

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)
 6 Petitioner,)
 7)
 8 vs.) IPR PARTES REVIEW
 9) No. IPR2022-00031
 10) IPR PARTES REVIEW
 11) No. IPR2022-00031
 12) IPR PARTES REVIEW
 13) No. IPR2022-00031
 14 MEMORYWEB, LLC,)
 15)
 16 Patent Owner.)
 17)
 18 _____)
 19
 20 VIDEOCONFERENCE DEPOSITION OF
 21 LOREN TERVEEN, PH.D.
 22
 23 _____
 24
 25 Volume II (Pages 242-417)
 Date: Wednesday, September 14, 2022
 Time: 8:31 a.m. CST
 Reporter: Renee Combs Quinby, RDR, CRR, CSR IL, CSR
 MO, CSR CA #11867
 Job No.: 10107155

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 4 EXAMINATION BY MR. SCHWARTZ246
 5 EXAMINATION BY MR. SMITH380
 6 FURTHER EXAMINATION BY MR. SCHWARTZ398
 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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 18 Patent Owner.)
 19)
 20 _____)
 21
 22 --o0o--
 23 VIDEOCONFERENCE DEPOSITION OF LOREN
 24 TERVEEN, PH.D., produced, sworn, and examined on
 25 Wednesday, September 14, 2022, with the witness
 appearing via videoconference from Washington, D.C.,
 taken on behalf of the Patent Owner, before RENEE
 COMBS QUINBY, Registered Diplomate Reporter,
 Certified Realtime Reporter, Certified Shorthand
 Reporter for the State of Illinois, Certified
 Shorthand Reporter for the State of California,
 Certified Court Reporter for the State of Missouri,
 and a Realtime Systems Administrator.

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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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