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Transcript of Leigh Rothschild

Date: December 22, 2022

Case: Digital Verification Systems, LLC -v- Encyro, Inc.

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Transcript of Leigh Rothschild
December 22, 2022

<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE CENTRAL DISTRICT OF CALIFORNIA 3 DIGITAL VERIFICATION SYSTEMS, 4 LLC, 5 Plaintiff, Case No. 6 v. 5:22-cv-00686-JWH-SP 7 ENCYRO, INC., 8 Defendant. 9 ----- 10 D E P O S I T I O N 11 o f 12 LEIGH ROTHSCHILD, 13 taken on behalf of Defendant 14 DATE: December 22, 2022 15 TIME: 4:03 p.m. to 5:02 p.m. EDT 16 PLACE: - REMOTE - 17 BEFORE: Dawn A. Hillier, RMR, CRR 18 Stenographic Reporter 19 Notary Public - State of 20 Maryland, at Large 21 22 23 24 25</p>	<p>1 INDEX PAGE 2 WITNESS - LEIGH ROTHSCHILD 4 3 EXAMINATION BY MS. LAMKIN 7 4 REPORTER'S CERTIFICATE 47 5 EXHIBITS 6 Exhibit 1 Declaration of Leigh M. Rothschild in Support of Plaintiff's Opening Claim Construction Brief 7 7 Exhibit 2 U.S. Patent No. 9,054,860 11 8 Exhibit 3 Non-provisional Utility Patent Application Transmittal Letter, U.S. PTO 12/006457 14 9 Exhibit 4 Amendment PxHx 16 10 11 12 13 REPORTER'S KEY TO PUNCTUATION: 14 -- At end of question or answer references 15 interruption. 16 ... References a trail-off by the speaker. 17 No testimony omitted. 18 "Uh-huh" "Um-hum" References affirmative sound. 19 "Huh-uh" "Um-um" References negative sound. 20 21 22 23 24 25</p>
<p>1 APPEARANCES: ALL PARTIES ATTENDING REMOTELY 2 3 ON BEHALF OF PLAINTIFF: 4 SHEA PALAVAN, ESQUIRE 5 PALAVAN & MOORE, PLLC 6 5353 West Alabama Street, Suite 303 7 Houston, TX 77056 8 713.398.1894 9 shea@houstonip.com 10 11 ON BEHALF OF DEFENDANT: 12 RACHAEL D. LAMKIN, ESQUIRE 13 LAMKIN IP DEFENSE 14 One Harbor Drive, Suite 300 15 Sausalito, CA 95965 16 916.747.6091 17 rdl@lamkinipdefense.com 18 19 ALSO PRESENT: 20 James Hughes 21 Shegaw Mekonen, Planet Depos technician 22 23 24 25</p>	<p>1 LEIGH ROTHSCHILD, 2 was called as a witness and, having first been duly 3 sworn, was examined and testified as follows: 4 THE WITNESS: Yes, I do. 5 STENOGRAPHIC REPORTER: Thank you. 6 MR. PALAVAN: All right. Before we get 7 started, I just want to put on the record that we 8 do have a hard stop at 5:00 Eastern time for 9 Mr. Rothschild. He has other commitments. 10 But with that said, I will turn it to defense 11 counsel to begin. 12 MS. LAMKIN: I just want to state for the 13 record, we were not informed that Mr. Rothschild 14 was granting a mere one-hour deposition for his 15 late-filed declaration. 16 Is that true, Mr. Palavan, that you did not 17 inform me that Mr. Rothschild would only be sitting 18 for an hour? 19 MR. PALAVAN: If I did not, that's correct. 20 MS. LAMKIN: You did not. 21 MR. PALAVAN: Okay. I can't argue with your 22 assertions, but yes. 23 THE WITNESS: For the record, I informed 24 Mr. Palavan numerous times, both in writing and 25 orally.</p>

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<p style="text-align: right;">5</p> <p>1 MR. PALAVAN: Correct.</p> <p>2 MS. LAMKIN: Okay. I just -- I want you to</p> <p>3 understand the gravity of this, Mr. Rothschild.</p> <p>4 Your declaration was not properly disclosed. Just</p> <p>5 a minute. I can't see you. Let me get...</p> <p>6 Your declaration was not properly disclosed</p> <p>7 under the scheduling order, and, therefore, I</p> <p>8 offered them a choice, your counsel a choice,</p> <p>9 either withdraw your declaration or offer you for</p> <p>10 deposition, so that we could ameliorate the</p> <p>11 prejudice my client is suffering because we had no</p> <p>12 knowledge, under the court's scheduling order, that</p> <p>13 you would be submitting a declaration.</p> <p>14 Your counsel, a mere two days ago, offered you</p> <p>15 up for deposition, questions about your 18-page</p> <p>16 declaration, because, again, it was not disclosed.</p> <p>17 I just want you to understand, Mr. Rothschild,</p> <p>18 that if you end this deposition before I'm allowed</p> <p>19 to fully depose you as to the contents of your</p> <p>20 late-filed declaration, that it will be excluded</p> <p>21 under the local rules and under the court's</p> <p>22 scheduling order.</p> <p>23 So this is completely your decision,</p> <p>24 Mr. Rothschild. If you choose to end the</p> <p>25 deposition in an hour, and now 54 minutes, it's</p>	<p style="text-align: right;">7</p> <p>1 that is what you -- if that is what is allowed by</p> <p>2 the court, or the rules, or the rules. So I would</p> <p>3 make additional time available. So let's make that</p> <p>4 clear.</p> <p>5 MS. LAMKIN: Mr. Rothschild, there is no more</p> <p>6 time because our responsive claim construction</p> <p>7 brief is due tomorrow.</p> <p>8 Nonetheless, I have advised you of the</p> <p>9 potential outcome for your cutting off the</p> <p>10 deposition before I'm actually able to question you</p> <p>11 about the contents of your declaration.</p> <p>12 Now, let's get to the contents of your</p> <p>13 declaration.</p> <p>14 EXAMINATION</p> <p>15 (Exhibit 1 was marked.)</p> <p>16 BY MS. LAMKIN:</p> <p>17 Q I have marked as Exhibit 1 -- you've only</p> <p>18 given me now 50 minutes, Mr. Rothschild, so let me</p> <p>19 proceed. I have marked as Exhibit 1 a document, docket</p> <p>20 31-4, the Declaration of Leigh Rothschild in Support of</p> <p>21 Plaintiff's Opening Claim Construction Brief.</p> <p>22 Can you please reference Exhibit 1,</p> <p>23 Mr. Rothschild?</p> <p>24 A I have the declaration printed out in front of</p> <p>25 me, Ms. Lamkin.</p>
<p style="text-align: right;">6</p> <p>1 highly likely the court will exclude your</p> <p>2 deposition -- your declaration.</p> <p>3 Do you understand that?</p> <p>4 THE WITNESS: I understand, Ms. Lamkin, that</p> <p>5 you're not a judge, you're not a federal judge,</p> <p>6 you're an attorney for the other side. Your</p> <p>7 statements are taken, not necessarily -- not</p> <p>8 necessarily correct. I rely on my counsel. I</p> <p>9 don't know anything about exclusion or what the</p> <p>10 court will do. Your statements are conjecture, it</p> <p>11 seems to me, at this time.</p> <p>12 I did inform counsel, both orally and in</p> <p>13 writing, that I would be available only for an hour</p> <p>14 for this -- for this deposition. I'd be more than</p> <p>15 happy to reschedule and give you additional time,</p> <p>16 if that's what the court provides.</p> <p>17 If you're allowed to have additional time, I</p> <p>18 want to state on the record that there would be</p> <p>19 additional time made before the hearing, which I</p> <p>20 believe is in January.</p> <p>21 So I don't know anything about exclusion, and</p> <p>22 your statements do not seem to be correct to me.</p> <p>23 But I'm not a judge, nor are you. So I just want</p> <p>24 to state again, for the record, for the record,</p> <p>25 that I'm more than happy to be deposed again if</p>	<p style="text-align: right;">8</p> <p>1 Q Okay. Do you recognize this document,</p> <p>2 Mr. Rothschild?</p> <p>3 A I do. But Exhibit 1 is not shown -- for the</p> <p>4 record, Ms. Lamkin, Exhibit 1 is not being shown on the</p> <p>5 screen. So I only have a document in front of me that's</p> <p>6 not marked Exhibit 1, but I printed it before the</p> <p>7 deposition, that's marked as my declaration. But</p> <p>8 there's no documents on the screen, as well as reported</p> <p>9 that there would be -- I thought it was reported that</p> <p>10 there would be before the -- okay. So now the document</p> <p>11 is on the screen.</p> <p>12 So please don't ask me, Ms. Lamkin, about</p> <p>13 documents that are not on the screen, to reference them.</p> <p>14 I will point out when they're not.</p> <p>15 Q Mr. Rothschild, as with standard practice, and</p> <p>16 as we did last time in the deposition, the exhibits were</p> <p>17 placed in the Chat. It is in your Chat on your Zoom.</p> <p>18 Now, again, please do not be argumentative on</p> <p>19 the record. I have limited time.</p> <p>20 Do you recognize the document marked as</p> <p>21 Exhibit 1?</p> <p>22 A I do.</p> <p>23 Q What is it?</p> <p>24 A And for the record, I'm not being</p> <p>25 argumentative. That's your opinion, not mine.</p>

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1 **It is, as it states, the Declaration of Leigh**
 2 **Rothschild in Support of the Plaintiff's Opening Claim**
 3 **Construction Brief.**
 4 Q Okay. Would you please look at paragraph one?
 5 I'll read the line into the record. It says [as read]:
 6 I make this declaration based upon my personal
 7 knowledge.
 8 Do you see that statement, Mr. Rothschild?
 9 **A I do.**
 10 Q What does that mean?
 11 **A I make this declaration based on my**
 12 **personal -- it means what it says, Ms. Lamkin.**
 13 Q Do you have an understanding of what that
 14 means, Mr. Rothschild?
 15 **A Yes, ma'am. It means what it says.**
 16 Q That the facts stated in your declaration are
 17 facts that you've personally verified? Do you
 18 understand that?
 19 **A It means what it says, Ms. Lamkin.**
 20 Q I'm going to give you one last opportunity to
 21 answer the question that I'm asking. What is your
 22 understanding of the meaning of that statement, "I make
 23 this declaration based on my personal knowledge"?
 24 **A It means, and I quote, "I make this**
 25 **declaration based on my personal knowledge, and, if**

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1 **called to testify to the truth of the matters set forth**
 2 **herein, could and do so competently."**
 3 Q If you could please turn to paragraph three in
 4 Exhibit 1. I'll read it into the record.
 5 "I understand that Plaintiff contends that, at
 6 least at the time of the filing and prosecution of the
 7 '860 patent, a POSITA of the subject matter claimed by
 8 the Patent-in-Suit is a person having a bachelor's
 9 degree in computer science or electrical engineering."
 10 Mr. Rothschild, do you have a bachelor's
 11 degree in computer science or electrical engineering?
 12 **A I do not.**
 13 Q Okay. I'm going to read into the record the
 14 field of invention in the '860 patent. I am reading
 15 from the '860 patent, Column 1, line six, Field of the
 16 Invention. It says, "The present specification is
 17 generally directed to a digital verified identification
 18 system and method having at least one digital
 19 identification module structured to be embedded or
 20 otherwise disposed within one or more electronic files."
 21 Mr. Rothschild, what was your experience in
 22 the field of invention at the time of invention, 2008?
 23 **A Ms. Lamkin, the part you quoted was not on the**
 24 **screen, one more time. The document you're referencing**
 25 **is not in front of me, nor on the screen. We seem to**

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1 **have a lag in the documents on the screen versus your**
 2 **statements.**
 3 Q Mr. Rothschild, to save time, I was just
 4 reading into the record. There's no document on the
 5 screen. I'll now offer it. I'm offering as Exhibit 2
 6 patent number 9,054,860.
 7 MS. LAMKIN: If the technician could please
 8 turn Exhibit 2 to the first page after the figures.
 9 That would be page 11, please. Thank you.
 10 (Exhibit 2 was marked.)
 11 BY MS. LAMKIN:
 12 Q So, Mr. Rothschild, you see where it says
 13 field of invention, Column 1, line six?
 14 **A I'm looking, Ms. Lamkin.**
 15 **I see field of invention. Line six. Could**
 16 **you give me the first word of that sentence, please?**
 17 Q "The present specification."
 18 **A Yes. I see it now.**
 19 Q Okay. What is your experience -- or what was
 20 your experience in the field of invention in 2008?
 21 **A In 2008, I was an inventor of various patents,**
 22 **also a technical advisor to various entities.**
 23 Q I'm asking specifically about the field of
 24 invention for this patent, the patent-in-suit. As to
 25 the specific field of invention for the '860 patent,

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1 what was your experience in 2008?
 2 **A I had knowledge of the art.**
 3 Q Please explain that in depth.
 4 **A I had knowledge of the art. That's my**
 5 **explanation. I had knowledge of the art.**
 6 Q What knowledge of the art did you have, sir?
 7 **A Knowledge of the way digital verification**
 8 **works.**
 9 Q How did you obtain that knowledge?
 10 **A By research.**
 11 Q Can you please expand on that?
 12 **A No, I can't. It's many years ago. I cannot**
 13 **expand on it. I had knowledge of the art. I had been,**
 14 **previously, a prolific and accomplished inventor. I had**
 15 **represented and given technical support to various**
 16 **entities, and I had knowledge of this art.**
 17 Q At this time, sitting in this deposition, you
 18 cannot recall the specifics of your experience in the
 19 field of the art for the '860 patent?
 20 **A I cannot recall it with specificity.**
 21 Q Okay. Thank you, Mr. Rothschild.
 22 Mr. Rothschild, if you could please, turning
 23 back to Exhibit 1.
 24 **A The document is lagging behind one more time,**
 25 **Ms. Lamkin.**

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1 Q Give him a moment, Mr. Rothschild. The
 2 technician has to move to Exhibit 1.
 3 A Ms. Lamkin, you need to give him a moment as
 4 you ask the questions.
 5 Q If you could please look at paragraph five,
 6 Mr. Rothschild.
 7 A It's now on the screen, Ms. Lamkin.
 8 Q Do you see in paragraph five where you quote
 9 the prosecution history of the '860 patent?
 10 A Yes, ma'am.
 11 Q Okay. Did you review personally the
 12 prosecution history of the '860 patent as part of
 13 drafting this declaration?
 14 A I'll have to read paragraph five.
 15 I had previously reviewed. To answer your
 16 question, yes.
 17 Q Yes, you reviewed the prosecution history of
 18 the '860 patent as part of drafting your declaration
 19 that is Exhibit 1?
 20 A I had reviewed it previously.
 21 Q So the discussion of the prosecution history
 22 in your declaration is from memory?
 23 A I don't understand the question.
 24 Q Did you review the prosecution history of the
 25 '860 patent while drafting your declaration?

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1 A I had reviewed it previously, as I just
 2 testified.
 3 Q When did you review the prosecution history
 4 previously?
 5 A I don't remember with specificity.
 6 Q Was it within a year?
 7 A I don't remember with specificity.
 8 Q It could be more than a year prior?
 9 A I don't remember with specificity.
 10 MS. LAMKIN: I'm going to mark as Exhibit 3 a
 11 document bearing Bates range DVSENC_17 to 61.
 12 (Exhibit 3 was marked.)
 13 BY MS. LAMKIN:
 14 Q Mr. Rothschild, have you seen Exhibit 3
 15 before?
 16 A I need time to look at it. It just appeared
 17 on the screen, Ms. Lamkin.
 18 I don't really know if I've seen this with
 19 specificity. I don't remember.
 20 Q You don't remember if you've seen Exhibit 3?
 21 A Do not.
 22 Q Okay. Do you generally recognize the document
 23 as a prosecution history document?
 24 A I don't identify it any way except the
 25 document that's on the screen. As it states, it is a

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1 non-provisional utility patent application transmittal
 2 letter.
 3 If you scroll down, if the document person
 4 could scroll down for me, please.
 5 Signed by James Wetterling and Jennie Malloy,
 6 or one of the two attorneys, for the applicant.
 7 MS. LAMKIN: If you could ask the technician
 8 to please turn to page 42. That's 42 on the pdf.
 9 Thank you.
 10 BY MS. LAMKIN:
 11 Q Mr. Rothschild, is that your signature on --
 12 A It is.
 13 Q Just a moment, please.
 14 Mr. Rothschild, is that your signature on page
 15 42 of Exhibit 3?
 16 A It is.
 17 Q Okay. Do you see above your signature where
 18 it says [as read]: I hereby declare that all statements
 19 made herein of my knowledge are true and that all
 20 statements made of information and belief are believed
 21 to be true?
 22 Do you see that, sir?
 23 A I do.
 24 Q Is this the kind of declaration that you
 25 submit in the prosecution history of a patent?

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1 A I don't quite understand the question.
 2 Q Do you --
 3 A Let me -- sorry. If I could finish.
 4 I'm not a patent attorney, nor an attorney,
 5 Ms. Lamkin, so I don't understand what your question is.
 6 If you're asking me for a legal opinion, I would defer
 7 to counsel, to patent counsel.
 8 Q Do you recognize this document,
 9 Mr. Rothschild?
 10 A I see it now. I see it with my signature.
 11 Q The question was: Do you recognize this
 12 document, Mr. Rothschild?
 13 A I recognize it as a document that I signed,
 14 Ms. Lamkin.
 15 Q Okay. In general, do you make an effort to
 16 make truthful statements to the USPTO during the
 17 prosecution of your patents?
 18 A Absolutely and unequivocally.
 19 MS. LAMKIN: I'm going to mark as Exhibit 4 a
 20 document bearing Bates range DVSENC_166 to 191.
 21 (Exhibit 4 was marked.)
 22 BY MS. LAMKIN:
 23 Q Do you recognize this document,
 24 Mr. Rothschild?
 25 A I see a document on the screen.

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1 Q Sir, my question is: Do you recognize the
 2 document?
 3 A **Not with specificity.**
 4 Q Okay. Do you see the application number
 5 12/006,457?
 6 A **Yes, I do.**
 7 MS. LAMKIN: Okay. If we could please pull up
 8 Exhibit 2, which is the '860 patent, the first
 9 page?
 10 BY MS. LAMKIN:
 11 Q Do you see the application number here,
 12 Mr. Rothschild, 12/006,457?
 13 A **I do.**
 14 Q Do you see that the application number on the
 15 face of the asserted '860 patent is the same as the
 16 application number on Exhibit 4?
 17 A **I'd have to go back to Exhibit 4, wouldn't I?**
 18 MS. LAMKIN: If we could please go back.
 19 THE WITNESS: I do.
 20 MS. LAMKIN: Thank you.
 21 BY MS. LAMKIN:
 22 Q So that's the same application -- Exhibit 4 is
 23 the same application number as the asserted '860 patent?
 24 A **It appears to be.**
 25 MS. LAMKIN: Okay. If we could please turn to

18

1 page 14 of the pdf on this document.
 2 Actually, for context, please, if we could
 3 return to the first page of Exhibit 4? Thank you.
 4 BY MS. LAMKIN:
 5 Q Do you see where it says, "The following
 6 Amendment and Remarks are submitted in response to the
 7 Office Action dated February 1, 2011"?
 8 Do you see that, Mr. Rothschild?
 9 A **I do.**
 10 Q Do you have an understanding of what that
 11 means?
 12 A **I do.**
 13 Q What does it mean?
 14 A **It means the following amendment and remarks**
 15 **are submitted in response to the office action dated**
 16 **February 1st, 2011.**
 17 Q Do you understand that the applicant, that is
 18 you, is submitting amendment and remarks to the USPTO?
 19 A **Through counsel, the amendment was submitted,**
 20 **I believe.**
 21 Q So you understand that this is an amendment
 22 submitted by applicant in the prosecution history of the
 23 '860 patent; correct?
 24 A **I do.**
 25 Q Okay. If we could now please turn to page 14.

19

1 I'm going to read the language starting "Therefore,
 2 properly construed."
 3 A **Ms. Lamkin, I'll need to see the full page**
 4 **number. I have no idea what page you're on. The**
 5 **document's not showing it in the entirety, for the**
 6 **record.**
 7 Q It is, sir. It is showing in its entirety.
 8 A **I don't see a page number, for the record,**
 9 **Ms. Lamkin.**
 10 Q The technician is circling the page number for
 11 you on the screen.
 12 A **I can't see that.**
 13 **Okay. I see it now.**
 14 Q Okay.
 15 A **It was a lag, for the record.**
 16 Q I'm reading the last line on the first page.
 17 It says, "Therefore, properly construed, the claimed
 18 'module generating assembly' must include hardware."
 19 Do you see that line, sir?
 20 A **I do.**
 21 Q Is that the truth?
 22 A **I don't understand the question.**
 23 Q This was a statement submitted on your behalf
 24 to the United States Patent and Trademark Office. Is it
 25 a true statement?

20

1 A **It is a statement that was submitted in the**
 2 **application, Ms. Lamkin.**
 3 Q Sir, my question is this: Is it a true
 4 statement?
 5 A **It is a statement as was submitted in the**
 6 **application.**
 7 Q Sir, it's a yes-or-no question. Is it a
 8 true --
 9 A **I've given you -- I've given you my answer,**
 10 **Ms. Lamkin.**
 11 Q Okay. I'll give you one more opportunity to
 12 respond to my question.
 13 A **It is a statement that was submitted in the**
 14 **application, Ms. Lamkin. It doesn't need --**
 15 Q Thank you, Mr. Rothschild.
 16 A **It doesn't -- for the record, it does not need**
 17 **interpretation.**
 18 MS. LAMKIN: If we could please return to
 19 Exhibit 1. Please go to paragraph 21.
 20 THE WITNESS: What exhibit are we on?
 21 BY MS. LAMKIN:
 22 Q Exhibit 1, page 21. This is your declaration,
 23 sir, that you submitted in this matter. Do you see
 24 paragraph 21, Mr. Rothschild?
 25 A **I do.**

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1 Q At the bottom of page 10, lines 27 to 28, you
 2 write "including that the module generating assembly may
 3 be, inter alia, a computer application or a web server
 4 running on a device."
 5 Do you see that, sir?
 6 A I do.
 7 Q Is that a true statement?
 8 A It is the statement -- it is a true statement
 9 as it is stated in the -- my declaration, as stated in
 10 my declaration.
 11 Q So in your opinion, the module generating
 12 assembly might be, inter alia, a computer application or
 13 a web server. Is that true?
 14 A It means what it says, Ms. Lamkin, that
 15 including the mobile [sic] -- and I read as follows [as
 16 read]: Including that the mobile generating assembly
 17 may be, inter alia, a computer application or a web
 18 server running on a device.
 19 Q Is that a true statement, sir?
 20 A It is a true statement.
 21 Q Thank you.
 22 Now, please turn to paragraph 22. At 22, you
 23 write [as read]: The specification is clear, at least a
 24 POSITA, that any alleged function for this term is
 25 performed by some hardware, such as a web server, file

22

1 server, or other computing device.
 2 Do you see that, sir?
 3 A I do.
 4 Q Is that a true statement?
 5 A It is a correct statement as reported under
 6 paragraph 22 in Exhibit 1, as you defined Exhibit 1,
 7 which is, by the way, my declaration in support of the
 8 Plaintiff's Opening Claim Construction Brief.
 9 Q Is the first sentence of paragraph 22 a true
 10 statement?
 11 A It is a correct statement, Ms. Lamkin.
 12 Q And when you say "for this term," which term
 13 are you referring to?
 14 A I don't understand the question. Could you
 15 please repeat it?
 16 Q Yes.
 17 First sentence in paragraph 22, you say [as
 18 read]: The specification is clear, at least a POSITA,
 19 that any alleged function for this term is performed by
 20 hardware.
 21 When you say "this term," which term do you
 22 mean?
 23 A I believe that would be the term that's to be
 24 construed by the court.
 25 Q Which term, sir?

23

1 A I believe it would be the term to be construed
 2 by the court, as listed in the affidavit, which is the
 3 declaration of Leigh Rothschild in support of the
 4 Plaintiff's Opening Claim Construction Brief, as you
 5 defined it, Exhibit 1.
 6 Q I'll give you one more opportunity to answer
 7 the question, sir.
 8 In paragraph 22, when you use the phrase "for
 9 this term," which term are you referring to?
 10 A I would ask the court reporter to read back
 11 my -- that would be my answer.
 12 STENOGRAPHIC REPORTER: Counsel, do you want
 13 me to read back?
 14 MS. LAMKIN: I don't. Thank you.
 15 BY MS. LAMKIN:
 16 Q To be clear, then, in paragraphs 21 and 22,
 17 Mr. Rothschild, is it true that you are saying the
 18 module generating assembly may be a computer application
 19 or web server, a file server, or other computing device?
 20 A I know you want, Ms. Lamkin, me to answer to
 21 your questions which would call for speculation. My
 22 answer is it is what it says in the declaration. I will
 23 not speculate.
 24 Q Sir, I'm not asking you to speculate. I'm
 25 asking you to read your own sworn declaration.

24

1 I'm asking you, in paragraphs 21 and 22, is it
 2 your opinion that the module generating assembly might
 3 be a computer application or a web server running on a
 4 device or a file server or other computing device?
 5 A My opinion, Ms. Lamkin, is as stated in those
 6 paragraphs, which is part of the declaration of Leigh
 7 Rothschild in support of the Plaintiff's Opening Claim
 8 Construction Brief, as you defined it, Exhibit 1.
 9 Q I'll give you one more opportunity to answer
 10 the question, Mr. Rothschild.
 11 In paragraphs 21 and 22 of your sworn
 12 declaration, document number 31-4, is it your opinion
 13 that the module generating assembly may be a computer
 14 application or a web server running on a device or a
 15 file server or other computing device?
 16 A If the court reporter would like to read back
 17 my testimony, as I previously answered this question
 18 twice, that would be my answer.
 19 Q Okay. Thank you, Mr. Rothschild.
 20 If we could please turn to Exhibit 2, the
 21 asserted '860 patent.
 22 A I would like to add to that, if I would be
 23 allowed, Ms. Lamkin.
 24 Q Please.
 25 A Yes. Your question calls for speculation.

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1 **And apparently, you want me to vary from what I said in**
 2 **the declaration. And the declaration was carefully**
 3 **thought out by me after a lot of, you know, careful**
 4 **thought.**
 5 **I believe the declaration to be entirely**
 6 **truthful and accurate, correct. And it is what it says,**
 7 **despite your questions that are calling upon me to**
 8 **speculate. So I would like to have that in the record.**
 9 MS. LAMKIN: If we could please turn to
 10 Exhibit 2, the '860 patent.
 11 THE WITNESS: And for the record, the exhibit
 12 is not before me.
 13 I see it now. There's a lag.
 14 MS. LAMKIN: If the technician could please
 15 turn to Column 2 of the '860 patent, right after
 16 the figures.
 17 BY MS. LAMKIN:
 18 Q Do you see that, Mr. Rothschild?
 19 A **Could you ask me -- could you state what**
 20 **you're asking me to look at, Ms. Lamkin?**
 21 Q If you could please turn to Column 2, lines 19
 22 to 22, which I will read into the record. "In at least
 23 one embodiment, however, the module generating assembly
 24 is at least partially integrated within the computer
 25 application, e.g., an interactive word processing

26

1 program"
 2 Do you see that, sir?
 3 A **I do.**
 4 Q Do you have an understanding --
 5 A **It helps, by the way, when your document**
 6 **person highlights for me. It makes it quicker,**
 7 **Ms. Lamkin. Appreciate that.**
 8 Q Do you have an understanding of what that
 9 passage means in your patent?
 10 A **Yes, I do.**
 11 Q Can you please explain it?
 12 A **It means that [as read]: In at least one**
 13 **embodiment, however, the module generating assembly is**
 14 **at least partially integrated within the computer**
 15 **application, e.g., an interactive word processing**
 16 **program.**
 17 **In other words, it means what it says. It's**
 18 **the plain and ordinary meaning, as placed in the patent**
 19 **application.**
 20 Q Do you recall, in paragraph 21 of your
 21 declaration, where you write that the module generating
 22 assembly may be, inter alia, a computer application or a
 23 web server running on a device?
 24 A **I would have to see that exhibit again. If**
 25 **your document person would be so kind as to highlight**

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1 **that section that you're referring to, it would make it**
 2 **much easier for me to provide additional testimony.**
 3 MS. LAMKIN: If we could please go to
 4 Exhibit 1, paragraph 21.
 5 THE WITNESS: We have a lag again.
 6 BY MS. LAMKIN:
 7 Q Okay. I'm referring specifically to lines 27
 8 and 28, starting with "including."
 9 A **Give me a second to look at it, please.**
 10 Q Again, the language we're referring to is in
 11 your declaration, page 10, lines 27 to 28, where you
 12 write "including that the module generating assembly may
 13 be, enter alia, a computer application or a web server
 14 running on a device."
 15 Do you see that, Mr. Rothschild?
 16 A **As highlighted, I see it.**
 17 Q Okay. So in your opinion, the module
 18 generating assembly may be a computer application or a
 19 web server returning on a device; correct?
 20 A **That is what it states, Ms. Lamkin.**
 21 Q Okay. Now, with that in mind, could we please
 22 turn back to Exhibit 2, the '860 patent. In the
 23 highlighted language, you write, "In at least one
 24 embodiment, however, the module generating assembly is
 25 at least partially integrated within the computer

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1 application."
 2 Do you see that, sir?
 3 A **I do.**
 4 Q Can you please explain how the module
 5 generating assembly, as a computer application, could be
 6 at least partially integrated within a computer
 7 application? How do you have --
 8 A **Ms. Lamkin --**
 9 Q How do you -- sir, let me ask my question.
 10 How is it possible to have a computer
 11 application integrated within a computer application?
 12 A **First of all, it means what it says, as**
 13 **provided in the specificity of patent number 9,054,860.**
 14 **Now, I refer you to my declaration in**
 15 **paragraphs 21 through 25. If one reads those**
 16 **paragraphs, it's very clear that the construction that**
 17 **we are asking for, in terms of means plus function, is**
 18 **the correct instruction and not the construction, as**
 19 **you're trying to, today, in today's deposition, to take**
 20 **bits and pieces out of order, put them together, to come**
 21 **up with some disjointed construction that you'll present**
 22 **to the court, as you have in your brief, which is**
 23 **totally erroneous, in my opinion, as I state here in my**
 24 **declaration, which is my declaration in support of the**
 25 **plaintiff's opening claim.**

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1 Because it is very clear, Ms. Lamkin, in
 2 paragraphs 21 through 25, if one reads those, as the
 3 court will read, as you have read, as your experts have
 4 read, it's very clear that this is not a means plus
 5 function claim, absolutely not, as we defined here, the
 6 reason that it's not. And if it was, there's function
 7 that is provided.
 8 Now, we detailed that very clearly in
 9 paragraphs 21, 22, 23, 24, and 25. And your efforts to
 10 take little pieces of little sentences and put them all
 11 together to come up with some tortured claim
 12 construction that you're trying to present to the court
 13 is totally inaccurate.
 14 And that is what my declaration states. You
 15 may want to mischaracterize my declaration, as you're
 16 doing during today's deposition, and that is not
 17 correct. That is absolutely not what we're saying.
 18 That's not what I said. It's very clear what I said in
 19 my declaration in paragraphs 21 through 25. I hope that
 20 answers your question.
 21 Q It does, Mr. Rothschild -- does not,
 22 Mr. Rothschild, but I'll give you another opportunity.
 23 Could you please explain how it's possible to
 24 have a computer application partially integrated within
 25 a computer application?

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1 A I testified that in paragraphs 21 through 25
 2 in my declaration, that is explained. If you would like
 3 me to read paragraphs 21 through 25 into the record so
 4 that you have it before you, I'd be more than happy to
 5 do that now. Just tell me when to start, Ms. Lamkin.
 6 Q Mr. Rothschild, I'll give you one more
 7 opportunity to answer the question that I'm asking. And
 8 that is: How is it possible to have a computer
 9 application partially integrated within a computer
 10 application?
 11 A If the court reporter would choose to read
 12 back my testimony, that would be my -- on this matter,
 13 as per your question, that would be my answer, for the
 14 third time.
 15 Q You also say, in paragraph 21 --
 16 A I'm sorry to interrupt. I didn't hear an
 17 answer if the court reporter is going to read back my
 18 testimony.
 19 Q No.
 20 A Sorry.
 21 Q The court reporter is not.
 22 A Oh, okay. I just wanted to put that in the
 23 record.
 24 So my answer is the same as the other two
 25 times. I want it on the record that my answer is the

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1 same as the other two times. Your question is clearly
 2 defined by paragraphs 21 through 25, which will explain,
 3 absolutely, your question, for yourself and the court,
 4 anyone that is reading this, you know, transcript of the
 5 deposition. I'd be more than happy to read that into
 6 the record.
 7 Q In paragraph 21 of your declaration,
 8 Exhibit 1, you also say that the module generating
 9 assembly can be a web server running on a device;
 10 correct?
 11 A I would need to have that highlighted. If the
 12 document person would be kind enough to do that, I can
 13 refer to that statement -- that purported statement that
 14 you just read.
 15 Q Do you need the question again,
 16 Mr. Rothschild?
 17 A I need it highlighted. There was a lag.
 18 So could you repeat the question? I want to
 19 make sure the question matches with what I see on the
 20 screen, Ms. Lamkin. I appreciate your kindness in this
 21 regard.
 22 Q Paragraph 21 of your declaration, you also say
 23 that the module generating assembly may be a web server
 24 running on a device; correct?
 25 A And I quote from what is highlighted now by

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1 the document person, [as read]: Including that the
 2 mobile generating assembly may be, inter alia, a
 3 computer application or a web server running on a
 4 device.
 5 Q It's a yes-or-no question, sir. In paragraph
 6 21 of your declaration, do you say that the module
 7 generating assembly may be a web server running on a
 8 device?
 9 A I see that, and that is the statement that I
 10 made, Ms. Lamkin.
 11 Q The answer is yes, sir?
 12 A The answer would be yes. That is the
 13 statement I made in the declaration, which would be, for
 14 the record, the Declaration of Leigh M. Rothschild in
 15 Support of the Plaintiff's Opening Claim Construction
 16 Brief, Exhibit 1, as you defined it.
 17 Q Okay. If we could please turn back to
 18 Exhibit 2, the same provision in Column 2. Again,
 19 Column 2 of the '860 asserted patent, it says, "In at
 20 least one embodiment, however, the module generating
 21 assembly is at least partially integrated within the
 22 computer application, e.g., an interactive word
 23 processing program."
 24 Do you see that, sir?
 25 A No, I don't. It's not highlighted by your

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1 document person. If they could zoom, also, in on it,
 2 I'd appreciate it. Is it possible? Perfect.
 3 Could you repeat the question, Ms. Lamkin?
 4 Q Am I accurately reading the text from Column 2
 5 of the '860 patent, "In at least one embodiment,
 6 however, the module generating assembly is at least
 7 partially integrated within the computer application,
 8 e.g., an interactive word processing program."
 9 Have I accurately read your patent, sir?
 10 A You accurately read that section of the
 11 specification of the 9,054,860 patent, Column 2,
 12 apparently line 19.
 13 Q Will you please explain, sir, how a web server
 14 can be at least partially integrated within a computer
 15 application?
 16 A It is as it says, and it has the plain and
 17 ordinary meaning of the words, which are [as read]: In
 18 at least one embodiment, however, the mobile generating
 19 assembly is at least partially integrated within the
 20 computer application, e.g., an interactive word
 21 processing program.
 22 Now, if you're referring to how that applies
 23 to this motion that's before the court for claim
 24 construction, I would refer you, again, to paragraphs 21
 25 through 25, where we talk about our construction versus

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1 your construction of means plus function, where we
 2 clearly show that this is a means plus function
 3 absolutely -- where we clearly show the definition of
 4 means plus function and explain the construction that
 5 we've taken upon, that we've asserted or that we are
 6 asking the court to validate, we're asking the court to
 7 validate.
 8 Q I'll give you one more opportunity to answer
 9 the question that I've asked, sir. Can you please
 10 explain how a web server running on a device can be at
 11 least partially integrated within a computer
 12 application?
 13 A The words -- my answer is that the words are
 14 clearly defined in the specificity. And then there's
 15 additional support for the claim construction that we're
 16 now talking about in paragraphs 21 through 25 in my
 17 declaration.
 18 If you would like, Ms. Lamkin, I'd be more
 19 than happy to read that explanation on 21 -- excuse me,
 20 those paragraphs 21 through 25 into the record, which
 21 would, I believe, answer your question.
 22 The question is fragmented and, therefore,
 23 could be not answered in partial. Again, I believe
 24 you're taking little bits and pieces and trying to come
 25 up with a distorted claim construction, which is not,

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1 clearly, what should be done.
 2 The claim -- we are, in my declaration, we are
 3 trying to provide a full explanation to your question,
 4 which is, in this case, for this particular claim
 5 construction term, contained what's in Claim 21 through
 6 25 -- claimed within paragraph, excuse me, 21 --
 7 correcting myself -- paragraph 21 through 25 which, if
 8 understood and read, would answer your question in
 9 totality.
 10 Q If we could please turn to paragraph 25 of
 11 Exhibit 1.
 12 A Paragraph 25.
 13 Q Do you see paragraph 25 highlighted,
 14 Mr. Rothschild?
 15 A A bit of a lag, but I now do.
 16 And thank you for zooming in, to the document
 17 person. Thank you.
 18 Q I'm referring specifically to line 16,
 19 starting with "a POSITA." I'll read it into the record.
 20 [As read]: A POSITA would understand that the
 21 corresponding structure for any alleged function is
 22 module generating assembly 50, including as outlined in
 23 Figure 7 and its corresponding description, namely '860,
 24 Column 7, line 48 to Column 8, line 62.
 25 Can you explain what you mean by that

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1 sentence, Mr. Rothschild?
 2 A Certainly, Ms. Lamkin.
 3 Right. So repeating where it says "a POSITA,"
 4 and I am defined as a POSITA -- right? -- a person of --
 5 right. Right. That I would understand -- right, that I
 6 would understand, as POSITA, that the corresponding
 7 structure for any alleged function is a module
 8 generating assembly, clearly as outlined in Figure 7.
 9 So we're referring you, Ms. Lamkin --
 10 referring the court, I should say, in this declaration,
 11 to Exhibit [sic] 7, where we clearly, in addition to
 12 Exhibit 7, with Exhibit 7 and in addition to Exhibit 7,
 13 clearly show function, clearly show function as part of
 14 the means plus function claim construction, which is a
 15 different construction, by the way, than you're taking.
 16 So we are pointing you to Exhibit 7 here as
 17 one place where the court could see function in terms of
 18 the claim.
 19 MS. LAMKIN: Could we please turn to Figure 7
 20 in the '860 patent, Exhibit 2? I'm sorry for not
 21 being more clear to the technician. Exhibit 2,
 22 please. Correct. Thank you.
 23 And then just above -- just -- thank you very
 24 much.
 25 BY MS. LAMKIN:

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1 Q Where is the module generating assembly 50 in
 2 Figure 7 of the '860 patent, Mr. Rothschild?
 3 A **Could you repeat the question?**
 4 Q Where is module generating assembly 50 in
 5 Figure 7 of the '860 patent?
 6 A **Well, referring to the drawing, it is, as is**
 7 **stated, Ms. Lamkin, it's self-evident.**
 8 Q Your testimony, sir, is that it's self-evident
 9 that module generating assembly 50 is in Figure 7?
 10 A **My testimony is the exhibit as -- the exhibit**
 11 **is as it was published in my declaration, as Figure 7.**
 12 **Nothing more, nothing less.**
 13 Q I'll ask the question one more time,
 14 Mr. Rothschild. Can you please explain where module
 15 generating assembly 50 is depicted in Figure 7 of the
 16 '860 patent?
 17 A **My answer is that Figure 7, as was reproduced**
 18 **in my declaration, is as it stands, is as it was**
 19 **published, and is self-explanatory.**
 20 MS. LAMKIN: If we could please turn to
 21 Exhibit 2, Column 7.
 22 BY MS. LAMKIN:
 23 Q In your declaration -- and if you need to
 24 switch back, Mr. Rothschild, that's fine.
 25 In your declaration, paragraph 25, you cite --

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1 A **Well, the documents, Ms. Lamkin, are not --**
 2 **excuse me for interrupting, by the way. The document**
 3 **you're referring to is not on the screen.**
 4 MS. LAMKIN: Would you please turn back to
 5 Exhibit 1, paragraph 25?
 6 BY MS. LAMKIN:
 7 Q Do you see in paragraph 25 where you cite
 8 Column 7, line 48 to Column 8, line 62?
 9 A **If you could highlight just that particular**
 10 **section, please.**
 11 **I do see that.**
 12 Q Okay. And is it your testimony that the
 13 module generating assembly corresponding structure is
 14 contained within Column 7, line 48 to Column 8, line 62
 15 in the '860 patent?
 16 A **My testimony is that, as contained in my**
 17 **declaration, paragraph 25, that the module generating**
 18 **assembly 50, including as outlined in Figure 7, and its**
 19 **corresponding description, namely '860/7:48-8:62, that**
 20 **was what we put in the declaration. That is what is**
 21 **correct.**
 22 **And as I said before and testified to before,**
 23 **Exhibit 7, in addition to additional support that we**
 24 **provided, as the declaration clearly shows, that there**
 25 **is functionality in terms of the claim construction.**

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1 MS. LAMKIN: If we could please turn back to
 2 Columns 7 and 8 in the '860 patent?
 3 BY MS. LAMKIN:
 4 Q So just by way of reminder, Mr. Rothschild,
 5 you've cited Column 7, starting at line 48, to Column 8,
 6 going to line 62; correct?
 7 A **I have not cited it, to the best of my**
 8 **knowledge, in today's testimony. It is cited in the**
 9 **declaration, paragraph 25, as you've defined it,**
 10 **Exhibit 1.**
 11 MS. LAMKIN: If we could highlight at
 12 Column 7, line 60 to 66, please.
 13 BY MS. LAMKIN:
 14 Q You see that language, Mr. Rothschild?
 15 A **No, I don't. It's a teeny little -- it needs**
 16 **to be zoomed by the document person.**
 17 **I do see it now.**
 18 Q That provision is within the section that
 19 you've cited in your declaration --
 20 correct? -- Column 7, 48 to 8, 62?
 21 A **It's not fully highlighted, I would point out.**
 22 Q I'm only asking you, sir, if the parts we have
 23 highlighted, Column 7, line 60 to 66, is a subset of the
 24 section that you cited in your declaration, 7, 48 to 8,
 25 62.

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1 A **Could you scroll -- could you scroll the**
 2 **patent, please? Very hard when you're not working with**
 3 **the document in front of you, Ms. Lamkin.**
 4 **I point out for the record --**
 5 Q It's in the Chat, sir. You're welcome to
 6 download it. I have provided the actual document to you
 7 in the Chat, and you're more than welcome to download it
 8 and hold it in your hand.
 9 A **Thank you for that courtesy.**
 10 **Could you repeat the question?**
 11 Q Yes. Does Column 7, line 60 to 66, fall
 12 within your citation of Column 7, line 48 to Column 8,
 13 line 62?
 14 A **With that, yes, I believe that it would be the**
 15 **case.**
 16 Q Okay.
 17 A **Yes.**
 18 Q I'm going to read the highlighted section into
 19 the record. "In addition, the module generating
 20 assembly may be at least partially integrated within a
 21 computer application such as an interactive word
 22 processing program, as a feature, option, or plug-in for
 23 example."
 24 Do you see that, Mr. Rothschild?
 25 A **I do.**

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1 Q Okay. So if the module generating assembly is
 2 a computer application, as you state in your
 3 declaration, how can a computer application be at least
 4 partially integrated within a computer application?
 5 A I believe we explained, to answer your
 6 question, the claim construction, in my declaration, our
 7 position on claim construction in paragraphs -- in terms
 8 of the means plus function claim that you're asking to
 9 be construed, asking the court to be construed, in
 10 paragraphs 21 through 25.
 11 I would point out that there's an introduction
 12 in paragraph 20, but the substance is in paragraph 21 to
 13 25. If we had time, which I don't believe we do now,
 14 I'd be happy to read that into the record. And that
 15 would be the answer.
 16 And that citation, that reading would be the
 17 answer to your question, as opposed to the disjointed
 18 sentences and fragments that you've been presenting
 19 today to try to put together in some kind of disjointed
 20 fashion, to prove out a tortured claim construction that
 21 the defendant, that your client is taking upon
 22 themselves.
 23 MS. LAMKIN: If we could please turn to page
 24 three of Mr. Rothschild's declaration, Exhibit 1?
 25 Thank you.

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1 BY MS. LAMKIN:
 2 Q Do you see the first line on page three of
 3 your declaration, Mr. Rothschild, where you say
 4 "Moreover, the Asserted Claims were challenged in an
 5 IPR, but the IPR was not instituted"? Did you see -- do
 6 you see that?
 7 A I thought you said page -- what paragraph,
 8 please?
 9 Q Line one --
 10 A What paragraph?
 11 Q Line one, page three, just above paragraph
 12 six.
 13 A So paragraph five.
 14 I see the statement, Ms. Lamkin. And I read
 15 it as follows: "Moreover, the Asserted Claims were
 16 challenged in an IPR, but the IPR was not instituted."
 17 Q How do you know the IPR was not instituted,
 18 Mr. Rothschild?
 19 A I was informed of such by my counsel at the
 20 time.
 21 Q When was the time?
 22 A I do not recall with specificity.
 23 Q Did you review the IPR when drafting your
 24 declaration?
 25 A I believe I did. It was many years ago. But

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1 I believe that I did, yes.
 2 Q So you believe that the last time you reviewed
 3 the IPR was many years ago?
 4 A Yes. That would be correct.
 5 Q Okay. In paragraph six, the last line is,
 6 "Plaintiff is presently the exclusive assignee of the
 7 Patent-in-Suit."
 8 Do you see that, sir?
 9 A I do.
 10 Q Is that a true statement?
 11 A To the best of my knowledge, that is a true
 12 statement.
 13 Q Okay. Where did you get the information in
 14 that sentence, "Plaintiff is presently the exclusive
 15 assignee of the Patent-in-Suit"?
 16 A From attorneys, from counsel.
 17 Q Did you draft that sentence in your
 18 declaration?
 19 A I did not draft it, but reviewed it and signed
 20 the declaration accordingly.
 21 Q How much of your declaration -- sorry, sir.
 22 How much of your declaration did you personally draft?
 23 A I did not draft the declaration. I reviewed
 24 the declaration.
 25 Q Your attorney drafted your declaration for

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1 you?
 2 A That would be correct.
 3 Q On paragraph eight -- do you see paragraph
 4 eight?
 5 A I now inform you, Ms. Lamkin, and all parties,
 6 that it's now 5:00. As we reported earlier, and as I
 7 notified my counsel to notify you with great
 8 specificity, both orally and in writing, on several
 9 occasions, unfortunately, I have a hard stop at 5:00, a
 10 previous commitment that I can't change.
 11 But I also would like to inform you,
 12 Ms. Lamkin, that I'm more than happy, before any
 13 deadlines are due, to -- if allowed by the rules, to sit
 14 down with you again to complete this deposition, if
 15 allowed.
 16 MS. LAMKIN: Our responsive brief is due
 17 tomorrow, under the court's order, Mr. Rothschild.
 18 So unless you want to sit tomorrow morning, which
 19 I'm happy to do, if you would like to sit tomorrow
 20 morning, then we can continue.
 21 THE WITNESS: I would be more than happy to
 22 talk about scheduling with counsel, not with you,
 23 Ms. Lamkin. And my counsel, I am sure, would
 24 inform you of my availability.
 25 MS. LAMKIN: You do not know whether or not

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1 you are available tomorrow morning, Mr. Rothschild?
2 THE WITNESS: I need to talk to counsel,
3 Ms. Lamkin. Do you want to ask me again?
4 MS. LAMKIN: Okay. And I just want to make
5 sure you understand, Mr. Rothschild, that your
6 client -- my client is being prejudiced by not
7 being able to ask you questions about your
8 declaration, which was not disclosed, and we will
9 move to strike. Do you understand that, sir?
10 THE WITNESS: I choose to get my legal advice,
11 Ms. Lamkin, not from you. You don't represent me
12 now or haven't represented me in the past. So I do
13 have legal counsel that I take advice from. With
14 all due respect, Ms. Lamkin, I don't need your
15 legal advice. But thank you for offering it.
16 MS. LAMKIN: Okay. This deposition is
17 concluded.
18 STENOGRAPHIC REPORTER: Okay. Counsel,
19 regular time on the transcript?
20 MS. LAMKIN: No. I need a rush of the -- I
21 need a rush of the rough now. And then how quickly
22 could you -- I don't want to make you work on
23 Christmas weekend.
24 (Off the record.)
25 STENOGRAPHIC REPORTER: Absolutely,

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1 absolutely.
2 And, Mr. Palavan, did you also want a rough
3 draft?
4 MR. PALAVAN: Sure. Actually, no, we should
5 be good. I don't need a rough.
6 (The reading and signing of the deposition is
7 not waived.)
8 (At 5:02 p.m. the deposition was concluded.)
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1 State of Maryland
2 Baltimore City
3 I, Dawn A. Hillier, a Notary Public of the State
4 of Maryland, Baltimore City, do hereby certify that the
5 within-named witness personally appeared before me via
6 Zoom at the time and place herein set out, and after
7 having been first duly sworn by me, according to law,
8 was examined by counsel.
9 I further certify that the examination was
10 recorded stenographically by me and this transcript
11 is a true record of the proceedings. I further certify
12 that I am not of counsel to any of the parties, nor an
13 employee of counsel, nor related to any of the parties,
14 nor in any way interested in the outcome of the action.
15 As witness my hand and seal this 29th day of
16 December 2022.
17
18
19 
20 _____
21 Dawn A. Hillier
22
23 My Commission Expires August 14, 2026
24
25