

Deposition of  
**Loren Terveen, Ph.D.**  
September 14, 2022  
Volume II

Apple Inc.  
vs.  
MemoryWeb, LLC



Page 242

1 UNITED STATES PATENT AND TRADEMARK OFFICE  
 2 BEFORE THE PATENT TRIAL AND APPEAL BOARD  
 3 --o0o--  
 4 APPLE INC., )  
 )  
 5 Petitioner, )  
 )  
 6 vs. ) IPR PARTES REVIEW  
 ) No. IPR2022-00031  
 7 ) IPR PARTES REVIEW  
 ) No. IPR2022-00031  
 8 ) IPR PARTES REVIEW  
 ) No. IPR2022-00031  
 9 ) IPR PARTES REVIEW  
 ) No. IPR2022-00031  
 10 MEMORYWEB, LLC, )  
 )  
 11 Patent Owner. )  
 \_\_\_\_\_ )  
 12  
 13 VIDEOCONFERENCE DEPOSITION OF  
 14 LOREN TERVEEN, PH.D.  
 \_\_\_\_\_  
 15  
 16 Volume II (Pages 242-417)  
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 18 Date: Wednesday, September 14, 2022  
 19 Time: 8:31 a.m. CST  
 20 Reporter: Renee Combs Quinby, RDR, CRR, CSR IL, CSR  
 21 MO, CSR CA #11867  
 22 Job No.: 10107155  
 23  
 24  
 25

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 7 EXHIBITS  
 8 Exhibit 1007 US Patent 9,612,126 by Beletski 279  
 9 Exhibit 1006 United States Patent 315  
 10 Application for Belitz  
 11 Exhibit 1044 Article from CrunchGear dated 378  
 12 March 19th, 2010  
 13 (The original exhibits were provided to the court  
 14 reporter electronically to be attached to the  
 15 original and copies of the transcript.)  
 16  
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 13 --o0o--  
 14 VIDEOCONFERENCE DEPOSITION OF LOREN  
 15 TERVEEN, PH.D., produced, sworn, and examined on  
 16 Wednesday, September 14, 2022, with the witness  
 17 appearing via videoconference from Washington, D.C.,  
 18 taken on behalf of the Patent Owner, before RENEE  
 19 COMBS QUINBY, Registered Diplomate Reporter,  
 20 Certified Realtime Reporter, Certified Shorthand  
 21 Reporter for the State of Illinois, Certified  
 22 Shorthand Reporter for the State of California,  
 23 Certified Court Reporter for the State of Missouri,  
 24 and a Realtime Systems Administrator.  
 25

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1 --oOo--  
2 IT IS HEREBY STIPULATED AND AGREED by and  
3 between counsel for the Patent Owner and counsel for  
4 the Petitioner that this deposition may be taken in  
5 machine shorthand by RENEE QUINBY, RDR, CRR,  
6 Certified Court Reporter, and Certified Shorthand  
7 Reporter, and afterwards transcribed into  
8 typewriting.  
9 --oOo--  
10 LOREN TERVEEN, PH.D.,  
11 of lawful age, having been first duly sworn to  
12 testify to the truth, the whole truth, and nothing  
13 but the truth in the case aforesaid, deposes and  
14 says in reply to oral interrogatories propounded as  
15 follows, to-wit:  
16 --oOo--  
17 PROCEEDINGS 8:31 a.m. CST  
18 EXAMINATION  
19 BY MR. SCHWARTZ:  
20 **Q. Good morning, Professor Terveen. You**  
21 **understand that you remain under oath from**  
22 **yesterday?**  
23 A. I do.  
24 **Q. Did you discuss your testimony in any**  
25 **way with anyone in between ending yesterday and**

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1 **starting this morning?**  
2 A. No, I didn't.  
3 **Q. When we ended yesterday, I asked you to**  
4 **bring with you the box and documentation of the**  
5 **Aperture 3 package that you received.**  
6 **Did you do that?**  
7 A. I did.  
8 **Q. Can you just hold it up to the screen**  
9 **so I can see what was there and I'll see if I can**  
10 **identify it for the record.**  
11 A. Sure. And I have two of them. I have  
12 the retail and the academic. Let's see. The one  
13 I'm holding up now is the retail. I'm not sure if  
14 you can see it.  
15 **Q. Yes. And actually why don't I see if I**  
16 **can do this. I'm going to link it to what you said**  
17 **in -- whoops -- for ease of reference, why don't you**  
18 **also pull up on the screen the '020 declaration,**  
19 **Exhibit 1003, in the '020.**  
20 A. Okay. I think it's still up but let me  
21 find it. Yeah, I've got it.  
22 **Q. Okay. And go to page 33.**  
23 A. Okay. Yep, I'm there.  
24 **Q. Okay. And on page 33, beginning at**  
25 **paragraph 71. there is a discussion of the retail**

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1 **copy of Aperture 3 that you received from Apple**  
2 **counsel; is that right?**  
3 A. Yes. Yes. That's right.  
4 **Q. And the box that you have with you is**  
5 **the box that's referred to in that section, correct?**  
6 A. Yes.  
7 **Q. And in fact you took a picture of that**  
8 **for your declaration in paragraph 74?**  
9 A. Yes, yes, I think. Yeah, yes, I did.  
10 **Q. Can you open the box for us and tell us**  
11 **what is inside.**  
12 A. Well, I'll hold it up because it's got  
13 sort of a sleeve, and now I've taken the box out.  
14 And so I guess this is a folding situation. And if  
15 I unfold it, I then have the disk and some -- in  
16 here, there is some documents.  
17 **Q. Can you take out the documents, please?**  
18 A. Yep. There's three things in here, and  
19 I actually have not even looked at them all. Here  
20 is the first one.  
21 **Q. Okay. Can you just identify on the**  
22 **record what it says on the front cover of that?**  
23 A. It says "Aperture 3, Exploring  
24 Aperture."  
25 **Q. And is that a booklet of approximately**

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1 **160 pages?**  
2 A. Yes.  
3 **Q. Okay. All right. And then what are**  
4 **the -- what is the other documentation that's in**  
5 **there?**  
6 A. There's like a -- just a two-page  
7 thing, but it says on the front "Aperture 3, Take  
8 Your Photos to New Places."  
9 **Q. Is that a picture of a bear on the**  
10 **front?**  
11 A. It does, yeah. It's a picture of a  
12 bear.  
13 **Q. All right. And then there is a**  
14 **final -- and I'm sorry. That particular piece of**  
15 **documentation is a two-page foldout?**  
16 A. Yeah, yeah. It's just -- here's what  
17 happens, yeah.  
18 **Q. And then the final piece of literature**  
19 **or documentation that came with the box is what?**  
20 A. There's actually two more things I had  
21 not initially noticed, this little two-page thing.  
22 So there's another very small booklet. It's called  
23 "Aperture 3, Installing Your Software."  
24 **Q. Okay. And on page 5 of that?**  
25 A. Yes. I -- yes. I opened it up to

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1 page 5.

2 **Q. Okay. Is there a section in yours that**

3 **says "On Screen User Manual"?**

4 A. Yes.

5 **Q. And the documentation that came with**

6 **the Aperture 3 installation CD that you're holding**

7 **directs a user to find the user manual by opening**

8 **Aperture and then choosing Help and going to**

9 **Aperture Help and clicking the link to the user**

10 **manual; is that correct?**

11 A. Well, it -- it says, (quote as read):

12 To access the user manual,

13 open Aperture, then choose

14 Help, Aperture Help, and click

15 the link to the user manual.

16 **Q. Correct. All right. And right above**

17 **that it says a heading of "On Screen User Manual,"**

18 **right?**

19 A. That's correct.

20 **Q. And it also says, "A comprehensive user**

21 **manual is available in Aperture Help," correct?**

22 A. That's right.

23 **Q. And then below that is what we just**

24 **talked about, there's a header that says, "To access**

25 **the user manual," and then "open Aperture," and then**

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1 **"choose Help, caret, Aperture Help, and click the**

2 **link to use -- to the user manual," correct?**

3 A. Yeah, that's right.

4 **Q. Now, the user manual that is attached**

5 **as Exhibit 1003 to your declarations is not that**

6 **user manual, correct?**

7 MR. SMITH: Objection. Form.

8 THE WITNESS: I think you might have

9 used the wrong number. I wanted to make sure I

10 understood what you were referring to.

11 BY MR. SCHWARTZ:

12 **Q. I believe I said "1003." I meant**

13 **"1005." You're correct. Thank you. Let me restate**

14 **the question.**

15 **The user manual attached as**

16 **Exhibit 1005 to your declarations is not the user**

17 **manual that is referenced in the literature that**

18 **came with the Aperture 3 CD that you're holding**

19 **right now, correct?**

20 A. Well, it's the exhibit I referenced is

21 a PDF which was formed by producing all the HTML

22 files of the user manual, and what's being -- if I

23 understand your question correctly, what's being

24 referred to in -- in this Installing Your Software

25 brochure that we were just looking at is accessing

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1 the HTML files for the user manual through the

2 Aperture Help system.

3 But it's -- it's the same content.

4 Exhibit 1005 contains in PDF form the same content

5 as -- as appears in the user manual through the Help

6 system.

7 **Q. All right. You -- Exhibit 1005 to your**

8 **declarations was not created by following the**

9 **instructions in the documentation that accompanied**

10 **the Aperture 3 disk, correct?**

11 A. I think we spoke yesterday about this.

12 I don't have firsthand knowledge of how it was

13 produced, but I believe it was produced from the

14 HTML files themselves, not by going through

15 Aperture's Help system. But again, I did not

16 produce it so ...

17 **Q. Okay. So the steps that you discussed**

18 **yesterday to get to those HTML files is a different**

19 **process by which to get to the content of the user**

20 **manual than what is described in the documentation**

21 **that accompanied the retail version of the**

22 **Aperture 3 installation disk, correct?**

23 A. Well, I believe in my declaration, I

24 mentioned that you can access the user manual by

25 going through the Help menu, but I also, as we

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1 discussed yesterday, described other ways that I had

2 accessed the user manual, the HTML files of the user

3 manual.

4 **Q. The booklet that accompanied the**

5 **Aperture 3 installation disk doesn't tell you to**

6 **look for the invisible HTML files on the DVD, does**

7 **it?**

8 A. Well, I have not read this whole thing,

9 but certainly in the passage that you just described

10 or the passage that you just had me read and that

11 you read, it -- it only tells you one way to access

12 the user manual, and that is by going through the --

13 through the Help menu of Aperture -- or going

14 through the Help menu and accessing the Aperture

15 Help option.

16 **Q. Going back to the 150-page booklet that**

17 **also came with the Aperture 3 installation disk that**

18 **has the cover "Aperture 3, Exploring Aperture"?**

19 A. I have it.

20 **Q. If you go to page 7.**

21 A. Okay. I'm looking at page 7.

22 **Q. All right. There is a bullet point at**

23 **the bottom that says, (quote as read):**

24 **If you prefer to start by**

25 **reading in-depth explanations**

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1 of concepts and procedures  
2 used with Aperture: Open  
3 Aperture, then choose Help,  
4 caret, Aperture Help, then  
5 click the link to the user  
6 manual.  
7 Did I read that correctly?  
8 A. Yes.  
9 Q. That instruction similarly does not  
10 tell a user to look for the invisible HTML files on  
11 the DVD, correct?  
12 A. No, no, this simply says, as you said,  
13 accessing the user manual by choosing Help and then  
14 Aperture Help.  
15 Q. Was there any other documentation that  
16 came with the installation DVD retail version from  
17 counsel?  
18 A. Yeah, there's one other. It's  
19 Aperture 3 Keyboard Shortcuts.  
20 Q. And to your knowledge, there's nothing  
21 in there that directs a user to go look for the  
22 invisible HTML files on the DVD, correct?  
23 A. I haven't looked at it, but -- so to my  
24 knowledge -- yeah, I have no knowledge about it.  
25 Q. All right. Thank you. I appreciate

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1 you bringing that in.  
2 Before I leave that, the other box that  
3 you have --  
4 A. Yes.  
5 Q. -- is that the box that you reference  
6 in Exhibit 1003 of the '020 in paragraph 97?  
7 A. Yes, it is.  
8 Q. Is the documentation that accompanied  
9 that box the same as the documentation with the  
10 retail box?  
11 A. I'll just verify that it is the same.  
12 Yeah, it's the same four things, same four booklets.  
13 Q. Thank you. All right. I'm going to  
14 turn back to some of your opinions regarding the  
15 '020 here shortly -- quickly, hopefully. And I'm  
16 going to direct you to the discussion regarding  
17 claim 3 beginning at paragraph 165 on page 92 of  
18 Exhibit 1003.  
19 A. Okay. I'm -- I've navigated to there.  
20 Q. Okay. And just to orient you,  
21 claim 3 -- claim 3 depends from claim 1 -- excuse  
22 me, depends from claim 2 and further depends from  
23 claim 1, and you set forth in paragraph 167 -- oh,  
24 I'm sorry. I was looking down. Did you say  
25 something?

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1 A. Oh, no. No, I did not say anything.  
2 Q. Oh. Sorry about that. In  
3 paragraph 167 you state:  
4 When selecting the Places item  
5 in the Library inspector, the  
6 Places view shows "location  
7 information for images across  
8 the entire Aperture Library,"  
9 so the location pins displayed  
10 on the Places map that can be  
11 selected to view images taken  
12 at the locations would not be  
13 limited to linking to  
14 respective "sets of digital  
15 files associated with the  
16 first person." It would have  
17 been obvious to a skilled  
18 artisan in 2010 to modify A3UM  
19 so that the Places toolbar  
20 button (a "first map image,"  
21 also part of the "first person  
22 view") could be selected to  
23 display the photos of the  
24 selected person in the Places  
25 view ("wherein the first set

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1 of digital files and the  
2 second set of digital files  
3 are associated with the first  
4 person.")  
5 Did I read that correctly?  
6 A. Yes. Yes, you did.  
7 Q. All right. So here what you're saying  
8 is you want to modify -- it's your opinion that if  
9 you modify the Places button in the toolbar to only  
10 show images associated with a single person, that  
11 would render claim 3 obvious, correct?  
12 A. Let me quickly review what I wrote  
13 here. Okay. Well, I've sort of reviewed this  
14 section. Could you -- could you ask your question  
15 again so I have it fresh?  
16 Q. That delay was about two minutes of  
17 time, and you're now just asking me to repeat the  
18 question. So I just want to make that clear as we  
19 move forward throughout the day the amount of time  
20 that's being taken in between questions and answers.  
21 The question that I asked was, it's  
22 your opinion that if you modify the Places button  
23 associated with the single -- let me restate that.  
24 If you modify the Places toolbar button  
25 to only display photos associated with the single

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