Page 1 UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE PATENT TRIAL AND APPEAL BOARD SONY CORPORATION, Petitioner, Petitioner, Petitioner, Petitioner, Petitioner, Petitioner, Patent Owner. Patent Owner. VIDEOTAPED DEPOSITION OF THOMAS VON ALTEN Wednesday, December 12, 2018

Boise, Idaho

Reported By: Andrea J. Couch, CSR, RDR, CRR, CRC Job No. 23689

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	Page 2		Page 4
1		1	
1 2		1 2	EXAMINATION INDEX EXAMINATION BY: PAGE
3	The videotaped deposition of	3	
4	Thomas Von Alten was convened Wednesday,	4	· · · · · · · · · · · · · · · · · · ·
5	December 12, 2018, commencing at 8:04 a.m., held at:	5	Mr. Speed 163
6	Determoti 12, 2010, commencing at 0.04 a.m., new at.	6	INDEX OF EXHIBITS
7	Comfort Suites Airport	7	VON ALTEN
8	2906 South Vista Avenue	8	Exhibit Description Page
9	Boise, Idaho	9	Exhibit 2050 McAllister-II Figure 4 156
10		10	Exhibit 2000 Mer thister-if Figure 4 100
11	before Andrea J. Couch, Certified Shorthand Reporter,	11	
12	Registered Diplomat Reporter, Certified Realtime Reporter,		
13	Certified Realtime Captioner, and Notary Public in and	13	
14	for the State of Idaho.	14	
15		15	
16		16	
17		17	
18		18	
19		19	
20		20	
21		21	
22		22	
23		23	
24		24	
25		25	
	Page 3		Page 5
1	A P P E A R A N C E S:	1	P R O C E E D I N G S
2		2	
3	For the Sony Petitioner:	3	VIDEOGRAPHER: Okay. So the camera
4	BY: NATHAN SPEED, ESQUIRE	4	is rolling and we are on the record.
5	WOLF GREENFIELD & SACKS, P.C.	5	This is the video deposition of
6	600 Atlantic Avenue	6	Thomas Von Alten in the matter of Sony
7	Boston, Massachusetts 02210	7	versus FUJIFILM, IPR 2018-00876 and
8	617-646-8283	8	IPR 2018-00877. The deposition is being
9	nathan.speed@wolfgreenfield.com	9	held at the Comfort Suites, 2906 South
10		10	Vista Avenue in Boise, Idaho, on December
11	For the FUJIFILM Patent Owner:	11	12th, 2018, at approximately 8:04 a.m.
12	BY: KATHARINE BURKE, ESQUIRE	12	My name is Chris Ennis. I am
13	BY: AARON RABINOWITZ, ESQUIRE	13	from the firm of TSL, and I am the legal
14	BAKER BOTTS, LLP	14	video specialist. The court reporter is
15	1299 Pennsylvania Avenue, Northwest	15	Andrea Couch in association with TSL.
16	Washington, D.C. 20004	16	And will Counsel please
17	202-639-7751	17	introduce themselves.
18	katharine.burke@bakerbotts.com	18	MS. BURKE: Katharine Burke from
19	aaron.rabinowitz@bakerbotts.com	19	Baker Botts for FUJIFILM.
		20	MR. RABINOWITZ: Aaron Rabinowitz
20		21	from Baker Botts for FUJIFILM.
21	ALSO PRESENT:	22	
21 22	ALSO PRESENT: Chris Ennis, Videographer	22	MR. SPEED: Nathan Speed from Wolf
21 22 23		23	MR. SPEED: Nathan Speed from Wolf Greenfield & Sacks for petitioner, Sony.
21 22			MR. SPEED: Nathan Speed from Wolf

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	Page	6		Page 8
1	THOMAS VON ALTEN,		1	A. I do.
2	a witness having been first duly sworn to		2	Q. Is that a declaration that
3	tell the truth, the whole truth and nothing		3	you've submitted in these proceedings?
4	but the truth, was examined and testified as		4	A. It is.
5	follows:		5	Q. You understand that these
6	10110 w 5.		6	proceedings relate to inter partes review
7	EXAMINATION		7	proceedings at the United States Patent
8	BY MS. BURKE:		8	and Trademark Office filed by Sony against
9	Q. Good morning, sir. Can you		9	the 905 patent, correct?
10	please state your name for the record.		10	A. I do.
11	A. Good morning. My name is		11	Q. And you'll understand if I
$12^{11}$	Thomas William Von Alten.		12	refer to those inter partes review
13	Q. And where do you reside?		13	proceedings as "IPRs" for purposes of this
$14^{13}$	A. Here in Boise, Idaho, at		$14^{13}$	
$14 \\ 15$	2824 North Grandee Street.		14 15	deposition?
			15 16	A. Yes, I will.
16	Q. And we met at your deposition			Q. And for the IPRs, you prepared
17	in April in the ITC matter between Sony		17	one declaration.
18	and FUJIFILM, right?		18	Is that correct?
19	A. We did. I thought it was May,		19	A. Yes.
20	but		20	Q. And you understand that that
21	Q. May.		21	declaration has been filed in both IPRs.
22	Have you sat for any		22	Is that right?
23	depositions since that deposition in the		23	A. I understand that, yes.
24	ITC matter between Sony and FUJIFILM?		24	Q. Do you intend to perform any
25	A. I have not.		25	additional work related to Sony's IPRs
	Page	7		Page 9
1	Q. You understand you are under		1	against the 905 patent after this
2	oath today, the same as if you were in a		2	deposition?
3	court of law, correct?		3	A. I don't have any plans, but I
4	A. I do understand.		4	am responsive to Sony's counsel and their
5	Q. Is there any reason you won't		5	requests.
6	be able to answer my questions fully and		6	Q. But as of today, you don't have
7	truthfully?		7	any plans to perform additional work
8	A. There is not.		8	relating to the IPRs.
9	Q. All right. In front of you are		9	Is that correct?
10	two exhibits that have been marked 1001		10	A. That's correct.
11	and 1004. Exhibit 1001 is U.S. Patent No.		11	Q. All right. I think you
12	6,462,905.		12	discussed with my colleagues previously
13	Do you see that?		13	that you started working at HP,
14	A. I do.		14	Hewlett-Packard, in 1983.
15	Q. And you reviewed the 905 patent		15	Is that correct?
16	for purposes of your declaration in this		16	A. Yes.
17	matter?		17	Q. And you'll understand if I
18	A. I have.		18	refer to Hewlett-Packard as "HP" for
19	Q. And you will understand if I		19	purposes of this deposition?
20	refer to Exhibit 1001 as "the 905 patent,"		20	A. I will.
21	correct?		21	Q. Prior to 1983, did you work on
22	A. I will.		22	magnetic tape cartridges at all?
23	Q. And then Exhibit 1004 is the		23	A. I did not.
24	declaration of Thomas W. Von Alten.		23 24	Q. And then at HP from 1983 to
25	Do you see that?		24 25	1986, you worked on printed circuit
			<u> </u>	

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	Page 10		Page 12
1	assemblies, correct?	1	A. I did not.
2	A. Yes.	2	Q. So before 1996, you did not
3	Q. Printed circuit assemblies are	3	have any work or education experience
4	different than magnetic tape drives,	4	relating to magnetic tape cartridges.
5	correct?	5	Is that fair?
6	A. Yes.	6	A. Not specifically, but the
7	Q. You did not work on printed	7	general background in mechanical
		8	
8	I'm sorry, magnetic tape drives from 1983		engineering, process engineering, and
9	to 1986, correct?	9	design engineering all have applicability.
10	A. I did not.	10	Q. Yeah, that wasn't my question.
11	Q. And from 1986 to 1989, you	11	My question was if you had any
12	began working on disk drives at HP, right?	12	work or education experience related to
13	A. Yes.	13	magnetic tape cartridges.
14	Q. And you did not work on	14	A. No.
15	magnetic tape drives from 1986 to 1989?	15	Q. You've heard of the IBM 3480
16	A. Not in their manufacture, no.	16	cartridge?
17	I was a user of them as a computer user in	17	A. I have.
18	high-end work stations, that sort of	18	Q. You never worked at IBM,
19	thing, but	19	correct?
20	Q. But for purposes of your job	20	A. I did not.
21	responsibilities at HP, you did not have	21	Q. You never worked on the
22	responsibilities relating to magnetic tape	22	development of IBM 3480 cartridges,
23	cartridges or drives, correct?	23	correct?
24	A. I did not.	24	A. I did not.
25	Q. In 1989, you went to Stanford	25	Q. You never worked on the design
	Page 11		Page 13
1	to study manufacturing systems engineering	1	of IBM 3480 cartridges, correct?
2		2	A. No.
3	for a year. Is that correct?	3	
	A. Yes.		Q. Okay. In 1996, you moved from
4			the dials means division to a Commuter
		4	the disk memory division to a Computer
5	Q. Did you study magnetic tape	5	Peripheral Bristol division at HP,
5 6	Q. Did you study magnetic tape cartridges at Stanford?	5 6	Peripheral Bristol division at HP, correct?
5 6 7	<ul><li>Q. Did you study magnetic tape cartridges at Stanford?</li><li>A. Not specifically, no.</li></ul>	5 6 7	Peripheral Bristol division at HP, correct? A. Yes.
5 6 7 8	<ul><li>Q. Did you study magnetic tape cartridges at Stanford?</li><li>A. Not specifically, no.</li><li>Q. Did you study magnetic tape</li></ul>	5 6 7 8	Peripheral Bristol division at HP, correct? A. Yes. Q. And you worked at the Computer
5 6 7 8 9	<ul><li>Q. Did you study magnetic tape cartridges at Stanford?</li><li>A. Not specifically, no.</li><li>Q. Did you study magnetic tape drives at Stanford?</li></ul>	5 6 7 8 9	Peripheral Bristol division at HP, correct? A. Yes. Q. And you worked at the Computer Peripheral Bristol division for three
5 6 7 8 9 10	<ul> <li>Q. Did you study magnetic tape cartridges at Stanford?</li> <li>A. Not specifically, no.</li> <li>Q. Did you study magnetic tape drives at Stanford?</li> <li>A. No.</li> </ul>	5 6 7 8 9 10	Peripheral Bristol division at HP, correct? A. Yes. Q. And you worked at the Computer Peripheral Bristol division for three years.
5 6 7 8 9 10 11	<ul> <li>Q. Did you study magnetic tape cartridges at Stanford?</li> <li>A. Not specifically, no.</li> <li>Q. Did you study magnetic tape drives at Stanford?</li> <li>A. No.</li> <li>Q. In 1990, you returned to HP.</li> </ul>	5 6 7 8 9 10 11	Peripheral Bristol division at HP, correct? A. Yes. Q. And you worked at the Computer Peripheral Bristol division for three years. Is that right?
5 6 7 8 9 10 11 12	<ul> <li>Q. Did you study magnetic tape cartridges at Stanford?</li> <li>A. Not specifically, no.</li> <li>Q. Did you study magnetic tape drives at Stanford?</li> <li>A. No.</li> <li>Q. In 1990, you returned to HP. Is that right?</li> </ul>	5 6 7 8 9 10 11 12	Peripheral Bristol division at HP, correct? A. Yes. Q. And you worked at the Computer Peripheral Bristol division for three years. Is that right? A. Yes.
5 6 7 8 9 10 11 12 13	<ul> <li>Q. Did you study magnetic tape cartridges at Stanford?</li> <li>A. Not specifically, no.</li> <li>Q. Did you study magnetic tape drives at Stanford?</li> <li>A. No.</li> <li>Q. In 1990, you returned to HP. Is that right?</li> <li>A. Yes.</li> </ul>	5 6 7 8 9 10 11 12 13	Peripheral Bristol division at HP, correct? A. Yes. Q. And you worked at the Computer Peripheral Bristol division for three years. Is that right? A. Yes. Q. And during that time from 1996
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5 6 7 8 9 10 11 12 13	<ul> <li>Q. Did you study magnetic tape cartridges at Stanford?</li> <li>A. Not specifically, no.</li> <li>Q. Did you study magnetic tape drives at Stanford?</li> <li>A. No.</li> <li>Q. In 1990, you returned to HP. Is that right?</li> <li>A. Yes.</li> </ul>	5 6 7 8 9 10 11 12 13	Peripheral Bristol division at HP, correct? A. Yes. Q. And you worked at the Computer Peripheral Bristol division for three years. Is that right? A. Yes. Q. And during that time from 1996
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5 6 7 8 9 10 11 12 13 14 15 16	<ul> <li>Q. Did you study magnetic tape cartridges at Stanford?</li> <li>A. Not specifically, no.</li> <li>Q. Did you study magnetic tape drives at Stanford?</li> <li>A. No.</li> <li>Q. In 1990, you returned to HP. Is that right?</li> <li>A. Yes.</li> <li>Q. And from 1990 to 1996, you again worked on disk drive systems,</li> </ul>	5 6 7 8 9 10 11 12 13 14 15 16	Peripheral Bristol division at HP, correct? A. Yes. Q. And you worked at the Computer Peripheral Bristol division for three years. Is that right? A. Yes. Q. And during that time from 1996 to 1999, you worked on magnetic tape storage, correct?
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5 6 7 8 9 10 11 12 13 14 15 16 17 18	<ul> <li>Q. Did you study magnetic tape cartridges at Stanford?</li> <li>A. Not specifically, no.</li> <li>Q. Did you study magnetic tape drives at Stanford?</li> <li>A. No.</li> <li>Q. In 1990, you returned to HP. Is that right?</li> <li>A. Yes.</li> <li>Q. And from 1990 to 1996, you again worked on disk drive systems, correct?</li> <li>A. Yes. I was working in the design lab for disk memory division.</li> <li>Q. Okay. You did not work on</li> </ul>	5 6 7 9 10 11 12 13 14 15 16 17 18	<ul> <li>Peripheral Bristol division at HP, correct?</li> <li>A. Yes.</li> <li>Q. And you worked at the Computer</li> <li>Peripheral Bristol division for three years.</li> <li>Is that right?</li> <li>A. Yes.</li> <li>Q. And during that time from 1996 to 1999, you worked on magnetic tape storage, correct?</li> <li>A. I did, yes.</li> <li>Q. Okay. And then in 1999, you left computer peripherals and began to work at HP Labs.</li> </ul>
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5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>Q. Did you study magnetic tape cartridges at Stanford?</li> <li>A. Not specifically, no.</li> <li>Q. Did you study magnetic tape drives at Stanford?</li> <li>A. No.</li> <li>Q. In 1990, you returned to HP. Is that right?</li> <li>A. Yes.</li> <li>Q. And from 1990 to 1996, you again worked on disk drive systems, correct?</li> <li>A. Yes. I was working in the design lab for disk memory division.</li> <li>Q. Okay. You did not work on magnetic tape cartridges in the period from 1990 to 1996, correct?</li> <li>A. That's correct.</li> </ul>	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Peripheral Bristol division at HP, correct? A. Yes. Q. And you worked at the Computer Peripheral Bristol division for three years. Is that right? A. Yes. Q. And during that time from 1996 to 1999, you worked on magnetic tape storage, correct? A. I did, yes. Q. Okay. And then in 1999, you left computer peripherals and began to work at HP Labs. Is that right? A. I worked on a project with HP Labs. I was technically still an

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1       magnetic tape cartridges, correct?       1       drives.         2       A. That's correct. I was still       2       Is that correct?         3       available for consultation with the       3       A. That's correct.         4       previous project that I had been on.       4       Q. You've done nothing in the         5       Q. But beginning in 1999, you had       6       Edd of tape cartridge engineering since         6       no further responsibilities       10       1999, have any further responsibilities       10         10       1999, have any further responsibilities       10       10       So prior to your involvement in         11       relating to magnetic tape drives at HP,       11       Let me -         12       correct?       1       M. That's correct.         13       A. Yes. I'd just make one       13       in the litigation, you've had nothing         14       correction there. Beginning in 1999       16       cartridge cangineering since 2003, correct?         14       O. Kay. Understood.       18       only experience you've had work         15       magnetic tape drives from       10       Not was involved with tape drives from         16       O. Okay. Understood.       19       cartridge cangineering since 2003, corre		Page 14		Page 16
2       A. That's correct.       Yeas still       2       Is that correct?         3       available for consultation with the       3       A. That's correct.         4       previous project that I had been on.       4       Q. You've done nothing in the         5       Q. But beginning in 1999, you had       5       field of tape carridge engineering since         7       magnetic tape catridges at HP, correct?       7       A. Not until I became involved in         8       A. That's correct.       8       this case.         9       Q. And you did not, beginning in       9       Q. So prior to your involvement in         11       relating to magnetic tape drives at HP,       11       Let me         12       correct?       12       Setting aside your involvement in         13       A. Yes. I'd just make one       13       in the flitgation, you've had nothing         14       correct?       14       Setting aside your involvement       16         15       My transition was in late 1999.       16       carridge engineering since 2003, correct?       17         18       Q. Okay. Understood.       18       only experience you've had work       experience you've had work         19       Beginning in late 1999, you did       19 <td< td=""><td>1</td><td>magnetic tape cartridges, correct?</td><td>1</td><td>drives.</td></td<>	1	magnetic tape cartridges, correct?	1	drives.
3       available for consultation with the       3       A. That's correct.         4       previous project that I had been on.       4       Q. You've doen nothing in the         5       Q. But beginning in 1999, you had       5       field of tape cartridge engineering since         6       no further responsibilities relating to       6       2003, correct?         7       A. That's correct.       8       4       Not until I became involved in         10       1999, have any further responsibilities       10       Q. So prior to your involvement in         11       relating to magnetic tape drives at IIP,       11       Let me -         12       correct?       12       Setting aside your involvement in         13       A. Yes. I'd just make one       13       in the fild of tape cartridge engineering since 2003, correct?         14       correction there. Beginning in 1999       14       done nothing in the field of tape         15       Myst transition was in late 1999, you did       19       Eating to magnetic tape drives from         16       A. That's correct.       Q. So through toty career, the       only experience you've had - work         17       January through tate summer/fall.       17       Q. So through you career, the         17       Rotay cartridge enginegrid th			2	Is that correct?
4       previous project that I had been on.       4       Q. You've doen conting in the         5       0. But beginning in 1999, you had       5       field of tape cartridge engineering since         7       magnetic tape cartridges at IP, correct?       7       A. Not until I became involved in         8       A. That's correct.       8       this case.         9       Q. And you did not, beginning in       9       Q. So prior to your involvement in         11       relating to magnetic tape drives at IP,       11       Let me         12       correct?       12       Setting aside your involvement         13       A. Yes. I d just make one       13       in the lingation, you've had nothing         14       correction there. Beginning in 1999       14       done nothing in the field of tape         15       My transition was in late 1999.       15       carridge engineering since 2003, correct?         16       So I was involved with tape drives from       16       not have any further responsibilities         17       January through late summer/fall.       17       Q. So throughout your career, the         18       Q. Okay. Understod.       18       only experience you've had related to magnetic         21       relating to magnetic tape drives at HP,       21       <		available for consultation with the	3	A. That's correct.
5       Q. But beginning in 1999, you had       5       field of tape cartridge engineering since         6       no further responsibilities       10       2003, correct?         7       magnetic tape cartridge s at HP, correct?       7       A. Not until I became involved in         10       1999, have any further responsibilities       10       Q. So prior to your involvement in         11       relating to magnetic tape drives at HP,       11       Let me -         12       correct?       12       Setting aside your involvement         13       A. Yes. I'd just make one       13       in the litigation         14       correction there. Beginning in 1999       14       done nothing in the field of tape         15       My transition was in late 1999.       15       cartridge engineering since 2003, correct?         16       A. That's correct.       Q. So throughout your carcer, the       001 experiance you've had koork         19       Beginning in late 1999, you did       19       experience you've had koork       12         10       not have any further responsibilities       20       tart right?       14         20       correct?       22       the tape storage project at HP from 1996         21       relating to magnetic tape drives at HP,       21 </td <td>4</td> <td>previous project that I had been on.</td> <td>4</td> <td></td>	4	previous project that I had been on.	4	
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7       magnetic tape cartridges at HP, correct?       7       A. Not until I became involved in this case.         9       Q. And you did not, beginning in 1999, have any further responsibilities       10       Q. So prior to your involvement in this litigation         11       relating to magnetic tape drives at HP, correct?       12       Setting aside your involvement         13       A. Yes. I'd just make one       13       in the litigation, you've had nothing         14       correct?       12       Setting aside your involvement         15       My transition was in late 1999,       15       cartridge engineering since 2003, correct?         16       So I was involved with tape drives from       16       A. That's correct.       O. So throughout your carcer, the         19       Beginning in late 1999, you did       19       experience you've had related to magnetic       tape cartridge scane through your work on         10       not have any further responsibilities       20       tape cartridge scane through your work on         17       There were a number of patents       24       A. Yes.       Yes.         23       A. One qualification. Sorry.       23       Is that right?       1       at Exhibit 1004, your declaration, and         12       process, and so I was still available and       1       at Exhibit 1004, your d			1	
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12       correct?       12       Setting aside your involvement         13       A. Yes. I'd just make one       13       in the litigation, you've had nothing         14       correction three. Beginning in 1999       14       done nothing in the field of tape         15       My transition was in late 1999.       15       correct?       A. That's correct.         16       So I was involved with tape drives from       16       A. That's correct.       Q. So throughout your career, the         18       Q. Okay. Understood.       18       only experience you've had work         19       Beginning in late 1999, you did       19       experience you've had work         20       not have any further responsibilities       20       tape cartridges came through your work on         21       relating to magnetic tape drives at HP,       21       the tape storage project at HP from 1996         22       correct?       22       Is that right?       A. Yes.         24       There were a number of patents       24       A. Yes.       So page 5 sets forth Section 3,         2       process, and so I was still available and       1       at Exhibit 1004, your declaration, and       Wur to page 5, please.       So page 5 sets forth Section 3,         4       Q. Your work responsibilities			11	-
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20       not have any further responsibilities       20       tape cartridges came through your work on         21       relating to magnetic tape drives at HP,       21       the tape storage project at HP from 1996         22       correct?       22       through 1999.         23       A. One qualification. Sorry.       23       Is that right?         24       There were a number of patents       24       A. Yes.         25       that had been applied for and were in       25       Q. All right. If you could look         Page 15         26       responsive to requests for completion of       2       at Exhibit 1004, your declaration, and         27       responsive to requests for completion of       2       So page 5, please.       So page 5 sets forth Section 3,         3       Work responsibilities       4       "Relevant Legal Standards."       5       Do you see that?         4       Q. Your work responsibilities       4       Iduestandards."       5       Do you see that?         5       beginning in late 1999 were not directed       5       Do you see that?       6       A. Ido.         7       A. Not primarily, no.       7       Q. And Section 3 sets forth your       8       full understanding of principles of       9			1	
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23       A. One qualification. Sorry.       23       Is that right?         24       There were a number of patents       24       A. Yes.         25       that had been applied for and were in       25       Q. All right. If you could look         Page 15         Page 17         1       process, and so I was still available and       1       at Exhibit 1004, your declaration, and         2       responsive to requests for completion of       2       turn to page 5, please.         3       those patent applications.       3       So page 5 sets forth Section 3,         4       Q. Your work responsibilities       4       "Relevant Legal Standards."         5       beginning in late 1999 were not directed       5       Do you see that?         6       at magnetic tape drives?       6       A. I do.         7       A. Not primarily, no.       7       Q. And Section 3 sets forth your         8       Q. Okay. Then in 2003, you       8       full understanding of principles of         9       decided to leave HP and become       9       anticipation and obviousness that you've         10       self-employed, correct?       10       applied in this matter, correct?         12       Q. And you've been self-employed <td< td=""><td></td><td></td><td></td><td></td></td<>				
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