

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

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PERSONALIZED MEDIA :
COMMUNICATIONS, LLC, :
Plaintiff, : CIVIL ACTION NO.

v. : 2:15-cv-01366-JRG-RSP

APPLE, INC., : (LEAD CASE)

Defendant. :

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PERSONALIZED MEDIA :
COMMUNICATIONS, LLC, :
Plaintiff, : CIVIL ACTION NO.

v. : 2:15-cv-01206-JRG-RSP

TOP VICTORY ELECTRONICS : (CONSOLIDATED CASE)
(TAIWAN) CO, LTD., TPV INT'L :
(USA), INC., ENVISION :
PERIPHERALS, INC., TOP VICTORY :
ELECTRONICS (FUJIAN) CO. LTD., :
TPV ELECTRONICS (FUJIAN) CO. :
LTD., TPV TECHNOLOGY LTD., :
HON HAI PRECISION INDUSTRY :
(TAIWAN) CO., LTD., WISTRON :
CORP., WISTRON INFOCOMM :
TECHNOLOGY (TEXAS) CORP., :
WISTRON INFOCOMM TECHNOLOGY :
(AMERICA) CORP., and VIZIO, :
INC. :

Defendants. :

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TransPerfect Legal Solutions
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Page 2

1 Videotaped Deposition of ALFRED WEAVER, PH.D.
 2 Washington, D.C.
 3 Friday, May 27, 2016; 9:05 a.m.
 4
 5
 6
 7
 8 Job No.: 16467
 9 Reported by: Cassandra E. Ellis, RPR
 10
 11
 12 Deposition of ALFRED WEAVER, PH.D., held at
 13 the offices of Kirkland & Ellis LLP, Suite 1200, 655
 14 15th Street, Northwest, Washington, D.C. 20005
 15 pursuant to agreement before Cassandra E. Ellis,
 16 Registered Professional Reporter, Certified Shorthand
 17 Reporter, and Notary Public of The District of
 18 Columbia.
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 22 ALSO PRESENT: Joseph E. Ellis, CLVS

1 EXHIBITS CONTINUED
 2 (Attached to the Transcript)
 3 ALFRED WEAVER, PH.D. Deposition Exhibit PAGE
 4 Exhibit 7 Declarations of Alfred C. Weaver, 172
 5 Ph.D., in Support of PMC's Supplemental
 6 Brief in Opposition to Amazon's Motion
 7 For Judgment on the Pleadings (D.I. 86,87)
 8 Exhibit 8 Copy of Just the Claims from 180
 9 US Patent Number 7,752,649
 10 Exhibit 9 US Patent 7,747,217 B1 205
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 10 ALFRED WEAVER, PH.D. Deposition Exhibit PAGE
 11 Exhibit 1 Declarations of Alfred C. Weaver, 17
 12 Ph.D., in Support of Plaintiff's Opening
 13 Claim Construction Brief
 14 Exhibit 2 US Patent 8,191,091 B1 51
 15 Exhibit 3 Radio Shack Dictionary of Electronics 116
 16 Excerpt by Rudolf F. Graf
 17 Exhibit 4 Dictionary of Computers, Information 117
 18 Processing, and Telecommunications 2nd
 19 Edition by Jerry M. Rosenberg, Ph.D.
 20 Exhibit 5 US Patent 8,752,088 B1 139
 21 Exhibit 6 Plaintiff's Opening Claim 159
 22 Construction Brief

1 PROCEEDINGS
 2 THE VIDEOGRAPHER: Good
 3 morning. This is the beginning of
 4 disc number one in the deposition
 5 of Dr. Alfred Weaver, Ph.D., taken
 6 in the matter of Personalized
 7 Media Communications, LLC,
 8 plaintiff, versus Apple,
 9 Incorporated, defendant, and
 10 Personalized Media Communications,
 11 LLC, plaintiff, versus Top Victory
 12 Electronics (Taiwan) Company, LTD,
 13 et al, defendants. With a
 14 Consolidated Case Number of
 15 2:15-CV-01206-JRG-RSP, held in the
 16 United States District Court, for
 17 the Eastern District of Texas,
 18 Marshall Division.
 19 Today's date is May 27th,
 20 2016, and the time on the monitor
 21 is 9:05 a.m. My name is Joseph
 22 Ellis, I'm the videographer, the

1 court reporter is Cassandra Ellis,
 2 and we are here with Transperfect
 3 Legal Solutions.
 4 If counsel would please
 5 introduce yourselves, and whom you
 6 represent, after which the court
 7 reporter will swear in the witness
 8 and you may proceed.
 9 MR. RABINOWITZ: Alan
 10 Rabinowitz, of Kirkland and Ellis,
 11 representing Apple, and with me by
 12 phone is Joel Merkin, also of
 13 Kirkland and Ellis.
 14 MR. MCBRIDE: Kevin McBride,
 15 representing Vizio, the Top
 16 Victory defendants, and Hon Hai,
 17 with me is Romeo Jennings, by
 18 phone.
 19 MS. BURNIM: This is Rachel
 20 Burnim, by phone, of K&L Gates,
 21 representing, the Wistron
 22 defendants.

1 MS. SHIFERMAN: Lana
 2 Shiferman, of Goodwin and Procter,
 3 on behalf of PMC.
 4 MR. KHEYFITS: Dmitry
 5 Kheyfits, of Kheyfits P.C., on
 6 behalf of PMC.
 7 MR. LI: Ce Li, of Goodwin
 8 and Procter, on behalf of PMC.
 9 MR. DEWITT: Timothy DeWitt,
 10 of the 24IP Law Group USA, on
 11 behalf of PMC.
 12 ALFRED WEAVER, PH.D.
 13 having been first duly sworn, testified as
 14 follows:
 15 EXAMINATION
 16 BY MR. RABINOWITZ:
 17 Q Good morning, Dr. Weaver.
 18 A Good morning.
 19 Q Would you please state your
 20 full name for the record?
 21 A Alfred Charles Weaver.
 22 Q And would you please state your

1 address?
 2 A Home address or business
 3 address?
 4 Q I think business address is
 5 fine.
 6 A Okay. It's the Department of
 7 Computer Science, University of Virginia,
 8 85 Engineers Way, Charlottesville,
 9 Virginia 22904.
 10 Q That's quite a mouthful.
 11 A Yes.
 12 THE VIDEOGRAPHER: One
 13 second. Can you put the
 14 microphone on the lapel, please?
 15 THE WITNESS: Over here?
 16 THE VIDEOGRAPHER: Yes.
 17 THE WITNESS: Okay.
 18 BY MR. RABINOWITZ:
 19 Q And you've been deposed before,
 20 haven't you?
 21 A Yes, I have.
 22 Q Do you have a recollection of

1 how many times you've been deposed
 2 before?
 3 A I could guess maybe six or
 4 eight.
 5 Q And have you testified before a
 6 judge in a courtroom or an administrative
 7 proceeding?
 8 A Yes, I have.
 9 Q How many times?
 10 A I think six.
 11 Q Okay. So I'm sure you have a
 12 general sense of how this works, but I'd
 13 like to go over the ground rules just so
 14 everybody's clear what we're doing.
 15 So first, because the court
 16 reporter's trying to take down everything
 17 we say, she can only take down verbal
 18 answers, so anything you respond to one
 19 of my questions has to be verbal. You
 20 can't -- no head nods or -- or shakes of
 21 the head or anything of that sort, all
 22 right?

1 A Okay.
 2 Q And another thing is that it
 3 would be very difficult for the court
 4 reporter to take down what we're saying
 5 if we're speaking over one other. So I'd
 6 ask that before you answer one of my
 7 questions, you wait until I've completed
 8 it, and that I will do the same for your
 9 answers. I'll wait until you're done.
 10 Your counsel is likely to want to object,
 11 occasionally, so let's try not to speak
 12 over her, either.
 13 If there is something
 14 unclear about any of my questions,
 15 will you let me know?
 16 A Yes.
 17 Q If you answer a question
 18 without asking me to clarify, will it be
 19 fair for me to assume that you've
 20 understood my question?
 21 A Yes.
 22 Q We'll try and take a break

1 is that correct?
 2 A That's correct.
 3 Q And when I used the phrase, the
 4 term, PMC, I was referring to
 5 Personalized Media Communications, LLC;
 6 did you understand that?
 7 A I did.
 8 Q If I continue to use PMC,
 9 throughout this deposition, will you
 10 understand what I'm talking about?
 11 A Yes.
 12 Q Okay. You understand that the
 13 -- this deposition will cover the subject
 14 matter that's in the declaration that you
 15 submitted; is that right?
 16 A I do understand that.
 17 MR. RABINOWITZ: Okay. I'm
 18 going to pass to the reporter a
 19 copy of your declaration titled:
 20 Declaration of Alfred C. Weaver,
 21 Ph.D., In Support of Plaintiff's
 22 Opening Claim Construction Brief.

1 probably every hour or so, but if at any
 2 point you need a break, please feel free
 3 to let me know.
 4 I just ask that you wait, if
 5 there's a question pending, until it's
 6 been answered, okay?
 7 A Okay.
 8 Q You understand that the oath
 9 you took today is the same as one that
 10 you would take in a courtroom; right?
 11 A I do.
 12 Q Okay. Is there any reason that
 13 you can't testify truthfully or fully
 14 today?
 15 A No reason.
 16 Q Are you on any medication that
 17 would impair your ability to testify
 18 fully or truthfully?
 19 A No.
 20 Q Okay. Dr. Weaver, we -- you
 21 submitted a declaration in support of
 22 PMC's opening claim construction brief;

1 And I believe that will be marked
 2 as Exhibit 1.
 3 (Exhibit No. 1 was marked
 4 for identification.)
 5 MR. RABINOWITZ: I've got
 6 one more. I apologize. I do not
 7 have enough exhibits printed for
 8 everybody on your team.
 9 MS. SHIFERMAN: That's all
 10 right.
 11 BY MR. RABINOWITZ:
 12 Q Does Exhibit 1, Dr. Weaver,
 13 appear to be a true and correct copy of
 14 the declaration that you submitted on May
 15 17th?
 16 A Yes, it does.
 17 Q Okay. If I refer throughout
 18 this deposition to the declaration or
 19 your declaration, will you understand
 20 that I'm talking about Exhibit 1?
 21 A Yes.
 22 Q Okay. If you would please turn

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