

Filed on behalf of SurfCast, Inc.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICROSOFT CORPORATION

Petitioner

v.

SURFCAST, INC.

Patent Owner

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Case IPR2013-00292<sup>1</sup>

Patent 6,724,403

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TRANSMITTAL OF SURFCAST, INC.'S  
TRANSCRIPT OF DEPOSITION OF PATENT OWNER EXPERT WITNESS  
AND UPDATED EXHIBIT LIST

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<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 have been consolidated with the instant proceeding.

Patent Owner SurfCast, Inc., submits the signed deposition transcript of:

- Glenn Weadock, on May 14, 2014, as Exhibit 2089

pursuant to 37 C.F.R. § 42.53(f)(7). An updated exhibit list is attached  
hereto as Appendix A, per § 42.63(e).

Respectfully submitted by:

/Richard G. A. Bone/

Dated: May 22, 2014

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**Appendix A**  
**Patent Owner Updated Exhibit List**

<b>Exhibit No.</b>	<b>Description</b>
2001	<i>American Heritage Dictionary</i> (3d ed. 1992)
2002	Summary of grounds of unpatentability in IPR2013-00292, IPR2013-00293, IPR2013-00294, and IPR2013-00295
2003	Deposition Transcript of Petitioner's Expert, David R. Karger, from January 14, 2014
2004	Declaration of Patent Owner's Expert, Glenn E. Weadock in Support of Patent Owner Response
2005	Declaration of Ovid Santoro
2006	Declaration of Klaus Lagermann
2007	Declaration of Tom Dechaene
2008	Declaration of Richard G. A. Bone
2009	Letter from Andrew J. Gray IV, Esq. to Ovid Santoro, dated prior to June 29, 1999 referencing presentation (partially redacted)
2010*	Pennie & Edmonds billing invoice, November 16, 1999 (partially redacted)
2011*	E-mail from Tom Dechaene to Ovid Santoro and Klaus Lagermann
2012*	August 1999 e-mails between Klaus Lagermann and Ovid Santoro (partially redacted)
2013*	August 26, 1999 e-mail from Ovid Santoro to Klaus Lagermann
2014*	September 7, 1999 e-mail from Ovid Santoro to Tom Dechaene, Paul Destefano, and Klaus Lagermann
2015*	September 19, 1999 e-mail from Ovid Santoro to Paul Destefano, Andrew Gray, Tom Dechaene, and Klaus Lagermann
2016*	September 20, 1999 e-mail from Ovid Santoro to Tom Dechaene, Klaus Lagermann, Paul DeStefano, and Andrew Gray
2017*	October 1999 e-mails regarding review of draft application
2018*	August 10, 1999 e-mail from Klaus Lagermann to Richard Bone
2019*	August 19, 1999 e-mail from Klaus Lagermann to Ovid Santoro
2020*	August 19, 1999 e-mail from Klaus Lagermann to Richard Bone
2021*	Attachment to August 19, 1999 e-mail from Klaus Lagermann to Richard Bone (partially redacted)
2022*	August 24, 1999 e-mail from Klaus Lagermann to Richard Bone (partially redacted)

<b>Exhibit No.</b>	<b>Description</b>
2023*	Ovid Santoro Notebook
2024*	E-mails between Klaus Lagermann, Dixon Dick and Ovid Santoro prior to June 29, 1999 (partially redacted)
2025*	E-mails between Klaus Lagermann and Ovid Santoro dated prior to June 29, 1999 (partially redacted)
2026*	E-mails between Klaus Lagermann and Ovid Santoro dated prior to June 29, 1999 (partially redacted)
2027*	E-mails between Klaus Lagermann and Ovid Santoro dated prior to June 29, 1999 (partially redacted)
2028*	E-mails between Klaus Lagermann and Ovid Santoro dated prior to June 29, 1999 (partially redacted)
2029*	E-mails between Klaus Lagermann and Ovid Santoro dated prior to June 29, 1999 (partially redacted)
2030*	July 11, 1999 e-mail from Klaus Lagermann to Ovid Santoro
2031*	August 25, 1999 e-mail from Klaus Lagermann to Ovid Santoro
2032*	E-mail dated September 9, 1999, from Ovid Santoro to Klaus Lagermann forwarding e-mail from Bad Cat Design
2033*	Coversheet and Engagement Letter with Pennie & Edmonds LLP, dated April 12 – 21, 1999
2034*	August 22, 1999 e-mail from Ovid Santoro to Paul DeStefano, Klaus Lagermann, and Tom Dechaene, providing description of SurfCast product (partially redacted)
2035*	Time entry logbook of Richard Bone, June – October, 1999 (partially redacted)
2036*	E-mails between Klaus Lagermann and Ovid Santoro prior to June 29, 1999 (partially redacted)
2037*	Written summary of work on the SurfCast software product, from prior to June 29, 1999 (partially redacted)
2038*	Written summary of work on the SurfCast software product, from prior to June 29, 1999 (partially redacted)
2039*	Revised version of Executive Summary, September 1999
2040*	SurfCast Executive Summary 1999 – 2000
2041*	Photographs from 1999 meeting showing flip chart
2042*	August 11, 1999 e-mail from Klaus Lagermann to Ovid Santoro
2043*†	SurfCast – Product Development Schedule
2044*†	Product description document

<b>Exhibit No.</b>	<b>Description</b>
2045*	SurfCast Business Plan 1999 – 2000
2046*	SurfCast Executive Summary 1999 – 2000
2047*	SurfCast Overview document
2048*	Data Structure for SurfCast Grid
2049*	Pennie & Edmonds LLP bills for legal services, dated August 14, 1999 (partially redacted)
2050*	FAX transmission within Pennie & Edmonds LLP regarding SurfCast bills for legal services (partially redacted)
2051	Chart of Richard Bone time entries for activity from prior to June 29, 1999 through Oct. 29, 1999
2052	Chart of diligence activity from prior to June 29, 1999 through Oct. 29, 1999
2053	<i>Curriculum Vitae</i> of Patent Owner’s expert, Glenn E. Weadock
2054	Excerpts from <i>The New IEEE Standard Dictionary of Electrical and Electronics Terms</i> , Fifth Edition, G. P. Kurpis, and C. J. Booth, (IEEE, Inc., 1993)
2055	Excerpts from the <i>Microsoft Windows 98 Resource Kit Beta Release</i> (Microsoft Press, 1998)
2056	Excerpts from <i>Graphics File Formats</i> , 2nd Edition, David C. Kay, and John R. Levine, (Windcrest / McGraw-Hill, 1995)
2057	“A Comparative Study of Aggregate TCP Retransmission Rates”, by Pentikousis, <i>et al.</i> (manuscript)
2058	Abstract of “A comparative study of aggregate TCP retransmission rates”, by Pentikousis <i>et al.</i> , <i>International Journal of Computers and Applications</i> , vol. 32, no. 4, pp 1-7, (October 2010)
2059	SetPixel Function (Microsoft Windows; <a href="http://msdn.microsoft.com">http://msdn.microsoft.com</a> )
2060	Excerpts from <i>Web Caching</i> , 1 <sup>st</sup> Ed., by Duane Wessels, (O’Reilly & Associates, Inc., June 2001)
2061	Excerpts from <i>Web Server Technology, the Advanced Guide for World Wide Web Information Providers</i> , by Nancy J. Yeager and Robert E. McGrath, (Morgan Kaufmann Publishers, Inc., 1996)
2062	“Before Apple’s iPad, there was the Intel IPAD. Seriously.”, by Shara Tibken, CNet News, December 5, 2013 ( <a href="http://news.cnet.com/8301-1035_3-57614579-94/before-apples-ipad-there-was-the-intel-ipad-seriously/">http://news.cnet.com/8301-1035_3-57614579-94/before-apples-ipad-there-was-the-intel-ipad-seriously/</a> )

<b>Exhibit No.</b>	<b>Description</b>
2063	Declaration of Patent Owner's Expert, Glenn E. Weadock, in Support of Patent Owner's Motion for Conditional Amendments
2064	Excerpts from <i>Merriam-Webster's Collegiate Dictionary</i> , Tenth Edition (Merriam-Webster, 1994)
2065	Invention Conception Chart
2066	Copy of USPTO's certified copy of U.S. Provisional Patent Application No. 60/162,522, filed October 29, 1999
2067*	E-mail and attachment from Ovid Santoro to Klaus Lagermann regarding SurfCast summary, dated prior to June 29, 1999 (partially redacted)
2068*	E-mail and attachment from Ovid Santoro to Klaus Lagermann regarding SurfCast summary dated prior to June 29, 1999 (partially redacted)
2069	Section 18.1. Overview of Partitioning in MySQL, from MySQL 5.1 Reference Manual (from <a href="http://dev.mysql.com/doc/refman/5.1/en/partitioning-overview.html">http://dev.mysql.com/doc/refman/5.1/en/partitioning-overview.html</a> )
2070	U.S. News & World Report – Top 100 Lowest Acceptance Rates (from <a href="http://colleges.usnews.rankingsandreviews.com/best-colleges/rankings/lowest-acceptance-rate?src=stats&amp;int=4f0116">http://colleges.usnews.rankingsandreviews.com/best-colleges/rankings/lowest-acceptance-rate?src=stats&amp;int=4f0116</a> )
2071	The Port Authority of New York and New Jersey 2012 to 2015 Toll Rate Table
2072	Patent Owner's Mandatory Initial Disclosures
2073	Deposition Transcript of Dr. Richard G. A. Bone (signed), dated February 19, 2014
2074**	Deposition Transcript of Ovid Santoro (signed), dated February 27, 2014
2075	Deposition Transcript of Klaus Lagermann (signed), dated March 6, 2014
2076**	Deposition Transcript of Tom Dechaene (signed), dated March 11, 2014
2077	Deposition Transcript of Glenn Weadock (signed), dated March 12, 2014
2078 (NEW)	Windows 95 Installation Requirements
2079 (NEW)	Minimum Hardware Requirements for a Windows 98 Installation

<b>Exhibit No.</b>	<b>Description</b>
2080 (NEW)	System Requirements for a Windows XP Operating System
2081 (NEW)	Declaration of Glenn E. Weadock in support of Patent Owner's Reply to Opposition to Motion to Conditionally Amend
2082 (NEW)	Memorandum Opinion, March 14, 2014 – District Court of Maine, Case 2:12-cv-00333-JAW
2083 (NEW)	Microsoft Computer Dictionary - Definition - Bookmark
2084 (NEW)	Microsoft Press Computer Dictionary - Definition – File System
2085 (NEW)	U.S. Pat. No. RE 43,119
2086 (NEW)	Int'l. Pat. App. Publication No. WO 96/01032
2087 (NEW)	U.S. Pat. No. 8,601,198
2088† (NEW)	Deposition Transcript of Joseph Belfiore, July 11, 2013, District Court of Maine, Case 2:12-cv-00333-JAW
2089 (NEW)	Deposition Transcript of Glenn Weadock (signed), dated May 14, 2014

\* Confidentiality was originally requested; revised status of these Exhibits is pending the Board's decision on Patent Owner's Renewed Motion to Seal, May 13, 2014 (Paper No. 64).

‡ Patent Owner has asked for the designation of Exhibits 2043 and 2044 to be swapped, by motion, May 13, 2014 (Paper No. 64).

\*\* Filed under seal. Patent Owner's Motion to Seal granted (Paper No. 58).

† Filed as "Parties and Board's eyes only" pending Petitioner's consent on whether the exhibit can be made public.

CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 42.6 (e)(4)

It is hereby certified that on this 22<sup>nd</sup> day of May, 2014, a copy of the foregoing:

TRANSMITTAL OF SURFCAST, INC.'S  
TRANSCRIPT OF DEPOSITION OF PATENT OWNER EXPERT WITNESS  
AND UPDATED EXHIBIT LIST

and accompanying

EXHIBIT 2089

were served via Electronic Mail upon the following:

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