the structure listed there is all a 15:05:54	2 3 4 5 6 7 8 9	means-plus-function elements to incorporate the the microwave towers and a satellite network as being required to be provided by the invention. Q. I don't think you answered my question. 15:07:58 Or maybe I misunderstood you. But my question is simply: Do you agree that these things in quotation from Google and Yahoo! in the structure are, in fact, described in the patent as things that fransmit presentations to the media venues at that physical layer? 15:07:48 15:07:53 15:07:58 15:08:09 15:08:11 15:08:13 15:08:13 15:08:17 15:08:19 15:08:25
2 3 4 5 6 7 8 9	form of electronic processing. But I think that the 15:05:34 specification says that the Program 1710 either transmits the presentation. So I I think that's 15:05:41 a clear characteristic set forth in the 15:05:47 specification. 15:05:49 Q. (BY MR. LUMISH) So this thing you said is the parties the defendants reaching out, you understand that the structure listed there is all a quote from the patent, right? 15:05:56	2 3 4 5 6 7 8 9	means-plus-function elements to incorporate the the microwave towers and a satellite network as being required to be provided by the invention. Q. I don't think you answered my question. Or maybe I misunderstood you. But my question is simply: Do you agree that these things in quotation from Google and Yahoo! in the structure are, in fact, described in the patent as things that physical layer? 15:07:48 15:07:53 15:08:06 15:08:09 15:08:11 15:08:13 15:08:19
2 3 4 5 6 7 8 9 10 11	form of electronic processing. But I think that the 15:05:34 specification says that the Program 1710 either transmits the presentation. So I I think that's 15:05:41 a clear characteristic set forth in the 15:05:47 specification. 15:05:49 Q. (BY MR. LUMISH) So this thing you said is the parties the defendants reaching out, you 15:05:51 understand that the structure listed there is all a 15:05:54 quote from the patent, right? 15:05:56 A. I do. 15:05:57	2 3 4 5 6 7 8 9 10 11	means-plus-function elements to incorporate the the microwave towers and a satellite network as being required to be provided by the invention. Q. I don't think you answered my question. 15:07:58 Or maybe I misunderstood you. But my question is simply: Do you agree that these things in quotation from Google and Yahoo! in the structure are, in fact, described in the patent as things that fransmit presentations to the media venues at that physical layer? 15:07:48 15:07:53 15:07:58 15:08:09 15:08:11 15:08:13 15:08:13 15:08:17 15:08:19 15:08:25
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2 3 4 5 6 7 8 9 10 11 12 13	form of electronic processing. But I think that the 15:05:34 specification says that the Program 1710 either transmits the presentation. So I I think that's 15:05:41 a clear characteristic set forth in the 15:05:47 specification. 15:05:49 Q. (BY MR. LUMISH) So this thing you said is the parties the defendants reaching out, you understand that the structure listed there is all a 15:05:54 quote from the patent, right? 15:05:56 A. I do. 15:05:57 Q. We're not reaching out beyond the 15:05:58 patent, are we? 15:06:00	2 3 4 5 6 7 8 9 10 11 12 13	means-plus-function elements to incorporate the the microwave towers and a satellite network as being required to be provided by the invention. Q. I don't think you answered my question. 15:07:58 Q. I don't think you answered my question. Or maybe I misunderstood you. But my question is simply: Do you agree that these things in quotation from Google and Yahoo! in the structure are, in fact, described in the patent as things that transmit presentations to the media venues at that physical layer? A. I think they are things that carry the information. But I I don't recall whether they used the term "transmit" for these things or not. 15:07:48 15:07:48 15:07:58 15:07:58 15:08:09 15:08:09 15:08:11 15:08:13 15:08:13 15:08:25 15:08:25
2 3 4 5 6 7 8 9 10 11 12 13 14	form of electronic processing. But I think that the 15:05:34 specification says that the Program 1710 either 15:05:36 transmits the presentation. So I I think that's 15:05:41 a clear characteristic set forth in the 15:05:47 specification. 15:05:49 Q. (BY MR. LUMISH) So this thing you said is the parties the defendants reaching out, you 15:05:51 understand that the structure listed there is all a 15:05:54 quote from the patent, right? 15:05:56 A. I do. 15:05:57 Q. We're not reaching out beyond the 15:06:00 A. Oh, there's certainly a disclosure of 15:06:01	2 3 4 5 6 7 8 9 10 11 12 13 14	means-plus-function elements to incorporate the the microwave towers and a satellite network as being required to be provided by the invention. Q. I don't think you answered my question. Or maybe I misunderstood you. But my question is simply: Do you agree that these things in quotation from Google and Yahoo! in the structure are, in fact, described in the patent as things that transmit presentations to the media venues at that physical layer? A. I think they are things that carry the information. But I I don't recall whether they used the term "transmit" for these things or not. They they are just if your question had been are they described in some sense, my recollection is they are. 15:07:48 15:07:48 15:07:58 15:07:58 15:08:06 15:08:09 15:08:11 15:08:13 15:08:13 15:08:19 15:08:25 15:08:25 15:08:33 15:08:37 15:08:37
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Form of electronic processing. But I think that the 15:05:34 specification says that the Program 1710 either 15:05:36 transmits the presentation. So I I think that's 15:05:41 a clear characteristic set forth in the 15:05:47 specification. 15:05:49 Q. (BY MR. LUMISH) So this thing you said 15:05:50 is the parties the defendants reaching out, you 15:05:51 understand that the structure listed there is all a 15:05:54 quote from the patent, right? 15:05:56 A. I do. 15:05:57 Q. We're not reaching out beyond the 15:06:05 patent, are we? 15:06:01 the ways in which the physical structure of a 15:06:05	2 3 4 5 6 7 8 9 10 11 12 13 14 15	the microwave towers and a satellite network as being required to be provided by the invention. Q. I don't think you answered my question. Or maybe I misunderstood you. But my question is simply: Do you agree that these things in quotation from Google and Yahoo! in the structure are, in fact, described in the patent as things that 15:08:17 transmit presentations to the media venues at that physical layer? A. I think they are things that carry the information. But I I don't recall whether they used the term "transmit" for these things or not. They they are just if your question had been are they described in some sense, my recollection is 15:08:49
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	form of electronic processing. But I think that the 15:05:34 specification says that the Program 1710 either transmits the presentation. So I I think that's 15:05:41 a clear characteristic set forth in the 15:05:47 specification. 15:05:49 Q. (BY MR. LUMISH) So this thing you said 15:05:50 is the parties the defendants reaching out, you 15:05:51 understand that the structure listed there is all a 15:05:54 quote from the patent, right? 15:05:56 A. I do. 15:05:57 Q. We're not reaching out beyond the patent, are we? 15:06:00 A. Oh, there's certainly a disclosure of 15:06:01 the ways in which the physical structure of a 15:06:05 inetwork could be put together for this thing. I 15:06:09 I didn't didn't intend to imply that you were 15:06:12	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	the microwave towers and a satellite network as being required to be provided by the invention. Q. I don't think you answered my question. Or maybe I misunderstood you. But my question is simply: Do you agree that these things in quotation from Google and Yahoo! in the structure are, in fact, described in the patent as things that 15:08:17 transmit presentations to the media venues at that physical layer? A. I think they are things that carry the information. But I I don't recall whether they used the term "transmit" for these things or not. They they are just if your question had been are they described in some sense, my recollection is they are. Q. Okay. The parties agreed construction 15:08:45
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	form of electronic processing. But I think that the 15:05:34 specification says that the Program 1710 either 15:05:36 transmits the presentation. So I I think that's 15:05:41 a clear characteristic set forth in the 15:05:47 specification. 15:05:49 Q. (BY MR. LUMISH) So this thing you said 15:05:50 is the parties the defendants reaching out, you 15:05:51 understand that the structure listed there is all a 15:05:54 quote from the patent, right? 15:05:56 A. I do. 15:05:57 Q. We're not reaching out beyond the 15:05:58 patent, are we? 15:06:00 A. Oh, there's certainly a disclosure of 15:06:01 the ways in which the physical structure of a 15:06:05 network could be put together for this thing. I 15:06:09 I didn't didn't intend to imply that you were 15:06:12 making that up. It's just you know, I think one 15:06:14	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	the microwave towers and a satellite network as being required to be provided by the invention. Q. I don't think you answered my question. Or maybe I misunderstood you. But my question is simply: Do you agree that these things in quotation from Google and Yahoo! in the structure are, in fact, described in the patent as things that 15:08:17 transmit presentations to the media venues at that physical layer? A. I think they are things that carry the 15:08:25 information. But I I don't recall whether they used the term "transmit" for these things or not. They they are just if your question had been are they described in some sense, my recollection is they are. Q. Okay. The parties agreed construction 15:08:45 of the function doesn't say "initiating" or 15:08:47
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Form of electronic processing. But I think that the 15:05:34 specification says that the Program 1710 either transmits the presentation. So I I think that's 15:05:41 a clear characteristic set forth in the 15:05:47 specification. 15:05:49 Q. (BY MR. LUMISH) So this thing you said is the parties the defendants reaching out, you 15:05:50 understand that the structure listed there is all a 15:05:54 quote from the patent, right? 15:05:56 A. I do. 15:05:57 Q. We're not reaching out beyond the 15:05:58 patent, are we? 15:06:00 A. Oh, there's certainly a disclosure of 15:06:01 the ways in which the physical structure of a 15:06:05 network could be put together for this thing. I 15:06:09 I didn't didn't intend to imply that you were making that up. It's just you know, I think one 15:06:14 of the examples that was used in one of these two 15:06:18	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	means-plus-function elements to incorporate the the microwave towers and a satellite network as being required to be provided by the invention. Q. I don't think you answered my question. 15:07:58 Q. I don't think you answered my question. 15:08:06 Or maybe I misunderstood you. But my question is simply: Do you agree that these things in quotation from Google and Yahoo! in the structure are, in fact, described in the patent as things that transmit presentations to the media venues at that physical layer? 15:08:17 A. I think they are things that carry the information. But I I don't recall whether they used the term "transmit" for these things or not. They they are just if your question had been are they described in some sense, my recollection is they are. Q. Okay. The parties agreed construction of the function doesn't say "initiating" or 15:08:49 15:07:58 15:07:58 15:07:58 15:08:09 15:08:09 15:08:11 15:08:13 15:08:19 15:08:25 15:08:25
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	But I think that the 15:05:31 But I think that the 15:05:34 specification says that the Program 1710 either transmits the presentation. So I I think that's 15:05:41 a clear characteristic set forth in the 15:05:47 specification. 15:05:49 Q. (BY MR. LUMISH) So this thing you said is the parties the defendants reaching out, you 15:05:51 understand that the structure listed there is all a 15:05:54 quote from the patent, right? 15:05:56 A. I do. 15:05:57 Q. We're not reaching out beyond the 15:05:58 patent, are we? 15:06:00 A. Oh, there's certainly a disclosure of 15:06:01 the ways in which the physical structure of a 15:06:05 network could be put together for this thing. I 15:06:09 I didn't didn't intend to imply that you were making that up. It's just you know, I think one of the examples that was used in one of these two depositions in the last few days is, you know, are 15:06:12	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	means-plus-function elements to incorporate the the microwave towers and a satellite network as being required to be provided by the invention. Q. I don't think you answered my question. 15:07:58 Q. I don't think you answered my question. Or maybe I misunderstood you. But my question is simply: Do you agree that these things in quotation from Google and Yahoo! in the structure are, in fact, described in the patent as things that transmit presentations to the media venues at that physical layer? 15:08:17 A. I think they are things that carry the information. But I I don't recall whether they used the term "transmit" for these things or not. They they are just if your question had been are they described in some sense, my recollection is they are. Q. Okay. The parties agreed construction of the function doesn't say "initiating" or 15:08:49 A. It does not. 15:08:52
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	But I think that the 15:05:31 But I think that the 15:05:34 specification says that the Program 1710 either 15:05:36 transmits the presentation. So I I think that's 15:05:41 a clear characteristic set forth in the 15:05:47 specification. 15:05:49 Q. (BY MR. LUMISH) So this thing you said is the parties the defendants reaching out, you 15:05:51 understand that the structure listed there is all a 15:05:54 quote from the patent, right? 15:05:56 A. I do. 15:05:57 Q. We're not reaching out beyond the 15:05:58 patent, are we? 15:06:00 A. Oh, there's certainly a disclosure of 15:06:01 the ways in which the physical structure of a 15:06:05 network could be put together for this thing. I 15:06:09 I didn't didn't intend to imply that you were making that up. It's just you know, I think one of the examples that was used in one of these two depositions in the last few days is, you know, are you going to include the plug into the wall and 15:06:23	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	the microwave towers and a satellite network as being required to be provided by the invention. Q. I don't think you answered my question. Q. I don't think you answered my question. Or maybe I misunderstood you. But my question is simply: Do you agree that these things in quotation from Google and Yahoo! in the structure are, in fact, described in the patent as things that physical layer? A. I think they are things that carry the information. But I I don't recall whether they used the term "transmit" for these things or not. 15:08:28 used the term "transmit" for these things or not. 15:08:33 They they are just if your question had been are they described in some sense, my recollection is they are. 15:08:44 Q. Okay. The parties agreed construction of the function doesn't say "initiating" or 15:08:49 A. It does not. 15:08:52 Q. But your position is that that's what 15:08:57 initiation or control of a data transmission, as 15:08:59
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	But I think that the 15:05:31 Specification says that the Program 1710 either transmits the presentation. So I I think that's 15:05:41 a clear characteristic set forth in the 15:05:47 Specification. 15:05:49 Q. (BY MR. LUMISH) So this thing you said is the parties the defendants reaching out, you understand that the structure listed there is all a 15:05:51 understand that the structure listed there is all a 15:05:54 quote from the patent, right? 15:05:56 A. I do. 15:05:57 Q. We're not reaching out beyond the 15:05:58 patent, are we? 15:06:00 A. Oh, there's certainly a disclosure of 15:06:01 the ways in which the physical structure of a 15:06:05 network could be put together for this thing. I 15:06:09 I didn't didn't intend to imply that you were making that up. It's just you know, I think one of the examples that was used in one of these two depositions in the last few days is, you know, are you going to include the plug into the wall and Austin Power & Light and, you know, the Rockdale 15:06:27	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the microwave towers and a satellite network as being required to be provided by the invention. Q. I don't think you answered my question. Q. I don't think you answered my question. Or maybe I misunderstood you. But my question is simply: Do you agree that these things in quotation from Google and Yahoo! in the structure are, in 15:08:13 fact, described in the patent as things that 15:08:17 transmit presentations to the media venues at that physical layer? A. I think they are things that carry the 15:08:25 information. But I I don't recall whether they used the term "transmit" for these things or not. 15:08:33 They they are just if your question had been are they described in some sense, my recollection is they are. 15:08:44 Q. Okay. The parties agreed construction of the function doesn't say "initiating" or 15:08:47 "controlling" the transmission, right? 15:08:52 Q. But your position is that that's what 15:08:54 the structure should correspond to is that 15:08:57
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	But I think that the 15:05:31 But I think that the 15:05:34 specification says that the Program 1710 either transmits the presentation. So I I think that's 15:05:41 a clear characteristic set forth in the 15:05:47 specification. 15:05:49 Q. (BY MR. LUMISH) So this thing you said 15:05:50 is the parties the defendants reaching out, you understand that the structure listed there is all a 15:05:54 quote from the patent, right? 15:05:56 A. I do. 15:05:57 Q. We're not reaching out beyond the patent, are we? 15:06:00 A. Oh, there's certainly a disclosure of 15:06:01 the ways in which the physical structure of a 15:06:05 network could be put together for this thing. I 15:06:09 I didn't didn't intend to imply that you were making that up. It's just you know, I think one of the examples that was used in one of these two depositions in the last few days is, you know, are you going to include the plug into the wall and Austin Power & Light and, you know, the Rockdale 15:06:27 Generation Plant, and the earth. You know. I mean, 15:06:29	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	the microwave towers and a satellite network as being required to be provided by the invention. Q. I don't think you answered my question. Q. I don't think you answered my question. Q. I don't think you answered my question. Simply: Do you agree that these things in quotation from Google and Yahoo! in the structure are, in fact, described in the patent as things that physical layer? A. I think they are things that carry the information. But I I don't recall whether they used the term "transmit" for these things or not. They they are just if your question had been are they described in some sense, my recollection is they are. Q. Okay. The parties agreed construction of the function doesn't say "initiating" or 15:08:49 A. It does not. 15:08:52 Q. But your position is that that's what 15:08:57 initiation or control of a data transmission, as 15:08:59

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	Page 210		Page 212
1	MR. BRANDON: Object to the form. 15:09:10	1	MR. WOLFF: Where are we, 85? I'll 15:12:14
2	A. I've really got two opinions. I think 15:09:11	2	have the court reporter mark as Exhibit 86 a copy of 15:12:20
3	that's the appropriate thing that's disclosed in the 15:09:13	3	US patent No. 7249059, which I'll refer to as the 15:12:22
4	patent by that software. And I would cite to you 15:09:15	4	'059 patent. But Mr. Lumish already commented 15:12:28
5	the the quote that's in paragraph 37 on page 10. 15:09:19	5	earlier today that we'll just talk about those being 15:12:31
6	And, secondly, I think it's inappropriate to have 15:09:22	6	the patents. 15:12:33
7	considered proposed that the corresponding 15:09:25	7	(Deposition Exhibit No. 86 Marked.) 15:12:34
8	structure of the means for transmitting would 15:09:30	8	THE VIDEOGRAPHER: Jason, your 15:12:34
9	include all of those things. So I like mine, and I 15:09:32	9	microphone. 15:12:36
10	think yours is inappropriate. 15:09:36	10	Q. (BY MR. WOLFF) So are you looking at 15:12:48
11	MR. LUMISH: I'm going to pass you 15:09:45	11	the '045 patent right now? 15:12:49
12	to my colleague here, Mr. Wolff, who's going to ask 15:09:47	12	A. Yes. 15:12:51
13	you some questions. As mentioned before, he's 15:09:50	13	Q. And would you agree the preamble there 15:12:51
14	counsel for Google. 15:09:54	14	is a limitation? 15:12:54
15	THE WITNESS: I understand. 15:09:56	15	A. I believe so, based on the fact that the 15:12:55
16	EXAMINATION 15:10:35	16	preamble talks about facilitating and controlling 15:12:56
17	BY MR. WOLFF: 15:10:44	17	the creating and publishing of presentations and, 15:12:59
18	Q. We may have been two ships crossing in 15:10:44	18	for example, element c at the top of column 64 15:13:01
19	the night in the in the reports, but so this 15:10:46	19	refers to said presentations. 15:13:05
20	can be clear, is it your view that the preambles are 15:10:50	20	Q. All right. 15:13:08
21	limitations? 15:10:54	21	A. And I believe that that means that I 15:13:08
22	A. I think we'd have to look at each 15:10:56	22	have to refer to the preamble, at least that portion 15:13:11
23	preamble to be sure, but I think so. 15:10:59	23	of the preamble. 15:13:14
24	Q. Or do you think there might be some 15:11:02	24	Q. Okay. If you could take a look at the 15:13:15
25	that you do you want to look at the preambles 15:11:04	25	'025 patent, claims 1 and 179. 15:13:18
	Page 211		Page 213
1	Page 211 and make sure or you weren't sure? 15:11:07	1	Page 213 A. Give me a second, because I may need 15:13:20
1 2		1 2	A. Give me a second, because I may need 15:13:20 I may need to clarify. I would say the preamble in 15:13:22
	and make sure or you weren't sure? 15:11:07 A. If you I can tell you that having 15:11:09	1	A. Give me a second, because I may need 15:13:20
2	and make sure or you weren't sure? 15:11:07 A. If you I can tell you that having 15:11:09	2	A. Give me a second, because I may need 15:13:20 I may need to clarify. I would say the preamble in 15:13:22
2	and make sure or you weren't sure? 15:11:07 A. If you I can tell you that having 15:11:09 carefully examined the preamble of claim 1 of the 15:11:11 '045 and claims 1 and 179 of the '025, because I 15:11:15	2	A. Give me a second, because I may need 15:13:20 I may need to clarify. I would say the preamble in 15:13:22 that claim, claim 1 of the '045 is is limiting to 15:13:37
2 3 4	and make sure or you weren't sure? 15:11:07 A. If you I can tell you that having 15:11:09 carefully examined the preamble of claim 1 of the 15:11:11 '045 and claims 1 and 179 of the '025, because I 15:11:15	2 3 4	A. Give me a second, because I may need 15:13:20 I may need to clarify. I would say the preamble in 15:13:22 that claim, claim 1 of the '045 is is limiting to 15:13:37 the degree at which the element c at the top of column 64 makes reference to said presentations. 15:13:46 And it's you have to refer back, as I read the 15:13:52
2 3 4 5	and make sure or you weren't sure? 15:11:07 A. If you I can tell you that having 15:11:09 carefully examined the preamble of claim 1 of the 15:11:11 '045 and claims 1 and 179 of the '025, because I 15:11:15 find language in those preambles that is referred to 15:11:18	2 3 4 5	A. Give me a second, because I may need 15:13:20 I may need to clarify. I would say the preamble in 15:13:22 that claim, claim 1 of the '045 is is limiting to 15:13:37 the degree at which the element c at the top of column 64 makes reference to said presentations. 15:13:46
2 3 4 5 6	and make sure or you weren't sure? A. If you I can tell you that having 15:11:09 carefully examined the preamble of claim 1 of the '045 and claims 1 and 179 of the '025, because I 15:11:15 find language in those preambles that is referred to 15:11:18 later in the limitations of the claims, the way I 15:11:22	2 3 4 5 6	A. Give me a second, because I may need 15:13:20 I may need to clarify. I would say the preamble in 15:13:22 that claim, claim 1 of the '045 is is limiting to 15:13:37 the degree at which the element c at the top of column 64 makes reference to said presentations. 15:13:40 And it's you have to refer back, as I read the claim, to a portion of the preamble where to find an antecedent for the for the publications. So 15:14:02
2 3 4 5 6 7	and make sure or you weren't sure? A. If you I can tell you that having 15:11:09 carefully examined the preamble of claim 1 of the 15:11:11 '045 and claims 1 and 179 of the '025, because I 15:11:15 find language in those preambles that is referred to 15:11:18 later in the limitations of the claims, the way I 15:11:22 understand the question of is it limiting or is it 15:11:26	2 3 4 5 6 7	A. Give me a second, because I may need 15:13:20 I may need to clarify. I would say the preamble in 15:13:22 that claim, claim 1 of the '045 is is limiting to 15:13:37 the degree at which the element c at the top of column 64 makes reference to said presentations. 15:13:46 And it's you have to refer back, as I read the claim, to a portion of the preamble where to find 15:13:55
2 3 4 5 6 7 8	and make sure or you weren't sure? A. If you I can tell you that having 15:11:09 carefully examined the preamble of claim 1 of the 15:11:11 '045 and claims 1 and 179 of the '025, because I 15:11:15 find language in those preambles that is referred to 15:11:18 later in the limitations of the claims, the way I 15:11:22 understand the question of is it limiting or is it 15:11:26 not, it's my opinion that those preambles are 15:11:30 limiting. 15:11:37	2 3 4 5 6 7 8	A. Give me a second, because I may need 15:13:20 I may need to clarify. I would say the preamble in 15:13:22 that claim, claim 1 of the '045 is is limiting to 15:13:37 the degree at which the element c at the top of column 64 makes reference to said presentations. 15:13:40 And it's you have to refer back, as I read the claim, to a portion of the preamble where to find an antecedent for the for the publications. So 15:14:02
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	and make sure or you weren't sure? A. If you I can tell you that having 15:11:09 carefully examined the preamble of claim 1 of the 15:11:11 '045 and claims 1 and 179 of the '025, because I 15:11:15 find language in those preambles that is referred to 15:11:18 later in the limitations of the claims, the way I 15:11:22 understand the question of is it limiting or is it 15:11:26 not, it's my opinion that those preambles are 15:11:30 limiting. 15:11:37 Q. I'm sorry, did you say the the '059 15:11:40 patent, too, or not? 15:11:42 A. I'm sorry, I should have said 15:11:47 Q. You don't have the '059 patent. 15:11:47 A. No, I misspoke. 15:11:47 Q. I had a I had a stack of patents over 15:11:50 here, and I think I have an extra copy. 15:11:52 A. I think I did, and I misspoke. I meant 15:11:54 to refer to the '025. 15:11:57 MR. BRANDON: Jason, why don't we 15:12:02 take a look at the various preambles so we can know 15:12:04	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Give me a second, because I may need I may need to clarify. I would say the preamble in that claim, claim 1 of the '045 is is limiting to the degree at which the element c at the top of column 64 makes reference to said presentations. And it's you have to refer back, as I read the claim, to a portion of the preamble where to find an antecedent for the for the publications. So then let me look at claim 1 of the '025 quickly. Q. You don't think that it's a limitation as to any other portions of the preamble? A. I see media venues. The plurality of media venues is also there. Q. What about controlled owned or controlled by other than the seller, is that a limitation in the claim? A. Based on what I recall from the file history and the fact that that was, I believe, added full 15:14:54 considered to be limiting.
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	Page 214		Page 216
1	patent to verify that whether the preambles are 15:15:16	1	Presentation and Configuration Program 4715 does? 15:18:41
2	limitations, correct? 15:15:19	2	A. I can cite you again. May take me a 15:18:46
3	A. Yes. I believe that the limitation of 15:15:19	3	minute to find it, but I think I ultimately cited to 15:18:58
4	claim 1 is that that the preamble of claim 1 15:15:31	4	the statement that's made in column 27, that the 15:18:58
5	is limiting because the way the claim is 15:15:36	5	Presentation and Configuration Program 4715 is both 15:19:01
6	constructed. I I it's my opinion here today 15:15:39	6	the gateway to the present invention and the 15:19:05
7	that the preamble of claim 179 is limiting. 15:15:56	7	controlling software interface for the seller. And 15:19:07
8	Q. All right. Let's do the same thing in 15:16:01	8	then for the remainder of that paragraph, it talks 15:19:11
9	the '059 patent. 15:16:03	9	about some of the things that it does. And I 15:19:13
_	•	10	believe I cited to one other part of the patent. I 15:19:18
10	•	ı	can look for it again. I don't remember exactly 15:19:22
11	Q. I believe that's claims 1 and 27. 15:16:04	11	where it was. Seems to me it was a little further 15:19:24
12	A. I believe that the preamble of claim 1 15:16:28	12	
13	of the '059 should be considered to be a limitation 15:16:30	13	back relative to the prompting. But I I can read 15:19:26
14	on the scope of the claim. And you said 27, I 15:16:33	14	you the paragraph 15:19:32
15	think. I believe that the preamble of claim 27 of 15:16:37	15	Q. No, you don't need to read the 15:19:33
16	the '059 patent should be considered a limitation on 15:16:50	16	paragraph. 15:19:34
17	the scope of that claim. 15:16:53	17	A. I didn't think you wanted that. 15:19:35
18	Q. Earlier today, you testified that a key 15:16:56	18	Q. Yeah. If you'll turn to column 41 in 15:19:36
19	piece of the inventive software was the Presentation 15:16:58	19	the '045 patent since that's what you've been 15:19:40
20	and Configuration Program 4715; is that correct? 15:17:04	20	referring to today 15:19:43
21	A. Is that my language that I said did I 15:17:05	21	A. Okay. 15:19:48
22	say "key piece"? I don't remember saying that, but 15:17:08	22	Q. — and I think you talked about this 15:19:48
23	I don't 15:17:10	23	earlier, too, perhaps. But lines 21 through 42, is 15:19:54
24	Q. Yes, you said those words. 15:17:10	24	that section of the '045 patent describing one of 15:20:04
25	A disagree with that. That's fine. 15:17:12	25	the preferred embodiments of the invention? 15:20:09
1			
-		_	
	Page 215		Page 217
1	Page 215 Okay. 15:17:12	1	Page 217 A. It's describing a a what did you 15:20:11
1 2		1 2	
1	Okay. 15:17:12	l	A. It's describing a a what did you 15:20:11
2	Okay. 15:17:12 Q. Is that you still agree with that? 15:17:12 A. I don't disavow that. I just didn't 15:17:14	2	A. It's describing a a what did you 15:20:11 say, 21 through what? 42? 15:20:15
2 3 4	Okay. 15:17:12 Q. Is that you still agree with that? 15:17:12 A. I don't disavow that. I just didn't 15:17:14 remember using the precise words "key piece." 15:17:17	2	A. It's describing a a what did you 15:20:11 say, 21 through what? 42? 15:20:15 Q. Roughly 42. 15:20:18 A. All right. Let me just re-read the 15:20:19
2 3 4 5	Okay. 15:17:12 Q. Is that you still agree with that? 15:17:12 A. I don't disavow that. I just didn't 15:17:14 remember using the precise words "key piece." 15:17:17 It's it has a role to play in the process. 15:17:19	2 3 4	A. It's describing a a what did you 15:20:11 say, 21 through what? 42? 15:20:15 Q. Roughly 42. 15:20:18 A. All right. Let me just re-read the 15:20:19 entirety of that. 15:20:22
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2 3 4 5 6	Okay. 15:17:12 Q. Is that you still agree with that? 15:17:12 A. I don't disavow that. I just didn't 15:17:14 remember using the precise words "key piece." 15:17:17 It's it has a role to play in the process. 15:17:19 Q. So was it is it not a key piece of 15:17:21 the inventive software? 15:17:23 A. I I think it's an aspect of the 15:17:25	2 3 4 5 6 7 8	A. It's describing a a what did you 15:20:11 say, 21 through what? 42? 15:20:15 Q. Roughly 42. 15:20:18 A. All right. Let me just re-read the 15:20:19 entirety of that. 15:20:22 (Witness Reviews Document.) 15:20:23 A. That's one in as it says back up 15:20:34 at somewhere. They're talking about an instance. 15:20:36
2 3 4 5 6 7 8 9	Okay. 15:17:12 Q. Is that you still agree with that? 15:17:12 A. I don't disavow that. I just didn't 15:17:14 remember using the precise words "key piece." 15:17:17 It's it has a role to play in the process. 15:17:19 Q. So was it is it not a key piece of 15:17:21 the inventive software? 15:17:23 A. I I think it's an aspect of the 15:17:25 overall invention that is important to satisfy most 15:17:27	2 3 4 5 6 7 8 9	A. It's describing a a what did you 15:20:11 say, 21 through what? 42? 15:20:15 Q. Roughly 42. 15:20:18 A. All right. Let me just re-read the 15:20:19 entirety of that. 15:20:22 (Witness Reviews Document.) 15:20:23 A. That's one in as it says back up 15:20:34 at somewhere. They're talking about an instance. 15:20:36 They're saying if this is one way that that program 15:20:57
2 3 4 5 6 7 8 9	Okay. 15:17:12 Q. Is that you still agree with that? 15:17:12 A. I don't disavow that. I just didn't 15:17:14 remember using the precise words "key piece." 15:17:17 It's it has a role to play in the process. 15:17:19 Q. So was it is it not a key piece of 15:17:21 the inventive software? 15:17:23 A. I I think it's an aspect of the 15:17:25 overall invention that is important to satisfy most 15:17:27 of the claim limitations, at least one limitation 15:17:30	2 3 4 5 6 7 8 9 10	A. It's describing a a what did you 15:20:11 say, 21 through what? 42? 15:20:15 Q. Roughly 42. 15:20:18 A. All right. Let me just re-read the 15:20:19 entirety of that. 15:20:22 (Witness Reviews Document.) 15:20:23 A. That's one in as it says back up 15:20:34 at somewhere. They're talking about an instance. 15:20:57 could operate. And then it certainly describes a 15:21:00
2 3 4 5 6 7 8 9 10	Okay. 15:17:12 Q. Is that you still agree with that? 15:17:12 A. I don't disavow that. I just didn't 15:17:14 remember using the precise words "key piece." 15:17:17 It's it has a role to play in the process. 15:17:19 Q. So was it is it not a key piece of 15:17:21 the inventive software? 15:17:23 A. I I think it's an aspect of the 15:17:25 overall invention that is important to satisfy most 15:17:27 of the claim limitations, at least one limitation 15:17:30 of of the asserting claim, so, yes. 15:17:33	2 3 4 5 6 7 8 9 10 11	A. It's describing a a what did you 15:20:11 say, 21 through what? 42? 15:20:15 Q. Roughly 42. 15:20:18 A. All right. Let me just re-read the 15:20:19 entirety of that. 15:20:22 (Witness Reviews Document.) 15:20:23 A. That's one in as it says back up 15:20:34 at somewhere. They're talking about an instance. 15:20:36 They're saying if this is one way that that program 15:20:57 could operate. And then it certainly describes a 15:21:00 way of operation that that program could provide. 15:21:05
2 3 4 5 6 7 8 9 10 11 12	Okay. 15:17:12 Q. Is that you still agree with that? 15:17:12 A. I don't disavow that. I just didn't 15:17:14 remember using the precise words "key piece." 15:17:17 It's it has a role to play in the process. 15:17:19 Q. So was it is it not a key piece of 15:17:21 the inventive software? 15:17:23 A. I I think it's an aspect of the 15:17:25 overall invention that is important to satisfy most 15:17:27 of the claim limitations, at least one limitation 15:17:30 of of the asserting claim, so, yes. 15:17:33 Q. Would you say that it is part of the 15:17:36	2 3 4 5 6 7 8 9 10 11 12	A. It's describing a a what did you 15:20:11 say, 21 through what? 42? 15:20:15 Q. Roughly 42. 15:20:18 A. All right. Let me just re-read the 15:20:19 entirety of that. 15:20:22 (Witness Reviews Document.) 15:20:23 A. That's one in as it says back up 15:20:34 at somewhere. They're talking about an instance. 15:20:36 They're saying if this is one way that that program 15:20:57 could operate. And then it certainly describes a way of operation that that program could provide. 15:21:05 Q. (BY MR. WOLFF) Okay. And given your 15:21:08
2 3 4 5 6 7 8 9 10 11 12 13	Okay. 15:17:12 Q. Is that you still agree with that? 15:17:12 A. I don't disavow that. I just didn't 15:17:14 remember using the precise words "key piece." 15:17:17 It's it has a role to play in the process. 15:17:19 Q. So was it is it not a key piece of 15:17:21 the inventive software? 15:17:23 A. I I think it's an aspect of the 15:17:25 overall invention that is important to satisfy most 15:17:27 of the claim limitations, at least one limitation 15:17:30 of of the asserting claim, so, yes. 15:17:33 Q. Would you say that it is part of the preferred embodiments of the claims? 15:17:41	2 3 4 5 6 7 8 9 10 11 12 13	A. It's describing a a what did you 15:20:11 say, 21 through what? 42? 15:20:15 Q. Roughly 42. 15:20:18 A. All right. Let me just re-read the 15:20:19 entirety of that. 15:20:22 (Witness Reviews Document.) 15:20:23 A. That's one in as it says back up 15:20:34 at somewhere. They're talking about an instance. 15:20:36 They're saying if this is one way that that program 15:20:57 could operate. And then it certainly describes a way of operation that that program could provide. Q. (BY MR. WOLFF) Okay. And given your construction of the claims and, for example, the 15:21:10
2 3 4 5 6 7 8 9 10 11 12 13	Okay. 15:17:12 Q. Is that you still agree with that? 15:17:12 A. I don't disavow that. I just didn't 15:17:14 remember using the precise words "key piece." 15:17:17 It's it has a role to play in the process. 15:17:19 Q. So was it is it not a key piece of 15:17:21 the inventive software? 15:17:23 A. I I think it's an aspect of the 15:17:25 overall invention that is important to satisfy most of the claim limitations, at least one limitation of of the asserting claim, so, yes. 15:17:33 Q. Would you say that it is part of the preferred embodiments of the claims? 15:17:41 A. I think that the preferred embodiment 15:17:47	2 3 4 5 6 7 8 9 10 11 12 13	A. It's describing a a what did you 15:20:11 say, 21 through what? 42? 15:20:15 Q. Roughly 42. 15:20:18 A. All right. Let me just re-read the 15:20:19 entirety of that. 15:20:22 (Witness Reviews Document.) 15:20:23 A. That's one in as it says back up 15:20:34 at somewhere. They're talking about an instance. 15:20:36 They're saying if this is one way that that program 15:20:57 could operate. And then it certainly describes a 15:21:00 way of operation that that program could provide. 15:21:05 Q. (BY MR. WOLFF) Okay. And given your construction of the claims and, for example, the 15:21:10 '045 patent, would this description that we've just 15:21:13
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Okay. 15:17:12 Q. Is that you still agree with that? 15:17:12 A. I don't disavow that. I just didn't 15:17:14 remember using the precise words "key piece." 15:17:17 It's it has a role to play in the process. 15:17:19 Q. So was it is it not a key piece of 15:17:21 the inventive software? 15:17:23 A. I I think it's an aspect of the 15:17:25 overall invention that is important to satisfy most of the claim limitations, at least one limitation of of the asserting claim, so, yes. 15:17:33 Q. Would you say that it is part of the preferred embodiments of the claims? 15:17:47 A. I think that the preferred embodiment 15:17:47 that is disclosed has that program in it. Which, 15:17:49	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. It's describing a a what did you 15:20:11 say, 21 through what? 42? 15:20:15 Q. Roughly 42. 15:20:18 A. All right. Let me just re-read the 15:20:19 entirety of that. 15:20:22 (Witness Reviews Document.) 15:20:23 A. That's one in as it says back up 15:20:34 at somewhere. They're talking about an instance. 15:20:36 They're saying if this is one way that that program 15:20:57 could operate. And then it certainly describes a way of operation that that program could provide. Q. (BY MR. WOLFF) Okay. And given your construction of the claims and, for example, the '045 patent, would this description that we've just referred to be covered by the claims? 15:21:17
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Okay. 15:17:12 Q. Is that you still agree with that? 15:17:12 A. I don't disavow that. I just didn't 15:17:14 remember using the precise words "key piece." 15:17:17 It's it has a role to play in the process. 15:17:19 Q. So was it is it not a key piece of 15:17:21 the inventive software? 15:17:23 A. I I think it's an aspect of the 15:17:25 overall invention that is important to satisfy most of the claim limitations, at least one limitation 15:17:30 of of the asserting claim, so, yes. 15:17:33 Q. Would you say that it is part of the preferred embodiments of the claims? 15:17:47 A. I think that the preferred embodiment 15:17:47 that is disclosed has that program in it. Which, Presentation and Configure 15:17:58 Q. Presentation and Configuration Program 15:18:00	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. It's describing a a what did you 15:20:11 say, 21 through what? 42? 15:20:15 Q. Roughly 42. 15:20:18 A. All right. Let me just re-read the 15:20:19 entirety of that. 15:20:22 (Witness Reviews Document.) 15:20:23 A. That's one in as it says back up 15:20:34 at somewhere. They're talking about an instance. 15:20:36 They're saying if this is one way that that program 15:20:57 could operate. And then it certainly describes a 15:21:00 way of operation that that program could provide. 2. (BY MR. WOLFF) Okay. And given your construction of the claims and, for example, the '045 patent, would this description that we've just referred to be covered by the claims? 15:21:17 MR. BRANDON: Objection to form. 15:21:19 A. I don't think it would rule out being 15:21:21
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Okay. 15:17:12 Q. Is that you still agree with that? 15:17:12 A. I don't disavow that. I just didn't 15:17:14 remember using the precise words "key piece." 15:17:17 It's it has a role to play in the process. 15:17:19 Q. So was it is it not a key piece of 15:17:21 the inventive software? 15:17:23 A. I I think it's an aspect of the 15:17:25 overall invention that is important to satisfy most 15:17:27 of the claim limitations, at least one limitation 15:17:30 of of the asserting claim, so, yes. 15:17:33 Q. Would you say that it is part of the 15:17:36 preferred embodiments of the claims? 15:17:41 A. I think that the preferred embodiment 15:17:47 that is disclosed has that program in it. Which, 15:17:49 Presentation and Configure 15:17:58 Q. Presentation and Configuration Program 15:18:03 A. Okay. I just wanted to be sure I heard 15:18:03	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. It's describing a a what did you 15:20:11 say, 21 through what? 42? 15:20:15 Q. Roughly 42. 15:20:18 A. All right. Let me just re-read the 15:20:19 entirety of that. 15:20:22 (Witness Reviews Document.) 15:20:23 A. That's one in as it says back up 15:20:34 at somewhere. They're talking about an instance. 15:20:36 They're saying if this is one way that that program 15:20:57 could operate. And then it certainly describes a 15:21:00 way of operation that that program could provide. 15:21:05 Q. (BY MR. WOLFF) Okay. And given your construction of the claims and, for example, the '045 patent, would this description that we've just referred to be covered by the claims? 15:21:17 MR. BRANDON: Objection to form. 15:21:19 A. I don't think it would rule out being 15:21:21 covered by the claim, but I don't think the language 15:21:26 of the claim requires all of the detail there. 15:21:28
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Okay. 15:17:12 Q. Is that you still agree with that? 15:17:12 A. I don't disavow that. I just didn't 15:17:14 remember using the precise words "key piece." 15:17:17 It's it has a role to play in the process. 15:17:19 Q. So was it is it not a key piece of 15:17:21 the inventive software? 15:17:23 A. I I think it's an aspect of the 15:17:25 overall invention that is important to satisfy most 15:17:27 of the claim limitations, at least one limitation 15:17:30 of of the asserting claim, so, yes. 15:17:33 Q. Would you say that it is part of the 15:17:36 preferred embodiments of the claims? 15:17:41 A. I think that the preferred embodiment 15:17:47 that is disclosed has that program in it. Which, 15:17:49 Presentation and Configure 15:17:58 Q. Presentation and Configuration Program 15:18:03 4715? 15:18:03 A. Okay. I just wanted to be sure I heard 15:18:03 you right. Yes. I think that's in fact, when I 15:18:05	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. It's describing a a what did you 15:20:11 say, 21 through what? 42? 15:20:15 Q. Roughly 42. 15:20:18 A. All right. Let me just re-read the 15:20:19 entirety of that. 15:20:22 (Witness Reviews Document.) 15:20:23 A. That's one in as it says back up 15:20:34 at somewhere. They're talking about an instance. 15:20:36 They're saying if this is one way that that program 15:20:57 could operate. And then it certainly describes a way of operation that that program could provide. Q. (BY MR. WOLFF) Okay. And given your construction of the claims and, for example, the '045 patent, would this description that we've just referred to be covered by the claims? 15:21:10 MR. BRANDON: Objection to form. 15:21:19 A. I don't think it would rule out being 15:21:21 covered by the claim, but I don't think the language of the claim requires all of the detail there. 15:21:28 The it's a comprising-type claim. And if you add 15:21:32
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Okay. 15:17:12 Q. Is that you still agree with that? 15:17:12 A. I don't disavow that. I just didn't 15:17:14 remember using the precise words "key piece." 15:17:17 It's it has a role to play in the process. 15:17:19 Q. So was it is it not a key piece of 15:17:21 the inventive software? 15:17:23 A. I I think it's an aspect of the 15:17:25 overall invention that is important to satisfy most 15:17:27 of the claim limitations, at least one limitation 15:17:30 of of the asserting claim, so, yes. 15:17:33 Q. Would you say that it is part of the 15:17:36 preferred embodiments of the claims? 15:17:41 A. I think that the preferred embodiment 15:17:47 that is disclosed has that program in it. Which, Presentation and Configure 15:17:58 Q. Presentation and Configuration Program 15:18:03 4. Okay. I just wanted to be sure I heard you right. Yes. I think that's in fact, when I 15:18:05 was mapping the corresponding structure for the 15:18:08	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. It's describing a a what did you 15:20:11 say, 21 through what? 42? 15:20:15 Q. Roughly 42. 15:20:18 A. All right. Let me just re-read the 15:20:19 entirety of that. 15:20:22 (Witness Reviews Document.) 15:20:23 A. That's one in as it says back up 15:20:34 at somewhere. They're talking about an instance. 15:20:36 They're saying if this is one way that that program could operate. And then it certainly describes a way of operation that that program could provide. Q. (BY MR. WOLFF) Okay. And given your construction of the claims and, for example, the '045 patent, would this description that we've just referred to be covered by the claims? 15:21:17 MR. BRANDON: Objection to form. 15:21:19 A. I don't think it would rule out being 15:21:21 covered by the claim, but I don't think the language of the claim requires all of the detail there. 15:21:32 The it's a comprising-type claim. And if you add 15:21:32
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Okay. 15:17:12 Q. Is that you still agree with that? 15:17:12 A. I don't disavow that. I just didn't 15:17:14 remember using the precise words "key piece." 15:17:17 It's it has a role to play in the process. 15:17:19 Q. So was it is it not a key piece of 15:17:21 the inventive software? 15:17:23 A. I I think it's an aspect of the 15:17:25 overall invention that is important to satisfy most 15:17:27 of the claim limitations, at least one limitation 15:17:30 of of the asserting claim, so, yes. 15:17:33 Q. Would you say that it is part of the preferred embodiments of the claims? 15:17:47 A. I think that the preferred embodiment 15:17:47 that is disclosed has that program in it. Which, 15:17:49 Presentation and Configure 15:18:03 Q. Presentation and Configuration Program 15:18:03 you right. Yes. I think that's in fact, when I 15:18:05 was mapping the corresponding structure for the 15:18:08 some of the claims that we've talked about in 15:18:14	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. It's describing a a what did you 15:20:11 say, 21 through what? 42? 15:20:15 Q. Roughly 42. 15:20:18 A. All right. Let me just re-read the 15:20:19 entirety of that. 15:20:22 (Witness Reviews Document.) 15:20:23 A. That's one in as it says back up 15:20:34 at somewhere. They're talking about an instance. 15:20:36 They're saying if this is one way that that program could operate. And then it certainly describes a way of operation that that program could provide. Q. (BY MR. WOLFF) Okay. And given your construction of the claims and, for example, the '045 patent, would this description that we've just referred to be covered by the claims? 15:21:10 A. I don't think it would rule out being 15:21:21 covered by the claim, but I don't think the language 15:21:28 The it's a comprising-type claim. And if you add this input qualification capability that's described there in column 41, that doesn't mean you don't 15:21:37
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Okay. 15:17:12 Q. Is that you still agree with that? 15:17:12 A. I don't disavow that. I just didn't 15:17:14 remember using the precise words "key piece." 15:17:17 It's it has a role to play in the process. 15:17:19 Q. So was it is it not a key piece of 15:17:21 the inventive software? 15:17:23 A. I I think it's an aspect of the 15:17:25 overall invention that is important to satisfy most 15:17:27 of the claim limitations, at least one limitation 15:17:30 of of the asserting claim, so, yes. 15:17:33 Q. Would you say that it is part of the 15:17:36 preferred embodiments of the claims? 15:17:41 A. I think that the preferred embodiment 15:17:47 that is disclosed has that program in it. Which, Presentation and Configure 15:17:58 Q. Presentation and Configuration Program 15:18:03 4715? 15:18:03 A. Okay. I just wanted to be sure I heard you right. Yes. I think that's in fact, when I 15:18:05 was mapping the corresponding structure for the 15:18:18 some of the claims that we've talked about in 15:18:16	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. It's describing a a what did you 15:20:11 say, 21 through what? 42? 15:20:15 Q. Roughly 42. 15:20:18 A. All right. Let me just re-read the 15:20:19 entirety of that. 15:20:22 (Witness Reviews Document.) 15:20:23 A. That's one in as it says back up 15:20:34 at somewhere. They're talking about an instance. 15:20:36 They're saying if this is one way that that program 15:20:57 could operate. And then it certainly describes a way of operation that that program could provide. Q. (BY MR. WOLFF) Okay. And given your construction of the claims and, for example, the '045 patent, would this description that we've just referred to be covered by the claims? 15:21:10 A. I don't think it would rule out being 15:21:21 covered by the claim, but I don't think the language 15:21:28 of the claim requires all of the detail there. 15:21:32 there in column 41, that doesn't mean you don't infringe, but I don't think that this this simple 15:21:40
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Okay. 15:17:12 Q. Is that you still agree with that? 15:17:12 A. I don't disavow that. I just didn't 15:17:14 remember using the precise words "key piece." 15:17:17 It's it has a role to play in the process. 15:17:19 Q. So was it is it not a key piece of 15:17:21 the inventive software? 15:17:23 A. I I think it's an aspect of the 15:17:25 overall invention that is important to satisfy most of the claim limitations, at least one limitation 15:17:30 of of the asserting claim, so, yes. 15:17:33 Q. Would you say that it is part of the preferred embodiments of the claims? 15:17:46 preferred embodiments of the claims? 15:17:47 that is disclosed has that program in it. Which, 15:17:49 Presentation and Configure 15:18:03 A. Okay. I just wanted to be sure I heard you right. Yes. I think that's in fact, when I 15:18:05 was mapping the corresponding structure for the 15:18:08 some of the claims that we've talked about in detail, I pointed for a portion for for at least one element to that particular program. 15:18:26	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. It's describing a a what did you 15:20:11 say, 21 through what? 42? 15:20:15 Q. Roughly 42. 15:20:18 A. All right. Let me just re-read the 15:20:19 entirety of that. 15:20:22 (Witness Reviews Document.) 15:20:23 A. That's one in as it says back up 15:20:34 at somewhere. They're talking about an instance. 15:20:36 They're saying if this is one way that that program could operate. And then it certainly describes a 15:21:00 way of operation that that program could provide. Q. (BY MR. WOLFF) Okay. And given your construction of the claims and, for example, the '045 patent, would this description that we've just referred to be covered by the claims? 15:21:10 MR. BRANDON: Objection to form. 15:21:11 A. I don't think it would rule out being 15:21:21 covered by the claim, but I don't think the language of the claim requires all of the detail there. 15:21:28 The it's a comprising-type claim. And if you add this input qualification capability that's described there in column 41, that doesn't mean you don't infringe, but I don't think that this this simple requirement in claim 1, for example, that providing 15:21:40
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Okay. 15:17:12 Q. Is that you still agree with that? 15:17:12 A. I don't disavow that. I just didn't 15:17:14 remember using the precise words "key piece." 15:17:17 It's it has a role to play in the process. 15:17:19 Q. So was it is it not a key piece of 15:17:21 the inventive software? 15:17:23 A. I I think it's an aspect of the 15:17:25 overall invention that is important to satisfy most 15:17:27 of the claim limitations, at least one limitation 15:17:30 of of the asserting claim, so, yes. 15:17:33 Q. Would you say that it is part of the 15:17:36 preferred embodiments of the claims? 15:17:41 A. I think that the preferred embodiment 15:17:47 that is disclosed has that program in it. Which, Presentation and Configure 15:17:58 Q. Presentation and Configuration Program 15:18:03 4715? 15:18:03 A. Okay. I just wanted to be sure I heard you right. Yes. I think that's in fact, when I 15:18:05 was mapping the corresponding structure for the 15:18:18 some of the claims that we've talked about in 15:18:16	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. It's describing a a what did you 15:20:11 say, 21 through what? 42? 15:20:15 Q. Roughly 42. 15:20:18 A. All right. Let me just re-read the 15:20:19 entirety of that. 15:20:22 (Witness Reviews Document.) 15:20:23 A. That's one in as it says back up 15:20:34 at somewhere. They're talking about an instance. 15:20:36 They're saying if this is one way that that program 15:20:57 could operate. And then it certainly describes a way of operation that that program could provide. Q. (BY MR. WOLFF) Okay. And given your 15:21:08 construction of the claims and, for example, the 15:21:10 '045 patent, would this description that we've just referred to be covered by the claims? 15:21:17 MR. BRANDON: Objection to form. 15:21:19 A. I don't think it would rule out being 15:21:21 covered by the claim, but I don't think the language 15:21:22 of the claim requires all of the detail there. 15:21:28 The it's a comprising-type claim. And if you add this claim input qualification capability that's described there in column 41, that doesn't mean you don't infringe, but I don't think that this this simple 15:21:40

	Page 218		Page 220
1	providing means for the seller to input information 15:22:02	1	A. I don't think I specifically did. I 15:25:52
2	requires that capability. 15:22:07	2	didn't 15:25:54
3	It doesn't say here, for example, in 15:22:08	3	Q. Is there a reason you didn't reference 15:25:54
4	claim 1, that that inputting of information is 15:22:11	4	it in your report? 15:25:56
5	controlled or qualified in some specific way. 15:22:14	5	A. Nobody had asked me that question. 15:25:57
6	Q. (BY MR. WOLFF) Now, could this be 15:22:16	6	Q. But you knew there was a dispute between 15:25:58
7	referring to the means for applying? 15:22:19	7	the parties as to whether there was sufficient 15:26:00
8	A. That's not the reading that I've made. 15:22:35	8	structure? 15:26:03
9	And I'm I'm perfectly comfortable with the 15:22:37	9	A. I thought the dispute was whether or not 15:26:04
10	reading that I have provided you, which I think was 15:22:42	10	there was hardware versus software. Maybe I've 15:26:06
11	the Presentation Generation Program. 15:22:48	11	mischaracterized the totality of the dispute, but 15:26:10
12	Q. So you don't think that the means for 15:22:55	12	that that's certainly been my understanding of 15:26:17
13	applying limitation is consistent with this 15:22:57	13	where the dispute really lie lay. 15:26:20
14	disclosure in the written description of the '045? 15:23:07	14	There's also a dispute, I think, in 15:26:23
15	MR. BRANDON: Objection to form. 15:23:11	15	at least one case, if not two, as to what where 15:26:25
16	A. I think this is shown as kind of an 15:23:17	16	your your you and your experts identified a 15:26:33
17	added capability to be provided over and above the 15:23:20	17	program or a point in the operation between where 15:26:38
18	disclosure of the Presentation Generation Program 15:23;24	18	you did identify software, what software you 15:26:43
19	within the Presentation and Configuration Program. 15:23:29	19	identified. 15:26:47
20	But I don't think that I certainly would 15:23:32	20	Q. Are there any examples in the spec of 15:26:50
21	have never have pointed to this feature of the 15:23:37	21	actually applying a presentation rule with the 15:26:53
22	presentation excuse me, the Presentation and 15:23:38	22	Presentation Generation Program 1710? 15:27:01
23	Configuration Program as meeting the means for 15:23:43	23	MR. BRANDON: Objection to form. 15:27:05
24	applying. I think that that's resident in the 15:23:44	24	A. You mean like the kind of like that 15:27:13
25	program generation Presentation Generation 15:23:49	25	example in columns 53? 15:27:14
<u></u>	- Marie - Company - Compan		NAME OF THE PROPERTY OF THE PR
1			
	Page 219		Page 221
1	Page 219 Program. 15:23:54	1	Page 221 Q. (BY MR. WOLFF) Right. 42 I think is 15:27:17
1 2		1 2	Q. (BY MR. WOLFF) Right. 42 I think is 15:27:17 where it is, where we were just referring or 41, 15:27:19
1	Program. 15:23:54	l	Q. (BY MR. WOLFF) Right. 42 I think is 15:27:17 where it is, where we were just referring or 41, 15:27:19 I'm sorry. 15:27:22
2	Program. 15:23:54 Q. (BY MR. WOLFF) Is there any is there 15:23:54	2	Q. (BY MR. WOLFF) Right. 42 I think is 15:27:17 where it is, where we were just referring or 41, 15:27:19 I'm sorry. 15:27:22 A. 41, uh-huh. 15:27:22
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1	Q. What about the cost or the price, would 15:28:30	1	I'm willing to have my ad to be targeted to be 15:30:45
2	that be an example of a presentation rule? 15:28:33	2	placed. 15:30:47
3	MR. BRANDON: Objection to form. 15:28:35	3	Q. So you're saying that that's a a 15:30:48
4	A. Yeah, the word "price" is used in a 15:28:36	4	seller option, not a media venue option? 15:30:53
5	variety of ways. Do you mean the price of the 15:28:38	5	MR. BRANDON: Objection to the form. 15:30:59
6	product? 15:28:40	6	A. No. 15:31:00
7	Q. (BY MR. WOLFF) The the price that 15:28:41	7	Q. (BY MR. WOLFF) Does the patent describe 15:31:02
8	the that the media venue wants for whatever it's 15:28:42	8	that media venues can specify the the price or 15:31:04
9	going to allow the the buyer to I'm sorry, 15:28:46	9	rate for space? 15:31:08
10	the the seller to place the ad. 15:28:50	10	A. I don't remember. 15:31:10
11	A. Okay. The the amount of money that 15:28:54	11	Q. How about the dates of availability for 15:31:11
12	the seller's going to have to pay to somebody to be 15:28:56	12	the media venue? 15:31:16
13	able to place their ad once it's been generated as 15:29:00	13	A. There's some discussion of a procedure, 15:31:18
14	presentation on a particular venue? 15:29:06	14	for example, where if I want to pay if I'm 15:31:20
15	Q. No, I mean if if the media venue 15:29:08	15	willing to pay a surcharge, I can I think of it 15:31:23
16	says, "I'm only willing to accept ads where the 15:29:10	16	like a newspaper. I can get it in tomorrow's 15:31:26
17	seller pays at least \$10," is that a presentation 15:29:14	17	edition, as opposed to they'll fit it in sometime in 15:31:28
18	rule? 15:29:19	18	the next two weeks, and they talk about that as 15:31:32
19	A. To the media venue? 15:29:19	19	being a charge. 15:31:34
20	Q. To the media venue, yes. 15:29:20	20	Q. Would that be a presentation rule or 15:31:34
21	A. I think that's what I meant to say, if I 15:29:21	21	not? 15:31:36
22	didn't say that very clearly. I don't think it was 15:29:23	22	A. I if you wish, I'll go find where 15:31:37
23	a constraint on the ad, not on the presentation. 15:29:29	23	they talk about that and see if they characterize it 15:31:40
24	It's more like a gateway to even being willing to - 15:29:33	24	as a presentation rule. I don't immediately think 15:31:43
25	that's part in a sense maybe the selection criteria. 15:29:36	25	of that as a presentation rule, unless for some I 15:31:45
2.5	that's part in a sense maybe the selection enterta. 13/23/30	-~	of that as a prosentation rais, amos to serve 1 1 1000000
	Page 223		Page 225
1	Q. So it's it's not a presentation rule 15:29:39	1	think of that as being sort of another ancillary 15:31:48
2	in your view? 15:29:41	2	capability separate from sort of selecting the 15:31:50
3	A. I would think that as being more of a 15:29:41	3	media venues. But I tend to think of the input 15:31:53
4	selection criteria for menus. I don't want to pay 15:29:43	4	information that I'm going to put in that's going to 15:31:59
5	that much for this, but that wouldn't have anything 15:29:47	5	ultimately generate the presentation as being more 15:32:01
6	to do with the nature of the Presentation Generation 15:29:49	6	formatting kinds of things. 15:32:04
7	Program's task. 15:29:52	7	Q. What do you mean "formatting kinds of 15:32:06
8	Q. All right. How about the dates the 15:29:56	8	things"? 15:32:09
9	media venue is willing to allow sellers to place 15:29:58	9	A. How big a do I will I accept a 15:32:09
10	ads, would that be a presentation rule? 15:30:02	10	photograph? Will I accept video? Will I accept 15:32:10
11	A. I I don't know that I can separate 15:30:05	11	text? Are there words that I don't want to see 15:32:14
12	that between a form of selection and a form of 15:30:08	12	here? Or what other colors that I would like to 15:32:15
13	presentation. 15:30:11	13	have for the text or the borders around the figures? 15:32:18
14	Q. What do you mean by form of selection? 15:30:11	14	There's a whole list of these kinds 15:32:20
15	A. Well, I mean, if I go in and say, "I 15:30:13	15	of things that are described in here. I can find it 15:32:22
16	only want to go to venues where I'm going to" 15:30:16	16	if you wish, but I I just don't remember all of 15:32:25
17	"it's not going to cost me more than \$10," okay, if 15:30:19	17	them off the top of my head. 15:32:28
18	I had an interface as a seller that allowed me to do 15:30:23	18	Q. If you'll turn in your report I don't 15:32:56
19	that, that has nothing to do with the generation of 15:30:26	19	know what exhibit Exhibit 84? 15:32:58
	the presentation that ultimately is going to go to 15:30:28	20	A. 84, uh-huh. 15:33:01
20 21	those venues. That's more of a selection rule to 15:30:31	21	Q. If you'll turn there to page 28 in 15:33:02
	****	22	paragraph 73. 15:33:05
22		23	A. I have it. I haven't read it yet, but 15:33:11
23	Q. And what are selection rules again? 15:30:39		if you'll give me do you want me to read it or 15:33:14
24	A. Those would be things that I'm saying as 15:30:41 I go through the section of the media venues where 15:30:43	24	you want to ask me a question? 15:33:16
25	I go through the section of the media venues where 15:30:43	23	you want to ask me a question: 15.55.10

1	Page 226		Page 228
1	Q. I'm going to ask you a question. I just 15:33:17	1	A. I don't think they character I mean, 15:35:55
2	wanted you to turn there. 15:33:20	2	I've just read through pretty much the section in 15:35:56
3	A. All right. 15:33:20	3	column 19 that's right after a portion that had been 15:36:00
4	Q. How how is your construction of the 15:33:21	4	discussed before. And I don't think they 15:36:02
5	term "presentation rule" consistent with what you 15:33:22	5	characterize it as rules. I may be missing it. But 15:36:07
6	just told me about the the cost or the the 15:33:24	6	down at column 19, line 53, it says, "In this 15:36:15
7	dates? 15:33:30	7	embodiment of the present invention, the 15:36:21
8	A. I don't see how it's inconsistent with 15:33:32	8	Presentation Generation Program would be set to 15:36:24
9	it, I didn't I didn't say 15:33:37	9	immediately process any 'Urgent Publishing' request 15:36:25
10	O. Well, your definition would seem to 15:33:38	10	and any associated required structures. All other 15:36:29
11	include cost. Wouldn't the cost be a control set by 15:33:41	11	'Standard Publishing' would be processed as a batch 15:36:33
12	the media venue? 15:33:43	12	at a preset low-traffic or low-utilization time." 15:36:36
13	A. I I don't I'm not going to I 15:33:55	13	That says that the Presentation Generation Program 15:36:39
14	don't think I have the capability to rule it in or 15:33:56	14	would not even be brought into invocation until it 15:36:42
15	rule it out as being a presentation. 15:33:59	15	had decided some — some other decision had been 15:36:48
16	Q. Well, I'm trying to get the bounds of 15:34:01	16	made about whether you were willing to pay the 15:36:52
l .	your construction, trying to figure out the scope 15:34:03	17	surcharge or not, which sounds like that decision 15:36:53
17 18	and whether there's a disagreement between us or 15:34:05	18	isn't real hurried or I can wait a while is made 15:36:59
1	not. And so I'm just asking whether wouldn't 15:34:08	19	independent of the role of the Presentation 15:37:02
19	tion that or a transfer and the same transfe	20	Generation Program 1710. 15:37:06
20	cost be an example of a control? You haven't 15:34:10 limited your construction in any way to the style or 15:34:13	21	Q. You're nodding as if I understood what 15:37:07
21		22	you said. 15:37:10
22		23	A. Oh, I'm sorry. 15:37:10
23	• •	24	Q. So looking at your construction, I don't 15:37:12
24	to rule it out. But, again, as I've said earlier, I 15:34:20 have not attempted to look at the total scope at 15:34:24	25	see how controls to be set by the media venue for 15:37:14
25	have not attempted to look at the total scope at 15:34:24	23	See flow controls to be set by the media vehice for
	Page 227		
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	which one of the these claims may or may not fall. That's more of an infringement issue. Okay. I5:34:32 I don't think of cost as being associated with creating advertisements for publishing on that media venue. I5:34:43 Q. What about the date, is that a control set by the media venue? I5:34:43 MR. BRANDON: Objection to form. I5:34:49 A. If you all right. I'm sorry, we're I5:34:50 going to come to a full stop for a few minutes. I'm I5:34:53 going to find that column and see if the my I5:34:58 initial reaction is, no, I wouldn't consider that to I5:34:58 be a presentation rule. But it may be that that I5:35:01 section of the patent characterizes that as a I5:35:05 presentation rule, and I don't want to be I5:35:07 Q. (BY MR. WOLFF) If you want to tell me a I5:35:11 word you're looking for, I can try to find it real quick for you, then. I5:35:19 A. Yeah, I kind of remember where it is. I5:35:19 Just give me a minute. I5:35:19 Q. Okay. I5:35:19 A. Surcharge. If you want to here I I5:35:20 think I may have it already. I think it's in I5:35:24	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	the advertisements for publishing on that media 15:37:23 venue, how this rules out the cost or the date. 15:37:27 MR. BRANDON: Objection. That 15:37:30 that is there a question? 15:37:32 Q. (BY MR. WOLFF) Can you explain to me 15:37:35 how this rules out the cost or the date? 15:37:36 MR. BRANDON: You can feel free to 15:37:42 read this section if you wish. 15:37:43 THE WITNESS: Thanks. I appreciate 15:37:45 that. Lord, yes. 15:37:47 A. Well, the best example I can give you is 15:37:55 to take a look at the quoted paragraph at the top of 15:37:57 page 29. And I'm I'm going to I think that 15:38:00 paragraph cites to a portion of the I guess it's 15:38:10 where it's located. But there are things that are in that list of what you would find in the Presentation Rules Database 1650 that are not covered by the proposed construction that Google and 15:38:29 presentation rules as rules that control and limit 15:38:36 the style and editing of presentations created by 15:38:38

1			200
١.	Page 230 like blocked URLs. 15:38:49	1	Page 232 A. Okay. 15:41:04
1		2	Q. Your design or style standards, your - 15:41:06
2	Q. (BY MR. WOLFF) Wait, wait, wait. I'm 15:38:51 sorry. You think dates and deadlines are included 15:38:53	3	your construction is presentation rules which 15:41:09
4	or are not included in Google's and Yahoo!'s 15:38:56	4	control the look and feel of an advertisement. 15:41:11
5	construction? 15:39:00	5	A. Okay, 15:41:15
6	A. I I think they are not. They're not. 15:39:01	6	Q. How do I tell what the scope of the 15:41:20
7	Q. And you agree that they're not? 15:39:05	7	feel the look and feel of an advertisement is? 15:41:24
8	A. Well, I don't 15:39:05	8	MR. BRANDON: Objection to form. 15:41:27
9	Q. They should not be covered, the dates? 15:39:08	9	A. Well, I understand that at least 15:41:28
10	A. No. No. I I think that they should 15:39:10	10	yesterday or the day before, whenever one of your 15:41:31
11	be because I I'm looking at the quotation at the 15:39:14	11	experts was deposed, he took the position that he 15:41:34
12	top of page 29 where the specification says that the 15:39:17	12	had no idea what look and feel were. I think that's 15:41:37
13	database excuse me, the Presentation Rules 15:39:20	13	a well-understood term in the field. Look generally 15:41:40
14	Database will include fields, and then they list a 15:39:28	14	has at least in my understanding, has to do with 15:41:44
15	variety of things, some of which would be excluded 15:39:31	15	the pictorial images that the device produces that 15:41:48
16	by the narrower construction proposed by Google and 15:39:33	16	you see when you're when you're looking at an 15:41:53
17	Yahoo! 15:39:37	17	interface, colors, shapes, animations, things that 15:41:55
18	Q. Okay. And you think that among the 15:39:38	18	you see. And feel, to me, has to do with the way in 15:42:01
19	things included would be the date? 15:39:39	19	which you manipulate moving in and out and through 15:42:06
20	A. Well, I'm I'm the specification 15:39:41	20	that display. 15:42:10
21	says that. Okay. The presentation I'm quoting, 15:39:43	21	Do I pull down menus, and if I do, 15:42:15
22	"The Presentation Rules Database will vary from 15:39:46	22	do I open up hierarchal menus or do I click on one, 15:42:18
23	seller type to seller type, as well as one media 15:39:49	23	and it gives me the hierarchy? That's kind of the 15:42:22
24	type to another depending on the design of the 15:39:53	24	action aspect of what it provides, and 15:42:25
25	presentations. Some of the fields that might be 15:39:56	25	Q. (BY MR. WOLFF) But but look and feel 15:42:31
1	Page 231		
1 2	maintained are presentation templates; blocked 15:39:59	1 2	Page 233 is design or style standards are for the presentations, correct? 15:42:40
2	maintained are presentation templates; blocked 15:39:59 words; blocked phrases; blocked references" oh, 15:40:02	ı	is design or style standards are for the 15:42:33
1	maintained are presentation templates; blocked 15:39:59 words; blocked phrases; blocked references" oh, it actually says "presentation costs." So I I 15:40:06	2	is design or style standards are for the presentations, correct? 15:42:33
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	maintained are presentation templates; blocked words; blocked phrases; blocked references" oh, it actually says "presentation costs." So I I 15:40:06 would I'm going to do whatever the specification says. 15:40:11 So clearly, then, they're saying 15:40:13 that the cost would be included, publication dates, and deadlines and blocked URLs, et cetera. 15:40:17 Q. (BY MR. WOLFF) So the cost would be a 15:40:22 presentation rule? 15:40:23 A. That's what the spec says, as an 15:40:23 example. 15:40:31 Q. Have you it's covered by your 15:40:32 construction, correct? 15:40:35 A. I think so. 15:40:35 Q. Okay. But it 15:40:36 A. It's not it's not covered by the one 15:40:40 proposed by Google and Yahoo! 15:40:40	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	is design or style standards are for the presentations, correct? 15:42:40 A. Presentation rules which control the look and feel of an advertisement. 15:42:41 Q. Right. And and what you just 15:42:45 described to me was the look and feel for the way to 15:42:47 input something, correct? Pull-down menus, how is 15:42:51 that you mean an advertisement has to have a 15:43:02 pull-down menu? 15:43:04 A. No. But I'm just trying to tell you 15:43:05 what, in general, the terms look and feel mean to 15:43:17 those with skill in the art, okay, and what they 15:43:11 indefinite. And I think the term is 15:43:13 indefinite. And I think the reason it has two words 15:43:14 is one of them is what it looks like and the other 15:43:16 one what is what it feels like if I interact with 15:43:19 it. If you have a static ad, then the look and feel 15:43:21 is basically, it's look. Okay. It's it's just a 15:43:25
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	maintained are presentation templates; blocked words; blocked phrases; blocked references" oh, it actually says "presentation costs." So I I 15:40:06 would I'm going to do whatever the specification says. 15:40:11 So clearly, then, they're saying 15:40:13 that the cost would be included, publication dates, and deadlines and blocked URLs, et cetera. 15:40:17 Q. (BY MR. WOLFF) So the cost would be a 15:40:22 presentation rule? 15:40:23 A. That's what the spec says, as an 15:40:23 example. 15:40:31 Q. Have you it's covered by your 15:40:32 construction, correct? 15:40:35 Q. Okay. But it 15:40:36 A. It's not it's not covered by the one 15:40:40 proposed by Google and Yahoo! 15:40:49	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	presentations, correct? A. Presentation rules which control the look and feel of an advertisement. Q. Right. And and what you just 15:42:45 described to me was the look and feel for the way to input something, correct? Pull-down menus, how is 15:42:51 that you mean an advertisement has to have a pull-down menu? A. No. But I'm just trying to tell you 15:43:05 what, in general, the terms look and feel mean to those with skill in the art, okay, and what they meant in 2000. I don't think the term is indefinite. And I think the reason it has two words is one of them is what it looks like and the other one what is what it feels like if I interact with its look. Okay. It's it's just a 15:43:25 picture, a newspaper. Ads have a look, I think. 15:43:29
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	maintained are presentation templates; blocked words; blocked phrases; blocked references" oh, 15:40:02 it actually says "presentation costs." So I I 15:40:06 would I'm going to do whatever the specification 15:40:09 says. 15:40:11 So clearly, then, they're saying 15:40:13 that the cost would be included, publication dates, and deadlines and blocked URLs, et cetera. 15:40:17 Q. (BY MR. WOLFF) So the cost would be a 15:40:22 presentation rule? 15:40:23 A. That's what the spec says, as an 15:40:23 example. 15:40:31 Q. Have you it's covered by your 15:40:32 construction, correct? 15:40:34 A. I think so. 15:40:35 Q. Okay. But it 15:40:36 A. It's not it's not covered by the one 15:40:37 proposed by Google and Yahoo! 15:40:40 Q. So if you'll turn to page 29 of your 15:40:51	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	presentations, correct? A. Presentation rules which control the look and feel of an advertisement. Q. Right. And and what you just 15:42:45 described to me was the look and feel for the way to input something, correct? Pull-down menus, how is 15:42:51 that you mean an advertisement has to have a pull-down menu? 15:43:04 A. No. But I'm just trying to tell you 15:43:05 what, in general, the terms look and feel mean to those with skill in the art, okay, and what they meant in 2000. I don't think the term is 15:43:13 indefinite. And I think the reason it has two words is one of them is what it looks like and the other one what is what it feels like if I interact with 15:43:19 it. If you have a static ad, then the look and feel 15:43:25 picture, a newspaper. Ads have a look, I think. 15:43:29 You know, you could sort of say it has a feel if 15:43:34
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	maintained are presentation templates; blocked words; blocked phrases; blocked references" oh, it actually says "presentation costs." So I I 15:40:06 would I'm going to do whatever the specification says. 15:40:11 So clearly, then, they're saying 15:40:13 that the cost would be included, publication dates, and deadlines and blocked URLs, et cetera. 15:40:17 Q. (BY MR. WOLFF) So the cost would be a 15:40:23 presentation rule? 15:40:23 A. That's what the spec says, as an 15:40:23 example. 15:40:31 Q. Have you it's covered by your 15:40:32 construction, correct? 15:40:34 A. I think so. 15:40:35 Q. Okay. But it 15:40:36 A. It's not it's not covered by the one 15:40:37 proposed by Google and Yahoo! 15:40:40 Q. So if you'll turn to page 29 of your 15:40:51 A. Okay. 15:40:51 A. Okay. 15:40:51	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	presentations, correct? A. Presentation rules which control the look and feel of an advertisement. Q. Right. And and what you just loss riput something, correct? Pull-down menus, how is that you mean an advertisement has to have a pull-down menu? loss riput something. The terms look and feel mean to those with skill in the art, okay, and what they meant in 2000. I don't think the term is loss and feel for them is what it looks like and the other one what is what it feels like if I interact with loss riput some how, you could sort of say it has a feel if loss riput sides. Is 15:43:29 you know, you could sort of say it has a feel if loss riput sides. Is 15:43:36
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	maintained are presentation templates; blocked words; blocked phrases; blocked references" oh, it actually says "presentation costs." So I I 15:40:06 would I'm going to do whatever the specification 15:40:09 says. 15:40:11 So clearly, then, they're saying 15:40:13 that the cost would be included, publication dates, 15:40:14 and deadlines and blocked URLs, et cetera. 15:40:17 Q. (BY MR. WOLFF) So the cost would be a 15:40:22 presentation rule? 15:40:23 A. That's what the spec says, as an 15:40:23 example. 15:40:31 Q. Have you it's covered by your 15:40:32 construction, correct? 15:40:35 Q. Okay. But it 15:40:35 A. It's not it's not covered by the one 15:40:37 proposed by Google and Yahoo! 15:40:40 Q. So if you'll turn to page 29 of your 15:40:49 report 15:40:51 A. Okay. 15:40:52 Q. And and I'm going to this it 15:40:53	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	presentations, correct? A. Presentation rules which control the look and feel of an advertisement. Q. Right. And and what you just loss ripper something, correct? Pull-down menus, how is that you mean an advertisement has to have a pull-down menu? loss ripper loss what, in general, the terms look and feel mean to those with skill in the art, okay, and what they meant in 2000. I don't think the term is loss and feel in 15:43:14 is one of them is what it looks like and the other one what is what it feels like if I interact with loss ripper loss ripper loss roughly it's look. Okay. It's it's just a loss roughly it's got a hot car with a big sweep across or something that gives you some emotional reaction. 15:43:36
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	maintained are presentation templates; blocked words; blocked phrases; blocked references" oh, it actually says "presentation costs." So I I 15:40:06 would I'm going to do whatever the specification says. 15:40:11 So clearly, then, they're saying 15:40:13 that the cost would be included, publication dates, 15:40:17 Q. (BY MR. WOLFF) So the cost would be a 15:40:22 presentation rule? 15:40:23 A. That's what the spec says, as an 15:40:23 example. 15:40:31 Q. Have you it's covered by your 15:40:32 construction, correct? 15:40:35 Q. Okay. But it 15:40:35 Q. Okay. But it 15:40:36 A. It's not it's not covered by the one 15:40:37 proposed by Google and Yahoo! 15:40:40 Q. So if you'll turn to page 29 of your 15:40:49 report 15:40:51 A. Okay. 15:40:52 Q. And and I'm going to this it 15:40:53 looks like the construction breaks on the page to 15:40:53	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	presentations, correct? A. Presentation rules which control the look and feel of an advertisement. Q. Right. And and what you just 15:42:45 described to me was the look and feel for the way to input something, correct? Pull-down menus, how is 15:42:51 that you mean an advertisement has to have a pull-down menu? A. No. But I'm just trying to tell you 15:43:05 what, in general, the terms look and feel mean to those with skill in the art, okay, and what they meant in 2000. I don't think the term is 15:43:11 indefinite. And I think the reason it has two words is one of them is what it looks like and the other one what is what it feels like if I interact with is an indefinite. And I think the look and feel is basically, it's look. Okay. It's it's just a 15:43:25 picture, a newspaper. Ads have a look, I think. 15:43:36 something that gives you some emotional reaction. 15:43:36
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	maintained are presentation templates; blocked words; blocked phrases; blocked references" oh, it actually says "presentation costs." So I I 15:40:06 would I'm going to do whatever the specification 15:40:09 says. 15:40:11 So clearly, then, they're saying 15:40:13 that the cost would be included, publication dates, 15:40:14 and deadlines and blocked URLs, et cetera. 15:40:17 Q. (BY MR. WOLFF) So the cost would be a 15:40:22 presentation rule? 15:40:23 A. That's what the spec says, as an 15:40:23 example. 15:40:31 Q. Have you it's covered by your 15:40:32 construction, correct? 15:40:35 Q. Okay. But it 15:40:35 A. It's not it's not covered by the one 15:40:37 proposed by Google and Yahoo! 15:40:40 Q. So if you'll turn to page 29 of your 15:40:49 report 15:40:51 A. Okay. 15:40:52 Q. And and I'm going to this it 15:40:53	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	presentations, correct? A. Presentation rules which control the look and feel of an advertisement. Q. Right. And and what you just lost-42:47 input something, correct? Pull-down menus, how is lost-42:51 that you mean an advertisement has to have a pull-down menu? A. No. But I'm just trying to tell you lost-43:04 has a feel if looks with skill in the art, okay, and what they meant in 2000. I don't think the term is lost-43:14 is one of them is what it looks like and the other one what is what it feels like if I interact with lost-43:25 picture, a newspaper. Ads have a look, I think. Insular list-43:36 something that gives you some emotional reaction. But I'm just trying to tell you lost-43:16 lost-33:19 it. If you have a static ad, then the look and feel lost-43:29 lost-33:43:40 lost-33:40

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	Page 234		Page 236
1	A or and I don't know again, I 15:43:52	1	with white letters in the front or whether you have 15:46:27
2	know virtually nothing about how your ads are 15:43:54	2	a white background with black letters in the front. 15:46:29
3	produced in your two systems. But if you produce an 15:43:57	3	If you're going to just basically how the ad is 15:46:33
4	ad that allows me to click on a URL that's embedded 15:44:00	4	assembled. Is it static? You know, if I were a 15:46:38
5	in it or something, that begins to move out of pure 15:44:06	5	seller and I offered up a photograph as well as a 15:46:42
6	look into feel. And do I mouse on it and does it 15:44:09	6	a video clip with a particular you know, 15:46:50
7	change color? Does it highlight if I click on 15:44:11	7	obviously a newspaper is not going to accept a video 15:46:54
8	it, does something happen or that's what I think 15:44:14	8	clip. But if if my ad made its way to to 15:46:56
9	those of skill in the art understand look and feel 15:44:18	9	CNN.com, it might be possible to have what would 15:47:00
10	to mean. 15:44:21	10	otherwise be a still photograph, be a picture of a 15:47:03
11	Q. So if you move your mouse over an ad and 15:44:22	11	car or running through the woods or something. I 15:47:07
12	some what, some some prompt or something 15:44:24	12	those are the kinds of things that I think the 15:47:09
13	popped up, that would be an aspect of the feel that 15:44:28	13	presentation rules associated with a particular 15:47:11
14	you're referring to? 15:44:32	14	media venue would control look and feel. 15:47:13
15	A. That's that's what I think of. The 15:44:32	15	Q. Well, what I'm asking is how they're 15:47:16
16	reason that they're two words that I've always 15:44:34	16	applied. How do I change that ad with the 15:47:18
17	interpreted when I used to teach this, talk about 15:44:37	17	Presentation Generation Program described in the 15:47:22
18	these terms. And, you know, I I was listing 15:44:39	18	patent so that it's not a static image, and it's, in 15:47:24
19	cases that I thought might have relevance with 15:44:45	19	fact, a picture of a child or somebody running 15:47:28
20	Mr. Lumish a while ago. I I probably should have 15:44:50	20	through the woods? 15:47:30
21	mentioned I did a case that essentially dealt with 15:44:52	21	A. You apply the rules that are in a 15:47:30
22	look and feel dealing with FedEx. And a big aspect 15:44:55	22	Presentation Rule Database, at least the ones that 15:47:33
23	of that case was the fact that when you go to a 15:45:00	23	are associated with look and feel. Okay. 15:47:35
24	FedEx website, you'll find that they carefully use 15:45:04	24	Q. And what rules would those be? 15:47:37
25	their logo and their colors. There's a FedEx purple 15:45:09	25	A. Weil, I would exclude, for example, 15:47:38
-			
	Page 235		Page 237
1	and a FedEx orange and a FedEx green and gray. And 15:45:14	1	blocked URLs. Okay. I wouldn't think that blocking 15:47:41
1 2	and a FedEx orange and a FedEx green and gray. And 15:45:14 as I recall I can't remember whether the claims 15:45:20	2	blocked URLs. Okay. I wouldn't think that blocking 15:47:41 a URL if I'm Nike and I say, "I don't want my ad 15:47:44
1	and a FedEx orange and a FedEx green and gray. And 15:45:14 as I recall I can't remember whether the claims 15:45:20 at issue I was representing a plaintiff in a 15:45:22	2	blocked URLs. Okay. I wouldn't think that blocking 15:47:41 a URL if I'm Nike and I say, "I don't want my ad to show up on the Adidas' website," okay, probably 15:47:47
2	and a FedEx orange and a FedEx green and gray. And 15:45:14 as I recall I can't remember whether the claims 15:45:20 at issue I was representing a plaintiff in a 15:45:22 patent suit, whether they dealt with look and 15:45:25	2 3 4	blocked URLs. Okay. I wouldn't think that blocking a URL if I'm Nike and I say, "I don't want my ad to show up on the Adidas' website," okay, probably be the other way around, but, I mean, if you 15:47:51
2 3	and a FedEx orange and a FedEx green and gray. And 15:45:14 as I recall I can't remember whether the claims 15:45:20 at issue I was representing a plaintiff in a 15:45:22 patent suit, whether they dealt with look and field feel or whether they were construed to 15:45:27	2 3 4 5	blocked URLs. Okay. I wouldn't think that blocking a URL if I'm Nike and I say, "I don't want my ad to show up on the Adidas' website," okay, probably be the other way around, but, I mean, if you understand what a blocked URL is, I don't think of 15:47:53
2 3 4	and a FedEx orange and a FedEx green and gray. And 15:45:14 as I recall I can't remember whether the claims 15:45:20 at issue I was representing a plaintiff in a 15:45:22 patent suit, whether they dealt with look and 15:45:25 field feel or whether they were construed to 15:45:27 to deal with look and feel, but we went through all 15:45:32	2 3 4 5 6	blocked URLs. Okay. I wouldn't think that blocking a URL if I'm Nike and I say, "I don't want my ad to show up on the Adidas' website," okay, probably be the other way around, but, I mean, if you understand what a blocked URL is, I don't think of that as being something that that controls look 15:47:58
2 3 4 5	and a FedEx orange and a FedEx green and gray. And 15:45:14 as I recall I can't remember whether the claims 15:45:20 at issue I was representing a plaintiff in a 15:45:22 patent suit, whether they dealt with look and 15:45:25 field feel or whether they were construed to 15:45:27 to deal with look and feel, but we went through all 15:45:32 kinds of explanations and understandings and 15:45:35	2 3 4 5 6 7	blocked URLs. Okay. I wouldn't think that blocking a URL if I'm Nike and I say, "I don't want my ad to show up on the Adidas' website," okay, probably be the other way around, but, I mean, if you understand what a blocked URL is, I don't think of that as being something that that controls look and feel. Okay. But I think that what's it 15:47:59
2 3 4 5 6 7 8	and a FedEx orange and a FedEx green and gray. And 15:45:14 as I recall I can't remember whether the claims 15:45:20 at issue I was representing a plaintiff in a 15:45:22 patent suit, whether they dealt with look and field feel or whether they were construed to 15:45:27 to deal with look and feel, but we went through all kinds of explanations and understandings and depositions and things about what that meant. And I 15:45:38	2 3 4 5 6 7 8	blocked URLs. Okay. I wouldn't think that blocking a URL if I'm Nike and I say, "I don't want my ad to show up on the Adidas' website," okay, probably be the other way around, but, I mean, if you understand what a blocked URL is, I don't think of that as being something that that controls look and feel. Okay. But I think that what's it 15:47:59 what's it called? Let me get the precise wording, 15:48:03
2 3 4 5 6 7 8 9	and a FedEx orange and a FedEx green and gray. And 15:45:14 as I recall I can't remember whether the claims 15:45:20 at issue I was representing a plaintiff in a 15:45:22 patent suit, whether they dealt with look and 15:45:25 field feel or whether they were construed to 15:45:27 to deal with look and feel, but we went through all 15:45:32 kinds of explanations and understandings and 15:45:35 depositions and things about what that meant. And I 15:45:38 think everybody had a pretty good understanding of 15:45:42	2 3 4 5 6 7 8 9	blocked URLs. Okay. I wouldn't think that blocking a URL if I'm Nike and I say, "I don't want my ad to show up on the Adidas' website," okay, probably be the other way around, but, I mean, if you understand what a blocked URL is, I don't think of that as being something that that controls look and feel. Okay. But I think that what's it 15:47:59 what's it called? Let me get the precise wording, the design or style standards are those aspects of 15:48:05
2 3 4 5 6 7 8 9	and a FedEx orange and a FedEx green and gray. And 15:45:14 as I recall I can't remember whether the claims 15:45:20 at issue I was representing a plaintiff in a 15:45:22 patent suit, whether they dealt with look and 15:45:25 field feel or whether they were construed to 15:45:27 to deal with look and feel, but we went through all 15:45:32 kinds of explanations and understandings and depositions and things about what that meant. And I 15:45:38 think everybody had a pretty good understanding of 15:45:42 what it means.	2 3 4 5 6 7 8 9	blocked URLs. Okay. I wouldn't think that blocking a URL if I'm Nike and I say, "I don't want my ad to show up on the Adidas' website," okay, probably be the other way around, but, I mean, if you understand what a blocked URL is, I don't think of that as being something that that controls look and feel. Okay. But I think that what's it 15:47:59 what's it called? Let me get the precise wording, the design or style standards are those aspects of the presentation rules as reflected in the 15:48:11
2 3 4 5 6 7 8 9 10	and a FedEx orange and a FedEx green and gray. And 15:45:14 as I recall I can't remember whether the claims 15:45:20 at issue I was representing a plaintiff in a 15:45:25 patent suit, whether they dealt with look and 15:45:25 field feel or whether they were construed to 15:45:27 to deal with look and feel, but we went through all kinds of explanations and understandings and depositions and things about what that meant. And I 15:45:38 think everybody had a pretty good understanding of 15:45:42 what it means. 15:45:44	2 3 4 5 6 7 8 9 10	blocked URLs. Okay. I wouldn't think that blocking a URL if I'm Nike and I say, "I don't want my ad to show up on the Adidas' website," okay, probably be the other way around, but, I mean, if you understand what a blocked URL is, I don't think of that as being something that that controls look and feel. Okay. But I think that what's it 15:47:59 what's it called? Let me get the precise wording, the design or style standards are those aspects of the presentation rules as reflected in the 15:48:11 Presentation Rules Database, which control look and 15:48:14
2 3 4 5 6 7 8 9 10 11 12	and a FedEx orange and a FedEx green and gray. And 15:45:14 as I recall — I can't remember whether the claims at issue — I was representing a plaintiff in a 15:45:22 patent suit, whether they dealt with look and 15:45:25 field — feel or whether they were construed to — 15:45:27 to deal with look and feel, but we went through all kinds of explanations and understandings and depositions and things about what that meant. And I 15:45:38 think everybody had a pretty good understanding of 4 15:45:42 what it means. 15:45:45 Q. All right. And — and one of the things you mentioned, there was the — what was it, the 15:45:47	2 3 4 5 6 7 8 9 10 11 12	blocked URLs. Okay. I wouldn't think that blocking a URL if I'm Nike and I say, "I don't want my ad to show up on the Adidas' website," okay, probably be the other way around, but, I mean, if you understand what a blocked URL is, I don't think of that as being something that that controls look and feel. Okay. But I think that what's it 15:47:59 what's it called? Let me get the precise wording, the design or style standards are those aspects of the presentation rules as reflected in the 15:48:11 Presentation Rules Database, which control look and feel. And they would take the same basic generic 15:48:17
2 3 4 5 6 7 8 9 10 11 12 13	and a FedEx orange and a FedEx green and gray. And 15:45:14 as I recall I can't remember whether the claims 15:45:20 at issue I was representing a plaintiff in a 15:45:22 patent suit, whether they dealt with look and 15:45:25 field feel or whether they were construed to 15:45:27 to deal with look and feel, but we went through all 15:45:32 kinds of explanations and understandings and 15:45:35 depositions and things about what that meant. And I 15:45:38 think everybody had a pretty good understanding of 15:45:42 what it means. 15:45:44 Q. All right. And and one of the things 15:45:45 you mentioned, there was the what was it, the 15:45:47 user's kind of reaction to the ad? 15:45:51	2 3 4 5 6 7 8 9 10 11 12 13	blocked URLs. Okay. I wouldn't think that blocking a URL if I'm Nike and I say, "I don't want my ad to show up on the Adidas' website," okay, probably be the other way around, but, I mean, if you understand what a blocked URL is, I don't think of that as being something that that controls look and feel. Okay. But I think that what's it 15:47:59 what's it called? Let me get the precise wording, the design or style standards are those aspects of the presentation rules as reflected in the 15:48:11 Presentation Rules Database, which control look and feel. And they would take the same basic generic information that the seller had input and format it 15:48:20
2 3 4 5 6 7 8 9 10 11 12 13 14	and a FedEx orange and a FedEx green and gray. And 15:45:14 as I recall — I can't remember whether the claims at issue — I was representing a plaintiff in a 15:45:22 patent suit, whether they dealt with look and field — feel or whether they were construed to — 15:45:27 to deal with look and feel, but we went through all 15:45:32 kinds of explanations and understandings and depositions and things about what that meant. And I 15:45:38 think everybody had a pretty good understanding of 15:45:42 what it means. 15:45:44 Q. All right. And — and one of the things 15:45:45 you mentioned, there was the — what was it, the 15:45:51 user's kind of reaction to the ad? 15:45:53	2 3 4 5 6 7 8 9 10 11 12 13 14	blocked URLs. Okay. I wouldn't think that blocking a URL if I'm Nike and I say, "I don't want my ad to show up on the Adidas' website," okay, probably be the other way around, but, I mean, if you understand what a blocked URL is, I don't think of that as being something that that controls look and feel. Okay. But I think that what's it 15:47:59 what's it called? Let me get the precise wording, the design or style standards are those aspects of the presentation rules as reflected in the 15:48:11 Presentation Rules Database, which control look and feel. And they would take the same basic generic information that the seller had input and format it in a way that's compatible with the framework that 15:48:23
2 3 4 5 6 7 8 9 10 11 12 13 14 15	and a FedEx orange and a FedEx green and gray. And 15:45:14 as I recall — I can't remember whether the claims 15:45:20 at issue — I was representing a plaintiff in a 15:45:25 patent suit, whether they dealt with look and 15:45:25 field — feel or whether they were construed to — 15:45:27 to deal with look and feel, but we went through all 15:45:32 kinds of explanations and understandings and depositions and things about what that meant. And I 15:45:38 think everybody had a pretty good understanding of 15:45:42 what it means. 15:45:44 Vou mentioned, there was the — what was it, the 15:45:45 vou mentioned, there was the — what was it, the 15:45:51 A. I think that look and feel can 15:45:53 incorporate a reaction.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	blocked URLs. Okay. I wouldn't think that blocking a URL if I'm Nike and I say, "I don't want my ad to show up on the Adidas' website," okay, probably be the other way around, but, I mean, if you understand what a blocked URL is, I don't think of that as being something that that controls look and feel. Okay. But I think that what's it 15:47:59 what's it called? Let me get the precise wording, the design or style standards are those aspects of the presentation rules as reflected in the 15:48:11 Presentation Rules Database, which control look and feel. And they would take the same basic generic information that the seller had input and format it in a way that's compatible with the framework that the media venue was willing had defined and was 15:48:26
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	and a FedEx orange and a FedEx green and gray. And 15:45:14 as I recall I can't remember whether the claims 15:45:20 at issue I was representing a plaintiff in a 15:45:22 patent suit, whether they dealt with look and 15:45:25 field feel or whether they were construed to 15:45:27 to deal with look and feel, but we went through all 15:45:32 kinds of explanations and understandings and depositions and things about what that meant. And I 15:45:38 think everybody had a pretty good understanding of 15:45:42 what it means. 15:45:44 Q. All right. And and one of the things 15:45:45 you mentioned, there was the what was it, the user's kind of reaction to the ad? 15:45:51 A. I think that look and feel can 15:45:53 incorporate a reaction. 15:45:57 apply? How does it does it change the ad or 15:46:00	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	blocked URLs. Okay. I wouldn't think that blocking a URL if I'm Nike and I say, "I don't want my ad to show up on the Adidas' website," okay, probably be the other way around, but, I mean, if you understand what a blocked URL is, I don't think of that as being something that that controls look and feel. Okay. But I think that what's it 15:47:59 what's it called? Let me get the precise wording, the design or style standards are those aspects of the presentation rules as reflected in the 15:48:11 Presentation Rules Database, which control look and feel. And they would take the same basic generic information that the seller had input and format it in a way that's compatible with the framework that the media venue was willing had defined and was willing to accept as far as that ad goes. 15:48:30 Q. Right. And I'm saying how? How is that 15:48:32
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1			- Control of the Cont
1	Page 238		Page 240
1	in the in the HTML world. They would know how, 15:48:52	1	actual rule? 15:51:24
2	given a let's say a JPEG image that was a static 15:48:56	2	A. Well, if the rule said, "I want this 15:51:25
3	image, and if they had a venue that said, "I'm 15:48:59	3	picture to be two-inches wide, and" "no more than 15:51:27
4	willing to accept at this place on my screen on 15:49:04	4	two-inches wide and two-inches high," and if I if 15:51:32
5	the" "within the HTML that defines my" "my 15:49:09	5	I have an image that's not that big, if I can resize 15:51:35
6	imagery that I'm going to put up when you go to my 15:49:17	6	it, which I think I can resize it to that shape or 15:51:38
7	website," that they would say, "I I want this 15:49:21	7	if not, put it on a black background and center it 15:51:41
8	image to be produced with a black border around it, 15:49:23	8	in a two-by-two space and show that. 15:51:46
9	in this particular size, at this particular place on 15:49:27	9	Q. But would you agree that the '045 patent 15:51:50
10	the screen." And there's HTML that you can then 15:49:29	10	covers things like radio ads? 15:51:52
11	write, create to do that, given given a generic 15:49:33	11	A. Yeah. 15:51:54
12	picture that could be sized small to big, whatever 15:49:37	12	Q. Okay. 15:51:54
13	you want to do with it. 15:49:41	13	A. I I think. 15:51:56
14	Q. (BY MR. WOLFF) And you think you can 15:49:42	14	Q. And how would you change the look and 15:51:57
15	you can change the generic picture size with HTML? 15:49:43	15	feel of a radio ad? 15:51:58
16	A. I believe I I think you can at 15:49:48	16	A. I don't think that would necessarily be 15:51:59
17	least change the space that's allotted for it. 15:49:51	17	applicable to that. You basically would say, 15:52:01
18	Okay. It's been a while. Maybe a better way to 15:49:54	18	"You're going to have to give me a wave file or some 15:52:04
19	say, suppose I had multiple opportunities you 15:49:59	19	sort of a tech MPEG file with audio on it," and 15:52:08
20	know, I think you can, but if I'm again, that's a 15:50:02	20	the look and feel in the sense. Look wouldn't make 15:52:12
21	fact. And if I'm wrong about that, I'm wrong about 15:50:05	21	good sense, but the that venue would reach over 15:52:16
22	that. 15:50:07	22	to the seller location. And if the seller had 15:52:18
23	Q. What do you mean "that's a fact"? 15:50:08	23	provided an audio file, then there would be no way 15:52:21
24	A. You either can I mean, within HTML 15:50:09	24	to do anything with that. 15:52:26
25	you can either change the side of a generic JPEG or 15:50:12	25	Q. Well well, give me an example from 15:52:27
		+-	The state of the s
	Page 239		Page 241
1	a TIFF or whatever it may be or you can't. But I 15:50:16	1	the patent where it describes how to change the look 15:52:29
2	think you can. But if I'm wrong about that, I'm 15:50:19	2	and feel of a radio radio ad. 15:52:31
		_	
3	just wrong. It's a fact. It's not an opinion. 15:50:21	3	A. I don't think it does. 15:52:32
3	just wrong. It's a fact. It's not an opinion. 15:50:21 Okay. 15:50:23	1	A. I don't think it does. 15:52:32 Q. How about a skywriter, it covers 15:52:34
		3	A. I don't think it does. 15:52:32 Q. How about a skywriter, it covers 15:52:34 skywriters, right? 15:52:36
4	Okay. 15:50:23	3 4	A. I don't think it does. 15:52:32 Q. How about a skywriter, it covers 15:52:34 skywriters, right? 15:52:36 A. I saw that. 15:52:37
4 5	Okay. 15:50:23 Q. But you think the patent discloses 15:50:23	3 4 5	A. I don't think it does. 15:52:32 Q. How about a skywriter, it covers 15:52:34 skywriters, right? 15:52:36 A. I saw that. 15:52:37 Q. Yeah. 15:52:37
4 5 6	Okay. 15:50:23 Q. But you think the patent discloses 15:50:23 sufficient detail for a person of ordinary skill in 15:50:26 the art to have done that? 15:50:28 A. I think they tell you enough about what 15:50:30	3 4 5 6	A. I don't think it does. 15:52:32 Q. How about a skywriter, it covers 15:52:34 skywriters, right? 15:52:36 A. I saw that. 15:52:37 Q. Yeah. 15:52:37 A. It occurred to me they probably wouldn't 15:52:38
4 5 6 7	Okay. 15:50:23 Q. But you think the patent discloses 15:50:23 sufficient detail for a person of ordinary skill in 15:50:26 the art to have done that? 15:50:28 A. I think they tell you enough about what 15:50:30 the rules do. They tell you enough about the 15:50:32	3 4 5 6 7	A. I don't think it does. 15:52:32 Q. How about a skywriter, it covers 15:52:34 skywriters, right? 15:52:36 A. I saw that. 15:52:37 Q. Yeah. 15:52:37 A. It occurred to me they probably wouldn't 15:52:38 want 300 characters. At least I wouldn't want to be 15:52:40
4 5 6 7 8	Okay. 15:50:23 Q. But you think the patent discloses 15:50:23 sufficient detail for a person of ordinary skill in 15:50:26 the art to have done that? 15:50:28 A. I think they tell you enough about what 15:50:30 the rules do. They tell you enough about the 15:50:32 concept of what the Presentation Generation Program 15:50:36	3 4 5 6 7 8 9	A. I don't think it does. 15:52:32 Q. How about a skywriter, it covers 15:52:34 skywriters, right? 15:52:36 A. I saw that. 15:52:37 Q. Yeah. 15:52:37 A. It occurred to me they probably wouldn't 15:52:38 want 300 characters. At least I wouldn't want to be 15:52:40 the guy flying the plane that had to do that. Or 15:52:44
4 5 6 7 8 9	Okay. 15:50:23 Q. But you think the patent discloses 15:50:23 sufficient detail for a person of ordinary skill in 15:50:26 the art to have done that? 15:50:28 A. I think they tell you enough about what 15:50:30 the rules do. They tell you enough about the 15:50:32 concept of what the Presentation Generation Program 15:50:36 is supposed to do with those rules. You understand 15:50:38	3 4 5 6 7 8 9 10 11	A. I don't think it does. 15:52:32 Q. How about a skywriter, it covers 15:52:34 skywriters, right? 15:52:36 A. I saw that. 15:52:37 Q. Yeah. 15:52:37 A. It occurred to me they probably wouldn't 15:52:38 want 300 characters. At least I wouldn't want to be 15:52:40 the guy flying the plane that had to do that. Or 15:52:44 it it couldn't be Arabic or something. It's kind 15:52:47
4 5 6 7 8 9	Okay. 15:50:23 Q. But you think the patent discloses 15:50:23 sufficient detail for a person of ordinary skill in 15:50:26 the art to have done that? 15:50:28 A. I think they tell you enough about what 15:50:30 the rules do. They tell you enough about the 15:50:32 concept of what the Presentation Generation Program is supposed to do with those rules. You understand what the media venues want and don't want. And I 15:50:40	3 4 5 6 7 8 9 10 11 12	A. I don't think it does. 15:52:32 Q. How about a skywriter, it covers 15:52:34 skywriters, right? 15:52:36 A. I saw that. 15:52:37 Q. Yeah. 15:52:37 A. It occurred to me they probably wouldn't 15:52:38 want 300 characters. At least I wouldn't want to be 15:52:40 the guy flying the plane that had to do that. Or 15:52:44 it it couldn't be Arabic or something. It's kind 15:52:47 of hard to turn your plane that short. But I I 15:52:50
4 5 6 7 8 9 10	Okay. 15:50:23 Q. But you think the patent discloses 15:50:23 sufficient detail for a person of ordinary skill in 15:50:26 the art to have done that? 15:50:28 A. I think they tell you enough about what 15:50:30 the rules do. They tell you enough about the 15:50:32 concept of what the Presentation Generation Program 15:50:38 is supposed to do with those rules. You understand what the media venues want and don't want. And I 15:50:40 think anyone of ordinary skill in the art without 15:50:44	3 4 5 6 7 8 9 10 11	A. I don't think it does. 15:52:32 Q. How about a skywriter, it covers 15:52:34 skywriters, right? 15:52:36 A. I saw that. 15:52:37 Q. Yeah. 15:52:37 A. It occurred to me they probably wouldn't 15:52:38 want 300 characters. At least I wouldn't want to be 15:52:40 the guy flying the plane that had to do that. Or 15:52:44 it it couldn't be Arabic or something. It's kind 15:52:47 of hard to turn your plane that short. But I I 15:52:50 gather that a seller who was willing to accept as a 15:52:55
4 5 6 7 8 9 10 11 12	Okay. 15:50:23 Q. But you think the patent discloses 15:50:23 sufficient detail for a person of ordinary skill in 15:50:26 the art to have done that? 15:50:28 A. I think they tell you enough about what 15:50:30 the rules do. They tell you enough about the 15:50:32 concept of what the Presentation Generation Program 15:50:36 is supposed to do with those rules. You understand what the media venues want and don't want. And I 15:50:40 think anyone of ordinary skill in the art without 15:50:44 undue experimentation would be able to accomplish 15:50:46	3 4 5 6 7 8 9 10 11 12 13 14	A. I don't think it does. 15:52:32 Q. How about a skywriter, it covers 15:52:34 skywriters, right? 15:52:36 A. I saw that. 15:52:37 Q. Yeah. 15:52:37 A. It occurred to me they probably wouldn't 15:52:38 want 300 characters. At least I wouldn't want to be 15:52:40 the guy flying the plane that had to do that. Or 15:52:44 it — it couldn't be Arabic or something. It's kind 15:52:47 of hard to turn your plane that short. But I — I 15:52:50 gather that a seller who was willing to accept as a 15:52:55 selected media venue, a skywriter would provide in 15:52:58
4 5 6 7 8 9 10 11 12 13	Okay. 15:50:23 Q. But you think the patent discloses 15:50:23 sufficient detail for a person of ordinary skill in 15:50:26 the art to have done that? 15:50:28 A. I think they tell you enough about what 15:50:30 the rules do. They tell you enough about the 15:50:32 concept of what the Presentation Generation Program 15:50:36 is supposed to do with those rules. You understand what the media venues want and don't want. And I 15:50:40 think anyone of ordinary skill in the art without undue experimentation would be able to accomplish 15:50:46 that. 15:50:53	3 4 5 6 7 8 9 10 11 12 13 14 15	A. I don't think it does. Q. How about a skywriter, it covers 15:52:34 skywriters, right? 15:52:36 A. I saw that. 15:52:37 Q. Yeah. 15:52:37 A. It occurred to me they probably wouldn't 15:52:38 want 300 characters. At least I wouldn't want to be 15:52:40 the guy flying the plane that had to do that. Or 15:52:44 it it couldn't be Arabic or something. It's kind 15:52:47 of hard to turn your plane that short. But I I 15:52:50 gather that a seller who was willing to accept as a selected media venue, a skywriter would provide in 15:52:58 the advertising do what they call it, collateral or 15:53:05
4 5 6 7 8 9 10 11 12 13	Okay. 15:50:23 Q. But you think the patent discloses 15:50:23 sufficient detail for a person of ordinary skill in 15:50:26 the art to have done that? 15:50:28 A. I think they tell you enough about what 15:50:30 the rules do. They tell you enough about the 15:50:32 concept of what the Presentation Generation Program 15:50:38 is supposed to do with those rules. You understand what the media venues want and don't want. And I 15:50:38 what the media venues want and don't want. And I 15:50:40 think anyone of ordinary skill in the art without 15:50:44 undue experimentation would be able to accomplish 15:50:54 Q. What was what would an example of 15:50:54	3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. I don't think it does. Q. How about a skywriter, it covers 15:52:34 skywriters, right? 15:52:36 A. I saw that. 15:52:37 Q. Yeah. 15:52:37 A. It occurred to me they probably wouldn't 15:52:38 want 300 characters. At least I wouldn't want to be 15:52:40 the guy flying the plane that had to do that. Or 15:52:44 it — it couldn't be Arabic or something. It's kind 15:52:47 of hard to turn your plane that short. But I — I 15:52:50 gather that a seller who was willing to accept as a 15:52:55 selected media venue, a skywriter would provide in the advertising do what they call it, collateral or content, they would have provided something that 15:53:09
4 5 6 7 8 9 10 11 12 13 14 15 16 17	Okay. 15:50:23 Q. But you think the patent discloses 15:50:23 sufficient detail for a person of ordinary skill in 15:50:26 the art to have done that? 15:50:28 A. I think they tell you enough about what 15:50:30 the rules do. They tell you enough about the 15:50:32 concept of what the Presentation Generation Program 15:50:38 is supposed to do with those rules. You understand what the media venues want and don't want. And I 15:50:38 what the media venues want and don't want. And I 15:50:40 think anyone of ordinary skill in the art without undue experimentation would be able to accomplish that. 15:50:53 Q. What was what would an example of 15:50:54 those rules look like in the database? 15:50:55	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. I don't think it does. Q. How about a skywriter, it covers 15:52:34 skywriters, right? 15:52:36 A. I saw that. 15:52:37 Q. Yeah. 15:52:37 A. It occurred to me they probably wouldn't 15:52:38 want 300 characters. At least I wouldn't want to be 15:52:40 the guy flying the plane that had to do that. Or 15:52:44 it it couldn't be Arabic or something. It's kind 15:52:47 of hard to turn your plane that short. But I I 15:52:50 gather that a seller who was willing to accept as a 15:52:55 selected media venue, a skywriter would provide in 15:52:58 the advertising do what they call it, collateral or content, they would have provided something that would be compatible with the rule there I think 15:53:12
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Okay. 15:50:23 Q. But you think the patent discloses 15:50:23 sufficient detail for a person of ordinary skill in 15:50:26 the art to have done that? 15:50:28 A. I think they tell you enough about what 15:50:30 the rules do. They tell you enough about the 15:50:32 concept of what the Presentation Generation Program 15:50:38 is supposed to do with those rules. You understand 15:50:38 what the media venues want and don't want. And I 15:50:40 think anyone of ordinary skill in the art without 15:50:44 undue experimentation would be able to accomplish 15:50:54 that. 15:50:53 Q. What was what would an example of 15:50:55 MR. BRANDON: Objection to form. 15:50:57	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. I don't think it does. Q. How about a skywriter, it covers 15:52:34 skywriters, right? 15:52:36 A. I saw that. 15:52:37 Q. Yeah. 15:52:37 A. It occurred to me they probably wouldn't 15:52:38 want 300 characters. At least I wouldn't want to be 15:52:40 the guy flying the plane that had to do that. Or 15:52:44 it it couldn't be Arabic or something. It's kind 15:52:47 of hard to turn your plane that short. But I I 15:52:50 gather that a seller who was willing to accept as a selected media venue, a skywriter would provide in 15:52:58 the advertising do what they call it, collateral or content, they would have provided something that would be compatible with the rule there I think would be all capital letters in block form and no 15:53:14
4 5 6 7 8 9 10 11 12 13 14 15 16 17	Okay. 15:50:23 Q. But you think the patent discloses 15:50:23 sufficient detail for a person of ordinary skill in 15:50:26 the art to have done that? 15:50:28 A. I think they tell you enough about what 15:50:30 the rules do. They tell you enough about the 15:50:32 concept of what the Presentation Generation Program 15:50:38 is supposed to do with those rules. You understand 15:50:38 what the media venues want and don't want. And I 15:50:40 think anyone of ordinary skill in the art without 15:50:44 undue experimentation would be able to accomplish 15:50:46 that. 15:50:53 Q. What was what would an example of 15:50:54 those rules look like in the database? 15:50:57 Q. (BY MR. WOLFF) And by "database," I 15:51:02	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. I don't think it does. Q. How about a skywriter, it covers 15:52:34 skywriters, right? 15:52:36 A. I saw that. 15:52:37 Q. Yeah. 15:52:37 A. It occurred to me they probably wouldn't 15:52:38 want 300 characters. At least I wouldn't want to be 15:52:40 the guy flying the plane that had to do that. Or 15:52:44 it it couldn't be Arabic or something. It's kind 15:52:47 of hard to turn your plane that short. But I I 15:52:50 gather that a seller who was willing to accept as a selected media venue, a skywriter would provide in 15:52:58 the advertising do what they call it, collateral or 15:53:05 content, they would have provided something that would be compatible with the rule there I think would be all capital letters in block form and no 15:53:14 more than 10 or 12. 15:53:18
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Okay. 15:50:23 Q. But you think the patent discloses 15:50:23 sufficient detail for a person of ordinary skill in 15:50:26 the art to have done that? 15:50:28 A. I think they tell you enough about what 15:50:30 the rules do. They tell you enough about the 15:50:32 concept of what the Presentation Generation Program 15:50:38 is supposed to do with those rules. You understand 15:50:38 what the media venues want and don't want. And I 15:50:40 think anyone of ordinary skill in the art without 15:50:44 undue experimentation would be able to accomplish 15:50:46 that. 15:50:53 Q. What was what would an example of 15:50:54 those rules look like in the database? 15:50:55 MR. BRANDON: Objection to form. 15:50:57 Q. (BY MR. WOLFF) And by "database," I 15:51:02 mean the Presentation Rules Database. 15:51:07	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. I don't think it does. Q. How about a skywriter, it covers 15:52:34 skywriters, right? 15:52:36 A. I saw that. 15:52:37 Q. Yeah. 15:52:37 A. It occurred to me they probably wouldn't 15:52:38 want 300 characters. At least I wouldn't want to be 15:52:40 the guy flying the plane that had to do that. Or 15:52:44 it it couldn't be Arabic or something. It's kind 15:52:47 of hard to turn your plane that short. But I I gather that a seller who was willing to accept as a selected media venue, a skywriter would provide in the advertising do what they call it, collateral or content, they would have provided something that would be compatible with the rule there I think would be all capital letters in block form and no 15:53:14 more than 10 or 12. Q. Was that an example from the patent or 15:53:19
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Okay. 15:50:23 Q. But you think the patent discloses 15:50:23 sufficient detail for a person of ordinary skill in 15:50:26 the art to have done that? 15:50:28 A. I think they tell you enough about what 15:50:30 the rules do. They tell you enough about the 15:50:32 concept of what the Presentation Generation Program 15:50:38 is supposed to do with those rules. You understand 15:50:38 what the media venues want and don't want. And I 15:50:40 think anyone of ordinary skill in the art without 15:50:44 undue experimentation would be able to accomplish 15:50:44 that. 15:50:53 Q. What was what would an example of 15:50:54 those rules look like in the database? 15:50:55 MR. BRANDON: Objection to form. 15:50:57 Q. (BY MR. WOLFF) And by "database," I 15:51:02 mean the Presentation Rules Database. 15:51:10	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I don't think it does. Q. How about a skywriter, it covers 15:52:34 skywriters, right? 15:52:36 A. I saw that. 15:52:37 Q. Yeah. 15:52:37 A. It occurred to me they probably wouldn't 15:52:38 want 300 characters. At least I wouldn't want to be 15:52:40 the guy flying the plane that had to do that. Or 15:52:44 it it couldn't be Arabic or something. It's kind 15:52:47 of hard to turn your plane that short. But I I 15:52:50 gather that a seller who was willing to accept as a 15:52:55 selected media venue, a skywriter would provide in 15:52:58 the advertising do what they call it, collateral or 15:53:05 content, they would have provided something that would be compatible with the rule there I think 15:53:12 would be all capital letters in block form and no 15:53:14 more than 10 or 12. 15:53:19 one you just made up? 15:53:21
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Okay. 15:50:23 Q. But you think the patent discloses 15:50:23 sufficient detail for a person of ordinary skill in 15:50:26 the art to have done that? 15:50:28 A. I think they tell you enough about what 15:50:30 the rules do. They tell you enough about the 15:50:32 concept of what the Presentation Generation Program 15:50:38 is supposed to do with those rules. You understand 15:50:38 what the media venues want and don't want. And I 15:50:40 think anyone of ordinary skill in the art without 15:50:44 undue experimentation would be able to accomplish 15:50:44 that. 15:50:53 Q. What was what would an example of 15:50:54 those rules look like in the database? 15:50:55 MR. BRANDON: Objection to form. 15:50:57 Q. (BY MR. WOLFF) And by "database," I 15:51:02 mean the Presentation Rules Database. 15:51:10 size, form of compression, file format be a good 15:51:13	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I don't think it does. Q. How about a skywriter, it covers 15:52:34 skywriters, right? 15:52:36 A. I saw that. Q. Yeah. A. It occurred to me they probably wouldn't 15:52:37 A. It occurred to me they probably wouldn't 15:52:38 want 300 characters. At least I wouldn't want to be 15:52:40 the guy flying the plane that had to do that. Or 15:52:44 it it couldn't be Arabic or something. It's kind 15:52:47 of hard to turn your plane that short. But I I 15:52:50 gather that a seller who was willing to accept as a selected media venue, a skywriter would provide in 15:52:58 the advertising do what they call it, collateral or content, they would have provided something that would be compatible with the rule there I think would be all capital letters in block form and no 15:53:12 Q. Was that an example from the patent or one you just made up? 15:53:21 A. No, I think it's one that makes sense. 15:53:23
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Okay. 15:50:23 Q. But you think the patent discloses 15:50:23 sufficient detail for a person of ordinary skill in 15:50:26 the art to have done that? 15:50:28 A. I think they tell you enough about what 15:50:30 the rules do. They tell you enough about the 15:50:32 concept of what the Presentation Generation Program 15:50:38 is supposed to do with those rules. You understand 15:50:38 what the media venues want and don't want. And I 15:50:38 what the media venues want and don't want. And I 15:50:40 think anyone of ordinary skill in the art without 15:50:44 undue experimentation would be able to accomplish 15:50:46 that. 15:50:53 Q. What was what would an example of 15:50:54 those rules look like in the database? 15:50:55 MR. BRANDON: Objection to form. 15:50:57 Q. (BY MR. WOLFF) And by "database," I 15:51:02 mean the Presentation Rules Database. 15:51:10 size, form of compression, file format be a good 15:51:13 example for images. 15:51:19	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. I don't think it does. Q. How about a skywriter, it covers 15:52:34 skywriters, right? 15:52:36 A. I saw that. 15:52:37 Q. Yeah. 15:52:37 A. It occurred to me they probably wouldn't 15:52:38 want 300 characters. At least I wouldn't want to be 15:52:40 the guy flying the plane that had to do that. Or 15:52:44 it it couldn't be Arabic or something. It's kind 15:52:47 of hard to turn your plane that short. But I I 15:52:50 gather that a seller who was willing to accept as a selected media venue, a skywriter would provide in 15:52:58 the advertising do what they call it, collateral or content, they would have provided something that would be compatible with the rule there I think would be all capital letters in block form and no 15:53:12 Q. Was that an example from the patent or one you just made up? A. No, I think it's one that makes sense. 15:53:22 I think it's one of which one in the ordinary skill 15:53:24
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Okay. 15:50:23 Q. But you think the patent discloses 15:50:23 sufficient detail for a person of ordinary skill in 15:50:26 the art to have done that? 15:50:28 A. I think they tell you enough about what 15:50:30 the rules do. They tell you enough about the 15:50:32 concept of what the Presentation Generation Program 15:50:36 is supposed to do with those rules. You understand 15:50:38 what the media venues want and don't want. And I 15:50:38 what the media venues want and don't want. And I 15:50:40 think anyone of ordinary skill in the art without 15:50:44 undue experimentation would be able to accomplish 15:50:46 that. 15:50:53 Q. What was what would an example of 15:50:54 those rules look like in the database? 15:50:55 MR. BRANDON: Objection to form. 15:50:57 Q. (BY MR. WOLFF) And by "database," I 15:51:02 mean the Presentation Rules Database. 15:51:10 size, form of compression, file format be a good 15:51:13 example for images. 15:51:19 Q. But that's just a that's just a name 15:51:20	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. I don't think it does. Q. How about a skywriter, it covers 15:52:34 skywriters, right? 15:52:36 A. I saw that. 15:52:37 Q. Yeah. 15:52:37 A. It occurred to me they probably wouldn't 15:52:38 want 300 characters. At least I wouldn't want to be 15:52:40 the guy flying the plane that had to do that. Or it it couldn't be Arabic or something. It's kind of hard to turn your plane that short. But I I gather that a seller who was willing to accept as a selected media venue, a skywriter would provide in the advertising do what they call it, collateral or content, they would have provided something that would be compatible with the rule there I think would be all capital letters in block form and no the state of think it's one that makes sense. I think it's one of which one in the ordinary skill in the art would understand. 15:53:27
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Okay. 15:50:23 Q. But you think the patent discloses 15:50:23 sufficient detail for a person of ordinary skill in 15:50:26 the art to have done that? 15:50:28 A. I think they tell you enough about what 15:50:30 the rules do. They tell you enough about the 15:50:32 concept of what the Presentation Generation Program 15:50:38 is supposed to do with those rules. You understand 15:50:38 what the media venues want and don't want. And I 15:50:38 what the media venues want and don't want. And I 15:50:40 think anyone of ordinary skill in the art without 15:50:44 undue experimentation would be able to accomplish 15:50:46 that. 15:50:53 Q. What was what would an example of 15:50:54 those rules look like in the database? 15:50:55 MR. BRANDON: Objection to form. 15:50:57 Q. (BY MR. WOLFF) And by "database," I 15:51:02 mean the Presentation Rules Database. 15:51:10 size, form of compression, file format be a good 15:51:13 example for images. 15:51:19	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. I don't think it does. Q. How about a skywriter, it covers 15:52:34 skywriters, right? 15:52:36 A. I saw that. 15:52:37 Q. Yeah. 15:52:37 A. It occurred to me they probably wouldn't 15:52:38 want 300 characters. At least I wouldn't want to be 15:52:40 the guy flying the plane that had to do that. Or 15:52:44 it it couldn't be Arabic or something. It's kind 15:52:47 of hard to turn your plane that short. But I I 15:52:50 gather that a seller who was willing to accept as a selected media venue, a skywriter would provide in 15:52:58 the advertising do what they call it, collateral or content, they would have provided something that would be compatible with the rule there I think would be all capital letters in block form and no 15:53:12 Q. Was that an example from the patent or one you just made up? A. No, I think it's one that makes sense. 15:53:22 I think it's one of which one in the ordinary skill 15:53:24

	Page 242		Page 244 in the patent in the claim twice, control the 15:56:20
1	A. They may need to know more about 15:53:29	1	
2	skywriting than I do, but that and they've got 15:53:30	2	
3	billboards, you know. For example, you probably 15:53:31	3	
4	wouldn't want a two-inch by two-inch picture on a 15:53:35	4	
5	billboard. 15:53:36	5	feel with your definition of control, look and feel? 15:56:29
6	Q. Or in the sky? 15:53:36	6	A. No. Because the first one is 15:56:32 presentation rules which, and if you change you 15:56:35
7	A. I don't think you can do a picture in 15:53:36	7	p. 555
8	the sky. Well, we're getting off into stuff that's 15:53:39	8	know, I'm I'm fine with what's there, which 15:56:39
9	pretty irrelevant. But I've actually seen some 15:53:43	9	control the look and feel of an advertisement would 15:56:41
10	what's it, YouTube pictures of groups of planes 15:53:46	10	be it would say, wherein the presentation rules 15:56:43
11	flying almost wing to wing where they modulated the 15:53:49	11	which control the look and feel of an Internet media 15:56:49
12	smoke in little puffs much like you do a dot matrix 15:53:53	12	venue comprise" I misread that. Wherein the 15:56:52
13	print, and and actually made amazingly pretty 15:53:57	13	presentation rules of the Internet media venue 15:56:58
14	pictures. Not something I've ever seen since then, 15:54:01	14	comprise presentation rules which control the look 15:57:00
15	but it can be done. 15:54:07	15	and feel of an advertisement, further comprising a 15:57:02
16	Q. So your your construction of the next 15:54:13	16	computer program design filter to automatically 15:57:06
17	term in this group is "control look and feel of the 15:54:17	17	comply apply or compare the Internet media 15:57:09
18	advertisement." 15:54:20	18	design or you could then plug that term in there, 15:57:14
19	A. Uh-huh. 15:54:20	19	to control the appearance of the advertisement to be 15:57:19
20	Q. And in your your previous 15:54:22	20	displayed on the I don't think it I I use 15:57:26
21	construction, your your construction is control, 15:54:24	21	the term Markmanizing the claims. If we were to get 15:57:29
22	look and feel of an advertisement. So it it 15:54:28	22	those out of Judge Everingham, one of the first 15:57:33 things I will do is to take the actual language of 15:57:36
23	seems like you're using another claim term to as 15:54:32	23	
24	the construction of your claim term. 15:54:35	24	the claim and go through and substitute the court's 15:57:39 constructions into the claim just to see what they 15:57:41
25	MR. BRANDON: Objection to form. 15:54:40	25	constructions into the claim just to see what they 15:57:41
	Daga 242	ŀ	Page 245
	Page 243	1	Page 245 look like. 15:57:45
1 2	A. When I put them together into that 15:54:41	1 2	look like. 15:57:45
2	A. When I put them together into that 15:54:41 two-row table, I I don't disagree with you. It 15:54:44	2	look like. 15:57:45 Q. Did you do that when you prepared your 15:57:45
2	A. When I put them together into that two-row table, I I don't disagree with you. It would not offend me if one if Judge Everingham 15:54:47	2	look like. 15:57:45 Q. Did you do that when you prepared your 15:57:45 report? 15:57:47
2 3 4	A. When I put them together into that two-row table, I I don't disagree with you. It would not offend me if one if Judge Everingham decided to rewrite the first one to say, 15:54:41	2 3 4	look like. 15:57:45 Q. Did you do that when you prepared your 15:57:45 report? 15:57:47 A. I don't have a Markman ruling. That 15:57:47
2 3 4 5	A. When I put them together into that two-row table, I I don't disagree with you. It would not offend me if one if Judge Everingham decided to rewrite the first one to say, 15:54:51 "presentation rules which control" "control the 15:54:55	2 3 4 5	look like. 15:57:45 Q. Did you do that when you prepared your 15:57:45 report? 15:57:47 A. I don't have a Markman ruling. That 15:57:47 would be 15:57:50
2 3 4 5 6	A. When I put them together into that two-row table, I I don't disagree with you. It would not offend me if one if Judge Everingham decided to rewrite the first one to say, 15:54:51 "presentation rules which control" "control the appearance of an advertisement." 15:54:57	2 3 4	look like. 15:57:45 Q. Did you do that when you prepared your 15:57:45 report? 15:57:47 A. I don't have a Markman ruling. That 15:57:47 would be 15:57:50
2 3 4 5 6 7	A. When I put them together into that two-row table, I I don't disagree with you. It 15:54:44 would not offend me if one if Judge Everingham 15:54:47 decided to rewrite the first one to say, 15:54:51 "presentation rules which control" "control the 15:54:57 appearance of an advertisement." 15:54:57 Q. (BY MR. WOLFF) But you agree that both 15:55:02	2 3 4 5 6	look like. 15:57:45 Q. Did you do that when you prepared your 15:57:45 report? 15:57:47 A. I don't have a Markman ruling. That 15:57:47 would be 15:57:50 Q. Well, I think 15:57:50 A. That 15:57:50
2 3 4 5 6 7 8	A. When I put them together into that two-row table, I I don't disagree with you. It two-row table, I I don't disagree with you. It two-row table, I I don't disagree with you. It two-row table, I I don't disagree with you. It two-row table, I I don't disagree with you. It two-row table, I I don't disagree with you. It the two-row table, I I don't disagree with you. It to 15:54:44 Would not offend me if one if Judge Everingham 15:54:47 decided to rewrite the first one to say, 15:54:51 "presentation rules which control" "control the 15:54:55 appearance of an advertisement." 15:54:57 Q. (BY MR. WOLFF) But you agree that both 15:55:03	2 3 4 5 6 7	look like. 15:57:45 Q. Did you do that when you prepared your 15:57:45 report? 15:57:47 A. I don't have a Markman ruling. That 15:57:47 would be 15:57:50 Q. Well, I think 15:57:50 A. That 15:57:50 Q. You want the you say these are the 15:57:50
2 3 4 5 6 7 8 9	A. When I put them together into that two-row table, I I don't disagree with you. It two-row table, I I don't disagree with you. It two-row table, I I don't disagree with you. It two-row table, I I don't disagree with you. It two-row table, I I don't disagree with you. It the table is 15:54:44 would not offend me if one if Judge Everingham to 15:54:47 decided to rewrite the first one to say, the table is 15:54:51 "presentation rules which control" "control the table is 15:54:55 appearance of an advertisement." the table is 15:55:02 Q. (BY MR. WOLFF) But you agree that both the same claim, right? the same claim, right? the table is 15:55:03 A. You know, I I'm going to have to the same table is 15:55:07	2 3 4 5 6 7 8	look like. 15:57:45 Q. Did you do that when you prepared your 15:57:45 report? 15:57:47 A. I don't have a Markman ruling. That 15:57:47 would be 15:57:50 Q. Well, I think 15:57:50 A. That 15:57:50 Q. You want the you say these are the 15:57:50
2 3 4 5 6 7 8 9	A. When I put them together into that two-row table, I I don't disagree with you. It would not offend me if one if Judge Everingham decided to rewrite the first one to say, 15:54:47 "presentation rules which control" "control the appearance of an advertisement." 15:54:57 Q. (BY MR. WOLFF) But you agree that both 15:55:02 terms occur in the same claim, right? 15:55:03 A. You know, I I'm going to have to 15:55:10	2 3 4 5 6 7 8 9	look like. 15:57:45 Q. Did you do that when you prepared your 15:57:45 report? 15:57:47 A. I don't have a Markman ruling. That 15:57:47 would be 15:57:50 Q. Well, I think 15:57:50 A. That 15:57:50 Q. You want the you say these are the 15:57:50 correct constructions, right? 15:57:52
2 3 4 5 6 7 8 9 10	A. When I put them together into that two-row table, I I don't disagree with you. It would not offend me if one if Judge Everingham decided to rewrite the first one to say, 15:54:51 "presentation rules which control" "control the appearance of an advertisement." 15:54:57 Q. (BY MR. WOLFF) But you agree that both terms occur in the same claim, right? 15:55:03 A. You know, I I'm going to have to 15:55:07 check that and see. 15:55:11	2 3 4 5 6 7 8 9 10	look like. 15:57:45 Q. Did you do that when you prepared your 15:57:45 report? 15:57:47 A. I don't have a Markman ruling. That 15:57:47 would be 15:57:50 Q. Well, I think 15:57:50 A. That 15:57:50 Q. You want the you say these are the 15:57:50 correct constructions, right? 15:57:54
2 3 4 5 6 7 8 9 10 11	A. When I put them together into that two-row table, I I don't disagree with you. It would not offend me if one if Judge Everingham decided to rewrite the first one to say, 15:54:51 "presentation rules which control" "control the appearance of an advertisement." 15:54:57 Q. (BY MR. WOLFF) But you agree that both terms occur in the same claim, right? 15:55:03 A. You know, I I'm going to have to 15:55:10 Q. I think it's in the '025 patent 15:55:11 A. It is. 15:55:13	2 3 4 5 6 7 8 9 10 11	look like. 15:57:45 Q. Did you do that when you prepared your 15:57:45 report? 15:57:47 A. I don't have a Markman ruling. That 15:57:47 would be 15:57:50 Q. Well, I think 15:57:50 A. That 15:57:50 Q. You want the you say these are the 15:57:50 correct constructions, right? 15:57:52 A. Yes. 15:57:54 Q. And so you think these are the 15:57:55
2 3 4 5 6 7 8 9 10 11 12 13	A. When I put them together into that two-row table, I I don't disagree with you. It 15:54:44 would not offend me if one if Judge Everingham 15:54:47 decided to rewrite the first one to say, 15:54:51 "presentation rules which control" "control the 15:54:55 appearance of an advertisement." 15:54:57 Q. (BY MR. WOLFF) But you agree that both 15:55:02 terms occur in the same claim, right? 15:55:03 A. You know, I I'm going to have to 15:55:07 check that and see. 15:55:10 Q. I think it's in the '025 patent 15:55:11 A. It is. 15:55:13 Q around claim 47. 15:55:13	2 3 4 5 6 7 8 9 10 11	look like. 15:57:45 Q. Did you do that when you prepared your 15:57:45 report? 15:57:47 A. I don't have a Markman ruling. That 15:57:47 would be 15:57:50 Q. Well, I think 15:57:50 A. That 15:57:50 Q. You want the you say these are the 15:57:50 correct constructions, right? 15:57:52 A. Yes. 15:57:54 Q. And so you think these are the 15:57:55 constructions you you would live with. 15:57:56
2 3 4 5 6 7 8 9 10 11 12 13 14	A. When I put them together into that two-row table, I I don't disagree with you. It would not offend me if one if Judge Everingham decided to rewrite the first one to say, 15:54:51 "presentation rules which control" "control the appearance of an advertisement." 15:54:57 Q. (BY MR. WOLFF) But you agree that both 15:55:02 terms occur in the same claim, right? 15:55:03 A. You know, I I'm going to have to 15:55:07 check that and see. 15:55:10 Q. I think it's in the '025 patent 15:55:11 A. It is. 15:55:13 Q around claim 47. 15:55:15	2 3 4 5 6 7 8 9 10 11 12 13	look like. 15:57:45 Q. Did you do that when you prepared your 15:57:45 report? 15:57:47 A. I don't have a Markman ruling. That 15:57:47 would be 15:57:50 Q. Well, I think 15:57:50 A. That 15:57:50 Q. You want the you say these are the 15:57:50 correct constructions, right? 15:57:52 A. Yes. 15:57:54 Q. And so you think these are the 15:57:55 constructions you you would live with. 15:57:56 A. I haven't done it yet. I'm if 15:57:57
2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. When I put them together into that two-row table, I I don't disagree with you. It two-row table, I I don't disagree with you. It two-row table, I I don't disagree with you. It two-row table, I I don't disagree with you. It two-row table, I I don't disagree with you. It two-row table, I I together the first one to say, two-row table, I I together the first one to say, two-row table, I I together two-row t	2 3 4 5 6 7 8 9 10 11 12 13 14	look like. 15:57:45 Q. Did you do that when you prepared your 15:57:45 report? 15:57:47 A. I don't have a Markman ruling. That 15:57:47 would be 15:57:50 Q. Well, I think 15:57:50 A. That 15:57:50 Q. You want the you say these are the 15:57:50 correct constructions, right? 15:57:52 A. Yes. 15:57:54 Q. And so you think these are the 15:57:55 constructions you you would live with. 15:57:56 A. I haven't done it yet. I'm if 15:57:57 Q. But the that's not my question. My 15:57:59
2 3 4 5 6 7 8 9 10 11 12 13 14	A. When I put them together into that two-row table, I I don't disagree with you. It would not offend me if one if Judge Everingham decided to rewrite the first one to say, 15:54:51 "presentation rules which control" "control the appearance of an advertisement." 15:54:57 Q. (BY MR. WOLFF) But you agree that both 15:55:02 terms occur in the same claim, right? 15:55:03 A. You know, I I'm going to have to 15:55:07 check that and see. 15:55:10 Q. I think it's in the '025 patent 15:55:11 A. It is. 15:55:13 Q around claim 47. 15:55:13 A. Let me just take a look. 15:55:15 Q. That's from memory, so I could be wrong. 15:55:16	2 3 4 5 6 7 8 9 10 11 12 13 14 15	look like. 15:57:45 Q. Did you do that when you prepared your 15:57:45 report? 15:57:47 A. I don't have a Markman ruling. That 15:57:47 would be 15:57:50 Q. Well, I think 15:57:50 A. That 15:57:50 Q. You want the you say these are the 15:57:50 correct constructions, right? 15:57:52 A. Yes. 15:57:54 Q. And so you think these are the 15:57:55 constructions you you would live with. 15:57:56 A. I haven't done it yet. I'm if 15:57:59 question is: These are constructions you could live 15:58:01
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. When I put them together into that two-row table, I I don't disagree with you. It would not offend me if one if Judge Everingham decided to rewrite the first one to say, 15:54:51 "presentation rules which control" "control the appearance of an advertisement." 15:54:57 Q. (BY MR. WOLFF) But you agree that both 15:55:02 terms occur in the same claim, right? 15:55:03 A. You know, I I'm going to have to 15:55:07 check that and see. 15:55:10 Q. I think it's in the '025 patent 15:55:11 A. It is. 15:55:13 Q around claim 47. 15:55:13 A. Let me just take a look. 15:55:15 Q. That's from memory, so I could be wrong. 15:55:16	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	look like. 15:57:45 Q. Did you do that when you prepared your 15:57:45 report? 15:57:47 A. I don't have a Markman ruling. That 15:57:47 would be 15:57:50 Q. Well, I think 15:57:50 A. That 15:57:50 Q. You want the you say these are the 15:57:50 correct constructions, right? 15:57:52 A. Yes. 15:57:54 Q. And so you think these are the 15:57:55 constructions you you would live with. 15:57:56 A. I haven't done it yet. I'm if 15:57:57 Q. But the that's not my question. My 15:57:59 question is: These are constructions you could live 15:58:01 with, correct? 15:58:03
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. When I put them together into that two-row table, I I don't disagree with you. It would not offend me if one if Judge Everingham decided to rewrite the first one to say, 15:54:51 "presentation rules which control" "control the appearance of an advertisement." 15:54:57 Q. (BY MR. WOLFF) But you agree that both 15:55:02 terms occur in the same claim, right? 15:55:03 A. You know, I I'm going to have to 15:55:10 Q. I think it's in the '025 patent 15:55:13 A. It is. 15:55:13 Q around claim 47. 15:55:13 Q. That's from memory, so I could be wrong. 15:55:16 A. That's where they that's the first 15:55:19 one that I've cited. They're both in that same 15:55:21	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	look like. 15:57:45 Q. Did you do that when you prepared your 15:57:45 report? 15:57:47 A. I don't have a Markman ruling. That 15:57:47 would be 15:57:50 Q. Well, I think 15:57:50 A. That 15:57:50 Q. You want the you say these are the 15:57:50 correct constructions, right? 15:57:52 A. Yes. 15:57:54 Q. And so you think these are the 15:57:55 constructions you you would live with. A. I haven't done it yet. I'm if 15:57:57 Q. But the that's not my question. My 15:57:59 question is: These are constructions you could live 15:58:01 with, correct? 15:58:03 A. I believe so. I think they're the 15:58:03
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. When I put them together into that two-row table, I I don't disagree with you. It would not offend me if one if Judge Everingham decided to rewrite the first one to say, 15:54:51 "presentation rules which control" "control the appearance of an advertisement." 15:54:57 Q. (BY MR. WOLFF) But you agree that both terms occur in the same claim, right? 15:55:03 A. You know, I I'm going to have to 15:55:07 check that and see. 15:55:10 Q. I think it's in the '025 patent 15:55:11 A. It is. 15:55:13 Q around claim 47. 15:55:13 A. Let me just take a look. 15:55:15 Q. That's from memory, so I could be wrong. 15:55:16 A. That's where they that's the first 15:55:21 claim, but they talk about the presentation rules 15:55:48 comprise include at least design and style 15:55:51	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	look like. 15:57:45 Q. Did you do that when you prepared your 15:57:45 report? 15:57:47 A. I don't have a Markman ruling. That 15:57:47 would be 15:57:50 Q. Well, I think 15:57:50 A. That 15:57:50 Q. You want the you say these are the 15:57:50 correct constructions, right? 15:57:52 A. Yes. 15:57:54 Q. And so you think these are the 15:57:55 constructions you you would live with. 15:57:56 A. I haven't done it yet. I'm if 15:57:57 Q. But the that's not my question. My 15:57:59 question is: These are constructions you could live 15:58:01 with, correct? 15:58:03 appropriate constructions, yeah. 15:58:05
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. When I put them together into that two-row table, I I don't disagree with you. It would not offend me if one if Judge Everingham decided to rewrite the first one to say, 15:54:51 "presentation rules which control" "control the appearance of an advertisement." 15:54:57 Q. (BY MR. WOLFF) But you agree that both 15:55:02 terms occur in the same claim, right? 15:55:03 A. You know, I I'm going to have to 15:55:10 Q. I think it's in the '025 patent 15:55:11 A. It is. 15:55:13 Q around claim 47. 15:55:13 Q around claim 47. 15:55:15 Q. That's from memory, so I could be wrong. 15:55:16 A. That's where they that's the first 15:55:21 claim, but they talk about the presentation rules 15:55:48 comprise include at least design and style 15:55:51	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	look like. 15:57:45 Q. Did you do that when you prepared your 15:57:45 report? 15:57:47 A. I don't have a Markman ruling. That 15:57:47 would be 15:57:50 Q. Well, I think 15:57:50 A. That 15:57:50 Q. You want the you say these are the 15:57:50 correct constructions, right? 15:57:52 A. Yes. 15:57:54 Q. And so you think these are the 15:57:55 constructions you you would live with. 15:57:56 A. I haven't done it yet. I'm if 15:57:57 Q. But the that's not my question. My 15:57:59 question is: These are constructions you could live 15:58:01 with, correct? 15:58:03 A. I believe so. I think they're the 15:58:03 appropriate constructions, yeah. 15:58:10 substituting your your language for design or 15:58:12 style standards, you have presentation rules which 15:58:17
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. When I put them together into that two-row table, I I don't disagree with you. It would not offend me if one if Judge Everingham decided to rewrite the first one to say, 15:54:51 "presentation rules which control" "control the appearance of an advertisement." 15:54:57 Q. (BY MR. WOLFF) But you agree that both terms occur in the same claim, right? 15:55:03 A. You know, I I'm going to have to 15:55:07 check that and see. 15:55:13 Q. I think it's in the '025 patent 15:55:13 A. It is. 15:55:13 Q around claim 47. 15:55:13 A. Let me just take a look. 15:55:15 Q. That's from memory, so I could be wrong. 15:55:16 A. That's where they that's the first 15:55:21 claim, but they talk about the presentation rules 15:55:51 standards. And then they go on to say that as a 15:55:55	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	look like. 15:57:45 Q. Did you do that when you prepared your 15:57:45 report? 15:57:47 A. I don't have a Markman ruling. That 15:57:47 would be 15:57:50 Q. Well, I think 15:57:50 A. That 15:57:50 Q. You want the you say these are the 15:57:50 correct constructions, right? 15:57:52 A. Yes. 15:57:54 Q. And so you think these are the 15:57:55 constructions you you would live with. 15:57:56 A. I haven't done it yet. I'm if 15:57:57 Q. But the that's not my question. My 15:57:59 question is: These are constructions you could live 15:58:01 with, correct? 15:58:03 appropriate constructions, yeah. 15:58:05 Q. So when you were when you're done 15:58:10 substituting your your language for design or 15:58:12 style standards, you have presentation rules which 15:58:17 control the look and feel of an advertisement. 15:58:20
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. When I put them together into that two-row table, I I don't disagree with you. It would not offend me if one if Judge Everingham decided to rewrite the first one to say, 15:54:51 "presentation rules which control" "control the appearance of an advertisement." 15:54:57 Q. (BY MR. WOLFF) But you agree that both terms occur in the same claim, right? 15:55:03 A. You know, I I'm going to have to 15:55:07 check that and see. 15:55:13 Q. I think it's in the '025 patent 15:55:13 A. It is. 15:55:13 Q around claim 47. 15:55:13 A. Let me just take a look. 15:55:15 Q. That's from memory, so I could be wrong. 15:55:16 A. That's where they that's the first 15:55:19 one that I've cited. They're both in that same claim, but they talk about the presentation rules 15:55:51 standards. And then they go on to say that as a 15:55:55 result of the filter, which is automatically applied 15:56:00	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	look like. 15:57:45 Q. Did you do that when you prepared your 15:57:45 report? 15:57:47 A. I don't have a Markman ruling. That 15:57:47 would be 15:57:50 Q. Well, I think 15:57:50 A. That 15:57:50 Q. You want the you say these are the 15:57:50 correct constructions, right? 15:57:52 A. Yes. 15:57:54 Q. And so you think these are the 15:57:55 constructions you you would live with. 15:57:56 A. I haven't done it yet. I'm if 15:57:57 Q. But the that's not my question. My 15:57:59 question is: These are constructions you could live 15:58:01 with, correct? 15:58:03 A. I believe so. I think they're the 15:58:03 appropriate constructions, yeah. 15:58:10 substituting your your language for design or 15:58:12 style standards, you have presentation rules which 15:58:17
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. When I put them together into that two-row table, I I don't disagree with you. It would not offend me if one if Judge Everingham decided to rewrite the first one to say, 15:54:51 "presentation rules which control" "control the appearance of an advertisement." 15:54:57 Q. (BY MR. WOLFF) But you agree that both 15:55:02 terms occur in the same claim, right? 15:55:03 A. You know, I I'm going to have to 15:55:07 check that and see. 15:55:10 Q. I think it's in the '025 patent 15:55:11 A. It is. 15:55:13 Q around claim 47. 15:55:13 Q around claim 47. 15:55:15 Q. That's from memory, so I could be wrong. 15:55:16 A. That's where they that's the first 15:55:21 claim, but they talk about the presentation rules comprise include at least design and style standards. And then they go on to say that as a result of the filter, which is automatically applied to use those style standards to control the look and 15:56:05	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	look like. 15:57:45 Q. Did you do that when you prepared your 15:57:45 report? 15:57:47 A. I don't have a Markman ruling. That 15:57:47 would be 15:57:50 Q. Well, I think 15:57:50 A. That 15:57:50 Q. You want the you say these are the 15:57:50 correct constructions, right? 15:57:52 A. Yes. 15:57:54 Q. And so you think these are the 15:57:55 constructions you you would live with. 15:57:56 A. I haven't done it yet. I'm if 15:57:57 Q. But the that's not my question. My 15:57:59 question is: These are constructions you could live 15:58:01 with, correct? 15:58:03 A. I believe so. I think they're the 15:58:03 appropriate constructions, yeah. 15:58:05 Q. So when you were when you're done 15:58:10 substituting your your language for design or 15:58:12 style standards, you have presentation rules which 15:58:20 Would you then go through and replace control of the 15:58:22 look and feel of an advertisement with your 15:58:25
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. When I put them together into that two-row table, I I don't disagree with you. It would not offend me if one if Judge Everingham decided to rewrite the first one to say, 15:54:51 "presentation rules which control" "control the appearance of an advertisement." 15:54:57 Q. (BY MR. WOLFF) But you agree that both 15:55:02 terms occur in the same claim, right? 15:55:03 A. You know, I I'm going to have to 15:55:07 check that and see. 15:55:10 Q. I think it's in the '025 patent 15:55:11 A. It is. 15:55:13 Q around claim 47. 15:55:13 Q around claim 47. 15:55:15 Q. That's from memory, so I could be wrong. 15:55:16 A. That's where they that's the first 15:55:19 one that I've cited. They're both in that same claim, but they talk about the presentation rules comprise include at least design and style standards. And then they go on to say that as a result of the filter, which is automatically applied to use those style standards to control the look and feel. I don't know what more to tell you. I think 15:56:10	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	look like. 15:57:45 Q. Did you do that when you prepared your 15:57:45 report? 15:57:47 A. I don't have a Markman ruling. That 15:57:47 would be 15:57:50 Q. Well, I think 15:57:50 A. That 15:57:50 Q. You want the you say these are the 15:57:50 correct constructions, right? 15:57:52 A. Yes. 15:57:54 Q. And so you think these are the 15:57:55 constructions you you would live with. 15:57:56 A. I haven't done it yet. I'm if 15:57:57 Q. But the that's not my question. My 15:57:59 question is: These are constructions you could live 15:58:01 with, correct? 15:58:03 A. I believe so. I think they're the 15:58:03 appropriate constructions, yeah. 15:58:05 Q. So when you were when you're done 15:58:10 substituting your your language for design or 15:58:12 style standards, you have presentation rules which 15:58:20 Would you then go through and replace control of the 15:58:22

	Page 246		Page 248
1	advertisement? 15:58:30	1	A. No, it doesn't say how to do that 16:01:10
2	A. Yes. 15:58:30	2	specifically, but I think those 16:01:12
3	Q. So in a sense, the second construction 15:58:32	3	Q. How does it say it? Not specifically, 16:01:14
4	swallows the first? 15:58:35	4	but does it generally say it or what does it say? 16:01:16
5	A. I I told you when I put the two of 15:58:36	5	A. No, it just cited that I think as an 16:01:18
6	them together, I don't I don't have a problem 15:58:38	6	example of a rule that could be applied as just 16:01:21
7	with substituting presentation rules which control 15:58:41	7	as an example of a rule that would restrict text. 16:01:25
8	the appearance of an advertisement. 15:58:44	8	Q. And you would just take you would 16:01:28
9	Q. So both constructions would be the same? 15:58:48	9	just take the first 300 and lop off the other 2700? 16:01:33
10	A. No. The the first one is 15:58:51	10	A. I didn't say I would do that. But you 16:01:36
11	presentation rules. Okay. The first one is a noun, 15:58:53	11	asked me how could it be done. That's one way to do 16:01:38
12	and the second one's a verb. Okay. So they're not 15:58:57	12	it. 16:01:40
13	the same. I won't nod at you again. I can see from 15:59:05	13	Q. What's another way to do it? 16:01:40
14	the look on your face, you don't either don't 15:59:09	14	A. Well, you could have some sort of syntax 16:01:41
15	understand or don't agree, and I never know which it 15:59:11	15	ware that went through and tried to analyze the 16:01:45
16	is. But I'm I'm comfortable with them as they 15:59:13	16	syntax. If if one as a seller understood that 16:01:48
17	are stated. Okay. 15:59:17	17	those were the repertoire of rules that could be out 16:01:52
18	But and the other thing I'm very 15:59:20	18	there, you would probably more intelligently do the 16:01:56
19	uncomfortable with and surprised by is that you 15:59:22	19	way that the newspaper editor newspaper writers 16:02:00
20	found an expert who would testify that look and feel 15:59:24	20	do. They recognize that the copy editors may only 16:02:03
21	as of 2000 in the computer science and computer 15:59:27	21	take the first two paragraphs of their story 16:02:06
22	engineering art was indefinite. I just 15:59:30	22	although they might write a, you know, full column 16:02:09
23	MR. WOLFF: Move to strike. 15:59:33	23	story. And as a result, they put the part that they 16:02:11
24	Q. (BY MR. WOLFF) We using your 15:59:40	24	think really ought to be important into the first 16:02:15
25	construction of control the appearance of an ad, 15:59:42	25	two paragraphs. 16:02:19
-			2 040
l	Page 247		
		١.	Page 249
1	would the number of words in an ad be satisfy 15:59:44	1	And so what I would expect, then, if 16:02:20
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	would the number of words in an ad be satisfy that? Would they control the appearance of an ad? A. I would think so. And a good example would be as as people get older, text size becomes very important. And so depending on the if you had a if if you're going to place an ad on a website that appeals to older people, you might not want to have as many words, but you'd like to have them bigger. Whereas, if it was an ad for younger people, you might be willing to put a little smaller text and a little larger number of words. Q. And would the number of words also be a design or style standard? 16:00:24 A. Yes, I would think so. It could be. I 16:00:29 Q. How would I change with this Presentation Generation Program that's described in the patent, how would I change an how would the presentation let me strike that and start over. How would the Presentation How would the Presentation Generation Program change an ad that has 3,000 characters into an ad that has 300 characters? 16:00:58	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	And so what I would expect, then, if 16:02:20 I understood as a seller that not all of the text 16:02:23 I'm going to write describing my wonderful 16:02:25 basketball shoes, okay, was necessarily going to 16:02:29 show up on all of the set of menu media venues, I 16:02:33 might want to put them you know, you would expect 16:02:36 to put the hot stuff in the first part and and 16:02:41 expect the a more intelligent approach than just 16:02:43 truncating the first 300 to look for like a 16:02:49 paragraph mark. Stop there, and then format what 16:02:51 you could get. 16:02:54 Q. So what you just described to me there 16:02:58 A. No. 16:02:58 A. No. 16:02:59 Q. Oh, this is a computer program that does 16:03:01 this? 16:03:03 A. The human being the copy editor would 16:03:03 format would would prepare the text that would 16:03:09 menu media venues, such that if they understood 16:03:13 that one of the presentation rules applicable to 16:03:16
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	would the number of words in an ad be satisfy that? Would they control the appearance of an ad? A. I would think so. And a good example would be as as people get older, text size becomes very important. And so depending on the if you had a if if you're going to place an ad not want to have as many words, but you'd like to have them bigger. Whereas, if it was an ad for younger people, you might be willing to put a little smaller text and a little larger number of words. Q. And would the number of words also be a design or style standard? A. Yes, I would think so. It could be. I 16:00:29 don't know why it wouldn't be. Q. How would I change with this 16:00:39 Presentation Generation Program that's described in the patent, how would I change an how would the presentation let me strike that and start over. How would the Presentation How would the Presentation A. I think if you take the first 300 15:59:58 15:59:58 15:59:58 15:59:58 16:00:01 16:00:01 16:00:01 16:00:01 16:00:01 16:00:11 16:00:12 16:00:13 16:00:13 16:00:19 16:00:19 16:00:22 16:00:24 16:00:29 16:00:29 16:00:39 16:00:50 16:00:50	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	I understood as a seller that not all of the text 16:02:23 I'm going to write describing my wonderful 16:02:25 basketball shoes, okay, was necessarily going to 16:02:29 show up on all of the set of menu media venues, I 16:02:33 might want to put them you know, you would expect 16:02:36 to put the hot stuff in the first part and and 16:02:41 expect the a more intelligent approach than just 16:02:43 truncating the first 300 to look for like a 16:02:49 paragraph mark. Stop there, and then format what 16:02:51 you could get. 16:02:54 Q. So what you just described to me there 16:02:55 was a human being doing that? 16:02:58 A. No. 16:02:59 Q. Oh, this is a computer program that does 16:03:01 this? 16:03:03 A. The human being the copy editor would 16:03:03 format would would prepare the text that would 16:03:06 be the generic seller text available to multiple 16:03:09 menu media venues, such that if they understood 16:03:13 that one of the presentation rules applicable to 16:03:19 of them will take 3,000 words and some of them won't 16:03:23
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	would the number of words in an ad be satisfy that? Would they control the appearance of an ad? A. I would think so. And a good example would be as as people get older, text size becomes very important. And so depending on the if you had a if if you're going to place an ad on a website that appeals to older people, you might not want to have as many words, but you'd like to have them bigger. Whereas, if it was an ad for younger people, you might be willing to put a little smaller text and a little larger number of words. Q. And would the number of words also be a design or style standard? 16:00:24 A. Yes, I would think so. It could be. I 16:00:29 Q. How would I change with this Presentation Generation Program that's described in the patent, how would I change an how would the presentation let me strike that and start over. How would the Presentation How would the Presentation Generation Program change an ad that has 3,000 characters into an ad that has 300 characters? 16:00:58	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	I understood as a seller that not all of the text 16:02:23 I'm going to write describing my wonderful 16:02:25 basketball shoes, okay, was necessarily going to 16:02:29 show up on all of the set of menu media venues, I 16:02:33 might want to put them you know, you would expect 16:02:36 to put the hot stuff in the first part and and 16:02:41 expect the a more intelligent approach than just 16:02:43 truncating the first 300 to look for like a 16:02:49 paragraph mark. Stop there, and then format what 16:02:51 you could get. 16:02:54 Q. So what you just described to me there 16:02:55 was a human being doing that? 16:02:58 A. No. 16:02:59 Q. Oh, this is a computer program that does 16:03:01 this? 16:03:03 A. The human being the copy editor would 16:03:03 format would would prepare the text that would 16:03:06 be the generic seller text available to multiple 16:03:09 menu media venues, such that if they understood 16:03:13 that one of the presentation rules applicable to 16:03:19 of them will take 3,000 words and some of them won't 16:03:23

	Page 250		Page 252
1	certainly would would try to make sure that the 16:03:31	1	So a person of ordinary skill in the 16:05:59
2	first 300 were the part that I really liked. But 16:03:36	2	art reading a specification could come up with an 16:06:01
3	I'd probably also ask the person or some 16:03:39	3	algorithm to apply the presentation rules? 16:06:05
4	representative of the company I'm contracting with 16:03:42	4	MR. BRANDON: Objection to form. 16:06:08
5	to understand, you know, what what's going to 16:03:45	5	A. I don't think that's necessary. I think 16:06:10
6	happen here if that happens. I just like to better 16:03:46	6	the person of ordinary skill in the art reading the 16:06:11
7	understand how it was. But I don't think, you 16:03:49	7	specification could implement the steps that are 16:06:14
8	know I don't think anyone of ordinary skill in 16:03:52	8	described in various places in the specification to 16:06:17
9	the art would have trouble implementing some way of 16:03:55	9	be accomplished by the Presentation Generation 16:06:20
10	doing that. It might be draconian or it might be 16:03:58	10	Program 1710. It's far more than a box with these 16:06:23
11	intelligent, but that's just a task to be 16:04:02	11	three words in it. It's described in in a lot of 16:06:30
12	implemented by the Presentation Generation Program. 16:04:04	12	places in the patent in a lot of detail. 16:06:33
13	Q. Okay. And is there a structure in the 16:04:06	13	Q. (BY MR. WOLFF) But you didn't refer to 16:06:36
14	patent that describes that task? 16:04:08	14	that in your declaration, did you? 16:06:37
15	MR. BRANDON: Objection, form. 16:04:12	15	A. You already asked me that, and I said to 16:06:40
16	A. There's not a specific example of how 16:04:13	16	you then that I understood the issue here to be 16:06:42
17	that would be done, other than the fact that there's 16:04:16	17	whether or not it this was a hardware only 16:06:46
18	talk about HTML, there's talk about what the general 16:04:19	18	excuse me, a software only or software plus hardware 16:06:49
19	Presentation Generation Program does. You know, I 16:04:24	19	issue, and that's primarily what I addressed. Until 16:06:52
20	already mentioned to you that it describes these 16:04:27	20	I saw and the reason I did the other was I think 16:06:56
21	kinds of rules. And I think once I understand these 16:04:30	21	I saw a report, you know, somebody one of your 16:06:59
22	kinds of rules. And Pulmit once Panadistand diese 2006 133	22	various experts wrote which raised this new question 16:07:03
23	Program fits into the process, that it's very easy 16:04:37	23	of whether or not there were — there was an 16:07:06
24	to reduce that to an actual practice. 16:04:39	24	adequate disclosure of the algorithm to implement 16:07:10
25	Q. (BY MR. WOLFF) So your — so you would 16:04:41	25	that in a program. And that's what led me to say, 16:07:13
23	Q. (B) MR. WOLL) 50 your 50 you would 10.0 1.11		that in a programm sind choco total roa me to only
	Dags 251		Page 253
١.	Page 251 agree that it's not disclosed, as like a systematic 16:04:43	1	you know, that's a good question, let me go see if I 16:07:17
1	sequence of instructions, but you your position 16:04:47	2	can answer it for myself. 16:07:19
2	seems to be that a person of ordinary skill in the 16:04:53	3	Q. All right. Let's go to page 30 of your 16:07:20
3	art reading the patent could go out and implement 16:04:57	4	report. 16:07:22
4		5	A. All right. 16:07:23
5	such a system? 16:05:03 MR. BRANDON: Objection to form. 16:05:04	6	Q. "Distribution factors" is the term. You 16:07:26
6		7	could take a look at your construction. And I'm 16:07:28
7	· · · · · · · · · · · · · · · · · · ·	8	just trying to understand the bounds of your 16:07:34
8	part 2	9	construction to see whether there's a disagreement 16:07:36
9	through this to see all of the things that were described about the nature and character of the 16:05:10	10	or not. But can you give me an example of a rule 16:07:39
10		1	concerning whether advertising content may be 16:07:42
11	Presentation Generation Program, and it is just 16:05:14 it's just described in in terms of its 16:05:18	11 12	published on a particular media venue? 16:07:45
12			
13	subfunctions, which would be the steps all over the 16:05:23	13 14	A. I think I gave you some on the next 16:0/:4/ page. "Blocked words; blocked phrases; blocked 16:07:53
14	place. They just as I say, I think there were 16:05:26	l	references; blocked URLs." I think those would be 16:07:57
15	over 40 references to its numerical identifier. 16:05:29	15	some good examples. 16:08:04
16	Q. (BY MR. WOLFF) So you agreed with the 16:05:40	16	
17	second part of my question, that that a person of 16:05:42	17	Q. And you've got cost in there, too, 16:08:05 correct? 16:08:07
18	ordinary skill in the art reading the patent could 16:05:46	18	
19	know how to implement 16:05:48	19	
20	A. Yes. 16:05:50	20	quoting again a section of the actual specification. 16:08:09
21	Q the structure? 16:05:50	21	Q. Well, I mean, do you agree that cost is 16:08:10
22	A. I thought I had already agreed with it 16:05:52	22	an example of the distribution factor or not? 16:08:12
	1		
23	once before. 16:05:54	23	A. I do. 16:08:15
24	Q. Let me strike that. I think the 16:05:55	24	Q. Okay. And you what is it that you 16:08:15

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1	A. They don't say "rules," they just say 16:08:41	1	I'm lost on that one. Is it a the color is not a 16:11:26
2	"information." And I think in the context of the 16:08:44	2	distribution factor? 16:11:29
3	patent we're talking about what are called 16:08:46	3	A. Well well, I mean, it could be, I 16:11:30
4	presentation rules that are found in the 16:08:49	4	guess. In the sense that if somebody said, "I'm 16:11:32
5	presentation rules database. That's the first 16:08:55	5	only willing to accept black and white pictures," 16:11:35
6	thing. And I don't understand really what it means, 16:08:57	6	maybe a newspaper, and you didn't have a black and 16:11:38
7	where the Internet media venue will make the 16:09:00	7	white picture, and you had no capability to decolor 16:11:40
8	advertisement available. I I think that those 16:09:02	8	a color photograph, which you can do, then that 16:11:44
9	rule those factors come into play to to decide 16:09:20	9	color could play a role in that. But I just think 16:11:48
10	what venues you will allow your advertising to go 16:09:23	10	the distribution really the claim at issue here 16:11:52
11	to. And that's not a decision made it seems like 16:09:31	11	makes it pretty clear. It says, "determine 16:11:54
12	maybe the way that the Google and Yahoo! proposal is 16:09:39	12	whether" I'm at the top of page 31 "to publish 16:11:59
13	written, it's as if I've selected a venue, it will 16:09:42	13	the advertisement to the venue. I'm not sure I can 16:12:01
14	accept my stuff, and then it's going to decide 16:09:46	14	give you the full limit of what the rules would or 16:12:06
15	whether to put it on a billboard, a skywriter or a 16:09:49	15	wouldn't be. 16:12:09
16	bus bench or something like that. I may be reading 16:09:51	16	Q. You know, I I think that's my problem 16:12:10
17	something into that that Google and Yahoo! didn't 16:09:54	17	is I just I can't tell what it is from your 16:12:11
18	intend, but I just I didn't think that made 16:09:57	18	construction. And so you don't 16:12:14
19	sense. 16:09:59	19	A. But you think you 16:12:16 MR. BRANDON: Objection to form. 16:12:17
20	Q. If you took off the example and you 16:10:00	20	
21	deleted the word "Internet," would is that 16:10:02	21	A. Well, then we're even. I can't tell 16:12:18 what in the world your party's construction 16:12:21
22	construction better to you? 16:10:07	22 23	
23	A. No. No, it's not the Internet issue. 16:10:08	24	Q. (BY MR. WOLFF) Well, I'm asking about 16:12:21 yours. 16:12:26
24	It's the way that reads, it sounds like the ad 16:10:10 has already made its way to a media venue, whether 16:10:13	25	A. I understand. 16:12:26
25	has already made its way to a media venue, whether 16:10:13	23	A. Tulideistalid.
	Page 255		Page 257
1	Page 255 it's an Internet media venue or not. And then the 16:10:15	1	Q. Okay. 16:12:27
2	menu decides where the ad's going to be placed. 16:10:18	2	A. Well, no, earlier you were asking me 16:12:27
3	Q. Where do you get this decision stuff? 16:10:21	3	about yours, so 16:12:27
4	A. Information about where the Internet 16:10:23	4	Q. Right. I did earlier. 16:12:27
5	media venue will make the advertisement available. 16:10:26	5	A. Okay. But now 16:12:28
6	Q. But it's it's just a rule that's 16:10:31	6	Q. I just told you, the problem now is I 16:12:28
7	supposed to be specified, right? 16:10:34	7	just can't tell what the bounds is, and it sounds 16:12:30
8	A. I don't even understand what that means. 16:10:36	8	like you can't tell what the 16:12:33
9	Q. Well, you've got it in yours. You've 16:10:38	9	A. Well, no, I don't have a I don't have 16:12:33
10	got a rule concerning whether advertising content 16:10:41	10	a it would be a rule concerning whether 16:12:35
11	may be published on a particular media venue. 16:10:44	11	advertising content may be published on a particular 16:12:36
12	A. Right. 16:10:45	12	media venue. It would be something that would 16:12:39
13	Q. So could the could the size of the ad 16:10:45	13	determine whether or not a seller's advertising 16:12:41
14	be a distribution factor? 16:10:53	14	content can be placed on a particular venue, and 16:12:45
15	A. Yes. If if there were menu if 16:10:54	15	and color could be a factor. Cost, speed, all of 16:12:54
16	there were media venues that had a size limitation, 16:11:02	16	these things could play a role. 16:12:58
17	either too big or too small or something along those 16:11:05	17	MR, WOLFF: Let's take a let's 16:13:05
10		18	take a break. 16:13:06
18	lines. 16:11:08	1 4 -	
19	Q. So a color could be a distribution 16:11:09	19	MR. BRANDON: All right. 16:13:07
19 20	Q. So a color could be a distribution 16:11:09 factor, too? 16:11:11	20	THE VIDEOGRAPHER: Off the record, 16:13:08
19 20 21	Q. So a color could be a distribution 16:11:09 factor, too? 16:11:11 MR. BRANDON: Objection to form. 16:11:12	20 21	THE VIDEOGRAPHER: Off the record, 16:13:08 4:13.
19 20 21 22	Q. So a color could be a distribution 16:11:09 factor, too? 16:11:11 MR. BRANDON: Objection to form. 16:11:12 A. I'd be reluctant to say it couldn't be. 16:11:12	20 21 22	THE VIDEOGRAPHER: Off the record, 16:13:08 4:13. 16:13:10 (Recess Taken From 4:13 p.m. To 4:26 p.m.) 16:13:11
19 20 21 22 23	Q. So a color could be a distribution 16:11:09 factor, too? 16:11:11 MR. BRANDON: Objection to form. 16:11:12 A. I'd be reluctant to say it couldn't be. 16:11:12 I tend to think of that as being more over/under the 16:11:16	20 21 22 23	THE VIDEOGRAPHER: Off the record, 16:13:08 4:13. 16:13:10 (Recess Taken From 4:13 p.m. To 4:26 p.m.) 16:13:11 THE VIDEOGRAPHER: This is the 16:26:30
19 20 21 22 23 24	Q. So a color could be a distribution 16:11:09 factor, too? 16:11:11 MR. BRANDON: Objection to form. 16:11:12 A. I'd be reluctant to say it couldn't be. 16:11:12 I tend to think of that as being more over/under the 16:11:16 design or style standard kinds of things. 16:11:20	20 21 22 23 24	THE VIDEOGRAPHER: Off the record, 4:13:08 4:13. 16:13:10 (Recess Taken From 4:13 p.m. To 4:26 p.m.) 16:13:11 THE VIDEOGRAPHER: This is the 16:26:30 beginning of tape 5. Back on the record, 4:26. 16:26:32
19 20 21 22 23	Q. So a color could be a distribution 16:11:09 factor, too? 16:11:11 MR. BRANDON: Objection to form. 16:11:12 A. I'd be reluctant to say it couldn't be. 16:11:12 I tend to think of that as being more over/under the 16:11:16	20 21 22 23	THE VIDEOGRAPHER: Off the record, 16:13:08 4:13. 16:13:10 (Recess Taken From 4:13 p.m. To 4:26 p.m.) 16:13:11 THE VIDEOGRAPHER: This is the 16:26:30

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1	constructions, Dr. Rhyne, you use two different 16:26:38	1	sequence of mathematical or logical operations." 16:29:35
2	terms. One is executing a systematic sequence of 16:26:41	2	You use that language in that claim for that 16:29:38
3	mathematical or logical operations, two, and then 16:26:45	3	claim term because it's not a means-plus-function, 16:29:41
4	you put in some function. 16:26:49	4	correct? 16:29:44
5	A. Uh-huh. 16:26:51	5	A. I wish I could say to you that that 16:29:44
6	Q. Example would be the means for applying 16:26:52	6	my recollection is that I had that specific goal in 16:29:47
7	or processing in paragraphs 44 through 57. And then 16:26:54	7	mind. If you if you look, for example, in 16:29:51
8	in a in a couple of others, particularly in the 16:27:00	8	claim 47 of the '025, it says, "further comprising a 16:30:02
9	'045 patent, you say, a computer software 16:27:02	9	computer program design filter to automatically 16:30:06
10	A. Give me a cite so I can kind of link up 16:27:08	10	apply or compare the Internet media venue," et 16:30:08
11	with you. What page are you 16:27:10	11	cetera. Okay. And so this this is a reference 16:30:12
12	Q. On page — I'm sorry, paragraphs 36 16:27:12	12	to that function being performed by a computer 16:30:19
13	through 38. 16:27:16	13	program. And I I just have seems like maybe I 16:30:23
14	A. All right. 16:27:20	14	had picked that language up or something from a 16:30:30
15	O. In the means for transmitting, for 16:27:20	15	previous case that I worked on in the Eastern 16:30:32
16	example, you say in that construction, you use 16:27:22	16	District or something that that that is is 16:30:34
17	the and my my issue isn't so much with the 16:27:24	17	language that relates to what a computer program 16:30:40
18	particular constructions of the of the specific 16:27:27	18	does to the you know, the execution of a computer 16:30:43
19	terms where you've used it, it's just what's the 16:27:30	19	program. 16:30:46
20	difference. And let me spit the question out 16:27:32	20	Q. And — and by that language, you're 16:30:46
21	cleanly. 16:27:35	21	referring to as executing a systematic sequence of 16:30:49
22	What's the difference between 16:27:36	22	mathematical or logical operations? 16:30:52
23	executing a systematic sequence of mathematical 16:27:37	23	A. Yes. 16:30:56
24	and/or logical operations and computer software 16:27:40	24	Q. Okay. But when you on page 31, for 16:30:57
25	executable on a processor capable of? 16:27:45	25	example, when you used computer program design 16:31:00
		<u> </u>	
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1	A. I — I think the origin for those two 16:27:51	1	filter or computer program distribution filter, you 16:31:03
2	choices of words fell based on the original language 16:27:54	2	used software that processes fill in a blank. 16:31:07
3	of the claim. And let me confirm that to myself. 16:28:00	3	A. I understand. And I and I sitting 16:31:15
4	MR. BRANDON: Jason, can you please 16:28:28	4	here today, I can't tell you why I went one way with 16:31:18
5	tell us to what you're referring when you say 16:28:30	5	one and one way with the other, except for the fact 16:31:21
6	"executing a systematic sequence," like, what 16:28:32	6	that that I think I'm responding to the 16:31:24
7	particular term so we can turn to it in the report? 16:28:35	7	automatically applying or comparing. 16:31:27
8	A. Page 32 would be an example. 16:28:39	8	Q. So it 16:31:32
9	THE WITNESS: I'm not Jason, but 16:28:41	9	A. That it's done automatically, as opposed 16:31:33
10	I I was familiar what he had cited me to. 16:28:42	10	to any other way that it might be done. Whereas 16:31:35
11	A. I think where there is not a 16:28:54	11	these things over here on page 31 are are sort of 16:31:37
12	means-plus-function element, I I used kind of a 16:28:58	12	structural. They're a filter in both cases, and I 16:31:44 focused on what the filter is, whereas on page 32, 16:31:49
13	standard definition of what it means to perform 16:29:03	13	Tocasca off What are the same of the same
14	something, for example, the applying or comparing 16:29:10	14	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
15	step, similar to what some people think of as an 16:29:14	15	Street at Several at a large 1 1
16	algorithm or some people think of as processing. 16:29:17	16	Chairmy g. Duc more accuming
17	But I I think each one was just my best reading 16:29:22	17	,
18	as to what I thought the 16:29:24	18	
19	Q. (BY MR. WOLFF) Okay. So 16:29:24	19	done addonasedly by a programme
20	A appropriate language would be. 16:29:26	20	45 77 45
21	Q. In the let me see if I understand. 16:29:27	21	Q. Okay. And then if we went back to 16:32:16 page 31 where you've got this computer program 16:32:18
22	So in in, for example, this one on page 32 16:29:29	22	design filter and computer program distribution 16:32:21
23	A. Uh-huh. 16:29:29	23	45.00.00
24	Q "automatically applying or 16:29:31	24	16.00.00
25	comparing," you say, "Executing a systematic 16:29:33	23	and dides why dides software:

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1	A. It's a noun, okay, as opposed to kind of 16:32:28	1	cetera. I think that's exactly the where the 16:35:15 language on page 32 came from. 16:35:18
2	a verb, I guess. 16:32:31	2	
3	Q. Is the computer program design filter 16:32:32	3	
4	described in the specification? 16:32:35	4	not your definition? 16:35:28
5	A. I I gosh, I remember looking for 16:32:38	5	A. The the stuff in bold 16:35:29
6	the word "filter" in the spec, and I don't think I 16:32:40	6	Q. Right. 16:35:30
7	found it. I can't again, that's a fact. It's 16:32:43	7	A on the left. 16:35:31
8	either in there or it's not. I don't think I did. 16:32:47	8	Q. Right. I agree that's part of the claim 16:35:32
9	But I searched for discussion in the specification 16:32:52	9	language. 16:35:34
10	as to what the design filter did, and it's there 16:32:56	10	A. Okay. Yeah. Yes, sir. 16:35:35
11	is it is described in terms of what I've said 16:33:01	11	Q. All right. But then for in in the 16:35:39
12	here, software that processes design or style 16:33:07	12	'045 patent, and this is referring to paragraph 31, 16:35:44
13	standards, as opposed to in the second case, 16:33:09	13	I think, of your report, the means for applying is 16:35:47
14	software that processes distribution standard 16:33:12	14	executing systematic sequence of mathematical or 16:35:5
15	factors. 16:33:15	15	logical operations. 16:35:53
16	Q. And how is it that you mean software is 16:33:15	16	MR, BRANDON: Is there a question? 16:36:01
17	structure? 16:33:19	17	Q. (BY MR, WOLFF) And so so there that 16:36:07
18	A. It's a program. It's something that 16:33:22	18	would be a some action that's supposed to be 16:36:09
19	people have written to perform an algorithm, which 16:33:24	19	happening, correct? 16:36:13
20	accomplishes the goals or the the function 16:33:30	20	A. No, it's supposed to be a structure that 16:36:17
21	that's required of it. And in this case, it's 16:33:33	21	is the corresponding structure of that means. 16:36:20
22	processing design or style standards. 16:33:37	22	Q. But but you told me earlier that 16:36:21
23	Q. And is and is an algorithm a 16:33:39	23	the — that the difference that you used here, the 16:36:23
24	systematic sequence of mathematical or logical 16:33:41	24	distinction you made between using this executing 16:36:27
25	operations? 16:33:45	25	this systematic sequence of mathematical or logical 16:36:28
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	Page 263		-
1	Page 263 A. That's a common definition of an 16:33:45	1	Page 26. operations was whether it was doing something. 16:36:30
1 2	_	1 2	operations was whether it was doing something. 16:36:30 A. Yes. 16:36:33
	A. That's a common definition of an 16:33:45	l	operations was whether it was doing something. 16:36:30 A. Yes. 16:36:33 Q. Like a gerund 16:36:33
2	A. That's a common definition of an 16:33:45 algorithm.	2	operations was whether it was doing something. 16:36:30 A. Yes. 16:36:33 Q. Like a gerund 16:36:33 A. Uh-huh. 16:36:33
2 3	A. That's a common definition of an 16:33:45 algorithm. 16:33:47 Q. So, again, that's where I I get 16:33:48	2	operations was whether it was doing something. 16:36:30 A. Yes. 16:36:33 Q. Like a gerund 16:36:33 A. Uh-huh. 16:36:33 Q or something, as opposed to some sort 16:36:34
2 3 4	A. That's a common definition of an 16:33:45 algorithm. 16:33:47 Q. So, again, that's where I I get 16:33:48 confused here, because on page 32, you use the 16:33:50	2 3 4	operations was whether it was doing something. A. Yes. 16:36:33 Q. Like a gerund 16:36:33 A. Uh-huh. 16:36:33 Q or something, as opposed to some sort 16:36:34 of structure. But you just told me that 16:36:37
2 3 4 5	A. That's a common definition of an 16:33:45 algorithm. 16:33:47 Q. So, again, that's where I I get 16:33:48 confused here, because on page 32, you use the 16:33:50 executing a systematic sequence of mathematical or 16:33:55	2 3 4 5	operations was whether it was doing something. A. Yes. 16:36:33 Q. Like a gerund 16:36:33 A. Uh-huh. 16:36:33 Q or something, as opposed to some sort 16:36:34 of structure. But you just told me that 16:36:37 MR. BRANDON: Objection to form. 16:36:40
2 3 4 5 6	A. That's a common definition of an algorithm. 16:33:47 Q. So, again, that's where I I get 16:33:48 confused here, because on page 32, you use the executing a systematic sequence of mathematical or 16:33:55 logical operations, but here you use software. 16:34:00 A. Well, I'll tell you one more time. The 16:34:03 filters that are described on page 31 are nouns. 16:34:05	2 3 4 5 6	operations was whether it was doing something. A. Yes. 16:36:33 Q. Like a gerund 16:36:33 A. Uh-huh. 16:36:33 Q or something, as opposed to some sort 16:36:34 of structure. But you just told me that 16:36:37 MR. BRANDON: Objection to form. 16:36:40 Q. (BY MR. WOLFF) the means for 16:36:42
2 3 4 5 6 7	A. That's a common definition of an algorithm. 16:33:47 Q. So, again, that's where I I get 16:33:48 confused here, because on page 32, you use the executing a systematic sequence of mathematical or 16:33:50 logical operations, but here you use software. 16:34:00 A. Well, I'll tell you one more time. The 16:34:03	2 3 4 5 6 7	A. Yes. 16:36:33 Q. Like a gerund 16:36:33 A. Uh-huh. 16:36:33 Q or something, as opposed to some sort 16:36:34 of structure. But you just told me that 16:36:37 MR. BRANDON: Objection to form. 16:36:40 Q. (BY MR. WOLFF) the means for 16:36:42 applying was a structure. 16:36:43
2 3 4 5 6 7 8	A. That's a common definition of an algorithm. 16:33:47 Q. So, again, that's where I I get 16:33:48 confused here, because on page 32, you use the executing a systematic sequence of mathematical or 16:33:55 logical operations, but here you use software. A. Well, I'll tell you one more time. The 16:34:03 filters that are described on page 31 are nouns. 16:34:05	2 3 4 5 6 7 8	A. Yes. 16:36:33 Q. Like a gerund 16:36:33 A. Uh-huh. 16:36:33 Q or something, as opposed to some sort 16:36:34 of structure. But you just told me that 16:36:37 MR. BRANDON: Objection to form. 16:36:40 Q. (BY MR. WOLFF) the means for applying was a structure. 16:36:43 A. It is structure, but it's characterized 16:36:43
2 3 4 5 6 7 8 9	A. That's a common definition of an 16:33:45 algorithm. 16:33:47 Q. So, again, that's where I I get 16:33:48 confused here, because on page 32, you use the executing a systematic sequence of mathematical or 16:33:55 logical operations, but here you use software. 16:34:00 A. Well, I'll tell you one more time. The 16:34:03 filters that are described on page 31 are nouns. 16:34:05 Okay. And the term that I was addressing on 16:34:08	2 3 4 5 6 7 8 9	A. Yes. 16:36:33 Q. Like a gerund 16:36:33 A. Uh-huh. 16:36:33 Q or something, as opposed to some sort 16:36:34 of structure. But you just told me that 16:36:37 MR. BRANDON: Objection to form. 16:36:40 Q. (BY MR. WOLFF) the means for 16:36:42 applying was a structure. 16:36:43 A. It is structure, but it's characterized 16:36:43 as a structure which performs a function, and 16:36:46
2 3 4 5 6 7 8 9 10	A. That's a common definition of an 16:33:45 algorithm. 16:33:47 Q. So, again, that's where I I get 16:33:48 confused here, because on page 32, you use the 16:33:50 executing a systematic sequence of mathematical or 16:33:55 logical operations, but here you use software. 16:34:00 A. Well, I'll tell you one more time. The 16:34:03 filters that are described on page 31 are nouns. 16:34:05 Okay. And the term that I was addressing on 16:34:08 pages 32 and 33 terms, were terms that are verbs. 16:34:18	2 3 4 5 6 7 8 9	A. Yes. 16:36:33 Q. Like a gerund 16:36:33 A. Uh-huh. 16:36:33 Q or something, as opposed to some sort 16:36:34 of structure. But you just told me that 16:36:37 MR. BRANDON: Objection to form. 16:36:40 Q. (BY MR. WOLFF) the means for 16:36:42 applying was a structure. 16:36:43 as a structure which performs a function, and because it's a means-plus-function element. And I 16:36:50
2 3 4 5 6 7 8 9 10 11	A. That's a common definition of an algorithm. 16:33:47 Q. So, again, that's where I I get 16:33:48 confused here, because on page 32, you use the executing a systematic sequence of mathematical or 16:33:50 logical operations, but here you use software. 16:34:00 A. Well, I'll tell you one more time. The filters that are described on page 31 are nouns. 16:34:05 Okay. And the term that I was addressing on 16:34:08 pages 32 and 33 terms, were terms that are verbs. 16:34:18 And so I I characterized that in terms of 16:34:25	2 3 4 5 6 7 8 9 10 11	A. Yes. 16:36:33 Q. Like a gerund 16:36:33 A. Uh-huh. 16:36:33 Q or something, as opposed to some sort 16:36:34 of structure. But you just told me that 16:36:37 MR. BRANDON: Objection to form. 16:36:40 Q. (BY MR. WOLFF) the means for 16:36:42 applying was a structure. 16:36:43 A. It is structure, but it's characterized 16:36:43 as a structure which performs a function, and because it's a means-plus-function element. And I 16:36:50 used that language in describing the function that's 16:36:53
2 3 4 5 6 7 8 9 10 11	A. That's a common definition of an algorithm. 16:33:47 Q. So, again, that's where I I get 16:33:48 confused here, because on page 32, you use the executing a systematic sequence of mathematical or 16:33:50 logical operations, but here you use software. 16:34:00 A. Well, I'll tell you one more time. The 16:34:03 filters that are described on page 31 are nouns. 16:34:05 Okay. And the term that I was addressing on 16:34:08 pages 32 and 33 terms, were terms that are verbs. 16:34:18 And so I I characterized that in terms of 16:34:25 verbiage, executing. 16:34:30	2 3 4 5 6 7 8 9 10 11 12	A. Yes. 16:36:33 Q. Like a gerund 16:36:33 A. Uh-huh. 16:36:33 Q or something, as opposed to some sort 16:36:34 of structure. But you just told me that 16:36:37 MR. BRANDON: Objection to form. 16:36:40 Q. (BY MR. WOLFF) the means for 16:36:42 applying was a structure. 16:36:43 A. It is structure, but it's characterized 16:36:43 as a structure which performs a function, and because it's a means-plus-function element. And I 16:36:50 used that language in describing the function that's 16:36:53 performed by the means, the corresponding structure 16:36:56
2 3 4 5 6 7 8 9 10 11 12 13	A. That's a common definition of an algorithm. 16:33:47 Q. So, again, that's where I I get 16:33:48 confused here, because on page 32, you use the executing a systematic sequence of mathematical or 16:33:50 logical operations, but here you use software. 16:34:00 A. Well, I'll tell you one more time. The 16:34:03 filters that are described on page 31 are nouns. 16:34:05 Okay. And the term that I was addressing on 16:34:08 pages 32 and 33 terms, were terms that are verbs. 16:34:18 And so I I characterized that in terms of 16:34:25 verbiage, executing. 16:34:30 Q. So even in the apparatus claims in the 16:34:33	2 3 4 5 6 7 8 9 10 11 12 13	A. Yes. 16:36:33 Q. Like a gerund 16:36:33 Q or something, as opposed to some sort 16:36:34 of structure. But you just told me that 16:36:37 MR. BRANDON: Objection to form. 16:36:40 Q. (BY MR. WOLFF) the means for 16:36:42 applying was a structure. 16:36:43 A. It is structure, but it's characterized 16:36:43 as a structure which performs a function, and 16:36:46 because it's a means-plus-function element. And I 16:36:50 used that language in describing the function that's performed by the means, the corresponding structure being computer software. And in paragraph 31, I 16:36:59
2 3 4 5 6 7 8 9 10 11 12 13	A. That's a common definition of an algorithm. 16:33:47 Q. So, again, that's where I I get 16:33:48 confused here, because on page 32, you use the executing a systematic sequence of mathematical or 16:33:55 logical operations, but here you use software. 16:34:00 A. Well, I'll tell you one more time. The 16:34:03 filters that are described on page 31 are nouns. 16:34:05 Okay. And the term that I was addressing on 16:34:08 pages 32 and 33 terms, were terms that are verbs. 16:34:18 And so I I characterized that in terms of 16:34:25 verbiage, executing. 16:34:30 Q. So even in the apparatus claims in the 16:34:33 '025 patent, this automatically applying or 16:34:40	2 3 4 5 6 7 8 9 10 11 12 13 14	A. Yes. 16:36:33 Q. Like a gerund 16:36:33 A. Uh-huh. 16:36:33 Q or something, as opposed to some sort 16:36:34 of structure. But you just told me that 16:36:37 MR. BRANDON: Objection to form. 16:36:40 Q. (BY MR. WOLFF) the means for 16:36:42 applying was a structure. 16:36:43 A. It is structure, but it's characterized 16:36:43 as a structure which performs a function, and because it's a means-plus-function element. And I 16:36:50 used that language in describing the function that's 16:36:53 performed by the means, the corresponding structure 16:36:56 being computer software. And in paragraph 31, I 16:36:59 very specifically even identify it for the preferred 16:37:01
2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. That's a common definition of an 16:33:45 algorithm. 16:33:47 Q. So, again, that's where I I get 16:33:48 confused here, because on page 32, you use the 26:33:50 executing a systematic sequence of mathematical or 16:33:55 logical operations, but here you use software. 16:34:03 A. Well, I'll tell you one more time. The 16:34:03 filters that are described on page 31 are nouns. 16:34:05 Okay. And the term that I was addressing on 16:34:08 pages 32 and 33 terms, were terms that are verbs. 16:34:18 And so I I characterized that in terms of 16:34:25 verbiage, executing. 16:34:30 Q. So even in the apparatus claims in the 16:34:33 '025 patent, this automatically applying or 16:34:40 automatically apply or compare, that's a noun or 16:34:45	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Yes. 16:36:33 Q. Like a gerund 16:36:33 Q or something, as opposed to some sort 16:36:34 of structure. But you just told me that 16:36:37 MR. BRANDON: Objection to form. 16:36:40 Q. (BY MR. WOLFF) the means for 16:36:42 applying was a structure. 16:36:43 as a structure which performs a function, and because it's a means-plus-function element. And I 16:36:50 used that language in describing the function that's performed by the means, the corresponding structure 16:36:59 very specifically even identify it for the preferred 16:37:01 embodiment that it's the I think that that is met 16:37:05
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. That's a common definition of an algorithm. 16:33:47 Q. So, again, that's where I I get 16:33:48 confused here, because on page 32, you use the executing a systematic sequence of mathematical or 16:33:55 logical operations, but here you use software. 16:34:00 A. Well, I'll tell you one more time. The 16:34:03 filters that are described on page 31 are nouns. 16:34:05 Okay. And the term that I was addressing on 16:34:08 pages 32 and 33 terms, were terms that are verbs. 16:34:18 And so I I characterized that in terms of 16:34:25 verbiage, executing. 16:34:30 Q. So even in the apparatus claims in the 16:34:33 '025 patent, this automatically applying or 16:34:40 automatically apply or compare, that's a noun or 16:34:45 that's is that a verb? 16:34:48	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Yes. 16:36:33 Q. Like a gerund 16:36:33 Q or something, as opposed to some sort 16:36:34 of structure. But you just told me that 16:36:37 MR. BRANDON: Objection to form. 16:36:40 Q. (BY MR. WOLFF) the means for 16:36:42 applying was a structure. 16:36:43 as a structure which performs a function, and because it's a means-plus-function element. And I 16:36:53 performed by the means, the corresponding structure 16:36:59 very specifically even identify it for the preferred 16:37:01 embodiment that it's the I think that that is met by 16:37:05 by the Presentation Generation Program, which 16:37:07
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. That's a common definition of an algorithm. 16:33:47 Q. So, again, that's where I I get 16:33:48 confused here, because on page 32, you use the 26:33:50 executing a systematic sequence of mathematical or 16:33:55 logical operations, but here you use software. 16:34:00 A. Well, I'll tell you one more time. The 16:34:03 filters that are described on page 31 are nouns. 16:34:05 Okay. And the term that I was addressing on 16:34:08 pages 32 and 33 terms, were terms that are verbs. 16:34:18 And so I I characterized that in terms of 16:34:35 verbiage, executing. 16:34:30 Q. So even in the apparatus claims in the 16:34:33 '025 patent, this automatically applying or 16:34:40 automatically apply or compare, that's a noun or 16:34:45 that's is that a verb? 16:34:48 MR. BRANDON: Objection, form. 16:34:49	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Yes. 16:36:33 Q. Like a gerund 16:36:33 A. Uh-huh. 16:36:33 Q or something, as opposed to some sort 16:36:34 of structure. But you just told me that 16:36:37 MR. BRANDON: Objection to form. 16:36:40 Q. (BY MR. WOLFF) the means for 16:36:42 applying was a structure. 16:36:43 as a structure which performs a function, and because it's a means-plus-function element. And I 16:36:50 used that language in describing the function that's performed by the means, the corresponding structure 16:36:59 very specifically even identify it for the preferred embodiment that it's the I think that that is met by the Presentation Generation Program, which performs that set of sequence that set of steps, 16:37:10
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. That's a common definition of an algorithm. 16:33:47 Q. So, again, that's where I I get confused here, because on page 32, you use the executing a systematic sequence of mathematical or logical operations, but here you use software. A. Well, I'll tell you one more time. The logical operations, but here you use software. A. Well, I'll tell you one more time. The logical operations on page 31 are nouns. 16:34:03 Gliters that are described on page 31 are nouns. 16:34:05 Okay. And the term that I was addressing on logical operations, were terms that are verbs. 16:34:08 pages 32 and 33 terms, were terms that are verbs. 16:34:18 And so I I characterized that in terms of logical operations in the lo	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. 16:36:33 Q. Like a gerund 16:36:33 Q or something, as opposed to some sort 16:36:34 of structure. But you just told me that 16:36:37 MR. BRANDON: Objection to form. 16:36:42 applying was a structure. 16:36:43 A. It is structure, but it's characterized 16:36:43 as a structure which performs a function, and because it's a means-plus-function element. And I 16:36:50 used that language in describing the function that's performed by the means, the corresponding structure 16:36:59 very specifically even identify it for the preferred 16:37:01 embodiment that it's the I think that that is met 16:37:07 performs that set of sequence that set of steps, not necessarily in sequence, but that's what the 16:37:13
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. That's a common definition of an algorithm. 16:33:47 Q. So, again, that's where I I get 16:33:48 confused here, because on page 32, you use the executing a systematic sequence of mathematical or 16:33:55 logical operations, but here you use software. 16:34:00 A. Well, I'll tell you one more time. The 16:34:03 filters that are described on page 31 are nouns. 16:34:05 Okay. And the term that I was addressing on 16:34:08 pages 32 and 33 terms, were terms that are verbs. 16:34:18 And so I I characterized that in terms of 16:34:25 verbiage, executing. 16:34:30 Q. So even in the apparatus claims in the 16:34:33 '025 patent, this automatically applying or 16:34:40 automatically apply or compare, that's a noun or 16:34:45 that's is that a verb? 16:34:48 MR. BRANDON: Objection, form. 16:34:50 guess. 16:34:54	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. Yes. 16:36:33 Q. Like a gerund 16:36:33 Q or something, as opposed to some sort 16:36:34 of structure. But you just told me that 16:36:37 MR. BRANDON: Objection to form. 16:36:40 Q. (BY MR. WOLFF) the means for 16:36:42 applying was a structure. 16:36:43 A. It is structure, but it's characterized 16:36:43 as a structure which performs a function, and because it's a means-plus-function element. And I 16:36:50 used that language in describing the function that's 16:36:53 performed by the means, the corresponding structure 16:36:59 very specifically even identify it for the preferred 16:37:01 embodiment that it's the I think that that is met 16:37:05 by the Presentation Generation Program, which performs that set of sequence that set of steps, 16:37:10 not necessarily in sequence, but that's what the 16:37:13 specification says that it does. 16:37:16
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. That's a common definition of an algorithm. 16:33:47 Q. So, again, that's where I I get confused here, because on page 32, you use the executing a systematic sequence of mathematical or logical operations, but here you use software. 16:34:00 A. Well, I'll tell you one more time. The logitary of liters that are described on page 31 are nouns. 16:34:05 Okay. And the term that I was addressing on logical operations, were terms that are verbs. 16:34:08 pages 32 and 33 terms, were terms that are verbs. 16:34:18 And so I I characterized that in terms of logical operations, were terms that are verbs. 16:34:25 verbiage, executing. 16:34:30 Q. So even in the apparatus claims in the logical operation or logical operations, this automatically applying or logical operations in the logical operation. In the logical operation or logical operation. In the logical operation of logical operations operations of logical operations of logical operations of logical operations operations of logical operations of logical operations o	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yes. 16:36:33 Q. Like a gerund 16:36:33 A. Uh-huh. 16:36:33 Q or something, as opposed to some sort of structure. But you just told me that 16:36:37 MR. BRANDON: Objection to form. 16:36:40 Q. (BY MR. WOLFF) the means for 16:36:42 applying was a structure. 16:36:43 A. It is structure, but it's characterized 16:36:43 as a structure which performs a function, and because it's a means-plus-function element. And I 16:36:50 used that language in describing the function that's 16:36:53 performed by the means, the corresponding structure 16:36:59 very specifically even identify it for the preferred 16:37:01 embodiment that it's the I think that that is met by the Presentation Generation Program, which performs that set of sequence that set of steps, not necessarily in sequence, but that's what the 16:37:16 Q. I'm going to ask about that. Why why 16:37:21
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. That's a common definition of an algorithm. 16:33:47 Q. So, again, that's where I I get confused here, because on page 32, you use the executing a systematic sequence of mathematical or logical operations, but here you use software. 16:34:00 A. Well, I'll tell you one more time. The logitary of liters that are described on page 31 are nouns. 16:34:05 Okay. And the term that I was addressing on logical operations, were terms that are verbs. 16:34:08 pages 32 and 33 terms, were terms that are verbs. 16:34:18 And so I I characterized that in terms of logical operations, were terms that are verbs. 16:34:25 verbiage, executing. 16:34:30 Q. So even in the apparatus claims in the logical operation or logical operations in the logical operation. In the logical operation of logical operation or logical operation. In the logical operation of logical operation of logical operation operation. In the logical operation of logical operation operation operation. In the logical operation o	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. 16:36:33 Q. Like a gerund 16:36:33 Q or something, as opposed to some sort 16:36:34 of structure. But you just told me that 16:36:37 MR. BRANDON: Objection to form. 16:36:40 Q. (BY MR. WOLFF) the means for 16:36:42 applying was a structure. 16:36:43 as a structure which performs a function, and 16:36:46 because it's a means-plus-function element. And I 16:36:50 used that language in describing the function that's 16:36:53 performed by the means, the corresponding structure 16:36:59 very specifically even identify it for the preferred 16:37:01 embodiment that it's the I think that that is met 16:37:05 by the Presentation Generation Program, which performs that set of sequence that set of steps, 16:37:10 not necessarily in sequence, but that's what the 16:37:13 specification says that it does. 16:37:21 do you say at paragraph 31 of your report that 16:37:24
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. That's a common definition of an algorithm. 16:33:47 Q. So, again, that's where I I get confused here, because on page 32, you use the executing a systematic sequence of mathematical or logical operations, but here you use software. 16:34:00 A. Well, I'll tell you one more time. The logical systematic and page 31 are nouns. 16:34:05 Okay. And the term that I was addressing on logical systematic and pages 32 and 33 terms, were terms that are verbs. 16:34:08 And so I I characterized that in terms of logical systems in the logical systems. 16:34:25 verbiage, executing. 16:34:30 Q. So even in the apparatus claims in the logical systems in the logical systems. 16:34:40 automatically apply or compare, that's a noun or logical systems. 16:34:48 MR. BRANDON: Objection, form. 16:34:49 A. It's a purpose assigned to a noun, I logical systems. 16:34:50 guess. 16:34:54 Q. (BY MR. WOLFF) And what noun is it logical systems. 16:34:58 A. The for example, the I'm reading 16:35:01	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. 16:36:33 Q. Like a gerund 16:36:33 Q or something, as opposed to some sort 16:36:34 of structure. But you just told me that 16:36:37 MR. BRANDON: Objection to form. 16:36:40 Q. (BY MR. WOLFF) the means for 16:36:42 applying was a structure. 16:36:43 as a structure which performs a function, and because it's a means-plus-function element. And I used that language in describing the function that's performed by the means, the corresponding structure 16:36:53 performed by the means, the corresponding structure 16:36:59 very specifically even identify it for the preferred 16:37:01 embodiment that it's the I think that that is met by the Presentation Generation Program, which performs that set of sequence that set of steps, not necessarily in sequence, but that's what the specification says that it does. 16:37:16 Q. I'm going to ask about that. Why why do you say at paragraph 31 of your report that 16:37:24 these the four steps that you've enumerated are 16:37:28
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. That's a common definition of an algorithm. 16:33:47 Q. So, again, that's where I I get 16:33:48 confused here, because on page 32, you use the executing a systematic sequence of mathematical or 16:33:50 logical operations, but here you use software. 16:34:00 A. Well, I'll tell you one more time. The 16:34:03 filters that are described on page 31 are nouns. 16:34:05 Okay. And the term that I was addressing on 16:34:08 pages 32 and 33 terms, were terms that are verbs. 16:34:18 And so I I characterized that in terms of 16:34:30 Q. So even in the apparatus claims in the 16:34:33 '025 patent, this automatically applying or 16:34:40 automatically apply or compare, that's a noun or 16:34:45 that's is that a verb? 16:34:48 MR. BRANDON: Objection, form. 16:34:49 A. It's a purpose assigned to a noun, I 16:34:50 guess. 16:34:54 Q. (BY MR. WOLFF) And what noun is it 16:34:57 assigned to? 16:34:58 A. The for example, the I'm reading 16:35:01 from the language of claim 47 at column 67 beginning 16:35:05	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Yes. 16:36:33 Q. Like a gerund 16:36:33 Q or something, as opposed to some sort 16:36:34 of structure. But you just told me that 16:36:37 MR. BRANDON: Objection to form. 16:36:40 Q. (BY MR. WOLFF) the means for 16:36:42 applying was a structure. 16:36:43 as a structure which performs a function, and 16:36:46 because it's a means-plus-function element. And I 16:36:50 used that language in describing the function that's 16:36:53 performed by the means, the corresponding structure 16:36:59 very specifically even identify it for the preferred 16:37:01 embodiment that it's the I think that that is met 16:37:05 by the Presentation Generation Program, which performs that set of sequence that set of steps, 16:37:10 not necessarily in sequence, but that's what the 16:37:13 specification says that it does. 16:37:21 do you say at paragraph 31 of your report that 16:37:24

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1	A. I'll tell you exactly. Because 16:37:33	1	had to look at every single column and line of the 16:40:19
2	because lawyers such as yourself in cases that I've 16:37:37	2	patent, but in the area where it discusses what the 16:40:22
3	had before have tried to argue, for example, that 16:37:41	3	program what the Presentation Generation Program 16:40:25
4	the steps in a means plus in a in a method 16:37:43	4	does in those areas, I looked at the specification 16:40:27
5	claim do or don't have to be performed in a 16:37:47	5	to understand what it was. 16:40:31
6	particular order. And I I'm probably just put 16:37:50	6	Q. (BY MR. WOLFF) And that these are the 16:40:33
7	that parenthetical in there just possibly in an 16:37:54	7	areas that you recited in your report here on 16:40:34
8	overabundance of caution. When I look at what those 16:38:01	8	page 8? 16:40:40
9	are, I I just that's just the way I've 16:38:04	9	A. Those are those are a representative 16:40:40
10	developed to write my expert reports and 16:38:11	10	set of areas and those are the primarily the ones 16:40:43
11	declarations. 16:38:15	11	that in fact, I went back and looked at those. I 16:40:46
12	Q. So are you are you saying that's your 16:38:15	12	don't I don't think that there were any typos as 16:40:48
13	opinion, then, these particular steps do not have to 16:38:17	13	best I can remember, but those are the ones that 16:40:50
14	be performed in any particular order? 16:38:19	14	that I had I had reference to. I think if you 16:40:52
15	A. Let me take a look again. 16:38:21	15	look at those in concert, you'll find the support 16:40:55
16	(Witness Reviews Document.) 16:38:30	16	for what I said on the previous page. 16:40:58
17	A. I think step 2 has to be done before 16:38:32	17	Q. Okay. 16:41:00
18	after step 1. Okay. Because I it says in 16:38:35	18	A. I did at least. 16:41:00
19	step 1, "identifying one or more selected media 16:38:39	19	Q. I'm going to switch gears on you a 16:41:02
20	venues for publication." And then No. 2, "accessing 16:38:42	20	little bit and go back to this computer software 16:41:03
21	data representing each identified media venue's 16:38:44	21	executable on a processor capable of. You're 16:41:06
22	guidelines. So two has to go before one. But three 16:38:47	22	what you described earlier was that that conveys 16:41:09
23	doesn't have to go it could go before one or 16:38:51	23	structure to you, right? You used that where you 16:41:11
24	between one and two. I think step four would have 16:38:54	24	saw it was a computer program or something in the 16:41:15
25	to be done last. 16:39:01	25	claim? 16:41:17
<u> </u>	W	<u> </u>	with the same of t
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1	So, really, it's step three that I 16:39:03	1	A. That's the corresponding 16:41:17
2	think is open, in terms of order. 16:39:05	2	MR. BRANDON: Objection, form. 16:41:18
3	Q. (BY MR. WOLFF) How did you where did 16:39:18	3	A. That's the corresponding structure for 16:41:19
4	you strike that. 16:39:21	4	several of the limitations that are expressed in the 16:41:20
5	What's the basis for your steps 2 16:39:23	5	means-plus-function form. 16:41:24
6	and 3 where you use the the term "accessing"? 16:39:27	6	Q. (BY MR. WOLFF) And then in the '045 16:41:25
7	MR. BRANDON: Objection to the form. 16:39:32	7	patent, you used that definition for the means for 16:41:27
8	A. There's a I I think that came out 16:39:33	8	transmitting, the means for the seller to select, 16:41:30
9	of my understanding of the databases that are 16:39:37	9	and the means for the media venues to input. If you 16:41:34
10	described as being sources of information for the 16:39:40	10	want reference to your paragraphs, it's 36 through 16:41:37
11	Presentation Generation Program. 16:39:44	11	40, roughly. 16:41:39
12	Q. (BY MR. WOLFF) Is is this four-step 16:39:45	12	A. Okay. 16:41:40
13	sequence enumerated in the specification for the 16:39:48	13	Q. Is it because you think that those steps 16:41:42
14	patents? 16:39:54	14	are structure? 16:41:44
15	A. It is. I don't know that it's ever 16:39:54	15	MR. BRANDON: Objection, form. 16:41:47
16	shown as you know, in a little paragraph or 16:39:56	16	Q. (BY MR. WOLFF) Or those means are 16:41:49
17	something, but that's that's my understanding of 16:39:59	17	structure? 16:41:51
18	exactly what the Presentation Generation Program 16:40:01	18	A. I don't understand the question at all. 16:41:51
19	does in order to apply the corresponding guidelines 16:40:05	19	Q. Well, I'm just trying to understand 16:41:53
20	of the media venues. 16:40:08	20	why why the the means for applying is this 16:41:55
1 -	Q. And that's from taking a look at the 16:40:10	21	executing a systematic sequence of mathematical or 16:41:58
21	-		
22	patent as a whole? 16:40:12	22	logical operations, yet the means for transmitting 16:42:01
22 23	patent as a whole? 16:40:12 A. I don't think 16:40:14	23	or selecting or inputting are computer software 16:42:04
22 23 24	patent as a whole? 16:40:12 A. I don't think 16:40:14 MR. BRANDON: Objection to the form. 16:40:15	23 24	or selecting or inputting are computer software 16:42:04 executable on a processor capable of 16:42:09
22 23	patent as a whole? 16:40:12 A. I don't think 16:40:14	23	or selecting or inputting are computer software 16:42:04

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1	A. Well, if you if you look at what I 16:42:16	1	A. Okay. 16:45:07
2	did with the means for applying the guidelines, I 16:42:17	2	Q this is the creating limitations 16:45:08
3	actually broke out a four-step process. Okay. And 16:42:20	3	here. 16:45:11
4	so I had more detail there I thought that was 16:42:26	4	A. Uh-huh. 16:45:11
5	appropriate, given the nature of the applying 16:42:30	5	Q. I I think you testified earlier today 16:45:12
6	corresponding guidelines of the media venues. 16:42:31	6	that the — the creating — you — you disagree with 16:45:25
7	And the others were were you 16:42:37	7	the defendants that the creating is the step that's 16:45:29
8	know, transmitting is transmitting. I just gave you 16:42:39	8	performed by the seller? 16:45:31
9	language dealing with initiating a data 16:42:44	9	A. That the creating the ultimate ad or 16:45:34
10	transmission. There's not there's not as many 16:42:49	10	presentation, I don't believe that that's done by 16:45:37
11	steps associated with accomplishing that function as 16:42:51	11	the seller on the at the seller end of the 16:45:39
12	I had identified relative to the computer software 16:42:55	12	inputs. That's correct. 16:45:43
13	that I specified for the means for applying. 16:42:57	13	Q. You think that's done by the 16:45:44
14	Q. (BY MR. WOLFF) But a person of ordinary 16:43:01	14	Presentation Generation Program? 16:45:46
15	skill in the art looking at the patent would say 16:43:03	15	A. Yes, as an example of the computer 16:45:46
16	when they see saw these terms in the in the 16:43:05	16	software executable on a program that does all that 16:45:50
17	claims, they would say, ah ha, there are some 16:43:08	17	stuff. 16:45:53
18	this means some computer software where executable 16:43:10	18	Q. With and I think that your I think 16:45:53
19	on a processor? 16:43:15	19	that your testimony earlier was was clear to me 16:45:55
20	MR. BRANDON: Objection to form. 16:43:16	20	that I understand what your position is with respect 16:45:57
21	A. Yes. 16:43:17	21	to the '045 patent. But on the '025 patent where is 16:46:00
22	Q. (BY MR. WOLFF) Okay. And and would 16:43:21	22	it in the claim language that makes you think that 16:46:04
23	they would they think that there should be some 16:43:21	23	that is a step that's performed by the Presentation 16:46:08
24	corresponding description in the written 16:43:24	24	Generation Program? 16:46:15
25	description? 16:43:25	25	MR. BRANDON: Objection to form. 16:46:15
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	Page 271 MR. BRANDON: Objection to form. 16:43:27	١.	Page 273
1	MR. BRANDON: Objection to form. 16:43:27		A I think it's the same specification and 16:46:17
-	4 Vo- 16,/2,20	1 5	A. I think it's the same specification, and 16:46:17
2	A. Yes. 16:43:28	2	it teaches that that's what is done by the 16:46:19
3	Q. (BY MR. WOLFF) And and is there? 16:43:29	2	it teaches that that's what is done by the Presentation Generation Program. 16:46:19
3 4	Q. (BY MR. WOLFF) And and is there? 16:43:29 A. Yes. I cited in each one of these 16:43:31	2 3 4	it teaches that that's what is done by the Presentation Generation Program. Q. (BY MR. WOLFF) So it's it's not 16:46:24
3 4 5	Q. (BY MR. WOLFF) And and is there? 16:43:29 A. Yes. I cited in each one of these 16:43:31 cases, it isn't like I just left you in hand with 16:43:34	2 3 4 5	it teaches that that's what is done by the Presentation Generation Program. 16:46:22 Q. (BY MR. WOLFF) So it's it's not something in the claims that's guiding you there; 16:46:25
3 4 5 6	Q. (BY MR. WOLFF) And and is there? 16:43:29 A. Yes. I cited in each one of these 16:43:31 cases, it isn't like I just left you in hand with 16:43:34 computer software executable. I actually then in 16:43:37	2 3 4 5 6	it teaches that that's what is done by the Presentation Generation Program. 16:46:22 Q. (BY MR. WOLFF) So it's it's not 16:46:24 something in the claims that's guiding you there; it's something in the specification? 16:46:27
3 4 5 6 7	Q. (BY MR. WOLFF) And and is there? 16:43:29 A. Yes. I cited in each one of these 16:43:31 cases, it isn't like I just left you in hand with 16:43:34 computer software executable. I actually then in 16:43:37 the pros following these tables gave you 16:43:41	2 3 4 5 6 7	it teaches that that's what is done by the Presentation Generation Program. 16:46:22 Q. (BY MR. WOLFF) So it's it's not 16:46:24 something in the claims that's guiding you there; 16:46:25 it's something in the specification? 16:46:27 A. Well 16:46:38
3 4 5 6 7 8	Q. (BY MR. WOLFF) And and is there? 16:43:29 A. Yes. I cited in each one of these 16:43:31 cases, it isn't like I just left you in hand with 16:43:34 computer software executable. I actually then in 16:43:37 the pros following these tables gave you 16:43:41 illustrative examples of specific programs by name 16:43:43	2 3 4 5 6 7 8	it teaches that that's what is done by the Presentation Generation Program. 16:46:22 Q. (BY MR. WOLFF) So it's it's not 16:46:24 something in the claims that's guiding you there; 16:46:25 it's something in the specification? 16:46:27 A. Well 16:46:38 MR. BRANDON: Let me just object to 16:46:40
3 4 5 6 7 8 9	Q. (BY MR. WOLFF) And and is there? 16:43:29 A. Yes. I cited in each one of these 16:43:31 cases, it isn't like I just left you in hand with 16:43:34 computer software executable. I actually then in 16:43:37 the pros following these tables gave you 16:43:41 illustrative examples of specific programs by name 16:43:43 and number that I felt like were the examples of 16:43:48	2 3 4 5 6 7 8 9	it teaches that that's what is done by the Presentation Generation Program. 16:46:22 Q. (BY MR. WOLFF) So it's it's not 16:46:24 something in the claims that's guiding you there; 16:46:25 it's something in the specification? 16:46:27 A. Well 16:46:38 MR. BRANDON: Let me just object to 16:46:40 form on that question. 16:46:41
3 4 5 6 7 8 9	Q. (BY MR. WOLFF) And and is there? 16:43:29 A. Yes. I cited in each one of these 16:43:31 cases, it isn't like I just left you in hand with 16:43:34 computer software executable. I actually then in 16:43:37 the pros following these tables gave you 16:43:41 illustrative examples of specific programs by name and number that I felt like were the examples of 16:43:48 that particular computer software. 16:43:53	2 3 4 5 6 7 8 9	it teaches that that's what is done by the Presentation Generation Program. Q. (BY MR. WOLFF) So it's it's not 16:46:24 something in the claims that's guiding you there; 16:46:25 it's something in the specification? 16:46:27 A. Well 16:46:38 MR. BRANDON: Let me just object to 16:46:40 form on that question. 16:46:41 A. I I guess relative to differences of 16:46:44
3 4 5 6 7 8 9 10	Q. (BY MR. WOLFF) And and is there? 16:43:29 A. Yes. I cited in each one of these 16:43:31 cases, it isn't like I just left you in hand with 16:43:34 computer software executable. I actually then in 16:43:37 the pros following these tables gave you 16:43:41 illustrative examples of specific programs by name 16:43:43 and number that I felt like were the examples of 16:43:48 that particular computer software. 16:43:53 Q. But those those are just names 16:43:56	2 3 4 5 6 7 8 9 10	it teaches that that's what is done by the Presentation Generation Program. 16:46:22 Q. (BY MR. WOLFF) So it's it's not 16:46:24 something in the claims that's guiding you there; 16:46:25 it's something in the specification? 16:46:27 A. Well 16:46:38 MR. BRANDON: Let me just object to 16:46:40 form on that question. 16:46:41 A. I I guess relative to differences of 16:46:44 opinion over claim constructions, I don't 16:46:47
3 4 5 6 7 8 9 10 11 12	Q. (BY MR. WOLFF) And and is there? 16:43:29 A. Yes. I cited in each one of these 16:43:31 cases, it isn't like I just left you in hand with 16:43:34 computer software executable. I actually then in 16:43:37 the pros following these tables gave you 16:43:41 illustrative examples of specific programs by name 16:43:43 and number that I felt like were the examples of 16:43:48 that particular computer software. 16:43:53 Q. But those those are just names 16:43:56 more names; they're not actually algorithms, right? 16:43:59	2 3 4 5 6 7 8 9 10 11 12	it teaches that that's what is done by the Presentation Generation Program. 16:46:22 Q. (BY MR. WOLFF) So it's it's not 16:46:24 something in the claims that's guiding you there; 16:46:25 it's something in the specification? 16:46:27 A. Well 16:46:38 MR. BRANDON: Let me just object to 16:46:40 form on that question. 16:46:41 A. I I guess relative to differences of 16:46:44 opinion over claim constructions, I don't 16:46:50
3 4 5 6 7 8 9 10 11 12 13	Q. (BY MR. WOLFF) And and is there? 16:43:29 A. Yes. I cited in each one of these 16:43:31 cases, it isn't like I just left you in hand with 16:43:34 computer software executable. I actually then in 16:43:37 the pros following these tables gave you 16:43:41 illustrative examples of specific programs by name 16:43:43 and number that I felt like were the examples of 16:43:48 that particular computer software. 16:43:53 Q. But those those are just names 16:43:56 more names; they're not actually algorithms, right? 16:43:59 MR. BRANDON: Objection to form. 16:44:02	2 3 4 5 6 7 8 9 10 11 12 13	it teaches that that's what is done by the Presentation Generation Program. 16:46:22 Q. (BY MR. WOLFF) So it's it's not 16:46:24 something in the claims that's guiding you there; 16:46:25 it's something in the specification? 16:46:27 A. Well 16:46:38 MR. BRANDON: Let me just object to 16:46:40 form on that question. 16:46:41 A. I I guess relative to differences of 16:46:44 opinion over claim constructions, I don't 16:46:47 understand 16:46:50 Q. (BY MR. WOLFF) Right. 16:46:50
3 4 5 6 7 8 9 10 11 12 13 14	Q. (BY MR. WOLFF) And and is there? 16:43:29 A. Yes. I cited in each one of these 16:43:31 cases, it isn't like I just left you in hand with 16:43:34 computer software executable. I actually then in 16:43:37 the pros following these tables gave you 16:43:41 illustrative examples of specific programs by name 16:43:43 and number that I felt like were the examples of 16:43:48 that particular computer software. 16:43:53 Q. But those those are just names 16:43:56 more names; they're not actually algorithms, right? 16:43:59 MR. BRANDON: Objection to form. 16:44:02 A. I I don't agree with that. The names 16:44:03	2 3 4 5 6 7 8 9 10 11 12 13	it teaches that that's what is done by the Presentation Generation Program. 16:46:22 Q. (BY MR. WOLFF) So it's it's not 16:46:24 something in the claims that's guiding you there; 16:46:25 it's something in the specification? 16:46:27 A. Well 16:46:38 MR. BRANDON: Let me just object to 16:46:40 form on that question. 16:46:41 A. I I guess relative to differences of 16:46:47 understand 16:46:50 Q. (BY MR. WOLFF) Right. 16:46:50 A. Can you show me where in any of these 16:46:51
3 4 5 6 7 8 9 10 11 12 13 14 15	Q. (BY MR. WOLFF) And and is there? 16:43:29 A. Yes. I cited in each one of these 16:43:31 cases, it isn't like I just left you in hand with 16:43:34 computer software executable. I actually then in 16:43:37 the pros following these tables gave you 16:43:41 illustrative examples of specific programs by name 16:43:43 and number that I felt like were the examples of 16:43:48 that particular computer software. 16:43:53 Q. But those those are just names 16:43:56 more names; they're not actually algorithms, right? 16:43:59 MR. BRANDON: Objection to form. 16:44:02 A. I I don't agree with that. The names 16:44:03 tell you what the nature the names coupled with 16:44:05	2 3 4 5 6 7 8 9 10 11 12 13 14 15	it teaches that that's what is done by the Presentation Generation Program. 16:46:22 Q. (BY MR. WOLFF) So it's it's not 16:46:24 something in the claims that's guiding you there; 16:46:25 it's something in the specification? 16:46:27 A. Well 16:46:38 MR. BRANDON: Let me just object to 16:46:40 form on that question. 16:46:41 A. I I guess relative to differences of 16:46:44 opinion over claim constructions, I don't 16:46:47 understand 16:46:50 Q. (BY MR. WOLFF) Right. 16:46:50 A. Can you show me where in any of these 16:46:51 tables there is there are competing constructions 16:46:53
3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. (BY MR. WOLFF) And and is there? 16:43:29 A. Yes. I cited in each one of these 16:43:31 cases, it isn't like I just left you in hand with 16:43:34 computer software executable. I actually then in 16:43:37 the pros following these tables gave you 16:43:41 illustrative examples of specific programs by name 16:43:43 and number that I felt like were the examples of 16:43:48 that particular computer software. 16:43:53 Q. But those those are just names 16:43:56 more names; they're not actually algorithms, right? 16:43:59 MR. BRANDON: Objection to form. 16:44:02 A. I I don't agree with that. The names 16:44:03 tell you what the nature the names coupled with 16:44:05 the written description that's present in the 16:44:10	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	it teaches that that's what is done by the Presentation Generation Program. 16:46:22 Q. (BY MR. WOLFF) So it's it's not 16:46:24 something in the claims that's guiding you there; 16:46:25 it's something in the specification? 16:46:38 MR. BRANDON: Let me just object to 16:46:40 form on that question. 16:46:41 A. I I guess relative to differences of 16:46:44 opinion over claim constructions, I don't 16:46:47 understand 16:46:50 Q. (BY MR. WOLFF) Right. 16:46:50 A. Can you show me where in any of these 16:46:51 tables there is there are competing constructions 16:46:53 that capture the point you're trying to make? 16:46:57
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	Page 274		Page 276
1	context. You're talking about with respect to that 16:47:33	1	A. All right. I understand. 16:51:27
2	"whereby clause" at the end of claim 1? 16:47:37	2	Q is referring to the '025 and '059 16:51:29
3	Q. Right. And I think I'm clear. I 16:47:38	3	patents. 16:51:32
4	understand what your position is on the '045 patent. 16:47:39	4	A. Okay. All right. Yeah. The first row 16:51:38
5	A. Okay. I'm not trying to repeat it. 16:47:41	5	is the one I thought we just had finished talking 16:51:40
6	Q. Yeah, and I don't want you to repeat it. 16:47:43	6	about, which is the "whereby clause." Okay. Now, 16:51:42
7	Trust me. What I what I want to know is and 16:47:45	7	you're saying that these are in the '059? 16:51:46
8	because what you said was that the — that the 16:47:48	8	Q. The '059 and the '025. I'll just 16:51:48
9	creating is something that's done by the 16:47:50	9	represent to you so it's faster that the place 16:51:53
10	Presentation Generation Program. 16:47:53	10	the limitation that you can find these in is in the 16:51:55
11	A. Well, maybe a clearer way to say it in 16:47:55	11	'025, it would be in the seller interface I'm 16:51:56
12	general is that it is not required to be done at 16:47:57	12	sorry, the second interface. And the '059, it would 16:51:58
13	the at the seller end of the system. 16:48:00	13	be in the third interface. 16:52:02
14	Q. Okay. But in in the claims of the 16:48:02	14	A. Ah, I finally found it. I think my eyes 16:52:06
15	'025 patent, the word "create" doesn't occur in the 16:48:08	15	are just tired. Okay. There it is. Okay. Now 16:52:09 MR. BRANDON: And what can I ask 16:52:17
16	computer controller limitation, does it? 16:48:10	16	
17	MR. BRANDON: Objection to form. 16:48:14	17	Wilde and queeners let
18	What claims are we talking about, the '025? 16:48:15	18	7.0 1 1100 CO./
19	MR. WOLFF: Claims 1 and 179. The 16:48:22	19	Titlaco di quodiciti
20	only two independent claims in the patent that have 16:48:25	20	Q. (S) I II. (1021.) Study and paragraphs
21	been inserted. 16:48:29	21	or your report
22	(Witness Reviews Document.) 16:48:58	22	46.50.06
23	A. Again, I don't think I understand what 16:49:07	23	Q you say that the system creates and 16:52:26 publishes these customized advertisements, and then 16:52:28
24	the issue you're you're addressing is. 16:49:10	24	you cite language that talks about the I I 16:52:31
25	Q. (BY MR. WOLFF) Let me pin you down a 16:49:43	25	you cite language that take about the 1 1 2000-101
\Box	Page 275		Page 277
	Page 275	1	Page 277 assume it's the central controller. And what I'm 16:52:34
1	little bit more 16:49:44	1 2	assume it's the central controller. And what I'm 16:52:34
2	little bit more 16:49:44 A. Okay. 16:49:44	1 2 3	assume it's the central controller. And what I'm 16:52:34 trying to understand here is whether in your 16:52:41
2	little bit more 16:49:44 A. Okay. 16:49:44 Q then, so that maybe maybe this 16:49:45	2	assume it's the central controller. And what I'm 16:52:34 trying to understand here is whether in your 16:52:41
2 3 4	A. Okay. 16:49:44 Q then, so that maybe maybe this 16:49:45 will help. In paragraph 50 you say that the that 16:49:47	2 3	assume it's the central controller. And what I'm 16:52:34 trying to understand here is whether in your 16:52:41 construction you think that or in your mind, you 16:52:43
2 3 4 5	A. Okay. 16:49:44 Q then, so that maybe maybe this 16:49:45 will help. In paragraph 50 you say that the that 16:49:47 the system is what is doing the creating. And 16:49:51	2 3 4	assume it's the central controller. And what I'm 16:52:34 trying to understand here is whether in your 16:52:41 construction you think that or in your mind, you 16:52:43 think that this creating this create limitation 16:52:47
2 3 4 5 6	little bit more 16:49:44 A. Okay. 16:49:44 Q then, so that maybe maybe this 16:49:45 will help. In paragraph 50 you say that the that 16:49:47 the system is what is doing the creating. And 16:49:51 what's unclear to me is what the what you mean by 16:49:55	2 3 4 5	assume it's the central controller. And what I'm 16:52:34 trying to understand here is whether in your 16:52:41 construction you think that or in your mind, you 16:52:43 think that this creating this create limitation 16:52:47 in the claims in the '025 patent and the '059 patent 16:52:51
2 3 4 5	little bit more 16:49:44 A. Okay. 16:49:44 Q then, so that maybe maybe this 16:49:45 will help. In paragraph 50 you say that the that 16:49:47 the system is what is doing the creating. And 16:49:51 what's unclear to me is what the what you mean by 16:49:55 the system. Based on your earlier testimony, the 16:49:57	2 3 4 5 6	assume it's the central controller. And what I'm trying to understand here is whether in your 16:52:41 construction you think that or in your mind, you think that this creating this create limitation 16:52:47 in the claims in the '025 patent and the '059 patent are steps that are associated with the computer controller, 16:53:03 MR. BRANDON: Objection to form. 16:52:34 16:52:41 16:52:43 16:52:47 16:52:51 16:53:08
2 3 4 5 6 7	A. Okay. 16:49:44 Q then, so that maybe maybe this 16:49:45 will help. In paragraph 50 you say that the that 16:49:47 the system is what is doing the creating. And 16:49:51 what's unclear to me is what the what you mean by 16:49:55 the system. Based on your earlier testimony, the example that you've cited here, it's the 16:50:01	2 3 4 5 6 7	assume it's the central controller. And what I'm 16:52:34 trying to understand here is whether in your 16:52:41 construction you think that or in your mind, you 16:52:43 think that this creating this create limitation 16:52:47 in the claims in the '025 patent and the '059 patent 16:52:51 are steps that are associated with the computer controller. 16:53:03 MR. BRANDON: Objection to form. 16:53:08 A. I don't have a I mean, certainly that 16:53:35
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2 3 4 5 6 7 8 9	A. Okay. 16:49:44 A. Okay. 16:49:44 Q then, so that maybe maybe this 16:49:45 will help. In paragraph 50 you say that the that 16:49:47 the system is what is doing the creating. And 16:49:51 what's unclear to me is what the what you mean by 16:49:55 the system. Based on your earlier testimony, the 16:49:57 example that you've cited here, it's the 16:50:01 Presentation Generation Program 1710. 16:50:04	2 3 4 5 6 7 8 9	assume it's the central controller. And what I'm trying to understand here is whether in your 16:52:41 construction you think that or in your mind, you 16:52:43 think that this creating this create limitation 16:52:47 in the claims in the '025 patent and the '059 patent are steps that are associated with the computer controller. 16:52:56 controller. 16:53:03 MR. BRANDON: Objection to form. 16:53:08 A. I don't have a I mean, certainly that was my focus here. But as I've said a couple of times, I'm not trying to do an infringement or 16:53:40
2 3 4 5 6 7 8 9	A. Okay. 16:49:44 A. Okay. 16:49:44 Q then, so that maybe maybe this 16:49:45 will help. In paragraph 50 you say that the that 16:49:47 the system is what is doing the creating. And 16:49:51 what's unclear to me is what the what you mean by 16:49:55 the system. Based on your earlier testimony, the 16:49:57 example that you've cited here, it's the 16:50:01 Presentation Generation Program 1710. 16:50:04 A. Well, that's support in the 16:50:09	2 3 4 5 6 7 8 9	assume it's the central controller. And what I'm trying to understand here is whether in your construction you think that or in your mind, you think that this creating this create limitation in the claims in the '025 patent and the '059 patent are steps that are associated with the computer controller. MR. BRANDON: Objection to form. A. I don't have a I mean, certainly that was my focus here. But as I've said a couple of times, I'm not trying to do an infringement or validity analysis. I haven't, and could I with the 16:52:34 16:52:43 16:52:47 16:52:51 16:52:56 16:53:08 16:53:35
2 3 4 5 6 7 8 9 10 11	A. Okay. 16:49:44 A. Okay. 16:49:44 Q then, so that maybe maybe this 16:49:45 will help. In paragraph 50 you say that the that 16:49:47 the system is what is doing the creating. And 16:49:51 what's unclear to me is what the what you mean by 16:49:55 the system. Based on your earlier testimony, the 16:49:57 example that you've cited here, it's the Presentation Generation Program 1710. 16:50:01 A. Well, that's support in the 16:50:09 specification for the language that we that's 16:50:11	2 3 4 5 6 7 8 9 10 11	assume it's the central controller. And what I'm trying to understand here is whether in your construction you think that or in your mind, you think that this creating this create limitation in the claims in the '025 patent and the '059 patent are steps that are associated with the computer controller. MR. BRANDON: Objection to form. A. I don't have a I mean, certainly that was my focus here. But as I've said a couple of times, I'm not trying to do an infringement or validity analysis. I haven't, and could I with the same claims in the '025 and the '059 find 16:52:34 16:52:56 16:53:35 16:53:43 16:53:47
2 3 4 5 6 7 8 9 10 11 12	little bit more — 16:49:44 A. Okay. 16:49:44 Q then, so that maybe maybe this 16:49:45 will help. In paragraph 50 you say that the that 16:49:47 the system is what is doing the creating. And 16:49:51 what's unclear to me is what the what you mean by 16:49:55 the system. Based on your earlier testimony, the 16:49:57 example that you've cited here, it's the 16:50:01 Presentation Generation Program 1710. 16:50:04 A. Well, that's support in the 16:50:09 specification for the language that we that's 16:50:11 cited at the top of page 16.	2 3 4 5 6 7 8 9 10 11 12	assume it's the central controller. And what I'm trying to understand here is whether in your 16:52:41 construction you think that or in your mind, you 16:52:43 think that this creating this create limitation 16:52:47 in the claims in the '025 patent and the '059 patent are steps that are associated with the computer controller. 16:53:03 MR. BRANDON: Objection to form. A. I don't have a I mean, certainly that was my focus here. But as I've said a couple of times, I'm not trying to do an infringement or validity analysis. I haven't, and could I with the same claims in the '025 and the '059 find infringement likely in a system where something 16:53:58
2 3 4 5 6 7 8 9 10 11 12 13	Ititle bit more 16:49:44 A. Okay. 16:49:44 Q then, so that maybe maybe this 16:49:45 will help. In paragraph 50 you say that the that 16:49:47 the system is what is doing the creating. And 16:49:51 what's unclear to me is what the what you mean by 16:49:55 the system. Based on your earlier testimony, the 16:49:57 example that you've cited here, it's the 16:50:01 Presentation Generation Program 1710. 16:50:04 A. Well, that's support in the 16:50:09 specification for the language that we that's 16:50:11 cited at the top of page 16. 16:50:16 (Witness Reviews Document.) 16:50:42	2 3 4 5 6 7 8 9 10 11 12 13	assume it's the central controller. And what I'm trying to understand here is whether in your 16:52:41 construction you think that or in your mind, you 16:52:43 think that this creating this create limitation 16:52:47 in the claims in the '025 patent and the '059 patent are steps that are associated with the computer controller. 16:52:56 MR. BRANDON: Objection to form. A. I don't have a I mean, certainly that was my focus here. But as I've said a couple of times, I'm not trying to do an infringement or validity analysis. I haven't, and could I with the same claims in the '025 and the '059 find infringement likely in a system where something other than the central computer perform that step, 16:53:08 16:53:37 16:53:40 16:53:43 16:53:43 16:53:45 16:53:58
2 3 4 5 6 7 8 9 10 11 12 13 14	A. Okay. 16:49:44 Q then, so that maybe maybe this 16:49:45 will help. In paragraph 50 you say that the that 16:49:47 the system is what is doing the creating. And 16:49:51 what's unclear to me is what the what you mean by 16:49:55 the system. Based on your earlier testimony, the example that you've cited here, it's the 16:50:01 Presentation Generation Program 1710. 16:50:04 A. Well, that's support in the 16:50:09 specification for the language that we that's 16:50:11 cited at the top of page 16. 16:50:16 (Witness Reviews Document.) 16:50:52	2 3 4 5 6 7 8 9 10 11 12 13 14	assume it's the central controller. And what I'm trying to understand here is whether in your 16:52:41 construction you think that or in your mind, you 16:52:43 think that this creating this create limitation 16:52:47 in the claims in the '025 patent and the '059 patent are steps that are associated with the computer controller. 16:52:56 controller. 16:53:03 MR. BRANDON: Objection to form. A. I don't have a I mean, certainly that was my focus here. But as I've said a couple of times, I'm not trying to do an infringement or validity analysis. I haven't, and could I with the same claims in the '025 and the '059 find 16:53:43 infringement likely in a system where something other than the central computer perform that step, I it's too soon for me to tell. 16:54:00
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Okay. 16:49:44 A. Okay. 16:49:44 Q then, so that maybe maybe this 16:49:45 will help. In paragraph 50 you say that the that 16:49:47 the system is what is doing the creating. And 16:49:51 what's unclear to me is what the what you mean by 16:49:55 the system. Based on your earlier testimony, the 16:49:57 example that you've cited here, it's the 16:50:01 Presentation Generation Program 1710. 16:50:04 A. Well, that's support in the 16:50:09 specification for the language that we that's 16:50:11 cited at the top of page 16. 16:50:16 (Witness Reviews Document.) 16:50:42 A. To be frank, what's throwing me is I 16:50:52 I can't find the two quoted help me. I can't 16:50:56 find the two quoted things that are found at the bottom of page 15, for example, in claim 1 of the 16:51:18	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	assume it's the central controller. And what I'm trying to understand here is whether in your 16:52:41 construction you think that or in your mind, you 16:52:43 think that this creating this create limitation 16:52:47 in the claims in the '025 patent and the '059 patent are steps that are associated with the computer controller. 16:53:03 MR. BRANDON: Objection to form. 16:53:08 A. I don't have a I mean, certainly that was my focus here. But as I've said a couple of times, I'm not trying to do an infringement or validity analysis. I haven't, and could I with the same claims in the '025 and the '059 find infringement likely in a system where something other than the central computer perform that step, I it's too soon for me to tell. Q. (BY MR. WOLFF) All right. And my basis inot to get your infringement or validity opinions. My understanding I'm trying to 16:54:12
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Okay. 16:49:44 Q then, so that maybe maybe this 16:49:45 will help. In paragraph 50 you say that the that 16:49:47 the system is what is doing the creating. And 16:49:51 what's unclear to me is what the what you mean by 16:49:55 the system. Based on your earlier testimony, the 16:49:57 example that you've cited here, it's the 16:50:01 Presentation Generation Program 1710. 16:50:04 A. Well, that's support in the 16:50:09 specification for the language that we that's 16:50:11 cited at the top of page 16. 16:50:16 (Witness Reviews Document.) 16:50:42 A. To be frank, what's throwing me is I 16:50:52 I can't find the two quoted help me. I can't 16:50:56 find the two quoted things that are found at the bottom of page 15, for example, in claim 1 of the 16:51:18 '05 '025. 16:51:09 Q. (BY MR. WOLFF) Well, claim claim 1 16:51:10 and 179 of the '025 well, I think, actually, 16:51:13	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	trying to understand here is whether in your 16:52:34 trying to understand here is whether in your 16:52:41 construction you think that — or in your mind, you 16:52:43 think that this creating — this create limitation 16:52:47 in the claims in the '025 patent and the '059 patent are steps that are associated with the computer controller. 16:53:03 MR. BRANDON: Objection to form. 16:53:08 A. I don't have a — I mean, certainly that 16:53:35 was my focus here. But as I've said a couple of times, I'm not trying to do an infringement or validity analysis. I haven't, and could I with the same claims in the '025 and the '059 find 16:53:47 infringement likely in a system where something other than the central computer perform that step, I— it's too soon for me to tell. 16:54:04 Q. (BY MR. WOLFF) All right. And my basis 16:54:06 is not to get your infringement or validity opinions. My understanding — I'm trying to 16:54:14
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Okay. 16:49:44 A. Okay. 16:49:44 Q then, so that maybe maybe this 16:49:45 will help. In paragraph 50 you say that the that 16:49:47 the system is what is doing the creating. And 16:49:51 what's unclear to me is what the what you mean by 16:49:55 the system. Based on your earlier testimony, the 16:49:57 example that you've cited here, it's the 16:50:01 Presentation Generation Program 1710. 16:50:04 A. Well, that's support in the 16:50:09 specification for the language that we that's 16:50:11 cited at the top of page 16. 16:50:16 (Witness Reviews Document.) 16:50:42 A. To be frank, what's throwing me is I 16:50:52 I can't find the two quoted help me. I can't 16:50:56 find the two quoted things that are found at the bottom of page 15, for example, in claim 1 of the 16:51:18 '05 '025. 16:51:09 Q. (BY MR. WOLFF) Well, claim claim 1 16:51:10 and 179 of the '025 well, I think, actually, you're you're confusing two terms here. I think 16:51:21 that the first limitation is referring to the '045 16:51:23	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	trying to understand here is whether in your 16:52:34 trying to understand here is whether in your 16:52:41 construction you think that or in your mind, you 16:52:43 think that this creating this create limitation 16:52:47 in the claims in the '025 patent and the '059 patent 16:52:51 are steps that are associated with the computer 16:52:56 controller. 16:53:03 MR. BRANDON: Objection to form. 16:53:08 A. I don't have a I mean, certainly that 16:53:35 was my focus here. But as I've said a couple of 16:53:37 times, I'm not trying to do an infringement or validity analysis. I haven't, and could I with the 16:53:40 validity analysis. I haven't, and could I with the 16:53:47 infringement likely in a system where something other than the central computer perform that step, 16:54:00 I it's too soon for me to tell. 16:54:04 Q. (BY MR. WOLFF) All right. And my basis 16:54:06 is not to get your infringement or validity opinions. My understanding I'm trying to 16:54:12 understand the scope of the issues here and the differences in our in our constructions. And you would agree with me, would you not, that the word 16:54:23
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	little bit more — 16:49:44 A. Okay. 16:49:44 Q then, so that maybe maybe this 16:49:45 will help. In paragraph 50 you say that the that 16:49:47 the system is what is doing the creating. And 16:49:51 what's unclear to me is what the what you mean by 16:49:55 the system. Based on your earlier testimony, the 16:49:57 example that you've cited here, it's the 16:50:01 Presentation Generation Program 1710. 16:50:04 A. Well, that's support in the 16:50:09 specification for the language that we that's 16:50:11 cited at the top of page 16. 16:50:16 (Witness Reviews Document.) 16:50:42 A. To be frank, what's throwing me is I 16:50:52 I can't find the two quoted help me. I can't 16:50:56 find the two quoted things that are found at the bottom of page 15, for example, in claim 1 of the 16:51:18 '05 '025. 16:51:09 Q. (BY MR. WOLFF) Well, claim claim 1 16:51:10 and 179 of the '025 well, I think, actually, 16:51:13 you're you're confusing two terms here. I think 16:51:21 that the first limitation is referring to the '045 16:51:23 patent. 16:51:27	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	trying to understand here is whether in your 16:52:34 trying to understand here is whether in your 16:52:41 construction you think that or in your mind, you 16:52:43 think that this creating this create limitation 16:52:47 in the claims in the '025 patent and the '059 patent 16:52:51 are steps that are associated with the computer 16:52:56 controller. 16:53:03 MR. BRANDON: Objection to form. 16:53:08 A. I don't have a I mean, certainly that 16:53:35 was my focus here. But as I've said a couple of 16:53:37 times, I'm not trying to do an infringement or 16:53:40 validity analysis. I haven't, and could I with the 16:53:43 same claims in the '025 and the '059 find 16:53:47 infringement likely in a system where something 16:53:58 other than the central computer perform that step, 16:54:00 I it's too soon for me to tell. 16:54:04 Q. (BY MR. WOLFF) All right. And my basis 16:54:06 is not to get your infringement or validity 16:54:08 opinions. My understanding I'm trying to 16:54:12 understand the scope of the issues here and the 16:54:14 differences in our in our constructions. And you would agree with me, would you not, that the word "create" appears in the interface limitations in the 16:54:25
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. Okay. A. Okay. Q then, so that maybe maybe this will help. In paragraph 50 you say that the that the system is what is doing the creating. And what's unclear to me is what the what you mean by the system. Based on your earlier testimony, the example that you've cited here, it's the Presentation Generation Program 1710. A. Well, that's support in the specification for the language that we that's cited at the top of page 16. (Witness Reviews Document.) A. To be frank, what's throwing me is I I can't find the two quoted help me. I can't find the two quoted things that are found at the bottom of page 15, for example, in claim 1 of the bottom of page 15, for example, in claim 1 of the OS '025. Q. (BY MR. WOLFF) Well, claim claim 1 and 179 of the '025 well, I think, actually, you're you're confusing two terms here. I think 16:51:21 that the first limitation is referring to the '045 16:51:23 patent. A. Okay. 16:51:27	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	trying to understand here is whether in your 16:52:34 trying to understand here is whether in your 16:52:41 construction you think that or in your mind, you 16:52:43 think that this creating this create limitation 16:52:47 in the claims in the '025 patent and the '059 patent 16:52:51 are steps that are associated with the computer 16:52:56 controller. 16:53:03 MR. BRANDON: Objection to form. 16:53:08 A. I don't have a I mean, certainly that 16:53:35 was my focus here. But as I've said a couple of 16:53:37 times, I'm not trying to do an infringement or 16:53:40 validity analysis. I haven't, and could I with the 16:53:43 same claims in the '025 and the '059 find 16:53:47 infringement likely in a system where something 16:53:58 other than the central computer perform that step, 16:54:00 I it's too soon for me to tell. 16:54:04 Q. (BY MR. WOLFF) All right. And my basis 16:54:06 is not to get your infringement or validity 16:54:08 opinions. My understanding I'm trying to 16:54:12 understand the scope of the issues here and the 16:54:14 differences in our in our constructions. And you would agree with me, would you not, that the word "create" appears in the interface limitations in the 16:54:25 '025 and the '059 patents? 16:54:31
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Okay. A. Okay. Q then, so that maybe maybe this will help. In paragraph 50 you say that the that the system is what is doing the creating. And what's unclear to me is what the what you mean by the system. Based on your earlier testimony, the example that you've cited here, it's the Presentation Generation Program 1710. A. Well, that's support in the specification for the language that we that's cited at the top of page 16. (Witness Reviews Document.) A. To be frank, what's throwing me is I I can't find the two quoted help me. I can't find the two quoted things that are found at the bottom of page 15, for example, in claim 1 of the bottom of page 15, for example, in claim 1 of the OS '025. Q. (BY MR. WOLFF) Well, claim claim 1 and 179 of the '025 well, I think, actually, you're you're confusing two terms here. I think that the first limitation is referring to the '045 16:51:23 patent. 16:49:47 16:50:01	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	trying to understand here is whether in your 16:52:34 trying to understand here is whether in your 16:52:41 construction you think that or in your mind, you 16:52:43 think that this creating this create limitation 16:52:47 in the claims in the '025 patent and the '059 patent 16:52:51 are steps that are associated with the computer 16:52:56 controller. 16:53:03 MR. BRANDON: Objection to form. 16:53:08 A. I don't have a I mean, certainly that 16:53:35 was my focus here. But as I've said a couple of 16:53:37 times, I'm not trying to do an infringement or 16:53:40 validity analysis. I haven't, and could I with the 16:53:43 same claims in the '025 and the '059 find 16:53:47 infringement likely in a system where something 16:53:58 other than the central computer perform that step, 16:54:00 I it's too soon for me to tell. 16:54:04 Q. (BY MR. WOLFF) All right. And my basis 16:54:06 is not to get your infringement or validity 16:54:08 opinions. My understanding I'm trying to 16:54:12 understand the scope of the issues here and the 16:54:14 differences in our in our constructions. And you would agree with me, would you not, that the word "create" appears in the interface limitations in the 16:54:25

	Page 278		Page 280
1	A. It it's it does. But, again, I 16:54:36	1	example, the seller interface or the third-party 16:57:01
2	don't think that necessarily the way it's it 16:54:40	2	professional interface. 16:57:05
3	appears implies that it's the second interface that 16:54:43	3	A. Creating. 16:57:07
4	has to be associated with the creation. What 16:54:47	4	Q. Creating an ad. 16:57:08
5	what that's associated, the second interface, is 16:54:50	5	A. Yeah. I mean, my purpose in citing what 16:57:09
6	associated with prompting the user to input 16:54:54	6	I cited on page 16 was to show in a sense there was 16:57:12
7	information to create. In a sense, will eventually 16:54:58	7	written support for that limitation. This is one 16:57:15
8	be or may be used to create an advertisement, but 16:55:03	8	place that they show it. You're asking me do I 16:57:17
9	it's not linked as being done at the second 16:55:06	9	think that's the only place. I haven't thought 16:57:21
10	interface. 16:55:10	10	about that. I would have to go back and rework my 16:57:23
11	Q. (BY MR. WOLFF) Is it is it linked to 16:55:10	11	way through 16:57:26
12	being done with a computer controller in either 16:55:12	12	Q. Would you 16:57:26
13	claim 16:55:15	13	A the whole patent. 16:57:27
14	A. I think 16:55:15	14	Q. Would you agree with me that the that 16:57:28
15		15	the patent discloses the seller interface creating 16:57:29
16	Q in either patent, I should say? 16:55:16 A. I don't think that there's the claim 16:55:18	16	an ad? 16:57:30
	specifically limits it to any particular place. 16:55:20	17	MR. BRANDON: Objection to form. 16:57:30
17	It's just that when I look for support, I cited 16:55:23	18	A. It the seller interface you're 16:57:32
18	the — again, the Presentation Generation Program on 16:55:26	19	talking about that column 19 section, I think, that 16:57:34
19	<u>-</u>	20	we went through earlier? 16:57:36
20	Pugo	21	Q. (BY MR. WOLFF) Or we could be talking 16:57:37
21	Q. So in your view, this creation this 16:55:30	22	about column 42 in the '025 patent or in the '045 16:57:40
22	creating limitation in the '025 and the '059 patents 16:55:34	1	
23	is not bounded by any specific element in the claim? 16:55:38	23	Parent
24	MR. BRANDON: Objection to form. 16:55:46	24	-
25	A. That's an issue I've just never thought 16:55:46	25	Q. (BY MR. WOLFF) That's a discussion of 16:57:47
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	about. I — I can — and I thought the issue here is whether it was customizing to one of them or each of them one at a time or to all of them. And that's them one at a time or to all of them. And that's what I really addressed in my report. But I don't 16:56:02 think I'm prepared here today to — to say that the creation has to be done or can't be done at any point along the system. I have not formed an opinion one way or the other on those two limitations. 16:56:17 limitations. 16:56:20 Q. (BY MR. WOLFF) But you would agree you — you actually think it could be done in either one, though, right? 16:56:29 A. In either one of what? 16:56:30 Q. Either the computer controller or the first — or in the second interface of the '025 16:56:34 patent or the third interface in the '059 patent. 16:56:40 A. I'm not offering any opinion on that today. I haven't — that's an issue I haven't 16:56:42 really thought about from — from the point of view of those additional claims. 16:56:47 Q. (BY MR. WOLFF) And the reason I'm 16:56:49	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the Presentation and Configuration Program 4715. A. I don't remember that in detail. But I 16:57:50 think there is some discussion in some specific embodiments of doing that at least in part. Whether 16:57:52 it says it's redundant or something, doing it 16:57:58 there I think it's always something that's 16:58:01 considered or looked at in the Presentation 16:58:02 Generation Program. 16:58:07 Whether it might be done in other 16:58:07 Whether it might be done in other 16:58:07 Places, there seems to be some support for that, but 16:58:08 again I haven't really tried to to work through 16:58:12 that at all. I didn't think that was an issue. 16:58:14 Q. So you have no opinion on that today? 16:58:14 A. I I know a place where it is 16:58:19 disclosed to be done. I'm not ready to tell you 16:58:22 that I think the claim is limited to only doing that 16:58:24 there. I I don't have an opinion about that yet. 16:58:33 to offer to you today. I'd have to, but I don't have one 16:58:33 to offer to you today. I'd have to work my way through that whole thing along that point. And, again, I didn't think that was one of the issues in 16:58:40 the difference of opinions between the parties. Q. What is meant by "customized" in paragraph 49 of your report? 16:59:04
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	about. I — I can — and I thought the issue here is whether it was customizing to one of them or each of them one at a time or to all of them. And that's what I really addressed in my report. But I don't 16:56:02 think I'm prepared here today to — to say that the creation has to be done or can't be done at any point along the system. I have not formed an opinion one way or the other on those two 16:56:17 limitations. 16:56:20 Q. (BY MR. WOLFF) But you would agree you — you actually think it could be done in either one, though, right? 16:56:29 A. In either one of what? 16:56:30 Q. Either the computer controller or the 16:56:32 first — or in the second interface of the '025 16:56:34 patent or the third interface in the '059 patent. 16:56:40 A. I'm not offering any opinion on that 16:56:40 today. I haven't — that's an issue I haven't 16:56:42 really thought about from — from the point of view of those additional claims. 16:56:47 asking is just because in your — in your report, 16:56:51	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	think there is some discussion in some specific embodiments of doing that at least in part. Whether 16:57:58 it says it's redundant or something, doing it 16:57:58 there I think it's always something that's 16:58:01 considered or looked at in the Presentation 16:58:02 Generation Program. 16:58:07 Whether it might be done in other 16:58:07 Whether it might be done in other 16:58:07 Places, there seems to be some support for that, but 16:58:08 again I haven't really tried to to work through 16:58:12 that at all. I didn't think that was an issue. 16:58:14 Q. So you have no opinion on that today? 16:58:17 A. I I know a place where it is 16:58:19 disclosed to be done. I'm not ready to tell you that I think the claim is limited to only doing that 16:58:24 there. I I don't have an opinion about that yet. 16:58:33 to offer to you today. I'd have to work my way through that whole thing along that point. And, again, I didn't think that was one of the issues in 16:58:40 the difference of opinions between the parties. Q. What is meant by "customized" in 16:59:01

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	Page 282		Page 284
1	don't understand about it. It's customized to each 16:59:11	1	Q. I'm sorry, let me strike that. Let 17:01:50
2	of the selected media venue's presentation rules. 16:59:14	2	me put those in the same tense, right. 17:01:52
3	So for each one of them, the I think this create 16:59:18	3	Is there a difference in your mind 17:01:55
4	a presentation that complies, it it takes one 16:59:23	4	between the terms "processing" and "creating"? 17:01:56
5	media venue, creates an ad that matches its 16:59:27	5	A. In general, I think I would say there 17:02:06
6	presentation rules. If there's another selected 16:59:30	6	is. In this particular case, I think that the - 17:02:08
7	media venue with different presentation rules, then 16:59:33	7	the processing that's in the term at dispute is 17:02:12
8	there will be a customized presentation created 16:59:36	8	processing that creates a customized advertisement. 17:02:19
9	using that one's that media venue's presentation 16:59:39	9	So if — in this particular context, there isn't, 17:02:25
10	rules, et cetera. 16:59:42	10	because the processing we're talking about is to 17:02:32
11	Q. And then at paragraph 51 you you use 16:59:44	11	bring the electronic advertisement into compliance 17:02:36
12	the word "transformed" instead of customized. And 16:59:48	12	with the presentation rules of the media venue. 17:02:39
13	I'm just what's what's the word transformed 16:59:54	13	And while we're here, this this 17:02:53
14	mean in in paragraph 51? 16:59:56	14	finally got me to where I was thinking about 17:02:55
15	A. Well, customized in the previous one was 16:59:58	15	earlier. I believe that I have been involved at 17:02:57
16	an adjective. Okay. Well, I guess it's not, is it? 17:00:01	16	least indirectly in a case where that executing a 17:03:01
17	I tend to think of it as a customized presentation, 17:00:05	17	systematic sequence of mathematical and/or logical 17:03:06
18	but it's not. I don't know that I meant anything 17:00:08	18	operations has been a Markman construction for one 17:03:08
19	different. 17:00:10	19	of the Eastern District of Texas judges for the term 17:03:13
20	MR, BRANDON: I'm going to object to 17:00:11	20	processing in a in a computing processing point 17:03:16
21	the form of the previous question. 17:00:12	21	of view. I think that's where I picked that up. 17:03:20
22	Q. (BY MR, WOLFF) So the transform doesn't 17:00:18	22	That may not be appropriate here, but that's where I 17:03:26
23	mean anything special in your 17:00:20	23	got that particular set of words. It was I was 17:03:28
24	A. I think it just means 17:00:22	24	trying to find out where it was. It was for the 17:03:30
25		25	term "processing," I think, in a computer context. 17:03:33
25	Q report? 17:00:24	-	torm processing, I ammy in a semparer consession
-		$\overline{}$	
1	Page 293		Page 285
	Page 283	1	Page 285 O. And Doug and counsel for Yahoo! may 17:03:40
1	A what the standard meaning of what 17:00:25	1 2	Q. And, Doug and counsel for Yahoo! may 17:03:40
2	A what the standard meaning of what 17:00:25 transformed means, it's changed. And each one of 17:00:28	2	Q. And, Doug and counsel for Yahoo! may 17:03:40 have asked this earlier, and I apologize. You can 17:03:44
2	A what the standard meaning of what 17:00:25 transformed means, it's changed. And each one of them that would be customized, if you will. 17:00:30	2	Q. And, Doug and counsel for Yahoo! may 17:03:40 have asked this earlier, and I apologize. You can just tell me if you remember what you told him, but 17:03:47
2 3 4	A what the standard meaning of what transformed means, it's changed. And each one of them that would be customized, if you will. Q. But you think that this creating 17:00:35	2 3 4	Q. And, Doug and counsel for Yahoo! may have asked this earlier, and I apologize. You can just tell me if you remember what you told him, but what's the difference between applying and 17:03:49
2 3 4 5	A what the standard meaning of what transformed means, it's changed. And each one of them that would be customized, if you will. Q. But you think that this creating 17:00:35 Imitation Is transforming or customizing a 17:00:37	2 3 4 5	Q. And, Doug and counsel for Yahoo! may have asked this earlier, and I apologize. You can just tell me if you remember what you told him, but what's the difference between applying and comparing? 17:03:49
2 3 4 5 6	A what the standard meaning of what transformed means, it's changed. And each one of them that would be customized, if you will. Q. But you think that this creating 17:00:35 limitation is transforming or customizing a presentation? 17:00:41	2 3 4 5 6	Q. And, Doug and counsel for Yahoo! may have asked this earlier, and I apologize. You can just tell me if you remember what you told him, but what's the difference between applying and comparing? 17:03:52 A. I have no idea whether we talked about 17:03:52
2 3 4 5 6 7	A what the standard meaning of what transformed means, it's changed. And each one of them that would be customized, if you will. Q. But you think that this creating 17:00:35 limitation is transforming or customizing a presentation? 17:00:41 A. It's it's bringing the seller 17:00:43	2 3 4 5 6 7	Q. And, Doug and counsel for Yahoo! may have asked this earlier, and I apologize. You can just tell me if you remember what you told him, but what's the difference between applying and comparing? 17:03:49 A. I have no idea whether we talked about that earlier. 17:03:54
2 3 4 5 6 7 8	A what the standard meaning of what transformed means, it's changed. And each one of them that would be customized, if you will. Q. But you think that this creating 17:00:35 limitation is transforming or customizing a 17:00:37 presentation? 17:00:41 A. It's it's bringing the seller 17:00:43 information into compliance with the presentation 17:00:48	2 3 4 5 6 7 8	Q. And, Doug and counsel for Yahoo! may have asked this earlier, and I apologize. You can just tell me if you remember what you told him, but what's the difference between applying and comparing? 17:03:52 A. I have no idea whether we talked about that earlier. 17:03:54 Q. Can you tell me what the difference 17:03:55
2 3 4 5 6 7 8 9	A what the standard meaning of what transformed means, it's changed. And each one of them that would be customized, if you will. Q. But you think that this creating 17:00:35 limitation s transforming or customizing a presentation? 17:00:41 A. It's it's bringing the seller 17:00:43 Information into compliance with the presentation 17:00:48 rules for each one of the selected media venues 17:00:55	2 3 4 5 6 7 8 9	Q. And, Doug and counsel for Yahoo! may have asked this earlier, and I apologize. You can just tell me if you remember what you told him, but what's the difference between applying and comparing? 17:03:52 A. I have no idea whether we talked about that earlier. 17:03:54 Q. Can you tell me what the difference 17:03:55 between applying and comparing is? 17:03:57
2 3 4 5 6 7 8 9	A what the standard meaning of what transformed means, it's changed. And each one of them that would be customized, if you will. Q. But you think that this creating 17:00:35 limitation is transforming or customizing a presentation? 17:00:41 A. It's it's bringing the seller 17:00:43 information into compliance with the presentation rules for each one of the selected media venues individually. And, again, that's what I thought the 17:00:59	2 3 4 5 6 7 8 9 10	Q. And, Doug and counsel for Yahoo! may have asked this earlier, and I apologize. You can just tell me if you remember what you told him, but what's the difference between applying and comparing? 17:03:52 A. I have no idea whether we talked about that earlier. 17:03:54 Q. Can you tell me what the difference 17:03:55 between applying and comparing is? 17:03:57 A. Applying is just a more general term 17:03:59
2 3 4 5 6 7 8 9 10	A. — what the standard meaning of what transformed means, it's changed. And each one of them that would be customized, if you will. Q. But you think that this creating 17:00:35 Imitation Is transforming or customizing a presentation? 17:00:41 A. It's it's bringing the seller 17:00:43 Information into compliance with the presentation rules for each one of the selected media venues individually. And, again, that's what I thought the issue was. The construction proposed by your side 17:01:02	2 3 4 5 6 7 8 9 10	Q. And, Doug and counsel for Yahoo! may have asked this earlier, and I apologize. You can just tell me if you remember what you told him, but what's the difference between applying and comparing? 17:03:49 A. I have no idea whether we talked about that earlier. 17:03:54 Q. Can you tell me what the difference 17:03:55 between applying and comparing is? 17:03:59 A. Applying is just a more general term 17:03:59 than comparing, I think. You can apply the rules 17:04:02
2 3 4 5 6 7 8 9 10 11 12	A. — what the standard meaning of what transformed means, it's changed. And each one of them that would be customized, if you will. Q. But you think that this creating 17:00:35 limitation is transforming or customizing a presentation? 17:00:41 A. It's — it's bringing the seller 17:00:43 information into compliance with the presentation 17:00:55 individually. And, again, that's what I thought the issue was. The construction proposed by your side of the dispute was that you thought that — 17:01:05	2 3 4 5 6 7 8 9 10 11 12	Q. And, Doug and counsel for Yahoo! may have asked this earlier, and I apologize. You can just tell me if you remember what you told him, but what's the difference between applying and comparing? 17:03:52 A. I have no idea whether we talked about that earlier. 17:03:54 Q. Can you tell me what the difference 17:03:55 between applying and comparing is? 17:03:59 A. Applying is just a more general term 17:03:59 than comparing, I think. You can apply the rules without necessarily doing a comparison. That's the 17:04:04
2 3 4 5 6 7 8 9 10 11 12 13	A. — what the standard meaning of what transformed means, it's changed. And each one of them that would be customized, if you will. Q. But you think that this creating 17:00:35 limitation is transforming or customizing a presentation? 17:00:41 A. It's — it's bringing the seller 17:00:43 information into compliance with the presentation 17:00:55 individually. And, again, that's what I thought the issue was. The construction proposed by your side of the dispute was that you thought that — 17:01:05 Q. I don't need to know that. 17:01:10	2 3 4 5 6 7 8 9 10 11 12 13	Q. And, Doug and counsel for Yahoo! may have asked this earlier, and I apologize. You can just tell me if you remember what you told him, but what's the difference between applying and comparing? $ 17:03:49 $ Comparing? $ 17:03:52 $ A. I have no idea whether we talked about that earlier. $ 17:03:52 $ that earlier. $ 17:03:55 $ Q. Can you tell me what the difference 17:03:55 between applying and comparing is? 17:03:57 A. Applying is just a more general term 17:03:59 than comparing, I think. You can apply the rules without necessarily doing a comparison. That's the way I I've looked at those. It says applying and 17:04:08
2 3 4 5 6 7 8 9 10 11 12 13 14	A what the standard meaning of what transformed means, it's changed. And each one of them that would be customized, if you will. Q. But you think that this creating 17:00:35 limitation is transforming or customizing a presentation? 17:00:41 A. It's it's bringing the seller 17:00:43 information into compliance with the presentation 17:00:48 rules for each one of the selected media venues individually. And, again, that's what I thought the issue was. The construction proposed by your side of the dispute was that you thought that - 17:01:05 Q. I don't need to know that. 17:01:10 A. Okay. Thank you. 17:01:12	2 3 4 5 6 7 8 9 10 11 12 13	Q. And, Doug and counsel for Yahoo! may have asked this earlier, and I apologize. You can just tell me if you remember what you told him, but what's the difference between applying and comparing? 17:03:49 A. I have no idea whether we talked about that earlier. 17:03:54 Q. Can you tell me what the difference 17:03:55 between applying and comparing is? 17:03:57 A. Applying is just a more general term 17:03:59 than comparing, I think. You can apply the rules without necessarily doing a comparison. That's the way I I've looked at those. It says applying and comparing, does it not, in the wherever that 17:04:11
2 3 4 5 6 7 8 9 10 11 12 13 14 15	A what the standard meaning of what transformed means, it's changed. And each one of them that would be customized, if you will. Q. But you think that this creating 17:00:35 limitation is transforming or customizing a presentation? 17:00:41 A. It's it's bringing the seller 17:00:43 information into compliance with the presentation rules for each one of the selected media venues individually. And, again, that's what I thought the issue was. The construction proposed by your side of the dispute was that you thought that 17:01:05 Q. I don't need to know that. 17:01:10 A. Okay. Thank you. 17:01:12 MR. BRANDON: Well, I think, you 17:01:13	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. And, Doug and counsel for Yahoo! may have asked this earlier, and I apologize. You can just tell me if you remember what you told him, but what's the difference between applying and comparing? 17:03:49 A. I have no idea whether we talked about that earlier. 17:03:54 Q. Can you tell me what the difference 17:03:55 between applying and comparing is? 17:03:57 A. Applying is just a more general term 17:03:59 than comparing, I think. You can apply the rules without necessarily doing a comparison. That's the way I I've looked at those. It says applying and comparing, does it not, in the wherever that language is in the claim? 17:04:13
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A what the standard meaning of what transformed means, it's changed. And each one of them that would be customized, if you will. Q. But you think that this creating 17:00:35 limitation is transforming or customizing a presentation? 17:00:41 A. It's it's bringing the seller 17:00:43 information into compliance with the presentation rules for each one of the selected media venues individually. And, again, that's what I thought the issue was. The construction proposed by your side of the dispute was that you thought that 17:01:05 Q. I don't need to know that. 17:01:10 A. Okay. Thank you. 17:01:12 MR. BRANDON: Well, I think, you 17:01:13 know, you asked a question, he should be able to 17:01:14	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. And, Doug and counsel for Yahoo! may have asked this earlier, and I apologize. You can just tell me if you remember what you told him, but what's the difference between applying and comparing? 17:03:49 A. I have no idea whether we talked about that earlier. 17:03:54 Q. Can you tell me what the difference 17:03:55 between applying and comparing is? 17:03:57 A. Applying is just a more general term 17:03:59 than comparing, I think. You can apply the rules without necessarily doing a comparison. That's the way I I've looked at those. It says applying and comparing, does it not, in the wherever that 17:04:11 language is in the claim? 17:04:13 Q. Yeah, I think it was in claim 47. 17:04:13
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. — what the standard meaning of what transformed means, it's changed. And each one of them that would be customized, if you will. Q. But you think that this creating 17:00:35	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. And, Doug and counsel for Yahoo! may have asked this earlier, and I apologize. You can just tell me if you remember what you told him, but what's the difference between applying and comparing? 17:03:49 A. I have no idea whether we talked about that earlier. 17:03:54 Q. Can you tell me what the difference 17:03:55 between applying and comparing is? 17:03:57 A. Applying is just a more general term 17:03:59 than comparing, I think. You can apply the rules without necessarily doing a comparison. That's the way I I've looked at those. It says applying and comparing, does it not, in the wherever that 17:04:11 language is in the claim? 17:04:13 Q. Yeah, I think it was in claim 47. 17:04:16
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. — what the standard meaning of what transformed means, it's changed. And each one of them that would be customized, if you will. Q. But you think that this creating 17:00:35	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. And, Doug and counsel for Yahoo! may have asked this earlier, and I apologize. You can just tell me if you remember what you told him, but what's the difference between applying and comparing? A. I have no idea whether we talked about that earlier. Q. Can you tell me what the difference petween applying and comparing is? A. Applying is just a more general term than comparing, I think. You can apply the rules without necessarily doing a comparison. That's the way I I've looked at those. It says applying and comparing, does it not, in the wherever that language is in the claim? Q. Yeah, I think it was in claim 47. A. Wherever it is, I don't think they have thous thous not comparison. I tend to think you can apply the rules 17:04:13 A. Wherever it is, I don't think they have 17:04:19 rules without doing a comparison. 17:04:21
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A what the standard meaning of what transformed means, it's changed. And each one of them that would be customized, if you will. Q. But you think that this creating 17:00:35 limitation is transforming or customizing a presentation? 17:00:41 A. It's it's bringing the seller 17:00:43 information into compliance with the presentation rules for each one of the selected media venues individually. And, again, that's what I thought the issue was. The construction proposed by your side of the dispute was that you thought that 17:01:05 Q. I don't need to know that. 17:01:10 A. Okay. Thank you. 17:01:12 MR. BRANDON: Well, I think, you 17:01:13 know, you asked a question, he should be able to finish his answer. 17:01:16 MR. WOLFF: It's nonresponsive. 17:01:17 Q. (BY MR. WOLFF) Paragraph 54 of your 17:01:24 report, you you talk about the processing 17:01:27	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. And, Doug and counsel for Yahoo! may have asked this earlier, and I apologize. You can just tell me if you remember what you told him, but what's the difference between applying and comparing? 17:03:52 A. I have no idea whether we talked about that earlier. 17:03:54 Q. Can you tell me what the difference petween applying and comparing is? 17:03:55 A. Applying is just a more general term 17:03:59 than comparing, I think. You can apply the rules without necessarily doing a comparison. That's the way I I've looked at those. It says applying and comparing, does it not, in the wherever that 17:04:08 Q. Yeah, I think it was in claim 47. 17:04:13 A. Wherever it is, I don't think they have 17:04:16 the same scope. I tend to think you can apply the rules without doing a comparison. 17:04:21 Q. Can you compare without applying? 17:04:24
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	transformed means, it's changed. And each one of the dispute was that you thought that was that you thought that was that you thought that 17:00:59 Q. I don't need to know that. 17:01:10 A. Okay. Thank you. 17:01:12 MR. BRANDON: Well, I think, you 17:01:14 finish his answer. 17:01:16 MR. WOLFF: It's nonresponsive. 17:01:27 Imitation. 17:01:33 A. Yes. 17:01:34 Q. Is there a difference in your mind 17:01:38 between the terms "processing" and "created"? 17:01:41	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q. And, Doug and counsel for Yahoo! may have asked this earlier, and I apologize. You can just tell me if you remember what you told him, but what's the difference between applying and comparing? 17:03:49 A. I have no idea whether we talked about that earlier. 17:03:54 Q. Can you tell me what the difference 17:03:55 between applying and comparing is? 17:03:57 A. Applying is just a more general term 17:03:59 than comparing, I think. You can apply the rules without necessarily doing a comparison. That's the way I I've looked at those. It says applying and comparing, does it not, in the wherever that 17:04:08 comparing, does it not, in the wherever that 17:04:11 language is in the claim? 17:04:13 Q. Yeah, I think it was in claim 47. 17:04:13 A. Wherever it is, I don't think they have 17:04:19 rules without doing a comparison. 17:04:21 Q. Can you compare without applying? 17:04:24 A. I wouldn't think so. I think 17:04:25 applying comparing is a form of application. 17:04:29 A. My understanding of what those words 17:04:31
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. — what the standard meaning of what transformed means, it's changed. And each one of them that would be customized, if you will. Q. But you think that this creating 17:00:35 limitation is transforming or customizing a presentation? 17:00:41 A. It's — it's bringing the seller 17:00:43 information into compliance with the presentation rules for each one of the selected media venues individually. And, again, that's what I thought the issue was. The construction proposed by your side of the dispute was that you thought that — 17:01:05 Q. I don't need to know that. 17:01:10 A. Okay. Thank you. 17:01:12 MR. BRANDON: Well, I think, you 17:01:13 know, you asked a question, he should be able to finish his answer. 17:01:16 Q. (BY MR. WOLFF: It's nonresponsive. 17:01:17 Q. (BY MR. WOLFF) Paragraph 54 of your 17:01:24 report, you — you talk about the processing 17:01:33 A. Yes. 17:01:34 Q. Is there a difference in your mind 17:01:38	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. And, Doug and counsel for Yahoo! may have asked this earlier, and I apologize. You can just tell me if you remember what you told him, but what's the difference between applying and comparing? 17:03:49 A. I have no idea whether we talked about that earlier. 17:03:54 Q. Can you tell me what the difference 17:03:55 between applying and comparing is? 17:03:57 A. Applying is just a more general term 17:03:59 than comparing, I think. You can apply the rules without necessarily doing a comparison. That's the way I I've looked at those. It says applying and comparing, does it not, in the wherever that 17:04:08 Q. Yeah, I think it was in claim 47. 17:04:13 A. Wherever it is, I don't think they have 17:04:16 the same scope. I tend to think you can apply the rules without doing a comparison. 17:04:21 Q. Can you compare without applying? 17:04:24 A. I wouldn't think so. I think 17:04:25 applying comparing is a form of application. 17:04:27 Q. And what's the basis for that? 17:04:29

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	Page 286		Page 288
1	understanding of what the Presentation Generation 17:04:35	1	definition of "means for applying." You use 17:08:22
2	Program does. 17:04:38	2	identifying. 17:08:25
3	Q. And when the when the claim refers to 17:04:38	3	A. I did? In No. 1 on page 7. 17:08:27
4	applying or comparing, does that mean it has to 17:04:41	4	Q. Yeah. Let's skip that one. Earlier in 17:08:33
5	do make a decision as to whether to apply or 17:04:48	5	the day you testified about there being separate 17:08:36
6	compare? 17:04:50	6	interfaces in the claims. 17:08:41
7	A. I don't think so. 17:04:50	7	A. I was asked a sequence of questions 17:08:44
8	Q. You could do either one and still 17:04:51	8	about whether I thought those interfaces had to be 17:08:46
9	satisfy the limitation? 17:04:54	9	maintained separately. 17:08:48
10	A. Could do both. 17:04:54	10	Q. And what forgive me if I don't 17:08:49
11	Q. But that would still be doing either one 17:04:56	11	recall, but can you recall what your testimony was? 17:08:52
12	and still satisfy the limitation? 17:04:59	12	I thought you said that they had to be separate. 17:08:54
13	A. Yeah, Boolean guys like me would say 17:05:01	13	MR. BRANDON: Object to the form. 17:08:57
14	that's an inclusive order instead of an exclusive 17:05:03	14	A. I don't think I did. I don't think I 17:08:58
15	order, if that means anything to you. 17:05:06	15	was that specific in my answer. 17:09:03
16	Q. I used to be an electrical engineer. 17:05:08	16	Q. (BY MR. WOLFF) All right. Well, let's 17:09:06
17	I'm recovering. 17:05:11	17	go to claim 1 of the '025 patent. 17:09:09
18	A. Okay. I thought you said you used to be 17:05:11	18	A. All right. 17:09:16
1		19	Q. Would you agree that there is a first 17:09:17
19 20	a lawyer and trying to recover. No. Well, I 17:05:13 then you know what I'm talking about. And that's 17:05:15	20	interface and a second interface claim 17:09:19
I .		21	A. Yes. 17:09:23
21	· · · · ·	22	
22	, , ,		•
23	a little bit different. I don't know that that's 17:05:25	23	
24	going to be an issue here. 17:05:28	24	separate interfaces? 17:09:26
25	Q. Is there a difference between selecting 17:05:44	25	A. They're separately called out in the 17:09:32
	1200	_	
	Page 287		Page 289
1	and identifying? 17:05:47	1	claim. And and where that kind of gets to be 17:09:34
2	and identifying? 17:05:47 A. You know, in in general English, I 17:05:51	2	claim. And and where that kind of gets to be 17:09:34 hard is whether or not they could both be 17:09:37
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2 3 4	and identifying? 17:05:47 A. You know, in in general English, I 17:05:51 think there's a there is a difference, but I 17:05:53 if you want me to give you something in terms of a 17:05:56	2 3 4	claim. And and where that kind of gets to be $17:09:34$ hard is whether or not they could both be $17:09:37$ implemented on the same computer or something. I $17:09:40$ that that as I say, that's the kind of $17:09:43$
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	and identifying? A. You know, in in general English, I 17:05:51 think there's a there is a difference, but I 17:05:53 if you want me to give you something in terms of a 17:05:56 recommended claim construction, we're going to have 17:05:59 to go to a specific claim. 17:06:01 Q. Well, selecting is something that occurs 17:06:03 in I think all of the independent claims, correct? 17:06:05 A. I think so. I think that means to pick 17:06:07 it, and then use that as something that I'm going to 17:06:10 do with it. Okay. And I tend to think of, you 17:06:13 know, like the difference between selecting someone 17:06:19 and taking them to dinner or saying, "That's Fred 17:06:22 over there." Okay. But, again, if you want to put 17:06:24 it in a claim context, we're going to have to look 17:06:27 at a specific claim. 17:06:30 Q. And I just did with the selecting, and I 17:06:31 guess the identifying is the one I don't have a 17:06:35 MR. BRANDON: Objection to form. 17:06:35 Q. (BY MR. WOLFF) In your report, you use 17:06:37 the term "identifying," correct? 17:06:38 A. Show me. 17:06:40	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	claim. And and where that kind of gets to be hard is whether or not they could both be implemented on the same computer or something. I 17:09:40 that that as I say, that's the kind of 17:09:43 question that's really more of infringement scope 17:09:45 than 17:09:47 Q. Well, I mean, isn't the infringement 17:09:49 defined by the scope of the claim? 17:09:51 A. Not necessarily. I mean 17:09:54 Q. The claim scope doesn't affect 17:09:59 A. No. I mean, I I think I understand 17:09:59 exactly what the scope is. They're they are 17:10:02 called out for as far as the first and second. 17:10:05 But suppose somebody showed me a system where on the 17:10:10 happened to go sit down in the chair and use that 17:10:14 computer system and do something, and then later on 17:10:16 the one of the media venue guys came by and used 17:10:21 that same computer. I could understand how somebody 17:10:26 might argue, "Well, hey, the claim says that they 17:10:32 computer." The claim calls for them separately 17:10:34

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	Page 290		Page 292
1	computer, per se. I'm just asking about is it 17:10:45	1	different enough that I think that they would 17:12:41
2	separately calls out for a first interface and a 17:10:48	2	their look and feel would be different. The third 17:12:46
3	second interface? So in your understanding, would 17:10:50	3	one, I'd have to go back and convince myself that 17:12:48
4	the first interface have to be different from the 17:10:53	4	there's something so different about its character 17:12:52
5	second interface? 17:10:55	5	that you you couldn't effectively use the seller 17:12:55
6	A. I like that question. Yes, I think they 17:10:55	6	interface in a similar way, but you're just a 17:12:59
7	would be, because they elicit different responses 17:10:57	7	different person achieving different goals. 17:13:02
8	from different types of representation. 17:10:59	8	I I just again, that's an 17:13:04
9	Q. Would they be different computer 17:11:02	9	issue that I haven't thought about. And like when I 17:13:05
10	programs? 17:11:04	10	form opinions like that or express them in front of 17:13:10
11	A. Now you're beginning to get into an area 17:11:06	11	a video camera under oath, I I tend to be very 17:13:13
12	that I I don't know. I mean, how what do you 17:11:09	12	careful about that. 17:13:16
13	call a computer program, you know? 17:11:11	13	Q. (BY MR. WOLFF) All right. Well, 17:13:17
14	Q. What do you call a computer program? 17:11:13	14	let's let's turn to claim 1 in the '059 patent. 17:13:17
15	A. Well, I think of it as a bunch of 17:11:14	15	A. Okay. 17:13:20
16	instructions that accomplish some particular task. 17:11:17	16	Q. And claim 1 in the '059 patent talks 17:13:22
17	But, you know, if it they certainly would I 17:11:20	17	about the third interface. 17:13:26
18	think present different character on the screen or 17:11:22	18	A. All right. 17:13:30
19	whatever you would be eliciting that stuff from. 17:11:28	19	Q. And is there a a particular 17:13:34
20	But somebody might say, "Hey, they're all in one 17:11:31	20	function strike that. 17:13:41
21	great big computer program that here it is; it's got 17:11:36	21	Is there a particular function that 17:13:41
22	25,000 lines," you know. That I don't know that 17:11:38	22	is supposed to be achieved by the third interface? 17:13:47
23	I can give you a definitive opinion. 17:11:43	23	A. Yes. 17:13:51
24	Q. Well, if I had to install two separate 17:11:45	24	Q. And what is that function? 17:13:51
25	pieces of software, would that be two separate 17:11:48	25	A. It's it's supposed to allow a 17:13:52
			and the second s
	D 204		Dogo 202
1	Page 291	1	Page 293 third-party professional excuse me. It's 17:13:56
1 2	computer programs? 17:11:51	1 2	third-party professional excuse me. It's 17:13:56
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2 3 4 5 6 7	computer programs? 17:11:51 A. I would think that's generally the case. 17:11:51 Q. And if I installed one piece of 17:11:52 software, would that be one computer program? 17:11:54 A. I suppose it was the merging of the 17:11:54 previously separated two. 17:11:56 Q. Okay. 17:11:56	2 3 4 5 6	third-party professional excuse me. It's 17:13:56 supposed to prompt a third-party professional to input information to select one or more Internet menu media venues and to create an electronic advertisement for the seller for publication to the selected Internet media venues. 17:14:15 Q. Okay. And why did you drop out the 17:14:17
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2 3 4 5 6 7	computer programs? 17:11:51 A. I would think that's generally the case. 17:11:51 Q. And if I installed one piece of 17:11:52 software, would that be one computer program? 17:11:54 A. I suppose it was the merging of the 17:11:56 previously separated two. 17:11:56 Q. Okay. 17:11:56 A. Doesn't that's why I say, you know, 17:11:59 is is Word a computer program? Yeah. Is Excel a 17:12:02	2 3 4 5 6 7 8	third-party professional excuse me. It's supposed to prompt a third-party professional to input information to select one or more Internet menu media venues and to create an electronic advertisement for the seller for publication to the selected Internet media venues. Q. Okay. And why did you drop out the prompted to input information? 17:14:06 17:14:12 17:14:15 17:14:17 17:14:20
2 3 4 5 6 7 8 9	computer programs? 17:11:51 A. I would think that's generally the case. 17:11:51 Q. And if I installed one piece of 17:11:52 software, would that be one computer program? 17:11:54 A. I suppose it was the merging of the 17:11:56 previously separated two. 17:11:56 Q. Okay. 17:11:56 A. Doesn't that's why I say, you know, 17:11:59 is is Word a computer program? Yeah. Is Excel a 17:12:02 computer program? Yeah. If I install Office, is 17:12:06	2 3 4 5 6 7 8 9	third-party professional excuse me. It's supposed to prompt a third-party professional to input information to select one or more Internet menu media venues and to create an electronic advertisement for the seller for publication to the selected Internet media venues. Q. Okay. And why did you drop out the prompted to input information? A. I just I'm tired. You're absolutely 17:14:15 17:14:20 17:14:21
2 3 4 5 6 7 8 9	computer programs? 17:11:51 A. I would think that's generally the case. 17:11:51 Q. And if I installed one piece of 17:11:52 software, would that be one computer program? 17:11:54 A. I suppose it was the merging of the 17:11:56 previously separated two. 17:11:56 Q. Okay. 17:11:56 A. Doesn't that's why I say, you know, 17:11:59 is is Word a computer program? Yeah. Is Excel a 17:12:02 computer program? Yeah. If I install Office, is 17:12:06 that a computer program? And I get Word and Excel 17:12:09	2 3 4 5 6 7 8 9	third-party professional excuse me. It's 17:13:56 supposed to prompt a third-party professional to input information to select one or more Internet menu media venues and to create an electronic advertisement for the seller for publication to the selected Internet media venues. 17:14:15 Q. Okay. And why did you drop out the prompted to input information? 17:14:20 A. I just I'm tired. You're absolutely 17:14:21 right. And it should be prompted to input 17:14:25
2 3 4 5 6 7 8 9 10	computer programs? 17:11:51 A. I would think that's generally the case. 17:11:51 Q. And if I installed one piece of 17:11:52 software, would that be one computer program? 17:11:54 A. I suppose it was the merging of the 17:11:56 previously separated two. 17:11:56 Q. Okay. 17:11:56 A. Doesn't that's why I say, you know, 17:11:59 is is Word a computer program? Yeah. Is Excel a 17:12:02 computer program? Yeah. If I install Office, is 17:12:06 that a computer program? And I get Word and Excel 17:12:09 both on my computer? That's the that's why I 17:12:13	2 3 4 5 6 7 8 9 10 11	third-party professional excuse me. It's supposed to prompt a third-party professional to input information to select one or more Internet menu media venues and to create an electronic advertisement for the seller for publication to the selected Internet media venues. 17:14:15 Q. Okay. And why did you drop out the prompted to input information? 17:14:20 A. I just I'm tired. You're absolutely 17:14:21 right. And it should be prompted to input information to create an electronic advertisement 17:14:28
2 3 4 5 6 7 8 9 10 11 12	computer programs? 17:11:51 A. I would think that's generally the case. 17:11:51 Q. And if I installed one piece of 17:11:52 software, would that be one computer program? 17:11:54 A. I suppose it was the merging of the 17:11:56 previously separated two. 17:11:56 Q. Okay. 17:11:56 A. Doesn't that's why I say, you know, 17:11:59 is is Word a computer program? Yeah. Is Excel a 17:12:02 computer program? Yeah. If I install Office, is 17:12:06 that a computer program? And I get Word and Excel 17:12:09 both on my computer? That's the that's why I 17:12:13	2 3 4 5 6 7 8 9 10 11 12	third-party professional excuse me. It's supposed to prompt a third-party professional to input information to select one or more Internet menu media venues and to create an electronic advertisement for the seller for publication to the selected Internet media venues. 17:14:15 Q. Okay. And why did you drop out the prompted to input information? 17:14:20 A. I just I'm tired. You're absolutely 17:14:21 right. And it should be prompted to input information to create an electronic advertisement 17:14:28 for the seller for publication to the selected 17:14:30
2 3 4 5 6 7 8 9 10 11 12 13	computer programs? 17:11:51 A. I would think that's generally the case. 17:11:51 Q. And if I installed one piece of 17:11:52 software, would that be one computer program? 17:11:54 A. I suppose it was the merging of the 17:11:56 Q. Okay. 17:11:56 A. Doesn't that's why I say, you know, 17:11:59 is is Word a computer program? Yeah. Is Excel a 17:12:02 computer program? Yeah. If I install Office, is 17:12:06 that a computer program? And I get Word and Excel 17:12:09 both on my computer? That's the that's why I 17:12:13 say, I don't I don't think that's an issue here. 17:12:15	2 3 4 5 6 7 8 9 10 11 12 13	third-party professional excuse me. It's supposed to prompt a third-party professional to input information to select one or more Internet menu media venues and to create an electronic advertisement for the seller for publication to the selected Internet media venues. Q. Okay. And why did you drop out the prompted to input information? A. I just I'm tired. You're absolutely right. And it should be prompted to input information to create an electronic advertisement for the seller for publication to the selected I7:14:28 Internet media venues. 17:14:30 Internet media venues. 17:14:33
2 3 4 5 6 7 8 9 10 11 12 13 14	computer programs? 17:11:51 A. I would think that's generally the case. 17:11:51 Q. And if I installed one piece of 17:11:52 software, would that be one computer program? 17:11:54 A. I suppose it was the merging of the 17:11:54 previously separated two. 17:11:56 Q. Okay. 17:11:56 A. Doesn't that's why I say, you know, 17:11:59 is is Word a computer program? Yeah. Is Excel a 17:12:02 computer program? Yeah. If I install Office, is 17:12:06 that a computer program? And I get Word and Excel 17:12:09 both on my computer? That's the that's why I 17:12:13 say, I don't I don't think that's an issue here. 17:12:15 I don't think we've had a construction of the 17:12:18	2 3 4 5 6 7 8 9 10 11 12 13 14	third-party professional excuse me. It's supposed to prompt a third-party professional to input information to select one or more Internet menu media venues and to create an electronic advertisement for the seller for publication to the selected Internet media venues. 17:14:15 Q. Okay. And why did you drop out the prompted to input information? 17:14:20 A. I just I'm tired. You're absolutely 17:14:21 right. And it should be prompted to input 17:14:25 information to create an electronic advertisement 17:14:28 for the seller for publication to the selected 17:14:30 Internet media venues. 17:14:33 Q. And you would agree that that is a 17:14:34
2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. I would think that's generally the case. 17:11:51 Q. And if I installed one piece of 17:11:52 software, would that be one computer program? 17:11:54 A. I suppose it was the merging of the 17:11:54 previously separated two. 17:11:56 Q. Okay. 17:11:56 A. Doesn't that's why I say, you know, 17:11:59 is is Word a computer program? Yeah. Is Excel a 17:12:02 computer program? Yeah. If I install Office, is 17:12:06 that a computer program? And I get Word and Excel 17:12:09 both on my computer? That's the that's why I 17:12:13 say, I don't I don't think that's an issue here. 17:12:15 I don't think we've had a construction of the 17:12:18 program. 17:12:20	2 3 4 5 6 7 8 9 10 11 12 13 14 15	third-party professional excuse me. It's supposed to prompt a third-party professional to input information to select one or more Internet menu media venues and to create an electronic advertisement for the seller for publication to the selected Internet media venues. 17:14:15 Q. Okay. And why did you drop out the prompted to input information? 17:14:20 A. I just I'm tired. You're absolutely 17:14:21 right. And it should be prompted to input 17:14:25 information to create an electronic advertisement for the seller for publication to the selected 17:14:30 Internet media venues. 17:14:34 Q. And you would agree that that is a function that should be ascribed to the third 17:14:36
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. I would think that's generally the case. 17:11:51 Q. And if I installed one piece of 17:11:52 software, would that be one computer program? 17:11:54 A. I suppose it was the merging of the 17:11:54 previously separated two. 17:11:56 Q. Okay. 17:11:56 A. Doesn't that's why I say, you know, 17:11:59 is is Word a computer program? Yeah. Is Excel a 17:12:02 computer program? Yeah. If I install Office, is 17:12:06 that a computer program? And I get Word and Excel 17:12:09 both on my computer? That's the that's why I 17:12:13 say, I don't I don't think that's an issue here. 17:12:15 I don't think we've had a construction of the 17:12:18 program. 17:12:20 Q. And in the '059 patent, there's a first 17:12:21	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	third-party professional excuse me. It's supposed to prompt a third-party professional to input information to select one or more Internet menu media venues and to create an electronic advertisement for the seller for publication to the selected Internet media venues. 17:14:15 Q. Okay. And why did you drop out the prompted to input information? 17:14:20 A. I just I'm tired. You're absolutely 17:14:21 right. And it should be prompted to input information to create an electronic advertisement information to create an electronic advertisement for the seller for publication to the selected 17:14:30 Internet media venues. 17:14:34 function that should be ascribed to the third 17:14:36 interface? 17:14:39
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. I would think that's generally the case. 17:11:51 Q. And if I installed one piece of 17:11:52 software, would that be one computer program? 17:11:54 A. I suppose it was the merging of the 17:11:54 previously separated two. 17:11:56 Q. Okay. 17:11:56 A. Doesn't that's why I say, you know, 17:11:59 is is Word a computer program? Yeah. Is Excel a 17:12:02 computer program? Yeah. If I install Office, is 17:12:06 that a computer program? And I get Word and Excel 17:12:09 both on my computer? That's the that's why I 17:12:13 say, I don't I don't think that's an issue here. 17:12:15 I don't think we've had a construction of the 17:12:18 program. 17:12:20 Q. And in the '059 patent, there's a first 17:12:21 interface, a second interface and a 17:12:25	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	third-party professional excuse me. It's supposed to prompt a third-party professional to input information to select one or more Internet menu media venues and to create an electronic advertisement for the seller for publication to the selected Internet media venues. 17:14:15 Q. Okay. And why did you drop out the prompted to input information? 17:14:20 A. I just I'm tired. You're absolutely 17:14:21 right. And it should be prompted to input 17:14:25 information to create an electronic advertisement for the seller for publication to the selected 17:14:30 Internet media venues. 17:14:34 function that should be ascribed to the third 17:14:36 interface? 17:14:39 A. Oh, yeah. I don't have any problem with 17:14:39
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. I would think that's generally the case. 17:11:51 Q. And if I installed one piece of 17:11:52 software, would that be one computer program? 17:11:54 A. I suppose it was the merging of the 17:11:54 previously separated two. 17:11:56 Q. Okay. 17:11:56 A. Doesn't that's why I say, you know, 17:11:59 is is Word a computer program? Yeah. Is Excel a 17:12:02 computer program? Yeah. If I install Office, is 17:12:06 that a computer program? And I get Word and Excel 17:12:09 both on my computer? That's the that's why I 17:12:13 say, I don't I don't think that's an issue here. 17:12:15 I don't think we've had a construction of the 17:12:18 program. 17:12:20 Q. And in the '059 patent, there's a first 17:12:21 interface, a second interface and a 17:12:28	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	third-party professional excuse me. It's supposed to prompt a third-party professional to input information to select one or more Internet menu media venues and to create an electronic advertisement for the seller for publication to the selected Internet media venues. 17:14:15 Q. Okay. And why did you drop out the prompted to input information? 17:14:20 A. I just I'm tired. You're absolutely 17:14:21 right. And it should be prompted to input 17:14:25 information to create an electronic advertisement 17:14:30 Internet media venues. 17:14:30 Internet media venues. 17:14:34 function that should be ascribed to the third 17:14:36 interface? 17:14:39 A. Oh, yeah. I don't have any problem with 17:14:39 that. The question on this one and I misspoke 17:14:41
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. I would think that's generally the case. 17:11:51 Q. And if I installed one piece of 17:11:52 software, would that be one computer program? 17:11:54 A. I suppose it was the merging of the 17:11:54 previously separated two. 17:11:56 Q. Okay. 17:11:56 A. Doesn't that's why I say, you know, 17:11:59 is is Word a computer program? Yeah. Is Excel a 17:12:02 computer program? Yeah. If I install Office, is 17:12:06 that a computer program? And I get Word and Excel 17:12:09 both on my computer? That's the that's why I 17:12:13 say, I don't I don't think that's an issue here. 17:12:15 I don't think we've had a construction of the 17:12:18 program. 17:12:20 Q. And in the '059 patent, there's a first 17:12:21 interface, a second interface and a 17:12:28 Q a third interface? 17:12:29	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	third-party professional excuse me. It's supposed to prompt a third-party professional to input information to select one or more Internet menu media venues and to create an electronic advertisement for the seller for publication to the selected Internet media venues. 17:14:15 Q. Okay. And why did you drop out the prompted to input information? 17:14:20 A. I just I'm tired. You're absolutely 17:14:21 right. And it should be prompted to input information to create an electronic advertisement 17:14:28 for the seller for publication to the selected 17:14:30 Internet media venues. 17:14:33 Q. And you would agree that that is a 17:14:34 function that should be ascribed to the third 17:14:36 interface? 17:14:39 A. Oh, yeah. I don't have any problem with 17:14:41 earlier. I said the first and third. Previously I 17:14:44
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. I would think that's generally the case. 17:11:51 Q. And if I installed one piece of 17:11:52 software, would that be one computer program? 17:11:54 A. I suppose it was the merging of the 17:11:54 previously separated two. 17:11:56 Q. Okay. 17:11:56 A. Doesn't that's why I say, you know, 17:11:59 is is Word a computer program? Yeah. Is Excel a 17:12:02 computer program? Yeah. If I install Office, is 17:12:06 that a computer program? And I get Word and Excel 17:12:09 both on my computer? That's the that's why I 17:12:13 say, I don't I don't think that's an issue here. 17:12:15 I don't think we've had a construction of the 17:12:18 program. 17:12:20 Q. And in the '059 patent, there's a first 17:12:21 interface, a second interface and a 17:12:28 A. A third. 17:12:29 A. Yes. 17:12:30	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	third-party professional excuse me. It's supposed to prompt a third-party professional to input information to select one or more Internet menu media venues and to create an electronic advertisement for the seller for publication to the selected Internet media venues. 17:14:15 Q. Okay. And why did you drop out the prompted to input information? 17:14:20 A. I just I'm tired. You're absolutely 17:14:21 right. And it should be prompted to input information to create an electronic advertisement for the seller for publication to the selected 17:14:28 for the seller for publication to the selected 17:14:30 Internet media venues. 17:14:33 Q. And you would agree that that is a function that should be ascribed to the third interface? 17:14:39 A. Oh, yeah. I don't have any problem with 17:14:41 earlier. I said the first and third. Previously I 17:14:44 think that function was pretty much assigned to the 17:14:48
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I would think that's generally the case. 17:11:51 Q. And if I installed one piece of 17:11:52 software, would that be one computer program? 17:11:54 A. I suppose it was the merging of the 17:11:54 previously separated two. 17:11:56 Q. Okay. 17:11:56 A. Doesn't that's why I say, you know, 17:11:59 is is Word a computer program? Yeah. Is Excel a 17:12:02 computer program? Yeah. If I install Office, is 17:12:06 that a computer program? And I get Word and Excel 17:12:09 both on my computer? That's the that's why I 17:12:13 say, I don't I don't think that's an issue here. 17:12:15 I don't think we've had a construction of the 17:12:18 program. 17:12:20 Q. And in the '059 patent, there's a first 17:12:21 interface, a second interface and a 17:12:25 A. A third. 17:12:28 Q a third interface? 17:12:30 Q. And those would all be separate 17:12:30	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	third-party professional excuse me. It's supposed to prompt a third-party professional to input information to select one or more Internet menu media venues and to create an electronic advertisement for the seller for publication to the selected Internet media venues. 17:14:15 Q. Okay. And why did you drop out the prompted to input information? 17:14:20 A. I just I'm tired. You're absolutely 17:14:21 right. And it should be prompted to input 17:14:25 information to create an electronic advertisement 17:14:28 for the seller for publication to the selected 17:14:30 Internet media venues. 17:14:33 Q. And you would agree that that is a 17:14:34 function that should be ascribed to the third 17:14:36 interface? 17:14:39 A. Oh, yeah. I don't have any problem with 17:14:39 that. The question on this one and I misspoke 17:14:41 earlier. I said the first and third. Previously I 17:14:48 second interface. And so they've now split it and 17:14:51
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I would think that's generally the case. 17:11:51 Q. And if I installed one piece of 17:11:52 software, would that be one computer program? 17:11:54 A. I suppose it was the merging of the 17:11:54 previously separated two. 17:11:56 Q. Okay. 17:11:56 A. Doesn't that's why I say, you know, 17:11:59 is is Word a computer program? Yeah. Is Excel a 17:12:02 computer program? Yeah. If I install Office, is 17:12:06 that a computer program? And I get Word and Excel 17:12:09 both on my computer? That's the that's why I 17:12:13 say, I don't I don't think that's an issue here. 17:12:15 I don't think we've had a construction of the 17:12:18 program. 17:12:20 Q. And in the '059 patent, there's a first 17:12:21 interface, a second interface and a 17:12:25 A. A third. 17:12:28 Q a third interface? 17:12:30 Q. And those would all be separate 17:12:30 interfaces, too? 17:12:34	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	third-party professional excuse me. It's supposed to prompt a third-party professional to input information to select one or more Internet menu media venues and to create an electronic advertisement for the seller for publication to the selected Internet media venues. 17:14:15 Q. Okay. And why did you drop out the prompted to input information? 17:14:17 prompted to input information? 17:14:20 A. I just I'm tired. You're absolutely 17:14:21 right. And it should be prompted to input 17:14:25 information to create an electronic advertisement 17:14:30 Internet media venues. 17:14:30 Internet media venues. 17:14:34 function that should be ascribed to the third 17:14:39 A. Oh, yeah. I don't have any problem with 17:14:39 that. The question on this one and I misspoke 17:14:41 earlier. I said the first and third. Previously I 17:14:44 think that function was pretty much assigned to the 17:14:55 through their terminal or their interface, whatever you want to call it, that piece of software that 17:15:00
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. I would think that's generally the case. 17:11:51 Q. And if I installed one piece of 17:11:52 software, would that be one computer program? 17:11:54 A. I suppose it was the merging of the 17:11:54 previously separated two. 17:11:56 Q. Okay. 17:11:56 A. Doesn't that's why I say, you know, 17:11:59 is is Word a computer program? Yeah. Is Excel a 17:12:02 computer program? Yeah. If I install Office, is 17:12:06 that a computer program? And I get Word and Excel 17:12:09 both on my computer? That's the that's why I 17:12:13 say, I don't I don't think that's an issue here. 17:12:15 I don't think we've had a construction of the 17:12:18 program. 17:12:20 Q. And in the '059 patent, there's a first 17:12:21 interface, a second interface and a 17:12:25 A. A third. 17:12:28 Q a third interface? 17:12:30 Q. And those would all be separate 17:12:30 interfaces, too? 17:12:34 MR. BRANDON: Objection to form. 17:12:35	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	third-party professional excuse me. It's supposed to prompt a third-party professional to input information to select one or more Internet menu media venues and to create an electronic advertisement for the seller for publication to the selected Internet media venues. 17:14:15 Q. Okay. And why did you drop out the prompted to input information? 17:14:17 prompted to input information? 17:14:20 A. I just I'm tired. You're absolutely 17:14:21 right. And it should be prompted to input 17:14:25 information to create an electronic advertisement 17:14:30 Internet media venues. 17:14:33 Q. And you would agree that that is a 17:14:34 function that should be ascribed to the third 17:14:39 A. Oh, yeah. I don't have any problem with 17:14:39 that. The question on this one and I misspoke 17:14:41 earlier. I said the first and third. Previously I 17:14:44 think that function was pretty much assigned to the 17:14:51 said the seller's just going to identify themselves 17:14:55 through their terminal or their interface, whatever 17:14:58

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1	in and said that the third interface is going to do 17:15:07	1	you could query out of that one installation of some 17:17:52
2	the other part of what previously the seller did to 17:15:09	2	SQL database and get the presentation rules and you 17:17:56 could get the seller information and whatever else 17:17:59
3	select the venues, that those have to be done 17:15:12		
4	through two separate interfaces. 17:15:17	4	these different I think there's three or four of 17:18:02
5	I don't have an answer for that 17:15:19	5	them. And, you know, if you said to me, "Well, hey, 17:18:04
6	right here. Yeah, they could be. It could be that 17:15:20	6	we've only got Oracle. We've got one installation 17:18:07
7	the second interface never has the capability of 17:15:23	7	of Oracle, but that's it." So that's one database, 17:18:11
8	prompting anyone who sits down at and is 17:15:27	8	and we don't have two databases, I probably wouldn't 17:18:13
9	starts trying to respond to that interface to select 17:15:33	9	consider that to be a basis for noninfringement, and 17:18:17
10	or create an ad. I I don't know. 17:15:37	10	that's what I said. I see these questions largely 17:18:21
11	Q. And why is it you don't know? 17:15:46	11	as as having to do with given the language of the 17:18:23
12	A. I've never studied the that issue. I 17:15:48	12	claim, would this particular implementation 17:18:25
13	never tried to decide yes or no on that. It's a 17:15:52	13	reasonably fall into it either directly, literally 17:18:28
14	complicated issue. I don't know what the patent 17:15:56	14	or under the doctrine of equivalency. 17:18:31
15	specification teaches that might lead me to conclude 17:15:59	15	And those are as I say, those are 17:18:33
16	that they had to be separate or that they could be 17:16:01	16	more infringement issues. I know what the claim 17:18:34
17	accomplished through the same situation. That's the 17:16:06	17	says. It says there's a first and a second, and 17:18:36
18	best answer I can give you today. I I haven't 17:16:11	18	they give them different names and — and that's as 17:18:38
19	studied it. 17:16:14	19	far as I can give you today. 17:18:40
20	Q. Do the patents the '025 and the '059 17:16:19	20	Q. Okay. And you said that with respect to 17:18:41
21	patents also call for separate databases for each of 17:16:22	21	infringement, you couldn't say you would say that 17:18:42
22	the interfaces, correct? 17:16:27	22	there would probably be an infringement it sounds 17:18:46
23	A. No. I don't think of them as 17:16:28	23	like. In the same context, it would be an 17:18:49
24	necessarily being separate, particularly the way 17:16:30	24	infringement, it would be an anticipation or it 17:18:51
25	database is described. I don't know what what 17:16:32	25	would be something that would be found in the prior 17:18:53
		<u> </u>	
	Page 295	İ	Page 297
1	you would mean. I guess like program. Okay. 17:16:36	1	art, too, if if you had a single database in the 17:18:55
2	Q. Do you think that's an unreasonable 17:16:41	2	prior art. 17:18:57
3	position that the that the databases have to be 17:16:43	3	MR. BRANDON: Objection to form. 17:18:58
4	separate? 17:16:46	4	MR. WOLFF: That's a fair objection. 17:19:02
5	A. No. It's a position I have no opinion 17:16:46	5	Q. (BY MR. WOLFF) If it's an infringement 17:19:09
6	on at this point, whether they have to be separate 17:16:51	6	issue, it's also a validity issue, too, correct? 17:19:12
7	or not. That's the best I can give you. 17:16:55	٦ ا	
8		Ι′	A. It may be. You don't have invalidity 17:19:14
1 -	Q. They're separately called out in the 17:17:01	8	under the doctrine of equivalence. 17:19:16
9	Q. They're separately called out in the 17:17:01 claim, correct? 17:17:03	l	under the doctrine of equivalence. 17:19:16 Q. You could have obviousness? 17:19:18
	claim, correct? 17:17:03 A. Absolutely. They're identified 17:17:04	8	under the doctrine of equivalence. 17:19:16 Q. You could have obviousness? 17:19:18 A. Different different question. Okay. 17:19:20
9	claim, correct? 17:17:03 A. Absolutely. They're identified 17:17:04 separately in two separate limitations of the claim. 17:17:06	8 9 10 11	under the doctrine of equivalence. 17:19:16 Q. You could have obviousness? 17:19:18 A. Different different question. Okay. 17:19:20 Q. Right. 17:19:22
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١.	Page 298 EXAMINATION 17:29:28	₁	Page 300 claims 17:31:35
1	EXAMINATION 17:29:28 BY MR. BRANDON: 17:29:29	2	A. Yes. 17:31:35
3		3	Q same claim 1 of the '025? 17:31:36
4	Q. Dr. Rhyne, we've talked a lot today 17:29:29 about prompting. Do you recall that discussion? 17:29:33	4	A. Yes. 17:31:38
5	A. Yes. 17:29:35	5	Q. And what was your answer to that 17:31:38
6	Q. Take a look at claim 1 of the '025 for 17:29:35	6	question? 17:31:39
7	example. 17:29:39	7	A. I told him that the word "buyer" didn't 17:31:40
8	A. I have it. 17:29:51	8	appear in the claim itself. That's an obvious fact. 17:31:42
9	Q. All right. Just taking a look there at 17:29:51	9	Q. Now, does the term "publishing" appear 17:31:47
10	the bottom of the page, bottom of column 64, it 17:29:54	10	in the claim, say, claim 1 of the '025? 17:31:50
11	says, "a first interface of the computer system 17:29:59	11	A. Yes. 17:31:54
12	through which each of the Internet media venues is 17:30:03	12	Q. And how, if at all, does the function 17:31:54
13	prompted." 17:30:05	13	do the Function Media patents define publishing? 17:31:58
14	A. Yes. 17:30:06	14	MR. WOLFF: Objection. 17:32:02
15	Q. And there's a seller a similar 17:30:06	15	A. In column 11 and I'm here I'm 17:32:02
16	language with respect to the seller interface, for 17:30:08	16	using the '025. It's before me, and I won't swap 17:32:06
17	example. 17:30:11	17	for time. It defines publishing at column 11, 17:32:12
18	A. Yes. 17:30:11	18	line 48, as "the act of placing or making available 17:32:13
19	Q. And my question to you is simply what 17:30:11	19	the presentation or information within the framework 17:32:16
20	initiates or generates a prompt? 17:30:15	20	of media venue so that it is accessible by the end 17:32:21
21	A. I think in each of those cases 17:30:15	21	users, consumers, viewers or buyers." There's some 17:32:25
22	MR. WOLFF: Objection. 17:30:16	22	additional information about HTML and so forth, but 17:32:30
23	THE WITNESS: Sorry. That's all? 17:30:18	23	there is a reference to buyers in that construction 17:32:34
24	MR. WOLFF: That's all. 17:30:21	24	of the word "publishing." 17:32:37
25	A. Okay. In each of those cases, I 17:30:22	25	Q. (BY MR. BRANDON) Is there anything in 17:32:40
1	Page 299	١.	Page 301
1	identified a specific program as a representative 17:30:24	1	claim 1 of the '025 that limits or specifies that 17:32:45
2	identified a specific program as a representative 17:30:24 type of computer program that initiated the 17:30:28	2	claim 1 of the '025 that limits or specifies that 17:32:45 the advertisements get published to the media venue 17:32:49
2	identified a specific program as a representative 17:30:24 type of computer program that initiated the prompting. 17:30:30	2	claim 1 of the '025 that limits or specifies that 17:32:45 the advertisements get published to the media venue 17:32:49 interface? 17:32:54
2 3 4	identified a specific program as a representative 17:30:24 type of computer program that initiated the prompting. 17:30:30 Q. (BY MR. BRANDON) Is there any 17:30:31	2 3 4	claim 1 of the '025 that limits or specifies that 17:32:45 the advertisements get published to the media venue 17:32:49 interface? 17:32:54 A. There is not 17:32:57
2 3 4 5	identified a specific program as a representative 17:30:24 type of computer program that initiated the 17:30:28 prompting. 17:30:30 Q. (BY MR. BRANDON) Is there any 17:30:31 difference between initiating the prompt and 17:30:32	2 3 4 5	claim 1 of the '025 that limits or specifies that 17:32:45 the advertisements get published to the media venue 17:32:49 interface? 17:32:54 A. There is not 17:32:57 MR. WOLFF: Objection. 17:32:57
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2 3 4 5 6 7 8 9	identified a specific program as a representative 17:30:24 type of computer program that initiated the 17:30:28 prompting. 17:30:30 Q. (BY MR. BRANDON) Is there any 17:30:31 difference between initiating the prompt and 17:30:32 displaying the prompt? 17:30:36 A. Yes. 17:30:37 Q. What are the differences? 17:30:38 A. The software that executes in the 17:30:40 processor creates — initiates the prompt. It gets 17:30:43	2 3 4 5 6 7 8 9 10	claim 1 of the '025 that limits or specifies that the advertisements get published to the media venue 17:32:49 interface? 17:32:54 A. There is not 17:32:57 MR. WOLFF: Objection. 17:32:57 THE WITNESS: I apologize, 17:32:58 Mr. Wolff. 17:33:00 A. There's there's no reference in 17:33:00 claim 1 of the '06 of the '025 to a media venue 17:33:02 interface. What is referenced there is the Internet 17:33:06
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2 3 4 5 6 7 8 9 10 11 12	type of computer program as a representative type of computer program that initiated the prompting. 17:30:30 Q. (BY MR. BRANDON) Is there any 17:30:31 difference between initiating the prompt and 17:30:32 displaying the prompt? 17:30:36 A. Yes. 17:30:37 Q. What are the differences? 17:30:38 A. The software that executes in the prompt. It gets 17:30:43 to a point where its instruction says, "I want to show a prompt to the viewer," but that then has a 17:30:51	2 3 4 5 6 7 8 9 10 11 12	claim 1 of the '025 that limits or specifies that the advertisements get published to the media venue interface? 17:32:54 A. There is not 17:32:57 MR. WOLFF: Objection. 17:32:57 THE WITNESS: I apologize, 17:32:58 Mr. Wolff. 17:33:00 A. There's there's no reference in 17:33:00 claim 1 of the '06 of the '025 to a media venue 17:33:02 interface. What is referenced there is the Internet 17:33:06 media venues. 17:33:10 Q. (BY MR. BRANDON) And is the term "media 17:33:12
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	type of computer program as a representative type of computer program that initiated the prompting. 17:30:30 Q. (BY MR. BRANDON) Is there any 17:30:31 difference between initiating the prompt and 17:30:32 displaying the prompt? 17:30:36 A. Yes. 17:30:37 Q. What are the differences? 17:30:38 A. The software that executes in the processor creates initiates the prompt. It gets 17:30:49 show a prompt to the viewer," but that then has a path that it has to follow. We talked about wires, we talked about a driver, we talked about a card, and ultimately then it will reach the screen of the display device and then be displayed. 17:31:08 Q. Speaking temporally here, does 17:31:11 initiating the prompt and displaying the prompt 17:31:17 occur at the same time? 17:31:20 Q. Which occurs first? 17:31:22	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	claim 1 of the '025 that limits or specifies that the advertisements get published to the media venue interface? 17:32:49 A. There is not 17:32:57 MR. WOLFF: Objection. 17:32:57 THE WITNESS: I apologize, 17:33:00 A. There's there's no reference in claim 1 of the '06 of the '025 to a media venue interface. What is referenced there is the Internet interface. What is referenced there is the Internet interface. 17:33:00 Q. (BY MR. BRANDON) And is the term "media interface in the '025? 17:33:10 Venue" defined in the '025? 17:33:15 A. Yes. 17:33:17 Q. Now, how does a buyer access a presentation on the Internet? 17:33:25 MR. WOLFF: Objection. 17:33:31 A. They use a browser to contact through internet a website, for example, and the server for that website or some group of servers assemble a internet i
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	Page 302		Page 304
1	the invention as it's discussed in the Function 17:34:16	1	MR. WOLFF: Okay. No further 17:37:12
2	Media patents, does the operator of the invention 17:34:20	2	questions. 17:37:12
3	have to provide the Internet? 17:34:23	3	THE VIDEOGRAPHER: Off the record, 17:37:14
4	A. No. They don't provide the browser, 17:34:25	4	5:37. 17:37:15
5	either. 17:34:33	5	(Deposition Concluded At 5:37 p.m.) 17:37:17
6	MR. BRANDON: Let's go off the 17:34:38	6	• •
7	record. 17:34:39	7	
8	THE VIDEOGRAPHER: Off the record, 17:34:39	8	
9	5:35. 17:34:41	9	
		10	
10	(Recess Taken From 5:35 p.m. To 5:36 p.m.) 17:34:44		
11	THE VIDEOGRAPHER: Back on the 17:35:42	11	
12	record, 5:36. 17:35:47	12	
13	MR. BRANDON: All right. Dr. Rhyne, 17:35:48	13	
14	I have no further questions at this time. 17:35:51	14	
15	MR. WOLFF: I just have a couple of 17:35:53	15	
16	follow-up questions, I think. 17:35:54	16	
17	FURTHER EXAMINATION 17:35:55	17	
18	BY MR. WOLFF: 17:35:56	18	
19	Q. You you said that the software does 17:35:56	19	
20	it 17:35:58	20	
		21	
21	• • • • • • • • • • • • • • • • • • • •	22	
22	Q and you're referring initiates the 17:35:59		
23	stuff? 17:36:00	23	
24	A. Yeah. 17:36:00	24	
25	Q. The software can't do it without running 17:36:00	25	
			D 201
	Page 303		Page 305
1	on a computer correct? 17:36:03	1	I, V. THOMAS RHYNE, Ph.D., have read the foregoing deposition and hereby affix my signature
2	A. Software is executed on a computer. 17:36:04	2	toregoing genosition and nereby allix my signature
~	· · · · · · · · · · · · · · · · · · ·		
3	Q. Okay. But software can't do it by 17:36:06	3	that same is true and correct except as noted
3 4	Q. Okay. But software can't do it by 17:36:06 itself, correct? 17:36:07	3 4	
	Q. Okay. But software can't do it by 17:36:06	3	that same is true and correct except as noted
4	Q. Okay. But software can't do it by 17:36:06 itself, correct? 17:36:07	3 4	that same is true and correct except as noted herein.
4 5	Q. Okay. But software can't do it by 17:36:06 itself, correct? 17:36:07 MR. BRANDON: Objection to form. 17:36:08	3 4 5	that same is true and correct except as noted
4 5 6	Q. Okay. But software can't do it by 17:36:06 itself, correct? 17:36:07 MR. BRANDON: Objection to form. 17:36:08 A. I've answered that before, and it it 17:36:09 cannot in and of itself. 17:36:11	3 4 5 6	that same is true and correct except as noted herein.
4 5 6 7 8	Q. Okay. But software can't do it by 17:36:06 itself, correct? 17:36:07 MR. BRANDON: Objection to form. 17:36:08 A. I've answered that before, and it it 17:36:09 cannot in and of itself. 17:36:11 Q. (BY MR. WOLFF) All right. And your 17:36:14	3 4 5 6 7 8	that same is true and correct except as noted herein.
4 5 6 7 8 9	Q. Okay. But software can't do it by 17:36:06 itself, correct? 17:36:07 MR. BRANDON: Objection to form. 17:36:08 A. I've answered that before, and it it 17:36:09 cannot in and of itself. 17:36:11 Q. (BY MR. WOLFF) All right. And your 17:36:14 your testimony about the buyer issue I'm not clear 17:36:16	3 4 5 6 7 8 9	that same is true and correct except as noted herein.
4 5 6 7 8 9	Q. Okay. But software can't do it by 17:36:06 itself, correct? 17:36:07 MR. BRANDON: Objection to form. 17:36:08 A. I've answered that before, and it it 17:36:09 cannot in and of itself. 17:36:11 Q. (BY MR. WOLFF) All right. And your 17:36:14 your testimony about the buyer issue I'm not clear about. Is it your position that publishing includes 17:36:18	3 4 5 6 7 8 9	that same is true and correct except as noted herein.
4 5 6 7 8 9 10	Q. Okay. But software can't do it by 17:36:06 itself, correct? 17:36:07 MR. BRANDON: Objection to form. 17:36:08 A. I've answered that before, and it it 17:36:09 cannot in and of itself. 17:36:11 Q. (BY MR. WOLFF) All right. And your 17:36:14 your testimony about the buyer issue I'm not clear about. Is it your position that publishing includes sending the the presentation to the buyer? 17:36:24	3 4 5 6 7 8 9 10 11	that same is true and correct except as noted herein.
4 5 6 7 8 9 10 11 12	Q. Okay. But software can't do it by 17:36:06 itself, correct? 17:36:07 MR. BRANDON: Objection to form. 17:36:08 A. I've answered that before, and it it 17:36:09 cannot in and of itself. 17:36:11 Q. (BY MR. WOLFF) All right. And your 17:36:14 your testimony about the buyer issue I'm not clear 17:36:16 about. Is it your position that publishing includes sending the the presentation to the buyer? 17:36:24 A. No. 17:36:29	3 4 5 6 7 8 9 10 11 12	that same is true and correct except as noted herein.
4 5 6 7 8 9 10 11 12 13	Q. Okay. But software can't do it by 17:36:06 itself, correct? 17:36:07 MR. BRANDON: Objection to form. 17:36:08 A. I've answered that before, and it it 17:36:09 cannot in and of itself. 17:36:11 Q. (BY MR. WOLFF) All right. And your 17:36:14 your testimony about the buyer issue I'm not clear 17:36:16 about. Is it your position that publishing includes 17:36:18 sending the the presentation to the buyer? 17:36:24 A. No. 17:36:31	3 4 5 6 7 8 9 10 11 12 13	that same is true and correct except as noted herein.
4 5 6 7 8 9 10 11 12 13	Q. Okay. But software can't do it by 17:36:06 itself, correct? 17:36:07 MR. BRANDON: Objection to form. 17:36:08 A. I've answered that before, and it it 17:36:09 cannot in and of itself. 17:36:11 Q. (BY MR. WOLFF) All right. And your 17:36:14 your testimony about the buyer issue I'm not clear 17:36:16 about. Is it your position that publishing includes 17:36:18 sending the the presentation to the buyer? 17:36:24 A. No. 17:36:31 THE WITNESS: I'm sorry. 17:36:31 MR. BRANDON: Objection to form. 17:36:31	3 4 5 6 7 8 9 10 11 12 13 14	that same is true and correct except as noted herein.
4 5 6 7 8 9 10 11 12 13 14 15	Q. Okay. But software can't do it by 17:36:06 itself, correct? 17:36:07 MR. BRANDON: Objection to form. 17:36:08 A. I've answered that before, and it it 17:36:09 cannot in and of itself. 17:36:11 Q. (BY MR. WOLFF) All right. And your 17:36:14 your testimony about the buyer issue I'm not clear 17:36:16 about. Is it your position that publishing includes 17:36:18 sending the the presentation to the buyer? 17:36:24 A. No. 17:36:29 THE WITNESS: I'm sorry. 17:36:31 MR. BRANDON: Objection to form. 17:36:31 A. No, not necessarily. I think the 17:36:32	3 4 5 6 7 8 9 10 11 12 13 14 15	that same is true and correct except as noted herein.
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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	I, Micheal A. Johnson, Certified Realtime Reporter and Notary Public for the State of Texas, certify that on the 25th day of March, 2009, I reported the Oral and Videotaped Deposition of V. THOMAS RHYNE, Ph.D., after the witness had first been duly cautioned and sworn to testify under oath; said deposition was subsequently transcribed by me and under my supervision and contains a full, true and complete transcription of the proceedings had at said time and place. I further certify that I am neither counsel for nor related to any party in this cause and am not financially interested in its outcome. GIVEN UNDER MY HAND AND SEAL of office on this 8th day of April, 2009. MICHEAL A. JOHNSON, CSR, CRR, CLR NCRA Certified Realtime Reporter TX Certified Shorthand Reporter #5891	3 E 4 5 E 6 7 E 8 9 10 11 11 12 13 14 N 15 E 17 18 19 20 21 22 23 24	EXHIBIT INDEX V. THOMAS RHYNE, Ph.D. JUMBER DESCRIPTION IDENTIFIED Exhibit 84 Declaration of V. Thomas 005 Rhyne in Support of Function Media's Claim Construction Exhibit 85 Exhibit A, Curriculum Vitae 107 of Vernon Thomas Rhyne Exhibit 86 US Patent 7,249,059 212 PREVIOUSLY MARKED DEPOSITION EXHIBITS V. THOMAS RHYNE, Ph.D. JUMBER DESCRIPTION IDENTIFIED Exhibit 48 US Patent 7,240,025 006 Exhibit 51 US Patent 6,446,045 006	Page 308
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