

1 UNITED STATES PATENT AND TRADEMARK OFFICE

2 -----  
3 BEFORE THE PATENT TRIAL AND APPEAL BOARD  
4 -----

5 HULU, LLC, Petitioner

6 v.

7 SITO MOBILE R&D IP, LLC and SITO MOBILE, LTD.,  
8 Patent Owner.  
9 -----

10 Case IPR2021-00298

11 U.S. Patent No. 10,171,846

12 Case IPR2021-00304

13 U.S. Patent No. 10,009,637  
14 -----

15  
16 VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF

17 MICHAEL ADAMS

18 Salida, Colorado

19 Friday, October 22, 2021

20 Volume 1  
21

22 Reported by:

23 LESLIE JOHNSON

24 RPR, CCRR, CSR No. 11451  
25

Job No.: 4833181

PAGES 1 - 112

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10 Case IPR2021-00298

11 U.S. Patent No. 10,171,846

12 Case IPR2021-00304

13 U.S. Patent No. 10,009,637  
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17 VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF  
18 MICHAEL ADAMS, Volume 1, taken on behalf of Petitioner, at  
19 Salida, Colorado, beginning at 10:02 a.m. and ending at  
20 2:46 p.m., on Friday, October 22, 2021, before LESLIE  
21 JOHNSON, Certified Shorthand Reporter No. 11451.  
22  
23  
24  
25

1 APPEARANCES:

2  
3 For Petitioner:

4 O'MELVENY & MYERS

5 BY: BRAD BERG, ESQ.

6 610 Newport Center Drive, 17th Floor

7 Newport Beach, California 92660

8 (949)823-6937

9 bmberg@omm.com

10 For the Patent Owner:

11 DAIGNAULT & IYER, LLP

12 BY: KEVIN SPRENGER, ESQ.

13 8618 Westwood Center Drive, Suite 150

14 Vienna, Virginia 22182

15 ksprenger@daignaultiyer.com

16 Also Present:

17 CASSIA LEET, Videographer

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I N D E X

WITNESS  
MICHAEL ADAMS  
Volume 1

EXAMINATION

BY MR. BERG 7

EXHIBITS  
MICHAEL ADAMS

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EXHIBITS (Cont.)

MICHAEL ADAMS

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Salida, Colorado, Friday, October 22, 2021

10:02 a.m.

THE VIDEOGRAPHER: Good morning. We are  
going on the record at 10:02 a.m. on October 22, 10:02:32  
2021.

This is Media Unit 1 of the  
video-recorded deposition of Michael Adams taken by  
counsel for Petitioner in the matter of Hulu LLC  
versus Sito Mobile R&D LLC, et al., filed in the 10:02:49  
United States Patent and Trademark Office before  
the Patent Trial and Appeal Board, Case  
No. IPR2021-00265.

This deposition is being conducted using  
Veritext Virtual technology and all participants 10:03:12  
are attending remotely. My name is Cassia Leet  
from Veritext Legal Solutions and I am the  
videographer. The court reporter is Leslie Johnson  
of Veritext Legal Solutions.

Will counsel please state your 10:03:28  
appearances and affiliations for the record.

MR. BERG: This is Brad Berg for  
Petitioner Hulu LLC from O'Melveny & Myers.

MR. SPRENGER: This is Kevin Sprenger of  
Daignault & Iyer LLP representing Sito. 10:03:44

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1 THE VIDEOGRAPHER: Thank you. 10:03:48  
2 Will the court reporter please swear in  
3 the witness.  
4  
5 MICHAEL ADAMS, 10:04:03  
6 having been administered an oath, was examined and  
7 testified as follows:  
8  
9 EXAMINATION  
10 BY MR. BERG: 10:04:05  
11 Q Good morning, Mr. Adams. Good to see you  
12 again.  
13 A Good morning.  
14 Q Let's start out by talking about what you  
15 did to prepare for today's deposition. 10:04:21  
16 Can you tell me what you did to prepare  
17 for today's deposition?  
18 A Yes. I prepared by reading through my  
19 reports, the prior art and the patents at issue, and  
20 I also met with counsel for Sito. 10:04:44  
21 Q And do you recall which prior art  
22 references you looked at in preparation for today's  
23 deposition?  
24 A They included McCanne, Goldszmidt, Wolfe  
25 and Madison. 10:05:18

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1 Q Do you recall if you looked at the "All 10:05:24  
2 about ASX" document?

3 A No. I didn't look at that again, having  
4 looked at it previously.

5 Q And approximately how long would you 10:05:34  
6 estimate you spent preparing for today's deposition?

7 A I would say a total of maybe seven hours  
8 approximately.

9 Q And you mentioned that you met with  
10 counsel. Was that yesterday? 10:05:57

11 A Yesterday. Yes, it was.

12 Q And who did you speak with?

13 A With Mr. Daignault and Mr. Sprenger.

14 Q And approximately how long was that  
15 meeting? 10:06:15

16 A I believe it was approximately three  
17 hours.

18 Q Is there any reason that you can't give  
19 accurate, truthful testimony today?

20 A No. 10:06:33

21 Q Okay. Let's go ahead and introduce a  
22 couple of exhibits.

23 (Exhibit 1 marked for identification.)

24 BY MR. BERG:

25 Q Okay. Mr. Adams, I've just introduced 10:07:09



1        what's been labeled as Exhibit 1. Just let me know        10:07:12  
2        when you've had a chance to open that document.  
3            A        Yes. I have it open in front of me.  
4            Q        And Exhibit 1 is Petitioner Hulu LLC's  
5        notice of deposition of Michael Adams for case IPR        10:07:30  
6        2021-00298 for U.S. Patent No. 1,0171,846; is that  
7        correct?  
8            A        Yes, it is.  
9            Q        And have you seen this document before,  
10       Mr. Adams?        10:07:53  
11          A        I don't believe I have.  
12          Q        But you understand that you are appearing  
13       today in response to this notice; is that correct?  
14          A        That is correct.  
15          Q        And are you prepared to offer your        10:08:06  
16       testimony on this IPR covering the '846 patent?  
17          A        Yes, I am.  
18          Q        And will you understand if I refer to this  
19       proceeding as the '846 IPR?  
20          A        I will.        10:08:26  
21          Q        Okay. You can set that exhibit aside.  
22       I'll introduce the corresponding exhibit here in the  
23       '637.  
24                    (Exhibit 2 marked for identification.)  
25       / / / /

1 BY MR. BERG: 10:09:03

2 Q Okay. So I've gone ahead and introduced

3 Exhibit 2. Can you please let me know when you have

4 that available.

5 A Yes. I have it available now. 10:09:13

6 Q Okay. So Exhibit 2 is Petitioner Hulu

7 LLC's notice of deposition of Michael Adams for case

8 IPR 2021-00304 covering U.S. Patent No. 1,009,637;

9 is that correct?

10 A Yes, it is. 10:09:42

11 Q And have you seen this document before?

12 A No.

13 Q But you understand that you are appearing

14 today in response to this notice of deposition?

15 A Yes, I do. 10:09:54

16 Q And will you understand if I refer to this

17 proceeding as the '637 IPR?

18 A Yes.

19 Q While we're at it, let's go ahead and

20 introduce a couple of additional exhibits. 10:10:15

21 (Exhibit 3 marked for identification.)

22 BY MR. BERG:

23 Q Okay. So I've introduced Exhibit 3. Can

24 you please let me know when you have that open.

25 A I have it open now. 10:11:31

Page 10

1 Q And, Mr. Adams, can you please tell me 10:11:32  
2 what Exhibit 3 is?  
3 A It's a United States Patent, 10,171,846,  
4 "System and Method for Routing Media."  
5 Q And is this one of the patents that you 10:11:55  
6 mentioned earlier that you reviewed in preparation  
7 for today's deposition?  
8 A Yes, it is.  
9 Q And will you understand if I refer to this  
10 patent as the '846 patent? 10:12:12  
11 A Yes.  
12 (Exhibit 4 marked for identification.)  
13 BY MR. BERG:  
14 Q Great.  
15 Okay. I've just introduced Exhibit 4. 10:12:58  
16 Please let me know when you have that available.  
17 A Yes. I have it open now.  
18 Q And what is Exhibit 4, Mr. Adams?  
19 A It is United States Patent 10,009,637,  
20 "System and Method for Routing Media." 10:13:24  
21 Q And is this one of the patents that you  
22 reviewed in preparation for today's deposition?  
23 A Yes, it is.  
24 Q And will you understand if I refer to this  
25 patent as the '637 patent? 10:13:52

Page 11

|   |   |              |          |
|---|---|--------------|----------|
| 1 | A | Yes, I will. | 10:13:55 |
|---|---|--------------|----------|

2 Q And, if I -- I know there's another patent  
3 at issue in this case called the '673 patent. And  
4 so if I accidentally misspeak and say "the '673  
5 patent," please feel free to correct me. I'm almost 10:14:16  
6 certainly intending to refer to this patent.

|   |   |               |
|---|---|---------------|
| 7 | A | I understand. |
|---|---|---------------|

8 Q Now, just for the record, I want to note  
9 that the '846 patent and the '673 patent are both  
10 marked as Hulu Exhibit 1001 in their respective 10:14:32  
11 proceedings.

12 Do you see that, Mr. Adams?

13 MR. SPRENGER: Objection to form.

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 14 | THE WITNESS: I believe that's the case.            |          |
| 15 | And I think you just said '673 then when you meant | 10:14:45 |
| 16 | '637.                                              |          |

17 BY MR. BERG:

18 Q Thank you. That's -- I'm not sure if I  
19 jinxed myself or if I just knew myself well enough  
20 to know that was going to happen inevitably. But, 10:14:59  
21 yes, indeed, I did mean to say '637 patent.

22 So let me restate the question.

23 Do you understand that the '637 patent is  
24 marked as Hulu Exhibit 1001 in the '637 IPR?

|    |   |            |          |
|----|---|------------|----------|
| 25 | A | Yes, I do. | 10:15:20 |
|----|---|------------|----------|

1 Q And do you understand that the '846 patent 10:15:23  
2 is marked as Hulu Exhibit 1001 in the '846 IPR?  
3 A Yes.  
4 Q Mr. Adams, you would agree with me that  
5 the '846 and '637 patents are very similar? Is that 10:15:49  
6 a fair characterization?  
7 A I believe the specification is similar.  
8 There are differences -- very significant  
9 differences in the claim language.  
10 Q Yeah. So we'll turn to that claim 10:16:08  
11 language in just a minute. But looking for a second  
12 at the '846 patent, do you see the section on the  
13 cover called "Related U.S. Application Data"?  
14 A Yes.  
15 Q You see that the '846 patent is a 10:16:36  
16 continuation of the application that led to the '637  
17 patent?  
18 A Yes.  
19 Q And do you have any understanding of what  
20 it means for one patent to be a continuation of 10:16:53  
21 another application?  
22 A I believe it is based on the first -- so  
23 the one that's a continuation basically draws on the  
24 first patent.  
25 Q And looking at the specifications, are you 10:17:22

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```
1      aware of any differences between these two          10:17:25
2      specifications?
```

|   |   |               |
|---|---|---------------|
| 3 | A | No, I am not. |
|---|---|---------------|

|   |   |                                                     |          |
|---|---|-----------------------------------------------------|----------|
| 4 | Q | Have you confirmed whether these                    |          |
| 5 |   | specifications are in fact word-for-word identical? | 10:17:35 |

|   |   |                 |
|---|---|-----------------|
| 6 | A | No, I have not. |
|---|---|-----------------|

7 Q And then going to the claims, you  
8 mentioned that there was a significant difference in  
9 the claims. So let's go ahead and go there. If you  
10 wouldn't mind opening the claims in both the '637 10:17:52  
11 and the '846.

12                   A     Yes.  I can do that.  It will take a  
13                   moment.

14                   Yeah. I'm on the bottom of column 52 in

15           both patents. 10:18:16

16 Q So, when you mentioned that there was a  
17 significant difference in the claims, can you  
18 identify that difference for me?

19 A Not easily. I mean, we could work through  
20 it. 10:18:37

21 Q Yeah, that's fine. I'm happy to work  
22 through it. And let's just do that. I thought if  
23 you happened to know the difference off the top of  
24 your head we could short-circuit it, but we can step  
25 through it. 10:18:53

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1           A     I need to get these side by side and it           10:20:26  
2     will be a little easier. Just let me rearrange my  
3     windows. Unfortunately, I do not have a very large  
4     monitor.

5           Q     I apologize. It does make it difficult.           10:21:46

6           A     Okay. So we were on the third limitation  
7     of the '637, which is the same as the -- sorry, the  
8     second limitation in '637, which is the same as the  
9     third limitation of the '846.

10          Q     Yes.           10:22:22

11          A     Yes, it's the same. Slightly different  
12     formatting but the same content.

13          Q     Okay. Great. And then, looking at the  
14     next limitation, which, I apologize, is a lengthy  
15     limitation, it starts on the -- in the '846 patent,           10:22:43  
16     it starts on the top of column 53 with the words "In  
17     response to." In the '637, it looks like it starts  
18     at the bottom of column 52, also with "In response  
19     to."

20          A     Yeah. That's what I see too.           10:23:03

21          Q     Can you verify that -- I believe they're  
22     also word for word, but at least that the content  
23     appears similar, if you don't want to do a  
24     word-for-word comparison. Though, I'll point out  
25     that in the '637 patent there is slightly different           10:23:23

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1 formatting, such that the last limitation of the 10:23:26  
2 '846 that starts with "Wherein" is actually, like,  
3 part of the -- part of the "In response" limitation  
4 in the '637. I just don't want that to trick you  
5 up. 10:23:44

6 A Okay.

7 Yeah. Yeah. There's a difference where  
8 it goes to "Wherein the one or more files" in  
9 formatting in '846.

10 Yeah. They look -- the rest of that 10:25:28  
11 claim 11 does look like it's the same. I can't be  
12 100 percent sure, but I can't see any differences.

13 Q Fair enough. And you're not aware of any  
14 differences other than the one that we  
15 identified; is that correct? 10:25:43

16 MR. SPRENGER: Objection to form.

17 THE WITNESS: I am not aware of any  
18 differences, other than the one exactly that I  
19 identified here.

20 BY MR. BERG: 10:25:53

21 Q Since there's not a ton of claims here,  
22 let's just do this process for the rest of the  
23 claims that we're challenging here.

24 So can you take a look at claim 2 of each  
25 patent and let me know if you see any difference 10:26:08

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1 limitation in one of the two patents. 10:29:51

2 Q Yes. Yes. I agree.

3 A Yeah. With taking that into account, the

4 text of claim 4 is the same.

5 Q Okay. And then skipping down to claim 7 10:30:11

6 in each patent, can you verify that that text

7 appears to be the same?

8 A Again, I believe there's a difference in

9 that '846 uses the phrase "the one or more selected

10 advertisement media clips," whereas the '637 uses 10:30:49

11 the phrase "the one or more advertisements."

12 Q Okay. So that's kind of a corresponding

13 difference to the one that you previously

14 identified, correct?

15 A Yes. I believe that is consistent -- a 10:31:32

16 consistent change. We've added "selected" and

17 "media clips" in the '846, which we do not have in

18 the '637.

19 Q And then, can you please do the same thing

20 for claim 8. 10:31:58

21 MR. SPRENGER: Objection to form.

22 THE WITNESS: I will do my best.

23 I believe we have the same difference.

24 In the '846 patent at line 65, we have "selected

25 media advertisement media clips." And I'll say 10:33:42

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1 MR. SPRENGER: Objection to form. 10:38:27  
2 THE WITNESS: I believe that is a fair  
3 summary.  
4 (Exhibit 5 marked for identification.)  
5 BY MR. BERG: 10:38:34  
6 Q Okay. So I've introduced another exhibit  
7 that is going to be marked as Exhibit 5. Let me  
8 know when you have Exhibit 5 up, Mr. Adams.  
9 A Yes. I have opened that.  
10 Q And what is Exhibit 5? 10:39:02  
11 A This appears to be my declaration in  
12 relation to the '846 IPR.  
13 Q And did you draft this declaration?  
14 A Yes, I did.  
15 Q What was the process you went through in 10:39:31  
16 drafting this declaration?  
17 A The process was working with counsel to  
18 draft the declaration and then a thorough review by  
19 myself to be sure that it accurately reflects my  
20 opinions. 10:40:01  
21 Q And to the best of your knowledge, is your  
22 declaration in Exhibit 5 accurate?  
23 A Yes. I believe it is.  
24 Q You filed I think seven declarations in  
25 the period of about a week or so -- is that 10:40:40

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1 correct? -- between all of these proceedings? 10:40:41

2 MR. SPRENGER: Objection to form.

3 THE WITNESS: I actually don't remember

4 the filing deadlines. I know I worked on these for

5 more than a month before they were filed. 10:41:00

6 BY MR. BERG:

7 Q And at this time, do you have any changes

8 or corrections to make to this declaration?

9 A No.

10 Q And will you understand if I refer to this 10:41:21

11 as the '846 declaration or maybe your '846 report?

12 A Yes, I'll understand that.

13 Q Okay. And I'll just note for the record

14 that the '846 report was marked in the '846 IPR

15 proceeding as Exhibit 2012. 10:41:45

16 Is that consistent with your

17 understanding, Mr. Adams?

18 A To my recollection, that -- I believe

19 that's correct.

20 (Exhibit 6 marked for identification.) 10:42:00

21 BY MR. BERG:

22 Q Okay. I've gone ahead and marked

23 Exhibit 6 as well. Can you open that, please.

24 A Yes, I have it open.

25 Q And what is Exhibit 6, Mr. Adams? 10:42:28

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1           A     Exhibit 6 appears to be my declaration for           10:42:34  
2     the '637 IPR.

3           Q     And will you understand if I refer to this  
4     as the '637 declaration or the '637 report?

5           A     Yes, I will.                                           10:42:57

6           Q     And do you understand that this was marked  
7     in the -- or introduced in the IPR -- the '637 IPR  
8     proceeding as Exhibit 2012 in that proceeding?

9           A     Yes. I do recall that.

10          Q     Great. And to the best of your knowledge,           10:43:22  
11     is the '637 report truthful?

12          A     Yes.

13          Q     And does it represent your opinions on the  
14     '637 IPR?

15          A     Yes, it does.                                       10:43:39

16          Q     And are there any opinions that you left  
17     out?

18                   MR. SPRENGER: Objection to form.

19                   THE WITNESS: Not to my knowledge.

20     BY MR. BERG:                                                       10:43:51

21          Q     And are there any corrections that you are  
22     aware of that you need to make to the '637 report?

23          A     Again, not to my knowledge.

24          Q     Okay. Now, in view of the fact that there  
25     are very few, if any, differences in the                       10:44:18

Page 23

1 specification between the '846 patent and the '637 10:44:24  
2 and only a couple of differences that we've  
3 identified in the claims of the '846 patent compared  
4 to the '637, would you agree that your  
5 declarations -- your '637 declaration and your '846 10:44:42  
6 declaration are very similar?

7 MR. SPRENGER: Objection to form.

8 THE WITNESS: No, I wouldn't. There are  
9 significant differences between them.

10 BY MR. BERG: 10:45:00

11 Q And can you identify some of those  
12 differences?

13 A I can, yes.

14 Q Okay. What's one of those differences?

15 A I'm going to have to look through to find 10:45:17  
16 it. I believe it relates to that limitation,  
17 additional limitation in the '637 patent where we're  
18 talking about essentially targetted advertisement.  
19 And so that's -- there is a -- I don't know, a  
20 number of paragraphs, I don't recall how many, that 10:45:48  
21 deal with that, which obviously are not dealt with  
22 in the other declaration.

23 Q Okay. And I mean, I don't think we need  
24 to identify those right now, but that is at least  
25 one difference is that you address the added the 10:46:09

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1 limitation in the '846 declaration; is that correct? 10:46:12

2 A Yeah.

3 MR. SPRENGER: Objection.

4 THE WITNESS: Yeah. Just checking.

5 BY MR. BERG: 10:46:26

6 Q You're fine.

7 A Yes. The additional limitation in claim 1

8 from the '846 patent "Dynamically selecting one or

9 more advertisement media clips based on statistical

10 information associated with a user of the client 10:46:40

11 device." Yes. I believe that's an important

12 limitation. And yes, I have addressed that in the

13 '846 declaration.

14 Q You used the phrase a couple of times with

15 respect to that limitation that it's an important 10:47:00

16 limitation. Are all limitations important in the

17 claims of a patent?

18 MR. SPRENGER: Objection to form.

19 THE WITNESS: Yes, I believe they are.

20 BY MR. BERG: 10:47:14

21 Q Is there anything that makes this

22 limitation more or less important than any other

23 limitation?

24 A No. What I meant by saying it's important

25 is that there's a section in my report that 10:47:26

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1 specifically addresses it in the '846 report, and 10:47:29  
2 that section is not in the '637 report. So I think  
3 we're talking in the context of the differences  
4 between the reports. So it's important from that  
5 point of view. 10:47:48

6 Q Okay. No, that's -- that's how I  
7 understood what you were saying, but just wanted to  
8 confirm that.

9 Okay. Let's see here.

10 Are you aware of any other substantive 10:48:07  
11 differences between your two reports?

12 MR. SPRENGER: Objection to form.

13 THE WITNESS: That's the one I recall, but  
14 I believe there may be other differences between the  
15 two reports. 10:48:26

16 BY MR. BERG:

17 Q Give me one second here. I seem to have  
18 lost my screen where I can add exhibits, so I just  
19 need to pull that up again.

20 Okay. Got my platform back up. And I 10:50:46  
21 have another document that I'd like to introduce.

22 (Exhibit 7 marked for identification.)

23 BY MR. BERG:

24 Q Okay. So I've just introduced what has  
25 been marked as Exhibit 7. Let me know when you have 10:51:34

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1 that available. 10:51:38

2 A Yes. I have it open now.

3 Q So to make this easier, I created

4 Exhibit 7, which is a comparison between your two

5 declarations, the text of your two declarations. 10:52:00

6 Could you please just flip to the last page of that,

7 which is page 54?

8 A If you don't mind, I'm just going to

9 peruse it a little bit as I get there.

10 Q Absolutely. Yeah. 10:52:22

11 A Can you explain the colors for me too,

12 please.

13 Q Yeah. That's parts of what I was going to

14 have you look at on page 54.

15 A All right. Let's go to 54. I may want to 10:52:46

16 come back and look at --

17 Q Yes. Absolutely.

18 A -- this again. Okay.

19 Q So page 54 is a summary report that's

20 automatically generated by the program used to 10:52:57

21 create this comparison.

22 And so here you can see the original file

23 name is the "'846 Adams declaration," which I'll

24 represent to you is the copy of the Adams -- '846

25 Adams declaration that we received from Sito in this 10:53:18

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1 matter. And then the modified file name is the 10:53:22  
2 "'637 Adams declaration," which, again, I'll  
3 represent to you is the copy of the '637 Adams  
4 declaration that we received from Sito in this  
5 matter. 10:53:36

6 And the reason we started with the '846 is  
7 because, as you noted, the -- there's an additional  
8 limitation in the '846. So we thought that made it  
9 easier to do this comparison.

10 And then stuff that is in blue, as you can 10:53:51  
11 see, is stuff that was added to the '637  
12 declaration, as compared to the '846. Stuff that's  
13 with red strike-through was deleted. Green  
14 indicates a move. And then the other ones are -- as  
15 you'll see when you flip through, are largely not 10:54:16  
16 substantive. Table insert and table delete and  
17 table moves, doesn't look like there are any table  
18 moves. And then embedded graphics changes are also  
19 enumerated here. I'll note and you'll see as you  
20 flip through that the program just didn't recognize 10:54:37  
21 if the graphics were identical or not, so it just  
22 shows replacements for all the graphics.

23 So with that background, why don't you  
24 take a couple minutes and just flip through this  
25 report and make sure you're kind of satisfied with 10:54:53

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1 understanding what is in here. And please let me 10:54:57  
2 know if you have any questions as you do that.

3 A Okay.

4 MR. SPRENGER: I just wanted to state an  
5 objection on the record to admissibility of 10:56:59  
6 Exhibit 7 as being outside the scope of the Adams  
7 reply declarations. Just wanted to state it and  
8 reserve our rights to file motions to exclude or  
9 motions to strike the exhibit after we've had a  
10 chance to verify the accuracy. 10:57:27

11 MR. BERG: Thank you, Counsel. That  
12 objection is noted.

13 THE WITNESS: I'm finished looking through  
14 it.

15 BY MR. BERG: 11:00:37

16 Q Great. Apart from opinions related to  
17 dynamically selecting limitations in the '846  
18 patent, did you notice any substantive differences  
19 between your opinions in these two declarations  
20 based on this redline? 11:00:57

21 MR. SPRENGER: Objection to form.

22 THE WITNESS: Yes, I did.

23 BY MR. BERG:

24 Q Okay. And could you point those out?

25 A I should note it's rather difficult to 11:01:20

1 read. I'm doing my best. 11:01:24

2 Q Thank you.

3 A I think the other -- well, one of the

4 other differences is highlighted on the -- there

5 don't seem to be any page numbers in this document. 11:01:51

6 Q Do you have -- in your PDF, you have the

7 page -- like PDF pages up above?

8 A Yes. So on page 25.

9 Q Okay.

10 A At the bottom, it appears to be a -- 11:02:13

11 running over into the next page, in fact most of the

12 next page, there's a whole section there that is

13 deleted, so I assume this is not appearing in the --

14 I think that means it's not appearing in the '637,

15 if I understand -- 11:02:42

16 Q Yeah, that's correct.

17 A -- correctly. Okay.

18 Q So the section entitled "Hulu's Expert

19 Opinions" appears in the '846 declaration but does

20 not appear in the '637 declaration; is that correct? 11:02:51

21 A Again, I believe that's the case, given

22 the -- yeah, the information you've given me about

23 how you generated this. Yes, I believe that's the

24 case.

25 Q Okay. Great. 11:03:10

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1 And then any other substantive differences 11:03:21

2 that you've identified?

3 MR. SPRENGER: Objection to form.

4 THE WITNESS: Well, I should point out  
5 there are substantive differences on most of the 11:03:31  
6 pages.

7                   So the next page, 27, there's quite a lot  
8       of redline on this where text has been -- does not  
9       appear in the '637 which does appear in the '846.

|    |              |          |
|----|--------------|----------|
| 10 | BY MR. BERG: | 11:04:14 |
|----|--------------|----------|

11 Q So I think in most of these cases -- and I  
12 mean, feel free to look at this. And this is just  
13 an unfortunate artifact of running this comparison.  
14 Sometimes the same words are added or removed. So  
15 you see, for example, on the top of the page the 11:04:30  
16 word "of" is both added and removed?

17 A Yes, I do see that.

```
18         Q    And then in the next instance, "device" is
19         both -- "devices" is both added and removed?
```

|    |   |                                                      |          |
|----|---|------------------------------------------------------|----------|
| 20 | A | Yes, it is. It's a bit confusing, but I'm            | 11:04:51 |
| 21 |   | guessing that those two things cancel each other out |          |
| 22 |   | perhaps.                                             |          |

23 Q Yeah. So let's say this. To the extent  
24 that I ask you a question about your '846  
25 declaration, and a substantively identical paragraph 11:05:19

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1 or sentence appears in the '637 declaration, is it 11:05:26  
2 fair to assume that your testimony would apply to  
3 both of those locations?  
4 MR. SPRENGER: Objection to form.  
5 THE WITNESS: I don't know. 11:05:42  
6 BY MR. BERG:  
7 Q And why don't you know?  
8 A I think I would have to look at a specific  
9 example to be sure that there wasn't some contextual  
10 information in there that applied to one but didn't 11:05:58  
11 apply to the other.  
12 Q Okay. So let's just keep both  
13 declarations open and every question I'll just ask  
14 you to verify for both of them.  
15 A Okay. 11:06:19  
16 Q Okay. So let's go ahead and open up  
17 your -- well, actually, before we get to the  
18 declarations, let's do one other exhibit here.  
19 (Exhibit 8 marked for identification.)  
20 BY MR. BERG: 11:07:16  
21 Q Okay. I've introduced Exhibit 8.  
22 Do you see that, Mr. Adams?  
23 A Yes, I see that.  
24 Q And what is Exhibit 8?  
25 A I believe it appears to be my CV. 11:07:29

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1           Q     And my screen is still loading it, but           11:07:38  
2     give me one second here.   Okay.  
3                     And flipping through this CV, does it  
4     appear to be accurate?  
5           A     I believe it is.   To the best of my           11:07:53  
6     knowledge.  
7           Q     Okay.   Now, there is a portion starting on  
8     page 5 of this exhibit which -- let me just step  
9     back for a minute.  
10                    I'll note that this exhibit is marked as a       11:08:22  
11     corrected Exhibit 2026 in the '846 and '637 IPR  
12     proceedings and that an identical corrected exhibit  
13     was also introduced yesterday in each of the other  
14     related proceedings between Hulu and Sito.  
15                    Is that your understanding, Mr. Adams, or       11:08:51  
16     do you understand that?  
17                    MR. SPRENGER:   Objection to form.  
18                    THE WITNESS:   Yeah.   I think that's the  
19     case, as far as I know.  
20                    MR. BERG:   Any objection to that           11:09:06  
21     characterization, Counsel?  
22                    MR. SPRENGER:   Slightly.   Just to keep the  
23     record clear, I don't believe that these exhibits  
24     have been formally filed just yet with the Board.  
25     We're still waiting to hear back from the Board to       11:09:23

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1 allow us to file these. But we have reached out to 11:09:29  
2 the Board requesting leave to file these, and we've  
3 provided them to Hulu's counsel.

4 MR. BERG: My mistake. That is an  
5 accurate characterization. 11:09:42

6 My understanding is that these exhibits  
7 will be submitted, assuming that the Board provides  
8 authorization. And Hulu has agreed not to object  
9 to the introduction of these corrected exhibits.

10 BY MR. BERG: 11:09:56

11 Q Okay. So let's take a look at page 5 of  
12 this CV, if you don't mind, Mr. Adams.

13 A Not at all.

14 Q And I just want to walk through these  
15 different matters that are part of your litigation 11:10:18  
16 experience.

17 So, in No. 1 --

18 A Well, first of all, I should say, I  
19 believe this is -- when I say here "litigation  
20 experience," I don't mean any legal type experience. 11:10:37  
21 I mean expert witness experience.

22 Q So, when you say "litigation experience"  
23 in Exhibit 8, you're referring to your experience as  
24 an expert witness involved in litigation?

25 A Exactly so. 11:11:01

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1 Q So the first case, "Rovi v. Virgin Media," 11:11:11  
2 who did you represent in that or -- yeah, who did  
3 you represent in that case?

4 A I represented Virgin Media. They were the  
5 defendant. 11:11:27

6 Q And was this a patent litigation case?

7 A Yes, it was.

8 Q And what was the technology that you were  
9 addressing in that case, to the best of your  
10 recollection? 11:11:46

11 A It was quite broad, but I would  
12 characterize it as relating to electronic program  
13 guides in particular.

14 Q And did you offer an expert declaration or  
15 report in that case? 11:12:02

16 A Yes, I did.

17 Q And did you testify at any deposition in  
18 that case?

19 A It was in the United Kingdom. And so, no,  
20 there were no depositions. 11:12:20

21 Q And did you testify in any trial or other  
22 proceeding in that case?

23 A Yes, I did.

24 Q And what was the outcome of that case?

25 A I'm not sure. I believe the defendants 11:12:39

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1       were successful. It's not my job as an expert to be       11:12:40  
2       concerned about outcomes.

3           Q       The next case you have here is Broadband  
4       iTV, Inc. versus Ocean Time Warner Cable LLC and  
5       Time Warner Cable, Inc.; is that correct?       11:13:05

6           A       That's correct. In fact, there is a typo  
7       here I can point out. "Ocean" should read  
8       "Oceanic." I imagine spellcheck corrected it.

9           Q       Okay. No problem.  
10                   And you represented the Time Warner Cable       11:13:26  
11       entities in this case?

12          A       Yes. For the defendant, which was Time  
13       Warner Cable.

14          Q       And what was the subject matter of your  
15       opinions in this case?       11:13:41

16          A       I believe this related to the VOD systems  
17       and particularly to content distribution.

18          Q       And was it a patent litigation matter?

19          A       Yes, it was.

20          Q       And do you recall the outcome in that       11:14:05  
21       case?

22          A       Yes. I do in this case. Oceanic Time  
23       Warner Cable was successful in defending the patent  
24       litigation.

25          Q       And did you offer testimony at trial in       11:14:25





1 case? 11:17:27

2 A I'm not sure. I'm not sure if this went

3 that far as to go to that stage. So I don't recall.

4 Q And bullet point 5, "Rovi v. Bell Canada

5 and TELUS Communications, Inc.," you testified on 11:17:50

6 behalf of the defendants here as well?

7 A Yes, I did. And this was -- sorry, I did

8 not testify, but I was retained by the defendants.

9 Q Retained by the defense.

10 And this was a Canadian litigation matter, 11:18:13

11 correct?

12 A It was.

13 Q And bullet point 6, "Multimedia Content

14 Management LLC versus DISH Network," you, once

15 again, were retained by the defendants in this case? 11:18:33

16 A I was.

17 Q And did you submit an expert report in

18 that case?

19 A I would have to check, but I think I did.

20 Q Did you testify at deposition or at trial 11:18:51

21 in that case?

22 A I don't think so, but I'm not sure. It

23 certainly didn't go to trial, I can tell you that

24 for sure.

25 Q And then it looks like bullet point 7 11:19:19

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1 refers to some ongoing litigation in the British 11:19:24  
2 High Court; is that correct?

3           A       I'm actually not sure if it's ongoing.  
4       I'm not actively working on this at the current  
5       time. 11:19:41

6 Q And then bullet point 8 indicates that you  
7 have here worked as an expert in, looks like,  
8 several IPR proceedings involving Petitioner  
9 Ideahub; is that correct?

|    |   |                                    |          |
|----|---|------------------------------------|----------|
| 10 | A | Ideahub Inc. and Helios Streaming. | 11:20:07 |
|----|---|------------------------------------|----------|

|    |   |                                       |
|----|---|---------------------------------------|
| 11 | Q | Ideahub and Helios Streaming. Okay. I |
| 12 |   | see.                                  |

13 And it looks like there's a number of  
14 district court litigations and a number of IPR  
15 proceedings that are kind of covered in this bullet 11:20:24  
16 point; is that correct?

|    |   |      |
|----|---|------|
| 17 | A | Yes. |
|----|---|------|

18 Q And are these cases ongoing?

19 MR. SPRENGER: Objection to form.

20 THE WITNESS: I was retained to work on 11:20:39

21 the IPR actions. I actually don't know if they're

22 still ongoing. I provided services, and I don't

23 know whether it's still ongoing or whether it's

24 finished, if you like, whether a decision has been

25 reached. 11:21:05

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1 BY MR. BERG: 11:21:05

2 Q Did you submit a declaration in connection

3 with those patent office proceedings?

4 A Yes, I did.

5 Q And did you offer deposition testimony in 11:21:16

6 those proceedings?

7 A Yes, I did.

8 Q How many times were you deposed in those

9 proceedings?

10 MR. SPRENGER: Objection to form. 11:21:28

11 THE WITNESS: I only recall one deposition

12 relating to this proceeding.

13 BY MR. BERG:

14 Q And then bullet point 9 is also expert

15 witness work on behalf of a petitioner in an IPR 11:21:50

16 proceeding; is that correct?

17 A That's correct.

18 Q And have you submitted an expert

19 declaration in that proceeding?

20 A I have. I believe I submitted two. 11:22:06

21 Q Have you been deposed in that proceeding?

22 A I have.

23 Q And how many times were you deposed in

24 that proceeding?

25 MR. SPRENGER: Objection to form. 11:22:22

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1 THE WITNESS: I believe it was just one 11:22:22  
2 deposition, if memory serves.

3 BY MR. BERG:

|   |                                          |          |
|---|------------------------------------------|----------|
| 4 | Q Now, flipping down to the last page of |          |
| 5 | Exhibit 8.                               | 11:22:39 |

|   |   |      |
|---|---|------|
| 6 | A | Yes. |
|---|---|------|

7           Q     This page lists nine patents that you've  
8     been granted; is that correct?

9 A Yes. I believe this is an accurate list.

|    |                                               |          |
|----|-----------------------------------------------|----------|
| 10 | Q And are there any other patent              | 11:22:58 |
| 11 | applications that you have currently pending? |          |

|    |   |     |
|----|---|-----|
| 12 | A | No. |
|----|---|-----|

13 Q Okay. So we've been going I think about  
14 an hour and 20 minutes or so. It might be a good  
15 time for a short break. 11:23:17

16 THE VIDEOGRAPHER: Okay. This marks the  
17 end of Volume 1, Media No. 1 of the deposition of  
18 Michael Adams. The time is 11:23 a.m. We're off  
19 the record.

|    |                 |          |
|----|-----------------|----------|
| 20 | (Recess taken.) | 11:35:19 |
|----|-----------------|----------|

21 THE VIDEOGRAPHER: We are back on the  
22 record at 11:35 a.m. This marks the beginning of  
23 Volume 1, Media No. 2 of the deposition of Michael  
24 Adams.

|    |                  |          |
|----|------------------|----------|
| 25 | Please continue. | 11:35:35 |
|----|------------------|----------|

1 BY MR. BERG: 11:35:36

2 Q Welcome back Mr. Adams.

3 A Thank you.

4 Q During the break, did you talk to your

5 counsel at all? 11:35:41

6 A No.

7 Q Let's go ahead and open up both your '846

8 and your '637 declarations.

9 A Okay.

10 Q I want to go to the table of contents in 11:36:00

11 both of those.

12 A Okay.

13 Q So compared to some of the other

14 declarations that we've gone through in previous

15 days I notice that there was no section in your 11:36:24

16 table of contents on claim construction.

17 Do you see that?

18 A Yes, I do see that.

19 Q And are you aware of anyplace in either

20 the '846 or the '637 declaration where you address 11:36:38

21 claim construction?

22 A No.

23 Q What claim constructions do you apply in

24 performing your analysis for the '846 declaration?

25 MR. SPRENGER: Objection to form. 11:36:59

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1 Q Would your answers be the same regarding 11:38:35  
2 claim constructions?

3 MR. SPRENGER: Objection to form.

4 THE WITNESS: I can't guarantee they  
5 would. Again, I'd kind of have to look at that on a 11:38:47  
6 case-by-case basis, I think.

7 BY MR. BERG:

8 Q Okay. So did you apply any constructions  
9 in the '637 declaration?

10 A I applied the plain and ordinary meaning. 11:39:00

11 Q And are you aware of any constructions  
12 that the Board has adopted in the '637 proceeding?

13 A No. I wasn't made aware of any, no.

14 Q But you did review the institution  
15 decision in the '637 proceeding, right? 11:39:22

16 A Yes. I believe I did.

17 Q And you list the institution decision in  
18 your section of materials considered, correct? On  
19 page 4?

20 A I'm just checking here. Yes, that's paper 11:39:48  
21 11. Yes, I have reviewed that.

22 Q And similarly, on page 4 of the '846, you  
23 list the institution decision in that matter?

24 A I do.

25 Q And then flipping down to page 7, you also 11:40:09

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1 list as Exhibit 2011 that you reviewed the claim 11:40:20  
2 construction order from the district court  
3 litigation; is that correct?

4 A That's correct.

5 Q And then going to the '637 declaration and 11:40:31  
6 looking on page 7 also, you also considered the  
7 district court claim construction order in  
8 connection with the '637?

9 A I did.

10 Q Okay. So let's go to the McCanne 11:40:53  
11 reference, which starts in the -- on page 37 of your  
12 '846 declaration and also starts on page 37 of your  
13 '637 declaration.

14 A Yeah. I've got that open on the '846.

15 Okay. I have -- I'm looking at that now. 11:42:01

16 Q Let me go ahead and introduce the McCanne  
17 reference.

18 (Exhibit 9 marked for identification.)

19 BY MR. BERG:

20 Q Okay. So I just introduced Exhibit 9. 11:42:36  
21 Please let me know when you have that available.

22 A Yes, I have it available now.

23 Q Okay. And what is Exhibit 9, Mr. Adams?

24 A It's United States Patent 6,785,704,

25 "Content Distribution System for Operation Over an 11:43:07

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|   |                                        |          |
|---|----------------------------------------|----------|
| 1 | Internetwork Including Content Peering | 11:43:16 |
|---|----------------------------------------|----------|

|   |                |
|---|----------------|
| 2 | Arrangements." |
|---|----------------|

3 Q And will you understand if I refer to this  
4 patent as the McCanne reference?

|   |   |         |          |
|---|---|---------|----------|
| 5 | A | I will. | 11:43:29 |
|---|---|---------|----------|

6 Q And is this one of patents you reviewed in  
7 connection with preparing for your deposition today?

|   |          |
|---|----------|
| 8 | A I did. |
|---|----------|

|    |                                          |          |
|----|------------------------------------------|----------|
| 9  | Q And to your understanding, what is the |          |
| 10 | McCanne reference directed to?           | 11:43:50 |

11           A     It discloses a content distribution  
12     network for providing content to a client device.

13 Q And you're familiar with content  
14 distribution networks around this time, correct?

|    |   |      |          |
|----|---|------|----------|
| 15 | A | Yes. | 11:44:19 |
|----|---|------|----------|

16 Q Does the content distribution network in  
17 McCanne operate consistently with how you understand  
18 other content distribution networks to operate  
19 around this time?

20 MR. SPRENGER: Objection to form. 11:44:37

21 THE WITNESS: Not necessarily. I believe  
22 that McCanne introduces some novel concepts.

23 BY MR. BERG:

|    |                                              |          |
|----|----------------------------------------------|----------|
| 24 | Q And what is one example of a novel concept |          |
| 25 | introduced in McCanne?                       | 11:45:01 |

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1           A     Let me refresh my memory here. I'm pretty           11:45:20  
2     sure that McCanne has the concept of a  
3     client-directed server rendezvous, which a lot of  
4     CDNs do not use this approach.

5           Q     And what do you mean by "client-directed           11:45:45  
6     server rendezvous"?

7           A     Okay. I was just going to -- I was just  
8     going to actually find a reference. I'm just going  
9     to download this so I can search it.

10          Q     Yeah. That's a good plan.                   11:45:59

11          A     So at the top of column 24 is a section  
12     entitled "Client-Driven Server Rendezvous"  
13     abbreviated to "CDSR."

14               And they say "While the DNS-based  
15     redirection and explicit redirection schemes           11:46:54  
16     described above provide viable approaches to content  
17     peering based on APAR routing, they also have some  
18     limitations." And then it goes on to describe them.  
19     And it goes on in some detail. But they then talk  
20     about CDSR architectures and contrast it with other       11:47:30  
21     CDN architectures, I think that would be fair, at  
22     this level of discussion that we're having.

23          Q     Now, the McCanne reference discloses the  
24     use of edge servers, correct?

25               MR. SPRENGER: Objection to form.           11:48:01



1 THE WITNESS: I do not want to rely on my 11:48:22  
2 memory here. It does use the term "edge server,"  
3 yes.

4 BY MR. BERG:

5 Q Let me just direct you to paragraph 89 of 11:48:29  
6 your 89 of, your '846 declaration.

7 I was just looking at the last sentence  
8 there.

9 A Yes. And the last sentence says "McCanne  
10 discloses the use of edge servers that receive 11:49:03  
11 user's request for content and serve nearby client  
12 devices."

13 Q And to your understanding, what is an edge  
14 server in the context of McCanne?

15 A I believe an edge server is the server 11:49:22  
16 closest to the client. So there could be other  
17 servers in the network, but when a client makes a  
18 request for media, it would be redirected to an edge  
19 server.

20 Q And so the edge server that it would be 11:49:45  
21 redirected to is chosen based on the distance to the  
22 end user?

23 MR. SPRENGER: Objection to form.

24 THE WITNESS: Not necessarily, no.

25 / / / /

1 BY MR. BERG: 11:50:00

2 Q So how would it be chosen?

3 A Well, as I stated here in my report, the

4 redirector node will in turn provide the IP address

5 for a server available. And I believe that server 11:50:26

6 that is available that to serve the requested

7 content, and I believe that server is the edge

8 server.

9 Q And that edge server at least ideally is

10 geographically close to the requesting client? 11:50:46

11 A It may be.

12 Q Are there advantages to choosing an edge

13 server that's geographically close to the client?

14 A Yes. Indeed there are.

15 Q And are those advantages discussed by 11:51:06

16 McCanne?

17 A I'm not sure.

18 Q To your knowledge as a person of skill in

19 the art, what would those advantages be?

20 A The advantages of choosing the edge server 11:51:29

21 that's geographically approximate is that the

22 network path and therefore the latency to that

23 server will be less than one that's further away. I

24 should say typically be less. It obviously depends

25 on the network topology. 11:52:03

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1 Q Looking at McCanne, column 9, like lines 11:52:06  
2 56 through -- well, I think you cite these lines in  
3 your report. Actually, 56 through 64 is what you  
4 cite in your report. Let's look at those lines.

5 A Yes, I do. I'm looking at those lines. 11:52:24

6 Q When it says that the edge server captures  
7 the user request for content and serves the content  
8 locally, what do you understand is meant by  
9 "locally" in that context?

10 MR. SPRENGER: Objection to form. 11:52:52

11 THE WITNESS: In this context, I believe  
12 the "locally" means in the same -- in the same area  
13 perhaps.

14 BY MR. BERG:

15 Q And by "area," you're referring to 11:53:32  
16 geographic area?

17 A Yes.

18 Q And then let's turn to the other place you  
19 cite in McCanne here, which is column 12, lines 58  
20 through column 13, line 3. 11:53:48

21 Could you take a look at that citation,  
22 please?

23 A Yes. I've looked at that.

24 Q Does this section describe some of the  
25 benefits associated with serving content to a client 11:54:36

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1 problems that existed at the time of McCanne with a 11:57:04  
2 splitter network of servers?

3 A Yes. That is what it's talking about,  
4 yeah.

5 Q And what do you understand is meant by a 11:57:17  
6 splitter network of servers?

7 A Well, I believe here they're talking about  
8 some kind of tree structure where you'd have and  
9 origin node at the top and then you would have one  
10 or more legs coming down to a server, and then from 11:57:45  
11 each of those one or more legs going down to a  
12 server, and so on. And so it's a kind of tree  
13 network.

14 Q And one of the problems the McCanne  
15 authors identify with an existing splitter network 11:58:06  
16 of servers is a concern with interoperability of  
17 different types of data streams; is that correct?

18 MR. SPRENGER: Objection to form.

19 THE WITNESS: Specifically here, yes.  
20 They suggest here that different data streams are 11:58:33  
21 not compatible on a splitter-by-splitter basis.

22 BY MR. BERG:

23 Q And they give a specific example of a  
24 splitter being set up to carry RealNetworks data  
25 streams that cannot distribute Microsoft Netshow 11:58:57

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1 data streams; is that correct? 11:59:07

2 A They do.

3 Q What are the disadvantages of having a

4 network of servers that is not interoperable with

5 different types of files, such as for different 11:59:17

6 types of data streams such as RealNetworks data

7 streams and Microsoft Netshow data streams?

8 MR. SPRENGER: Objection to form.

9 THE WITNESS: Well, the obvious

10 disadvantage is that you would have to have separate 11:59:31

11 servers for each, so you'd end up with a lot more

12 servers.

13 BY MR. BERG:

14 Q And on the flip side, what are the

15 advantages of having interoperability of different 11:59:47

16 types of data streams in a server setup like this?

17 A Less servers.

18 Q And fewer servers results in, among other

19 benefits, cost savings; is that accurate?

20 A Most likely, it is, yes. 12:00:11

21 Q Do you understand that this was a problem

22 that McCanne was attempting to solve by its

23 invention?

24 A Well, it's certainly a problem they

25 identified. I'm not sure that McCanne solves it. 12:00:40

1           Q     Does -- according to your reading of           12:00:46  
2     McCanne, would it be plagued by the same problem  
3     that it would be able to carry one type of data  
4     stream but not be able to distribute another type of  
5     data stream?                                           12:01:02

6                   MR. SPRENGER:  Objection to form.

7                   THE WITNESS:  I haven't looked at this  
8     particular aspect of McCanne in enough detail to  
9     give you an answer to that.

10           BY MR. BERG:                                           12:01:18

11           Q     As a person of skill in the art, if you  
12     were attempting to set up the system of McCanne at  
13     this time, would you set it up such that it was  
14     interoperable with different types of data streams?

15                   MR. SPRENGER:  Objection to form.           12:01:41

16                   THE WITNESS:  I'm not sure.

17           BY MR. BERG:

18           Q     Are you aware of any teaching in McCanne  
19     that would indicate that it did not solve this  
20     problem?                                                   12:02:00

21           A     No.

22                   MR. SPRENGER:  Objection to form.

23           BY MR. BERG:

24           Q     And are you aware of any teaching in  
25     McCanne that indicates that it is not able to carry       12:02:08

Page 55

1 RealNetworks data streams? 12:02:12

2 A No.

3 Q Are you aware of any teaching in McCanne

4 that indicates that it cannot distribute Microsoft

5 Netshow data streams? 12:02:23

6 A No. But I must add that I'm not sure

7 there is any teaching that suggest that they could

8 be carried by the same server. I think it's sort of

9 out of scope. But again, I reserve my opinion on

10 that because it's one exhibit and it's 36 pages 12:02:42

11 long. I can't say I've looked at this particular

12 aspect in detail.

13 Q But you have looked at the McCanne

14 reference in detail, correct?

15 A Yes, I have. 12:02:57

16 Q And multiple times?

17 A Yes, I have.

18 Q Were you familiar at this time with

19 RealNetworks?

20 A Yes. 12:03:21

21 Q What was RealNetworks?

22 MR. SPRENGER: Objection to form.

23 THE WITNESS: RealNetworks was a company,

24 an early mover in streaming of audio and video over

25 the Internet. 12:03:41

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1 BY MR. BERG: 12:03:48

2 Q And were you familiar at this time with

3 Microsoft Netshow?

4 A You know, I'm not familiar with the name

5 Netshow. I think I probably became aware of it 12:04:04

6 after they changed the name to Windows Media.

7 Q And, when you read a patent, what do

8 you -- what point does the "Background of the

9 Invention" section serve?

10 MR. SPRENGER: Objection to form. 12:04:51

11 THE WITNESS: As I understand it, the

12 "Background of the Invention" section is there to

13 outline current technology and potentially any

14 limitations of the current technology.

15 BY MR. BERG: 12:05:38

16 Q Is it fair to say that McCanne is directed

17 to a content delivery system for receiving a request

18 for content from clients and serving those requests?

19 MR. SPRENGER: Objection to form.

20 THE WITNESS: Yeah. I might use the word 12:06:00

21 "content distribution system." But yes, it is

22 addressing delivery of content to clients.

23 BY MR. BERG:

24 Q What type of content does McCanne serve?

25 A I believe that McCanne is able to serve 12:06:29

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1 really any type of digital data. 12:06:36

2 Q So, for example, if a client made a

3 request for a JPEG file, McCanne could serve that

4 JPEG file?

5 A Yeah. I don't believe that McCanne makes 12:06:56

6 a restriction as to the particular type of data that

7 would be served.

8 Q So would you expect that McCanne could

9 serve a JPEG file?

10 A I see no reason why it would not be able 12:07:24

11 to.

12 Q And, if the McCanne system got a request

13 for an ASX file, would it be capable of serving that

14 request?

15 A Assuming it had a request for it, I 12:07:41

16 believe it would be able to serve that file type,

17 yes.

18 Q Similarly, if it got a request for an ASF

19 file, it would be able to serve that request?

20 A I believe it would. 12:07:58

21 Q So your understanding is that McCanne is

22 agnostic as to the type of file that is requested in

23 the sense that whatever file is requested, if

24 McCanne has it, it will return it to the requesting

25 client; is that correct? 12:08:21

1 MR. SPRENGER: Objection to form. 12:08:22

2 THE WITNESS: I believe that's the way

3 McCanne is intended to operate; however, it doesn't

4 give examples, the examples that you gave.

5 BY MR. BERG: 12:08:53

6 Q So, if a user had on their computer an ASX

7 file containing a list of multiple ASF files, the

8 user could request each of those ASF files in

9 sequence from McCanne, correct?

10 A If the user was programmed that way. But, 12:09:15

11 again, I must point out that's not disclosed here.

12 Q Okay. Well, let me ask you this. The

13 opinions that you've expressed in connection with

14 the McCanne reference, are those opinions also true

15 with respect to your '637 declaration? 12:10:21

16 MR. SPRENGER: Objection to form.

17 THE WITNESS: Let me take a look at the

18 '637, make sure that it's consistent.

19 Yes. I believe I have the same opinions

20 on McCanne for both of the IPRs that we're talking 12:11:22

21 about today.

22 BY MR. BERG:

23 Q Going back to your '846 declaration, let's

24 go to the section starting -- well, I guess it's

25 just paragraph 90 dealing with "All about ASX 12:11:45

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1 Files." 12:11:48

2 A Okay.

3 Q And let me go ahead and mark this exhibit.

4 (Exhibit 10 marked for identification.)

5 BY MR. BERG: 12:12:48

6 Q Okay. So I've gone ahead and introduced

7 Exhibit 10. Can you let me know when you have that

8 available?

9 A Yes, I have that.

10 Q And what is Exhibit 10? 12:12:56

11 A It's a webpage with the top level heading

12 "All about ASX Files" From February 4, 1999.

13 Q And I believe you mentioned that you had

14 not reviewed this document specifically for -- in

15 preparation for this deposition today? 12:13:22

16 A No, I don't recall doing so.

17 Q But you have reviewed this document

18 before?

19 A I have.

20 Q And you've reviewed it in the last week or 12:13:33

21 so?

22 A Yes.

23 Q I'll just note that this is marked as

24 Exhibit 1017 in both of these IPR proceedings. Is

25 that consistent with your understanding, Mr. Adams? 12:13:59

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1 can tell you my understanding if you'd like. 12:16:20

2 Q Sure. That would be great.

3 A So they're giving some examples here of if

4 you are retrieving an ASF file from different types

5 of server, the -- or in fact local devices on your 12:16:41

6 computer and they're giving examples of how to --

7 how to construct the path name correctly such that

8 you retrieve the file.

9 Q Now, according to your understanding, in a

10 single ASX file can media be retrieved from multiple 12:17:19

11 of these sources?

12 MR. SPRENGER: Objection to form.

13 THE WITNESS: You kind of cut out a little

14 bit at the beginning. Could you restate that,

15 please. 12:17:46

16 BY MR. BERG:

17 Q Yeah.

18 According to your understanding of ASX

19 files, in a single ASX file, can media be retrieved

20 from -- well, strike that. 12:18:00

21 According to your understanding of ASX

22 files, in a single ASX file, can the ASX file point

23 to media located in multiple sources, including from

24 among this list?

25 A Yes. I believe that's the case. 12:18:23

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1           Q     So, for example, in an ASX file, the user           12:18:28  
2     could first be pointed to some media on an ASF or  
3     Windows Media Services source and then could  
4     subsequently be pointed to something from an ASF on  
5     an HTTP server source, correct?                               12:19:00

6           MR. SPRENGER:   Objection to form.

7           THE WITNESS:   Well, the two examples you  
8     gave, it looks like you're retrieving -- you could  
9     well be retrieving them from the same server but  
10    using a different protocol, one using MMS, Windows           12:19:19  
11    Media Services, and the other using HTTP. So, in  
12    that case, the examples you gave would be the same  
13    server but different protocols.

14   BY MR. BERG:

15          Q     That's an excellent point. I picked a bad       12:19:41  
16     example there, I think.

17           So, in that same ASX file, I could also --  
18     the file could also direct to an ASF on a network  
19     server, for example, correct?

20          A     That again is -- it could be the same           12:20:00  
21     server, but it could be a different server. We've  
22     got here a server name, which is always the same  
23     through these examples, but I think that the server  
24     name here could be different.

25          Q     So a server name in this syntax is just a       12:20:23

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1 placeholder for whatever server or servers you want 12:20:27  
2 to identify?

3 A Yeah. The way this is written is the  
4 implementer would substitute their own server name  
5 for the string here server name. 12:20:43

6 Q So then going down to page 4 of this  
7 exhibit.

8 A Yeah.

9 Q Do you see the example under the heading  
10 "Playlist" of an ASX file? 12:21:09

11 A Yes, I do.

12 Q And do you see here there's a server  
13 called "nsserver"?

14 A I do.

15 Q Is your understanding similarly that 12:21:25  
16 "nsserver" is just a placeholder that the  
17 implementer could fill in with whichever server had  
18 the content they wanted to point a user to?

19 A They certainly could. It could be the  
20 same server or it could be different servers. 12:21:45

21 Q Going back up to page 2 just for a second,  
22 there was one other thing I wanted to ask you about.  
23 Do you see in the example ASX file in the section  
24 titled "File or Clip Properties"?

25 A Yes. 12:22:18

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1 Q And do you see in the first entry tag 12:22:18  
2 there's a reference tag that says "href equals."  
3 Do you see where I'm looking?  
4 A Yes.  
5 Q I apologize if I'm not using exactly the 12:22:37  
6 correct language. But you see in the source that's  
7 referred to here in this "href equals" that there is  
8 something called Netshow?  
9 A I do.  
10 Q Do you know what's being -- what is 12:22:55  
11 Netshow in this context?  
12 A No, I don't.  
13 Q According to the syntax that we were  
14 discussing earlier with the source of an ASF, would  
15 that be part of the name for a server? 12:23:18  
16 A Yeah. Netshow.microsoft.com is a host  
17 name.  
18 Q Okay. Now, going back to page 4 for a  
19 minute.  
20 A Yep. 12:23:57  
21 Q In the -- do you see the section titled  
22 "Ad Insertion"?  
23 A I do.  
24 Q Now, in the -- I guess it would be the  
25 second-to-the-last paragraph, do you see that 12:24:11

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1 paragraph that's just I guess one or two sentences. 12:24:14  
2 It starts with "This can be especially powerful"?  
3 A I do.  
4 Q So it says that -- in this section that  
5 "ASPs could automatically serve up ASF content that 12:24:27  
6 is personalized to the user's region or profile."  
7 Do you see that?  
8 A I do.  
9 Q How would an ASP serve up ASF content  
10 that's personalized to a user's region, according to 12:24:54  
11 your understanding?  
12 A Well, ASP is an active server page. The  
13 active server page would have to have some kind of  
14 logic that accesses information about the user and  
15 then be able to take that -- let's call it the user 12:25:20  
16 profile or the user's region and be able to use that  
17 logic working against the information in the user's  
18 profile to make some kind of a match up between one  
19 of a number of ads and the user.  
20 Q And that would be the same kind of process 12:25:47  
21 used to personalize content to a user's profile?  
22 MR. SPRENGER: Objection to form.  
23 THE WITNESS: Well, I mean, we've got here  
24 "user's region or profile." It could be a similar  
25 mechanism for the region and for the profile. 12:26:10

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1 BY MR. BERG: 12:26:17

2 Q And so it wouldn't be able to do this

3 until the user had made a request or otherwise

4 indicated that they were the ones requesting media,

5 correct? 12:26:35

6 MR. SPRENGER: Objection to form.

7 THE WITNESS: I'm not sure about that.

8 BY MR. BERG:

9 Q And what aren't you sure about about that?

10 A I believe there are multiple 12:26:58

11 implementations. For example, one implementation I

12 can think of is that you've already prepopulated ads

13 based on your knowledge of the user's region and are

14 just serving them as later when a request for

15 content is made that's supported by an ad. 12:27:28

16 Q And that makes sense to me with respect to

17 each region. Would that make sense with respect to

18 a user's profile?

19 A Yeah. You -- exactly the same approach.

20 So the reason I said I'm not sure is because I think 12:27:53

21 there are multiple ways of doing this. And this

22 paragraph here does not discuss the different ways

23 that it might be implemented.

24 Q So, in terms of personalizing to a user's

25 profile in that approach that you described, you 12:28:13

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1 would have prepopulated ads, but you would only 12:28:18  
2 serve those once you received your request from that  
3 particular user having that profile; is that  
4 correct?

5 MR. SPRENGER: Objection to form. 12:28:32

6 THE WITNESS: Yeah. I think that's an  
7 alternative way of doing it.

8 BY MR. BERG:

9 Q You see in this section it says "See 'Ad  
10 Insertion' for more information"? 12:28:50

11 A I do.

12 Q So I'm going to introduce another exhibit  
13 for us to talk about.

14 (Exhibit 11 marked for identification.)

15 BY MR. BERG: 12:29:24

16 Q So I've introduced Exhibit 11.  
17 Can you please let me know when you have  
18 access to that?

19 A Okay. Yes, I've got that open.

20 Q Okay. Now, what is Exhibit 1018? 12:29:59

21 A It's some Microsoft documentation, online  
22 documentation, entitled "Ad Insertion."

23 Q Have you reviewed this document before?

24 A Yes, I have.

25 Q I'll just note for the record that this 12:30:31

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1 exhibit is marked as Hulu Exhibit 1018 in both the 12:30:33  
2 '846 and '637 IPR proceedings.  
3 Does that sound right to you, Mr. Adams?  
4 A I believe that's the case.  
5 Q And you see that this document bears a 12:30:54  
6 date of December 14, 1998 right below the "Ad  
7 Insertion" title?  
8 A I do.  
9 Q And do you have any reason to doubt the  
10 veracity of that date? 12:31:07  
11 A No.  
12 Q And I'll just note -- just going back to  
13 the "All about ASX Files" reference, do you see that  
14 has a date of February 4, 1999?  
15 A Yes. 12:31:41  
16 Q And all about ASX files is also a  
17 Microsoft help file?  
18 A Yeah. I think they call it --  
19 MR. SPRENGER: Objection to form.  
20 THE WITNESS: I think they call it the 12:32:11  
21 "Online Web Workshop." But, yeah, it's designed to  
22 be their full documentation.  
23 BY MR. BERG:  
24 Q And in the part we just looked at here on  
25 page 4, it directs you to a page titled "Ad 12:32:27

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1           Insertion," correct? I'm looking at the bottom of           12:32:31  
2           the "Ad Insertion" section.

3           A       Oh, yeah, I've gone back to it.

4           Yes, I see that.

5           Q       And that's the same title as the "Ad           12:32:52  
6           Insertion" document that I just produced that's  
7           Exhibit 11, correct?

8           A       Yes, it is.

9           Q       And both documents are MSDN Online Web  
10          Workshop documents, correct?           12:33:06

11          A       They are.

12          Q       Okay. Do you have any reason to doubt  
13          that Exhibit 11 is the "Ad Insertion" document  
14          referenced by the "All about ASX Files" reference?

15          A       No, I don't.           12:33:24

16          Q       Okay. So I'd like you to just look at the  
17          introduction paragraph in the "Ad Insertion"  
18          article, if you wouldn't mind.

19          A       Yes. I'm looking at that now.

20          Q       So what do you understand is meant in this       12:33:58  
21          paragraph by the phrase "Dynamic ad  
22          personalization"?

23          A       I'm not completely sure because it's not  
24          defined, but let me see if I can break it down.

25                So ads are personalized using active           12:34:23

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1 server page technology, and they use the word here 12:34:27  
2 "dynamic" to mean something that isn't fully defined  
3 here.

4 Q And how would you understand "dynamic" in  
5 the context of ad insertion as it's described in 12:34:46  
6 this document?

7 A I think I'd have to dig a bit deeper to  
8 understand exactly what that means. I'm not sure if  
9 it talks about what they mean by "dynamic" exactly.

10 Q As a person of skill in the art, do you 12:35:16  
11 have a general understanding of what "dynamic"  
12 means?

13 A Well, it means moving at the highest  
14 level. I am familiar with the term, though, in the  
15 art, of "dynamic," yes. 12:35:38

16 Q And do you have any reason to think that  
17 the Ad Insertion article is using the term "dynamic"  
18 in a way that's inconsistent with its general usage  
19 in the art?

20 MR. SPRENGER: Objection to form. 12:35:55

21 THE WITNESS: No, I don't.

22 BY MR. BERG:

23 Q And as a person of skill in the art  
24 reading this document, would your assumption be that  
25 "dynamic" is being used here inconsistent with its 12:36:09

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1 ordinary usage in the art? 12:36:14

2 MR. SPRENGER: Objection to form.

3 THE WITNESS: Well, we haven't really said

4 what that is, so, you know, I think we'd have to

5 look at a specific -- you know, specific to be able 12:36:30

6 to answer that, you know, general question.

7 BY MR. BERG:

8 Q So at this time as a person of skill in

9 the art, what was your understanding of the general

10 usage of the word "dynamic"? 12:36:50

11 A Yeah. If I was to put myself in a time

12 machine and go back to -- I think we're looking at

13 1998 here, then I believe that what is being

14 described here is making a decision for ad insertion

15 at the time when the event happens. So these ads 12:37:21

16 are inserted in response to an event, I believe, if

17 we go back to the previous document. So it would be

18 contemporaneous with that event.

19 Q So, in the Ad Insertion article, going

20 down to page 2, do you see the entry that says 12:37:59

21 "Example One: Simple Ad Insertion"?

22 A Page 2. "Simple Ad Insertion," yes, I do.

23 Q So this example describes inserting an ad

24 in front of a single video clip; is that correct?

25 A That's correct. 12:38:29

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1 Q And looking down in the ASX file itself or 12:38:36  
2 the ASX syntax I guess itself, can you identify the  
3 file name for the advertisement?

4 A Yes. I believe it's  
5 HollandAmerica200.asf. 12:38:52

6 Q And can you identify the file name for the  
7 single video clip?

8 A Yeah. It's a bit confusing because it's  
9 in the same folder but "NukeTest200.asf."

10 Q And what is an ASF file? 12:39:30

11 A It is a Windows Media format -- formatted  
12 file containing media.

13 Q And when you say "media," are you  
14 referring to video clips?

15 A It could be video only or it could include 12:39:54  
16 video and audio.

17 Q So, in this example the ad insertion is  
18 describing there would be an advertisement that's a  
19 video clip followed by -- and that advertisement is  
20 "HollandAmerica200," whatever that file is followed 12:40:16  
21 by a video clip that's "NukeTest200"; is that  
22 correct?

23 A Yes. I believe that's -- that's what this  
24 is describing, yes.

25 Q Now, coming down to Example 3, which is on 12:40:38

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1 page 3. 12:40:41

2 A Yes.

3 Q This is "Example Three: Dynamic ASF Files

4 via ASP."

5 A Yes. 12:40:57

6 Q The advertisements it's describing

7 inserting here into an ASX file could also be video

8 clips, correct?

9 A Yes.

10 Q And in the second paragraph here, it 12:41:11

11 indicates that these are personalized using the

12 Microsoft AdServer, which is a component of the

13 Microsoft SiteServer; is that correct?

14 A I was looking at a different paragraph.

15 "Is one way to schedule these ads, but your 12:41:37

16 personalization can be as simple or as robust as you

17 find necessary." Yes.

18 Q Let me see here.

19 Okay. Going back to your declaration, we

20 were in the -- I think in paragraph 90 of the '846 12:42:41

21 declaration is kind of where we jumped off from.

22 A Yeah.

23 Q But would your testimony regarding "All

24 about ASX Files" and regarding ad insertion apply to

25 both the '846 and the '637 declarations? 12:43:00

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1 MR. SPRENGER: Objection to form. 12:43:07

2 THE WITNESS: I can't be 100 percent sure.

3 As we talked before, there could be different

4 contextual places. And ad insertion is one of the

5 differences in the claims. But, in general, I 12:43:21

6 believe it would be the same.

7 BY MR. BERG:

8 Q Okay. So it looks like we're about 12:45

9 your time. Would now be a good time to take a lunch

10 break? 12:43:42

11 A Yes, it would.

12 Q Okay. So, if it's okay with your counsel,

13 let's go off the record and then we can figure out

14 timing on that.

15 THE VIDEOGRAPHER: This marks the end of 12:43:52

16 Volume 1, Media No. 2 of the deposition of Michael

17 Adams. The time is 12:43 p.m. We're off the

18 record.

19 (Recess taken.)

20 THE VIDEOGRAPHER: We are back on the 01:31:13

21 record at 1:31 p.m. This marks the beginning of

22 Volume one, Media No. 3 of the deposition of Michael

23 Adams. Please continue.

24 BY MR. BERG:

25 Q Great. Thank you. 01:31:24

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1 Welcome back, Mr. Adams. 01:31:24

2 A Thank you.

3 Q Did you speak to your counsel at all

4 during the break?

5 A No. 01:31:32

6 Q So I'm going to go ahead and mark another

7 exhibit.

8 (Exhibit 12 marked for identification.)

9 BY MR. BERG:

10 Q I've marked Exhibit 12. Just let me know 01:32:15

11 when you have access to that.

12 A I have access to that now.

13 Q Okay. So what is Exhibit 12?

14 A It is United States Patent Application

15 Publication, U.S. 2004/0083273. 01:32:39

16 Q And did you review this patent application

17 publication in preparation for your deposition

18 today?

19 A Yes, I did.

20 Q And will you understand if I refer to this 01:33:06

21 as the Madison '273 reference?

22 A I will.

23 Q And, if I forget to add the '273 when I'm

24 refer to Madison, you can assume that I'm referring

25 to this reference. Is that okay? 01:33:25

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1 A I will read through it. 01:35:41

2 Yeah, I've reviewed it.

3 Q Now, do you agree that in Madison a

4 particular file may have multiple copies residing on

5 different streaming servers? 01:36:19

6 A Yes.

7 Q And is there any limitation in Madison as

8 to what that content could be?

9 MR. SPRENGER: Objection to form.

10 THE WITNESS: I believe Madison discusses 01:36:38

11 streaming -- well, media files in the -- in the

12 description and introduction of the patent.

13 BY MR. BERG:

14 Q So, for example, this content could be a

15 movie file, for example? 01:37:04

16 A Yes. I think it could.

17 Q Or it could be a clip of a TV episode?

18 A Yes, I think it could.

19 Q Or it could be a clip of an advertisement,

20 for example? 01:37:22

21 A I believe it could be any content file in

22 this description.

23 Q Now, flipping up to Madison '273,

24 Figure 1.

25 A Yeah. 01:37:56

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1 Q Figure 1 shows kind of an overview of the 01:37:56  
2 system architecture, correct?

3 A I'm just rotating the view. Yes, it does.

4 Q And in Figure 1 it gives an example of an  
5 architecture where there's two what they call sites, 01:38:21  
6 right, Site 1 and Site 2?

7 A Site 1 and Site 2, yes, it does.

8 Q And I guess in both Site 1 and Site 2, do  
9 you see there's a streaming media server 120?

10 A Yes, there is. 01:38:51

11 Q And based on your understanding of  
12 Madison, do you agree that the streaming media  
13 servers depicted in Figure 1 at Site 1 and Site 2  
14 could be located in different geographical  
15 locations? 01:39:08

16 A I believe those are the sites, yes. They  
17 could be geographically distant from each other.

18 Q Okay. Let's go ahead and go to  
19 paragraph 30 of Madison '273.

20 A One second. 01:39:58

21 Q No problem.

22 A Okay. Yeah.

23 Q And can you just take a minute and review  
24 paragraph 30 and just let me know when you've had a  
25 chance to do that. 01:40:16

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1           A     Okay.  Yes.  I have looked through this           01:40:18  
2     paragraph.

3           Q     Is this paragraph describing the figure  
4     that we were just looking at?

5           A     Yes.  Two of the representative sites are           01:41:17  
6     illustrated in Figure 1, yes, it is.

7           Q     So considering the paragraph 40 that we  
8     looked at previously, you know, and your testimony  
9     that multiple copies of the same file could be  
10    stored on different servers, could multiple copies           01:41:41  
11    of the same file be stored on the two streaming  
12    media servers in different geographies discussed  
13    here in the context of Figure 1?

14               MR. SPRENGER:  Objection to form.

15               THE WITNESS:  Yes.  I believe they could.           01:41:56

16    BY MR. BERG:

17           Q     And based on the disclosures in  
18     paragraph 30, would an end user access that content  
19     at the streaming server located in its own  
20     geography?                                                       01:42:31

21               MR. SPRENGER:  Objection to form.

22               THE WITNESS:  I'm just going to go back to  
23     the diagram.

24               It could, but I don't see any specific  
25     language that says that this mechanism for, you           01:43:04

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1 know, determining which is the closest. 01:43:08

2 BY MR. BERG:

3 Q Would there be benefits from accessing it  
4 from the closer server, you know, all other kind of  
5 considerations being equal? 01:43:26

6 A There is a benefit from accessing the  
7 closest server, but of course, there would have to  
8 be -- given they're connected to the same local area  
9 network, which I note is a local area network, not  
10 wide area network, but given they're connected to 01:43:45  
11 the same local area network, there would have to be  
12 some mechanism to actually connect the client to the  
13 closer of the two media streaming servers.

14 Actually, and to just to go a bit further  
15 than that. In Figure 1, there is no advantage. In 01:44:10  
16 a more general architecture, there could be. But  
17 specific to Figure 1, both media streaming servers  
18 620 are actually on the same local area network.  
19 So, actually, as drawn in Figure 1, there is no  
20 advantage. 01:44:32

21 Q And, if instead of a local area network  
22 that was a wide area network, would there be an  
23 advantage?

24 A If there was a wide area network, then  
25 yes, there would be an advantage to the client 01:44:44

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1 connecting to the closer of the two servers. But, 01:44:47  
2 as I said before, there would have to also be a  
3 mechanism to make that happen. And I do not see  
4 such a mechanism disclosed or suggested in Madison.

5 Q And would one of those benefits be an 01:45:09  
6 increased speed of delivery of the streaming media  
7 content, as noted in paragraph 30 of Madison?

8 A Okay. I'm going to flip back to paragraph  
9 30 again.

10 Yes. If there is a shorter network path, 01:45:43  
11 then potentially the speed of delivery could be  
12 improved.

13 Q So, when you were looking at Figure 1,  
14 were you saying that the end users and the streaming  
15 media servers were all located on the same local 01:46:26  
16 area network?

17 A Yes.

18 Q So I just want to go to paragraph 26 just  
19 to make sure I'm understanding the figure correctly  
20 or to see if paragraph 26 gives some additional 01:46:46  
21 context to you.

22 A Okay. Yeah. I'm looking at Figure -- I  
23 mean paragraph 26 now.

24 Do you want me to look through it?

25 Q Well, actually, go ahead. And I'm just -- 01:47:05

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1       yeah, why don't you go ahead and look through it,                   01:47:09  
2       actually. That would be great.

3           A       Yeah. I've looked through it.

4           Q       Okay. So is it fair to say that Madison  
5       also contemplates the scenario when the local area                   01:47:31  
6       network is replaced by a wide area network?

7           A       I believe you're referring to the sentence  
8       that starts "In alternate embodiments, components of  
9       the system are coupled differently, for example,  
10      each coupled directly to the Internet coupled via a                   01:47:52  
11      wide area network and the like," yes.

12          Q       Now, is there any distinction -- going  
13      back to the local area network discussion, is there  
14      any difference between saying that the end users are  
15      connected to the same local area network as the                   01:48:17  
16      streaming servers versus saying that the end users  
17      are coupled to the local area network via the  
18      Internet? Is that a meaningful distinction?

19           MR. SPRENGER: Objection to form.

20           THE WITNESS: Yes. I believe it is.                   01:48:43

21      BY MR. BERG:

22          Q       And what's the impact of that distinction,  
23      or I guess what is that distinction? Let's start  
24      there.

25          A       Well, going back to -- I think it's easier               01:48:54

1 to discuss this in the context of Figure 1. 01:49:00

2 Q Sure.

3 A I'm rotating the view here. So, in this

4 case, it's showing that the clients and end users

5 could be connected to the LAN via the Internet. 01:49:22

6 And actually, again, in this diagram,

7 there would be no distinction because both sites,

8 Site 1 and Site 2 are clearly co-located because

9 they're connected to the same local area network.

10 So, regardless of where the clients are, 01:49:53

11 they're still having to access the local area

12 network via in this case the Internet, and there

13 would be no difference in performance between Site 1

14 and Site 2 as seen by the client.

15 Q So it would only be in the alternate 01:50:25

16 embodiments where, for example, the local area

17 network is replaced by a wide area network or when

18 all of the devices are just connected over the

19 Internet that you would see that improvement; is

20 that correct? 01:50:41

21 A I don't believe Madison is describing that

22 in the paragraph which we just talked about. It's

23 just talking about how clients and users are

24 connected to the system. I don't believe it's

25 suggesting that the sites are connected any 01:50:57

1 differently. 01:51:03

2 Q I mean, let's go back to paragraph 26 and

3 explore that.

4 A Okay.

5 Q So there's a sentence in paragraph 26 that 01:51:27

6 explains how all of the components are -- or how

7 many components are connected via local area

8 network, and that includes the repository, FTP

9 server, client web server, file management,

10 administrative terminals, script processor, 01:51:43

11 streaming media server, and playlist server,

12 correct?

13 A That's correct.

14 Q And in the next sentence, when it says "In

15 alternate embodiments, components of the system are 01:51:55

16 coupled differently, for example, each coupled

17 directly to the Internet, coupled to a wide area

18 network and the like," do you understand that the

19 components being referred to in that sentence are

20 referring to those components in the previous 01:52:12

21 sentence?

22 A I do.

23 Q Okay. Let's look at a different exhibit

24 for a minute.

25 Before we set the Madison exhibit aside, 01:52:55

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1 just for the record, I don't think I mentioned that 01:52:57  
2 Madison '273 is marked as Hulu Exhibit 1051 in both  
3 the '846 and '637 IPR proceedings. Is that  
4 consistent with your understanding, Mr. Adams?

5 A It is. 01:53:18

6 (Exhibit 13 marked for identification.)

7 BY MR. BERG:

8 Q So I've introduced Exhibit 13. Can you  
9 let me know when you have access to that, please.

10 A I have access to it now. 01:53:39

11 Q What is Exhibit 13?

12 A It is United States Patent 5,931,901  
13 entitled "Programmed Music On Demand From The  
14 Internet."

15 Q And is this a patent that you reviewed in 01:54:01  
16 preparation for today's deposition?

17 A It is.

18 Q And will you understand if I refer to this  
19 patent as "the Wolfe reference"?

20 A Yes. 01:54:13

21 Q And can you describe at a high level what  
22 the Wolfe reference is directed to?

23 A Yes.

24 MR. SPRENGER: I can.

25 / / / /

1 BY MR. BERG: 01:54:29

2 Q And I can point you to paragraph --

3 starting at paragraph 97 of the '846 declaration if

4 that's helpful.

5 A Yes, that's where I'm looking at right 01:54:38

6 now.

7 So it's a system for delivering music and

8 targetted advertising messages to Internet-based

9 subscribers. And the idea is to disseminate media

10 without cost to the user or the subscriber of the 01:54:56

11 system. And the idea is that that would be

12 supported by targetted advertising to, I guess, fund

13 the service.

14 Q Now, in your years of experience with

15 media streaming systems, have you ever dealt with 01:55:25

16 targetted advertisements?

17 A Yes, I have.

18 Q And according to your understanding, what

19 are the benefits associated with using targetted

20 advertisements? 01:55:45

21 MR. SPRENGER: Objection to form.

22 THE WITNESS: There are a number of them.

23 A lot of advertisers believe that a user would be

24 more receptive to an advertisement that they have

25 interest in. For example, you would provide an ad 01:56:05

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1 for a diaper to a -- somebody who was just starting 01:56:12  
2 a family and maybe the ad to the sports car to  
3 somebody who is a bit older, had plenty of funds.

4 BY MR. BERG:

5 Q And were those benefits of targetted 01:56:32  
6 advertisements well known at the -- you know, in the  
7 '90s and early 2000s?

8 A Yes. I believe they were.

9 Q Could you go to paragraph 124 of your '846  
10 declaration, please. 01:57:26

11 A Yes. I'm looking at that now.

12 Q Great. And, actually, before I ask you  
13 questions about paragraph 124, I neglected to  
14 confirm with respect to my questions about Madison  
15 and Wolfe that those would apply also to the '637 01:57:45  
16 declaration.

17 So with respect to the testimony you  
18 offered today with respect to Madison '273, would  
19 that -- would those opinions apply equally to your  
20 opinions in the '846 IPR and in the '637 IPR? 01:58:02

21 A That -- can we break that question down a  
22 little bit into pieces?

23 Q Sure. Let me walk through that a little  
24 more slowly. So let's go back up. I apologize for  
25 making you jump back and forth here, but let's go 01:58:26

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1 back up to paragraph 91 of your declaration. 01:58:29

2 A Okay.

3 Q So do you recall a few minutes ago I asked

4 you a series of questions regarding the Madison '273

5 reference? 01:58:43

6 A I do.

7 Q And as a part of that, we looked through

8 these paragraphs 91 to 96 of your declaration or at

9 least some of those paragraphs, correct?

10 A We looked through some of them, yes. 01:59:02

11 Q And we also reviewed some aspects in the

12 Madison '273 reference itself, correct?

13 MR. SPRENGER: Objection to form.

14 THE WITNESS: Yes.

15 BY MR. BERG: 01:59:19

16 Q And you offered testimony regarding the

17 Madison '273 reference in the context of the '846

18 IPR proceeding, correct?

19 A I did.

20 Q And would that testimony also apply to the 01:59:31

21 '637 IPR proceeding?

22 A I do not see any reason that it wouldn't,

23 but I can't be sure. But I don't have any reason to

24 believe it would be different.

25 Q Okay. And then we also -- I also asked 01:59:53

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1       you just a couple of questions about the Wolfe       01:59:57  
2       reference.  
3               Do you recall that?  
4       A     Yes.  
5       Q     And would your answers regarding those       02:00:02  
6       questions also be the same if I asked them to you in  
7       the context of your '637 declaration?  
8       A     Again, I believe they would, not having  
9       any reason to think otherwise. But, you know, I  
10      can't be sure.       02:00:24  
11      Q     I understand.  
12             Okay. Let's go to paragraph 124.  
13      A     Yep.  
14      Q     And I'll just note that the same paragraph  
15      appears in paragraph 121 of the '637 declaration.       02:00:43  
16             Do you see that?  
17      A     I'm just going to bring that up side by  
18      side. Paragraph 121 I think you said?  
19      Q     Yes.  
20      A     Yes. I believe that's the same paragraph.       02:01:10  
21      Q     So here you talk about network layer three  
22      of the OSI model and network -- and layer seven of  
23      the OSI model, which is the application layer.  
24             Can you explain for the record what you  
25      mean by the network layer, layer three, of the OSI       02:01:29

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1 model? 02:01:36

2 A Yes. The OSI model describes a model

3 that's useful for network -- description of networks

4 and how they -- how they operate. And it consists

5 of seven layers, although the layers may be 02:01:53

6 subdivided starting at the bottom of the physical

7 layer, moving up through the data link layer, to the

8 network layer, which is the one I refer to here.

9 And then at pretty much the top of that stack is

10 called the application layer. 02:02:15

11 Q And do the various layers of the OSI model

12 work together?

13 MR. SPRENGER: Objection to form.

14 THE WITNESS: They do with limitations.

15 The limitation is that layer three, for example, 02:02:39

16 talks to layer four above it and layer two below it

17 but does not talk to other layers. Equally, the

18 application layer only talks to layer six

19 immediately below it.

20 BY MR. BERG: 02:03:00

21 Q And so layer six, for example, would talk

22 to layer seven and also layer five; is that correct?

23 A That's correct.

24 Q And layer five in turn would talk to layer

25 six and also to layer four; is that correct? 02:03:13

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|   |   |      |          |
|---|---|------|----------|
| 1 | A | Yes. | 02:03:18 |
|---|---|------|----------|

2 Q And then, as I think you mentioned, layer  
3 four would talk to layer three, as well as layer  
4 five; is that correct?

|   |   |          |          |
|---|---|----------|----------|
| 5 | A | Correct. | 02:03:28 |
|---|---|----------|----------|

6 Q And so through that kind of chain of  
7 communication, various layers from layer one all the  
8 way to layer seven can be -- can work in a single  
9 kind of a system; is that correct?

|    |                                                      |          |
|----|------------------------------------------------------|----------|
| 10 | A They are interconnected. I have to also            | 02:03:48 |
| 11 | point out that upper layers request services from    |          |
| 12 | lower layers rather than the other way around. So    |          |
| 13 | the network layer can't send a message via the other |          |
| 14 | layers to the application layer requesting           |          |
| 15 | something. The model is that the upper layers        | 02:04:06 |
| 16 | request services from lower layers.                  |          |

17 Q So taking the example of, you know --

18 well, let me strike that.

|    |                                                      |          |
|----|------------------------------------------------------|----------|
| 19 | During your time at Time Warner, you                 |          |
| 20 | worked on some video on demand systems that operated | 02:04:33 |
| 21 | over the Internet, correct?                          |          |

22 MR. SPRENGER: Objection to form.

23 THE WITNESS: No. Actually, the VOD  
24 systems that I worked on used private networks.

|    |         |
|----|---------|
| 25 | / / / / |
|----|---------|

1 BY MR. BERG: 02:05:01

2 Q So, in the case of those VOD systems that

3 you worked on, from the time a user made a request

4 until that user was finished watching whatever video

5 asset they had requested, which layers of the OSI 02:05:24

6 model would have been involved in creating that

7 result or allowing the user to watch that video

8 asset?

9 MR. SPRENGER: Objection to form.

10 THE WITNESS: It would vary, but I'll give 02:05:49

11 you the typical case.

12 BY MR. BERG:

13 Q Sure. That would be great.

14 A Which is that the user is actually using

15 an application, and that application would use 02:06:08

16 typically all of the layers below it to enable a

17 connection to the server. And that that would --

18 that would be the model. So there would be, in

19 other words, a full seven-layer stack at the client

20 device and also at the server device. 02:06:36

21 Q Let's go to paragraph 162 of your '846

22 report.

23 A Yes.

24 Q Now, do you see that there's a -- in this

25 section on claim 7, there are a few paragraphs, 162 02:07:31

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1 through 166; is that correct? 02:07:39

2 A Yes, I see that.

3 Q And do you agree with me that those same

4 paragraphs are reproduced in the '637 report at

5 paragraphs 154 through 158? 02:07:57

6 A I'm just looking.

7 That appears to be the case and certainly

8 agrees with my memory of it.

9 Q Okay. So, looking at the '846 declaration

10 again. 02:08:35

11 A Yeah.

12 Q This is referring to a claim limitation in

13 claim 7 that recites "generating a settlement,"

14 correct?

15 A Yes. Claim 7, "generating a settlement 02:08:51

16 for sharing between at least two parties," and so

17 on.

18 Q Okay. Now, just feel free to glance

19 through this section. I'm looking particularly at

20 the very last sentence in the section in paragraph 02:09:13

21 166 where it says "Again, a POSITA would not

22 understand that the program itself in Wolfe prepares

23 bills."

24 So my question is, do you understand that

25 generating a settlement requires preparing a bill? 02:09:36

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1 MR. SPRENGER: Objection to form. 02:09:45

2 THE WITNESS: I believe that settlement

3 requires -- you know, in a financial sense,

4 settlement requires some kind of financial payment.

5 I believe that is what is meant by "settlement" 02:10:05

6 here. And normally, that would be by preparing a

7 bill. It would be, you know, first requested by

8 preparing a bill or an invoice and submitting it.

9 BY MR. BERG:

10 Q And in your opinion, to meet this claim 02:10:23

11 limitation, that bill or settlement needs to be

12 prepared by the system and not by a person; is that

13 correct?

14 MR. SPRENGER: Objection to form.

15 THE WITNESS: No. All I'm saying here is 02:10:39

16 that Wolfe does not disclose as part of the system

17 preparing the bill or the invoice.

18 Specifically, I say "Wolfe simply states

19 that the information is being collected for

20 preparing a bill and then is silent as to the 02:11:01

21 system calculating the bill."

22 BY MR. BERG:

23 Q And then in paragraph 166 you explain how

24 a POSITA would understand who prepares the bill,

25 correct? Or who calculates the royalty fees, I 02:11:18

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1 guess, as you say here? 02:11:24

2 MR. SPRENGER: Objection to form.

3 THE WITNESS: Yes. I understand that the

4 royalty fee -- here I give the example used by a

5 person to prepare the actual invoice or bill. But 02:11:42

6 it's not in the scope of Wolfe as to how that's

7 done.

8 BY MR. BERG:

9 Q So, in other words, Wolfe is just silent

10 as to who prepares the bill. It could be the system 02:12:03

11 or it could be some person; is that correct?

12 A No, it's not. Again, I'll come back to

13 this sentence where Wolfe is silent as to the system

14 calculating the bill. In other words, it's not

15 within the scope of the Wolfe system but outside of 02:12:27

16 the scope of it.

17 Q Is it silent as to whether or not a person

18 prepares the bill?

19 A Yes, it is.

20 Q Okay. But you admit that the information 02:12:42

21 that is gathered that you recite here in paragraph

22 165 tracks billable events, right?

23 MR. SPRENGER: Objection to form.

24 THE WITNESS: I believe that the

25 information collected can be used to generate an 02:13:07

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1 invoice. And as such, yeah, the events that are 02:13:12  
2 tracked can be used to prepare a bill.  
3 BY MR. BERG:  
4 Q Let's go down to paragraph 173.  
5 A Okay. 02:13:55  
6 Q So, in this section, you are discussing  
7 claim 10 of the '846 patent, correct?  
8 A Yes.  
9 Q And your opinions here in this section go  
10 from paragraph 171 down through 176. 02:14:20  
11 Do you see that?  
12 A Yes, I do.  
13 Q And do you see that those same paragraphs  
14 are duplicated in your '637 declaration from  
15 paragraph 163 to 168? 02:14:43  
16 A Let me just check.  
17 Yeah. I believe there is a slight  
18 difference in references. That just jumped out at  
19 me so I'll point that out. But I believe the  
20 content of this is the same. Again, to my memory. 02:15:21  
21 Q When you say there's a slight difference  
22 between the references, are you referring to the  
23 citations to the patents, meaning the '846 patent on  
24 the one hand and the '637 patent on the other hand?  
25 MR. SPRENGER: Objection to form. 02:15:47

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1 THE WITNESS: Yes. There is that. But, 02:15:47  
2 also, there's a reference to the report here, which  
3 is different as well.

4 BY MR. BERG:

5 Q Sorry. Can you point out that difference 02:16:01  
6 for me just so I see it clearly?

7 A In 171, for the '846 declaration, it says  
8 "As set forth in Section XI.C."

9 Q I see.

10 A Whereas, I think it's just X -- Roman 02:16:27  
11 numeral X.C in the other declaration.

12 Q I see. Okay.

13 A Yeah. That's all.

14 Q Okay. Great.

15 So, just for consistency, let's stick with 02:16:45  
16 the '846 declaration.

17 A Okay.

18 Q You have in paragraph 172 some claim  
19 language. And then I think you kind of summarize  
20 some of that claim language here in 173. It may be 02:17:16  
21 easiest, just so you have the full claim language in  
22 mind, if you turn over to the '846 patent itself and  
23 just take a look at claim 10 for just a second so  
24 that you have that full claim language in mind.

25 A Okay. I'll do that. 02:17:56

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1 I've got it open. Okay. I have it. 02:17:56

2 Q Okay. Have you had a chance to review

3 that language?

4 A I will read through it.

5 Yes, I've read through it. 02:18:44

6 Q So this claim talks about monitoring the

7 level of service, correct?

8 A Yes.

9 Q And what do you understand by that is

10 meant by level of service? 02:19:06

11 A It would be, for example, packet loss,

12 latency. These are things that refer to the level

13 of service. These would be indicators. But

14 basically how good the service is.

15 Q And, when you say "how good the service 02:19:31

16 is," like from the -- from the viewer's perspective?

17 A Not necessarily. I think, actually, in

18 the context of this claim, this limitation, I

19 believe it's more likely to be looking at things

20 like packet loss in the network. Now, that will 02:19:56

21 directly translate into the user's perception of the

22 quality of the service or the level of service.

23 Q And what's the mechanism by which a

24 streaming server can monitor packet loss, for

25 example? 02:20:23

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1           A     Actually, in the example given in the           02:20:29  
2     patent, in the specification of the patent, which I  
3     quote in 173, they're a component, which is  
4     delivering the service, that's the multimedia  
5     switch, is monitoring the media stream and the           02:20:47  
6     status of switch systems.

7           Q     Okay. So let me ask this question then:  
8     How does the quote that you have here from the  
9     patent relate to monitoring level of service?

10          A     Well, for example, the MMS may detect an       02:21:28  
11     imminent failure of one or more communication  
12     devices, such as a stream caster. That's the media  
13     server in this case. And so it could be that the --  
14     the component delivering the stream is about to fail  
15     or is failing. So that would indicate the level of       02:22:05  
16     services either about to degrade or has already  
17     degraded.

18          Q     So going back to the packet loss example  
19     that you provided earlier, would one way of  
20     determining if failure was imminent in a switch be       02:22:25  
21     to be if you observed mass packet loss?

22               MR. SPRENGER: Objection to form.

23               THE WITNESS: Not necessarily. Imminent  
24     failure might be detected more by seeing some other  
25     condition in the MMS. Maybe it's running out of       02:22:49

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1 memory or it's CPU bound or something like that. 02:22:56

2 The example of packet loss is more when

3 it's actually started to fail where it cannot

4 potentially issue all the packets that are needed

5 to support the media stream in the given amount of 02:23:15

6 time.

7 BY MR. BERG:

8 Q In a typical streaming setup around this

9 time, how would a streaming server detect packet

10 loss? Like, what's the mechanism for that? 02:23:30

11 A In a typical implementation at this time,

12 I'm not sure that a streaming server would

13 necessarily detect packet loss.

14 Q Which entity in a streaming system would

15 be capable of detecting packet loss? 02:24:01

16 MR. SPRENGER: Objection to form.

17 THE WITNESS: Well, the -- it could be one

18 of the components that could detect packet loss

19 would be the client. If there is some sequencing of

20 packets in the network, then the client could detect 02:24:28

21 packet loss.

22 BY MR. BERG:

23 Q And could a client alert the streaming

24 server that it was experiencing packet loss?

25 A We're talking about typical systems of the 02:24:44

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1 time, correct? 02:24:47

2 Q Yeah, correct.

3 A No. It typically would not.

4 Q How would a system at that time respond to

5 experiencing packet loss? 02:25:06

6 A It might abort the stream and retry would

7 be a typical behavior.

8 Q We've talked before about the concept of

9 fail over, right?

10 MR. SPRENGER: Objection to form. 02:25:28

11 THE WITNESS: When you say "before," can

12 you be specific about that?

13 BY MR. BERG:

14 Q Sure. I don't think we've talked about it

15 during our deposition today, but in at least one of 02:25:39

16 the other two depositions that we've had together

17 we've talked about the concept of fail over, right?

18 A Yeah. That's correct. But not today.

19 Q And what does "fail over" mean?

20 A It's a very broad term. But typically, 02:25:54

21 the understanding of fail over is, for example, if I

22 have a power outage and the electricity from the

23 grid goes down, then a fail over system might use a

24 local battery-based system to allow the power supply

25 in the house to continue without interruption. 02:26:24

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1                   Although, fail over doesn't necessarily                   02:26:28  
2                   imply there is no interruption, but it -- if one  
3                   system fails, another system takes over.

4                   Q       For example, I mean, if we go back to the  
5                   ASX files reference, do you have that handy?                   02:26:43

6                   A       I do indeed. Let me just jump to that.  
7                   And this was Exhibit 10 I believe?

8                   Q       I think that sounds about right. Yeah,  
9                   that's right.

10                  A       Yeah.                                               02:27:20

11                  Q       So there's a section in here on page 5  
12                  called "Server or Protocol Rollover." And it says  
13                  that, you know, you can set this up so that it  
14                  automatically rolls over to a different server,  
15                  protocol, or path if failure occurs. And then it               02:27:40  
16                  provides some examples of how to do this.

17                               Is this an example of fail over in the  
18                               context of streaming media?

19                   MR. SPRENGER: Objection to form.

20                   THE WITNESS: It does have some of that.               02:27:57  
21                   Let me be specific.

22                               I believe the way this works is that if a  
23                               request is made to the first line, which would be  
24                               the ASF file, "keister.asf," if that request  
25                               failed, then it would try instead the next file,               02:28:30

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1 "asfname.asf." I believe, though, that it's only 02:28:33  
2 in this case rolling over from trying to start  
3 playing a file, and if it can't play it, then it  
4 will roll over to the second one. I don't believe,  
5 to my understanding of this, that it's actually -- 02:28:55  
6 there's a monitoring mechanism here.

7 In other words, if you started playing  
8 "keister.asf," I think that's -- then that's  
9 considered success in this case.

10 BY MR. BERG: 02:29:17

11 Q I understand.

12 A Even if you didn't complete playing it.

13 Q Right. Right.

14 Let's go to paragraph 193 of your report.

15 A Okay. Of the '846 report? 02:29:44

16 Q Of the '846 report, yes.

17 Just by way of housekeeping, do you see  
18 that the substance of paragraph 193 in the '846  
19 declaration is also repeated in paragraph 180 of the  
20 '637 declaration? 02:30:22

21 A Let me just have a look here.

22 What was the reference?

23 Q I was looking at paragraph 193 in the '637  
24 and paragraph -- oh, excuse me, paragraph 193 in the  
25 '846 and paragraph 180 in the '637. 02:31:02

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1           A     Again, I have no plan at this time to do           02:33:26  
2     so.  
3           Q     Sitting here today, do you plan to review  
4     any additional materials?  
5           A     No.                                               02:33:35  
6                 MR. SPRENGER:  Objection to form.  
7     BY MR. BERG:  
8           Q     Have your opinions changed at all as a  
9     result of today's deposition?  
10          A     No, I don't believe they have.               02:33:47  
11          Q     Are your opinions regarding the '846 IPR  
12     fully contained in your '846 declaration?  
13          A     Yes, I believe so.  
14          Q     And are your opinions regarding the '637  
15     IPR fully contained in your '637 declaration?           02:34:03  
16          A     Yes, I believe they are.  
17          Q     Okay.  In that case, I have no further  
18     questions at this time, subject to any redirect from  
19     your counsel.  
20                 MR. SPRENGER:  Okay.  Why don't we take       02:34:25  
21     a -- why don't we go off record.  
22                 THE VIDEOGRAPHER:  Going off the record.  
23     The time is 2:34 p.m.  
24                 (Recess taken.)  
25                 THE VIDEOGRAPHER:  Back on the record.       02:46:17

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1 The time is 2:46 p.m. 02:46:19

2 MR. SPRENGER: Okay. We have no further  
3 questions for Mr. Adams. So I think that concludes  
4 the deposition.

5 MR. BERG: I think I'm all questioned out. 02:46:35

6 THE VIDEOGRAPHER: This concludes today's  
7 deposition of Michael Adams. The number of media  
8 unit was three and will be retained by Veritext  
9 Legal Solutions. The time is 2:46 p.m. We're off  
10 the record. 02:46:49

11 (TIME NOTED: 2:46 P.M.)

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DECLARATION UNDER PENALTY OF PERJURY

I, MICHAEL ADAMS, the witness herein, declare under penalty of perjury that I have read the foregoing in its entirety; and that the testimony contained therein, as corrected by me, is a true and accurate transcription of my testimony elicited at said time and place.

Executed this \_\_\_\_\_ day of \_\_\_\_\_ 2021, at

\_\_\_\_\_, \_\_\_\_\_.

(City)

(State)

\_\_\_\_\_  
MICHAEL ADAMS

REPORTER'S CERTIFICATION

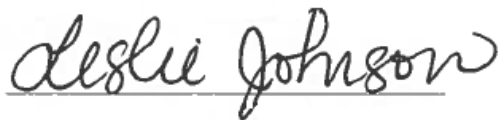
I, Leslie Johnson, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were administered an oath; that a record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; that the foregoing transcript is a true record of the testimony given.

Further, that if the foregoing pertains to the original transcript of a deposition in a Federal Case, before completion of the proceedings, review of the transcript [X] was [ ] was not requested. I further certify I am neither financially interested in the action nor a relative or employee of any attorney or any party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: November 1, 2021

A handwritten signature in cursive script that reads "Leslie Johnson". The signature is written in dark ink and is positioned above the printed name.

LESLIE JOHNSON

CSR No. 11451, RPR, CCRR

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1 KEVIN SPRENGER, ESQ.

2 ksprenger@daignaultiyr.com

3 November 1, 2021

4 RE: HULU, LLC VS. SITO MOBILE R&D IP, LLC

5 OCTOBER 22, 2021, MICHAEL ADAMS, JOB NO. 4833213

6 The above-referenced transcript has been  
7 completed by Veritext Legal Solutions and  
8 review of the transcript is being handled as follows:

9 \_\_\_ Per CA State Code (CCP 2025.520 (a)-(e)) - Contact Veritext  
10 to schedule a time to review the original transcript at  
11 a Veritext office.

12 \_\_\_ Per CA State Code (CCP 2025.520 (a)-(e)) - Locked .PDF  
13 Transcript - The witness should review the transcript and  
14 make any necessary corrections on the errata pages included  
15 below, notating the page and line number of the corrections.  
16 The witness should then sign and date the errata and penalty  
17 of perjury pages and return the completed pages to all  
18 appearing counsel within the period of time determined at  
19 the deposition or provided by the Code of Civil Procedure.

20 \_\_\_ Waiving the CA Code of Civil Procedure per Stipulation of  
21 Counsel - Original transcript to be released for signature  
22 as determined at the deposition.

23 \_\_\_ Signature Waived - Reading & Signature was waived at the  
24 time of the deposition.

25

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1    \_X\_Federal R&S Requested (FRCP 30(e)(1)(B)) - Locked .PDF

2           Transcript - The witness should review the transcript and  
3           make any necessary corrections on the errata pages included  
4           below, notating the page and line number of the corrections.  
5           The witness should then sign and date the errata and penalty  
6           of perjury pages and return the completed pages to all  
7           appearing counsel within the period of time determined at  
8           the deposition or provided by the Federal Rules.

9    \_\_\_ Federal R&S Not Requested - Reading & Signature was not  
10           requested before the completion of the deposition.

1 RE: HULU, LLC VS. SITO MOBILE R&D IP, LLC  
2 MICHAEL ADAMS, JOB NO. 4833213  
3 E R R A T A S H E E T  
4 PAGE\_\_\_\_\_ LINE\_\_\_\_\_ CHANGE\_\_\_\_\_  
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| &                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 11:23 42:18                                                                                                                                                                                                                                                                                                                                                                                                                                  | 2000s 88:7                                                                                                                                                                                                                                                                                                                                                                                                         | 4                                                                                                                                                                                                                                             |
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[beginning - change]

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[changed - contextual]

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[types - witness]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

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