

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICROSOFT CORPORATION,  
Petitioner

v.

BRADIUM TECHNOLOGIES LLC,  
Patent Owner

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CASE IPR2016-00448  
Patent 7,908,343 B2

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**PATENT OWNER BRADIUM TECHNOLOGIES LLC'S  
MOTION FOR OBSERVATIONS ON CROSS-EXAMINATION**

## **PATENT OWNER’S MOTION FOR OBSERVATIONS ON CROSS-EXAMINATION**

Pursuant to the Board’s Scheduling Order dated July 25, 2016 (Paper 10) and the Stipulation to Modify Due Dates 4 and 5 (Paper 39), Patent Owner Bradium Technologies LLC (“Bradium”) respectfully submits this Motion for Observations on Cross-Examination of Dr. William Michalson, who was deposed on February 21, 2017.

1. In Exhibit 2078, on page 6, line 12 to page 8, line 1, Dr. Michalson testifies that the copyright date of Exhibit 1030 is the year 2000. This testimony is relevant to Dr. Michalson’s assertion in Exhibit 1016 at paragraph 93 (page 62) that Exhibit 1030 is “a 1999 Microsoft Technical Report describing its ‘TerraServer’ system for viewing geographic images online [that] teaches that UTM coordinates could simply be converted to a simple X, Y tile address,” and to Petitioner’s Reply (Paper 34) argument at pages 13–14 based on UTM in reliance on Dr. Michalson’s assertion. This testimony is relevant because it shows Dr. Michalson and Petitioner’s argument is based on a non-prior-art reference.

2. In Exhibit 2078, on page 6, line 12 to page 8, line 1, Dr. Michalson testifies that the Exhibit 1030 states that it is an article that appeared in the proceedings of ACM SIGMOD in May 2000. This testimony is relevant to Dr. Michalson’s assertion in Exhibit 1016 at paragraph 93 (page 62) that Exhibit 1030 is “a 1999 Microsoft Technical Report describing its ‘TerraServer’ system for

viewing geographic images online [that] teaches that UTM coordinates could simply be converted to a simple X, Y tile address,” and to Petitioner’s Reply (Paper 34) argument at pages 13–14 based on UTM in reliance on Dr. Michalson’s assertion. This testimony is relevant because it shows Dr. Michalson and Petitioner’s argument is based on a non-prior-art reference.

3. In Exhibit 2078, on page 9, line 13 to page 10, line 24, Dr. Michalson testifies that he did not address reason number 4 offered by the authors of Exhibit 1030 in his direct testimony, which is that the map tile client-server solution described in Exhibit 1030 “had not been attempted before” and that “many people felt it was impossible without using an object-oriented or object-relational system.” This testimony is relevant to Patent Owner’s Response (Paper 20) at page 38. This testimony is relevant because it shows that the portion of Exhibit 1030 not addressed by Dr. Michalson is consistent with Patent Owner’s argument that VRML is essentially a set of objects that that are linked to one another.

4. In Exhibit 2078, on page 11, line 20 to page 13, line 2, Dr. Michalson testifies that Exhibit 1030 provides specifically that its user interface is designed to function adequately over low-speed (28.8 kbps) connections, while Reddy does not mention a particular speed of the connection to the internet for the PC or laptop that is disclosed by Reddy at Paragraph 48. This testimony is relevant to Patent Owner’s response (Paper 20) at Pages 11–12. This testimony is relevant because it

supports Patent Owner's argument that the disclosure in Reddy of a "PC connected to the internet" does not disclose a particular communications channel for the PC.

5. In Exhibit 2078, on page 18, line 11 to page 20, line 16, Dr. Michalson testifies that his assertion regarding Exhibit 2066 at Paragraph 39, page 23 at lines 16-18 of his Reply Declaration (Ex. 1016) that "page 1 of Ex. 2066 explains that SRI's digital earth proposal is to extend TerraVision functionality to 'commercial, off-the-shelf' software (*id.* at 1)," omitted the portion of the sentence he quotes that states "although perhaps with less functionality." This testimony is relevant to Patent Owner's response (Paper 20) at Page 25. This testimony is relevant because it shows that Dr. Michalson omitted information that supports Patent Owner's argument that a standard VRML browser could not use the TerraVision II specific optimizations described in Reddy.

6. In Exhibit 2078, on page 20, line 18 to page 23, line 3, Dr. Michalson testifies that the portion of Exhibit 2066 that he refers to at Paragraph 39, lines 16-20 of his Reply Declaration (Ex. 1016) refers to VRML support that is directly integrated into standard browser software. This testimony is relevant to Patent Owner's Response (Paper 20) at Pages 22, 25. This testimony is relevant because it supports Patent Owner's argument that the laptop disclosed by Reddy views VRML data with a standard VRML browser and not with TerraVision II.

7. In Exhibit 2078, on page 25, line 13 to page 26, line 23, Dr.

Michalson testifies that Exhibit 2066, with respect to the portion stating “[b]y employing VRML as the file format . . . we allow for the possibility of users interacting with it using standard off-the-shelf VRML browser software,” the authors were saying that “the data structures that were adopted for Digital Earth and for the system that they’re building, that SRI is calling Digital Earth, it’s – were being designed such that they would be compatible with browsers that are capable of interpreting VRML.” This testimony is relevant to Patent Owner’s Response (Paper 20) at Pages 22, 25. This testimony is relevant because it supports Patent Owner’s argument that the laptop disclosed by Reddy views VRML data with a standard VRML browser and not with TerraVision II.

8. In Exhibit 2078, page 27, line 2 to 22, Dr. Michalson testifies that Exhibit 2066 refers to the fact that the Digital Earth data structures can be directly accessed via an internet browser, for example, in the specific case of Windows 98, “you would be able to just point a – point the browser with the preinstalled VRML plug-in to a VRML serving website and it would interpret the VRML.” This testimony is relevant to Patent Owner’s Response (Paper 20) at Pages 22, 25. This testimony is relevant because it supports Patent Owner’s argument that the laptop disclosed by Reddy views VRML data with a standard VRML browser and not with TerraVision II.

9. In Exhibit 2078, page 29, line 4 to page 31, line 2, Dr. Michalson

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