

IN THE UNITED STATES DISTRICT COURT FOR THE  
FOR THE MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

WHEREVERTV, INC., )  
)  
Plaintiff, )  
)  
-vs- ) Civil Action  
)  
COMCAST CABLE ) No. 2:18-cv-529-UA-CM  
)  
COMMUNICATIONS, LLC, )  
)  
Defendant. )

VIDEOTAPE DEPOSITION OF: MARK CAVICCHIA

DATE: May 15, 2019  
Wednesday, 9:01 a.m.  
LOCATION: Pietragallo, Gordon  
Alfano, Bosick & Raspanti,  
LLP  
One Oxford Centre  
38th Floor  
Pittsburgh, PA 15219

<p style="text-align: right;">Page 158</p> <p>1 questions posed Comcast.</p> <p>2 Do you see on the first page it</p> <p>3 says -- again, next to Interrogatory No. 1, it</p> <p>4 says: Separately for each asserted claim of</p> <p>5 the patent-in-suit, state the date on which</p> <p>6 the claimed invention was conceived?</p> <p>7 A. Mm-hmm.</p> <p>8 Q. Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. And then on the second page under Answer, the</p> <p>11 first sentence says -- or the second sentence</p> <p>12 says: It is Wherever -- WTV's understanding</p> <p>13 that the inventor conceived of each asserted</p> <p>14 claim in the invention at least by May 17,</p> <p>15 2003.</p> <p>16 A. Mm-hmm.</p> <p>17 Q. Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Is that statement correct?</p> <p>20 A. I'd have to go back and look at each claim in</p> <p>21 the patent.</p> <p>22 - - - -</p>	<p style="text-align: right;">Page 160</p> <p>1 A. Cavicchia 6 are my original notes of my idea.</p> <p>2 Q. When did you write the notes contained in</p> <p>3 Cavicchia 6?</p> <p>4 A. It says May of 2003.</p> <p>5 Q. It says? What are you referring to?</p> <p>6 A. The notes. This page here, 1660.</p> <p>7 I don't know if I wrote everything</p> <p>8 on that date. That's just the date I see in</p> <p>9 this one drawing here. I don't have -- I have</p> <p>10 notes on a couple of pages with dates.</p> <p>11 Q. So, for example, on page 1659 of Cavicchia 6,</p> <p>12 are you on that page?</p> <p>13 A. 1659, yep.</p> <p>14 Q. Okay. That's the first page in Cavicchia 6</p> <p>15 that seems that it may have a date on it,</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And at the bottom right-hand corner, it</p> <p>19 says 5/17/03?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Is this all -- by the way, is this all</p> <p>22 your handwriting in Cavicchia 6?</p>
<p style="text-align: right;">Page 159</p> <p>1 (Exhibit 13 was marked for identification.)</p> <p>2 - - - -</p> <p>3 BY MR. GOETTLE:</p> <p>4 Q. Sir, do you have -- the court reporter has</p> <p>5 just handed you what's been marked as</p> <p>6 Cavicchia 13.</p> <p>7 That's a copy of your patent?</p> <p>8 A. Right.</p> <p>9 Q. Okay. Maybe we could, for purposes of the</p> <p>10 discussion for now, focus on claim 1 --</p> <p>11 A. Okay.</p> <p>12 Q. -- of the patent, which is at column 16.</p> <p>13 A. Okay.</p> <p>14 Q. And I'll repeat my question.</p> <p>15 Did you conceive of the invention</p> <p>16 claimed in claim 1 at least by May 17th, 2003?</p> <p>17 A. I would say, in claim 1, I believe -- I</p> <p>18 believe that all the components are on these</p> <p>19 notes.</p> <p>20 Q. These notes, you're referring to Cavicchia 6?</p> <p>21 A. Cavicchia No. 6, yes.</p> <p>22 Q. Okay. So, tell me, what is Cavicchia 6?</p>	<p style="text-align: right;">Page 161</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And so do you think the 5/17/2003 is a</p> <p>3 date?</p> <p>4 A. It looks like a date to me, yes.</p> <p>5 Q. Okay. Was it your habit in 2003 to write the</p> <p>6 date on the bottom of pages of your notebook?</p> <p>7 A. It looks like on this date that I did. That's</p> <p>8 my handwriting.</p> <p>9 Q. And then we see that same nomenclature on the</p> <p>10 next page, 1660, it says 5/17/03?</p> <p>11 A. Right.</p> <p>12 Q. And I take it you believe that that's also a</p> <p>13 date in 2003?</p> <p>14 A. Yep.</p> <p>15 Q. Do you agree with me that there's no date on</p> <p>16 any other page in Cavicchia --</p> <p>17 A. Yes.</p> <p>18 Q. -- 6?</p> <p>19 A. Yes.</p> <p>20 Q. Also, on the bottom of page 1659 --</p> <p>21 A. Yes.</p> <p>22 Q. -- is it your writing where it says Cavicchia,</p>

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<p style="text-align: right;">Page 162</p> <p>1 Mark?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And that same nomenclature is used on</p> <p>4 the next page, 1660?</p> <p>5 A. Yes.</p> <p>6 Q. Do you agree with me that that nomenclature is</p> <p>7 not used on any other page of Cavicchia 6?</p> <p>8 A. I would agree with you, yes.</p> <p>9 Q. So, sticking with those two pages --</p> <p>10 A. Mm-hmm.</p> <p>11 Q. -- is anybody else's names or initial on</p> <p>12 either 1659 or 1660?</p> <p>13 A. Anybody else's -- I don't follow your</p> <p>14 question.</p> <p>15 Anybody else -- you mean is there</p> <p>16 anybody else that wrote notes?</p> <p>17 Q. I'll try it again.</p> <p>18 On page 1659 --</p> <p>19 A. Okay.</p> <p>20 Q. -- and 1660, do those pages contain anybody</p> <p>21 else's name or initials?</p> <p>22 A. As an inventor, you mean?</p>	<p style="text-align: right;">Page 164</p> <p>1 A. I mean, I have some personal notes in there</p> <p>2 about my own personal stuff, and so it's just</p> <p>3 a -- it's just a book.</p> <p>4 Q. Okay. So, the book that contains your notes</p> <p>5 that are evidenced in Cavicchia 6, were all of</p> <p>6 these pages consecutive in that book?</p> <p>7 A. I don't think so. I think they were --</p> <p>8 there's only a few pages in the book that are</p> <p>9 filled out, so these are the pages that were</p> <p>10 filled out that were relevant to my patent.</p> <p>11 Q. Were there other pages filled out with other</p> <p>12 information in the same book?</p> <p>13 A. Yeah.</p> <p>14 Q. Okay. Were those --</p> <p>15 A. Personal notes.</p> <p>16 Q. Personal notes?</p> <p>17 A. Yeah.</p> <p>18 Q. Having nothing to do with your invention?</p> <p>19 A. No.</p> <p>20 Q. Okay. Were those pages interspersed in</p> <p>21 between pages that are shown in Cavicchia 6?</p> <p>22 A. I cannot recall. They might be at the</p>
<p style="text-align: right;">Page 163</p> <p>1 Q. At all.</p> <p>2 A. I don't see anybody else's, no.</p> <p>3 Q. Okay. Did anybody -- well, stepping back,</p> <p>4 where did this -- where did Cavicchia 6 come</p> <p>5 from?</p> <p>6 A. My notes.</p> <p>7 Q. So, do you have a -- do you have a notebook?</p> <p>8 A. I wouldn't call it a notebook, I'd call it</p> <p>9 notes. It wasn't like a formal notebook.</p> <p>10 Q. Okay. So, on the page we're looking at, 1659,</p> <p>11 it looks like it's like a spiral bound -- I</p> <p>12 won't say notebook because you don't like that</p> <p>13 word --</p> <p>14 A. Right.</p> <p>15 Q. -- but it looks like these pages are spiral</p> <p>16 bound inside a booklet?</p> <p>17 A. Yeah, yeah, yeah.</p> <p>18 Q. Okay. Are all -- did you obtain all of these</p> <p>19 pages from the same place that 1659 and 1660</p> <p>20 were?</p> <p>21 A. They're the same, yeah.</p> <p>22 Q. Well, what do you call that?</p>	<p style="text-align: right;">Page 165</p> <p>1 beginning. They might be in the middle. I</p> <p>2 don't know.</p> <p>3 Q. Who else -- who else has access to this book</p> <p>4 that contains your notes from which Cavicchia</p> <p>5 6 is from?</p> <p>6 A. Nobody.</p> <p>7 Q. Who else has ever seen the notes that you</p> <p>8 contain in the book from which Cavicchia 6</p> <p>9 comes from?</p> <p>10 A. My wife.</p> <p>11 Q. When did your wife see the notes you have in</p> <p>12 the book from which Cavicchia 6 comes from?</p> <p>13 A. I don't know. One day she told me she looked</p> <p>14 in my book, and she read more about my</p> <p>15 personal goals than she did about this stuff.</p> <p>16 Q. Did your wife look at your book prior to 2006?</p> <p>17 A. No.</p> <p>18 Q. Did your wife look at this book prior to 2007?</p> <p>19 A. No.</p> <p>20 Q. So, prior to filing the patent application,</p> <p>21 had anybody else seen the notes that you have</p> <p>22 shown here in Cavicchia 6?</p>

<p style="text-align: right;">Page 174</p> <p>1     only dealing -- and that's what Sling did, or</p> <p>2     if we're talking just about recording and</p> <p>3     sending it to me at later time. So, that's</p> <p>4     the only thing that I don't know exactly when</p> <p>5     I wrote that, because there was a change in my</p> <p>6     approach after that, after I identified that</p> <p>7     patent.</p> <p>8             MR. GOETTLE: Okay. Why don't we</p> <p>9     break for lunch.</p> <p>10            THE VIDEOGRAPHER: We are now going</p> <p>11    off the record. The time indicated on the</p> <p>12    screen is 12:27.</p> <p>13            - - - -</p> <p>14    (There was a luncheon recess in the proceedings.)</p> <p>15            - - - -</p> <p>16            THE VIDEOGRAPHER: We are now going</p> <p>17    back on the record. The time indicated on the</p> <p>18    screen is 1:38.</p> <p>19 BY MR. GOETTLE:</p> <p>20 Q.   Sir, when we broke, and correct me if I'm</p> <p>21    wrong, but you were trying to -- we were -- I</p> <p>22    was trying to box in when certain pages of</p>	<p style="text-align: right;">Page 176</p> <p>1 Q.   -- there's F, allows for time-shifting.</p> <p>2 A.   Yeah, then that would -- then that would --</p> <p>3    then that wouldn't have to do with the Sling.</p> <p>4 Q.   Okay. So, is it fair to say then that what</p> <p>5    you wrote on Cavicchia 6 at page 1657 may have</p> <p>6    been written after December 31st, 2005?</p> <p>7 A.   It may have, yes.</p> <p>8 Q.   Okay. And is the same true of page 1658, that</p> <p>9    it may have been written after December 31st,</p> <p>10   2005?</p> <p>11 A.   Yes.</p> <p>12 Q.   The same is true there?</p> <p>13 A.   It may -- it may have been, yes.</p> <p>14 Q.   Okay.</p> <p>15 A.   I just -- the thing is I didn't write a date,</p> <p>16    so I don't really know.</p> <p>17 Q.   You don't recall?</p> <p>18 A.   I can't recall.</p> <p>19 Q.   Maybe I can short circuit the questioning</p> <p>20    then.</p> <p>21 A.   Yeah.</p> <p>22 Q.   Aside from the two pages where you have</p>
<p style="text-align: right;">Page 175</p> <p>1     Cavicchia 6 were actually written, and you</p> <p>2     were referring to a time-shifting handwritten</p> <p>3     note as maybe a way of helping you box in.</p> <p>4             Do you recall that?</p> <p>5 A.   Yeah, like I said, I don't know. I'd have to</p> <p>6    look at -- I'd have to -- I'd have to</p> <p>7    basically look at the entire patent and figure</p> <p>8    out what -- because I cannot remember if I</p> <p>9    have time-shifting in here or not.</p> <p>10 Q.   So, if you look at column 7, line 27 of the</p> <p>11    patent.</p> <p>12 A.   Column 7.</p> <p>13 Q.   Column 7, line 27.</p> <p>14 A.   Okay. Column 7, line -- I don't see line 27.</p> <p>15 Q.   No, do you see line 25?</p> <p>16 A.   I do. Oh, over on the --</p> <p>17            MR. SANDERSON: It runs down the</p> <p>18    center.</p> <p>19 A.   Yeah, yeah, yeah. Okay. Okay, good. Okay,</p> <p>20    yes.</p> <p>21 Q.   Around line 27 --</p> <p>22 A.   Yep. Yep.</p>	<p style="text-align: right;">Page 177</p> <p>1     written on there what looks to be May 17th,</p> <p>2     2003 --</p> <p>3 A.   Right.</p> <p>4 Q.   -- aside from those two pages, is it fair to</p> <p>5    say that the other pages may have been written</p> <p>6    after December 31st, 2005?</p> <p>7 A.   I would say it's more fair to say they were</p> <p>8    written some time between this date and the</p> <p>9    date that the patent was filed. I don't know</p> <p>10   what date.</p> <p>11 Q.   Okay.</p> <p>12 A.   So, I won't say it's any more likely they were</p> <p>13    written after the 31st of December than they</p> <p>14    were written before the 31st of December,</p> <p>15    2005.</p> <p>16 Q.   Okay.</p> <p>17 A.   I just don't know.</p> <p>18 Q.   Okay. So, to sum, aside from the two pages</p> <p>19    that have the May 17th, 2003, all we know for</p> <p>20    sure is that they were written some time</p> <p>21    before the patent application was filed?</p> <p>22 A.   Correct.</p>

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<p style="text-align: right;">Page 178</p> <p>1 Q. Okay. Did you retain patent counsel to help 2 you with writing the patent? 3 A. I retained patent counsel to help me prepare 4 it to be filed, but not prior to that, no. 5 Q. Okay. So, the patent was filed on July 10th, 6 2006. 7 Would you be able to estimate when 8 you hired patent counsel? 9 A. Some time in 2006. 10 Q. Okay. Had you discussed your invention with 11 anyone aside from patent counsel prior to 12 filing? 13 A. No. 14 Q. So, at the time of filing your patent 15 application on July 10th, 2006, only you and 16 the patent attorney knew about your invention? 17 A. Correct. 18 Q. So, prior -- just to make sure I got it 19 straight, prior to you retaining patent 20 counsel in 2006, no one aside from you knew 21 anything about your invention? 22 A. Correct.</p>	<p style="text-align: right;">Page 180</p> <p>1 A. X. 2 Q. Yes. 3 What does that mean? 4 A. I think it's just -- it's the name of another 5 content aggregator. 6 Q. Okay. Is what you're showing there in that 7 grid labeled Consumer Digital Rights Matrix, 8 is that laying out an example of your 9 programming guide disclosed in your patent? 10 A. I can't say if it's the identical one that was 11 in the final version. It looks like it's the 12 beginnings of something like that. 13 Q. Okay. So, maybe let's look at your patent 14 Cavicchia 13 at Figure 3. 15 A. Figure 3? 16 Q. Yes, sir. 17 A. Okay. 18 Q. You see in the bottom row of Figure 3, it says 19 Present Invention? 20 A. Yes. 21 Q. Okay. Is that row signifying that your 22 invention is -- the programming guide of your</p>
<p style="text-align: right;">Page 179</p> <p>1 Q. Turning to the two pages that you do have 2 dated in Cavicchia 6 -- 3 A. Yes. 4 Q. -- that's pages 1659 and 1660 -- 5 A. Right. 6 Q. -- does either of those two pages disclose an 7 MSO? 8 A. Yes. 9 Q. Where is that? 10 A. 1659, if you look on the bottom, there's 1, 2, 11 3, 4, 5, 6 boxes on the left side. The first 12 one is Adelphia, the next one is Charter, the 13 next one is AT&amp;T Chicago, and I have dashes, 14 which mean there could be a bunch of them. I 15 can't read the next one, and then the last one 16 is European cable. 17 Q. And what's the last line in that chart? 18 A. Consumer Digital Rights Matrix. 19 Q. I'm sorry. In the column that you were just 20 running down below European cable -- 21 A. Yes. 22 Q. -- what's in -- what's signified in that?</p>	<p style="text-align: right;">Page 181</p> <p>1 invention would be envisioned in just the 2 bottom row of Figure 3? 3 A. I don't follow your question. 4 Q. Is what you're showing in Figure 3 in its 5 entirety an example programming guide -- 6 A. No. 7 Q. -- of your patent? 8 A. Entirety, no. It's an example. 9 Q. But is it -- is it an example of your guide? 10 A. When you say my guide, are you talking about 11 the guide that we were going to build? Are we 12 talking about the guide that was built? 13 Q. That's fair. 14 A. What guide are we talking about? 15 Q. That's fair. 16 In your -- I'm only talking about 17 the claims of your patent. 18 A. Okay. 19 Q. Your claims are inside the programming guide, 20 correct? 21 A. Right. Right. 22 Q. Okay. Is Figure 3 intended to be an example</p>

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<p style="text-align: right;">Page 242</p> <p>1 back to your example, you had a very good</p> <p>2 example, which is, you looked in the</p> <p>3 newspaper, at 8:00 Game of Thrones is on, and</p> <p>4 if I missed it, back in the old days, guess</p> <p>5 what, tough, right? Then the VHS recorder</p> <p>6 came out. I could record it, and if I was</p> <p>7 lucky enough to record it, I could watch it</p> <p>8 there, or if I missed it but my buddy recorded</p> <p>9 it, I could go to his house, but I couldn't</p> <p>10 pull it up any time I wanted. That was a big</p> <p>11 change in a new service that was offered, but</p> <p>12 it still was controlled by Caesar.</p> <p>13 MR. GOETTLE: Okay. Good to take a</p> <p>14 break?</p> <p>15 MR. SANDERSON: Sure.</p> <p>16 THE VIDEOGRAPHER: We are now going</p> <p>17 off the record. The time indicated on the</p> <p>18 screen is 2:51.</p> <p>19 - - -</p> <p>20 (There was a recess in the proceedings.)</p> <p>21 - - -</p> <p>22 THE VIDEOGRAPHER: We are now going</p>	<p style="text-align: right;">Page 244</p> <p>1 this is, again, before all that happened.</p> <p>2 Back in the day here, the only way you watched</p> <p>3 television content was through your cable</p> <p>4 company or your satellite company. I think</p> <p>5 that's what we were trying to change.</p> <p>6 Q. So, are you saying that the meaning of MSO</p> <p>7 today might be different than it was at the</p> <p>8 time of your patent?</p> <p>9 A. I think if you ask somebody that's in the</p> <p>10 industry, they might have a different</p> <p>11 definition. I'm talking about what I was</p> <p>12 referring to when I wrote this.</p> <p>13 Q. Okay. Were you basically coming up with your</p> <p>14 own definition of MSO at the time?</p> <p>15 A. I don't believe so, but I don't even know if</p> <p>16 the term MSO is used anymore. I've heard a</p> <p>17 new term MVPD. I don't -- I don't really know</p> <p>18 the difference, I haven't really looked into</p> <p>19 it, but I know that's kind of the new term.</p> <p>20 Q. Okay. So, what you're telling me is that MSO,</p> <p>21 according to your patent, means an aggregator</p> <p>22 of linear content; do I got that part right?</p>
<p style="text-align: right;">Page 243</p> <p>1 back on the record. The time indicated on the</p> <p>2 screen is 3:09.</p> <p>3 BY MR. GOETTLE:</p> <p>4 Q. So, before we broke, we were talking about</p> <p>5 what an MSO is, and if I understand your</p> <p>6 testimony, it's that an MSO provides linear</p> <p>7 content, correct?</p> <p>8 A. Well, aggregated linear content, yes.</p> <p>9 Q. And a non-MSO would include an aggregator of</p> <p>10 non-linear content?</p> <p>11 A. Or a provider of their own linear content.</p> <p>12 Q. One-off -- a one-off channel type of thing?</p> <p>13 A. Well, like let's say Disney decided to</p> <p>14 broadcast all of its channels live, they own</p> <p>15 all the content. They're the content owner.</p> <p>16 The NFL has 16 games on, right? So, I</p> <p>17 wouldn't say the NFL, if they're broadcasting</p> <p>18 only NFL games every Sunday, even though</p> <p>19 there's more than one game, I wouldn't call</p> <p>20 them an MSO, I would call them a content</p> <p>21 owner.</p> <p>22 So, it gets a little tricky, because</p>	<p style="text-align: right;">Page 245</p> <p>1 A. Yeah, a traditional cable or satellite company</p> <p>2 is what I'm talking about.</p> <p>3 Q. Well, we already established that the delivery</p> <p>4 mechanism doesn't matter, right?</p> <p>5 A. Right, but I'm saying at the time that I wrote</p> <p>6 this patent, that was how you got your linear</p> <p>7 programming was either through a cable or</p> <p>8 satellite provider. There was no other way to</p> <p>9 get it.</p> <p>10 Q. Okay. But you have heard of JumpTV, right?</p> <p>11 A. Correct.</p> <p>12 Q. Okay. And you've prosecuted -- there was a</p> <p>13 lot of prosecution --</p> <p>14 A. Correct. Correct.</p> <p>15 Q. Please let me get my whole question out before</p> <p>16 you answer.</p> <p>17 A. Okay.</p> <p>18 Q. There's a lot of prosecution in that file</p> <p>19 wrapper in front of you about JumpTV, right?</p> <p>20 A. Mm-hmm.</p> <p>21 Q. Yes?</p> <p>22 A. Yes.</p>

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<p style="text-align: right;">Page 250</p> <p>1 Q. Okay. And you filed the patent application in 2 2006? 3 A. Mm-hmm. 4 Q. Aside from writing the notes in Cavicchia 6, 5 what else did you do to implement your 6 invention over that period of time from 2003 7 to 2006? 8 A. What do you mean by implement the invention? 9 Q. What else did you do to create an embodiment 10 of your invention? 11 A. Well, the majority of what I did was research, 12 so I think I documented all the -- all the 13 ones that I found that were relevant in the 14 searcher's worksheet. 15 Q. Research of prior art? 16 A. Yes. 17 Q. Anything else? 18 A. I mean, I think I -- we talked about number 6. 19 There could have been some of these notes that 20 were written during that period of time as 21 well. 22 Q. Okay. So, aside from making the notes in</p>	<p style="text-align: right;">Page 252</p> <p>1 I believe that there are some companies out 2 there that are. 3 Q. Who are they? 4 A. Comcast, Verizon. I know TiVo -- when I was 5 involved with WhereverTV, TiVo was somebody I 6 was watching. I don't know what they're doing 7 today, and I'm not really familiar with any 8 other cable systems, I don't have access to 9 those boxes or services, but those would be 10 the three entities that I'm aware of right 11 now, and there are new players in the 12 marketplace. I just haven't looked with great 13 detail at those systems. 14 Q. You have foreign counterpart patents to your 15 U.S. patent, correct? 16 A. Yes. 17 Q. Are you aware of anybody practicing the 18 foreign patents? 19 A. I haven't been over to Asia in several years, 20 so I don't know. 21 - - - 22 (Exhibit 15 was marked for identification.)</p>
<p style="text-align: right;">Page 251</p> <p>1 Cavicchia 6 and doing research of prior art, 2 did you do anything else in the period between 3 2003 conception and the filing for the patent 4 in 2006? 5 A. I could have started writing the application. 6 I didn't find any of that, so I'd have to go 7 look for that, but that could have been what I 8 also did. 9 Q. Anything else? 10 A. No. 11 Q. I had asked you if you were aware of anybody 12 practice -- well, let me start. 13 Are you aware of anybody practicing 14 your patent? 15 A. What do you mean practicing my patent? 16 Q. Are you aware of anybody implementing the 17 invention claimed in your patent? 18 A. I believe that there are some companies that 19 could be. I haven't really looked at it, you 20 know, bit by bit to say that 100 percent for 21 sure that they're infringing on my patent, but 22 based on what I am seeing in the marketplace,</p>	<p style="text-align: right;">Page 253</p> <p>1 - - - 2 BY MR. GOETTLE: 3 Q. We are talking earlier about JumpTV. 4 Do you recall that discussion? 5 A. Yes. 6 Q. So, I put in front of you a document that I 7 printed off the Internet about JumpTV. 8 Do you recognize this as being 9 JumpTV? 10 A. Yes. 11 Q. And this is the JumpTV that was discussed at 12 length during prosecution of your patent, 13 correct? 14 A. Yes. 15 Q. Did you find anything about JumpTV during your 16 prior art searching that you performed before 17 filing your patent application? 18 A. I don't recall if I did or not. 19 Q. Okay. Do you recall whether what I put in 20 front of you is the reference that the 21 examiner was relying on during prosecution? 22 A. I don't recall. What I recall with JumpTV,</p>

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