

Transcript of Jean Renard Ward, Volume 2

Date: July 15, 2016

Case: TCL Corporation, et al. -v- Telefonaktiebolaget LM Ericsson

(PTAB)

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Videotaped Deposition of Jean Renard Ward, Volume 2 Conducted on July 15, 2016

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| 13 Patent Owner. : 13 OBLON, McCLELLAND, MAIER & NEUST 14 1940 Duke Street | ADI, LLP |
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| 16 Videotaped Deposition of JEAN RENARD WARD 17 Alexandria, Virginia 16 (703) 413-3000 17 | |
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| 19 8:58 a.m. 19 DEREK FOX, Video Specialist 20 Job No.: 114418 | |
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| 22 Reported by: Debra A. Whitehead 22 | |
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| 8 (703) 413-3000 8 EXHIBITS MARKED IN TODAY'S SESSION | |
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| 11 Exhibit 5 80C51 Family Derivatives, 346 | |
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| Pursuant to notice, before Debra A. Whitehead, an 13 Phillips Semiconductors | |
| 14 Approved Reporter of the United States District Court 14 | |
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270 268 1 1 PROCEEDINGS Q Page 38. Thirty-seven and 38, I'm sorry. 2 VIDEO SPECIALIST: Here begins Tape Number 2 In Paragraph 74 and 75, you discuss how 3 1, Volume 2, in the videotaped deposition of Jean 3 Moore teaches setting certain banks of touchstrips 4 Renard Ward in the matter of TCL Corporation, 4 to perform certain functions. Correct? 5 5 et al., versus Ericsson, in the United States Patent A Yes, sir. 6 and Trademark Office, IPR Numbers 2015-01674, 6 Q Can you tell me how one would go about 7 2015-01676, 2015-01761, 2015-01806, 2015-01602, 8 8 2015-01637, 2015-01641, 2015-01646. A Well, as it says here in my report, 9 Today's date is July 15, 2016. The time 9 starting in Paragraph 74, "For example, two banks of 10 on the video monitor is 8:58. The videographer 10 touchstrips, each bank having two touchstrips, creating a total of four touchstrips, this would 11 today is Derek Fox, representing Planet Depos. This 11 12 12 video deposition is taking place at 1940 Duke entail having 20, or 4 by 5, separate functional 13 13 Street, Alexandria, Virginia. keys to assign any of the above-noted five functions 14 14 Would counsel please voice-identify to any one of the four strips. Therefore, Moore 15 15 themselves and state whom they represent. allows for switching which bank of touchstrips is 16 MR. PETERSON: Jeremy Peterson from 16 the object of the user's attention when switching 17 17 Morgan, Lewis & Bockius, representing TCL. functionality of a bank of strips." 18 18 MR. BROOKE: Adam Brooke from Morgan, And I go on to give some examples. 19 Lewis & Bockius, also representing TCL. 19 Q So would you, for example, like, touch key 20 MS. MANDRUSIAK: Lisa Mandrusiak from 20 6 and then a function key 1 through 5, and that 21 21 would set Bank 1 to a -- one of the functions on the Oblon, representing Ericsson. 22 MR. GOKHALE: Sameer Gokhale from Oblon, 22 soft key? Is that how you would do it? 271 269 representing Ericsson. 1 Something like that, yes, sir. 1 2 VIDEO SPECIALIST: The court reporter 2 What would happen if you pressed Key 6 and 3 3 today is Debbie Whitehead, representing Planet then immediately pressed Key 7? 4 A Well, that would depend on how it was 4 Depos. 5 5 JEAN RENARD WARD, implemented. I expect many implementations would 6 having been previously duly affirmed, testified 6 say, if you then next pick a key which is a function 7 7 further as follows: key, it would apply to the most recent selection. **EXAMINATION BY COUNSEL FOR PETITIONERS** 8 8 That would be the logical design choice for me. 9 9 BY MR. PETERSON: O So what would the function for Bank 1 be 10 Q Mr. Ward, do you understand that you're 10 in that situation? still under oath today? 11 11 A Whatever it was set to previously. 12 A Affirmation, yes, sir. 12 Q Do you know that for sure? 13 May I make one comment before we start? 13 MS. MANDRUSIAK: Objection. Form. 14 Q Absolutely. 14 A I see no basis for thinking something 15 A I withdrew a response yesterday because it 15 else. I suppose you could have a function key that 16 was so completely misspoken, and I'd like to extend 16 changes the functions of both strips, that --17 that with an apology to you for anything that 17 something might be to do as a convenience. 18 happened because of that misspeaking. 18 Q Do you have any reason to believe that it 19 Q That's absolutely fine. 19 wouldn't set the function to keys -- or to Bank 1 to 20 Can you turn to Page 38 of your Track 2 20 nothing? 21 21 declaration, please. MS. MANDRUSIAK: Objection. Form. 22 22 A What was that, sir? A Could -- are you referring to something in

3 (Pages 272 to 275)

| vouldn't set the function or the function of Bank 1 to nothing? MS. MANDRUSIAK: Objection. Form. A I don't recollect anything in the reference that would lead one to that possibility. And as an engineer, that thinking back to 1997, I don't think that I don't see why that would occur to someone. Q What if someone didn't want there to be a function for Bank 1? A I'd have it's hard for me to imagine someone starting up the device like that. But 273 that's a very hypothetical question. Are you asking me to consider something hypothetical in hindsight. Q Not in hindsight. I'm asking you from the disclosure of Moore. A I don't believe I found anything in Moore that would indicate or imply doing that. Q Can you turn to Paragraph 90 of your declaration, please. Q In this paragraph you discuss that Moore declaration, please. A I think what I say is Moore only discloses to not a starting to the device like that at only the device of a person of ordinary skill in the art to loe able to incorporate touchstrips into a mobile phone? MS. MANDRUSIAK: Objection. Form again. A It would have to teach something that that's a very hypothetical question. Are you asking me to consider something hypothetical in hindsight? A I don't thelieve I found anything in Moore that would indicate or imply doing that. Q Can you turn to Paragraph 90 of your declaration, please. A I would have to review the art to look for that. I believe we did discuss one, the IBM Simon, that had a touch sensor on the front. Q Can you read Paragraph 84 of your declaration, please. A I think what I say is Moore only discloses touch-sensitive strips integrated into a computer terminal device large enough to support a cathode ray tube display, yes, sir. | | 272 | | 274 |
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| 2 Q No- 3 A - lead someone to that? 4 Q - I'm just asking you, as an expert in this case, what you know. 5 A Could you repeat the question, please? 6 MS. MANDRUSIAK: Please don't talk over each other. 7 HE WITNESS: I apologize. 9 Do you have any reason to believe that it wouldn't set the function — or the function of Bank 12 to nothing? 13 MS. MANDRUSIAK: Objection. Form. 14 A I don't recollect anything in the reference that would lead one to that possibility. 15 A I'd have — it's hard for me to imagine someone starting up the device like that. But 16 A I don't believe I found anything in Moore fact would indicate or imply doing that. 17 A I don't believe I found anything in Moore dicaration, please. 18 Q Can you turn to Paragraph 90 of your declaration, please. 19 A Yes, sir. 20 In this paragraph you discuss that Moore does not teach a person of ordinary skill in the art how to put contact-sensitive transducers into a mobile phone, only into a large cathode ray tube display. Correct? 19 A I think what I say is Moore only discloses to ray tube display, yes, sir. 10 C A Possitive transducers into a mobile phone, only into a large cathode ray tube display, yes, sir. 11 the discource of the core of t | 1 | the reference that would | 1 | MS. MANDRUSIAK: Objection, Form. |
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| 6 A Could you repeat the question, please? MS. MANDRUSIAK: Please don't talk over each other. 9 THE WITNESS: I apologize. Q Do you have any reason to believe that it wouldn't set the function — or the function of Bank 12 to nothing? 13 MS. MANDRUSIAK: Objection. Form. A I don't recollect anything in the reference that would lead one to that possibility. And as an engineer, that — thinking back to 1997, I don't think that — I don't see why that would occur to someone. 14 A I'd have — it's hard for me to inagine someone starting up the device like that. But 273 1 that's a very hypothetical question. Are you asking me to consider something hypothetical in hindsight? A I'd have — it's hard for me to imagine disclosures in the Hayes patent. 1 to someone. 275 1 that's a very hypothetical question. Are you asking me to consider something hypothetical in hindsight? A I'd have — it's hard for me to imagine disclosure of Moore. 276 A I don't believe I found anything in Moore that would indicate or imply doing that. Q Not in hindsight. I'm asking you from the disclosure of Moore. A Yes, sir. Q Can you turn to Paragraph 90 of your declaration, please. A I don't believe I found anything in Moore that would indicate or imply doing that. Q Can you turn to Paragraph 90 of your declaration, please. A Yes, sir. Q Can you turn to Paragraph 90 of your declaration, please. A I think what I say is Moore only discloses to tuch-sensitive strips integrated into a computer terminal device large enough to support a cathode ray tube display, yes, sir. | 5 | | 5 | |
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| 2 | requirement of Claim 1. | 2 | say that anything is im completely impossible. |
| 3 | Q What is the size requirement of Claim 1? | 3 | Q I'm asking you specifically about whether |
| 4 | A I believe we went over this yesterday. I | 4 | putting four touchstrips into a mobile phone would |
| 5 | would could we reread my my answers on that | 5 | be impossible. |
| 6 | into the record? | 6 | MS. MANDRUSIAK: Objection. Asked and |
| 7 | Q I don't know if we can. But can you just | 7 | answered. Form. |
| 8 | look at Claim 1 and tell me what the size | 8 | A It I think we've already discussed that |
| 9 | requirements are, please? | 9 | if you're asking whether something is completely |
| 10 | A As I recollect yesterday and I'm not | 10 | impossible, it's very hard to say that something is |
| 11 | sure I'm recalling everything we discussed | 11 | completely impossible. And that's a much different |
| 12 | yesterday I pointed to, such as in the first | 12 | question for asking whether something could be |
| 13 | element, the housing configured to be held in a | 13 | combined or whether someone, especially someone like |
| 14 | user's hand, such that the rear surface confronts | 14 | a POSITA, would be motivated to combine |
| 15 | the user's palm. | 15 | Q Are you saying |
| 16 | Q So it just needs to be able to fit into | 16 | A something. |
| 17 | the user's hand and confront the user's palm. | 17 | Q Are you are you saying a POSITA |
| 18 | Correct? | 18 | wouldn't be motivated to combine it? |
| 19 | MS. MANDRUSIAK: Objection. Form. | 19 | A I think, if we can refer to my report, I |
| 20 | A I believe there is more on that where we | 20 | say in my report, It is my opinion that a POSITA |
| 21 | would need to look into the context, and that some | 21 | would not have been motivated to modify Palatsi |
| 22 | of that is brought out in my report. | 22 | based on the teachings of Moore to achieve the |
| | 277 | | 279 |
| 1 | Q Are you saying that it wouldn't be | 1 | results of Claim 1 and the other claims numbered |
| 2 | possible to put the four touch-sensitive trips | 2 | here. This is on Page 33. |
| 3 | strips from Moore into a mobile phone and have it | 3 | Q Can you tell me why they wouldn't have |
| 4 | fit into the user's hand? | 4 | been motivated? |
| 5 | MS. MANDRUSIAK: Objection. Form. | 5 | A I believe that's discussed in my report. |
| 6 | A I think we discussed the word "possible" | 6 | If you have a particular place in mind, perhaps you |
| 7 | yesterday. If you remove any expectation of | 7 | can direct me to it. |
| 8 | practicality or what a POSITA might consider in | 8 | Q I'm not asking about a specific place in |
| 9 | combining something or whether a POSITA would | 9 | your report. I'm asking if you can tell me why you |
| 10 | combine something, it's hard to say that anything, | 10 | made that statement. |
| 11 | without sufficient effort by sufficiently highly | 11 | MS. MANDRUSIAK: Objection. Form. |
| 12 | skilled individuals, would make something | 12 | A I suppose generally one could say I based |
| 13 | impossible. | 13 | it on the analysis as presented in my report. |
| 14 | Q But phones already existed that had | 14 | Q If you added four touchstrips, the four |
| 15 | contact-sensitive transducers. Correct? | 15 | touchstrips from Moore to a mobile phone, would it |
| 16 | A I think we discussed the IBM Simon, yes, | 16 | be bigger than the Simon? |
| 17 | sir. | 17 | MS. MANDRUSIAK: Objection. Foundation. |
| 18 | Q So putting contact-sensitive transducers | 18 | A I'm not sure how to answer that, because |
| 19 | in phones wasn't out of the realm of possibility; | 19 | the Simon was built with much earlier technology, |
| 20 | was it? | 20 | and I would need to see what they were integrating |
| 21 | MS. MANDRUSIAK: Objection. Form. | 21 | with. |
| 22 | A I think, again, you're getting back to | 22 | Q So the technology as of 1997 would have |

5 (Pages 280 to 283)

280 282 made a phone like the Simon smaller. Correct? 1 further functionality to a phone? 2 2 A It's very speculative. I would -- I'm not MS. MANDRUSIAK: Objection. Form. 3 sure what you mean by, "like the Simon." 3 A I think it says that they were very 4 Q A phone with the same functionality as the 4 constrained in terms of processing power. And I think we got into this yesterday. We can go back 5 Simon, and the same power requirements and processor 5 6 requirements, would be smaller in 1997. Correct? 6 over that part of the record, if you'd like. 7 7 A If it's just like the Simon, then it's Q Well, in the first sentence you say, Both 8 8 just like the Simon. I'm not sure what all the TCL and Dr. Wolfe further ignore what the proper 9 9 factors were in making that quite so large. POSITA would be aware of that additional components 10 Q If you used the hardware that was 10 require additional processing capabilities. And the available in 1997 to make a phone with the same 11 11 particular need to minimize the power budget of a 12 functionality as the Simon, you don't think it would 12 portable handheld device or radio telephone. 13 13 be smaller? Do you see that? 14 14 A Well, part of the functionality of the A Yes, sir. 15 15 Simon is the large display. Q So what you're talking about here is 16 16 It's hard to say. If you're keeping all adding additional components, and that harming the 17 17 power and processing capabilities of a phone. the functionality that they made use of in that 18 18 hard -- that large display, as well as some of the Correct? 19 other things in it, that might dictate the size of 19 A I'm sorry, your voice dropped out. 20 20 Q So what you're talking about here is the device. 21 21 adding additional components, and by doing so Q Now, one of the reasons to use 22 contact-sensitive touchstrips is because of their 22 harming the power and processing capabilities of the 281 283 1 small size. Correct? 1 phone. Correct? 2 MS. MANDRUSIAK: Objection. Form. 2 A I'm quoting from a reference here, 3 3 A I think this is also mentioned in my paraphrasing from a reference, that additional 4 4 report. I'm looking at one place right now. components require additional processing 5 5 But in the Hayes patents, one of its capabilities, and also the reference talks about the 6 particular need to minimize the power budget of a 6 teachings is that a contact-sensitive transducer to 7 7 control a radio telephone offers several advantages. portable handheld device or radio telephone. 8 8 One, it says that a contact-sensitive transducer may Q But that doesn't mean you can't add 9 9 additional components. Correct? be configured to have a thin profile. And the 10 transducer may be mounted at the surface of the 10 A That gets back into the -- "can't" I think 11 11 is in this case equivalent to "impossible." And I radio telephone without taking up an inordinate 12 amount of valuable space. 12 think we have discussed that before. 13 13 So that's, based on the teachings in If you're asking whether something is 14 Hayes, you know, I suppose so. 14 impossible, that's a much different question from 15 15 Q Can you turn to Paragraph 94 of your asking whether someone is likely to make a 16 16 declaration, please. combination, or in particular whether a POSITA, 17 17 The last sentence says, "They further either of the POSITAs discussed in this case, 18 ignore that mobile phones in the 1997 time period 18 would -- would make a particular combination. And 19 that's also silent about what question -- some were very constrained in terms of processing power." 19 questions that I believe were not addressed by both 20 Is that correct? 20 21 21 TCL and Dr. Wolfe. Yes, sir. 22 22 O Does this mean that you couldn't add any Q I didn't ask you whether somebody would be

| | | | 6 (Pages 284 to 287) |
|----|--|----|--|
| | 284 | | 286 |
| 1 | motivated to do it; I asked you whether you could do | 1 | Q Are you saying it's impossible? |
| 2 | it. And you haven't answered that question. | 2 | MS. MANDRUSIAK: Objection. Form. |
| 3 | MS. MANDRUSIAK: Objection. Form. | 3 | Mischaracterizes his testimony. |
| 4 | Argumentative. Asked and answered. | 4 | A Could I have my answer read back, please. |
| 5 | A Could you restate the whole question, | 5 | (Pending answer read.) |
| 6 | please? | 6 | A That's my testimony, sir. |
| 7 | Q But that doesn't mean you can't add | 7 | Q If I asked you a yes-or-no question, is it |
| 8 | additional components. Correct? | 8 | possible, you can't answer that question? |
| 9 | A If you're talking about me personally | 9 | MS. MANDRUSIAK: Objection. Form. |
| 10 | or | 10 | A That's hypothetical, because you haven't |
| 11 | Q A POSITA at the time of the filing of the | 11 | asked me that question yet. |
| 12 | '931 patent. | 12 | Q Is it impossible, yes or no? |
| 13 | A I suppose a POSITA could do something like | 13 | A Is what impossible? |
| 14 | glue a ruler on the side of the phone. If you're | 14 | MS. MANDRUSIAK: Objection. Form. |
| 15 | asking whether a POSITA cannot add any new | 15 | Q To add one touchstrip to the Palatsi. |
| 16 | components of any kind, that gets back into the | 16 | A I would say it's a very difficult to say |
| 17 | question of how is it's very hard to say that | 17 | that anything is impossible. |
| 18 | anything is impossible. | 18 | Q Isn't that exactly what the '931 teaches, |
| 19 | Q Could they add one touchstrip? | 19 | that it's beneficial to add a touchstrip to a mobile |
| 20 | MS. MANDRUSIAK: Objection. Form. | 20 | phone? |
| 21 | A It would depend on what hardware they had | 21 | MS. MANDRUSIAK: Objection. Form. |
| 22 | available. I thought Dr that was one of the | 22 | A If we I think that may be dealt with in |
| | 285 | | 287 |
| | | | |
| 1 | defects in Dr. Wolfe's testimony. | 1 | my report. If it is, could you please point out the |
| 2 | Q Could they add two touchstrips? | 2 | place you're asking about? |
| 3 | MS. MANDRUSIAK: Objection. Form. | 3 | Q I'm asking you a question right now. Can |
| 4 | A If you're going to run up the number, the | 4 | you answer it? |
| 5 | more and more things you add, the more and more | 5 | A I think |
| 6 | difficult it gets. | 6 | MS. MANDRUSIAK: Objection. Form. |
| 7 | Q But you could do it? | 7 | A that sounds like something |
| 8 | MS. MANDRUSIAK: Objection. Form. | 8 | THE WITNESS: I'm sorry. I'm waiting. |
| 9 | A That gets back when you're saying words | 9 | MS. MANDRUSIAK: Go ahead. |
| 10 | like "can," that gets back to questions about | 10 | A Could you repeat the question, please? |
| 11 | something is possible or impossible. | 11 | Q I'm asking you a question right now. |
| 12 | Q Right. I'm asking if it's possible or | 12 | Can you answer it? |
| 13 | impossible? | 13 | MS. MANDRUSIAK: Objection. Form. |
| 14 | A All right. I think we've discussed that | 14 | A Could you repeat the question I'm supposed |
| 15 | if you're asking whether something is impossible, | 15 | to answer, please, or have the court reporter read |
| 16 | it's very difficult to say that anything is | 16 | it. |
| 17 | impossible. | 17 | Q Isn't it exactly what the '931 teaches, |
| 18 | Q So can I take it from your testimony that | 18 | that you could add touchstrips to mobile phones? |
| 19 | if I ask if something is possible, then it's | 19 | A That question is phrased in the negative, |
| 20 | possible? | 20 | which could be confusing. Could you please rephrase |
| 21 | A I would answer that it's very difficult to | 21 | the question. |
| 22 | say that anything is impossible. | 22 | Q Does the '931 patent teach that it's |

7 (Pages 288 to 291)

290 288 1 beneficial to add touchstrips to mobile phones? 1 transducers. Yes.") 2 MS. MANDRUSIAK: Objection. Form. 2 A I believe I answered your question, sir. 3 A One of the things the '931 patent teaches 3 Q I didn't ask whether Hayes described a 4 is spelled out in Column 2, starting around Line 29. 4 radio telephone with a contact-sensitive transducer. 5 Using a contact-sensitive transducer to control the 5 I asked whether it was possible to make one. 6 radio telephone offers several advantages. Because 6 A And I -- that was a yes-or-no question. 7 a contact-sensitive transducer may be configured to And I would like to have my answer read back again. 8 8 have a thin profile, the transducer may be mounted (Pending answer read.) 9 9 at a surface of the radio telephone without taking Q Are you saying that that answers the 10 up an inordinate amount of valuable space. 10 question would it be possible to make a mobile phone 11 It also teaches because characteristic 11 with a contact-sensitive transducer in 1997? 12 types of contact with the transducer can be 12 A I believe I responded correctly to your 13 detected, such as swiping motions or taps, the 13 question, yes, sir. 14 transducer may be used to perform display movements 14 Q Would it be possible to make a mobile 15 15 phone with two contact-sensitive transducers in such as scrolling or cursive movement -- movements 16 as well as for selection of items displayed on the 16 1997? 17 17 MS. MANDRUSIAK: Objection. Form. display. 18 18 There are other teachings in here, as A I think that's mentioned somewhere in my 19 well. One of them is at the last sentence. Because 19 report. I would be happy to take a look through the 20 20 it -- contact-sensitive transducer may be fabricated report for you. 21 21 without moving parts, reliability may be improved. Q Go ahead. 22 Q So in 1997, would it be possible to add a 22 A Or it may be mentioned somewhere in Hayes. 289 291 1 touchstrip to a mobile phone? 1 I'll look at both. 2 MS. MANDRUSIAK: Objection. Form. 2 Q Are you aware of somewhere where it 3 A I think that the Hayes patent describes a 3 mentions it? 4 radio -- handheld radio telephone, one fitting into 4 A My recollection is that it's something 5 5 the palm, that includes contact-sensitive that would be mentioned in my report, or sounds like 6 6 something that may be mentioned in my report. transducers. Yes. 7 7 Q So it would be possible. I think we went over this yesterday. I 8 MS. MANDRUSIAK: Objection. Form. Asked 8 prepared -- excuse me. Declaration. I prepared two 9 9 declarations in this matter. One of them is 61 and answered. 10 A I think I've already answered the 10 pages long. I think the other one may be a bit 11 question, but we can repeat the answer if you'd 11 longer. 12 12 There's been a great deal of paperwork, a 13 Q Yes or no. Would it be possible to add a 13 great deal of things for me to study, a great number 14 contact-sensitive transducer to a mobile phone in 14 of references for me to refer. And particularly 15 1997? 15 under the circumstances, I think I'm justified in 16 A Could I have my answer read back to me to 16 asking to look at the references to check memory. 17 see whether I would like to augment it? It's the 17 Q I didn't say you couldn't look in the 18 one talking about Hayes showing something. 18 references. But --19 19 (The reporter read the record as follows: A I was responding to your previous comment 20 "I think that the Hayes patent describes a 20 or question, sir. I apologize if that -- if I 21 21 misunderstood your intent. radio -- handheld radio telephone, one fitting into 22 22 the palm, that includes contact-sensitive MS. MANDRUSIAK: Why don't you ask a new

8 (Pages 292 to 295)

294 292 1 question, Jeremy. Or repeat your question. 1 Q Yeah. I think I've got a small amount of 2 Q Can you turn to Paragraph 95 of your 2 questions here. 3 report? 3 A Okay. And what paragraph was that? 4 A It happens to be open right here. 4 Q 101, please. 5 Q Okay. How large would a phone disclosed 5 MS. MANDRUSIAK: Did you say 104 6 in Palatsi be if you added four touchstrips to it? 6 previously? Is it 101 or 104? 7 MS. MANDRUSIAK: Objection. Form. 7 MR. PETERSON: 101. Did I say 104? 8 A Well, to answer that specific question, it 8 A Yes, sir. 9 would depend on the dimensions of the touchstrips, 9 Q Is this paragraph talking about one-handed 10 how they're added, how it's configured, and what 10 swiping ability? MS. MANDRUSIAK: Objection. Form. 11 else had to be done to the phone as a result of 11 12 that. You may have had to redesign other components 12 A In the second sentence it says, "It is my 13 to fit something new in. 13 opinion that the one-handed swipe to scroll ability 14 14 Cellphones, portable phones throughout provided by the '931 patent was a significant 15 15 their history have always been some of the most breakthrough for its time." 16 16 problematic things to construct because they're in And it goes on to say, "I am not aware of 17 17 such tight spaces. And not only is there a any commercially available handheld device that 18 limitation on the -- simply on the volume of space 18 achieved similar results by December 1997." 19 available for components, but also you have to be 19 Q Is a one-handed swipe ability to scroll an 20 20 element of Claim 1 of the '931 patent? extremely careful in dealing with interferences, 21 21 both mechanical, electronic, and electromagnetic, A I did not see the word "swipe" appearing 22 among components. 22 in that claim. And as I point out in my report, 293 295 1 So as I say here, it is my opinion that this is in a discussion of unexpected results in 2 the four strips added to Palatsi along with the 2 the -- in the -- that result from the claims of the 3 3 required hardware would be problematic in a portable '931 patent. radio telephone fitting in the palm of a user's 4 4 Q Is it in a claim of the '931 patent? 5 5 hand. I think it should be confronting the palm. A Is it permitted for me to make a very 6 Fitting the palm is the equivalent. 6 small tic part on this copy of the document? Is 7 7 Q But the -- I'm sorry. But the '931 patent that all right with you? 8 8 teaches that the transducers are actually quite Q You can mark it up however you want. 9 9 small. Correct? A While I'm reading, could you read the 10 MS. MANDRUSIAK: Objection. Form. 10 question back to me, please, just to make sure I'm 11 Relevance. 11 oriented properly. 12 A I think what it teaches is in Column 2. 12 (Pending question read.) 13 Is that because a contact-sensitive transducer may 13 A And the question before that. Q I'll -- I'll reask to make it clearer for 14 be configured to have a thin profile, the transducer 14 15 be mounted at a surface of the radio telephone 15 you. 16 without taking up an inordinate amount of valuable 16 A Yeah. 17 17 Q Is the ability to scroll while -- with the 18 Q Can you turn to Paragraph 104 of your 18 thumb while holding it in one hand, an element of 19 19 any claim of the '931 patent? declaration, please. 20 A Yes. Could we take a short break in the 20 A Is that the same question? 21 next five minutes, or next couple of questions, 21 Q Is -- I'll ask you the identical question. whatever is more convenient? 22 Is a one-handed swipe ability to scroll an

9 (Pages 296 to 299)

296 298 1 element of Claim 1 of the '931 patent? MS. MANDRUSIAK: Objection. Form. 2 2 A Thank you. A If you're asking me for a legal opinion, 3 (A discussion was held off the record.) 3 I'm not a lawyer. 4 4 A Before I respond, could the reporter read Q So you don't know if unexpected results 5 the question again. 5 are related to just the claimed invention, rather 6 6 than the specification? (Pending question read.) 7 7 A In this reading right now, I do not find MS. MANDRUSIAK: Objection. Form. 8 8 the word "swipe" in the language of the claims. A I believe in my report I state that 9 9 If I can refer to my report, I believe I'm unexpected results of the invention -- and I believe 10 discussing the one-handed swipe control ability 10 that includes the claimed invention in the Hayes patent -- include the one-handed swipe to scroll 11 provided by the '931 patent is in the section on 11 12 unexpected results. I believe the word "swipe" does 12 13 13 appear in the specification. I'm -- it's my Q But the claims don't have the -- the 14 recollection at the moment. I would be happy to go 14 claims -- sorry. Strike the question. 15 15 through and locate that for you. The ability to one-hand swipe scroll is 16 16 not an element of the claimed -- claims of the '931 Q It's not necessary. My question is 17 17 whether it appears in the claims. patent; is it? 18 18 A Are you reasking the same question? MS. MANDRUSIAK: Objection. Asked and 19 19 Q Yes. answered. 20 20 A In -- I come -- I provide the same answer, A Then same answer. 21 21 Q Okay. So it doesn't appear in the claims. that I went -- which I believe is that I went 22 The word "swipe" does not appear in the 22 through the claims and I did not locate the word 297 claims, no, sir. That -- would need to study this 1 "swipe" in the claims in my reading of it right now. 2 further to consider whether to -- to double-check 2 That leaves open the question of what may 3 3 whether the use of the word "swipe" is encompassed be in the specification that gives meaning to the or defined as something that relates to the language 4 4 claims. 5 5 in the claims. It's always something to check. MR. PETERSON: We can take a break. 6 6 Q So the ability to one-handed swipe is THE WITNESS: Thank you. 7 7 irrelevant to the claimed invention; isn't it? VIDEO SPECIALIST: This -- this marks the 8 8 MS. MANDRUSIAK: Objection. Form. end of Tape Number 1 in the deposition of Jean 9 9 Renard Ward. We are off the record at 9:52. A Could you ask that as a question without a statement first? Because the phrasing is a little 10 10 (A recess was taken.) 11 11 bit ... VIDEO SPECIALIST: Here begins Tape Number 12 Q Is the ability to one-handed swipe 12 2 in the deposition of Jean Renard Ward. We are 13 relevant to the claimed invention of the '931 13 back on the record at 10:09. 14 patent? 14 BY MR. PETERSON: 15 15 A As I point out in my report, I discussed Q Mr. Ward, I'm going to hand you what's 16 that in the section concerning unexpected results of 16 been premarked as Exhibit 1007. 17 17 (TCL Exhibit 1007, previously marked, the Hayes invention. And it's my understanding that 18 unexpected results do have relevance to -- some 18 retained by counsel.) 19 19 legal relevance to the claims. MS. MANDRUSIAK: Is this two copies in Q But the unexpected results are only 20 20 here, or that's the whole --21 21 relevant to the claims. Correct? To the claimed MR. PETERSON: Yes, there's two in there, 22 22 invention? one for each of you.

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TCL Ex. 1210, Page 10 TCL et al. v. Ericsson IPR2015-01674, -01676, -01761, -01806

10 (Pages 300 to 303)

| | | | 10 (Pages 300 to 303) |
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| | 300 | | 302 |
| 1 | MS. MANDRUSIAK: That's a whole waste of | 1 | surface |
| 2 | paper, guys. Next time don't print out the | 2 | A Yes, sir. |
| 3 | prosecution histories for us. | 3 | Q sorry in response to moving contact |
| 4 | THE WITNESS: Do you need to mark it? | 4 | of an object along the contact-sensitive surface. |
| 5 | COURT REPORTER: No. | 5 | Right? |
| 6 | BY MR. PETERSON: | 6 | A I'm sorry for speaking over you. |
| 7 | Q Can you turn to Page 217, on the very | 7 | Yes, sir. I see that. |
| 8 | bottom, the page numbers on the very bottom. | 8 | Q And it also has the; the element for the |
| 9 | And starting on Page 216, do you | 9 | controller to which controls at least one of the |
| 10 | understand what this is? | 10 | display and the radio telephone communications |
| 11 | A 216 says it's an amendment. | 11 | transceiver and which scrolls displayed rows along |
| 12 | Q So do you understand this is an amendment | 12 | an axis of the display. Correct? |
| 13 | made by the patent owner? | 13 | A Yes, sir. It goes on. But yes, sir. |
| 14 | A I'll accept that, yes, sir. | 14 | Q But it's missing the first and second mode |
| 15 | Q And it says that it's a response to the | 15 | elements. Correct? |
| 16 | examiner's office action mailed March 30, 2011. | 16 | MS. MANDRUSIAK: Objection. Form. |
| 17 | Correct? | 17 | Relevance. |
| 18 | A Yes. | 18 | A I don't see the words "first mode" or |
| 19 | Q Can you tell me what the date of this | 19 | "second mode" here. Would you like me to look at |
| 20 | amendment is? I believe you'll find it on Page 239. | 20 | the rest of the claims here? |
| 21 | A On Page 239? | 21 | Q No. That's fine. I'm just looking at |
| 22 | Q Yes. | 22 | Claim 1 for right now. |
| | 301 | | 303 |
| 1 | A It says 29 June, 2011. | 1 | Can you turn to Page 151, please? |
| 2 | Q Okay. Before we get to this, do you do | 2 | A Yes, sir. |
| 3 | you understand that this is the file history for the | 3 | Q Do you understand what you're looking at? |
| 4 | '931 patent? | 4 | A On Page 150 it says, Amendment. "The |
| 5 | A Without going through it, I'll accept | 5 | following amendments remarks presented in response |
| 6 | that, yes. | 6 | to the examiner's office action mailed August 18, |
| 7 | Q Now, Claim 1 on Page 217. | 7 | 2011,'' so forth. |
| 8 | This claim as it stood on June 29, 2011, | 8 | Q And at the end of Claim 1 there's some |
| 9 | had the housing element. Correct? | 9 | underlined text. Correct? |
| 10 | A Starts out, "a housing." | 10 | A Yes, sir. And also a bit before the end. |
| 11 | Q Uh-huh. | 11 | Q Okay. So we went through that the Claim 1 |
| 12 | A Yes, sir. | 12 | that we just looked at a moment ago had said front |
| 13 | Q And it had the radio communications | 13 | surface in it. Correct? And it had, in response to |
| 14 | transducer supported by the housing element. | 14 | moving contact in that claim, as well? |
| 15 | Correct? | 15 | MS. MANDRUSIAK: Objection. Form. |
| 16 | A Yes, sir. I see that. | 16 | Relevance. |
| 17 | Q And the display supported by the housing | 17 | A I would need to go back and check, but if |
| 18 | element? | 18 | that's your representation. |
| 19 | A Yes, sir. | 19 | Q Okay. In this in this claim the first |
| 20 | Q And a contact-sensitive transducer | 20 | and second mode have been added. Correct? |
| 21 | supported by the housing and having a | 21 | A First mode and second mode are in the |
| 22 | contact-sensitive surface disposed at said front | 22 | underlined text, yes, sir. |

11 (Pages 304 to 307)

306 304 Q Do you understand the underlined text 1 we can go back to the front of this. I think it's 2 2 means that that has been added to the claim? Page 150. I think it says, The following amendments 3 A I accept that, yes, sir. 3 are remarks presented in response to the examiner's 4 Q Can you turn to Page 166, please. 4 office action. 5 Can you read the third paragraph down on 5 Q Can you read on Page 167, the last 6 Page 166, please. 6 paragraph. 7 7 A Out loud or just ... A The one starting, "Because Jeong"? 8 8 O Out loud. Q Just read it to yourself. 9 9 A Examiner has asserted that U.S. Patent A Okay. 10 10 O I'll read it out loud. It says, "Because Number 5,621,437 to Jeong, quote, Jeong, teaches 11 this claim limitation. Applicants respectfully 11 Jeong fails to teach or even suggest a controller 12 respond that Jeong fails to suggest that selection 12 that enters a second mode in response to an input 13 between the first mode and the second mode is in --13 from a user, the rejection of the pending claims is 14 is, quote, in response to an input from a user as 14 improper and should be withdrawn. For at least 15 15 recited by Claim 30. In fact, Jeong teaches that these reasons, and in addition to the reasons 16 16 power to the touchpanel is turned off when a timer previously asserted in prior responses, all pending 17 17 claims are patentable over the cited references by counts down. Jeong at Column 7, Lines 1 to 28. In 18 18 virtue of their recitation directly or by dependency the presence of user input, Jeong's controller will 19 19 of the combination of claim limitations, including not enter into a second mode, parentheses, same 20 reference. Hence, Jeong fails to teach or even 20 that the second mode being entered in response to an 21 21 suggest a controller having a second mode input from a user." 22 unresponsive to contact with the contact-sensitive 22 A Yes, sir. That's what I read. 307 305 1 transducer, quote, the second mode being entered in 1 Q So the applicant is arguing that it's 2 response to an input from a user, end quote. 2 because of this first and second mode that have been 3 3 Q Thank you. I actually asked you to read added that the claims are now allowable. Correct? the third paragraph down, but that's fine. I'll 4 MS. MANDRUSIAK: Objection. Form. 4 5 5 just read it? Document speaks for itself. 6 A I would just read back what it says. 6 A Oh, I'm sorry. 7 7 Q That's fine. "Each pending independent Q But you're a patent agent. Right? You're 8 8 claim now recites a controller having a first mode a registered patent agent? 9 9 wherein the controller is responsive to contact with A I think we went over this yesterday. At 10 the contact-sensitive transducer and a second mode 10 one point I took the patent agent's exam, with no 11 11 wherein the controller is unresponsive to contact particular intention of making a career as a patent 12 with the contact-sensitive transducer and further 12 agent. And other than one application I filed for 13 13 recites the second mode being entered in response to my dentist, I have made no use of that. 14 an input from a user." 14 I -- it's been a long time since I did 15 A Yes, sir. That's what I read, also. 15 that studying. I understand there have been changes 16 Q Now, do you understand that the applicant 16 in the law and changes in patent practice since 17 17 needed to add the first and second mode to get over then, even if I did remember everything I studied. 18 a prior art rejection? 18 Something called the Inventing America Act 19 MS. MANDRUSIAK: Objection. Form. 19 changes --20 Relevance. 20 Q My question was, you were a patent agent. 21 21 A I wouldn't add my -- advertise myself as 22 22 an expert on patent office procedure. But I -- if A I wouldn't describe it that way.

12 (Pages 308 to 311)

| | | | 12 (Pages 308 to 311) |
|----|--|----|--|
| | 308 | | 310 |
| 1 | Q And you can't tell me whether that | 1 | declaration, please. |
| 2 | paragraph that I just read to you states that the | 2 | A The Track 2 one? |
| 3 | applicant now believes that this claim is allowable | 3 | Q Yes, please. |
| 4 | because of the addition of the first and second mode | 4 | On this page there's a figure from Exhibit |
| 5 | requirement? | 5 | 2060. Correct? |
| 6 | MS. MANDRUSIAK: Objection. Form. | 6 | A Yes, sir. |
| 7 | A What it says is, For at least these | 7 | Q You are being handed what has been |
| 8 | reasons, and in addition to the reasons previously | 8 | premarked as Ericsson Exhibit 2060. |
| 9 | asserted in prior responses, all pending claims are | 9 | (Ericsson Exhibit 2060, previously marked, |
| 10 | patentable, and so forth. | 10 | retained by counsel.) |
| 11 | Q In the Remarks section of this amendment, | 11 | Q Have you seen this document before? |
| 12 | on Page 166 and 167, does the applicant discuss any | 12 | A Yes. It looks like the one I got off the |
| 13 | other reason, besides the first and second mode, for | 13 | Internet, because it all came out black in the |
| 14 | these claims being allowable? | 14 | background. |
| 15 | A Could the court reporter read the question | 15 | Q What is this document? |
| 16 | back to me, please, before I respond? | 16 | A Well, I believe it's described in my |
| 17 | (Pending question read.) | 17 | report. But it says at the top, IIITD System |
| 18 | A Yes. | 18 | Management 2011. It says, "This blog is to provide |
| 19 | Q And what was that reason? | 19 | a forum for students enrolled in systems management |
| 20 | A Well, I'm saying yes because I believe you | 20 | course at IIIT Delhi to have a meaningful discussion |
| 21 | misquoted or incompletely quoted what's described in | 21 | related to the course." |
| 22 | here. | 22 | And the top of the page it says, |
| | 309 | | 311 |
| 1 | It also talks about, at the bottom of Page | 1 | "components inside a mobile phone." |
| 2 | 166, the second mode being entered in response to an | 2 | Q Is that Delhi in India? |
| 3 | input from a user. And since you left that out, I | 3 | A I don't remember checking, but I'll take |
| 4 | didn't think I could answer your question no. | 4 | your representation for it. |
| 5 | I also note that it refers to reasons | 5 | Q And this is a blog post. Correct? |
| 6 | previously asserted. And so that brings those in | 6 | A Yes, sir. That's what it appears to be. |
| 7 | into the discussion. | 7 | Q Have you talked to the author of this blog |
| 8 | Q But the applicant doesn't specifically | 8 | post? |
| 9 | talk about any other reasons, besides the first and | 9 | A Not to my knowledge. |
| 10 | second mode requirement, in this remarks section of | 10 | Q Did you help draft this blog post? |
| 11 | this amendment; does it? | 11 | A No, sir. |
| 12 | MS. MANDRUSIAK: Objection. Form. Asked | 12 | Q Now, you say in Paragraph 87 of your Track |
| 13 | and answered. | 13 | 2 declaration that the photo on Page 44 is a |
| 14 | A As I answered previously, it also includes | 14 | photograph of the Sony Ericsson T200 released in |
| 15 | the words, "the second mode being entered in | 15 | 2002. Correct? |
| 16 | response to an input from a user." And it does | 16 | A Yes, sir. |
| 17 | specifically refer to reasons previously asserted. | 17 | Q And is that the same photo from the first |
| 18 | That's the in the interest of moving on, at the | 18 | page of Exhibit 2060? |
| 19 | moment, skimming over it, I don't see another | 19 | A Yes, sir. |
| 20 | reference to reasons previously asserted. But I | 20 | Q Can you show me where on Exhibit 2060 that |
| 21 | also haven't looked at the following pages. | 21 | picture is identified as a T200 Ericsson? |
| 22 | Q Can you turn to Page 44 of your | 22 | A I don't see it in what's visible on this |
| | | | |

13 (Pages 312 to 315)

| 6 that I believed identified it as that model. It 7 certainly was consistent with what I remember being 8 representative of a typical components found in 9 mobile phones in 1997. 10 Q But there's nothing in this blog that says 11 it's a T200 or that it's even a T200 from 2002. 11 A Pleased to meet you. 12 Correct? 13 MS. MANDRUSIAK: Objection. Form. 14 A I would need to check the rest of the 15 blog. And as I said, at the moment I don't remember 16 where I went to check to see what led me to identify 17 it as that model. But I did that in good faith. 18 And it's presented as being representative of 19 typical components found in mobile phones in that 20 time frame, and it was consistent with my 21 recollection of that. 22 Q But you don't know this is a T200. 23 MS. MANDRUSIAK: Objection. Form. 24 A I believe I stated the basis why I identified it that way. 31 MS. MANDRUSIAK: Objection. Form. 4 Q You also identified the A-to-D converter is 5 in this picture. Correct? 5 in this picture. Correct? 6 A Yes, sir. 7 Q Can you tell me what the model number is 7 BY MR. BROOKE: 7 Q Good morning. 8 A Good morning. What was your name again, I'm sorry? 10 Q My name is Adam Brooke. 11 A Pleased to meet you. 12 Q You, as well. 12 Do you know what an analog-to-digital converter is? 14 A Generally, yes. 15 A Generally, yes. 16 Q Okay. Can you just kind of give me an overview of what an analog-to-digital converter is? 18 A Well, generally, the best example, simple example, might be something that converts an analog-to-digital converter as an A-to-D converter voltage is. 22 Q Okay. And I plan to refer to an 23 analog-to-digital converter as an A-to-D converter 24 I sthat okay? 25 A That's fine. That's common. 26 Q You also identified the A-to-D converter 27 A That's a somewhat general term. It ofter refers to what a microprocessor used to control particular device or used in an embedded setting | to 515, | 13 (Pages 312 to | | | |
|--|---------|---|----|--|----|
| 2 Q How do you know that's an Ericsson T200? 3 A My recollection is that while I was 4 Googling around looking for representative pictures 5 of phones, I saw this. And I also saw something 6 that I believed identified it as that model. It 7 certainly was consistent with what I remember being 8 representative of a typical components found in 9 mobile phones in 1997. 10 Q But there's nothing in this blog that says 11 if s a T200 or that it's even a T200 from 2002. 11 if s a T200 or that it's even a T200 from 2002. 12 Correct? 13 MS. MANDRUSIAK: Objection. Form. 14 A I would need to check the rest of the 15 blog. And as I said, at the moment I don't remember 16 where I went to check to see what led me to identify 17 it as that model. But I did that in good faith. 18 And it's presented as being representative of 19 typical components found in mobile phones in that 10 time frame, and it was consistent with my 10 recollection of that. 20 But you don't know this is a T200. 312 313 3 MS. MANDRUSIAK: Objection. Form. 314 3 MS. MANDRUSIAK: Objection. Form. 315 3 MS. MANDRUSIAK: Objection. Form. 316 317 3 MS. MANDRUSIAK: Objection. Form. 317 3 MS. MANDRUSIAK: Objection. Form. 318 3 MS. MANDRUSIAK: Objection. Form. 319 3 MS. MANDRUSIAK: Objection. Form. 310 4 Thelieve I stated the basis why I identified it that way. 3 Identified it that way. 4 Q You also identified the A-to-D converter 5 in this picture. Correct? 5 in this picture. Correct? 6 A Yes, sir. 7 Q Can you tell me what the model number is 8 of that A-to-D converter? 9 A It's not visible in this picture. 10 Q What about the manufacturer? 11 A I's not visible in this picture. 12 Q Can you tell how many input pins it has? 13 A I think I - it's hard to tell in the 14 picture, but I think I can count at least six, what 15 appear to be on one side. So other than that, no, it's not visible in this picture. 17 MR. PETERSON: Can we take a break? 18 A I think I - it's hard to tell in the 19 picture, but I think I can count at least six, what 19 picture, but I th | 314 | | | 312 | |
| 2 Q How do you know that's an Ericsson T200? 3 A My recollection is that while I was 4 Googling around looking for representative pictures 5 of phones, I saw this. And I also saw something 6 that I believed identified it as that model. It 7 certainly was consistent with what I remember being 9 representative of a typical components found in 9 mobile phones in 1997. 10 Q But there's nothing in this blog that says 11 it's a T200 or that it's even a T200 from 2002. 11 it's a T200 or that it's even a T200 from 2002. 12 Correct? 13 MS. MANDRUSIAK: Objection. Form. 14 A I would need to check the rest of the 15 blog. And as I said, at the moment I don't remember 16 where I went to check to see what led me to identify 17 it as that model. But I did that in good faith. 18 And it's presented as being representative of 19 typical components found in mobile phones in that 20 time frame, and it was consistent with my 21 recollection of that. 22 Q But you don't know this is a T200. 313 1 MS. MANDRUSIAK: Objection. Form. 2 A I believe I stated the basis why I 3 identified it that way. 4 Q You also identified the A-to-D converter 1 in this picture. Correct? 1 A It's not visible in this picture. 1 Q Can you tell me what the model number is 2 of that A-to-D converter? 2 A It's not visible in this picture. 2 Q Can you tell how many input pins it has? 3 A I think I - it's hard to tell in the 4 picture, but I think I can count at least six, what 5 appear to be on one side. So other than that, no, 16 ii's not visible in this picture. 17 MR. PETERSON: Can we take a break? 18 A Codo morning, Mr. Ward. 4 Q Can you tell me what the medel number is 18 A Good morning, Mr. Ward. 19 A Pleased to meet you. 10 Q Way ana is Adam Brooke. 11 A Pleased to meet you. 12 Q Okay. Can you just kind of give me an 13 overview of what an analog-to-digital converter as an A-to-D converter is 14 should be a proving the provin | | record. The time is 10:30. | 1 | 1 printed copy. Not right now. | 1 |
| 4 Googling around looking for representative pictures 5 of phones, I saw this. And I also saw something 6 that I believed identified it as that model. It 7 certainly was consistent with what I remember being 8 representative of a typical components found in 9 mobile phones in 1997. 9 Q But there's nothing in this blog that says 11 it's a T200 or that it's even a T200 from 2002. 12 Correct? 13 MS. MANDRUSIAK: Objection. Form. 14 A I would need to check the rest of the 15 blog. And as I said, at the moment I don't remember 16 where I went to check to see what led me to identify 17 it as that model. But I did that in good faith. 18 And it's presented as being representative of 19 typical components found in mobile phones in that time frame, and it was consistent with my 21 recollection of that. 22 Q But you don't know this is a T200. 1 MS. MANDRUSIAK: Objection. Form. 2 A I believe I stated the basis why I identified it that way. 3 identified it that way. 4 Q You also identified the A-to-D converter 5 in this picture. Correct? 5 A That's fine. That's common. 6 A Yes, sir. 7 Q Can you tell me what the model number is of that A-to-D converter? 9 A It's not visible in this picture. 10 Q What about the manufacturer? 11 A It's not visible in this picture. 12 Q Can you tell mow many input pins it has? 13 A I think I - it's hard to tell in the picture, but I think I can count at least six, what appear to be on one side. So other than that, no, it's not visible in this picture. 17 MR. PETERSON: Can we take a break? 18 Cood morning. Mr. Ward. A Good morning. Mr. Ward. A Good morning. Mr. Ward. A Good morning. Mr. Ward. A Good morning. Mr. Ward. A Good morning. Mr. Ward. A Good morning. Mr. Ward. A Good morning. Mr. Ward. A Good morning. Mr. Ward. A Good morning. Mr. Ward. A Good morning. Mr. Ward. A Good morning. Mr. Ward. A Good morning. Mr. Ward. A Good morning. Mr. Ward. A Good morning. Mr. Ward. A Good morning. Mr. Ward. A Good morning. Mr. Ward. A Good morning. Mr. Ward. A Good morning. Mr. Ward. A Good morning. Mr. | | (A recess was taken.) | 2 | Q How do you know that's an Ericsson T200? | 2 |
| that I believed identified it as that model. It certainly was consistent with what I remember being representative of a typical components found in mobile phones in 1997. Q But there's nothing in this blog that says it is a T200 or that it's even a T200 from 2002. MS. MANDRUSIAK: Objection. Form. A I would need to check the rest of the blog. And as I said, at the moment I don't remember it as that model. But I did that in good faith. And it's presented as being representative of typical components found in mobile phones in that recollection of that. Q But you don't know this is a T200. MS. MANDRUSIAK: Objection. Form. A I believe I stated the basis why I identified it that way. Q You also identified the A-to-D converter in this picture. Correct? A It's not visible in this picture. Q Can you tell me what the model number is of that A-to-D converter? A It's not visible in this picture. A I think I it's hard to tell in the picture, but I think I can count at least six, what appear to be on one side. So other than that, no, it's not visible in this picture. MR. PETERSON: Can we take a break? SYMR. BROOKE: Q Good morning. What was your name again, I'm sorry? Q My name is Adam Brooke. A Pleased to meet you. Q My name is Adam Brooke. A Pleased to meet you. Q You as well. Do you know what an analog-to-digital converter is? A Generally, yes. Q Oy Okay. Can you just kind of give me an overview of what an analog-to-digital converter is? A Well, generally, the best example, might be something that converter as an analog-to-digital converter as an analog-to-digital converter as an analog-to-digital converter as an A-to-D converter. I that S fine. That's common. Q Dou know what an analog-to-digital converter as an A-to-D converter. I that's not visible in this picture. Q Can you tell me what the model number is of that A-to-D converter? A It's not visible in this picture. Q Can you tell me manufacturer? A It's not visible in this picture. Can you just tell me the date of the Moore reference. Can you just tell me t | e | VIDEO SPECIALIST: We are back on the | 3 | 3 A My recollection is that while I was | 3 |
| that I believed identified it as that model. It certainly was consistent with what I remember being representative of a typical components found in mobile phones in 1997. Q But there's nothing in this blog that says it's a T200 or that it's even a T200 from 2002. MS. MANDRUSIAK: Objection. Form. MS. MANDRUSIAK: Objection. Form. MS. Mand it's presented as being representative of typical components found in mobile phones in that time frame, and it was consistent with my recollection of that. Q But you don't know this is a T200. MS. MANDRUSIAK: Objection. Form. A I believe I stated the basis why I identified it that way. Q You also identified the A-to-D converter in this picture. Correct? A It's not visible in this picture. Q Can you tell me what the model number is of that A-to-D converter? A It's not visible in this picture. Q Can you tell how many input pins it has? A I think I - it's hard to tell in the picture, but I think I can count at least six, what appear to be on one side. So other than that, no, it's not visible in this picture. MR. PETERSON: Can we take a break? MS. PETERSON: Can we take a break? | | record. The time is 10:42. | 4 | 4 Googling around looking for representative pictures | 4 |
| representative of a typical components found in mobile phones in 1997. Q But there's nothing in this blog that says 10 Correct? A I would need to check the rest of the where I went to check to see what led me to identify it as that model. But I did that in good faith. And it's presented as being representative of typical components found in mobile phones in that time frame, and it was consistent with my 21 recollection of that. Q But you don't know this is a T200. MS. MANDRUSIAK: Objection. Form. A I believe I stated the basis why I identified it that way. Q But you don't know this is a T200. MS. MANDRUSIAK: Objection. Form. A I believe I stated the basis why I identified it that way. Q But you also identified the A-to-D converter is in this picture. Correct? A It's not visible in this picture. Q Can you tell me what the model number is of that A-to-D converter? A I think I it's hard to tell in the picture, but I think I can count at least six, what appear to be on one side. So other than that, no, it's not visible in this picture. 17 MR. PETERSON: Can we take a break? Q Chay Can you name again, I'm sorry? What was your name again, I'm sorry? What was your name again, I'm sorry? What was your name again, I'm sorry? Q My name is Adam Brooke. What abour name again, I'm sorry? Q Who also Hones to meet you. Q You, as well. A Pleased to meet you. Q You, as well. A Pleased to meet you. Q You, as well. A Pleased to meet you. Q O Okay. Can you just kind of give me an overview of what an analog-to-digital converter is? A Well, generally, the best example, simple example, might be something that converts an ana voltage and makes a digital measurement of what voltage is. A I be a Well, generally, the best example, simple example, might be something that converts an ana voltage and makes a digital measurement of what voltage is. A That's fine. That's converter as an A-to-D converter. A That's in a malog-to-digital converter as an A-to-D converter. A That's a somewhat general term. It oft | TONERS | EXAMINATION BY COUNSEL FOR PETITIONE | 5 | 5 of phones, I saw this. And I also saw something | 5 |
| 8 representative of a typical components found in 9 mobile phones in 1997. 10 Q But there's nothing in this blog that says 11 it's a T200 or that it's even a T200 from 2002. 11 it's a T200 or that it's even a T200 from 2002. 12 Correct? 13 MS. MANDRUSIAK: Objection. Form. 14 A I would need to check the rest of the 15 blog. And as I said, at the moment I don't remember of where I went to check to see what led me to identify it as that model. But I did that in good faith. 18 And it's presented as being representative of typical components found in mobile phones in that time frame, and it was consistent with my 10 But you don't know this is a T200. 11 MS. MANDRUSIAK: Objection. Form. 12 A I believe I stated the basis why I identified it that way. 13 identified it that way. 14 Q You also identified the A-to-D converter of the last six, what in converter? 15 in this picture. Correct? 16 A Yes, sir. 17 Q Can you tell me what the model number is of that A-to-D converter? 18 A It's not visible in this picture. 19 Q Can you tell how many input pins it has? 10 A I think I it's hard to tell in the picture, but I think I can count at least six, what appear to be on one side. So other than that, no, it's not visible in this picture. 10 MR. PETERSON: Can we take a break? 10 MS. PETERSON: Can we take a break? 11 A I think I can count at least six, what appear to be on one side. So other than that, no, it's not visible in this picture. 10 MR. PETERSON: Can we take a break? 11 A I think I this picture. 12 MS. MANDRUSIAK: Objection. Form. 14 Do you know what an analog-to-digital converter as an A-to-D converter as an analog-to-digital converter as an A-to-D converter. 12 Can you such an amalog-to-digital converter as an A-to-D converter. 13 A It's not visible in this picture. 14 Q Do you know what an analog-to-digital converter as an A-to-D converter. 15 A That's fine. That's common. 16 That was a pread to meet you. 18 A Can you is kind of give me an overview of what an analog-to-digital converter as an A-to-D converter. 19 A | | BY MR. BROOKE: | 6 | 6 that I believed identified it as that model. It | 6 |
| mobile phones in 1997. Q But there's nothing in this blog that says it's a T200 or that it's even a T200 from 2002. MS. MANDRUSIAK: Objection. Form. MS. MANDRUSIAK: Objection. Form. MS. MANDRUSIAK: Objection. Form. Mere I went to check the rest of the blog. And as I said, at the moment I don't remember where I went to check to see what led me to identify it as that model. But I did that in good faith. MAI it's presented as being representative of typical components found in mobile phones in that time frame, and it was consistent with my recollection of that. Q But you don't know this is a T200. MS. MANDRUSIAK: Objection. Form. A I beased to meet you. Po Vou and manalog-to-digital converter is? A That's fine. That's common. Do What abasis why I MS. Mandrusiak: Objection. Form. Do What abasis why I MS. Mandrusiak: Objection. Form. A That's fine. That's common. Do Vou know what an analog-to-digital converter is? A That's fine. That's common. Do Vou know what an analog-to-digital converter is? | | Q Good morning, Mr. Ward. | 7 | 7 certainly was consistent with what I remember being | 7 |
| 10 Q But there's nothing in this blog that says 11 it's a T200 or that it's even a T200 from 2002. 12 Correct? 13 MS. MANDRUSIAK: Objection. Form. 14 A I would need to check the rest of the 15 blog. And as I said, at the moment I don't remember 16 where I went to check to see what led me to identify 17 it as that model. But I did that in good faith. 18 And it's presented as being representative of 19 typical components found in mobile phones in that 20 time frame, and it was consistent with my 21 recollection of that. 22 Q But you don't know this is a T200. 24 A I believe I stated the basis why I 25 in this picture. Correct? 26 A Ves, sir. 27 Q Can you tell me what the model number is 28 of that A-to-D converter? 39 A I think I it's hard to tell in the 30 pour tell what I can count at least six, what 31 appear to be on one side. So other than that, no, 31 it's not visible in this picture. 31 MS. PETERSON: Can we take a break? 31 MP PETERSON: Can we take a break? 31 MP PETERSON: Can we take a break? 31 MP PETERSON: Can we take a break? 31 A I think this is the issue date in the top 31 converter is? 32 Q Okay. Can you just kind of give me an 34 Well, generally, the best example, simple 34 example, might be something that converter is? 4 A Well, generally, the best example, simple 32 example, might be something that converter is? 4 A Well, generally, the best example, simple 34 a Well, generally, the best example, simple 35 example, might be something that converter as an A-to-D converter 36 A Ves, sir. 31 analog-to-digital converter as an A-to-D converter 32 Q Okay. And I plan to refer to an 313 31 analog-to-digital converter as an A-to-D converter 4 Q Do you know what an analog-to-digital terms to voltage is. 4 That's fine. That's common. 4 Q Do you know what an analog-to-digital converter as an A-to-D converter is? 4 A That's fine. That's common. 4 Q Do you know what an analog-to-digital converter as an A-to-D converter is? 5 A That's fine. That's common. 6 Q Do you know what an analog-to-digital converter a | | A Good morning. | 8 | 8 representative of a typical components found in | 8 |
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| 12 Correct? 13 MS. MANDRUSIAK: Objection. Form. 14 A I would need to check the rest of the 15 blog. And as I said, at the moment I don't remember 16 where I went to check to see what led me to identify 17 it as that model. But I did that in good faith. 18 And it's presented as being representative of 19 typical components found in mobile phones in that 20 time frame, and it was consistent with my 21 recollection of that. 22 Q But you don't know this is a T200. 23 A I believe I stated the basis why I 23 identified it that way. 4 Q You also identified the A-to-D converter 5 in this picture. Correct? 6 A Yes, sir. 7 Q Can you tell me what the model number is 8 of that A-to-D converter? 9 A I's not visible in this picture. 10 Q What about the manufacturer? 11 A It's not visible in this picture. 12 Q Can you tell how many input pins it has? 13 A I think I it's hard to tell in the 14 picture, but I think I can count at least six, what 15 appear to be on one side. So other than that, no, 16 it's not visible in this picture. 17 MR. PETERSON: Can we take a break? 18 A Generally, yes. 16 Q Okay. Can you just kind of give me an 17 overview of what an analog-to-digital converter is? 18 A Well, generally, the best example, simple example, might be something that converts an ana voltage and makes a digital measurement of what voltage is. 18 A Well, generally, the best example, simple example, might be something that converts an ana voltage and makes a digital converter an analog-to-digital converter and analog-to-digital converter | | Q My name is Adam Brooke. | 10 | 0 Q But there's nothing in this blog that says | 10 |
| MS. MANDRUSIAK: Objection. Form. A I would need to check the rest of the blog. And as I said, at the moment I don't remember where I went to check to see what led me to identify it as that model. But I did that in good faith. And it's presented as being representative of time frame, and it was consistent with my recollection of that. Q But you don't know this is a T200. MS. MANDRUSIAK: Objection. Form. A I believe I stated the basis why I identified it that way. Q You also identified the A-to-D converter in this picture. Correct? A It's not visible in this picture. Q Can you tell me what the model number is of that A-to-D converter? A I think I it's hard to tell in the picture, but I think I can count at least six, what appear to be on one side. So other than that, no, if it's not visible in this picture. MR. PETERSON: Can we take a break? 13 Do you know what an analog-to-digital converter is? A Generally, yes. A Well, generally, the best example, simple convervien of what an analog-to-digital converter is? A Well, generally, the best example, simple convervien of what an analog-to-digital converter as an analog-to-digital converter as an analog-to-digital converter as an analog-to-digital converter as an analog-to-digital converter is? A Well, generally, yes. A Well, generally, yes. A Well, generally, the best example, simple overwien of the analog-to-digital converter is? A Well, generally, the best example, simple overwien of the analog-to-digital converter as an analog-to-digital converter as an analog-to-digital converter as an analog-to-digital converter is? A Well, generally, yes. A Well, generally, the best example, simple overwien of the analog-to-digital converter as an analog-to-digital converter is? A Well, generally, the best example, simple overwien observable in the analog-to-digital converter analog-to-digital converter is? A Well, generally, the best example, simple overwien o | | A Pleased to meet you. | 11 | it's a T200 or that it's even a T200 from 2002. | 11 |
| A I would need to check the rest of the blog. And as I said, at the moment I don't remember where I went to check to see what led me to identify it as that model. But I did that in good faith. And it's presented as being representative of typical components found in mobile phones in that to time frame, and it was consistent with my recollection of that. 2 Q But you don't know this is a T200. A I believe I stated the basis why I identified it that way. Q You also identified the A-to-D converter in in this picture. Correct? A Yes, sir. Q Can you tell me what the model number is of that A-to-D converter? A It's not visible in this picture. Q Can you tell how many input pins it has? A I think I it's hard to tell in the picture, but I think I can count at least six, what appear to be on one side. So other than that, no, it's not visible in this picture. MR. PETERSON: Can we take a break? 14 converter is? A Generally, yes. 16 Q Okay. Can you just kind of give me an overview of what an analog-to-digital converter is? A Well, generally, the best example, simple example, might be something that converts an analog-to-digital converter and makes a digital measurement of what voltage is. Q Okay. And I plan to refer to an 1 analog-to-digital converter as an A-to-D converter. 1 analog-to-digital converter as an A-to-D converter. 2 Is that okay? 3 A That's fine. That's common. 4 Q Do you know what a microcontroller is? A That's a somewhat general term. It ofte refers to what a microprocessor used to controller that might not classified as a full-scale processor executing software. 10 Q What about the manufacturer? 11 Q Can you tell how many input pins it has? 12 Can you just tell me the date of the Moore reference. 13 Can you just tell me the date of the Moore reference. 14 I think this is the issue date in the top right. A I think this picture. | | Q You, as well. | 12 | 2 Correct? | 12 |
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| | | right. | 16 | 6 it's not visible in this picture. | 16 |
| MS. MANDRUSIAK: Are we planning to switch 18 A It's 1986. | | Q That's correct. | 17 | 7 MR. PETERSON: Can we take a break? | 17 |
| | | A It's 1986. | 18 | 8 MS. MANDRUSIAK: Are we planning to switch | 18 |
| 19 gears to Adam? 19 Q And the date of the '931 patent is 1997. | • | Q And the date of the '931 patent is 1997. | 19 | 9 gears to Adam? | 19 |
| 20 MR. PETERSON: Yes. 20 Correct? | | Correct? | 20 | 0 MR. PETERSON: Yes. | 20 |
| 21 MS. MANDRUSIAK: Okay. 21 A I can check it, but | | A I can check it, but | 21 | 1 MS. MANDRUSIAK: Okay. | 21 |
| 22 VIDEO SPECIALIST: We are going off the 22 Q Sure. | | Q Sure. | 22 | 2 VIDEO SPECIALIST: We are going off the | 22 |

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TCL Ex. 1210, Page 14 TCL et al. v. Ericsson IPR2015-01674, -01676, -01761, -01806

14 (Pages 316 to 319)

316 318 A This one, the reissue date, the reissue 1 Track 2 declaration. 2 2 A The one starting, "First TCL fails to date is 2013. You may be referring to one of the 3 other dates. 3 address"? 4 Q Right. I'm sorry. The earliest filing 4 Q That's correct, yes. 5 date of the '931 patent is 1997. Correct? 5 A And could you also speak up a little bit. 6 A I see where it says, Continuation of 6 I can understand you better than the other 7 application filed on December 30, 1997, yes. gentleman, but ... 8 8 Q Okay. So would you agree that by 1997 Q Certainly. 9 9 electronic components, including microcontrollers, A It's partly my hearing. microprocessor, and A-to-D converters, were 10 10 O Understand. You show there a picture of Figure 3 of 11 technically more advanced than those of 1986? 11 12 A I would have to know what specific 12 Moore with a blue box around some components. 13 examples you're referring to, and also need to know 13 A Yes, I believe we referred to that as 14 whether you're referring to something what's 14 annotation. 15 15 commercially available or what might exist in a Q Yes. Now --16 16 laboratory someplace. And also those -- the state A I believe that that's TCL's annotation. I 17 17 of technology varies quite a bit for what kind and would want to go back and check. But I think that's 18 what kind of an application you're referring to. 18 what I say here. 19 There's something called a flash 19 (A discussion was held off the record.) 20 20 BY MR. BROOKE: converter, which is used for very high-speed 21 2.1 digitization. And I'm not sure when those entered Q Okay. So is it your opinion that the 22 the marketplace. 22 components within this blue box are necessary for 317 319 1 Q Okay. Let's give an example. For a 1 implementing one of Moore's touchstrips in Palatsi? 2 microprocessor in 1997 of a certain size, would you 2 MS. MANDRUSIAK: Objection. Form. 3 3 generally agree that that microprocessor would have A I believe my opinion is -- are stated more functional capabilities than one in 1986? 4 4 in -- in my report, such as on Page 43, where I'm 5 5 A It would depend -commenting on TCL's presentation. 6 MS. MANDRUSIAK: Objection. Form. 6 And TCL suggests it would have been 7 7 Objection. Foundation. Assumes facts not in obvious to modify the existing processor in Palatsi 8 8 evidence. to have the elements shown -- I think there's a typo 9 9 A Do you have something, a reference that here -- elements shown in the blue box above and to 10 you're referring to on that? 10 be connected to the touchstrip. 11 11 Q I do not, no. And I point out that, However, TCL 12 Are you familiar with CMOS technology? 12 completely omits is that the above-noted elements 13 A I wouldn't say I'm an expert on CMOS 13 need to be incorporated four times because the 14 technology. If you mean what's involved in the 14 embodiment for Moore the petitioner relies upon 15 physics of metal oxide semiconductors, no. But CMOS 15 requires four touchstrips. 16 16 technology is a common term for certain classes of And I do discuss that further and say, 17 17 electronic components, yes. Even if the clock circuit and power unit could be 18 Q Do you know if CMOS technology was 18 made common to all four of the touchstrips, there 19 commonly used for microprocessors in 1986? 19 are still clear hardware elements for Moore that are 20 A I am not an expert on market share. No, 20 dedicated for each touchstrip separately; such as 21 21 sir. the filter buffer circuit, the analog-digital 22

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22

Q If you could turn to Paragraph 84 of your

converter, and the select control logic. And I go

15 (Pages 320 to 323)

322 320 1 on to discuss that further. 1 being made common to all four of the touchstrips. 2 2 And I also comment on Dr. Moore's Whether it could or could not would be something I 3 analysis, and as clarified in his deposition. And I 3 would need to check into for that particular 4 give a tear-down photograph, that one we discussed 4 hardware. 5 Q Okay. earlier. 5 6 6 A It gets back into the discussion of Q Yes. 7 7 A Which was intended to be representative of impossibility. 8 typical components found in mobile phones in -- in 8 Q So Paragraph 87 you mention discrete 9 9 integrated circuits. that time frame. 10 10 Q Okay. So just to clarify, if Moore's Do you see that? touchstrips were combined with Palatsi, it is your 11 11 A Yes. 12 opinion that the components shown within the blue 12 Q Can you just -- do you know what an 13 box of the figure at Paragraph 84 would be 13 integrated circuit is? 14 necessary. Correct? 14 A Generally, yes. I suspect you could hear 15 15 MS. MANDRUSIAK: Objection. Form. a lot of different definitions for it. 16 16 Q Can you just give me a general broad Mischaracterizes his testimony. 17 17 THE WITNESS: Could you speak up, please, definition of an integrated circuit? 18 18 A Oh, one way to look at it is it's a Lisa, I'm sorry. 19 MS. MANDRUSIAK: Mischaracterizes your 19 collection of transistors, rather semiconductor 20 20 testimony. Form. elements, although some nowadays certainly aren't 21 21 A I don't believe that's what I stated. semiconductor elements, integrated to a single 22 Q Well, turning to Paragraph 85. You state 22 package, and often fabricated in the same process or 321 323 that, "What TCL completely omits is that the 1 different steps of the same process. 2 above-noted elements need to be incorporated four 2 Q Okay. Is it okay for me to refer to a 3 3 times because the embodiment for Moore the discrete integrated circuit as a chip, for 4 4 petitioner relied upon requires four touchstrips." convenience? 5 5 Do you see that? A For convenience, yes. It gets -- not 6 6 A Yes, I do. paying any attention to the packaging questions, 7 7 Q And do you see the word "need"? 8 8 Q Okay. So you mentioned that some of the A Yes, I do. 9 9 Q So is it your opinion that these elements components shown in the blue box of Paragraph 84 10 in the blue box of Paragraph 84 need to be used when 10 could be made common for all four of Moore's 11 11 Moore is combined with Palatsi? touchstrips. Correct? 12 MS. MANDRUSIAK: Objection. Form. 12 MS. MANDRUSIAK: Objection. Form. 13 13 A I believe that misrepresents my testimony. A I think what I referred to is that even if 14 Such as in Paragraph 86, where I talk about the 14 the clock circuit and the power unit could be made 15 15 clock circuit and the power unit being made common common to all four of the touchstrips, that still 16 16 to all four of the touchstrips. leaves clear hardware elements for Moore that are 17 17 Q So it's your opinion, then, that some of dedicated for each touchstrip separately. And I go 18 these components in the blue box could be made 18 on to mention examples, the filter buffer circuit, 19 common to all four of the touchstrips when Moore is 19 the analog-to-digital converter, A-to-D converter, 20 combined with Palatsi? 20 and the select control logic. 21 21 A I mention right here, the clock -- if Q Do you agree that by 1997 some of the 22 22 the -- about the clock circuit and the power unit components shown in the blue box of Paragraph 84

16 (Pages 324 to 327)

324 326 could have been made part of a single discrete 1 very difficult to say that anything is impossible. 2 2 integrated circuit? Q Are you familiar with general-purpose 3 A That would require me to investigate 3 input/output pins of a microcontroller? 4 the -- the state of the art for fabrication of 4 A That's a very generic term. You would --5 integrated circuits at the time to give a definitive 5 I've heard it used before. If you're going to ask 6 6 questions about it I would need to know the specific answer. 7 7 Q Do you have a preliminary answer without thing that you're referring to, because it gets used 8 8 looking at such materials? in different ways. 9 9 MS. MANDRUSIAK: Objection. Form. Q Would a microcontroller from 1997 be able 10 A If by "preliminary" you mean without 10 to provide the functions -- I'm sorry, strike that. 11 investigating it or considering it to the level of 11 Turning to Paragraph 88 of your Track 2 12 qualifying as an expert opinion, I believe I'm here 12 declaration. And the following figure on Page 45. 13 13 to give expert opinions. And I would need to be Can you describe what you show in this 14 14 very careful to delineate, if at all possible, figure? 15 15 something that is not an expert opinion. A Well, this is my best effort at the time 16 16 to illustrate with a figure what I say in Paragraph Q So you can't offer an expert opinion on 17 17 whether by 1997 some of the components shown in the 88. That, therefore, in the petitioner's alleged 18 blue box of Paragraph 84 could have been made part 18 combination, the phone would have at least four more 19 of a single integrated circuit. Is that correct? 19 A-to-D converter chips, four filter buffer circuits, 20 MS. MANDRUSIAK: Objection. Form, 20 and at least the equivalent of four clock circuits, 21 21 relevance, mischaracterizes his testimony. four select control logic units, and four MPU 22 A You're using the subjunctive form of the 22 interface units, as depicted below. 325 327 verb "can," which is in this context equivalent to 1 If you want to discuss the individual 2 asking about possibility or impossibility. And it's 2 units -- individual components, I would like to have 3 3 very hard to say on anything that something is the opportunity to go back and study this, because 4 4 absolutely impossible. this is something that took a while to construct and 5 5 I think I've been asked that question it was the best effort I made at the time. 6 6 several times, and I've given -- I hope the response I could make at the time. I'm sorry. 7 7 is clear at this point. Q Let's see. If you want to briefly refresh 8 8 Q Sorry. One second. yourself on the functions of each of these 9 9 Based on your -- strike that. components, you're welcome to. I believe the 10 Based on the knowledge that you have, do 10 Exhibit is 1012, which is Moore. 11 11 you think it would have been possible for some of A The components in? 12 the components shown in the blue box of Paragraph 84 12 Q The components shown in that figure on 13 13 to have been included in a microcontroller? Page 45. Sorry. 14 MS. MANDRUSIAK: Objection. Form. 14 MS. MANDRUSIAK: Objection. Is there a 15 15 A Again, you're using the subjunctive -- I question, or are you just asking him to read the 16 16 believe you used the word "could," which is a reference? 17 17 subjunctive form of the verb "can." Being MR. BROOKE: I'm asking him to refresh 18 subjunctive, it's a hypothetical question. Being 18 himself on the --19 19 MS. MANDRUSIAK: For what purpose? the verb "can," it also is equivalent to the 20 question in this context of something being 20 Q If you want to discuss the individual 21 21 units -impossible or not. 22 22 And as I've said, it's generally very, MS. MANDRUSIAK: That was his question.

17 (Pages 328 to 331)

328 330 1 Are you asking him a question? 1 picture shown here is of a Sony Ericsson --2 MR. BROOKE: I'm asking him to refresh 2 A Can you speak up, please? I'm sorry. 3 himself on the function of these components so that 3 Q Sorry. Yes. 4 4 You state here that this photograph is a I can ask my next question. As he said, I would 5 like to have this opportunity to go back and study 5 Sony Ericsson T200 released in 2002. 6 this because this is something that took a while to 6 A Yes. I believe we went over that earlier. 7 7 construct. So I'll refer you back to the previous questions and MS. MANDRUSIAK: Why don't you ask your 8 8 answers. 9 9 question first so he knows what he's refreshing Q Would the -- sorry. You see the A-to-D 10 himself to answer. converter labeled in that picture. Correct? 10 MR. BROOKE: I would like him merely to 11 11 A Yes, sir. 12 12 refresh himself on the function of the blocks shown Q Is it your opinion that this A-to-D 13 in the figure on Page 45. 13 converter would be able to analog to digitally 14 MS. MANDRUSIAK: Just trying to make it 14 convert the input from one of Moore's touchstrips? 15 15 MS. MANDRUSIAK: Objection. Form. more efficient. 16 16 THE WITNESS: I apologize if my response Relevance. 17 17 was not understood the way I intended. I would need A I believe that's the -- a single A-to-D 18 18 converter. And I would assume that it's the one to know what questions you're asking in order to 19 know what I should focus on while trying to refresh 19 used for the microphone, since that would be the 20 20 my memory. typical function of it. I may refer to that in the 21 21 Q To your knowledge, did any report. We can look that up. 2.2. microcontrollers as of 1997 include an A-to-D 22 Q Okay. But yes or no: Is it your opinion 329 331 1 converter as part of the single integrated circuit? 1 that this A-to-D converter would be able to analog 2 A Given the vast number of fabrication 2 to digitally convert the input from one of Moore's 3 3 centers and designs for things that could be called touchstrips? 4 MS. MANDRUSIAK: Objection. Form, 4 microcontrollers, I would need to clarify what 5 5 exactly -- what kind of microcontroller you have in relevance. mind. And I would need to go back and review that. 6 A Well, that's a hypothetical question. One 6 7 7 I'm not -- as I said earlier, for example, I am not question might be whether they operate at compatible 8 an expert on market share or what was being offered 8 voltages. You might need to ask the question about 9 9 whether there are additional buffering isolate -- or in the market or in a particular market. 10 Q Do you have any opinion on the sort of 10 isolating circuits required. You might need to 11 11 microcontroller that would meet the requirements of discuss whether -- or consider what the supply 12 Palatsi? 12 voltage is required on it. 13 MS. MANDRUSIAK: Objection. Form. 13 You might need to discuss what the 14 A I would need to check to see whether 14 characteristics of the A-to-D converter are. There 15 that's something I listed in my report. I would 15 are some that are linear or highly nonlinear. I 16 also need to review the Palatsi reference. And I 16 believe nonlinear A-to-Ds may be used in digitizing 17 17 audio signals because of the characteristics of the would also ask you to clarify your definition of 18 "sorts," how you want to classify different sorts of 18 signals. 19 microcontrollers. 19 You would have to give me a bit more information to consider that hypothetical question. 20 Q If you could please turn to Paragraph 87 20 21 21 of your Track 2 declaration. Q At Paragraph 88 of your declaration, you 22 22 I believe that you have mentioned that the state that petitioner's combination would have at

18 (Pages 332 to 335)

| | 332 | | 334 |
|--|--|----------|---|
| 1 | least four more A-to-D converter chips. | 1 | like to point out the size of that component as it |
| 2 | Do you see that? | 2 | appears in the photograph. |
| 3 | A Yes. | 3 | And that I don't even see the even |
| 4 | Q What A-to-D converter chips are you | 4 | ignoring the shape of the available area, I don't |
| 5 | referring to here? | 5 | see enough available area in that photograph to |
| 6 | A If we can go back to the petitioner's | 6 | mount four more of those chips. |
| 7 | presentation on this. But I think this may be | 7 | I think it would be very unlikely that |
| 8 | discussed in my report, also. | 8 | they would be stacked. |
| 9 | Q Well, it is discussed in your report. I | 9 | Q So the A-to-D converter shown in that |
| 10 | guess the question is, the at least four more A-to-D | 10 | picture in Paragraph 87 is relevant to the sort of |
| 11 | converter chips of Paragraph 88, what four more | 11 | A-to-D converter you would need in the combination |
| 12 | A-to-D converter chips are you referring to here? | 12 | of Palatsi and Moore? |
| 13 | A I believe I was referring to the | 13 | A I don't |
| 14 | components I believed were used in their | 14 | MS. MANDRUSIAK: Objection. Form. |
| 15 | combination, as I point out in Paragraph 85. And if | 15 | Relevance. |
| 16 | we want to go this into more detail, since this took | 16 | A I don't believe I made any such assertion. |
| 17 | some time to prepare, and time to analyze and to | 17 | Q But you just commented on the size of that |
| 18 | summarize the analysis in an adequate fashion, I | 18 | A-to-D converter. Correct? |
| 19 | would want to go back to the Palatsi reference and | 19 | A Could I have my answer read back to me, |
| 20 | go back and also look at the TCL presentation on | 20 | please. Starting at where it talks about |
| 21 | this. | 21 | hypothetical combination. |
| 22 | I would also want to check Dr. Wolfe's | 22 | (The record was read as follows: |
| | 333 | | 335 |
| 1 | analysis and testimony on this. | 1 | "I only state and what I do state is, |
| 2 | I believe I point out at the top of Page | 2 | at least four more A-to-D converter chips. If they |
| 3 | 44 and elsewhere a number of some of a number of | 3 | were identical chips, if that hypothetical case, I'd |
| 4 | things in Dr. Wolfe's testimony and analysis that I | 4 | like to point out the size of that component as it |
| 5 | felt were at least incomplete or they were points | 5 | appears in the photograph. And that I don't even |
| 6 | that he did not address. | 6 | see the even ignoring the shape of the available |
| 7 | Q Yes. So going back to Paragraph 87, and | 7 | area, I don't see enough available area in that |
| 8 | the A-to-D converter shown in the picture. That is | 8 | photograph to mount four more of those chips. I |
| 9 | not the A-to-D converter you're referencing in | 9 | think it would be very unlikely that they would be |
| 10 | Paragraph 88. Correct? | 10 | stacked.") |
| 11 | MS. MANDRUSIAK: Objection. Form. | 11 | A When we review the transcript I'll check |
| 12 | A I believe what I say in Paragraph 88, | 12 | the punctuation, but I believe that's correct. |
| 13 | Therefore, in the petitioner's alleged combination, | 13 | Thank you. |
| 14 | the phone would have at least four more A-to-D converter chips. And there's a typo there. I | 14 | Q So as I asked, you had just commented on |
| 15 | | 15 | the size of that A-to-D converter. Correct? |
| 16 17 | apologize. O So do you mean four more of the A to D | 16 17 | A In a hypothetical case. And I think it |
| 18 | Q So do you mean four more of the A-to-D converter chips shown in the picture above Paragraph | 18 | was a double hypothetical, because I weren't sure |
| 19 | 88? | 19 | whether you were posing that hypothetical case. |
| エジ | | 20 | Q Are you familiar with input channels of A-to-D converters? |
| 20 | | | |
| 20 21 | A I only state and what I do state is, at | l . | |
| 202122 | least four more A-to-D converter chips. If they were identical chips, if that hypothetical case, I'd | 21 | A Again, that's a general term, "channel" and also "input," and "input/output channel." I |

19 (Pages 336 to 339)

336 338 believe it refers both to -- it's used both in 1 the Figure at Paragraph 87 has? 2 2 MS. MANDRUSIAK: Objection. Relevance. hardware and software context, as well as a variety 3 of hardware context. But, yes, I've heard the term. 3 Form. 4 Q Do you have an opinion on how many input 4 A As I believe I noted earlier -- and we can 5 channels an A-to-D converter would need for handling 5 refer back to that -- I said something approximately 6 four of Moore's touchstrips? 6 like I would need to know what -- clarify what you 7 7 MS. MANDRUSIAK: Objection. Form. mean by channel. Because that's an overloaded term. 8 8 A My opinion is that what we need to -- I'd And I believe there was more in that response. 9 9 need to know whether you're including additional For the record, on the question about the 10 multiplexing circuitry in that. I would need to 10 pins, I believe that may be a case where because of difficulty hearing the voice, I may have 11 know the totality of the design. I would need to 11 12 know which -- I would need to clarify what you mean 12 misunderstood the question. 13 by an input channel. We would need to clarify what 13 Q Okay. So you don't know how many input 14 you are refer -- what set of components you're 14 channels are in the A-to-D converter of Paragraph 15 15 referring to as A-to-D converter. 84. Correct? 16 16 There are things sold as an A-to-D A I'll refer back to my previous statement 17 17 about what -- about what would be involved in converter that they're the size of a bread box. 18 Q I believe you mentioned earlier -- and 18 knowing something like that, yes. Or no. I'm not 19 please do correct me if I am wrong -- that the 19 sure whether yes or no is the correct answer there. 20 20 A-to-D converter shown in the figure of Paragraph 87 Q Well, the question was, you don't know how 21 21 many input channels are in the A-to-D converter of appeared to have six input channels on one side? 22 A I don't believe that was my testimony. 22 Paragraph 84. Correct? 337 339 Could we have the testimony read back into 1 A I'll add yes to my previous answer. For 1 2 the record? 2 the record. We can have it read back in and I can 3 3 Let me rephrase that. I don't recollect add the yes now, if you'd like. 4 Q Okay. So you're confirming that you don't 4 that that was my testimony. 5 5 know how many input channels are in the A-to-D (The reporter read the record as follows: 6 "I think I -- it's hard to tell in the 6 converter of Paragraph 84. Is that correct? 7 7 picture, but I think I can count at least six, what A I've already answered yes. 8 appear to be on one side.") 8 Okav. 9 9 A Referring back as an amendment to the A Could you please refer to -- read me the 10 previous question and answer, since it referred back 10 previous answer. 11 to that. 11 Q Okay. 12 (The reporter read the record as follows: 12 A If that is not an answer to your question, 13 "Can you tell how many input pins it 13 could you please clarify the question. 14 has?") 14 Q That's fine. Thanks. 15 A Okay. I will correct that answer because 15 Would a microcontroller of 1997 always 16 I misinterpreted the question. You asked about 16 have used a separate discrete A-to-D chip? 17 input pins, and my answer was directed to the number 17 MS. MANDRUSIAK: Objection. Form. 18 of visible pins. 18 A Well, it's hard to answer that question 19 Q Okay. So you have -- let me rephrase 19 because I don't know your context. 20 that. 20 If your context was a microcontroller used 21 21 Do you have an opinion then on how many in a system which had no need for A-to-D conversion, 22 A-to-D input channels the A-to-D converter shown in 22 would it necessarily -- necessarily have used an

20 (Pages 340 to 343)

340 342 A-to-D chip? I guess the answer is no, because 1 circuitry. Correct? 2 2 MS. MANDRUSIAK: Objection. Form. there's no need for one. Q Turning to Paragraph 97 of your Track 2 3 3 Mischaracterizes his testimony. 4 declaration. Can you read when you are ready the 4 A I think you're mischaracterizing my 5 second sentence from the bottom. 5 previous answer. If you can provide -- we can go 6 A Starting, "Further, my consideration"? 6 back to it. If you can provide those things, then 7 7 Q Yes. Please. I'm not sure how long it would take. But I could 8 8 A "Further, my consideration of the quote attempt to do that analysis now. 9 tear down of a representative device shows that the 9 Q Let me ask it a different way. 10 analog-to-digital converter circuitry that already 10 What relevance does the fact that the 11 is included in the device is a separate component 11 analog-to-digital converter circuitry of the 12 12 and is not integrated with the microprocessor, as representative device of Paragraph 87 have to what a 13 13 Dr. Wolfe assumes and relies upon in his deposition POSITA would have done in the combination of Palatsi 14 14 testimony." and Moore? 15 15 Q Okay. Is it your opinion that a POSITA A Well, one of the places in my report that 16 16 would not have known to make the analog-to-digital I believe is relevant -- excuse me, my declaration 17 17 conversion within the microprocessor? that I believe is relevant -- I notice I'm not the 18 18 MS. MANDRUSIAK: Objection. Form. only one who has made that substitution. 19 19 A Could you restate the question, please? For instance, it is my opinion that the 20 20 Q Is it your opinion that a POSITA would not four touchstrips added to Palatsi along with the 21 21 required hardware would be problematic in a portable have known to use the microprocessor itself for 22 A-to-D conversion? 22 rated telephone fitting in the palm of a user's 341 343 1 MS. MANDRUSIAK: Objection. Form. 1 hand. They add to the bulk and cellphone size and 2 A I think my opinions are spelled out in the 2 weight desirable to be minimized as specifically 3 3 report. taught in Palatsi. As well as in other references. 4 4 I will make reference that there are two And I mention one of the other references. 5 definitions to POSITAs in this proceeding. And that 5 And I noted here that under deposition, some of my analysis addresses the lack of 6 6 Dr. Wolfe made several unsubstantiated claims about 7 7 obviousness for either of them. And I think in one how a mock -- microprocessor, whether we're talking 8 case I also point out -- make a reference to how 8 about it in Moore or Palatsi, it would ordinarily 9 9 it's even -- I think words to the effect that it include additional circuitry. 10 even more unobvious for one of them than the other. 10 And then while he was referring to 11 If that answers your question. 11 ordinarily additional circuitry, he goes on to say, 12 Q So you state that the -- sorry. At 12 And in this particular case, it would ordinarily 13 13 Paragraph 97 you state that the analog-to-digital include analog-to-digital converter circuitry 14 converter circuitry that already is included in the 14 capable of connecting to the touchstrips of Moore. 15 15 device is a separate component. Correct? I state that in his deposition, he simply 16 A Yes. I'm referring to the component 16 assumes that in 1997 all the additional circuitry 17 17 that's visible on that example. and processing capability for a number of additional 18 Q The T200 example of Paragraph 87? 18 touchstrips would simply be available in a 19 A I believe so. And we've talked about the 19 microprocessor used in a handheld telephone. 20 identification of that. 20 I go on to explain that point further. 21 21 Q Okay. And you have acknowledged that you And one aspect of that example is it shows that what 22

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22

don't know the number of A-to-D channels in that

one would plausibly assume would be an

21 (Pages 344 to 347)

| | 344 | | 346 | | | |
|----|---|---|---|--|--|--|
| 1 | | 1 | MR. BROOKE: Okay. I'm ready to break, if | | | |
| 2 | analog-to-digital converter that would be present in most common, ordinarily be present in cellphones, | 2 | · | | | |
| 3 | would be the A-to-D converter circuitry for the | 3 | you are. THE WITNESS: Thank you. | | | |
| 4 | | 4 | VIDEO SPECIALIST: This marks the end of | | | |
| | microphone. | 5 | | | | |
| 5 | Because radio telephones generally have a | 6 | Tape Number 2 in the deposition of Jean Renard Ward. We are off the record at 11:36. | | | |
| 6 | microphone, and they generally need to convert the | | | | | |
| 7 | input signals to a digital form in order to perform | 7 | (A recess was taken.) | | | |
| 8 | the compression and signal-processing algorithms | 8 | VIDEO SPECIALIST: Here begins Tape Number | | | |
| 9 | that are required for cellphone communications or | 9 | 3 in the deposition of Jean Renard Ward. We are | | | |
| 10 | just interfacing to a radio telephone circuitry. | 10 | back on the record at 11:47. | | | |
| 11 | And that even that A-to-D converter, at a | 11 | MR. BROOKE: Would you mark that as | | | |
| 12 | period, although I believed it was representative | 12 | Exhibit 5 to the deposition. | | | |
| 13 | and I give that it's representative of this time | 13 | (Ward Deposition Exhibit 5 marked for | | | |
| 14 | period, five years later did not have it included as | 14 | identification and is attached to the transcript.) | | | |
| 15 | Dr. Wolfe assumed. | 15 | BY MR. BROOKE: | | | |
| 16 | If I've mistakenly referred to him as | 16 | Q All right. You're being handed what's | | | |
| 17 | Dr. Moore again, I apologize to Dr. Wolfe. | 17 | been marked as Exhibit 5 to this deposition. Please | | | |
| 18 | I'm not sure how long we've been going, | 18 | take a moment to briefly skim through the document. | | | |
| 19 | but I'll could we take a break after | 19 | I think it's 60 pages long. | | | |
| 20 | Q Sure. | 20 | A Will I be questioned on this document | | | |
| 21 | A your next question? | 21 | afterwards? | | | |
| 22 | Q I have one more question. | 22 | Q Not substantively, no. | | | |
| | 345 | | 347 | | | |
| 1 | So | 1 | A If there are no substantive questions, | | | |
| 2 | A Is this all your questions, or just one | 2 | what am I reviewing it for? To check the date? | | | |
| 3 | more for now? | 3 | Q I'm sorry. You may be asked a question or | | | |
| 4 | Q Sorry. Just one more question before | 4 | 4 two about the substance, but based solely on | | | |
| 5 | break. | 5 | 5 passages that I will point to. | | | |
| 6 | You just stated that even that A-to-D | 6 | A I would prefer to read the entire document | | | |
| 7 | converter at a time period, although I believe that | 7 and not take things out of context. And I would | | | | |
| 8 | it was representative and I give that it is | 8 | may want to go back and reread things in context | | | |
| 9 | representative of this time period, five years later | 9 | after you point out a passage. | | | |
| 10 | did not have it included as Dr. Wolfe assumed. | 10 | Q How about we do that. Is it okay for me | | | |
| 11 | What did not have it included five years | 11 | to point out a passage, and if you want to read the | | | |
| 12 | later? | 12 | context, if it makes you feel more comfortable | | | |
| 13 | A The microprocessor. You can see that in | 13 | before you answer, then please feel free to. | | | |
| 14 | Paragraph 96. | 14 | A I still may want to read the entire | | | |
| 15 | Q Okay. Great. | 15 | document. | | | |
| 16 | A I'm quoting from Dr. Wolfe there. | 16 | Q Okay. Well, starting out, can you please | | | |
| 17 | MR. BROOKE: We can take a break, if you | 17 | just read the line of the title page, which is Page | | | |
| 18 | are ready. Sorry, did you have more? | 18 | 1, starting at 80C51. | | | |
| 19 | THE WITNESS: No. I just want to call | 19 | A 80C51 Family Derivatives. | | | |
| 20 | attention that this was one of a number of, let's | 20 | - | | | |

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21

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on Page 1.

21

22

technical points.

say, defects, in Dr. Wolfe's analysis on multiple

And can you please read the date printed

22 (Pages 348 to 351)

348 350 A 1996, August 6. 1 sentence? 2 Okay. Thank you. 2 A I see the words, "an 8 input ADC." 3 And turning to Page 2. Could you please 3 Q Is it your understanding that ADC here 4 just read the first sentence of the first paragraph 4 means analog-to-digital converter? at Page 2, starting with, "The 8XC552." 5 5 A That's the common abbreviation, yes. I 6 A Out loud? 6 have no idea what kind of a converter it is. 7 7 Q Please. Q Okay. 8 8 "The 8XC552 overview. The 8XC552 is a A And I also note that it refers to it in 9 9 standalone high-performance microcontroller designed the singular. 10 for use in real-time applications such as 10 Q But with eight inputs. Correct? instrumentation, industrial control, and automotive 11 11 A I beg your pardon? 12 control applications such as engine management and 12 Q But with eight inputs. Correct? 13 transmission control. The device provides, in 13 A Yes. 14 addition to the 80C51 standard functions, a number 14 And then if you would, please, just turn 15 of dedicated hardware functions for these 15 to Paragraph -- I'm sorry, Page 46. 16 16 applications." MS. MANDRUSIAK: Are we done with this 17 17 Q Thank you. document? 18 18 Now, I understand that you have not had an MR. BROOKE: Not done with that document. 19 opportunity to read through this document. 19 MS. MANDRUSIAK: Oh, no. Page 46 of that 20 20 A Could you speak up, please? document. I'm sorry. 21 21 Q Sorry. I understand that you have not had Q Can you please read out loud the first 22 an opportunity to read through this document in its 22 sentence under Port 5 Operation. 349 351 1 1 The first sentence? entirety. 2 But based on the title page and this 2 Q Yes. 3 3 "Port 5 may be used to input up to eight paragraph, would you agree that this at least appears to be a technical overview of the 8XC552/562 analog signals to the ADC." 4 4 5 microcontroller as of August 6, 1996? 5 Q Okay. Thank you. 6 MS. MANDRUSIAK: Objection. Form. 6 Would you agree then that this document at 7 7 Foundation. Relevance. least appears to describe a microcontroller in 1996 8 8 A It says right here, 8XC552 Overview. And that included an eight-input analog-to-digital 9 9 I suppose you could characterize this first converter? 10 paragraph as giving some form of an overview. To 10 MS. MANDRUSIAK: Objection. Form, 11 11 foundation, relevance. that extent, perhaps yes. 12 Q Okay. Thank you. 12 A It says right here, Port 5 may be used to 13 A I'm not aware to what detail or which 13 input up to eight analog signals to the ADC. I see 14 aspects are covered in this interview. 14 nothing here as to the voltage level, the type of 15 Q I understand. 15 the signal, the operation. Although I would like, 16 Remaining on Page 2. About midway down 16 before really responding to these questions, I would 17 17 the left column. Can you please just read the first like to read the whole document. In the section you 18 sentence, starting with, "The 8XC552 contains." It 18 had me read out earlier, it refers to it's a 19 does not need to be out loud. 19 high-performance microcontroller designed for use in 20 A Okay. I have skimmed that paragraph. 20 real-time applications, such as instrumentation, 21 21 Q Thank you. industrial control, and automotive control 22 22 Do you see the word "8 input ADC" in that applications such as engine management and

23 (Pages 352 to 355)

| | | | 23 (Pages 352 to 355) | | |
|----|--|----|---|--|--|
| | 352 | | 354 | | |
| 1 | transmission control. | 1 | graphics are being scrolled vertically or laterally | | |
| 2 | But I have not had an opportunity to read | 2 | while in the scrolling mode of Moore (such as in a | | |
| 3 | the entire document. | 3 | word-processing application), and the user switches | | |
| 4 | Q I understand. | 4 | to the menu mode by pressing the menu selection | | |
| 5 | A And I also do not know the full context of | 5 | function key of the keyboard, then a new list of | | |
| 6 | your question. | 6 | titles will be displayed adjacent to respective | | |
| 7 | Q Sure. If you go to Page 46 again, and the | 7 | portions of the touchstrip." | | |
| 8 | top heading, I/O Port Structure. | 8 | A It goes on. But, yes, I see that. | | |
| 9 | A Yes, I see it. | 9 | Q Sure. | | |
| 10 | Q Okay. And do you see the first sentence | 10 | A May I ask a point of clarification here? | | |
| 11 | saying, "The 8XC552 has six 8-bit ports"? | 11 | Q Certainly. | | |
| 12 | A Yes, sir. That's the first sentence. | 12 | A I just directed my attention to another | | |
| 13 | Q Thank you. And do you understand Port 5 | 13 | reference. | | |
| 14 | described a few paragraphs below to be one of those | 14 | Q That's correct. | | |
| 15 | ports? | 15 | A And only to certain portions of it. | | |
| 16 | A Without reading the rest of the document, | 16 | Q Yes. | | |
| 17 | that's probably a what it's intended to refer to, | 17 | A Is there a connection since you | | |
| 18 | yes. | 18 | directed my attention to that immediately prior to | | |
| 19 | Q Okay. And so would you agree that Port 5 | 19 | asking this question, is there a connection between | | |
| 20 | is describing strike that. | 20 | these two? | | |
| 21 | Would you agree that the Port 5 | 21 | Q There is no connection. | | |
| 22 | description of being used to input up to eight | 22 | A Okay. And you've already said there are | | |
| | 353 | | 355 | | |
| 1 | analog signals to the ADC pertains to the 8XC552 | 1 | no substantive questions about this reference. | | |
| 2 | microcontroller? | 2 | Q I've asked all the questions that I plan | | |
| 3 | MS. MANDRUSIAK: Objection. Form, | 3 | to ask about that reference, yes. | | |
| 4 | foundation, relevance. | 4 | A Okay. And it is on the record that this | | |
| 5 | A The document says at the top, 8X5 | 5 | refers to, in only the section one of the few | | |
| 6 | 8XC552/562 overview. And on this page, talking | 6 | sections you directed my attention to, it refers to | | |
| 7 | about the 80C51 derivatives, it refers to Port 5, | 7 | use in real-time applications such as | | |
| 8 | yes. | 8 | instrumentation, industrial control | | |
| 9 | Q Okay. Thank you. | 9 | Q Yes. | | |
| 10 | If you could turn to your Track 2 | 10 | A and automated control applications. | | |
| 11 | declaration again. We're switching gears. | 11 | Correct? | | |
| 12 | So in the second sentence of Paragraph 115 | 12 | Q That's correct. I believe you read that | | |
| 13 | you state that | 13 | before. | | |
| 14 | A Excuse me. Could you let me get to that | 14 | A Okay. I'm I was confused by the | | |
| 15 | paragraph? | 15 | transition. | | |
| 16 | Q Oh, sure. Take your time. | 16 | Q Sorry. | | |
| 17 | A Which paragraph? | 17 | Okay. So turning back to Paragraph 115. | | |
| 18 | Q Paragraph 115. | 18 | | | |
| 19 | A Starting, "However, in the scrolling | 19 | displayed adjacent to respective portions of the | | |
| 20 | mode"? | 20 | touchstrip. | | |
| 21 | Q The third sentence. I'll read it to you. | 21 | A Yes. | | |
| 22 | You state, "As illustrated below, if display text or | 22 | Q Can you point me to where Moore discloses | | |

24 (Pages 356 to 359)

| | | | 24 (Pages 356 to 359) |
|----|--|----|--|
| | 356 | | 358 |
| 1 | that? | 1 | note, through an editing error I did not identify it |
| 2 | A Do we have Moore here? | 2 | in the report. |
| 3 | Q It is Exhibit 1012. | 3 | Q Okay. |
| 4 | A Say again? | 4 | A Column 3, Line 45. "By pressing the menu |
| 5 | Q Exhibit 1012. | 5 | selection function key, a program is selected which |
| 6 | MS. MANDRUSIAK: It's one of the patents. | 6 | enables the user to select one title from a list of |
| 7 | THE WITNESS: Yeah, I know. | 7 | displayed titles merely by pressing the touchstrip, |
| 8 | Here it is. | 8 | usually the vertically extending touchstrip, at a |
| 9 | A Is it all right if I make a small mark on | 9 | location adjacent to the particular displayed title. |
| 10 | this copy? | 10 | "Once having selected this title from the |
| 11 | Q It's perfectly fine. You can make as many | 11 | list, the user can perform any number of |
| 12 | marks as you want. | 12 | manipulating functions. For example, displaying a |
| 13 | A Thank you. I'm not finished, but could we | 13 | further set of possible selections within the broad |
| 14 | have the question read back to me just to make sure | 14 | title selected." |
| 15 | I'm just to refresh, make sure I'm not | 15 | And my intent, I believe, was to |
| 16 | misremembering the question. | 16 | paraphrase that section. So I apologize for the |
| 17 | (Pending question read.) | 17 | editing error. |
| 18 | THE WITNESS: And the question before | 18 | Q That's fine. Thanks. |
| 19 | that, question and answer before that. | 19 | MS. MANDRUSIAK: Maybe it's helpful to |
| 20 | (The record was read.) | 20 | note that the citation is included in the previous |
| 21 | THE WITNESS: Thank you. | 21 | paragraph with almost similar language. |
| 22 | A May I mark on small mark just that | 22 | THE WITNESS: It is. The exact same |
| | 357 | | 359 |
| 1 | section right here? | 1 | section. |
| 2 | Q Please. | 2 | Q Okay. |
| 3 | A It appears to me there are two editing | 3 | A I apologize for not noticing that. |
| 4 | errors in here, which I apologize for. It's not as | 4 | Q That's fine. |
| 5 | confabulated as one of the other ones I pointed out. | 5 | A And you had directed my attention solely |
| 6 | But I think the reference is fairly clear. | 6 | to Paragraph 115, which I unfortunately did not read |
| 7 | This is refers to Column 3, Sections 45 | 7 | in the full context in my report. |
| 8 | through 54. And it appears also that as an editing | 8 | Q So in the passage you just read, the word |
| 9 | error I may have omitted a few words in the middle. | 9 | "new" does not appear. Correct? |
| 10 | I would be happy to stipulate or whatever the word | 10 | A Displaying a further set of possible |
| 11 | is that the wording should have been either | 11 | selections. And I apologize if the paraphrase |
| 12 | identically or same meaning paraphrase as what's at | 12 | were could be interpreted other than as I |
| 13 | that section. | 13 | intended. My intent was to paraphrase the meaning |
| 14 | Q What do you believe the wording should | 14 | of the section that is identified in the previous |
| 15 | have been? | 15 | paragraph. |
| 16 | A I'll need to check again to see if I'm | 16 | Q Well, I understand. But so with regard to |
| 17 | also referring got something in here that's from | 17 | Column 3, Lines 45 to 53 of Moore, it does not |
| 18 | another place. | 18 | expressly disclose that a list of new displayed |
| 19 | Q Okay. | 19 | titles is displayed. Correct? |
| 20 | A But one thing could have been done would | 20 | MS. MANDRUSIAK: Objection. Form. |
| 21 | have been a full quote, and I looking at it now, | 21 | A I believe you're you may be |
| 22 | I believe this is the correct section, although as I | 22 | misrepresenting my testimony by the phrasing of your |

25 (Pages 360 to 363)

360 362 1 1 for video technical matters. question. 2 2 MR. BROOKE: I think we're getting close, Could I please have my response on that 3 3 point read back to me? so probably not. 4 4 (A discussion was held off the record.) Q Okay. Moore does not expressly 5 MR. BROOKE: No further questions. 5 disclose -- I'll phrase it as a question, but I'll 6 read your -- I'll read your declaration. 6 MS. MANDRUSIAK: Okay. Let's take a quick 7 7 Moore does not expressly disclose at break. 8 8 VIDEO SPECIALIST: We are going off the Column 3, Lines 45 to 53 that, and I quote, a new 9 9 list of titles will be displayed, end quote. record. The time is 12:21. 10 10 Correct? (A recess was taken.) VIDEO SPECIALIST: We are back on the 11 MS. MANDRUSIAK: Objection. Form. 11 12 12 A I refer you back to my previous testimony, record. The time is 12:28. EXAMINATION BY COUNSEL FOR PATENT OWNER 13 13 that this was the -- the intent here was to 14 14 BY MS. MANDRUSIAK: paraphrase without changing the meaning of the 15 15 Q Okay. I have just a very brief redirect. section from 45 to 53. Other than the editing 16 16 Mr. Ward, do you have your Track 2 errors I've noted, I believe that in context it does 17 17 declaration in front of you? We'll just use that make it clear that that's a section I'm referring 18 18 one for convenience. to, and I apologize for any confusion because I 19 19 paraphrased it not using identical language. A Okay. 20 20 Q Please turn -- okay. Please turn to In retrospect, based on this confusion, if 21 21 Paragraph 22. And read that paragraph to yourself, I had known that that would happen, I would have 22 done something like make an exact quote from the 22 please. 363 361 1 1 A Yes, I have read through it. section. 2 Q Okay. So do you agree that the word "new" 2 Q Okay. Is your degree from MIT a 3 3 bachelor's degree in electrical engineering or does not appear in Column 3, Lines 45 to 53 of 4 4 Moore? computer engineering? 5 5 MS. MANDRUSIAK: Objection. Asked and A It's -- I believe the title that year was 6 6 answered. Form. electrical engineering and computer science. It was 7 7 A I believe I've already responded to that a combined program. 8 8 question. And I believe I've already stated my Okay. 9 9 intent was to paraphrase without changing the A With the -- met the requirements of both 10 meaning. And I believe I pointed to the word "new" 10 programs. and the word "further set" as intending to have the 11 11 Q Okay. Do you have at least two to three 12 same meaning. 12 years of hands-on experience working with handheld 13 13 contact-sensitive user interface devices? If you're asking whether the word 14 literally N-E-W does not appear in there, I'll grant 14 15 you that that exact word does not appear. But that 15 Q Do you have direct knowledge of the types 16 was certainly not my intent, to in any way change 16 of user interfaces used in mobile phones and 17 17 the meaning of this section. handheld devices in 1997? 18 MR. BROOKE: I'm sorry, I'm connecting 18 A Yes. 19 19 Q Can you explain how you have this direct here again. 20 MS. MANDRUSIAK: We're disconnected, too. 20 knowledge? 21 21 MR. BROOKE: Just wait a second. A Well, as you can see from looking through 22 22 THE WITNESS: If you need to take a break the reference bibliography I keep, one way I have it

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364

26 (Pages 364 to 367)

366

367

| is that ever since the late 1970s, really, anything | 1 | Q I think that's |
|---|---|------------------|
| that related to touch or pen or stylus or | 2 | Thank you. |

guess you would say a personal passion of mine.

handwriting recognition or gesture input has been, I

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My spouse talks about somebody having a large slide collection and keeping it indexed. So one place I have that is because anytime I became aware of something that related to -- broadly to touchscreen devices, and particularly handheld devices that started coming out in the late -mid -- well, early '90s, I would be investigating it, how it worked.

At times I worked on handheld devices myself. I worked on devices that had certainly very similar characteristics, particularly when you get down to the small sizes of those handheld devices.

Since I was doing this on my own nickel, I really didn't have a budget to go out and buy stuff. I would -- there were a couple of electronics stores and computer stores that were close by. And any time new family of products came out commercially, that would be something we would spend an hour or

that's sufficient.

Do you meet or exceed the definition of a POSITA set forth in your declaration?

A Yes.

Q Okay. Thank you.

Are you aware that TCL's definition of a POSITA is slightly different from your definition of a POSITA?

A I believe I pointed that out in my report.

Q Okay. For convenience, I'll read what their definition is. Okay?

A Uh-huh.

"For purposes of the obviousness analysis presented below for each ground, petitioners submit that a POSITA is someone with a bachelor's degree in computer engineering, electrical engineering, or computer science, and two years of experience with touch-based user input systems or equivalent education and experience on December 30th, 1997."

So I think it's clear that you have the equivalent -- or the education requirement met.

365

two down there, trying them all out, seeing how they worked, particularly the user interfaces, also how the hardware worked.

There were some products that made a transition from electronic stylus to touch and -- a finger in cursor-based input. That was interesting, because you could see whether they had had to make any design differences and what design differences they did or did not have to make.

There were other units that had the characteristic of the IBM Simon that it worked with both a stylus and a finger. And what you have to deal with in that case, because you -- you cannot assume -- and there's good reason not to assume -that the stylus will be what the person is using.

I also used these just because I had smart phones and handheld devices, and I have a collection of such devices going back to -- I think I have one working device from the 1970s. I have some others that don't work anymore.

We can also go through my CV, but I think we did some of that earlier.

Do you have two years of experience with touch-based user input systems or equivalent education and experience on December 30th, 1997?

A Yes, I did.

Q Okay. Thank you.

Do you remember a line of questioning yesterday where Jeremy was asking for anything in the '931 patent that would lead a POSITA to understand that the second mode needs to be unresponsive to contact across the entire contact-sensitive surface?

A I don't remember the exact question, but there was something like that, yes.

Q Okay. Can you get the '931 patent in front of you. Right here.

A Yeah. Yes.

Q And so if I recall correctly, I think that your position was that Claim 1 would be interpreted by a POSITA as referring to the entire surface being nonresponsive. Is that correct?

A I would have to go back and check to see what it was. Some of that, particularly -- I would

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Videotaped Deposition of Jean Renard Ward, Volume 2 Conducted on July 15, 2016

27 (Pages 368 to 371)

| - | | | 27 (Pages 368 to 371 |
|-----------------|---|----|--|
| | 368 | | 370 |
| 1 want | t to go back and double-check. But I'll I'll | 1 | imported into the claim? |
| | pt your characterization. | 2 | A My understanding is that the specification |
| 3 Q | Okay. Can I draw your attention, please, | 3 | is a a guide to the meaning of the claims because |
| 4 to Co | olumn 5 and the sort of towards the bottom half | 4 | the terms in the claims may be defined or the |
| 5 there | e's a paragraph starting with "Figure 3." | 5 | meaning may the context of the meaning may be set |
| 6 A | Uh-huh. | 6 | within the specification. |
| 7 Q | Please read that to yourself. | 7 | Although I'm not an attorney, I think I've |
| 8 A | Okay. | 8 | heard something like what you've just said, so I'll |
| 9 Q | Does that support your interpretation that | 9 | take your representation. |
| 10 the c | contact surface in its entirety would be on or | 10 | MR. BROOKE: No further questions. |
| 11 off a | t any given time? | 11 | MS. MANDRUSIAK: Great. |
| 12 A | I believe it's does, yes, but | 12 | VIDEO SPECIALIST: This marks the end of |
| 13 Q | Okay. Thank you. | 13 | Volume 2 of the deposition of Jean Renard Ward. We |
| 14 A | we can certainly go back through | 14 | are going off the record at 12:39. |
| 15 thing | gs. | 15 | (Off the record at 12:39 p.m.) |
| 16 Q | I also draw your attention to Column 7, | 16 | |
| 17 and i | right around the middle there's a paragraph | 17 | |
| 18 starti | ing, "When either of the right or left strips." | 18 | |
| 19 | Do you see that? | 19 | |
| 20 A | Yes, ma'am, I do. | 20 | |
| 21 Q | Please read that paragraph to yourself. | 21 | |
| 22 A | May I make a small mark on this copy? | 22 | |
| | 369 | | 371 |
| 1 Q | Of course. | 1 | ACKNOWLEDGMENT OF DEPONENT |
| 2 A | Okay. Thank you. | 2 | I, JEAN RENARD WARD, do hereby acknowledge that I |
| 3 Q | Does that paragraph also support your | 3 | have read and examined the foregoing testimony, and |
| 4 interp | pretation that the contact surface in its | 4 | the same is a true, correct and complete transcription |
| 5 entire | ety would be on or off, depending on the mode? | 5 | of the testimony given by me and any corrections |
| 6 A | Looking at it right now, it appears to, | 6 | appear on the attached Errata sheet signed by me. |
| 7 yes, r | na'am. | 7 | |
| 8 | MS. MANDRUSIAK: Thank you. | 8 | |
| 9 | We have no further questions. | 9 | (DATE) (SIGNATURE) |
| 10 | MR. BROOKE: Okay. I just have one | 10 | |
| 11 quest | ion, I believe. | 11 | |
| 12 EX | XAMINATION BY COUNSEL FOR PETITIONERS | 12 | |
| 13 BY M | MR. BROOKE: | 13 | |
| 14 Q | You were just referred to Column 7 of the | 14 | |
| | patent for supporting your understanding of | 15 | |
| 16 what | the claims of the '931 patent require. | 16 | |
| 17 | Correct? | 17 | |
| 18 A | I'm not sure. I don't think that's how | 18 | |
| 19 the q | uestion was phrased. But I'll accept that so | 19 | |
| 20 that | we can go on. | 20 | |
| 21 Q | Okay. Do you understand that limitations | 21 | |
| 22 from | the specification in patent law are not | 22 | |

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Videotaped Deposition of Jean Renard Ward, Volume 2 Conducted on July 15, 2016

28 (Pages 372 to 373)

| | | ` |
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| | 372 | |
| 1 | CERTIFICATE | |
| 2 | I, Debra Ann Whitehead, Certified Reporter and | |
| 3 | Notary Public within and for the Commonwealth of | |
| 4 | Virginia, do hereby certify: | |
| 5 | | |
| 6 | That JEAN RENARD WARD, the witness whose | |
| 7 | deposition is hereinbefore set forth, was duly | |
| 8 | affirmed by me before the commencement of such | |
| 9 | deposition and that such deposition was taken before | |
| 10 | me and is a true record of the testimony given by such | |
| 11 | witness. | |
| 12 | | |
| 13 | I further certify that the adverse party, | |
| 14 | TELEFONAKTIEBOLAGET LM ERICSSON, was represented by | |
| 15 | counsel at the deposition. | |
| 16 | | |
| 17 | I further certify that the deposition of | |
| 18 | JEAN RENARD WARD occurred at the offices of OBLON, | |
| 19 | McCLELLAND, MAIER & NEUSTADT, LLP, 1940 Duke Street, | |
| 20 | Alexandria, Virginia, 22314, on Friday, July 15, 2016, | |
| 21 | from 8:58 a.m. to 12:39 p.m. | |
| 22 | | |
| | 373 | |
| 1 | I further certify that I am not related to | |
| 2 | any of the parties to this action by blood or | |
| 3 | marriage, I am not employed by or an attorney to any | |
| 4 | of the parties to this action, and that I am in no way | |
| 5 | interested, financially or otherwise, in the outcome | |
| 6 | of this matter. | |
| 7 | | |
| 8 | IN WITNESS WHEREOF, I have hereunto set my | |
| 9 | hand this 21st day of July, 2016. | |
| 10 | | |
| 11 | My commission expires: | |
| 12 | October 31, 2019 | |
| 13 | | |
| 14 | | |
| 15 | NOTARY PUBLIC IN AND FOR THE | |
| 16 | COMMONWEALTH OF VIRGINIA | |
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| A | 373:2,4 | 269:12 | 358:21 |
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