

# EXHIBIT Z

Case No. 1:14-cv-00857-TSC-DAR



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**CONFIDENTIAL**

Transcript of **James R. Fruchterman**

**Date:** September 8, 2015

**Case:** American Educational Research Assoc., Inc., et al -v-  
Public.Resource.Org., Inc.

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AMERICAN EDUCATIONAL RESEARCH  
ASSOCIATION, INC., ET AL.,  
PLAINTIFF,

vs. No. 1:14-CV-00857-TSC-DAR

PUBLIC.RESOURCE.ORG, INC.,  
DEFENDANT.

---

VIDEOTAPED DEPOSITION OF  
JAMES R. FRUCHTERMAN  
CONFIDENTIAL  
Tuesday, September 8, 2015

Reported By:  
KATHLEEN WILKINS, CSR #10068, RPR-RMR-CRR-CCRR-CLR

1 VIDEOTAPED DEPOSITION OF JAMES R. FRUCHTERMAN  
2 BE IT REMEMBERED that on Tuesday,  
3 September 8, 2015, commencing at the hour of  
4 9:21 a.m. thereof, at FENWICK & WEST, LLP, 801  
5 California Street, Mountain View, California,  
6 before me, Kathleen A. Wilkins,  
7 RPR-RMR-CRR-CCRR-CLR, a Certified Shorthand  
8 Reporter, in and for the State of California,  
9 personally appeared JAMES R. FRUCHTERMAN, a  
10 witness in the above-entitled court and cause,  
11 who, being by me first duly sworn, was thereupon  
12 examined as a witness in said action.  
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1	September 8, 2015	9:21 A.M.	
2	P R O C E E D I N G S		
3	THE VIDEOGRAPHER: Good morning. Here		09:16:23
4	begins Tape No. 1 in the video deposition of		09:20:44
5	James Fruchterman in the matter of American		09:20:47
6	Educational Research Association, Incorporated, et		09:20:49
7	al., versus Public.Resource.Org, Incorporated, in		09:20:53
8	the U.S. District Court of the District of		09:21:00
9	Columbia, Case Number 1:14-CV-00857-TSC-DAR.		09:21:02
10	Today's date is September 8th, 2015.		09:21:12
11	Time on the video monitor is 9:21 a.m. The		09:21:15
12	videographer today is Steve Patapoff representing		09:21:18
13	Planet Depos. The video deposition is taking		09:21:21
14	place at Fenwick & West, 801 California Street,		09:21:23
15	Mountain View, California.		09:21:26
16	Would counsel please voice-identify		09:21:29
17	themselves and state whom they represent.		09:21:31
18	MR. HUDIS: Jonathan Hudis,		09:21:35
19	Quarles & Brady, LLP, for plaintiffs.		09:21:36
20	MS. CAPPAERT: Katherine Cappaert from		09:21:41
21	Oblon, LLP, for plaintiffs.		09:21:46
22	MR. KAPLAN: Sebastian Kaplan,		09:21:48
23	Fenwick & West, LLP, for defendant		09:21:49
24	Public.Resource.Org, Incorporated.		09:21:52
25	THE VIDEOGRAPHER: Court reporter today		09:21:56

1	is Kathleen Wilkins representing Planet Depos.	09:21:56
2	Would the reporter please swear in the	09:21:59
3	witness.	09:22:01
4	JAMES R. FRUCHTERMAN,	09:22:11
5	having been duly sworn,	09:22:11
6	was examined and testified as follows:	09:22:11
7	EXAMINATION BY MR. HUDIS	09:22:10
8	BY MR. HUDIS:	09:22:11
9	Q. Good morning, sir. Would you state your	09:22:13
10	full name and address for the record.	09:22:15
11	A. James Robert Fruchterman, Jr.	09:22:18
12	1850 Middlefield Road, Palo Alto, California.	09:22:20
13	Q. And is that your business address or	09:22:26
14	your home address?	09:22:28
15	A. My home address.	09:22:30
16	Q. Could I have your business address,	09:22:31
17	please.	09:22:33
18	A. My business address is 4780 California	09:22:33
19	Avenue, Palo Alto, California.	09:22:36
20	Q. Mr. Fruchterman, I am here -- my name is	09:22:39
21	Jonathan Hudis, representing the plaintiffs in an	09:22:41
22	action in which you've been designated as an	09:22:45
23	expert witness.	09:22:47
24	My colleague, Katherine Cappaert, is	09:22:48
25	here with me and will be working with me during	09:22:50

1 as you sit here today? 09:47:43

2 A. Oh, many ideas. Microfluidics, math and 09:47:46

3 science simulation software, more pattern 09:47:57

4 recognition companies, but none of these reached 09:48:06

5 the point of where I was actually employed, 09:48:10

6 because they never got started. 09:48:13

7 Q. Could you define for us microfluidics? 09:48:14

8 A. It's a semiconductor-based technology 09:48:18

9 for moving gases or fluids rather than electrical 09:48:22

10 current, but under the control of electrical 09:48:28

11 signals. 09:48:32

12 Q. Any other notable projects in your 09:48:41

13 working background that you haven't told us about? 09:48:44

14 MR. KAPLAN: Objection. Vague. 09:48:47

15 THE WITNESS: I taught night school, in 09:48:49

16 computer programming. I crawled under houses as 09:48:51

17 part of helping homeowners understand more of 09:48:59

18 their earthquake risks. But those were back in 09:49:03

19 the early '80s, when I was trying to get my first 09:49:08

20 company really going. 09:49:11

21 BY MR. HUDIS: 09:49:14

22 Q. Since it's a fair part of your expert's 09:49:20

23 report, Mr. Fruchterman, in simple terms could you 09:49:24

24 please define what is "optical character 09:49:28

25 recognition" and what does it do? 09:49:31

1           A.     So optical character recognition is the     09:49:36  
2           process of having a machine recognizing letters     09:49:41  
3           and words, generally from documents, though it can     09:49:44  
4           be from other objects, and translating those into     09:49:49  
5           the letter or word equivalent so that those things     09:49:53  
6           can be processed.     09:49:59

7                     So the most common application of     09:50:00  
8           optical character recognition is scanning, let's     09:50:03  
9           say, a page of a document and turning it into a     09:50:07  
10          word processor file that is the equivalent of what     09:50:09  
11          you would have done if you had typed it in, but     09:50:14  
12          the machine, instead, had it scanned and then took     09:50:16  
13          the picture of the page and turned it into the     09:50:19  
14          text of the page.     09:50:23

15          Q.     So for the remainder of this deposition,     09:50:25  
16          if I use the initials "OCR," we'll understand that     09:50:28  
17          to mean "optical character recognition"?     09:50:32

18          A.     Yes.     09:50:35

19          Q.     Is OCR a common method of creating     09:50:36  
20          searchable digital copies of texts?     09:50:39

21                     MR. KAPLAN: Objection. Competence.     09:50:47

22          Vague.     09:50:52

23                     THE WITNESS: It is the most common form     09:50:55  
24          when the source document is in physical or solely     09:50:56  
25          image-based form, but it's probably not the most     09:51:02

1	common.	09:51:07
2	BY MR. HUDIS:	09:51:07
3	Q. What is the most common?	09:51:07
4	A. Having digitally created content that	09:51:09
5	stays digital and then is searched.	09:51:11
6	Q. So, for example --	09:51:13
7	MR. KAPLAN: Can I just interject. For	09:51:14
8	the court reporter, you had my objection as	09:51:16
9	"compound." It was "competence." I just wanted	09:51:17
10	to make sure we had that on the record.	09:51:21
11	BY MR. HUDIS:	09:51:50
12	Q. So, for example, Mr. Fruchterman, a	09:51:50
13	document created in Microsoft Word would be a	09:51:52
14	method of creating searchable digital text?	09:51:58
15	MR. KAPLAN: Objection. Incomplete	09:52:01
16	hypothetical. Vague.	09:52:02
17	THE WITNESS: It would be a great source	09:52:06
18	document to put into a system that analyzed	09:52:07
19	documents for full text. I'm not sure -- could	09:52:12
20	you repeat the question.	09:52:18
21	BY MR. HUDIS:	09:52:19
22	Q. Yes.	09:52:20
23	So, for example, a document created in	09:52:23
24	Microsoft Word would be a method of creating	09:52:26
25	searchable digital text?	09:52:29

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Conducted on September 8, 2015

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1 I might want to know pages that mention 12:09:18

2 Constitution and bananas on the same page. 12:09:24

3 Q. All right. So that would be a Boolean 12:09:27

4 search? 12:09:29

5 A. Yes. So there are searches you could 12:09:29

6 do. Those are easier to do on digital content, 12:09:31

7 obviously. But, you know, human beings often do 12:09:34

8 word spotting as well. Skimming. There's 12:09:38

9 skimming that people do. 12:09:41

10 And -- I mean, there are other tasks 12:09:42

11 that people do. I choose to focus on those as the 12:09:47

12 primary ones that encompass what 95 percent or 12:09:51

13 more people would want to do with a given 12:09:55

14 document. 12:09:57

15 Q. And those functional tasks, just to 12:09:57

16 summarize -- I've been listening very carefully -- 12:10:00

17 to obtain the content, to read the content, to use 12:10:03

18 the structure of the document such as by markup or 12:10:06

19 by search, to skim the document and more 12:10:08

20 complicated phrase searches? 12:10:10

21 A. Yeah. 12:10:12

22 MR. KAPLAN: Objection. Misstates 12:10:13

23 testimony. 12:10:14

24 Go ahead. 12:10:15

25 THE WITNESS: More or less, yeah. 12:10:16

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1	BY MR. HUDIS:	12:10:17
2	Q. Okay. All right. Could Bookshare's	12:10:18
3	members with print disabilities access the content	12:10:26
4	in the TIFF file created by the process you	12:10:28
5	described earlier without having the file undergo	12:10:33
6	an OCR process?	12:10:36
7	MR. KAPLAN: Objection. Incomplete	12:10:39
8	hypothetical. Vague. Lacks foundation.	12:10:42
9	THE WITNESS: They could have a human	12:10:45
10	being read it to them.	12:10:46
11	BY MR. HUDIS:	12:10:54
12	Q. Without intervention by another human	12:10:56
13	being, could Bookshare's members with print	12:11:00
14	disabilities access the TIFF file created as we	12:11:05
15	discussed -- I'm going to rephrase the question.	12:11:08
16	Without human intervention, could	12:11:15
17	Bookshare's members with print disabilities access	12:11:17
18	the content in the TIFF file without having	12:11:19
19	undergone the OCR process?	12:11:23
20	MR. KAPLAN: Objection. Incomplete	12:11:24
21	hypothetical. Vague. Lacks foundation.	12:11:26
22	THE WITNESS: I think the answer is no.	12:11:28
23	They need either OCR or a human to access TIFF	12:11:31
24	images if they're completely blind.	12:11:36
25		



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1	BY MR. HUDIS:	12:11:41
2	Q. Now, what if they are a low-vision	12:11:41
3	reader?	12:11:43
4	MR. KAPLAN: Objection. Incomplete	12:11:44
5	hypothetical. Vague. Lacks foundation.	12:11:46
6	THE WITNESS: Then they could view the	12:11:48
7	TIFF image magnified or otherwise visually	12:11:52
8	processed and read the document.	12:11:56
9	BY MR. HUDIS:	12:11:58
10	Q. What do you mean by "visually	12:11:59
11	processed"?	12:11:59
12	A. An example -- one obvious example is	12:12:03
13	making it bigger. Another one is reversing the	12:12:06
14	contrast so that instead of being black text on a	12:12:09
15	white background, being white text on black	12:12:12
16	background. There are many other visual things	12:12:15
17	that people with low vision benefit from other	12:12:18
18	than those two. Those are the two most common.	12:12:22
19	Q. With the current state of technology as	12:12:26
20	you know it, how accurate is the OCR process in	12:12:27
21	recognizing words on a printed page?	12:12:32
22	MR. KAPLAN: Objection. Vague.	12:12:34
23	THE WITNESS: It's quite good.	12:12:38
24	BY MR. HUDIS:	12:12:39
25	Q. Is there a known error recognition rate?	12:12:39

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1	BY MR. HUDIS:	01:32:17
2	Q. And that would include what we talked	01:32:18
3	about earlier; that's the storage of the content	01:32:20
4	on your service -- on your servers or, more	01:32:23
5	recently, the Amazon cloud --	01:32:26
6	MR. KAPLAN: Objection.	01:32:29
7	BY MR. HUDIS:	01:32:29
8	Q. -- in a secure manner?	01:32:29
9	MR. KAPLAN: Objection. Misstates	01:32:31
10	testimony. Vague.	01:32:32
11	THE WITNESS: I would differentiate	01:32:35
12	between things that are just the way we operate	01:32:36
13	the service and representations or changes we've	01:32:38
14	made in conversations with the publishers.	01:32:41
15	There are many, many things where we	01:32:44
16	simply say, We're doing it this way, and -- they	01:32:45
17	don't -- the association doesn't have any ability	01:32:50
18	to approve of our activities. It's not their	01:32:53
19	place, as it were.	01:32:57
20	BY MR. HUDIS:	01:32:59
21	Q. Right.	01:32:59
22	A. They're simply a way to effectively	01:33:01
23	converse with the industry association and with	01:33:03
24	the industry. And if they see an issue that they	01:33:06
25	think their members want to hear about, they'll go	01:33:08

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1 back to their members and talk to them. So it's 01:33:12

2 an efficiency mechanism. 01:33:14

3 But there is a difference between things 01:33:16

4 we just do and things we've explicitly conversed 01:33:17

5 with them and maybe made changes as a result of 01:33:21

6 that conversation. 01:33:23

7 Q. So what I'm concerned about is how you 01:33:24

8 worked with the American -- with the Association 01:33:27

9 of American Publishers to make them comfortable 01:33:30

10 that the Bookshare site would not be subject to 01:33:34

11 abuse. 01:33:37

12 MR. KAPLAN: Objection. Was there a 01:33:40

13 question? 01:33:43

14 MR. HUDIS: Yes. I'll phrase it a 01:33:44

15 different way. 01:33:48

16 Q. In what ways did you work with the 01:33:49

17 Association of American Publishers to ensure 01:33:50

18 that -- to make them comfortable that the 01:33:56

19 Bookshare site would not be the subject of abuse? 01:33:59

20 That people in the sighted community would not be 01:34:03

21 able to download their content without permission, 01:34:06

22 without compensation? 01:34:11

23 MR. KAPLAN: Objection. Argumentative. 01:34:13

24 Vague. 01:34:14

25 THE WITNESS: Okay. So we're now in a 01:34:19

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1 much narrower area, and I'd say the 01:34:21  
2 representations in our seven-point digital rights 01:34:25  
3 management plan were the primary mechanism that we 01:34:32  
4 dealt with that particular concern of the 01:34:37  
5 publishing industry. 01:34:40

6 BY MR. HUDIS: 01:34:41

7 Q. Okay. The last sentence on that page, 01:34:46  
8 page 15 of Exhibit 55, it says: 01:34:49

9 "With the extensive input 01:34:51  
10 from consumers, authors, 01:34:54  
11 publishers and leading 01:34:56  
12 organizations, we have created a 01:34:57  
13 model for Bookshare that can be 01:34:59  
14 supported by a broad array of 01:35:01  
15 interests." 01:35:04

16 What model is this passage talking 01:35:05  
17 about? 01:35:08

18 MR. KAPLAN: Objection. Lacks 01:35:09  
19 foundation. 01:35:10

20 THE WITNESS: The Bookshare operational 01:35:14  
21 model. 01:35:17

22 BY MR. HUDIS: 01:35:21

23 Q. How would you describe the Bookshare 01:35:21  
24 operational model? 01:35:22

25 A. A package of technologies and policies 01:35:24

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1	and legal agreements and product features and -- I	01:35:27
2	mean, you know, it's a -- these things combined	01:35:33
3	create a service that delivers a value to people	01:35:38
4	with disabilities in a way that gets support from	01:35:46
5	these different stakeholders.	01:35:48
6	Q. Including the publishing industry?	01:35:53
7	A. Yes.	01:35:55
8	Q. Could we turn to page 16 of Exhibit 55.	01:35:57
9	Under copyright information, it says:	01:36:00
10	"Bookshare is an online	01:36:02
11	library that provides accessible	01:36:04
12	eBooks to people with print	01:36:06
13	disabilities. Bookshare meets the	01:36:07
14	requirements of the Chafee	01:36:09
15	Amendment which permits an	01:36:09
16	authorized entity like Benetech to	01:36:12
17	make books available to people	01:36:14
18	with print disabilities provided	01:36:16
19	that copies may not be reproduced	01:36:17
20	or distributed in a format other	01:36:19
21	than a specialized format	01:36:21
22	exclusively for use by blind or	01:36:23
23	other persons with disabilities.	01:36:25
24	Must bear a notice that any	01:36:27
25	further reproduction or	01:36:32

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Conducted on September 8, 2015

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1	distribution in a format other	01:36:33
2	than a specialized format is an	01:36:35
3	infringement. Must include a	01:36:37
4	copyright notice identifying the	01:36:39
5	copyright owner and the date of	01:36:43
6	the original publication.	01:36:45
7	'Specialized formats' means	01:36:46
8	Braille, audio or digital text	01:36:50
9	which is exclusively intended for	01:36:53
10	use by blind or other persons with	01:36:54
11	disabilities."	01:36:56
12	All right. So I've read this passage,	01:36:59
13	Mr. Fruchterman.	01:37:01
14	A. Right.	01:37:01
15	Q. Does this accurately describe the	01:37:01
16	overall way that Benetech makes reading materials	01:37:03
17	available to its members?	01:37:07
18	MR. KAPLAN: Objection. Vague.	01:37:08
19	Misleading.	01:37:09
20	THE WITNESS: I think that these bullet	01:37:14
21	points that you just read recapitulate the	01:37:16
22	provisions of the Chafee Amendment, which is the	01:37:19
23	primary copyright exception that we use for making	01:37:23
24	copyright material to people with qualifying	01:37:26
25	disabilities inside the United States.	01:37:28

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1	BY MR. HUDIS:	01:37:31
2	Q. If we could go to page 17 of Exhibit 55.	01:37:31
3	What is the purpose of this page on	01:37:36
4	Bookshare's web site?	01:37:38
5	MR. KAPLAN: Objection. Vague. Lacks	01:37:40
6	foundation.	01:37:41
7	THE WITNESS: This is part of our,	01:37:44
8	essentially, frequently asked questions, and it's	01:37:45
9	entitled "Digital Millennium Copyright Act."	01:37:49
10	And so as a -- and I'm not a lawyer, but	01:37:54
11	my understanding is is someone who provides access	01:37:58
12	to copyrighted material online, we are required to	01:38:02
13	have a DMCA agent to accept notices that there is	01:38:06
14	content on our web site that infringes the	01:38:12
15	copyright of others.	01:38:14
16	We frequently get DMCA notices from	01:38:17
17	authors or their agents or publishers saying, We	01:38:23
18	searched the web. This copyright work is on your	01:38:26
19	web site. Take it down.	01:38:29
20	And this is both explaining the DMCA	01:38:30
21	notice process at some level, as well as the, more	01:38:36
22	or less, if you don't know what the Chafee	01:38:40
23	Amendment is, you should look it up because we're	01:38:42
24	allowed to have it.	01:38:47
25	But I'm summarizing this in very direct	01:38:48

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1	terms, because it's very rare for someone to issue	01:38:54
2	us a DMCA notice that results in us actually	01:38:56
3	taking down the work because it's usually legally	01:39:01
4	permitted under the copyright amendment.	01:39:04
5	BY MR. HUDIS:	01:39:05
6	Q. The Chafee Amendment to the copyright?	01:39:06
7	A. The Chafee Amendment. Or often a	01:39:07
8	license from the author's publisher who gave us	01:39:10
9	the content, but the author and their agent	01:39:12
10	weren't aware this was one of the nice things that	01:39:14
11	their publisher did for their entire catalog of	01:39:17
12	books, not just that author.	01:39:21
13	Q. Mr. Fruchterman, could we turn to page	01:39:23
14	18 of Exhibit 55.	01:39:25
15	Is this text on page 18 Bookshare's	01:39:34
16	digital rights plan -- digital rights management	01:39:40
17	plan?	01:39:46
18	A. This is the current or, let's just say,	01:39:46
19	last month's current -- but I don't believe it's	01:39:49
20	changed since last month -- version of our	01:39:51
21	seven-point digital rights management plan that we	01:39:53
22	have discussed earlier.	01:39:56
23	Q. And what was the purpose of Bookshare	01:39:58
24	implementing this DRM plan?	01:39:59
25	MR. KAPLAN: Objection. Vague. Lacks	01:40:04



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1	foundation.	01:40:05
2	THE WITNESS: I would say that the	01:40:11
3	purpose of this was to represent to the	01:40:12
4	intellectual property industry, especially	01:40:17
5	publishers, that we were intending to follow the	01:40:19
6	law when it came to use of these materials. So it	01:40:22
7	was created for that original conversation we had	01:40:25
8	with the publishing industry quite a number of	01:40:27
9	years ago.	01:40:31
10	BY MR. HUDIS:	01:40:31
11	Q. And when you say "these materials,"	01:40:32
12	that's the copyrighted materials on the Bookshare	01:40:34
13	web site?	01:40:36
14	MR. KAPLAN: Objection. Misstates	01:40:39
15	testimony.	01:40:40
16	THE WITNESS: Yes.	01:40:42
17	BY MR. HUDIS:	01:40:43
18	Q. Could we turn to page 19.	01:40:43
19	A. Mh-hmm.	01:40:46
20	Q. What's the purpose of this sign-up page?	01:40:46
21	That's page 19 of Exhibit 55.	01:40:52
22	MR. KAPLAN: Objection. Vague. Lacks	01:40:54
23	foundation.	01:40:55
24	THE WITNESS: This is a screen shot that	01:41:15
25	appears to be of the individual sign-up for	01:41:16

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1	Bookshare that is collecting data about a	01:41:22
2	potential user in order to start the process of	01:41:24
3	becoming a Bookshare member.	01:41:29
4	BY MR. HUDIS:	01:41:32
5	Q. And at the bottom it says -- it has a	01:41:32
6	check box, and then you would sign your name or	01:41:34
7	its equivalent.	01:41:36
8	Do you see at the bottom?	01:41:38
9	A. Yes.	01:41:39
10	Q. And by doing so you're agreeing to the	01:41:39
11	terms and conditions of the Bookshare web site.	01:41:42
12	Do you see that?	01:41:44
13	MR. KAPLAN: Objection. Is the -- the	01:41:45
14	question is whether or not he sees that check box?	01:41:49
15	MR. HUDIS: Counsel, good.	01:41:53
16	Q. Is the purpose of this check box to have	01:41:55
17	the user acknowledge that he or she is agreeing to	01:42:02
18	the terms and conditions of the Bookshare web	01:42:04
19	site?	01:42:07
20	MR. KAPLAN: Objection. Vague. Lacks	01:42:08
21	foundation.	01:42:09
22	MR. HUDIS: Thank you, Counsel.	01:42:10
23	THE WITNESS: Yes. I believe that that	01:42:13
24	check box and the filling in of your name	01:42:14
25	indicates that you're agreeing to the terms and	01:42:17

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1	technique still in wide use today.	02:19:04
2	The Perkins Brailler and Braille	02:19:06
3	printing presses are important	02:19:10
4	tools for professionals to use to	02:19:11
5	create Braille books. And	02:19:16
6	human-narrated books are widely	02:19:17
7	available on audio cassettes."	02:19:20
8	We've replaced audio cassettes at this	02:19:23
9	point with technology, but the rest of it, are	02:19:25
10	these still document transformation methods in use	02:19:31
11	today?	02:19:33
12	MR. KAPLAN: Objection.	02:19:34
13	BY MR. HUDIS:	02:19:34
14	Q. All right. And that -- and the ones	02:19:34
15	that I'm pointing to are having the sighted person	02:19:35
16	read aloud, the Perkins Brailler and a Braille	02:19:39
17	printing press.	02:19:42
18	MR. KAPLAN: Objection. Vague.	02:19:46
19	THE WITNESS: All of these are still in	02:19:48
20	use today.	02:19:49
21	BY MR. HUDIS:	02:19:50
22	Q. Now, the next paragraph, it says:	02:19:55
23	"Technology in use today has	02:19:56
24	greatly expanded the options	02:19:58
25	available for accessible reading	02:19:59

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1	and lessened the need to have a	02:20:01
2	sighted person intervene in the	02:20:03
3	process. We now have Braille	02:20:04
4	transcription software, personal	02:20:06
5	Braille embossers, refreshable	02:20:08
6	electronic Braille displays for	02:20:11
7	audio. We have computer	02:20:13
8	synthesized voices to speak aloud	02:20:15
9	digital text, also known as text	02:20:19
10	to speech or TTS."	02:20:21
11	My question is, are these technologies	02:20:23
12	still in use today as nonhuman intervention	02:20:26
13	methods for the print-disabled to access printed	02:20:30
14	material?	02:20:36
15	MR. KAPLAN: Objection. Vague and	02:20:37
16	confusing.	02:20:38
17	THE WITNESS: Yes.	02:20:41
18	BY MR. HUDIS:	02:20:42
19	Q. The next sentence says:	02:20:47
20	"With reading systems that	02:20:49
21	use optical character recognition,	02:20:50
22	or OCR, we can provide access to	02:20:52
23	Braille, audio and customized	02:20:56
24	visual displays directly from the	02:20:58
25	printed page."	02:21:00

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1	Why is this important?	02:21:01
2	MR. KAPLAN: Objection. Vague.	02:21:02
3	THE WITNESS: Because we want to turn	02:21:11
4	inaccessible print books into forms where disabled	02:21:13
5	people can access them using OCR.	02:21:16
6	BY MR. HUDIS:	02:21:21
7	Q. Could we turn to page 557 of Exhibit 58.	02:21:21
8	At the bottom of page 50 -- 557 to the	02:21:34
9	top of 558 it says:	02:21:37
10	"Authors and publishers of	02:21:39
11	books are concerned about piracy	02:21:41
12	and worry about making books	02:21:43
13	easily available in electronic	02:21:45
14	form, although they rarely object	02:21:47
15	to access for people with	02:21:49
16	disabilities."	02:21:50
17	Do you believe this is still true?	02:21:51
18	MR. KAPLAN: Objection. Vague.	02:21:54
19	THE WITNESS: Yes.	02:22:10
20	BY MR. HUDIS:	02:22:11
21	Q. Mr. Fruchterman, could we turn to page	02:22:23
22	558.	02:22:25
23	A. Yes.	02:22:27
24	MR. KAPLAN: We were there.	02:22:29
25	MR. HUDIS: We were there. Okay. Thank	02:22:30

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1	you.	02:22:31
2	Q. I would like to direct your attention to	02:22:39
3	the middle of the page, where it starts "however."	02:22:40
4	A. Yes.	02:22:45
5	Q. All right. It says:	02:22:46
6	"However, the image cannot be	02:22:47
7	directly used to generate Braille	02:22:49
8	or synthetic voice output."	02:22:51
9	Why is that?	02:22:54
10	MR. KAPLAN: Objection. Vague. Lacks	02:22:55
11	foundation. Incomplete hypothetical.	02:22:56
12	THE WITNESS: You need to convert the	02:23:04
13	inaccessible image into a text file in OCR.	02:23:05
14	BY MR. HUDIS:	02:23:14
15	Q. Mr. Fruchterman, could you turn to page	02:23:24
16	560 of Exhibit 58.	02:23:26
17	This paragraph at the bottom of page 560	02:23:40
18	talks about the image processing steps of -- in	02:23:46
19	OCR. And it talks about despeckling, orienting	02:23:49
20	and straightening the page, recognition of	02:23:55
21	specialty fine characteristics and recognition of	02:23:57
22	a character or glyph.	02:24:01
23	Are those the --	02:24:02
24	MR. KAPLAN: You're talking about the	02:24:05
25	last full paragraph, not the last paragraph?	02:24:05

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1	What is the DAISY standard?	02:26:50
2	A. The DAISY standard is a standard for	02:26:58
3	delivering accessible books to people with	02:27:01
4	disabilities.	02:27:05
5	Q. Is that standard still in use today?	02:27:06
6	A. It is.	02:27:11
7	Q. By whom?	02:27:11
8	MR. KAPLAN: Objection. Lacks	02:27:14
9	foundation. Vague.	02:27:14
10	THE WITNESS: The DAISY consortium is	02:27:17
11	essentially the leading libraries for people with	02:27:21
12	print-disabilities, and I believe almost all of	02:27:25
13	the DAISY members' libraries use the DAISY format	02:27:27
14	as part of their system of delivering accessible	02:27:32
15	books to their disabled patrons.	02:27:35
16	BY MR. HUDIS:	02:27:37
17	Q. Is this a proprietary format?	02:27:37
18	MR. KAPLAN: Objection. Vague.	02:27:41
19	Confusing.	02:27:41
20	MR. HUDIS: I'll ask -- I'll reask the	02:27:42
21	question.	02:27:44
22	Q. Is DAISY a proprietary format by the	02:27:44
23	participating libraries in the consortium?	02:27:47
24	MR. KAPLAN: Objection. Vague.	02:27:50
25	Confusing.	02:27:50

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1	THE WITNESS: My understanding is the	02:27:55
2	DAISY format is shared widely so that anyone can	02:27:57
3	use the standard and it is not proprietary to the	02:28:01
4	members.	02:28:04
5	BY MR. HUDIS:	02:28:04
6	Q. Does this technology require use of a	02:28:04
7	PDF file?	02:28:07
8	MR. KAPLAN: Objection. Vague and	02:28:11
9	confusing.	02:28:13
10	THE WITNESS: It's the antithesis of a	02:28:14
11	PDF file.	02:28:16
12	BY MR. HUDIS:	02:28:19
13	Q. Okay. And why do you say that?	02:28:20
14	A. Because PDFs are frequently not	02:28:22
15	accessible in the form that they present	02:28:25
16	themselves.	02:28:27
17	Q. Without OCR technology?	02:28:28
18	A. That's --	02:28:31
19	MR. KAPLAN: Objection. Vague.	02:28:31
20	THE WITNESS: That's one of the problems	02:28:32
21	with PDFs. Yes.	02:28:34
22	BY MR. HUDIS:	02:28:35
23	Q. All right. So does -- does the DAISY	02:28:36
24	technology require use of an OCR-processed PDF	02:28:38
25	file?	02:28:42



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1	MR. KAPLAN: Objection. Vague and	02:28:44
2	confusing.	02:28:45
3	THE WITNESS: No.	02:28:46
4	BY MR. HUDIS:	02:28:49
5	Q. What is required for use of DAISY	02:28:49
6	technology?	02:28:51
7	MR. KAPLAN: Objection. Vague.	02:28:53
8	THE WITNESS: Well, the DAISY standard	02:28:57
9	is a format for digitally delivering typically	02:29:01
10	books, but could be other kinds of documents. It	02:29:05
11	encompasses digital text, structure, audio, video,	02:29:08
12	pictures, tactile graphics.	02:29:12
13	And so a DAISY book might contain one or	02:29:17
14	all of those different elements without respect to	02:29:21
15	how it was created or how it will get used. It's	02:29:27
16	just a file format.	02:29:31
17	BY MR. HUDIS:	02:29:32
18	Q. And --	02:29:32
19	MR. KAPLAN: Can we, when you're done	02:29:33
20	with this line of questioning, take a very short	02:29:34
21	break?	02:29:37
22	MR. HUDIS: Yes.	02:29:37
23	MR. KAPLAN: Thank you.	02:29:38
24	BY MR. HUDIS:	02:29:39
25	Q. And DAISY -- DAISY-processed texts can	02:29:39

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1	the screen aloud.	04:13:47
2	Q. All right. And is that example of text	04:13:49
3	to speech?	04:13:52
4	MR. KAPLAN: Objection. Vague.	04:13:54
5	THE WITNESS: Different users use their	04:13:56
6	screen reader with different forms of information.	04:13:58
7	The most common is text to speech. But, for	04:14:04
8	example, a deaf/blind person uses a screen reader	04:14:06
9	with a Braille display, and the text is -- that's	04:14:11
10	on the screen is presented on the Braille display.	04:14:15
11	BY MR. HUDIS:	04:14:18
12	Q. And, again, so that -- if it's a blind	04:14:20
13	and deaf person, it would be a tactile Braille?	04:14:22
14	A. All Braille is tactile. Or at least all	04:14:26
15	sensible uses of Braille are tactile, though there	04:14:33
16	are sighted people who can read Braille visually,	04:14:38
17	so ...	04:14:42
18	Q. I'd like to know if you recognize these	04:14:43
19	as brand names of screen reader technology.	04:14:45
20	JAWS from Freedom Scientific?	04:14:48
21	A. Yes.	04:14:50
22	Q. Window-Eyes from GW Micro?	04:14:52
23	A. Yes.	04:14:54
24	Q. Okay. Dolphin SuperNova from Dolphin	04:14:55
25	Computer Access?	04:14:59

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1	A.	Yes.	04:15:00
2	Q.	System Access from Serotek?	04:15:00
3	A.	Yes.	04:15:02
4	Q.	ZoomText from Ai Squared?	04:15:04
5	A.	ZoomText is a combination screen reader,	04:15:08
6		but most people think of it as a screen	04:15:10
7		magnification product.	04:15:13
8	Q.	And NVDA open source screen reader.	04:15:14
9	A.	Yes.	04:15:17
10	Q.	Would screen reader technology work with	04:15:21
11		an image-only PDF document?	04:15:24
12		MR. KAPLAN: Objection. Incomplete	04:15:29
13		hypothetical. Vague.	04:15:31
14		THE WITNESS: Some do. Some screeners	04:15:32
15		also have image magnification as well as screen	04:15:33
16		reading. So you can make it big or change the	04:15:37
17		contrast by reversing the contrast or changing the	04:15:40
18		colors, so -- but that would be not the typical	04:15:43
19		use.	04:15:50
20		BY MR. HUDIS:	04:15:50
21	Q.	What is the typical use of screen reader	04:15:51
22		technology?	04:15:53
23		MR. KAPLAN: Objection. Vague.	04:15:53
24		Confusing.	04:15:54
25		THE WITNESS: Generally, to read what's	04:15:56

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1	on the screen aloud in words.	04:15:57
2	BY MR. HUDIS:	04:15:59
3	Q. So text to speech?	04:15:59
4	A. Yes.	04:16:00
5	Q. So would screen reader technology for	04:16:01
6	text to speak -- text to speech work with an	04:16:04
7	image-only PDF document?	04:16:12
8	MR. KAPLAN: Objection. Incomplete	04:16:16
9	hypothetical. Vague.	04:16:17
10	THE WITNESS: No.	04:16:19
11	BY MR. HUDIS:	04:16:22
12	Q. Mr. Fruchterman, please turn to page 4	04:16:33
13	of your report. And I'm focusing in on the first	04:16:35
14	full paragraph of that page. The paragraph starts	04:16:40
15	"For the purpose of this report."	04:16:46
16	Do you see that?	04:16:49
17	A. Mh-hmm.	04:16:49
18	Q. And the second sentence says:	04:16:50
19	"Based on the information the	04:16:51
20	screen reader can glean from the	04:16:52
21	pages displayed on the screen, can	04:16:55
22	a blind person locate the standard	04:16:57
23	and read it."	04:17:00
24	In this context, what did you mean by	04:17:01
25	"locate the standard"?	04:17:03

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1	A.	In this context, I was focusing on web	04:17:07
2		searches.	04:17:10
3	Q.	And in this context, what did you mean	04:17:17
4		by "read the standard"?	04:17:19
5	A.	Basically, read it aloud, generally,	04:17:29
6		would be the most common use.	04:17:31
7	Q.	Which, if the person was blind, could	04:17:37
8		not do?	04:17:39
9		MR. KAPLAN: Objection. Vague and	04:17:40
10		confusing.	04:17:41
11		THE WITNESS: Well, if they located a	04:17:54
12		text version of the standard, they certainly could	04:17:56
13		read it aloud.	04:17:59
14		BY MR. HUDIS:	04:18:01
15	Q.	They'd need assistive technology to do	04:18:02
16		so?	04:18:05
17	A.	Yes. But when -- when I use the term	04:18:08
18		"can a blind person read it," I'm presuming that	04:18:10
19		they're using technology to read it as opposed to	04:18:16
20		something else.	04:18:22
21	Q.	And when you say "use technology," what	04:18:23
22		did you mean?	04:18:25
23		MR. KAPLAN: Objection. Vague.	04:18:27
24		THE WITNESS: Okay. Taking a step back.	04:18:29
25			

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1	BY MR. KAPLAN:	05:16:35
2	Q. So let's take that one at a time.	05:16:35
3	So you checked for adds?	05:16:37
4	A. Well, I examined the document, and I'm	05:16:39
5	talking about errors I observed as opposed to	05:16:41
6	errors I didn't observe. So if I had seen an add,	05:16:44
7	I would have been seeing it. I don't know.	05:16:47
8	Q. So --	05:16:50
9	A. I was looking for errors.	05:16:51
10	Q. Right. So my first question is, did you	05:16:52
11	check for adds errors?	05:16:55
12	MR. KAPLAN: Objection. Vague.	05:16:58
13	THE WITNESS: If I -- if an add had been	05:16:59
14	there and I had been looking at it, I would have	05:17:01
15	been checking for them, yes. But --	05:17:03
16	BY MR. KAPLAN:	05:17:05
17	Q. And you didn't find any?	05:17:06
18	A. I didn't see any adds.	05:17:07
19	Q. And did you check the entire 212 pages	05:17:08
20	of the document for adds errors?	05:17:11
21	A. No.	05:17:13
22	Q. So now we're at page 10, at the bottom	05:17:22
23	of page -- of Exhibit 64, your expert's report.	05:17:24
24	A. Yes.	05:17:28
25	Q. After you OCR-processed select pages	05:17:29

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1	from the image-only PDF file of the 1999 standards	05:17:32
2	given to you by defense counsel, you used the	05:17:35
3	Window-Eyes software tool to read text aloud and	05:17:39
4	to conduct full-text searches by keyword?	05:17:43
5	A. Right.	05:17:47
6	Q. All right. Now, Mr. Fruchterman, you	05:17:48
7	could not use the Window-Eyes software tool to	05:17:51
8	read text of the 1999 standards aloud or to	05:17:54
9	conduct full-text searches by keyword before the	05:17:58
10	PDF pages were OCR processed.	05:18:01
11	MR. KAPLAN: Objection. Vague.	05:18:04
12	Compound.	05:18:05
13	THE WITNESS: You're making a statement.	05:18:10
14	What's the question?	05:18:10
15	BY MR. KAPLAN:	05:18:13
16	Q. All right. I will ask the question a	05:18:13
17	different way.	05:18:14
18	Could you use the Window-Eyes software	05:18:16
19	tool to read the text of the 1999 standards aloud	05:18:18
20	before the PDF pages were OCR processed?	05:18:22
21	MR. KAPLAN: Objection. Vague.	05:18:25
22	Confusing.	05:18:26
23	THE WITNESS: No.	05:18:30
24	BY MR. KAPLAN:	05:18:30
25	Q. Could you use the Window-Eyes software	05:18:31

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1	to conduct full-text searches by keyword before	05:18:34
2	the PDF pages were OCR processed?	05:18:37
3	MR. KAPLAN: Objection. Vague and	05:18:41
4	confusing.	05:18:41
5	THE WITNESS: No.	05:18:46
6	BY MR. KAPLAN:	05:18:46
7	Q. And, in fact, Mr. Fruchterman, you could	05:18:53
8	not use any screen reader software tool to read	05:18:54
9	the text of the 1999 standards aloud before the	05:18:57
10	PDF pages were OCR processed?	05:19:01
11	MR. KAPLAN: Objection. Vague and	05:19:04
12	confusing.	05:19:05
13	THE WITNESS: That's correct. But some	05:19:09
14	screen readers have OCR software built in and	05:19:10
15	would be able to do that process inside the screen	05:19:13
16	reader. But I did not do that process inside the	05:19:15
17	screen reader. I did it in a separate product.	05:19:18
18	BY MR. KAPLAN:	05:19:21
19	Q. And you could not use a screen reader	05:19:21
20	software tool to conduct full-text searches by	05:19:23
21	keyword before the PDF pages were OCR processed?	05:19:26
22	MR. KAPLAN: Objection. Vague and	05:19:31
23	confusing.	05:19:32
24	THE WITNESS: Correct.	05:19:33
25		



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1	BY MR. KAPLAN:	05:19:33
2	Q. Let's turn to pages 11 and 12 of your	05:19:39
3	report. And I'm focusing on the textual material	05:19:42
4	in your report, Mr. Fruchterman, under the title	05:19:50
5	"The Archive.Org Version of the 1999 Standards."	05:19:53
6	A. Yes.	05:19:57
7	Q. Now, it's true you were -- it's true you	05:19:59
8	were told by a representative of the Internet	05:20:09
9	Archive that an electronic text or txt version of	05:20:11
10	the '99 standards was hosted on the Internet	05:20:15
11	Archive web site at one time?	05:20:18
12	A. Yes.	05:20:20
13	Q. You did not attempt to locate a	05:20:21
14	historical version of the Internet Archive web	05:20:24
15	site to determine whether an electronic text	05:20:26
16	version of the 1999 standards was previously	05:20:29
17	hosted on Internet Archive?	05:20:32
18	MR. KAPLAN: Objection. Vague and	05:20:34
19	confusing.	05:20:40
20	THE WITNESS: Not beyond doing a Google	05:20:41
21	search, which I don't believe turned it up for me.	05:20:43
22	But it might have if I kept going in the results.	05:20:45
23	BY MR. HUDIS:	05:20:47
24	Q. But if you did, you didn't document it	05:20:48
25	in your report.	05:20:50

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1	Q.	I'm sorry. It's late.	05:27:02
2		Mr. Fruchterman --	05:27:04
3	A.	Yes.	05:27:04
4	Q.	-- if you could turn to page 7 of your	05:27:04
5		expert's report, Exhibit 64.	05:27:07
6		MR. KAPLAN: That one almost slipped	05:27:10
7		past me.	05:27:10
8		(Reporter interruption.)	05:27:10
9		MR. HUDIS: Sure. What he said was I	05:27:11
10		blew past him.	05:27:20
11		MR. KAPLAN: Yes.	05:27:22
12		BY MR. HUDIS:	05:27:22
13	Q.	Are you there, Mr. Fruchterman?	05:27:23
14	A.	I am.	05:27:24
15	Q.	Thank you.	05:27:25
16		As part -- now, looking at page 7, the	05:27:26
17		top paragraph of your expert's report, as part of	05:27:29
18		your accessibility review for the purposes of your	05:27:34
19		expert's report, you reviewed the	05:27:35
20		Public.Resource.Org web site?	05:27:38
21		MR. KAPLAN: Objection. Vague.	05:27:41
22		THE WITNESS: Yes.	05:27:44
23		BY MR. HUDIS:	05:27:46
24	Q.	Did you observe on Public.Resource's web	05:27:46
25		site any place where Public.Resource held itself	05:27:49

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1	out as making the materials posted on its site	05:27:51
2	accessible to the blind or print-disabled?	05:27:55
3	MR. KAPLAN: Objection. Vague.	05:27:59
4	THE WITNESS: I did not.	05:28:02
5	BY MR. HUDIS:	05:28:03
6	Q. Except for a placeholder noting the	05:28:04
7	voluntary takedown of the 1999 standards, you	05:28:05
8	could not locate this document on the	05:28:12
9	Public.Resource web site, correct?	05:28:14
10	MR. KAPLAN: Objection. Vague.	05:28:17
11	THE WITNESS: Correct.	05:28:18
12	BY MR. HUDIS:	05:28:18
13	Q. However, you did search for and access	05:28:18
14	other standards posted on the Public.Resource web	05:28:20
15	site?	05:28:22
16	MR. KAPLAN: Objection. Vague.	05:28:24
17	THE WITNESS: Correct.	05:28:26
18	BY MR. HUDIS:	05:28:27
19	Q. Mr. Malamud -- I did it again. My	05:28:29
20	apologies.	05:28:32
21	Mr. Fruchterman, there were no sign-up	05:28:34
22	procedures in order for an Internet user to access	05:28:36
23	the content on the Public.Resource web site,	05:28:38
24	correct?	05:28:41
25	MR. KAPLAN: Objection. Vague. Calls	05:28:41

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1	for speculation. Lacks foundation.	05:28:43
2	THE WITNESS: Correct.	05:28:46
3	BY MR. HUDIS:	05:28:46
4	Q. During your review of Public.Resource's	05:28:51
5	web site, you were able to access standards	05:28:53
6	produced by other companies, such as the NFPA,	05:28:56
7	without restriction?	05:29:01
8	MR. KAPLAN: Objection. Vague.	05:29:04
9	THE WITNESS: Yes.	05:29:08
10	BY MR. HUDIS:	05:29:08
11	Q. There were no requirements that a user	05:29:10
12	be visually impaired to access these other	05:29:11
13	standards documents on Public.Resource's web site?	05:29:15
14	MR. KAPLAN: Objection. Vague.	05:29:19
15	THE WITNESS: Correct.	05:29:20
16	BY MR. HUDIS:	05:29:20
17	Q. Mr. Fruchterman, for the next series of	05:29:32
18	questions, I would like you to pull out	05:29:34
19	Exhibit 60, which was your supplemental	05:29:36
20	declaration from the HathiTrust litigation.	05:29:40
21	A. Okay.	05:29:42
22	Q. And I'd also like you to pull out	05:29:43
23	Exhibit 55, which is the materials we reviewed	05:29:47
24	from the Bookshare web site.	05:29:52
25	A. Good. Do I get to put the rest of them	05:29:59

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1	away?	05:30:02
2	Q. Soon.	05:30:02
3	A. Or are these the only two I need to have	05:30:03
4	out now?	05:30:05
5	Q. Those are the only two you have to have	05:30:07
6	out now.	05:30:09
7	A. Okay. I have those two documents in	05:30:18
8	front of me, Exhibit 55 and 60.	05:30:19
9	Q. Okay. So I would like to focus your	05:30:25
10	attention on -- in the supplemental declaration,	05:30:25
11	Exhibit 60, to pages 2 and 3, where you talk about	05:30:28
12	the digital rights management plan.	05:30:33
13	A. Yes.	05:30:37
14	Q. Okay. And similarly, an explanation of	05:30:38
15	the DRM plan on page 18 of Exhibit 55. And that's	05:30:43
16	the Bookshare web site.	05:31:04
17	A. Okay.	05:31:13
18	Q. During your review of Public.Resource's	05:31:13
19	web site, how did their web site compare with the	05:31:16
20	Bookshare web site in terms of employing a digital	05:31:20
21	rights management or DRM plan to protect the	05:31:23
22	digital copies of standards posted on	05:31:27
23	Public.Resource's web site from unauthorized	05:31:30
24	copying?	05:31:35
25	MR. KAPLAN: Objection. Vague. Calls	05:31:35

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1	for a legal conclusion. Confusing.	05:31:36
2	THE WITNESS: I didn't find a DRM plan	05:31:43
3	in evidence on the Public.Resource.Org site.	05:31:45
4	MR. HUDIS: I'd like to take a break for	05:31:52
5	five minutes.	05:33:18
6	THE VIDEOGRAPHER: Going off the record	05:33:19
7	at 5:33.	05:33:20
8	(Whereupon, a recess was taken.)	05:33:27
9	THE VIDEOGRAPHER: Back on the record at	05:39:35
10	5:39.	05:39:37
11	BY MR. HUDIS:	05:39:38
12	Q. Mr. Fruchterman, when you examined	05:39:40
13	Public.Resource's web site, you noticed a number	05:39:44
14	of standards that were hosted on that web site?	05:39:48
15	A. Correct.	05:39:58
16	MR. KAPLAN: Objection. Vague. Asked	05:39:59
17	and answered.	05:40:00
18	BY MR. HUDIS:	05:40:00
19	Q. Did you notice any restrictions on the	05:40:01
20	ability of an Internet user to copy any of the	05:40:02
21	standards that you saw on Public.Resource's web	05:40:11
22	site?	05:40:13
23	MR. KAPLAN: Objection. Vague.	05:40:14
24	THE WITNESS: No.	05:40:17
25		

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1	BY MR. HUDIS:	05:40:17
2	Q. Did you notice any restrictions on the	05:40:19
3	ability of an Internet user to download any of the	05:40:20
4	standards hosted on the Public.Resource's web	05:40:28
5	site?	05:40:31
6	MR. KAPLAN: Objection. Vague.	05:40:31
7	THE WITNESS: No.	05:40:32
8	BY MR. HUDIS:	05:40:32
9	Q. Did you notice any restrictions on the	05:40:32
10	ability of an Internet user to print any of the	05:40:35
11	standards hosted on the Public.Resource web site?	05:40:37
12	MR. KAPLAN: Objection. Vague.	05:40:40
13	THE WITNESS: No.	05:40:41
14	MR. HUDIS: Thank you, Mr. Fruchterman.	05:40:43
15	That's all I have.	05:40:43
16	THE WITNESS: Okay. Thank you.	05:40:46
17	MR. KAPLAN: I have no questions at this	05:40:52
18	time.	05:40:53
19	THE WITNESS: Okay. Oh, that's right.	05:40:53
20	You get a chance, huh.	05:40:54
21	THE VIDEOGRAPHER: This marks the end of	05:40:56
22	the deposition of James Fruchterman. Going off	05:40:56
23	the record at 5:41.	05:40:59
24	(Whereupon, the deposition concluded	05:41:00
25	at 5:41 p.m.)	05:41:00