

# **EXHIBIT A**

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

INTERVAL LICENSING LLC, )  
)  
Plaintiff, )  
)  
vs. ) No. 2:10-cv-01385-MJP  
)  
AOL, INC., et al., )  
)  
Defendants. )  
)  
)

VIDEOTAPED DEPOSITION OF WILLIAM H. MANGIONE-SMITH, Ph.D.

October 4, 2012

Seattle, Washington

Byers & Anderson, Inc.

Court Reporters/Video/Videoconferencing

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1 Q But you would agree, sir, that the screen saver  
2 embodiment does rely on the determination of an idle  
3 period in connection with the selective display of  
4 images, correct?

5 A I believe that it -- in at least one embodiment of the  
6 screen saver embodiment it makes use of an idle period.

7 Q And sitting here today, you can't identify any other  
8 embodiment in the '652 patent in which the selective  
9 display of images depends on an idle period, other than  
10 the screen saver embodiment; is that correct?

11 A It's possible that I could identify one. I -- as I sit  
12 here today, I don't recall one. I don't have one in  
13 mind.

14 Q Let's go to Block 103.

15 A Yes, sir.

16 Q Block 103 -- well, let's return to Block 102. There are  
17 two paths out of Block 102.

18 Do you see that?

19 A I do.

20 Q Can you explain the two paths out of Block 102? What  
21 happens in the two paths?

22 A Well, if the idle period has not occurred, then the locus  
23 of control execution passes from Block 102 back to Block  
24 101. If it has occurred, then the control passes from  
25 102 to 103.

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1 Q So you would agree, Dr. Mangione-Smith, that the means  
2 for dis- -- the means for selectively displaying in --  
3 strike that.

4 You would agree, Dr. Mangione-Smith, that when the  
5 inventors filed -- originally filed the application, the  
6 "Means for selectively displaying on the display screen  
7 [sic], in an unobtrusive manner that does not distract a  
8 user of the apparatus from a primary interaction with the  
9 apparatus, an image or images generated from the set of  
10 content data," that means includes displaying the images  
11 after detection of an idle period, correct?

12 MR. WILSON: Objection. Form.

13 THE WITNESS: No.

14 Q (By Mr. Heit) Let's go back to Claim 20. Claim 20  
15 refers to the, "Means for selectively displaying displays  
16 the image or images automatically after detection of the  
17 idle period," correct?

18 A Yes.

19 Q And that means being referred to is the means for  
20 displaying that is identified in Claim 19, correct?

21 A Yes.

22 Q And that "Means for selectively displaying" is "Means for  
23 selectively displaying on the display device, in an  
24 unobtrusive manner that does not distract a user of the  
25 apparatus from a primary interaction with the apparatus,

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1 an image or images generated from the set of content

2 data," correct?

3 A Yes.

4 Are we done with this? Can I put this away, or do  
5 you think you're coming back to it soon?

6 Q Yeah, you can put it aside for now.

7 About another half hour, Dr. Mangione-Smith?

8 A If we can go a little shorter than that, it would be --

9 Q How much shorter?

10 A Fifteen? Does that work to get to a stopping point, or  
11 would you rather stop now, or --

12 Q All right. We can go another 15 minutes and take a  
13 break.

14 A Thank you.

15 Q So let's go back to the '652 patent.

16 A Yes.

17 Q I think we read this section again, but let's return to  
18 it. Column 3, Lines 11 through 22. Do you want to read  
19 that to yourself? I think you did it before, but if you  
20 want to read it again, you can.

21 A Yes.

22 Q Now, in Lines 19 to 22, it says, "According to a further  
23 aspect of the invention, the selective display of the  
24 image or images begins automatically after the detection  
25 of an idle period of predetermined duration," open

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1 a set of contact data on the display device, in an  
2 unobtrusive manner that does not distract a user of the  
3 apparatus from a primary interaction with the apparatus,"  
4 you understood what that function meant, correct?

5 A I believe so, yes.

6 Q What does it mean, Dr. Mangione-Smith, to display an  
7 image in an unobtrusive manner?

8 MR. WILSON: Objection. Form.

9 THE WITNESS: I think the words speak  
10 for themselves. It means to display the image in a  
11 manner that is not obtrusive to the person to which it is  
12 being displayed.

13 Q (By Mr. Heit) Well, you've defined unobtrus- -- "display  
14 in an unobtrusive manner" with the word "obtrusive."

15 A Yes, sir.

16 Q Can you explain to the Court what it means to display an  
17 image in an unobtrusive manner?

18 A In the context of the '652?

19 Q Correct.

20 A I'm not prepared to that. I have not formed an opinion  
21 with regards to the proper construction of the word  
22 "unobtrusive."

23 Q But you had an understanding of what it meant to display  
24 an image in an unobtrusive manner when you rendered your  
25 opinions set forth in the declaration marked as

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1 Exhibit 7, correct -- Exhibit 1, correct? Let me  
2 withdraw the question.

3 But you had an understanding of what it meant to  
4 display an image in an unobtrusive manner when you  
5 rendered your opinions set forth in the declaration  
6 marked as Exhibit 1, correct?

7 A That is correct.

8 Q Can you please explain, when you rendered your opinions  
9 in the declaration marked as Exhibit 1, what you  
10 understood the term "display an image in an unobtrusive  
11 manner" meant?

12 A I think it meant to display an image to a user in a  
13 manner that didn't intrude upon them to a significant  
14 degree.

15 Q And explain "intrude upon a user to a significant  
16 degree." What do you mean by that?

17 MR. WILSON: Objection. Form.

18 THE WITNESS: That would be an  
19 obtrusive manner.

20 Q (By Mr. Heit) So what -- you would agree that there are  
21 many factors that affect whether an image intrudes upon a  
22 user, correct?

23 A I do agree that there are many factors that would have to  
24 be considered when taking into consideration -- when  
25 coming up with a conclusion in the con- -- a firm

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1 conclusion for claim construction purposes in the context  
2 of the patent for that word, "unobtrusive." But I have  
3 not conducted such an experiment to consider all of the  
4 many factors that you're thinking of, as well as the  
5 remainder of the intrinsic evidence, in order to reach an  
6 opinion as to what the proper construction of  
7 "unobtrusive" would be.

8 Q Well, can you give me examples of factors that would  
9 affect whether an image that is displayed is displayed in  
10 an unobtrusive manner?

11 A Certainly. If the user felt that they were able to  
12 continue doing whatever their primary function was with  
13 the computer system. If the -- if -- well, I guess  
14 that's probably the best definition to start with.

15 Q You would agree that the color of the image displayed  
16 would impact whether an image displayed is displayed in  
17 an unobtrusive manner, correct?

18 A It may or it may not. It certainly depends on other  
19 factors.

20 Q What other factors would that depend on?

21 A Well, if the image was very, very tiny, that would be  
22 taken into consideration, or very large, or if -- well,  
23 that's a good place to start.

24 Q But you'd agree, sir, that the relationship between the  
25 color of the displayed image and the color of the

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1 background on which it's displayed would impact whether  
2 the -- a displayed image is displayed in an unobtrusive  
3 manner; is that correct?

4 A No, not necessarily.

5 Q Why does the -- why, in your opinion, does the fact --  
6 the fact -- the relationship between the color of the  
7 displayed image and the color of the background not  
8 impact as to whether a displayed image is displayed in an  
9 unobtrusive manner?

10 MR. WILSON: Objection. Form.

11 THE WITNESS: Would you repeat the  
12 question, please?

13 (Question on Page 114, Line 5  
14 read by the reporter.)

15 THE WITNESS: Well, the colors could  
16 be harmonious and combination of the colors could be  
17 pleasing and non-jarring, or it could be jarring.  
18 There's too many other factors to consider to state an  
19 opinion conclusively one way or the other.

20 Q (By Mr. Heit) Would the -- you would agree, sir, that  
21 the size of the displayed image would affect whether an  
22 image displayed is displayed in an unobtrusive manner; is  
23 that correct?

24 A I would think that the size could have -- could impact  
25 whether it's obtrusive or not, but it depends on the

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1 other particulars, the other details of the context of  
2 the displayed image in the background.

3 Q Could you explain what other details you'd have to look  
4 at to determine whether the size of the displayed image,  
5 whether or not that would be unobtrusive?

6 A Not in an exhaustive list, but for example, if the image  
7 was presented as a large image, but with a large degree  
8 of transparency, there may not be much discordance  
9 between the information content of the background and the  
10 image itself.

11 Q Any other examples?

12 A There likely are. Not that occur to me as I sit here  
13 today.

14 Q Would the -- you'd agree, Dr. Mangione-Smith, that what  
15 else is occurring on the display screen will be a factor  
16 as to whether an image displayed is displayed in an  
17 unobtrusive manner, correct?

18 A It's possible that it would be a factor. It's possible  
19 that it wouldn't. It depends on the context.

20 Q Can you explain the context that would help you determine  
21 whether an image displayed on a display screen would be  
22 obtrusively displayed?

23 A No. I mean, there's an infinite number of contexts. It  
24 depends on the context where -- you know, the context of  
25 the -- in the context of the '652 specifically, the

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1 context of the rest of the claim specification and the  
2 intrinsic evidence. In the more general case we're  
3 talking about of images and sort of a general term of  
4 "unobtrusive," it would depend on what the application  
5 was the user was using, what the image actually was.

6 Q Any other factors?

7 A I'm sure there are. Likely, you know, what the quality  
8 of the display is, its brightness, glare, possible  
9 animations. There's a wide range of factors that -- all  
10 of which could play into whether something is obtrusive  
11 or unobtrusive.

12 Q Now I want to go back to your earlier testimony about  
13 what unobtrusive -- you understood "unobtrusive" meant,  
14 and maybe I have to ask the court reporter to get the  
15 witness's precise term.

16 THE COURT REPORTER: Can we go off the  
17 record for a second?

18 THE VIDEOGRAPHER: We're going off  
19 record. The time is 1:39.

20 (Pause in proceedings.)

21 THE VIDEOGRAPHER: We are back on  
22 record. The time is 1:40.

23 Q (By Mr. Heit) Dr. Mangione-Smith, earlier you testified  
24 that you understood the words -- the phrase "display  
25 images in an unobtrusive manner" meant displaying images

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1 manner depends on a number of factors, including the  
2 subjective view of the user, correct?

3 MR. WILSON: Objection. Form. Asked  
4 and answered.

5 THE WITNESS: I haven't formed an  
6 opinion on that.

7 Q (By Mr. Heit) And in fact, two users may have -- may  
8 find the same image -- strike that.

9 And you would agree, sir, that two users may reach  
10 different conclusions as to whether an image displayed is  
11 displayed in an unobtrusive manner, correct?

12 MR. WILSON: Objection. Form. Asked  
13 and answered, and outside the scope of today's  
14 deposition.

15 THE WITNESS: Possibly, possibly not.  
16 I think it depends a great deal on the context, and I  
17 have not formed an opinion regarding that subject matter.

18 Q (By Mr. Heit) What do you mean, it depends on the  
19 context?

20 A I think we've been over this a couple of times. The  
21 context involves the entire environmental context as well  
22 as the information that's displayed, and -- includes at  
23 least the environmental context, the information that's  
24 displayed, and the users.

25 Q But you'd agree, Dr. Mangione-Smith, that holding all

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1 waters going forward. So I have no opinion with regards  
2 to that. I haven't expressed an opinion in my  
3 declaration, and I'm not comfortable doing a thought  
4 experiment to construct a set of hypotheticals in an  
5 attempt to answer the question as I sit here today.

6 Q (By Mr. Heit) Going back to the definition you provided  
7 for displaying images in an unobtrusive manner, you said  
8 images that do not intrude upon the user to a significant  
9 degree. What do you mean by the phrase "to a significant  
10 degree"?

11 A To a degree that the user would find it to be obtrusive.

12 Q What criteria does the patent provide to determine  
13 whether a user would find a displayed image obtrusive?

14 MR. WILSON: Objection. Form. Asked  
15 and answered, and outside the scope of today's  
16 deposition.

17 THE WITNESS: I don't believe that  
18 I've expressed such an opinion in my declaration, and as  
19 I sit here I have no opinion that I'm prepared to  
20 proffer.

21 Q (By Mr. Heit) And again, you're refusing today to go  
22 through the patent and to identify the criteria of the  
23 patent? Identify as to the extent it does, to determine  
24 whether a user finds an image displayed in an unobtrusive  
25 manner, correct?

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1 A Yes, in the context with the rest of the phrasing for the  
2 claim language and the function that I've proffered to  
3 cover the claim language.

4 Q You'd agree, Dr. Mangione-Smith, that there are multiple  
5 factors to determine whether a particular image displayed  
6 on a display screen would distract a user from a primary  
7 interaction?

8 A Much in the same way as the extended line of questioning  
9 we had regarding images in general, and size and color  
10 and location, I think it's certainly possible. It would  
11 depend upon the context.

12 Q Can you explain what you mean by "would depend upon the  
13 context"?

14 A It would depend upon what image was presented, what the  
15 other images were on the screen, what technology was used  
16 for composing those images, environmental context, the  
17 individual user.

18 Q What do you mean by "what technology was used for  
19 composing those images"?

20 A There's various graphics technologies that are available  
21 for composing images that will change to one degree or  
22 another the quality and characteristics of the images  
23 finally rendered on the screen.

24 Q Can you explain that?

25 A Certainly. Some displays will present 32-bit colors,

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1 some will present 8-bit colors, some will use 8-bit  
2 colors naturally mapped in a linear scale, some will use  
3 a look-up table palette, as well as there's a question of  
4 the pixels on the screen, as well as the pixel density.

5 Then in terms of numeric composition, there's a  
6 question of taking one image over a background, whether  
7 it has some transparent characteristics; and along the  
8 edges of the various graphics elements, whether there is  
9 blending or anti-aliasing technology employed.

10 Q And those details affect whether an image displayed on a  
11 display screen would distract a user; is that correct?

12 A They may, they may not.

13 Q You mentioned environmental context.

14 A Yes, sir.

15 Q Can you explain that, sir?

16 A Certainly. If the screen is dirty it may -- or smeared  
17 with oil from -- if it's a touch screen and people have  
18 been touching it with their fingers, or if it's in a food  
19 court and there's food on it, those could impact the  
20 degree of obtrusiveness. Also they may not, depending on  
21 the context. It's possible that the orientation of the  
22 screen causes frequent glare problems with either ambient  
23 light from a natural source or incident light from some  
24 man-made source. I guess that's the bulk of the  
25 environmental factors that I'm thinking of, but I expect

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1 there are probably others if I reflected upon it further.

2 Q And those will affect whether an image distracts a user,  
3 correct?

4 A They may or they may not.

5 Q And I think you also mentioned the individual user. Can  
6 you explain how the individual user affects whether an  
7 image distracts or does not distract?

8 A Well, it's possible that the individual user might be  
9 color-blind. It's possible that the individual user  
10 might have some degree of tunnel vision. There's  
11 numerous other -- the individual use- -- well, that's --  
12 there's some examples there.

13 Q Any other examples?

14 A I'm sure there are. Some people are better able to hold  
15 focus than others. I'm sure I haven't generated a  
16 complete list. Just off the top of my head, that's what  
17 occurs to me.

18 Q So is it your testimony that an image that's displayed on  
19 a display screen may distract one user and not display  
20 [sic] another user depending on the user's propensity to  
21 distraction?

22 A It's my testimony that it may or it may not. One needs  
23 to look at the total context.

24 Q Well, let's hold all other factors the same. The only  
25 change of factor is the user is -- you agree that a

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1 user -- two different users may have a different  
2 propensity to distraction, correct?

3 MR. WILSON: Objection. Form.

4 THE WITNESS: In general two different  
5 users may have different propensity to distraction. In  
6 the context of the patent claims they may or they may not  
7 depending on the other factors, even if held constant.

8 Q (By Mr. Heit) Okay. So let's set the scenario where all  
9 other factors, environmental, technological factors are  
10 the same. You would agree that user -- two different  
11 users may have -- may have different propensity to  
12 distraction, and therefore the identical image may  
13 distract one user and not the other, correct?

14 MR. WILSON: Objection to form.

15 THE WITNESS: I don't have an opinion.  
16 That may be the case, it may not be the case. It's not  
17 sufficient simply to say that all other factors are held  
18 constant. In the two different cases -- hypotheticals  
19 you're proposing one needs to carefully consider what  
20 exactly those factors are. And, you know, lacking such  
21 information, it's difficult for -- it's impossible for me  
22 to form an opinion.

23 Q (By Mr. Heit) What additional information do you need?

24 A I think as I tried to suggest -- I'm sorry if it wasn't  
25 clear -- at a minimum I would want to consider the other

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1 factors that we discussed: What it is exactly that's  
2 presented, the exact context in which information is  
3 displayed, the environmental factors, the key  
4 technological capabilities for composing an image and  
5 ultimately presenting it on the screen, and there may be  
6 other factors which I either mentioned earlier and  
7 neglect to recall at the moment or neglected to mention  
8 at all. I haven't formed an opinion previously to -- so  
9 I'm not proposing this as an exhaustive list, but I think  
10 one would have to, from a hyp- -- from the point of view  
11 of evaluating a hypothetical, consider all of those  
12 factors.

13 Q Does --

14 A Or I'm sorry, one may need to consider all those factors.

15 Q Do you have an opinion whether the '652 patent provides  
16 objective criteria for a skilled artisan to determine  
17 whether or not an image would distract a user from a  
18 primary interaction?

19 THE WITNESS: Could you repeat the  
20 question, please?

21 (Question on Page 139, Line 15  
22 read by the reporter.)

23 THE WITNESS: I believe that the '652  
24 has objective criteria that would allow a skilled artisan  
25 to determine whether this means element is met or not.

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1 Q (By Mr. Heit) You can't tell me, sir, based on your  
2 understanding of the term "displaying an image in an  
3 unobtrusive manner," as that term is written on Page 7 of  
4 your declaration that's been marked as Exhibit 1, you  
5 can't tell me whether the window in the foreground is  
6 displayed in an unobtrusive manner, sir?

7 MR. WILSON: Objection. Form.

8 THE WITNESS: I don't have an opinion  
9 on that.

10 Q (By Mr. Heit) What would you need to know to form your  
11 opinion?

12 A Well, I'd need to know the proper construction for the  
13 term -- for the word "unobtrusive, I would think.  
14 Furthermore, I'd need to know much more about the context  
15 that resulted in this screen being captured -- this  
16 screen image. I apologize, I meant screen image.

17 Q What would you need to know about the context?

18 A Well, at a minimum what the person was doing when the  
19 screen was captured, when this screen image was captured.

20 Q Anything else?

21 A Perhaps. As I sit here today, I haven't previously  
22 thought of an exhaustive list that I would need to answer  
23 such a question.

24 Q I don't need an exhaustive list. Anything else you can  
25 think of that you need to know to know the context to

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1 answer the question?

2 A So let me -- let me review. I said the proper  
3 construction for the term, and the context of how the  
4 screen image was captured.

5 Q Just so my question's clear, I asked you about the  
6 context previously. You said you needed to know what the  
7 person was doing. I'm saying what else do you need to  
8 know about the context?

9 A About the context. Sorry. Well, presumably, as we've  
10 discussed earlier, environmental issues, issues related  
11 to the display technology, issues related to -- well,  
12 we've already said what the person was doing. As well,  
13 presumably other personal factors related to the person  
14 may or may not be significant in reaching such a  
15 determination.

16 Q And if you use the construction that you understood in  
17 writing your declaration, would those contextual issues  
18 still prevent you from rendering an opinion as to whether  
19 the image displayed in the foreground of Exhibit 6A is  
20 displayed in an unobtrusive manner?

21 A As I understand the word "construction," I don't believe  
22 I had a construction in mind clearly formed when I  
23 answered the questions that I was asked to address in my  
24 declaration for that particular term.

25 Q Does the window that appears in the foreground of

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1 whether there was an objective test -- objective evidence  
2 that would allow a skilled artisan to determine whether  
3 or not they were practicing the claim elements, and  
4 specifically this issue of an unobtrusive manner. And I  
5 believe the answer that I gave then was that there was  
6 the capability for such a person to reach such a  
7 determination, and I stand by my testimony previously  
8 with regards to this specific line of questioning.

9 Q (By Mr. Heit) What criteria does the '652 patent provide  
10 to establish a boundary test --

11 MR. WILSON: Objection. Form.

12 Q (By Mr. Heit) -- for when an image is displayed in an  
13 unobtrusive manner versus when an image is displayed in  
14 an obtrusive manner?

15 MR. WILSON: Objection. Form. Asked  
16 and answered.

17 THE WITNESS: I don't have an opinion  
18 upon that question. I was not asked to form an opinion  
19 on that question, and I'm not prepared to elaborate on  
20 that question beyond the answers that I've already given.

21 Q (By Mr. Heit) And if I asked you, Dr. Mangione-Smith, to  
22 review the 65 -- '652 patent to determine the criteria  
23 for establishing a boundary test between when an image is  
24 displayed in an unobtrusive manner versus when an image  
25 is displayed in an obtrusive manner, you'd refuse to do

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1 The time is 5:32.

2 (Recess.)

3 THE VIDEOGRAPHER: We are back on  
4 record. The time is 5:47.

5 MR. HEIT: Let's mark as Defendant's  
6 Exhibit No. 7A.

7 (Exhibit No. 7A marked for  
8 identification.)

9 EXAMINATION (Continuing)

10 BY MR. HEIT:

11 Q You have in front of you, Dr. Mangione-Smith, Exhibit 7A?

12 A Yes, sir.

13 Q And it's a Word document, or a screen shot of a Word  
14 document?

15 A Yes, sir.

16 Q Is it correct that with respect to Exhibit 7A, that you  
17 would be unable to tell me where a user's peripheral  
18 attention begins and primary attention ends?

19 MR. WILSON: Objection. Form.

20 THE WITNESS: Yes. It would depend  
21 upon quite a bit of context.

22 Q (By Mr. Heit) And are those the same contextual issues  
23 that we've been discussing throughout the deposition?

24 A Yes, sir.

25 MR. HEIT: So let's mark as 7B the

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1 next page in order.

2 (Exhibit No. 7B marked for  
3 identification.)

4 Q (By Mr. Heit) You have Exhibit 7B in front of you?

5 A Yes, sir, I do.

6 Q Could you testify, sir, where a user's primary attention  
7 ends and peripheral attention begins with respect to  
8 Figure 7B?

9 MR. WILSON: Objection. Form.

10 THE WITNESS: No, I'm not prepared to  
11 do that as I sit here today.

12 Q (By Mr. Heit) Can you do that?

13 MR. WILSON: Objection. Form.

14 THE WITNESS: Perhaps. I haven't  
15 considered the issue, so I don't have an opinion as I sit  
16 here today. Can I do that. I anticipate I could, yes,  
17 but --

18 Q (By Mr. Heit) How could you do that?

19 MR. WILSON: Objection. Form.

20 THE WITNESS: Could you ask the -- how  
21 would I do the -- the rest?

22 Q (By Mr. Heit) Would the same contextual issues that  
23 we've been discussing throughout your deposition prevent  
24 you from determining where a user's peripheral attention  
25 begins and primary attention ends with respect to

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1 Exhibit 7B?

2 MR. WILSON: Objection to form.

3 THE WITNESS: Yes, I believe so.

4 MR. HEIT: Let's mark as Exhibits 7C  
5 through 7G the remaining pages in the series.

6 (Exhibit Nos. 7C-7G marked  
7 for identification.)

8 MR. HEIT: Did you get up to G? I may  
9 have misspoken. What was the last in the series?

10 THE WITNESS: G is what I have here.

11 Q (By Mr. Heit) And is it correct, sir, that with respect  
12 to all of the pages that have been marked, 7A through 7G,  
13 you are unable to testify as to where a user's peripheral  
14 attention begins and primary attention ends because of  
15 the contextual issues?

16 MR. WILSON: Objection. Form.

17 THE WITNESS: It's my position that I  
18 am unable to testify with regards to where the peripheral  
19 attention begins and the primary attention ends for at  
20 least the reasons of contextual issues.

21 Q (By Mr. Heit) Is there a bright-line boundary between  
22 where individuals' primary attention ends and peripheral  
23 attention begins?

24 A There may be.

25 Q In what instances is there a bright-line boundary between

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1 information that was typed in by the user into the  
2 browser address. And that's just one example. There are  
3 many ways that a user or a program could populate a  
4 graphical or a nongraphical data field that would then be  
5 incorporated as a parameter into an HTML request that may  
6 be considered to be a hyperlink.

7 Q But in the examples you provided, the user has to know  
8 where to go to get the content data, right?

9 A The user needs to know -- the user may know. The user  
10 may not know.

11 Q How would the user download content data if he doesn't  
12 know where to get it from?

13 A Other systems can be used to resolve that ambiguity. For  
14 example, when I go to espn.com, it's not really ESPN,  
15 it's espn.go.com, but sometimes that gets changed in a  
16 visible manner, sometimes it's not.

17 Q But the user has to have some information that points him  
18 to where the content data is, right?

19 A If the user's typing in some information that's used  
20 to -- as I suggested in the case of the browser window,  
21 or some other parameter on the page that's used to  
22 resolve the ultimate address of that content provider,  
23 then the user needs to have some information that can be  
24 used to resolve the ultimate address of the content  
25 provider.

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1 Q Whether the address is resolved by an intermediate system  
2 or not, the user will have to have some indication as to  
3 the location information of the content in order to  
4 retrieve that content; is that right?

5 A Well, I think the content display system needs to have --  
6 so to the extent that, for example, in the previous  
7 figure they marked it "user" to represent the content  
8 display system, has to have some information that allows  
9 them to ultimately access, directly or indirectly, the  
10 content providing system, yes, they have to have some  
11 information that allows that ultimate destination to be  
12 resolved and determined.

13 Q It's necessary for the user to have some idea or have  
14 some location information for the content data in order  
15 to retrieve that content data, right?

16 MR. WILSON: Objection. Form.

17 THE WITNESS: So when you say "user,"  
18 are you meaning "user" to mean the content display  
19 system, or the human being?

20 Q (By Mr. Zhou) Let me withdraw that question and I'll ask  
21 it again. So it's necessary for the content display  
22 system to have some location information about the  
23 content data in order to retrieve it from a content  
24 providing system; is that right?

25 MR. WILSON: Objection. Form.

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1 Q So could a content display system and a content providing  
2 system be one and the same under the '652 patent?

3 MR. WILSON: Objection. Form. Asked  
4 and answered.

5 THE WITNESS: One and the same in  
6 terms of being implemented on the same physical computer,  
7 for example?

8 Q (By Ms. McCollum) That's correct.

9 A I believe that's the same question Vincent asked, and  
10 I'll stand by my previous answer to that.

11 Q Which was what?

12 A I think the answer was that I hadn't taken a position --

13 Q Okay.

14 A -- hadn't formed an opinion with regards to that  
15 question.

16 Q Okay. Do you have an understanding of where the content  
17 data comes from?

18 A My understanding is that the content data comes to the  
19 content display system from a content provider.

20 Q Okay. And where is -- where does that understanding come  
21 from, again?

22 A My understanding of how the terms are used in general,  
23 and my reading of the patent specification.

24 Q Okay. Could you turn to Exhibit 3, which is the '652  
25 patent.

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1 STATE OF WASHINGTON ) I, Cindy M. Koch, CCR, RPR, CRR,  
2 ) ss CLR, a certified court reporter  
3 County of Pierce ) in the State of Washington, do  
4 hereby certify:

5 That the foregoing deposition of WILLIAM H.  
6 MANGIONE-SMITH, Ph.D. was taken before me and completed on  
7 October 4, 2012, and thereafter was transcribed under my  
8 direction; that the deposition is a full, true and complete  
9 transcript of the testimony of said witness, including all  
10 questions, answers, objections, motions and exceptions;

11 That the witness, before examination, was by me  
12 duly sworn to testify the truth, the whole truth, and  
13 nothing but the truth, and that the witness reserved the  
14 right of signature;

15 That I am not a relative, employee, attorney or  
16 counsel of any party to this action or relative or employee  
17 of any such attorney or counsel and that I am not  
18 financially interested in the said action or the outcome  
19 thereof;

20 That I am herewith securely sealing the said  
21 deposition and promptly delivering the same to  
22 Attorney Warren S. Heit.

23 IN WITNESS WHEREOF, I have hereunto set my  
24 signature on the 5th day of October, 2012.  
25



\_\_\_\_\_  
Cindy M. Koch, CCR, RPR, CRR, CLR  
Certified Court Reporter No. 2357.

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