

EXHIBIT H

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Eolas Technologies,)	
Incorporated,)	
)	
Plaintiff,)	Civil Action
)	No. 6:09-cv-446
vs.)	
)	
Adobe Systems, Inc.,)	
Amazon.com, Inc.,)	JURY TRIAL
Apple, Inc., Argosy)	
Publishing, Inc., et al,)	
)	
Defendants.)	

VIDEOTAPED and ORAL DEPOSITION OF
MICHAEL DOYLE, Ph.D.
JUNE 30, 2011
VOLUME 2

VIDEOTAPED AND ORAL DEPOSITION of
MICHAEL DOYLE, Ph.D., produced as a witness at the
instance of the Defendant and duly sworn was taken in
the above-styled and numbered cause on the 30th of
June, 2011, from 10:16 a.m. to 8:45 p.m. before
Gina Oertli, RMR, CSR in and for the State of Texas,
reported by method of machine shorthand, at the law
offices of McKool Smith, 300 W. 6th Street,
Suite 1700, Austin, Texas, pursuant to the Federal
Rules of Civil Procedure and the provisions stated on
the record or attached hereto.

<p style="text-align: right;">Page 483</p> <p>1 that corresponds to other elements within the claim. 2 In each claim, the embed text format has 3 that same meaning in -- in that it's language that 4 corresponds to the other elements in the -- in the 5 individual claims. 6 Q. Did you provide any examples of an embed text 7 format in the 985 patent? 8 A. Yes. 9 Q. Can you point me to that? 10 A. In the specific embodiment, one example is 11 given, for example, in Column 11 -- no, sorry -- 12 Column 12, Table II. 13 Q. That is Column 12 starting at Line 55? 14 A. Yes. 15 Q. So this is an example of an HTML tag format 16 used by the present invention. Is that what you're 17 referring to? 18 A. Yes. 19 Q. So Table II of the 985 patent is an example 20 of an embed text format? 21 A. Yes. It gives an example of an embed text 22 format. 23 Q. Does an embed text format have to have little 24 angled brackets around it? 25 A. This is one example of an embed text format.</p>	<p style="text-align: right;">Page 485</p> <p>1 12, Table II, did you have any other examples of an 2 embed text format in your mind? 3 A. Well, we had various specific embodiments 4 that we had created that used embed text format, but 5 we recognized that -- that that format was -- was -- 6 or the way to implement that format would be limited 7 only by the language in the claims itself, which -- 8 which means that that format could be any information 9 that -- that, for example, in Claim 1 of the 985, is 10 information which corresponds to a first location in 11 the document where the embed text format specifies the 12 location of at least a portion of the object. And 13 then so on, to the end of the claim. 14 Q. Does an embed text format have to specify the 15 location of an object in order to be an embed text 16 format? 17 A. It depends on the individual claims. 18 Q. But if the claim language says, every time it 19 talks about an embed text format, that it has to 20 specify the location of an object, does an embed text 21 format have to specify the location of an object in 22 order to be an embed text format? 23 A. If the location -- or if the claim language 24 states that the embed text format specifies the 25 location of at least a portion of an object in that</p>
<p style="text-align: right;">Page 484</p> <p>1 It could be implemented in any manner that is 2 consistent with the language in the claim, in any 3 particular claim, in either of the patents. 4 Q. At the time of your patent application, what 5 were the different ways you contemplated an -- what 6 were the different examples of an embed text format 7 you had in mind? 8 MR. BURGESS: Objection, form. 9 A. Well, we used what we thought was the best 10 example we had at the time, which we conveyed in the 11 patent specification, realizing that in the future, 12 there could be other ways to implement the particular 13 aspects of systems using the technology. 14 For example, in Column 16, Line 47, it 15 says, "In the foregoing specification, the invention 16 has been described with reference to a specific 17 exemplary embodiment thereof. It will, however, be 18 evident that various modifications and changes can be 19 made..." And then it goes on to talk about how you 20 can use different programming approaches, different 21 ways to implement. That the invention itself is 22 defined by and limited only by the provided claims. 23 Q. (BY MS. RAO) At the time that you filed for 24 the -- your patents, the 906 and 985 patents, other 25 than the example that you just pointed me to at Column</p>	<p style="text-align: right;">Page 486</p> <p>1 claim, then the embed text format needs to specify the 2 location of at least a portion of an object. Yes. 3 Q. And what's -- now, I want to go back to your 4 answer about the examples in the patent. You said 5 that you had in mind other ways to do an embed text 6 format but you disclose in your patent the best way, 7 right? 8 A. Yes. 9 Q. What were the other ways you had in mind? 10 A. Well, we -- we were working with -- at 11 different times, we -- we used the Word Viewer, or 12 other characters, to correspond to that word, that 13 what we thought the actual choice of characters for 14 that -- for that word was actually irrelevant to the 15 embed text format and -- and what it was able to do. 16 So we -- we picked the particular format that was -- 17 that was laid out in the table. 18 Q. This is written in C language, the example of 19 an embed text format here in your patent? 20 MR. BURGESS: Objection, form. 21 A. I don't understand. That question doesn't 22 make any sense. 23 Q. (BY MS. RAO) Okay. Help me out. Why not? 24 A. Because this particular language is talking 25 about an HTML tag format which is expressed in the</p>

88 (Pages 483 to 486)

Veritext Corporate Services

800-567-8658

973-410-4040