

EXHIBIT K

Transcript of the Testimony of **Alan C. Bovik**

Date: November 6, 2019

Case: Maxell, Ltd. v. Apple Inc.



Ace-Federal Reporters, Inc.
Phone: 202-347-3700
Fax: 202-737-3638
Email: info@acefederal.com
Internet: www.acefederal.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

MAXELL, LTD.,

Plaintiff,

vs.

APPLE INC.,

Defendant.

)
)
)
) Civil Action No.
)
) 5:19-cv-00036-RWS
)
)

ORAL VIDEOTAPED DEPOSITION
ALAN C. BOVIK, Ph.D.
November 6, 2019

Reported by
Rebecca Callow, RMR, CRR, RPR
Job No. 43583

1 ordinary meaning. Is that your understanding?

2 A. Yes.

3 Q. And Apple is proposing a different
4 construction. Correct?

5 A. Apple is not proposing plain and
6 ordinary meaning. They are proposing something
7 that reflects the inventor's intention, in my
8 opinion.

9 Q. And there would be a differing claim
10 scope between these two proposals. Correct?

11 MR. ZHOU: Objection to form.

12 A. As I understand it, I mean, plain
13 and ordinary meaning, especially for a term
14 like "culling" which, you know, is crying to be
15 construed in this patent, it would be
16 extraordinarily broad in -- yeah. So, I mean,
17 if that's what you mean.

18 BY MR. BAKEWELL:

19 Q. So is that a yes?

20 A. It means that, without construction,
21 the term can't properly be understood within
22 the claim language, you know, as -- and its
23 relevance to this technology.

24 Q. It's your opinion that the Court
25 shouldn't simply say plain and ordinary

1 meaning. Correct?

2 A. I think that the Court couldn't say
3 because, you know -- because I don't think
4 that, you know, within my field, that the term
5 we're talking about here has a plain and
6 ordinary meaning to a person of ordinary skill
7 in the art. It certainly isn't a term of my
8 art.

9 Q. Does the term get used in your art?

10 A. You know, I've contemplated that and
11 I've searched my mind, and I have no
12 recollection of ever encountering "culling"
13 used in the way it's used in this specification
14 and claim, over four decades of working in the
15 field.

16 The same thing with "mixing," by
17 the way.

18 Q. "Culling" outside of this field of
19 art has a dictionary definition, say, in
20 Webster's dictionary. Right? It's not a
21 made-up word?

22 A. Yeah. Culling. You know, I mean,
23 but it means something different in every use,
24 I would say. I think "culling" is one of those
25 words that can mean a lot of things.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.