

Page 1

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

SOTERA WIRELESS, INC.,

PETITIONER,

v.

MASIMO CORPORATION,

PATENT OWNER.

CASE IPR2020-00912
U.S. PATENT 10,213,108

CASE IPR2020-00954
U.S. PATENT 9,788,735

CASE IPR2020-01015
U.S. PATENT 9,795,300

CASE IPR2020-01054
U.S. PATENT 9,872,623

VOLUME 1 (PAGES 1 - 134)

VIDEOTAPED DEPOSITION OF ALAN OSLAN
TAKEN REMOTELY VIA ZOOM VIDEOCONFERENCE
WEDNESDAY, APRIL 28, 2021

Reported by Audra E. Cramer, CSR No. 9901

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1 VIDEOTAPED DEPOSITION OF ALAN OSLAN,
2 TAKEN REMOTELY VIA ZOOM ON BEHALF OF THE PETITIONER,
3 AT 11:08 A.M. EDT, WEDNESDAY, APRIL 28, 2021,
4 BEFORE AUDRA E. CRAMER, CSR NO. 9901, PURSUANT TO
5 NOTICE.

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1 I N D E X

2 WITNESS

3 ALAN OSLAN

4

5 EXAMINATION PAGE

6 BY MS. HOEKEL 6

7 (P.M. SESSION) 78

8

9 E X H I B I T S

10 NO. PAGE DESCRIPTION

11 Exhibit 1 52 US PATENT 4,883,055

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19 REPORTER'S NOTE: All quotations from exhibits
20 are reflected in the manner in which they were read into
21 the record and do not necessarily indicate an exact
22 quote from the document.

1 REMOTELY VIA ZOOM VIDEOCONFERENCE
2 WEDNESDAY, APRIL 28, 2021, 11:08 A.M. EDT

3
4 THE VIDEOGRAPHER: This is Tape No. 1
5 of the videotaped deposition of Alan Oslan in
6 the matter of Sotera Wireless, Inc. versus
7 Masimo Corporation in the United States Patent
8 and Trademark Office.

9 This deposition is being held via Zoom
10 videoconference. Physical recording takes place
11 in Colorado Springs, Colorado, on April 28,
12 2021. The time on the video screen is
13 11:08 a.m.

14 My name is Sarah Howard, and I'm the
15 legal videographer from Digital Evidence Group,
16 and the court reporter is Audra Cramer in
17 association with Digital Evidence Group.

18 All parties to this deposition are
19 appearing remotely and have agreed to the
20 witness being sworn in remotely unless an
21 objection stated to this agreement.

22 Due to the nature of remote reporting,

1 please pause briefly before speaking to ensure
2 all parties are heard completely.

3 Will counsel please introduce
4 themselves for the record.

5 MS. HOEKEL: Jennifer Hoekel for
6 Petitioner, Sotera Wireless.

7 MR. EVERTON: Ben Everton on behalf of
8 Patent Owner, Masimo. And with me I also have
9 my colleagues Sheila Swaroop and Daniel Kiang.

10

11 ALAN OSLAN,

12 having been first duly sworn, was
13 examined and testified as follows:

14

15 EXAMINATION

16 BY MS. HOEKEL:

17 Q. Good morning, Mr. Oslan. How are you?

18 A. I'm fine, thank you, Ms. Hoekel. How
19 are you today?

20 Q. I'm fine. Thank you for asking.

21 You are here to give testimony in
22 conjunction with a declaration you filed in four

1 different IPR proceedings; correct?

2 A. Correct.

3 Q. And just for shorthand purposes, I'm
4 just going to refer to those by their respective
5 patent numbers, if that's acceptable.

6 A. Yes.

7 Q. So those would be the '735, the '108,
8 the '623 and the '300 patents; correct?

9 A. Correct.

10 Q. And so that we don't spend, you know,
11 six days here, I'm going to ask fairly general
12 questions that I will assume are applicable to
13 all four patents unless you tell me otherwise or
14 the question asks a specific patent question.

15 Is that fair?

16 A. I think --

17 Q. I can ask a better question.

18 A. Yeah, I think -- can you just restate
19 that, please.

20 Q. Sure. Sure.

21 For example, your opinions about the
22 scope and content of the prior art don't differ

1 among the four IPR declarations; correct?

2 A. For the most part. I think that, yeah,
3 there is a lot of duplication from one
4 declaration to another. Some have additional
5 information, yes.

6 Q. So I'm going to ask most of my
7 questions about -- just so you know, I'm going
8 to ask most of my questions more generally. But
9 if there's more specificity that you need,
10 please let me know.

11 Have you had your deposition taken
12 before?

13 A. Yes. Not on Zoom.

14 Q. Okay. Well, so Zoom gives us a couple
15 of additional challenges. The biggest one is
16 that it's even more important -- as it would be
17 in any deposition, but it's more important in a
18 Zoom deposition that you let me finish my
19 question before you begin your answer, both so
20 that Mr. Everton can have a chance to object if
21 he needs to, but also so that the court reporter
22 gets the full question down.

1 And, similarly, I will endeavor to make
2 sure that you're done answering the question
3 before I begin asking my next question. But a
4 little bit of the artifice of Zoom is sometimes
5 it's hard to tell from body language whether
6 you're done or not. So I apologize if I
7 accidentally step on your answer. It's
8 certainly not my intention.

9 But if we both give a sort of a
10 two-beat between question and answer, that will
11 help everyone.

12 Is that acceptable?

13 A. Yes, it is.

14 Q. And as we talked about before we got on
15 the record, we'll take breaks and we'll finish
16 up today at a normal business hour and resume
17 tomorrow.

18 I will probably ask you on almost every
19 break whether or not you've spoken to counsel or
20 whether or not you reviewed anything on the
21 break. So that's just kind of a heads-up that
22 I'll typically ask that question.

1 If you need more breaks or whatever,
2 you know, let me know, and I'm certainly happy
3 to accommodate that.

4 Can you tell me what you -- what, if
5 anything, you have in front of you to assist you
6 in this deposition.

7 A. So I have my laptop, a widescreen, a
8 camera, earbuds, backup hardwired earbuds.

9 Q. Do you have any notes?

10 A. No. And, like I said, I have a box
11 full of all the exhibits, hard copies.

12 Q. Okay. And are those hard copies of the
13 exhibits all clean copies; no notes on them?

14 A. Correct.

15 Q. Okay. So if you need those, let me
16 know, and we can take a second to let you
17 assemble those if you need them.

18 What did you do to prepare for your
19 deposition today?

20 A. So to prepare, obviously I went through
21 and wrote declarations on the four patents. And
22 then the past couple of days I met with the

1 Knobbe Martens lawyers just to go through the
2 deposition process.

3 Q. Did you talk with anyone other than
4 lawyers from Knobbe to prepare for your
5 deposition?

6 A. No.

7 Q. Did you review any materials that are
8 not listed as materials relied on in your
9 declaration in preparation for your deposition?

10 A. No.

11 Q. Are all of the materials that you rely
12 on in your declaration, to the best of your
13 recollection, listed in your declaration?

14 A. So there is -- what's not listed is the
15 Patent Owner's preliminary responses that I
16 looked at.

17 Q. Okay. Anything else?

18 A. The Junichi patent, what's listed as a
19 machine translation, and subsequent to that a
20 certified translation was provided from Japanese
21 to English. So I looked at that, and it has a
22 separate exhibit number.

1 Q. Anything else?

2 A. So with the Junichi patent, so the
3 certified translation -- all my opinions still
4 hold even based on the certified translation.

5 Q. As you were reviewing for your
6 deposition, was there anything in your
7 declaration that you wanted to change or
8 correct?

9 A. Yes. So with the Junichi patent -- and
10 this is irrespective of either the machine or
11 certified translation -- there are some
12 reference numbers that refer to a particular
13 figure, but the actual figure that was included
14 has different reference numbers. And also
15 there's a paragraph number, and it refers to --
16 I think it's paragraphs 3 and 24 in Junichi, and
17 that should be paragraphs 23 and 24.

18 Q. Okay. Anything else?

19 A. Yeah, and I can't remember offhand the
20 particular reference numbers. I know what the
21 items are, but...

22 And then in my CV there's listed that I

1 have another -- I'm an expert witness on another
2 patent litigation case, and I put down it was
3 confidential, and so I found out that it's
4 public knowledge. I don't know the number
5 offhand, but it's a Avanos and Medtronic.

6 Q. What was the first party?

7 A. Avanos, A-v-a-n-o-s.

8 Q. Versus Medtronic?

9 A. Yeah, I forgot which order, who versus
10 who.

11 Q. Which party do you represent?

12 A. Oh. Medtronic.

13 Q. And what's the technology in that?

14 A. It's radio frequency ablation catheters
15 with cooling.

16 Q. Approximately how many times have you
17 testified as an expert?

18 A. So in a prior case I was deposed for an
19 IPR and also for the district court-related part
20 of that, and then I testified in district court
21 for the same case.

22 Q. And which case was that?

1 A. It was Knox Medical versus -- I might
2 have that wrong -- or backwards. I think it was
3 Nautilus -- no, Natus, N-a-t-u-s.

4 Q. And which party were you providing
5 expert testimony in support of?

6 A. Knox Medical.

7 This is in my CV.

8 Q. And what was the technology in that?

9 A. It was a sleep monitor that had a
10 respiration belt, and it was around the
11 respiration belt.

12 Q. So remind me about your educational
13 background.

14 A. Okay. So in my CV I have a bachelor of
15 science in engineering from the University of
16 Connecticut -- it was in electrical engineering
17 and bioelectrical engineering -- a master's --
18 master of science in biomedical engineering from
19 Boston University, and an MBA from Babson
20 College.

21 Q. And then you had some coursework
22 towards a PhD; correct?

1 A. Yes.

2 Q. And you didn't finish that, so you're
3 Mr. Oslan not Dr. Oslan; is that correct?

4 A. That's correct.

5 Q. While you were at Babson, you took a
6 course titled "Patents and Licensing in the Life
7 Sciences"?

8 A. That's correct.

9 Q. And in your declaration you say you
10 learned about analysis and management of
11 manufacturing costs and other issues facing
12 technology companies.

13 Did you also learn about patents in
14 that class?

15 A. So it might be better if we could put
16 up my CV just so I can --

17 Q. So this is actually from your
18 declaration.

19 A. Oh, all right.

20 Q. That's okay. We can put that up,
21 though. It's Exhibit 2010, and it's page 4.

22 Page 5 of the PDF probably.

1 A. So that was -- probably should be a
2 comma after "Life Sciences." So they're two --
3 actually, more than -- let's see.

4 There was -- "Patents and Licensing in
5 Life Sciences" was one course, and then another
6 course -- analysis and management of
7 manufacturing costs.

8 Q. Oh, okay.

9 A. And then another course in other issues
10 facing technology companies.

11 Q. Okay. So you took a class called
12 "Patents and Licensing in the Life Sciences";
13 correct?

14 A. Correct.

15 Q. But that is not where you learned about
16 analysis and management of manufacturing costs?

17 A. Correct.

18 Q. Okay. Good. That confused me.

19 So did you learn about patents, then,
20 in your MBA program?

21 A. Yes.

22 Q. Okay. And did you talk in that course

1 about obviousness analyses?

2 A. I don't remember in particular.

3 Q. Okay. In your declaration you have
4 some legal statements about level of ordinary
5 skill, claim construction, obviousness, and my
6 question is did those legal principles come from
7 your coursework, or did those come from counsel?

8 A. They came from counsel.

9 Q. So you're reliant on counsel for those
10 legal standards and not your educational
11 background?

12 A. That's correct.

13 Q. If we can go to -- since we're on your
14 declaration, if we can go to page 14 of that
15 document, which starts the claim construction
16 discussion.

17 A. Okay.

18 Q. And you were asked to provide opinions
19 regarding the construction of the term "sensor
20 communication port" in the '735 patent; is that
21 correct?

22 A. That's correct.

1 Q. And then in some of the other patents,
2 like in the '300 patent, the term that you were
3 asked to construe is "sensor port"; is that
4 correct?

5 A. Correct.

6 Q. And I believe that you gave the same
7 construction for "sensor communication port"
8 that you gave for "sensor port"; is that
9 correct?

10 A. It's the, yeah, same plain and ordinary
11 meaning.

12 Q. Okay.

13 A. That's correct.

14 Q. So it's your opinion that both "sensor
15 port" and "sensor communication port" can be
16 given their plain and ordinary meaning; correct?

17 A. Correct.

18 Q. Okay. And then you go on to say that
19 the plain and ordinary meaning of those terms is
20 "a connector that mates with a compatible
21 connector from a sensor"; is that correct?

22 A. That's correct.

1 Q. Paragraph 33.

2 So that is your proposed construction,
3 keeping with the plain and ordinary meaning of
4 the term, however; correct?

5 MR. EVERTON: Objection. Form.

6 THE WITNESS: So it's also consistent
7 with the specification with the '735 patent.

8 BY MS. HOEKEL:

9 Q. And how is it consistent with the
10 specification?

11 A. So the specification doesn't define
12 "sensor communication port" or attempt to
13 redefine it in a way that would be inconsistent.

14 Q. Did you look at the file history?

15 A. I just want to check if that's listed
16 in my materials cited.

17 Yes, I did.

18 Q. Was there anything -- sorry. Go ahead.

19 A. Yes, it's in the list of materials
20 considered.

21 Q. And was there anything in the file
22 history that influenced your construction of

1 "sensor communication port"?

2 A. No.

3 Q. And "sensor communication port" is the
4 only term for which you offer a construction;
5 correct?

6 A. Checking on that.

7 Yes, that's correct.

8 MS. HOEKEL: If we can pull up
9 Exhibit 1001 in the '735, which is the US Patent
10 9,788,735.

11 Q. And this is the '735 patent; correct?

12 A. Correct.

13 Q. And do you see that this patent was
14 filed on April 27, 2017?

15 A. I see that.

16 Q. Okay. And then it goes to -- if you
17 look at where it says "Related US Application
18 Data," it says that this is a continuation
19 application of a continuation application.

20 Do you see that?

21 A. Yes.

22 Q. And then we have to go to page -- oh,

1 it's just the second page, which shows a very
2 long continuity chain at the top.

3 Do you see that?

4 A. The related US application data?

5 Q. Yes.

6 A. Yes, I see that.

7 Q. Okay. And then eventually this patent
8 claimed priority back to a provisional
9 application filed on March 25, 2002.

10 Do you see that on line -- it's marked
11 as Item No. 60.

12 A. Yes, I see that.

13 Q. Okay. So with respect to -- do you
14 have an opinion as to the priority date of the
15 '735 patent?

16 A. So in my declaration -- and let me just
17 pull that.

18 Q. I can direct you to a sentence that
19 might help you, although I don't know that the
20 answer --

21 A. Yeah. Yeah, that would be -- oh,
22 actually -- oh, okay. I see.

1 So, yeah, it's -- the priority date in
2 my declaration that I used is March 25, 2002.

3 Q. Okay. And where were you reading?

4 A. It's in paragraph 22 of Exhibit 2010 --
5 '735, Ex. 2010.

6 Q. All right. So you and I are in
7 agreement that the priority date of the
8 '735 patent is March 25, 2002; correct?

9 A. Correct.

10 Q. Were ports known in 2002?

11 MR. EVERTON: Objection. Form.

12 THE WITNESS: Let me just search.

13 Can you just clarify that, please.

14 BY MS. HOEKEL:

15 Q. So my question was whether or not ports
16 were known in 2002.

17 MR. EVERTON: Objection. Form.

18 THE WITNESS: What types of ports?

19 BY MS. HOEKEL:

20 Q. Any kind of port within the context of
21 this technology.

22 A. Oh, okay.

1 Q. Not a seaport.

2 A. Yeah, okay.

3 Yes, within the context of the '735
4 technology, those types of ports were known in
5 2002.

6 Q. Okay. The '735 patent didn't invent a
7 new mechanical port, did it?

8 MR. EVERTON: Objection. Form.

9 THE WITNESS: So the claims in the
10 '735 patent discuss particular uses of -- and
11 configurations of sensor ports.

12 BY MS. HOEKEL:

13 Q. Right. But not a new mechanical design
14 for a port?

15 A. No, not a new type of mechanical
16 design.

17 Q. Okay. And in your declaration you talk
18 about -- in this section on claim construction,
19 you talk about some kinds of ports that were
20 known in 2002; correct?

21 A. Correct.

22 Q. And then you cite some dictionary

1 definitions of the word "port"; correct?

2 A. Correct.

3 Q. Your proposed construction, again, is
4 plain and ordinary meaning, which you further
5 interpret as "a connector that mates with a
6 compatible connector from a sensor."

7 A. Can you tell me what paragraph you're
8 reading from, please.

9 Q. Sure. I'm in your declaration --
10 sorry -- Exhibit 2010 at paragraph 33 again.

11 A. Okay. Thank you.

12 Q. And you said earlier that the
13 construction was consistent with the
14 specification, and that's in paragraph 35 at
15 page 15 of your report.

16 A. That's correct.

17 Q. You say, "For example, the
18 specification refers to Figure 3 and explains
19 that 'the monitor module 500 is advantageously
20 plug-compatible with a conventional monitor 360.
21 In particular, the monitor's sensor port 362
22 connects to the monitor module 500 in a similar

1 manner as to a patient cable, such as a pulse
2 oximetry patient cable 140 (Fig. 1).'"

3 Do you see that?

4 A. Yes, I do.

5 Q. If we look at -- let me ask you a
6 different question.

7 The patient cable as shown in the
8 '735 patent is removable, correct, from the
9 monitor?

10 MR. EVERTON: Objection. Form.

11 THE WITNESS: Can you tell me which --
12 what you're referring to in the '735 patent,
13 please.

14 BY MS. HOEKEL:

15 Q. Sure. Let's look at the '735 patent.
16 Let's look at Figure 1 -- no, let's not look at
17 Figure 1. Let's look at Figure 4A.

18 Actually, I'm sorry. Let's look at
19 Figure 3. Let's look at Figure 3 just because
20 that's the one that's referred to in the section
21 you're quoting in the declaration.

22 A. Uh-huh. Okay. I'm there.

1 Q. In Figure 3 we see a pulse oximetry
2 sensor on the finger of the hand; correct?

3 A. Correct.

4 Q. And then the item marked 400 is the
5 monitor module; correct?

6 A. I think I've lost -- you're referring
7 to Figure 3?

8 Q. Yeah.

9 A. And -- oh, okay. I'm sorry. I see it.
10 400.

11 Q. What is No. 400 referring to?
12 It's the sensor module?

13 A. That's correct.

14 Q. And then the patient cable is not
15 marked in Figure 3; correct?

16 A. You're referring to the pulse oximetry
17 patient cable as shown in Figure 1?

18 Q. Yeah, in Figure 3 I'm saying the wire
19 that's running from the sensor module to the
20 pulse oximeter, that's the patient cable;
21 correct?

22 A. Let me just check on that.

1 So that is not the patient cable. It's
2 the auxiliary cable.

3 Q. Okay. Is the patient cable -- the
4 patient cable is in Figure -- sorry. I'm
5 getting my figures mixed up again.

6 Never mind. We can ignore that
7 question for the moment.

8 If we look at just the hand of
9 Figure 3 -- so if we're just looking at the
10 pulse oximetry and the sensor module.

11 A. Okay.

12 Q. Do you see that on the screen?

13 A. Yes.

14 Q. Okay. In this embodiment, the pulse
15 oximeter is attached -- well, what is 318?

16 A. 318 is the sensor connector.

17 Q. Is it the sensor connector port?

18 A. It's just the sensor sector.

19 Q. Why is 318 not a port?

20 MR. EVERTON: Objection. Form.

21 THE WITNESS: So in the context of the
22 specifications of the '735 and the claims, it's

1 not on a module or a housing. It's on the end
2 of a cable.

3 BY MS. HOEKEL:

4 Q. Doesn't it mate with a compatible
5 connector?

6 A. It does. But there's more requirements
7 for it to be a sensor port.

8 Q. What additional requirements are
9 required for it to be a sensor port?

10 A. So in my declaration and looking at
11 paragraph 35, and so this is -- maybe we should
12 also look at the figure.

13 Q. Figure 3 is the figure referred to
14 in --

15 A. Yeah, so --

16 Q. Both of them are up.

17 A. So the sensor port in Figure 3 is 362,
18 and that's part of a module.

19 Q. Okay. So 362 is the sensor port, in
20 your opinion?

21 A. It's what it's called in the
22 '735 patent.

1 Q. Okay. Did you have further --

2 A. Yeah. In paragraph 36 -- so if we look
3 at Figures 5A through C, again there's a monitor
4 module 500. You know, again it's the -- 362 is
5 the sensor port.

6 Q. So if we can pull up Figures 5A --
7 Figure 5A from the patent.

8 362 is labeled "sensor port"; correct?

9 A. Correct.

10 Q. And what is 514 labeled?

11 A. It's an integrated monitor connector.

12 Q. Is 514 also a port?

13 A. 514 is not the port. 362 is the port.

14 Q. So 362 is the sensor port.

15 My question is, is 514 a port?

16 A. I just want to look up something in my
17 declaration.

18 Q. Okay. Just let me know what you're
19 looking at when you get there.

20 A. Oh, okay.

21 So I'm looking at paragraph 33 in my
22 declaration, and -- so a sensor communication

1 port is a connector that mates with a compatible
2 connector from a sensor. So 514 would be the
3 compatible connector.

4 Q. So 514 is also, then, a port, correct,
5 because it mates with a compatible connector?

6 MR. EVERTON: Objection. Form.

7 THE WITNESS: Can you repeat the
8 question again, please.

9 BY MS. HOEKEL:

10 Q. 514 is also a port because it mates
11 with a compatible connector; correct?

12 MR. EVERTON: Same objection.

13 THE WITNESS: So in the definition on
14 the -- so when there's connectors mating,
15 there's two sides, and it's only one side that
16 is a port, and that is 362 in Figure 5A and not
17 514.

18 BY MS. HOEKEL:

19 Q. So in the plain and ordinary meaning,
20 the port only has one side?

21 A. That's correct. It's just the
22 connector that mates with a compatible

1 connector, and that's only one side.

2 Q. So how do you know which side is the
3 port and which side is the compatible connector?

4 A. So it's consistent with how it's
5 specified in the patent -- '735 patent.

6 Q. Okay. But you also said that the
7 '735 patent doesn't define "port" in any sort of
8 special way such that we can give it the plain
9 and ordinary meaning; correct?

10 A. So I said the construction is the plain
11 and ordinary meaning, and it's also consistent
12 with the specification of the '735 patent.
13 That's paragraph 35 of my declaration.

14 Q. Okay. So my question was how do you
15 know which side is the port and which side is
16 the compatible connector?

17 MR. EVERTON: Objection. Form.

18 THE WITNESS: So if it's coming from
19 the sensor, that is not the port. It's the
20 other side, based on paragraph 33, the plain and
21 ordinary meaning.

22

1 BY MS. HOEKEL:

2 Q. Okay. So let me look at -- let's look
3 at Exhibit 4A for a second -- I'm sorry --
4 Figure 4A of Exhibit 1001.

5 A. Okay.

6 Q. So are there any ports on Exhibit 4A
7 [sic]?

8 A. Okay. So in paragraph 39 of my
9 declaration and page 18, so in Figure 4A, 414 is
10 a module connector, and a PHOSITA would
11 understand that that's a sensor communication
12 port that has a removable connection, and it
13 excludes a sensor that is directly wired to
14 housing.

15 Q. Okay. So in Figure 4A, the 414 module
16 connector, that's a sensor communication port;
17 correct?

18 A. Yes.

19 Q. Does it have to be removable to be a
20 port -- a sensor communication port?

21 A. Yeah, my declaration, again, in this
22 paragraph 39, that's a -- a PHOSITA would

1 understand it has to be removable.

2 Q. Okay. So your construction in
3 paragraph 33 was a connector that mates with a
4 compatible connector from a sensor, but it also
5 has to be removable; is that your opinion?

6 A. That's -- per my declaration, a PHOSITA
7 would understand that it's required to be
8 removable.

9 Q. In order to qualify as a sensor
10 communication port?

11 A. That's correct.

12 Q. 318 -- do you see 318 in Figure 4A?

13 A. Yes.

14 Q. And that's called a sensor connector,
15 correct, in the '735 patent?

16 A. Yeah, let me just search for that.

17 So in -- yeah, 318 is referred to as a
18 sensor connector.

19 Q. Okay. And that sensor connector
20 connects to the pulse oximeter of 310; correct?

21 A. Correct.

22 Q. And it's receiving information from the

1 sensor; correct?

2 A. Correct.

3 Q. So that is also a sensor communication
4 port; correct?

5 A. So in the specifications of the
6 '735 patent -- I'm looking at paragraph 35 of my
7 declaration. And so the -- and that's described
8 as the monitor sensor port and it's on a module,
9 and the connector 318 is not part of any module.

10 Q. Okay. So my question was a little
11 different.

12 My question is with respect to 318 --
13 which is called a sensor connector in the
14 patent; correct?

15 A. Correct.

16 Q. And the sensor connects to the pulse
17 oximeter 310; correct?

18 A. Correct.

19 Q. So under your definition of a sensor
20 module -- I'm sorry.

21 Under your definition of a sensor
22 communication port, which is a connector that

1 mates with a compatible connector from a sensor,
2 isn't 318 a sensor communication port?

3 MR. EVERTON: Objection. Form.

4 THE WITNESS: No. The -- so no,
5 because the -- looking at the specifications,
6 the sensor port is part of a module, and the --
7 and in Figure 4A connector 318 is not part of a
8 module.

9 BY MS. HOEKEL:

10 Q. Right. But your definition of sensor
11 communication port doesn't include a module;
12 correct?

13 A. But it's consistent also with the
14 specification.

15 Q. So your definition of "sensor
16 communication port" was "a connector that mates
17 with a compatible connector from a sensor" and
18 doesn't include anything about a module;
19 correct?

20 A. In paragraph 35, that's the plain and
21 ordinary meaning, and then in -- paragraph 33 is
22 the plain and ordinary meaning. 35 is that, you

1 know, best to maintain consistency would be --
2 or it does maintain consistency with the
3 specifications in the patent.

4 Q. Well, paragraph 35 says that it's
5 consistent with the specification because the
6 specification does not define the term or
7 attempt to redefine it in a way that's
8 inconsistent with the construction.

9 Again, the construction doesn't include
10 the word "module"; correct?

11 MR. EVERTON: Objection. Form.

12 THE WITNESS: So there's, again, the
13 plain and ordinary meaning and then consistency
14 with the specification.

15 BY MS. HOEKEL:

16 Q. But in paragraph 35 you just give an
17 example of the monitor sensor port; correct?

18 MR. EVERTON: Objection. Form.

19 THE WITNESS: Okay. So I'm looking at
20 paragraph 38 of my declaration, and there's some
21 other dictionary definitions that I use to
22 define this term.

1 BY MS. HOEKEL:

2 Q. Okay. How is that relevant to my
3 question?

4 A. Okay. So, for example, in paragraph 38
5 in Webster's New World College 2001 edition, "a
6 circuit, outlet which serves as a connection
7 between a computer and its peripheral."

8 So a PHOSITA would understand that, for
9 example, in Figure 4A, connector 318 is not part
10 of a computer, and the computer in the '735
11 examples would be considered a -- something like
12 the wrist-worn module or the patient module.

13 Q. So how is 318 not connecting the
14 peripheral, which is the sensor, to the -- what
15 you just said was the equivalent of the
16 computer, which is the wrist-worn module?

17 A. How is it not -- I'm sorry. Can you
18 repeat your question, please.

19 Q. Sure. Let me ask it a better way.

20 Isn't 318 connecting the peripheral,
21 which is the sensor, to the equivalent of the
22 computer, which is the wrist module?

1 A. So the last sentence in paragraph 38
2 is -- of the '735 patent -- a monitoring device,
3 which would be the wrist-worn module, would be
4 the equivalent of the computer, and the sensor
5 would be the peripheral.

6 So 318 is part of an auxillary cable to
7 connect the sensor to its sensor port 414.

8 Q. Doesn't 318 serve as a connection
9 between the sensor and the wrist module?

10 A. It serves as a connection, but it's not
11 a port.

12 Q. It satisfies the definition that you
13 just read me from Webster's New World
14 Dictionary, which is something that serves as a
15 connection between a computer and its
16 peripheral; correct?

17 MR. EVERTON: Objection. Form.

18 THE WITNESS: So again the last
19 sentence of paragraph 38 is the monitoring
20 device is the computer, which is the -- contains
21 the port, and the sensor's at the peripheral.

22

1 BY MS. HOEKEL:

2 Q. Right.

3 So my question is 318 satisfies that
4 because it is the connection between the
5 computer and its peripheral; correct?

6 MR. EVERTON: Objection. Form.

7 THE WITNESS: So a little bit further
8 up in paragraph 38, so I discuss "an interface
9 through which data is transferred between a
10 computer and other devices (such as a printer,
11 mouse, keyboard)."

12 So a PHOSITA, for example, with a
13 printer -- so there might be the printer, and
14 then on the computer is the -- call it the
15 printer port, and there can be a cable between
16 the printer and the computer. And if the cable
17 was connected to the computer and just not
18 connected on the other side, that would not be
19 the printer port. The printer port is on the
20 computer.

21 Q. Okay. But my question is the thing
22 that attaches the printer cord to the printer

1 would be a port; correct?

2 A. But the -- the cable coming from the
3 printer port on the computer, you're talking
4 about the other end of that cable?

5 Q. Isn't there a port on both ends of that
6 cable?

7 A. No.

8 Q. There's not a port on both ends of a
9 cable that connects a printer to a computer?

10 A. The printer port is the connector that
11 resides on the computer.

12 Q. Okay. And what is the thing that
13 resides on the printer?

14 A. It's a connector from a peripheral.

15 Q. The printer doesn't have a printer
16 port?

17 A. So the printer port is on the computer.

18 Q. Okay.

19 A. A PHOSITA would understand this.

20 Q. And what is the place on the printer
21 where that cable plugs into called?

22 A. I think I would need to go back and

1 research, you know, what it is exactly called on
2 the printer side.

3 Q. So what is it called in Figure 4A, the
4 equivalent structure?

5 MR. EVERTON: Objection. Form.

6 BY MS. HOEKEL:

7 Q. So if the printer is the peripheral,
8 310 in this example of Figure 4A would be the
9 peripheral; correct?

10 A. Right.

11 Q. Okay. So what is 318 -- or 318 is what
12 connects the peripheral to the computer in this
13 analogy; correct?

14 MR. EVERTON: Objection. Form.

15 THE WITNESS: So 318 connects to an
16 auxiliary cable.

17 BY MS. HOEKEL:

18 Q. And what is the purpose of the
19 auxiliary cable?

20 A. So it's a matter of convenience,
21 because it's, you know, very difficult to have
22 the peripheral right up next to the port on the

1 computer or on the wrist-worn module, whatever
2 the case.

3 MR. EVERTON: Counsel, we've been going
4 for over an hour.

5 MS. HOEKEL: Yeah, let me just finish
6 this last question.

7 Q. So the purpose of the auxiliary cable
8 is to transmit sensor data to the computer;
9 correct?

10 A. That's correct.

11 Q. So it's more than just a convenience.
12 It's used to transmit data; correct?

13 A. Well, if Figure 4A, it would be very
14 difficult to arrange this if 318 plugged
15 directly into where 414 is.

16 Q. So you need the wire to transmit that
17 data?

18 A. So if you're removing the peripheral
19 from the module, you would need a cable in
20 between.

21 MS. HOEKEL: Why don't we take about
22 ten minutes. Go off the record.

1 THE WITNESS: Okay.

2 THE VIDEOGRAPHER: The time is
3 12:17 p.m., and we're off the record.

4 (Recess taken.)

5 THE VIDEOGRAPHER: The time is
6 12:32 p.m., and we're back on the record.

7 BY MS. HOEKEL:

8 Q. Mr. Oslan, did you speak with anyone at
9 the break about your deposition?

10 A. No.

11 Q. And did you look at any materials other
12 than what we've already looked at?

13 A. No.

14 Q. Does your construction of "sensor
15 communication port" encompass something that is
16 a hardwired connection?

17 A. Okay. Let me -- just looking through
18 my declaration.

19 So in paragraph 39 of my declaration, I
20 have that a PHOSITA -- which is the last
21 sentence, "PHOSITA would understand that a
22 'sensor communication port' requires some

1 removable connection and excludes a sensor that
2 is directly wired to a housing."

3 Q. Okay. So, again, your proposed
4 construction of the plain and ordinary meaning
5 of "sensor communication port" was "a connector
6 that mates with a compatible connector from a
7 sensor"; correct?

8 A. That was the, yes, ordinary -- plain
9 and ordinary meaning, yes.

10 Q. Okay. Does that definition encompass a
11 hardwired connection?

12 A. So from that, a PHOSITA's understanding
13 would be that it has to be a removable
14 connection. There's the term "mate" in there.

15 Q. Okay. How does "mate" impact your
16 construction?

17 MR. EVERTON: Objection. Form.

18 THE WITNESS: I'm not sure what you
19 mean by how does it impact.

20 BY MS. HOEKEL:

21 Q. Well, you said that "A PHOSITA would
22 understand that it has to be removable. The

1 term 'mate' is in there." And I'm curious why
2 you said, "The term 'mate' is in there."

3 What relevance does that have?

4 A. So if it's a connector that has a
5 mating function, a PHOSITA would understand that
6 it has to be unmatable as well, removable, and
7 something that's directly wired, or a hardwired
8 connection, is excluded.

9 Q. So if you look at paragraph 38 of your
10 declaration, you have -- the first definition is
11 Webster's New World College Dictionary defining
12 "port" as "the circuit, outlet, et cetera, which
13 serves as a connection between a computer and
14 its peripheral."

15 Do you see that?

16 A. Yes.

17 Q. So if a computer has a mouse hardwired
18 to the computer, would that qualify as having a
19 port?

20 MR. EVERTON: Objection to form.

21 THE WITNESS: So if the mouse was
22 hardwired into the computer without a connector,

1 that would not be a port.

2 BY MS. HOEKEL:

3 Q. What do you mean "without a connector"?

4 A. Could you repeat your question -- your
5 prior question, please.

6 Q. Sure. Sure.

7 So I think I remember in the old days
8 that my mouse was hardwired to the computer. It
9 was not removable from the computer. There was
10 a cord that ran between the mouse and the
11 computer.

12 Is it there a port in that scenario?

13 A. I don't remember that, but -- so no,
14 because there's a sentence in 38 about in the --
15 a little beyond the middle, "Ports typically
16 accept a particular type of plug used for a
17 specific purpose." So a plug is a connector.
18 So there needs to be a connector.

19 Q. Okay. So the particular type of plug
20 discussion, that's not in the definition of
21 "port" from Webster's New World College
22 Dictionary; correct?

1 A. It's not specific in there, but a
2 PHOSITA would understand that there has to be
3 a -- some type of connector.

4 Q. And that the connector has to be
5 removable?

6 A. Yes.

7 Q. And then you also have a definition,
8 "Webster's II New College Dictionary define
9 'port' as 'a connection point for a peripheral
10 device'"; correct?

11 A. Correct.

12 Q. Again, that definition doesn't include
13 removability, does it?

14 A. So a PHOSITA would understand that the
15 connection point -- and as I state in
16 paragraph 39, they'd understand that it's a --
17 requires a removable connection.

18 Q. Sorry. Requires a what? Removable
19 connection?

20 A. Removable connection.

21 Q. In 2002 -- well, let me start over.

22 These definitions that you provided are

1 all about from the time of the priority date of
2 the patent; correct?

3 A. That's correct.

4 Q. And --

5 A. And I might add -- sorry -- they were
6 all before the priority date.

7 Q. Right.

8 And the definition that we just read
9 from Webster's II New College Dictionary that
10 define "port" as "a connection point for a
11 peripheral device," again, that doesn't include
12 the removable connection in the definition;
13 correct?

14 MR. EVERTON: Objection. Form.

15 THE WITNESS: So it's not explicitly
16 stated as a connection point, which a PHOSITA
17 would understand would be removable.

18 BY MS. HOEKEL:

19 Q. In this pre-2002 timeframe, was it
20 common for computers to have ports through which
21 peripherals were connected?

22 A. So in paragraph 38 I have some examples

1 of a serial data port, keyboard, high-speed
2 network ports, as examples.

3 Q. And those are examples of peripherals
4 that were used with computers that included
5 ports; correct?

6 A. That's correct.

7 Q. Did you look at the claims of the
8 '735 patent when construing the term "sensor
9 port" or "sensor communication port"?

10 A. So to come up with my definition, I
11 only looked at the specification and not the
12 claims.

13 Q. Okay. You did not consider the claims?

14 A. Correct.

15 MS. HOEKEL: Okay. If we can look at
16 Claim 3 of the '735 patent.

17 Q. Claim 3 reads, "A mobile medical
18 monitoring device of Claim 2 wherein the tail
19 comprises a cable that is configured to be
20 removably attached to the first sensor port."

21 Do you see that?

22 A. Yes.

1 Q. Okay. So Claim 3 requires that the
2 cable is removably attached from the port;
3 correct?

4 A. Correct.

5 Q. So are you familiar with the doctrine
6 of claim differentiation?

7 A. I don't think so.

8 Q. Okay. Did you consider the doctrine of
9 claim differentiation in coming up with your
10 construction of "sensor communication port"?

11 A. Let me just double-check that.

12 I did not consider that.

13 Q. Okay. Let's go on to paragraph --
14 let's see -- 48 of your -- well, let's look at
15 paragraph 44 on page 23 of your declaration just
16 so we have some context.

17 A. Okay.

18 Q. In this section of your declaration,
19 you are talking about pulse oximetry generally;
20 correct?

21 A. Correct.

22 Q. Okay. And one of your criticisms of

1 Dr. Yanulis's declaration has to do with pulse
2 oximetry cuff transducer; correct?

3 A. I'm looking for that section.

4 Q. Sure. It's in paragraph 45.

5 A. Yeah, okay. Yes.

6 Q. Do you know what a pulse oximetry cuff
7 transducer is?

8 A. So in paragraph 44 I describe what a
9 pulse oximeter is. For example, paragraph 44,
10 about three lines from the bottom of the page
11 "Pulse oximetry is defined as being 'performed
12 noninvasively, usually on the finger or earlobe.
13 Small increase in absorption of light during
14 systolic pulse is used to calculate oxygen
15 saturation.'"

16 Q. So do you know what a cuff transducer
17 is in a pulse oximetry system?

18 Let me ask a different question: Have
19 you ever seen one?

20 A. So my understanding is the cuff aspect
21 of it is -- so, for example, in Figure 4B of the
22 '735 patent, that wraps around the finger in a

1 cuff-like arrangement.

2 MS. HOEKEL: I'm going to introduce an
3 exhibit that has not been marked before. And
4 it's US Patent 4,883,055, and I you guess just
5 for purposes of today we'll call it Oslan 1.

6 (Whereupon, Oslan Exhibit 1
7 was marked for identification.)

8 BY MS. HOEKEL:

9 Q. And this is a patent to Edwin Merrick.
10 It was issued in November 28 of 1989.

11 A. So will this be in Box?

12 Q. No. This is a new exhibit, so it will
13 be just on your screen -- yes. It will be in
14 the Box app, yes. Sorry.

15 MR. EVERTON: And Patent Owner objects
16 to the introduction of this new exhibit as
17 introducing new evidence that was not part of
18 the record, a part of this -- any of these IPR
19 proceedings.

20 BY MS. HOEKEL:

21 Q. If you just look at the abstract of
22 this patent, and it reads, "An artificially

1 induced blood pulse used for measuring oxygen
2 saturation in arterial blood is produced by a
3 cuff wrapped around a body member having an
4 artery upstream from a testing site when a
5 squeezing pulse is applied by the cuff to the
6 body member."

7 Do you see that?

8 A. Yes, I do.

9 Q. Okay. And then do you see there's a
10 figure below it on that first page?

11 And then if we can go to the second
12 page, which shows Figures 1 and 2.

13 Do you see that Figure 1 looks like a
14 cuff around a fingertip, and Figure 2 looks like
15 that cuff has been expanded?

16 A. So since this is first time I've seen
17 this --

18 Q. Sure.

19 A. -- it's -- I really can't, you know,
20 without spending some time really digging in,
21 going through these -- this whole patent, know
22 exactly what is going on here and doing further

1 analysis and research.

2 So I don't feel comfortable making an
3 opinion on this on the spot.

4 MS. HOEKEL: Let's go to page 5 of the
5 PDF.

6 Q. And I'll just point out that it's
7 talking about typical pulse oximeters. This is
8 at Column 1, line 12: "A typical pulse oximeter
9 transmits light through a given area on a
10 finger, a lobe of the ear or other
11 blood-containing body member."

12 Do you see that?

13 A. Yes.

14 Q. And that's discussing sort of the
15 typical pulse oximeter that you were also
16 describing in your declaration; correct?

17 MR. EVERTON: Objection. Form. And
18 also renew my objection as an attempt to
19 introduce new evidence into the IPRs.

20 BY MS. HOEKEL:

21 Q. You can answer the question, Mr. Oslan.

22 Do you remember the question?

1 A. Yeah, so I can agree with a -- let me
2 just check quickly the year this patent is.

3 So the part, "A typical pulse oximeter
4 transmits light through a given area of a
5 finger, a lobe of the ear," I can agree with
6 that statement, and I'd have to -- I'd want to
7 do some more research about "other
8 blood-containing body member." I'm not clear on
9 that.

10 Q. Sure.

11 That could be, like, a toe; right? I
12 mean, they use toes in babies?

13 A. I'm familiar with toes. I'm not sure
14 if that's -- it just -- that term just seems
15 broad to me, "other blood-containing body
16 member," but I'd need to do more review and
17 analysis of that.

18 Q. If we go to the first paragraph under
19 "Summary of the Invention," which starts in this
20 same column, around line 40.

21 And it says, "A general feature of the
22 invention is that an artificially induced blood

1 pulse is utilized by a pulse oximeter for
2 determining oxygen saturation in the blood. The
3 artificial pulse is generated by wrapping a cuff
4 around a body member containing an artery which
5 supplies oxyhemoglobin to a capillary bed and
6 applying a squeezing pulse to the body member
7 with the cuff to squeeze the artery."

8 Do you see that?

9 A. Yes, I do.

10 Q. Okay. Do you have any opinion as to
11 why you would squeeze an artery in determining
12 pulse ox?

13 MR. EVERTON: Objection to form.

14 THE WITNESS: So, again, this is the
15 first time I'm seeing this, and it would take me
16 time to review this in the whole context of the
17 patent. So I'm not ready to give an opinion at
18 this point.

19 BY MS. HOEKEL:

20 Q. Okay. Squeezing of a digit is more
21 uncomfortable for a patient than not squeezing a
22 digit; would you agree with me?

1 MR. EVERTON: Objection. Form.

2 THE WITNESS: I suppose it depends on
3 how hard the squeezing is.

4 BY MS. HOEKEL:

5 Q. Is any squeezing more uncomfortable
6 than no squeezing?

7 A. Well, you can squeeze until it's
8 painful.

9 Q. Have you been exposed to pulse oximetry
10 systems over the last 20 or 30 years?

11 A. Yes.

12 Q. Have you ever seen such a system that
13 squoze -- if that's a word -- that was required
14 to squeeze a body member containing an artery in
15 order to get a pulse oximetry reading?

16 A. I don't believe so.

17 Q. And this patent's from the -- what did
18 we decide? -- filed in 1988; correct?

19 A. I'm sorry. Was there a question there
20 you wanted me to answer?

21 Q. Yeah. This was filed in 1988,
22 according to the face of the patent; correct?

1 A. That's correct.

2 Q. And if we looked again at Figures 2
3 and 3 -- or 1 and 2, whatever's on the second
4 page of the PDF -- Figures 1 and 2, you see that
5 there's what appears in the figures, at least,
6 to be the cuff that is described as being
7 wrapped around the body member having an artery.

8 Do you see that?

9 MR. EVERTON: Objection. Form.

10 THE WITNESS: So this is the first time
11 I'm seeing this. So one thing I would do is
12 read through this patent in its entirety,
13 understand what 20 is in Figure 1 and 10. So I
14 don't feel comfortable answering these questions
15 without doing that detailed analysis.

16 BY MS. HOEKEL:

17 Q. From Figures 1 and 2, does this look
18 like a more complicated system than a modern
19 pulse oximeter?

20 MR. EVERTON: Objection to form.

21 THE WITNESS: Again, I would not make
22 an opinion on that without understanding the

1 full patent and the context.

2 BY MS. HOEKEL:

3 Q. Let me ask you a different question.

4 As a PHOSITA, if you have two competing
5 devices, one of which is simpler than the other
6 without sacrificing accuracy -- they both have
7 the same accuracy -- would a PHOSITA choose to
8 use a more simple device?

9 MR. EVERTON: Objection to form.

10 THE WITNESS: So a PHOSITA would go
11 through a decision process. You know, it's more
12 than simplicity. They're the same accuracy, I
13 think you mentioned.

14 BY MS. HOEKEL:

15 Q. I did.

16 A. There's cost and size constraints a
17 PHOSITA would consider.

18 Q. Would it consider --

19 A. So --

20 Q. Oh, go ahead.

21 A. Yeah, so I don't have an opinion on
22 that.

1 Q. Would a PHOSITA consider patient
2 comfort in that analysis?

3 A. That might be part of many things to
4 consider by a PHOSITA.

5 Q. Would a PHOSITA consider if -- again
6 assuming the same accuracy rate, would a PHOSITA
7 consider using a device that was simpler and
8 therefore had maybe fewer failure points?

9 A. That would be possibly one of many
10 considerations a PHOSITA would make.

11 MS. HOEKEL: Let's look at the Goldberg
12 patent, which is Exhibit 1005 in the '735 patent
13 IPR.

14 Q. And you're familiar with the Goldberg
15 reference; correct?

16 A. I'm sorry. Was that to me? I thought
17 you said Ben.

18 Q. Oh, sorry.

19 I said you're familiar with the
20 Goldberg reference; correct?

21 A. Yes, I am.

22 Q. We could ask Ben, too, but he probably

1 wouldn't answer me.

2 And you offer opinions about the
3 Goldberg reference in your declaration; correct?

4 A. That's correct.

5 So I just have a question. I think I
6 see it in Box. Is it the Exhibit 1005?

7 Q. It is.

8 A. Okay. Let me open it.

9 Okay. I'm sorry. Can you repeat your
10 question, please.

11 Q. My question was just that you've
12 offered some opinions about the Goldberg
13 reference in your declaration; correct?

14 A. Correct.

15 Q. Okay. And one of your opinions is that
16 "Goldberg does not show or disclose any sensor
17 ports"; correct?

18 A. So let me look for that. Or if you can
19 tell me the --

20 Q. I was looking at paragraph 49.

21 A. Thank you.

22 So I say, yeah, "Goldberg does not show

1 or disclose any sorts" in paragraph 49.

2 Q. And then below paragraph 49 you have
3 included a replication of Figure 2 of Goldberg;
4 correct?

5 A. That's correct.

6 Q. And is this part of your support for
7 your conclusion that you believe that Goldberg
8 does not show or disclose any sensor ports?

9 A. It's part of it.

10 Q. Okay. And what year was Goldberg
11 filed?

12 A. 2001.

13 Q. And so I think we've already discussed
14 this morning that by 2001 sensor ports were well
15 known; correct?

16 A. They were known.

17 Q. And Figure 2 is an illustration from
18 the Goldberg patent; correct?

19 A. Correct.

20 Q. And you understand that patent figures
21 don't have to show all the details of an
22 invention; correct?

1 MR. EVERTON: Objection to form.

2 THE WITNESS: So I'm not sure if I've
3 actually heard that or know that.

4 MS. HOEKEL: Okay. Well, let's look
5 at -- let's go to the Kiani reference, which is
6 Exhibit 1006, one of the Kiani references,
7 Exhibit 1006. And if we can go to Figure 2 of
8 that PCT application.

9 Q. So this is Figure 2 of Kiani.

10 You've seen Kiani before; correct?

11 A. Yes. I'm just waiting for it to come
12 up in box.

13 Q. Okay. And he's got Figure 2 on the
14 screen, if that's helpful as well.

15 A. I usually like to look at the full PDF.

16 Q. Take your time.

17 A. Okay. I'm looking at Figure 2.

18 Q. Okay. Figure 2 is a black diagram of
19 wired -- some wire connections; would you agree?

20 A. Yes.

21 Q. Okay. And it's a hospital's -- you
22 refer to it in your declaration as "a hospital's

1 existing multiparameter patient monitoring
2 system."

3 Do you see that?

4 A. In my declaration?

5 Q. Yeah, in your declaration at
6 paragraph 52, if that helps you.

7 A. Yeah.

8 Q. Okay. And does Kiani's Figure 2 show
9 ports?

10 A. Yes, Kiani does show ports.

11 Q. In Figure 2?

12 A. Oh, I'm sorry. Not in Figure 2.

13 Q. Okay. And if you look at -- let's go
14 back to Figure 2 of Goldberg.

15 A. Okay.

16 Q. And you said you don't see any ports in
17 Figure 2 of Goldberg; correct?

18 A. Let me just double-check.

19 So no sensor ports are shown or
20 disclosed in Goldberg.

21 Q. Okay. How do you assume that
22 Figure 2 -- I'm sorry. Let me start that over.

1 How is the sensor of Goldberg attached
2 to the sensor monitor?

3 A. Can you repeat your question again,
4 please.

5 Q. How is the sensor of Goldberg attached
6 to the monitor?

7 A. So in paragraph 65 of my declaration, I
8 have that a PHOSITA would understand that to be
9 showing a hardwired connection.

10 Q. Why?

11 A. So there's no port that's shown or
12 disclosed, and a PHOSITA would not assume the
13 addition of features that are not shown or even
14 described.

15 Q. Ports were known at the time that
16 Goldberg was filed; correct?

17 A. I'm sorry. What was known at the time?

18 Q. Ports.

19 A. Yes, that's true.

20 Q. Is it possible that Goldberg didn't
21 mention -- I mean -- let me ask it this way:
22 Goldberg doesn't mention a connection -- the

1 method of connection of the port of the
2 sensor -- let me start that all over.

3 Does Goldberg ever mention how the
4 sensor is connected to the sensor monitor?

5 A. Let me just look through the Goldberg
6 patent.

7 So Goldberg doesn't have any details on
8 how it's set up other than -- I'm looking in
9 Goldberg, Column 4, line 22, I think it is, or
10 21.

11 So -- well, it starts at -- "The
12 sensors" 104 convert physiological
13 characteristics of the monitored person into
14 electrical signals that are provided" --
15 emphasis on "provided" -- "to the electronic
16 controller."

17 So he does not get into a discussion of
18 it being with a connector.

19 Q. So isn't it just as likely that it
20 could be a ported connection as a hardwired
21 connection given there's no description either
22 way?

1 A. Well, a PHOSITA would not just assume
2 that -- the way it's drawn, that there would be
3 a connector there. There's advantages and
4 disadvantages between connectors and hardwired
5 connections, connectors or ports.

6 Q. So are you saying that a PHOSITA would
7 assume it's hardwired?

8 A. Well, they would not make -- so they
9 would just not assume that -- the way it's drawn
10 there, that there had be this additional feature
11 that's not shown or described.

12 Q. So you're saying a port is an
13 additional feature?

14 A. Correct.

15 Q. Why is a port an additional feature?

16 A. So having a port can provide some
17 advantages over a hardwired connection, but
18 there's also -- between the two, there's pros
19 and cons to having a port or a hardwired
20 connection.

21 Q. So it's a design choice that is made in
22 the designing of the system?

1 A. That's correct. A PHOSITA would go
2 through this design analysis and make a choice.

3 Q. But you'll agree with me -- go ahead.
4 I'm sorry. Were you --

5 A. Yeah, they would not assume that
6 there's a port there in Goldberg's patent.

7 Q. So why would they assume that there's a
8 hardwire when neither is discussed?

9 MR. EVERTON: Object to form.

10 THE WITNESS: Because there's
11 disadvantages of adding a port to Goldberg.

12 BY MS. HOEKEL:

13 Q. Okay. There's also disadvantages of
14 having hardwired sensor to Goldberg; correct?

15 A. There could be. But, again, a PHOSITA
16 would go through a design analysis, you know, to
17 understand the -- how Goldberg's intended to be
18 used. So a PHOSITA would not just add on or
19 assume there's a port in Goldberg.

20 Q. A PHOSITA would be aware of the option
21 of either hardwiring the sensor or using a port;
22 correct?

1 A. They would be aware of that, but they,
2 again, would go to a design analysis before
3 making a decision on which way to go.

4 Q. Okay. Let's see.

5 You opine in your declaration at
6 paragraph 49 that "Goldberg involves a different
7 type of device primarily meant for basic remote
8 monitoring away from a clinical setting."

9 Do you see that?

10 A. Yes.

11 Q. Okay. And then you cite some
12 provisions of the specification; correct?

13 A. Correct.

14 Q. Is there any reason that the device of
15 Goldberg couldn't be used in a nursing home?

16 A. In paragraph 71 of my declaration, the
17 sentence that starts at the bottom of page 40.
18 It says, "A PHOSITA would understand that
19 Goldberg's device was primarily intended for
20 non-hospital use, such as at-home monitoring by
21 the monitored patient him or herself."

22 Q. No, I understand that that's your

1 opinion as to where it was -- one use that was
2 disclosed for it.

3 My question is could it be used in a
4 nursing home?

5 A. So it could be used. There's nothing
6 to prevent it. But it was -- the primary intent
7 is for at-home monitoring.

8 Q. Where is it that Goldberg states its
9 primary intent.

10 A. So in paragraph 77 of my declaration, I
11 have, "A PHOSITA would understand that
12 Goldberg's device is primarily intended for
13 personal use by members of the general public
14 and not clinicians in a critical care setting
15 such as a hospital."

16 And there's more in that paragraph.

17 Q. Sure.

18 But you go on and say "describes the
19 device as a portable medical monitoring device
20 that is sized to be carried by a monitored
21 person."

22 And that could be someone in a nursing

1 home; correct?

2 MR. EVERTON: Object to form.

3 THE WITNESS: It's a possibility, but,
4 again, it's -- that's not the primary intent.

5 BY MS. HOEKEL:

6 Q. And, again, my question was where does
7 it say what the primary intent is?

8 A. So in Column 2, lines 3 to 7, it
9 starts, "In a network embodiment" -- I won't
10 read the whole thing. But, for example,
11 "authorized client computers of parties such as
12 the monitored person and his or her family
13 members and healthcare professionals."

14 And then in Column 5, lines 54 to 57,
15 how it displays news, sports, entertainment on
16 the device. That's not something you'd find in
17 a clinical setting.

18 And Figure 6A to 6D, how I show
19 messages directed toward the monitored person.
20 Your averages are as follows, your daily
21 averages, and so on.

22 Q. There's certainly nothing -- oh, go

1 ahead. Sorry.

2 A. And then one of the reference articles
3 on the cover page is "Clothed in Health" that
4 discusses home health gauges for day-to-day
5 health monitoring.

6 And so a PHOSITA would understand that
7 Goldberg's device is primarily intended for
8 personal remote use, typically at home rather
9 than critical clinical use by a physician.

10 Q. There's certainly nothing about
11 Goldberg that prevents it from being used in a
12 clinical setting; correct?

13 A. So there's nothing in the patent that
14 says that this should not be used in a nursing
15 home environment, but a PHOSITA would understand
16 that that's not the -- what it was primarily
17 designed for or where it was intended to be
18 used.

19 Q. And there's nothing in the patent from
20 a -- you say there's nothing in the patent that
21 says it shouldn't be used in a nursing home.

22 Similarly, there's nothing about the

1 technology in the patent that would prevent it
2 from being used in a clinical care setting;
3 correct?

4 MR. EVERTON: Objection to form.

5 THE WITNESS: So I actually did not do
6 an analysis to see if this would -- the Goldberg
7 device as described would fit into the
8 environment of a nursing home, in particular the
9 network embodiment.

10 BY MS. HOEKEL:

11 Q. Well, my question was broader. I've
12 asked about clinical care settings generally.

13 A. So, again, it's -- there's nothing to
14 prevent someone from bringing this into a
15 particular environment, but a PHOSITA would
16 understand that a -- you were asking about a
17 critical care setting.

18 Q. Yeah, I just meant any sort of hospital
19 setting.

20 A. Yeah. So a PHOSITA would understand
21 that that's not the intent of this design that
22 Goldberg presents, and, again, there's nothing

1 to prevent somebody from bringing it into a
2 critical care environment. But, again, it's not
3 the primary intent.

4 Q. So in paragraph 80 of your declaration
5 on page 48 you again talk about how it's your
6 opinion that the device -- "Goldberg's device
7 was intended for remote monitoring in a
8 non-hospital setting, where the user would
9 typically be the monitored person and his or her
10 family members rather than a professional
11 clinician."

12 And you go on to say, "In this context,
13 a PHOSITA would find it undesirable to add
14 numerous sensors and sensor ports that would
15 complicate the device."

16 Do you see that?

17 A. Yes, I do.

18 Q. Let's set aside the issue of multiple
19 ports for a moment and just focus on a single
20 port.

21 Isn't it easier in a home setting for
22 the Goldberg system as described in Figure 2 to

1 have the sensor be connected to the sensor
2 module with a port than to be hardwired?

3 Wouldn't there be benefits to that
4 system?

5 MR. EVERTON: Object to the form.

6 THE WITNESS: So looking at
7 paragraph 73 of my declaration and -- so a
8 PHOSITA would make a decision -- let's see.
9 Looking page 42 -- 1, 2, 3, 4, 5 -- about 6
10 lines down, "Other considerations include" --
11 and let me -- I'm sorry. Let me rephrase that.

12 So at paragraph 73 in the second
13 sentence, "Whether a particular sensor would be
14 hardwired or not is a design decision that a
15 PHOSITA designing the medical device would need
16 to consider based on a variety of factors."

17 And I'll highlight, then, if it was
18 intended for repeated use or if it was
19 disposable; if there was patient movement that
20 might cause a connector to disconnect. There's
21 the -- so -- and this would be the person
22 wearing device would have to take steps to

1 connect it -- connect the connector and then
2 disconnect it after.

3 There could be damage to the sensor
4 port resulting in a faulty or loose connection
5 and loss of critical information from a patient.
6 The connection introduces possible points of
7 failure.

8 So -- and then a PHOSITA would
9 understand that a hardwire connection may be
10 more appropriate than a port for a number of
11 reasons, and I can read them or -- if you'd
12 like.

13 Q. No, that's fine.

14 A. Okay.

15 Q. We've been -- oh, are you done? Sorry.

16 A. Yeah.

17 MS. HOEKEL: Okay. We've been going a
18 little over an hour, so why don't we take
19 another ten-minute break.

20 THE WITNESS: Okay.

21 THE VIDEOGRAPHER: The time is
22 1:34 p.m., and we're off the record.

1 (Whereupon, at 1:34 p.m. EDT
2 the deposition of ALAN OSLAN was
3 adjourned for lunch recess.)
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1 (Whereupon, at 2:21 p.m. EDT
2 the deposition of ALAN OSLAN was
3 reconvened.)

4 THE VIDEOGRAPHER: It's 2:21 p.m., and
5 we're back on the record.

6
7 EXAMINATION (CONTINUED)

8 BY MS. HOEKEL:

9 Q. Okay. Mr. Oslan, where we stopped at
10 lunch was paragraph 73, so I'm going to start
11 back up there in your declaration.

12 Did you talk to anybody over lunch
13 about your deposition?

14 A. I did not.

15 Q. Did you review any documents over
16 lunch?

17 A. No.

18 Q. So at the top of page 42 you say, "For
19 example, if a sensor is intended for repeated
20 use, a PHOSITA may decide that a hardwired
21 connection is preferable over the removable
22 connectivity of a port"; correct?

1 A. Correct.

2 Q. If a sensor is intended for repeated
3 use, aren't there also reasons why a port would
4 be preferable over a hardwire?

5 MR. EVERTON: Objection to form.

6 THE WITNESS: So there's a, you know,
7 number of decisions. There are analyses that a
8 PHOSITA would make to decide which type of
9 connection makes the most sense.

10 BY MS. HOEKEL:

11 Q. Right.

12 And my question was, is the inverse
13 true of this statement, which is -- let me ask
14 it more clearly -- is that if a sensor is
15 intended for repeated use and you say a PHOSITA
16 may decide a hardwired connection is preferable
17 over the removable connectivity of a port, isn't
18 the inverse true that sometimes if a sensor is
19 intended for repeated use, a PHOSITA might
20 decide that a port is preferable over a
21 hardwired connection?

22 A. There might be factors that a PHOSITA

1 would make that type of decision, but they would
2 go through a design analysis to ultimately
3 decide which type of connection makes the most
4 sense for a given situation.

5 Q. And one of those examples that you give
6 is that a port connection might be appropriate
7 if a sensor is designed to be disposable;
8 correct?

9 A. Let me just -- are you looking at a
10 particular --

11 Q. It's highlighted on the screen in your
12 paragraph 73.

13 A. Yes, I see that.

14 Yeah, there's times a port connection
15 may be appropriate.

16 Q. And one of those times is if a sensor
17 is designed to be disposable; correct?

18 A. That's correct.

19 Q. And are you aware of disposable pulse
20 oximeter sensors?

21 A. Yes, I have seen them.

22 Q. You say, "The user has to take an extra

1 step during device setup to connect the
2 connector and then disconnect it after use."

3 Do you see that?

4 A. Yes.

5 Q. And that's in a situation where the
6 sensor is attached through a port connection; is
7 that what you're referring to?

8 A. That's correct.

9 Q. Can't a user just leave the sensor
10 connected to the monitor?

11 MR. EVERTON: Objection. Form.

12 THE WITNESS: That's a possibility, and
13 a -- you know, a PHOSITA would study and design
14 the device, the environment of use, and also how
15 a user would interact with it.

16 BY MS. HOEKEL:

17 Q. In fact, if we --

18 A. And --

19 Q. I'm sorry. Go ahead.

20 A. Yeah, and they may, as part of that
21 analysis, decide that it makes sense to have a
22 connector and that the user should disconnect it

1 after use and then reconnect it.

2 Q. But it also may be possible to design
3 it such that the user would not have to
4 disconnect it between uses; correct?

5 A. And it has a connector?

6 Q. Yes.

7 A. That's, you know, one of several
8 possible design alternatives.

9 Q. And, in fact, you could design it such
10 that the user wouldn't have to detach the sensor
11 unless maybe there was something wrong with the
12 sensor; correct?

13 A. Can you -- so are you saying that the
14 user would be instructed to not remove the
15 connector unless it needed to be replaced?

16 Q. Sure. That's one example of a use of a
17 connected system.

18 MR. EVERTON: Objection to form.

19 THE WITNESS: So that's a possibility,
20 but there's other design considerations that a
21 PHOSITA would consider, such as the extra cost
22 of -- and size of adding a connector if it's

1 just for replacing a transducer or a sensor.

2 BY MS. HOEKEL:

3 Q. So if you had a monitoring system such
4 as Goldberg, is it reasonable to infer that the
5 monitoring portion of that system is more
6 expensive than the pulse oximetry sensor?

7 MR. EVERTON: Objection to form.

8 THE WITNESS: So I would need to do
9 more detailed analysis in looking at 104a in
10 Figure 2, plus the cable as well, and -- you
11 know, so a PHOSITA would consider -- or I would
12 need to, you know, do an analysis of what type
13 of cabling it is and how extensive the
14 wrist-worn device is compared to the sensor.

15 BY MS. HOEKEL:

16 Q. Doesn't it look like there's a lot more
17 hardware in the wrist-worn device than there is
18 in the sensor?

19 MR. EVERTON: Objection to form.

20 THE WITNESS: Yeah, it's hard for me
21 to, you know, make a conclusive opinion at this
22 point without doing a more detailed analysis.

1 BY MS. HOEKEL:

2 Q. If the sensor on Goldberg failed but
3 the wrist monitor was still working, wouldn't it
4 be much simpler for a user to replace a sensor
5 that had a ported connection than one that had a
6 hardwired connection?

7 A. So a PHOSITA would do an analysis of --
8 you know, involving reliability of the sensor,
9 how rugged it is in the environment of use. And
10 one possible decision is that if the sensor
11 breaks, then either the whole thing gets sent
12 back to service, or it gets thrown away, and the
13 user gets a new one for free, for example. You
14 know, just looking at the overall cost and doing
15 a cost analysis and, again, the reliability of
16 the breakage.

17 Q. So my question was a little bit
18 different, which is that if the sensor of
19 Goldberg failed and the wrist monitor was still
20 working, isn't it simpler for a user to replace
21 that sensor if it has a port connection rather
22 than a hardwire connection?

1 A. It would allow the user the option to
2 replace the sensor, but that's just one of many
3 different designs that could be made.

4 Q. Users in the 2001-2002 timeframe would
5 understand how a simple port connection works
6 from a user's perspective; correct?

7 MR. EVERTON: Objection. Form.

8 THE WITNESS: So a PHOSITA would
9 consider how familiar these intended users are
10 with making connections and disconnections and
11 also how capable they are: Do they have the
12 dexterity? the vision? You know, a PHOSITA
13 would consider a lot of those things in making
14 their decisions.

15 BY MS. HOEKEL:

16 Q. In 2001, ported connections for
17 audiovisual equipment, for example, existed;
18 correct?

19 A. Correct.

20 Q. I could plug my headphones into my Sony
21 Walkman; correct?

22 A. That's correct.

1 Q. And that would be a ported connection;
2 correct?

3 A. That would be a type of port on the
4 Walkman.

5 Q. And I think in your CV and in your
6 declaration you talk about having experience
7 with making connectors, some containing
8 alignment keys for use with medical devices.

9 Do you recall that?

10 A. Yes.

11 Q. And so in 2002, if it was important to
12 a PHOSITA to have a connection that would be
13 secure, that could be done with known
14 technology; correct?

15 MR. EVERTON: Objection to form.

16 THE WITNESS: So a PHOSITA would also
17 need to consider, you know, the size constraints
18 on this type of connector for a wrist-worn
19 device, and there may or may not have been
20 appropriate existing connectors to use in this
21 situation.

22

1 BY MS. HOEKEL:

2 Q. Do you know if USB connectors existed
3 in 2002?

4 A. I know the regular size -- you know,
5 there's mini ones now, but I know the regular
6 sizes existed.

7 Q. Is that USB-A?

8 A. Something like that.

9 Q. I'm only guessing because that's A, and
10 it seems like that would be first.

11 A. Yeah.

12 Q. Okay. So the regular-size USB existed
13 in 2002; correct?

14 A. Correct.

15 Q. And we talked about the sort of
16 headphone jack kind of example that existed in
17 2002 certainly; correct?

18 A. Correct.

19 Q. And a mechanism by which to secure that
20 connection -- let me start over.

21 And a mechanism to secure a ported
22 connection in 2002 existed; correct?

1 MR. EVERTON: Objection --

2 THE WITNESS: Can you -- I'm not sure
3 what you mean by "a mechanism to secure."

4 BY MS. HOEKEL:

5 Q. Sure.

6 There were mechanisms to secure ported
7 connections in 2002; correct?

8 A. What do you mean by "secure"?

9 Q. Well, I'm picturing, like, the old
10 Ethernet cable or a phone cable that would --
11 the end would click into the port and the little
12 tab would pop up and lock.

13 Those existed in 2002, certainly?

14 A. Yes, they did.

15 Q. So if -- one of the design
16 considerations by a PHOSITA in 2002 about
17 whether or not to use a ported connection in the
18 Goldberg device would include things such as
19 being able to secure that connection; correct?

20 A. If they were considering using a
21 connector, they might also consider it being
22 secured, as you said, you know, along with the

1 other design options.

2 Q. And the hardware to have a secured
3 connection existed in 2002; correct?

4 MR. EVERTON: Objection. Form.

5 THE WITNESS: Well, in general the
6 hardware existed. But also a PHOSITA doing this
7 design -- this is a small device, so trying to
8 fit a connector into this space would, you know,
9 require design analysis, and it could be a
10 decision that it's overall a disadvantage to
11 have a connector there, or they could decide
12 it's better to be hardwired.

13 So, you know, like I've been saying,
14 it's a design analysis that a PHOSITA does, a
15 number of factors to consider, whether it will
16 be a connector or a hardwired connection in this
17 arrangement.

18 BY MS. HOEKEL:

19 Q. In your declaration you talk about, as
20 part of your responsibilities at Microwave
21 Medical Systems, you selected several
22 connectors, with some containing alignment keys

1 for use with medical devices.

2 A. Yeah.

3 Q. What kind of medical devices were
4 those?

5 A. Can you just point me to where in my
6 declaration.

7 Q. Paragraph 15 of your declaration at
8 page 5.

9 A. Okay. So this is a microwave
10 generator. So it's a tabletop type of device
11 similar in size to the monitor modules we looked
12 at, and --

13 Q. The monitor module of the '735, that
14 size? Is that what you mean?

15 A. Yeah. Yeah. Certainly not wrist-worn
16 or body-worn.

17 And -- so, you know, selected
18 connectors, and they had -- there were multiple
19 outputs or -- so on the front there was a --
20 like a foot switch connector, a connector for
21 the ablation device and -- I can't remember.

22 So there were several connectors, and

1 they were overall the same type of connector,
2 but they had a key in there so they could not be
3 plugged into the wrong location.

4 Q. So to the extent that -- to the extent
5 that a system had multiple ports for multiple
6 monitors, in your work at Microwave --

7 A. Medical Systems.

8 Q. -- Medical, you had a system for keying
9 the connectors so that you couldn't plug them
10 into the wrong location; correct?

11 A. Correct.

12 Q. And that was true as of what year?

13 A. So I was there two times, two different
14 projects. This is the '96 to '97 period.

15 Q. But all pre-2002?

16 A. Yes.

17 Q. Back to page 42 of your declaration.

18 A. Okay.

19 Q. You give some examples at the bottom of
20 reasons why a hardwired connection might be more
21 appropriate than a port.

22 Do you see that?

1 A. Yes.

2 Q. You say, "Adding a connector increases
3 cost."

4 Do you have a basis for that statement?

5 A. So, in general, adding a new part, like
6 a connector, adds to the cost, and that's a
7 consideration that a PHOSITA would make.

8 Q. Do you have any opinion as to the
9 extent of the cost increase?

10 A. I couldn't opine on that without
11 getting into all the details.

12 Q. For your Reason No. C you have, "A
13 connector may introduce contact noise due to
14 poor or unstable electrical connections."

15 Do you see that?

16 A. Yes.

17 Q. That would be true of a poorly soldered
18 connection as well; correct?

19 MR. EVERTON: Object to form.

20 THE WITNESS: So a poorly soldered
21 connection is not a design. That's a
22 manufacturing issue, and we're talking about

1 PHOSITA designs here, not manufacturing issues.

2 BY MS. HOEKEL:

3 Q. Well, wouldn't a PHOSITA choose a
4 design with a connector that didn't have a poor
5 and unstable electrical connection?

6 A. So it's a consideration that they would
7 account for in determining how this connection
8 would be designed: if it's hardwired; if it's a
9 connector; if it's a connector, what types of
10 contacts do I need to have so it doesn't present
11 noise issues.

12 Q. Your Reason D is, "A connector takes up
13 more space on a housing, adds bulk and weight,
14 and may reduce the comfort of an arm-worn
15 device."

16 Again, what is the basis for that
17 statement?

18 A. So before we were talking about a USB
19 connector, and so that would -- on the Goldberg
20 Figure 2 for a wrist-worn device, that would --
21 a USB connector, especially the internal
22 portion, which usually don't get to see those,

1 go into the housing pretty deep, and they take
2 up a lot of space.

3 Q. If we look at paragraph 75, of your
4 declaration --

5 A. Okay. I'm looking at it.

6 Q. -- you say, "Dr. Yanulis does not
7 provide any evidence to support his conclusion
8 that a PHOSITA designing a medical monitor would
9 know that the end user would expect an adaptable
10 and configurable patient monitor that allows a
11 clinician to utilize different sets of sensors
12 to monitor the vital signs that the clinician
13 deems most important in caring for a patient and
14 monitoring the patient's health."

15 Do you see that?

16 A. Yes, I do.

17 Q. Doesn't Goldberg itself provide in the
18 summary of the invention on page 12 of the PDF
19 that the invention of Goldberg is to provide a
20 system that is capable of taking physiological
21 signs and parameters from a number of
22 different -- of taking a number of different

1 physiological parameters' measurements?

2 MR. EVERTON: Objection to form.

3 THE WITNESS: So yes, Goldberg
4 discusses having one or more sensors, and they
5 could be, you know, sites at several different
6 physiological signs and parameters.

7 BY MS. HOEKEL:

8 Q. And those physiological parameters that
9 Goldberg discloses that may be measured in the
10 invention are blood pressure, heart rate, body
11 temperature, electrocardiogram, glucose level,
12 substances and/or chemical presence or level,
13 analyzed measurements.

14 Do you see that?

15 A. Yes, I do.

16 Q. So it's more than just pulse ox and --
17 it's more than just pulse ox; correct?

18 MR. EVERTON: Object to form.

19 THE WITNESS: So Goldberg is
20 describing -- could be pulse oximeter or other
21 parameters that he's listed here, blood pressure
22 and so on.

1 BY MS. HOEKEL:

2 Q. And that those are being measured
3 through this portable device; correct?

4 A. Yeah, they're being measured by this
5 device.

6 Q. And if we go to page 13 of the
7 specification of Goldberg, again it starts with
8 the detailed description of the preferred
9 embodiment at line 14.

10 Do you see that?

11 A. I'm sorry. What page or column?

12 Q. I'm on page 13 of Goldberg, Column 4,
13 line 13.

14 A. Oh, okay. Okay. I'm there.

15 Q. Give me one second. Sorry.

16 And, again, Goldberg starts with a
17 description of Figure 1 and talks about the
18 portable medical monitoring device comprising an
19 electronic controller, a display device, and
20 electronic memory, and one or more sensors;
21 correct?

22 A. Correct.

1 Q. And it says various -- in the paragraph
2 it says, "Various sensors 104 are known in the
3 art for converting physiological characteristics
4 of the types disclosed herein into electrical
5 signals and for providing the signals to the
6 controller 102 and the memory 106"; correct?

7 A. Correct.

8 Q. And then it says, "The sensors can be
9 coupled to the controller 102 and/or memory by
10 wire or wirelessly, and such ways of coupling
11 are well known in the art"; correct?

12 A. Correct.

13 Q. And then if we go down to line 50 of
14 the same Column 4, "The sensors are positioned
15 as to sense physiological characteristics of the
16 monitored person, and in the preferred
17 embodiment a sensor can be associated with one
18 or more of the monitored person's blood
19 pressure, pulse, oxyhemoglobin saturation,
20 glucose, body temperature, respiration and
21 electrolyte. As mentioned, these sensors are
22 well known in the art and are commercially

1 available."

2 Do you agree with that sentence that
3 the sensors for those physiological parameters
4 were well known in the art and commercially
5 available as of 2002?

6 MR. EVERTON: Object to form.

7 THE WITNESS: So I'm not sure of the
8 context. So I know that there are sensors to
9 measure blood pressure, pulse, oxyhemoglobin
10 saturation, glucose, body temperature,
11 respiration and electrolyte, but I haven't
12 analyzed whether they were readily available to
13 use with a system like Goldberg's.

14 BY MS. HOEKEL:

15 Q. Do you have any reason to disagree with
16 Goldberg's conclusion that the sensors are well
17 known in the art and commercially available?

18 A. So the example electrolyte, I know
19 there's clinical devices in a hospital lab that
20 can measure electrolytes from a blood sample,
21 but I have not researched this enough to know if
22 there were body-worn or, you know -- yeah,

1 body-worn of the type that would interface with
2 Goldberg's device. So I can't make an opinion
3 on that.

4 Q. Okay. Mr. Goldberg at least discloses
5 at the bottom of Column 4, line 67, continuing
6 on to the top of Column 5, "In another
7 embodiment, a noninvasive sensor is used to
8 measure electrolyte levels by emitting an
9 electric current to sense sodium and/or
10 potassium ions."

11 Do you see that?

12 A. Yes.

13 Q. So do you have any reason to disagree
14 with Mr. Goldberg that at this time there was a
15 noninvasive sensor that could be used to measure
16 electrolyte levels?

17 MR. EVERTON: Object to form.

18 THE WITNESS: So I haven't researched
19 this enough to make an opinion.

20 BY MS. HOEKEL:

21 Q. And my question is a little bit
22 different, which is that do you have any basis

1 for disagreeing with Mr. Goldberg's statement
2 here that a noninvasive sensor could be used to
3 measure electrolyte levels?

4 MR. EVERTON: Object to form.

5 THE WITNESS: So I have not done any
6 research or analysis in this to make an opinion
7 if I agree or disagree with what Mr. Goldberg
8 has here.

9 BY MS. HOEKEL:

10 Q. The Goldberg disclosure goes on to say,
11 "It is contemplated that the medical monitoring
12 device may contain one, all, or any combination
13 of the above-mentioned sensor types as well as
14 other sensors."

15 Do you see that?

16 A. Yes.

17 Q. "It should be further appreciated that
18 present invention may be comprised of any type
19 of physiological sensor 104 suitable" -- and
20 that probably should say "for use with a
21 portable monitoring device."

22 Do you see that?

1 A. Yes, I do.

2 MR. EVERTON: Object to form.

3 BY MS. HOEKEL:

4 Q. So Goldberg discloses that --

5 THE WITNESS: I'm sorry. Did

6 Mr. Everton say something?

7 MR. EVERTON: Yeah, I just said,

8 "Object to form."

9 THE WITNESS: Thank you.

10 BY MS. HOEKEL:

11 Q. So Mr. Goldberg discloses a portable
12 device that -- let me start that over.

13 The Goldberg reference discloses a
14 portable medical monitoring device that may
15 contain one, all, or any combination of the
16 above-mentioned sensor types.

17 Do you see that?

18 A. Yes, I see that.

19 Q. In your declaration you say -- this is
20 at paragraph 75 on page 44. You say, "In my
21 opinion, a PHOSITA as of 2002 would not have
22 expected the same level of adaptability or

1 reconfigurability in a wrist-worn monitoring
2 device that a full-sized monitor would have."

3 Do you see that?

4 A. Yeah, I see it on the screen. I'm just
5 trying -- can you just tell me which paragraph
6 it's in please.

7 Q. It's in paragraph 75, which goes over
8 pages 43 and 44.

9 A. Yeah.

10 Q. So if you can take a look at that
11 paragraph.

12 A. Okay. I've read it.

13 Q. And so you see the sentence that is
14 highlighted on the screen that I just read?

15 A. Yes.

16 Q. What did you mean by "adaptability"?

17 A. So if you consider a full-sized
18 monitor -- and there's -- the '735 patent has an
19 example.

20 So if you look at Figure 5C in the
21 '735 patent, so that's the full-sized monitor.

22 Q. Sorry. Which figure?

1 A. 5C. Yeah, right there.

2 Q. I see it.

3 A. Yeah. So the top half is the display
4 or the monitor, and on the bottom is -- there's
5 slots, and you can plug in a -- let's call it a
6 module to do temperature measurement and a
7 module to do invasive blood pressure and another
8 one for respiration.

9 And so you can, you know, unplug one
10 type of module and plug another one in, for
11 example, glucose. So that's -- so you have this
12 space, and now you can adapt it or reconfigure
13 it for a particular patient or unit's needs. So
14 that's the adaptability or reconfigurability.

15 Q. Goldberg discloses the ability to use
16 the portable medical monitoring device with
17 seven different physiological parameter
18 measurements; correct?

19 A. Can you repeat the question, please.

20 Q. Goldberg discloses the ability --
21 Goldberg discloses a portable medical monitoring
22 device with the ability to measure seven

1 different physiological parameters; correct?

2 A. So he says that these -- yeah, that his
3 medical monitoring device may contain one, all,
4 or any combination of those sensor types, as
5 well as other sensors.

6 Q. And he has at least seven sensor types
7 mentioned on the page before; correct?

8 Blood pressure. Pulse.
9 Oxygen-hemoglobin saturation. Glucose. Body
10 temperature. Respiration. Electrolyte.

11 Seven; correct?

12 A. Yes, I see that.

13 Q. I had a question about paragraph 74 of
14 your declaration, which talks about signal
15 noise.

16 A. Okay.

17 Q. And you talk about "a PHOSITA would
18 understand that the connector pair required for
19 a port can cause open or poor electrical
20 connections resulting in lost or inaccurate
21 data."

22 Do you see that?

1 A. Yes.

2 MS. HOEKEL: If we can look at the
3 Kiani patent, which I believe is Exhibit 1006.

4 Q. Didn't Kiani as of 1999 solve the
5 supposed contact noise problem?

6 MR. EVERTON: Object to form.

7 THE WITNESS: So for Kiani, for
8 example, there is a PHOSITA making a -- many
9 decisions. So if we focus on the sensor
10 connector which, I believe, is 550.

11 So they would go through their design
12 analysis and look at the requirements, where
13 this is being used, what types of signals are
14 coming in, and they would decide if it's best to
15 use hardwired, wired -- I'm sorry -- hardwired
16 or a connector. And if they were thinking about
17 using a connector, then they would look at noise
18 issues and electrical contact issues.

19 So it's a PHOSITA design decision
20 that's being made.

21 BY MS. HOEKEL:

22 Q. And Kiani is --

1 A. And --

2 Q. Oh, sorry. Go ahead.

3 A. And so it's possible to design it with
4 a connector and address the noise issues.
5 That's one possible decision that a PHOSITA
6 could make.

7 MS. HOEKEL: So Kiani -- if we can look
8 at Figure 5 of Kiani, which is on page 10 --
9 sorry -- page 30 of the exhibit.

10 Q. You were referring to 550 is the sensor
11 port?

12 A. Correct.

13 Q. Okay. And you know that 550 is the
14 sensor port why?

15 A. Okay. So I made a mistake in referring
16 to that as a sensor port. It's referred to by
17 Kiani as a single sensor input.

18 Q. Where are you looking at?

19 A. So I'm looking at paragraph 70 in my
20 declaration, and it refers to -- is it the same
21 one?

22 In Exhibit 1006, it's Column 8,

1 lines 31 to 33.

2 Q. So it's page 8. It's a PCT --

3 A. Yeah.

4 Q. Okay. So in your paragraph 70 you say
5 Kiani describes a single sensor input 550, and
6 then you cite to Exhibit 1006 at page 8,
7 lines 31 to 33; correct?

8 A. Correct.

9 Q. So page 8 of Kiani, lines 31 to 33,
10 says, in relevant part, "The handheld UPO 500
11 has keypad inputs 510, an LCD display 520, an
12 external power supply input 530, an output port
13 540 for connection to an external pulse oximeter
14 and a sensor input 550 at the top edge (not
15 visible)."

16 Did I read that correctly?

17 A. Yes.

18 Q. So in your report you refer to 550 as a
19 single sensor input. Kiani refers to it as a
20 sensor input; correct?

21 A. Correct.

22 Q. And my question was how do you know

1 that 550 is the sensor port?

2 MR. EVERTON: Object to form.

3 THE WITNESS: So it's a sensor input.

4 BY MS. HOEKEL:

5 Q. Okay. Well, you go on in paragraph 70
6 at the end of it to say, "The single sensor port
7 550 in Kiani is shown below."

8 So that's why I'm asking you why it is
9 that you believe Kiani's 550 is a single sensor
10 port?

11 A. Can we put up Dr. Yanulis's declaration
12 for the '735, please.

13 MS. HOEKEL: It would be Exhibit 1003
14 in the '735.

15 Q. I mean we can do that; that's fine.

16 You do understand my question is why is
17 it your conclusion that the 550 is shown as a
18 sensor port?

19 A. Yeah. I want to look at Dr. Yanulis's
20 declaration.

21 So I believe that came from
22 Dr. Yanulis's referring to that as a port.

1 So in Exhibit 1003 at paragraph 41.

2 And it says -- the second sentence, "Kiani
3 explicitly teaches what Goldberg and Akai
4 assumed to be understood by those skilled in the
5 art, such as (1) that wired pulse oximetry
6 sensors typically include ports for ease of
7 connection and disconnection."

8 Q. If you look at -- if I can bring your
9 attention to the Kiani reference itself at
10 page 4 of the PCT, which is page 6 of the
11 document.

12 And if you look at lines -- let's go to
13 the third paragraph that starts, "A further
14 inspect of the present invention..."

15 It says, "A further aspect of the
16 present invention is a measurement apparatus
17 configured to function in both a first spacial
18 orientation and a second spacial orientation.
19 The apparatus comprises a sensor port configured
20 to receive a signal responsive to a
21 physiological state."

22 Do you see that?

1 A. Yes.

2 Q. And I think there are a couple
3 references in here to "sensor port."

4 But, in any event, it is your opinion
5 that there is a single sensor port shown in
6 Kiani, and that is marked as 550; correct?

7 A. Correct.

8 Q. Okay. And it's not shown in the
9 figure; correct?

10 A. Correct.

11 Q. What is shown on the figure, however,
12 is 530.

13 Do you see that at the bottom of
14 Figure 5?

15 A. Yes.

16 Q. Okay. And 530 is described in your
17 declaration as an external power supply input.

18 Do you see that?

19 A. Yes.

20 Q. Is 530 a port under your definition of
21 "port"?

22 MR. EVERTON: Object to form.

1 THE WITNESS: It's a type of port, but
2 it's not a sensor port.

3 BY MS. HOEKEL:

4 Q. And that's because it is a connector
5 that mates with a compatible connector but not
6 from a sensor?

7 Is that why it's a port but not a
8 sensor port?

9 A. So it's described as an external power
10 supply input, so that's not a sensor port.

11 Q. Right. But I think you also said it
12 was a port, just not a sensor port; correct?

13 A. So in my declaration I just describe it
14 as an external power supply input and that it's
15 not sensor-related.

16 And looking at the diagram, it appears
17 it could be a port, but I'd probably take a look
18 at this deeper to really decide if it would be
19 considered a port.

20 Q. Let me ask a different question.

21 Your construction of "sensor
22 communication port" is "a connector that mates

1 with a compatible connector from a sensor";

2 correct?

3 A. Right.

4 Q. And so Kiani 550 is a sensor

5 communication port or a sensor port; correct?

6 A. Correct.

7 Q. And that is because it is a connector

8 that mates with a compatible connector from a

9 sensor; correct?

10 A. Correct.

11 Q. Okay. Now, 540 is described in Kiani

12 as an oximeter output.

13 Do you agree with that?

14 A. Yes.

15 Q. And so 540 would also be -- well, and

16 540 looks like a connector; correct?

17 MR. EVERTON: Object to form.

18 THE WITNESS: Yeah, so Kiani does refer

19 to 540 as an output port. So that would be a

20 port.

21 BY MS. HOEKEL:

22 Q. And it's an output port to the

1 oximeter; correct?

2 A. Correct.

3 Q. And an oximeter is --

4 A. To -- I'm sorry. To an external pulse
5 oximeter.

6 Q. And an external pulse oximeter is a
7 sensor; correct?

8 A. So 540 is an output port.

9 Q. My question was an external pulse
10 oximeter is a sensor; correct?

11 A. So the external pulse oximeter that
12 Kiani is referring to is not a sensor.

13 Q. The pulse oximeter in Kiani is not a
14 sensor?

15 A. Correct.

16 Q. What is it?

17 A. It's the device that takes the pulse
18 oximeter sensor in and derives the value of
19 pulse oximetry.

20 So if you look at Figure 3 of Kiani, so
21 110 is the sensor that's going to be worn on the
22 finger. [Witness speaking under his breath.]

1 And then between the two vertical
2 dashed lines, 210 is the universal/upgrading
3 pulse oximeter. And then that -- the waveform
4 generator generates an output that mimics a
5 sensor to -- basically to fool 260 into thinking
6 there's a sensor connected to it. So 260 is not
7 a sensor.

8 And, again, if you look at 310, Kiani
9 calls that an internal pulse oximeter. So
10 that's the processing part of the oximeter. And
11 then 260, that's the external pulse oximeter,
12 and, again, that's processing circuitry and a
13 sensor.

14 MS. HOEKEL: We've been going a little
15 bit over an hour again, so why don't we take
16 another 10, 15-minute break.

17 THE WITNESS: Okay.

18 THE VIDEOGRAPHER: The time is
19 3:33 p.m., and we're off the record.

20 (Recess taken.)

21 THE VIDEOGRAPHER: The time is
22 3:47 p.m. We're back on the record.

1 BY MS. HOEKEL:

2 Q. Okay. Again, Mr. Oslan, did you talk
3 to anybody during the break about your
4 deposition?

5 A. No, I did not.

6 Q. Or look at any documents?

7 A. No.

8 Q. Looking back at Figure 5 of Kiani
9 again, Exhibit 1006.

10 A. Okay.

11 Q. And regardless of whether -- well, so
12 550 you call a single sensor port; correct?

13 A. Yes.

14 Q. And 540 is an oximeter output; correct?

15 A. Correct.

16 Q. And is 540 a port?

17 A. Yes, it is.

18 Q. Okay. So whether or not -- and we
19 talked about 530 earlier being a port; correct?

20 MR. EVERTON: Object to form.

21 THE WITNESS: So in my declaration I

22 don't think I analyzed if 530 was a port or not.

1 BY MS. HOEKEL:

2 Q. It's a connector at least; correct?

3 A. I'm sorry. For some reason I lost some
4 of my screen, so let me just get back.

5 Okay. So I didn't consider 530 as a
6 port. The way it's drawn in Figure 5, it might
7 be a port.

8 Q. At the very least, something connects
9 into 530, though?

10 A. Yes.

11 Q. And something connects into 540?

12 A. Yes.

13 Q. And something connects into 550?

14 A. Yeah. That's called a port, so yes.

15 Q. So Kiani in Figure 5 shows us three
16 connections; correct?

17 A. Correct.

18 Q. And those three connections on Kiani at
19 Figure 5, they take up some space on the device;
20 correct?

21 A. Yes.

22 Q. But Kiani in Figure 5 figured out how

1 to allocate that space; correct?

2 A. For that particular-size device and
3 wherever it was intended to be worn.

4 Q. So was that a yes?

5 A. So yeah, Kiani figured out how to have
6 that port on his device for that particular
7 device and design.

8 Q. And one of those ports is on the top;
9 correct?

10 A. Yeah, 550, correct.

11 Q. And two of the connectors or ports are
12 on the bottom; correct?

13 A. Yeah, 530.

14 MR. EVERTON: Object to form.

15 Sorry. I was inserting an objection
16 there. Object to form.

17 THE WITNESS: Can you repeat the
18 question, please, Ms. Hoekel.

19 BY MS. HOEKEL:

20 Q. Sure.

21 Two of the connectors or ports are on
22 the bottom; correct?

1 A. So --

2 MR. EVERTON: Same objection.

3 THE WITNESS: So it shows what looks
4 like two connectors on the bottom.

5 BY MS. HOEKEL:

6 Q. If we go back to Goldberg,
7 Exhibit 1005, and we look at Figure 2 on page 5,
8 again --

9 A. Okay.

10 Q. -- isn't there room on the wrist-worn
11 module of Goldberg to add another port?

12 MR. EVERTON: Object to form.

13 THE WITNESS: It's very hard -- well, I
14 can't determine just based on this schematic
15 drawing. There's just not enough details to
16 offer an opinion on that.

17 BY MS. HOEKEL:

18 Q. Is there anything about Goldberg in the
19 description or the figure that would prevent a
20 PHOSITA from adding a port to the opposite side
21 of the monitor as where the sensor is attached?

22 A. So I just can't tell. You know, even

1 if it looks like there's room on the edge, the
2 connector takes up space inside the housing.
3 And so just can't make a determination based on
4 just this figure.

5 Q. So Goldberg, as seen in Figure 2, is
6 already configured for two physiological
7 sensors; correct?

8 A. Yeah. He discusses 104a and 104b.

9 Q. And so do you have an opinion as to
10 whether or not a third sensor could be included
11 in Goldberg?

12 A. So there's just not enough information
13 for me to make an opinion on that based on
14 Figure 2.

15 Q. Goldberg teaches us, though, in the
16 specification that it can be connected to one or
17 more sensors; correct?

18 A. Correct.

19 Q. And it describes seven sensors;
20 correct?

21 A. Correct.

22 MR. EVERTON: Object to form.

1 BY MS. HOEKEL:

2 Q. I mean, at worst you could elongate the
3 housing 112 of Goldberg to add room for another
4 sensor port, couldn't you?

5 MR. EVERTON: Object to form.

6 THE WITNESS: So, again, I can't tell
7 from Figure 2. It may not be drawn to scale.
8 So I just -- I don't have enough information to
9 make an opinion on that.

10 BY MS. HOEKEL:

11 Q. Do you have an opinion as to whether
12 the '735 patent discloses three physiological
13 sensors in combination with the wrist-worn
14 module?

15 MR. EVERTON: Object to form.

16 THE WITNESS: Can you repeat your
17 question, please, Ms. Hoekel.

18 BY MS. HOEKEL:

19 Q. Sure.

20 Do you have an opinion as to whether
21 the '735 patent discloses three physiological
22 sensors in combination with the wrist-worn

1 module?

2 MR. EVERTON: Same objection.

3 THE WITNESS: So the '735 patent does
4 discuss a first communications port, a second.
5 And third communications port.

6 BY MS. HOEKEL:

7 Q. And where are you looking?

8 A. I'm sorry. In Claim 13 on page 36.

9 Q. And Claim 13 is again a body-worn,
10 battery-powered medical monitoring device;
11 correct?

12 A. Correct.

13 Q. And so the '735 contemplates three
14 communications ports on its body-worn,
15 battery-operated medical monitoring device;
16 correct?

17 A. Correct.

18 Q. Does the '735 describe those ports --
19 the three ports on the body-worn mobile device?

20 MR. EVERTON: Object to form.

21 THE WITNESS: So Claim 1 says that the
22 first sensor communication port is configured to

1 provide wired communication with a pulse
2 oximetry sensor.

3 BY MS. HOEKEL:

4 Q. My question is whether or not the
5 specification -- or the claims, either way --
6 talks about the physical structure of that port.

7 MR. EVERTON: Object to form.

8 THE WITNESS: So you're talking about
9 the first sensor communications port?

10 BY MS. HOEKEL:

11 Q. I'm talking about any of the
12 communications sensor ports of the '735.

13 A. And I'm sorry. What was your question
14 again, please?

15 Q. Sure.

16 My question is whether the '735 in its
17 specifications or claims describes the physical
18 structure of the port?

19 MR. EVERTON: Object to form.

20 THE WITNESS: What do you mean by "the
21 physical structure of the port"?
22

1 BY MS. HOEKEL:

2 Q. Is there anything described about what
3 the port consists of? looks like? mechanically
4 includes?

5 A. So there's no details about the size of
6 the ports, if that's what you're asking.

7 Q. Okay. But we know from the claims that
8 it's contemplated that the body-worn mobile
9 medical monitoring device can include all three
10 ports; correct?

11 A. Correct.

12 Q. And that's true even though the details
13 about the size of the port isn't disclosed;
14 correct?

15 A. Correct.

16 Q. And is there any other detail disclosed
17 about the mechanism of the port?

18 MR. EVERTON: Object to form.

19 THE WITNESS: So I'm looking at
20 Claim 13 and Row -- I think the fourth row, 48.

21 So, "A first communications port
22 positioned on a face of a side of the case to be

1 nearest to a hand of the arm."

2 BY MS. HOEKEL:

3 Q. Okay. So that tells us where the port
4 is; correct?

5 A. Correct.

6 Q. But, again, it doesn't tell us the size
7 or the mechanical configuration of it?

8 A. Correct.

9 Q. If you look at Figure 3 of the
10 '735 patent, 400 is the wrist-worn module;
11 correct?

12 A. Correct.

13 Q. And how many ports are visible on
14 Figure 3 on the wrist-worn module?

15 A. One.

16 Q. Is it possible that the wrist-worn
17 module of the '735 as depicted in Figure 3 has
18 more than one port and they're not shown?

19 A. So I'm looking at Column 4 of the '735,
20 and I believe it's Row 33. It says that
21 Figure 3 illustrates one embodiment. So one
22 embodiment could just be the -- having one

1 sensor.

2 Q. Where would you put additional sensors
3 on Figure 3 -- sorry -- Figure 4A -- let me
4 start that over.

5 If you were going to have three sensors
6 on Figure 4A, where would the other sensors go?

7 MR. EVERTON: Object to form.

8 THE WITNESS: Can you repeat the
9 question again, please.

10 BY MS. HOEKEL:

11 Q. Sure.

12 If you were going to add two more
13 sensor ports to Figure 4A, where would they go?

14 MR. EVERTON: Object to form.

15 THE WITNESS: So a PHOSITA would have
16 to look at the detailed design drawings of the
17 housing to determine where they might go.

18 BY MS. HOEKEL:

19 Q. Would you have to make the wrist-worn
20 module bigger?

21 A. That could be one design option.

22 Q. What other design options would there

1 be?

2 A. So in terms of where the other sensor
3 ports would go, just understating what the size
4 of the housing is and, like we've mentioned, can
5 it grow a little bit in one direction to
6 accommodate a particular port.

7 You know, where does it make the most
8 sense for the sensor port and the cable to come
9 out? Does it make sense on the opposite side of
10 where 414 is, and is there room to put it there?

11 Q. I apologize if I asked this, but if we
12 can look at Goldberg again, Figure 2.

13 Could there be sensor ports on the
14 bottom side, the underside of the Goldberg
15 device in Figure 2?

16 MR. EVERTON: Object to form.

17 THE WITNESS: So I just don't have
18 enough information to make a conclusion on that
19 based on this drawing that may not even be to
20 scale.

21 BY MS. HOEKEL:

22 Q. Well, based on the --

1 A. This --

2 Q. Sure. I'm sorry. I didn't mean to cut
3 you off.

4 A. That's okay. I'm done.

5 Q. Okay. Based on the description,
6 though, we know that Goldberg contemplated
7 monitoring up to seven physiological parameters.

8 So couldn't one of the sensor ports be
9 on the underside of the wrist-worn module?

10 MR. EVERTON: Object to form.

11 THE WITNESS: So Goldberg doesn't
12 discuss them being ports.

13 BY MS. HOEKEL:

14 Q. Let me ask a different question.

15 Based on the description in the
16 Goldberg patent, we know that Goldberg
17 contemplated monitoring up to seven
18 physiological parameters.

19 So couldn't one of the connectors to
20 those parameters be on the underside of the
21 wrist-worn module?

22 MR. EVERTON: Objection to form.

1 THE WITNESS: So they would not have to
2 be connectors?

3 BY MS. HOEKEL:

4 Q. Well, if there's a sensor -- if there's
5 another sensor of Goldberg other than the pulse
6 oximeter and the blood pressure cuff, it would
7 need to talk to the module; correct?

8 A. Yes.

9 Q. So, for example, if it was an
10 echocardiogram, that would need to talk to
11 Goldberg; correct -- to the module; correct?

12 A. By "talking," you mean communicate
13 with?

14 Q. Yes.

15 A. Yes.

16 Q. Okay. If it was measuring
17 electrolytes, it would have to communicate with
18 the module; correct?

19 A. Correct.

20 Q. And so for it to communicate with the
21 module, it has to somehow be connected to or
22 part of the module; correct?

1 A. Just a minute, please.

2 Could you repeat your question, please.

3 Q. For a sensor to communicate with the
4 module, it has to somehow be connected to or be
5 a part of the module; correct?

6 MR. EVERTON: Object to form.

7 THE WITNESS: So Goldberg discusses
8 that it could be via wire or wirelessly in
9 Column 4, line 27.

10 BY MS. HOEKEL:

11 Q. So if the sensor is coupled to the
12 controller by wire, then it has to be somehow
13 connected to the controller, either by a port or
14 hardwired; correct?

15 MR. EVERTON: Object to form.

16 THE WITNESS: So if you're requiring a
17 sensor to be communicating with a module in
18 Goldberg, it has to be -- and it's with a wire,
19 then PHOSITA has a design decision choice to use
20 a connector or hardwire.

21 (Discussion held off the record.)

22 THE VIDEOGRAPHER: The time is

1 4:21 p.m. We are off the record.

2 (Discussion held off the record.)

3 THE VIDEOGRAPHER: The time is

4 4:22 p.m., and we're back on the record.

5 MS. HOEKEL: Mr. Oslan, as we discussed
6 off the record, we'll go ahead and take our
7 adjournment for the day, and we will reconvene
8 tomorrow morning.

9 And again, as I started with, one of
10 the first questions I may ask you tomorrow
11 morning is whether or not you spoke to anybody
12 about your deposition overnight.

13 So have a great night, and we'll see
14 everybody back here in the morning.

15 THE WITNESS: Okay. You have a good
16 night as well, everybody. Thank you.

17 THE VIDEOGRAPHER: The time is

18 4:23 p.m., and we're off the record.

19 (Whereupon, at 4:23 p.m. EDT
20 the deposition of ALAN OSLAN was
21 adjourned.)
22

1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES) SS.

3

4 I, AUDRA E. CRAMER, CSR No. 9901, in and for the
State of California, do hereby certify:

5 That, prior to being examined, the witness named
in the foregoing deposition was by me duly sworn to
6 testify the truth, the whole truth and nothing but the
truth;

7 That said deposition was taken down by me in
shorthand at the time and place therein named, and
8 thereafter reduced to typewriting under my direction,
and the same is a true, correct and complete transcript
9 of said proceedings;

10 I further certify that I am not interested in the
event of the action.

11 Witness my hand this ____ day of _____,
2021.

12

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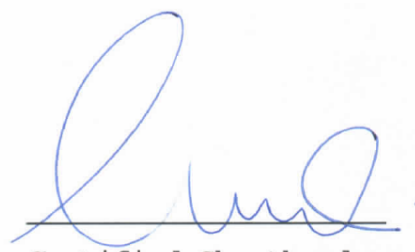
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3
Case: Sotera Wireless, Inc. v. Masimo Corp.
4 Date of deposition: April 28, 2021
Deponent: Alan Oslan

5
6 Please be advised that the transcript in the above
referenced matter is now complete and ready for signature.
7 The deponent may come to this office to sign the transcript,
8 a copy may be purchased for the witness to review and sign,
9 or the deponent and/or counsel may waive the option of
10 signing. Please advise us of the option selected.
11 Please forward the errata sheet and the original signed
12 signature page to counsel noticing the deposition, noting the
13 applicable time period allowed for such by the governing
14 Rules of Procedure. If you have any questions, please do
15 not hesitate to call our office at (202)-232-0646.

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Case: Sotera Wireless, Inc. v. Masimo Corp.
5 Witness Name: Alan Oslan
Deposition Date: April 28, 2021

6
I do hereby acknowledge that I have read
7 and examined the foregoing pages
of the transcript of my deposition and that:

8
9 (Check appropriate box):
() The same is a true, correct and
10 complete transcription of the answers given by
me to the questions therein recorded.
11 (x) Except for the changes noted in the
attached Errata Sheet, the same is a true,
12 correct and complete transcription of the
13 answers given by me to the questions therein
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Page 134

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6 ERRATA SHEET
7

8 Case: Sotera Wireless, Inc. v. Masimo Corp.
9 Witness Name: Alan Oslan
10 Deposition Date: April 28, 2021

11 Page No. Line No. Change
12
13

14 **See attached errata sheet**
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22 Signature Date

Page 135

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

SOTERA WIRELESS, INC.,

PETITIONER,

v.

MASIMO CORPORATION,

PATENT OWNER.

CASE IPR2020-00912
U.S. PATENT 10,213,108

CASE IPR2020-00954
U.S. PATENT 9,788,735

CASE IPR2020-01015
U.S. PATENT 9,795,300

CASE IPR2020-01054
U.S. PATENT 9,872,623

VIDEOTAPED DEPOSITION OF ALAN OSLAN
VOLUME II (PAGES 135 - 194)
TAKEN REMOTELY VIA ZOOM VIDEOCONFERENCE
THURSDAY, APRIL 29, 2021
Reported by Audra E. Cramer, CSR No. 9901

DIGITAL EVIDENCE GROUP
1730 M Street, NW, Suite 812
Washington, D.C. 20036
(202) 232-0646

Page 136

1 VIDEOTAPED DEPOSITION OF ALAN OSLAN, VOLUME II,
2 TAKEN REMOTELY VIA ZOOM ON BEHALF OF THE PETITIONER,
3 AT 11:08 A.M. EDT, THURSDAY, APRIL 29, 2021, BEFORE
4 AUDRA E. CRAMER, CSR NO. 9901, PURSUANT TO NOTICE.

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18 JAMES BEALL, HOTSEATER

19

20

21

22

1 I N D E X

2 WITNESS

3 ALAN OSLAN

4

5 EXAMINATION PAGE

6 BY MS. HOEKEL 139

7 BY MR. EVERTON 186

8

9 E X H I B I T S

10 NO. PAGE DESCRIPTION

11 Exhibit 2 180 US PATENT 4,889,132

12

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14

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16

17

18

19 REPORTER'S NOTE: All quotations from exhibits
20 are reflected in the manner in which they were read into
21 the record and do not necessarily indicate an exact
22 quote from the document.

1 REMOTELY VIA ZOOM VIDEOCONFERENCE

2 THURSDAY, APRIL 29, 2021, 11:08 A.M. EDT

3

4 THE VIDEOGRAPHER: The time is
5 11:08 a.m., and the date is April 29, 2021, and
6 this is Video No. 1, Volume No. II, of the
7 continued video-recorded deposition of Alan
8 Oslan.

9 A reminder, the witness is still under
10 oath.

11

12 ALAN OSLAN,
13 having been previously duly sworn,
14 was examined and testified as follows:

15

16 EXAMINATION (CONTINUED)

17 BY MS. HOEKEL:

18 Q. Good morning, Mr. Oslan. How are you?

19 A. I'm good. Good morning, Ms. Hoekel.
20 How are you?

21 Q. Good, thank you.

22 Did you have any conversations with

1 anyone about the substance of your deposition
2 between us concluding yesterday and beginning
3 today?

4 A. No, I did not.

5 Q. Thank you.

6 Did you review any of the documents
7 last night after we concluded the deposition or
8 before we started this morning?

9 A. No, I did not.

10 Q. And did you review any notes between
11 the time we concluded last night and the time we
12 started this morning?

13 A. No, I did not.

14 Q. Is there anything from yesterday's
15 deposition that you wanted to correct this
16 morning?

17 A. No, there is not that I can think of
18 now.

19 Q. And is there anything today preventing
20 you from giving your best truthful testimony?

21 A. No, there is not.

22 Q. Okay. We're going to jump around a

1 little bit today.

2 If you can look at the Goldberg patent
3 again, which is Exhibit 1005.

4 A. Okay.

5 Q. And if you could look at Figure 2,
6 which is page 5 of the PDF.

7 A. Okay.

8 Q. And is there a bezel shown in Goldberg?

9 A. So I'm looking at my declaration for
10 the '735 patent, and I believe that was in a
11 different declaration.

12 Q. You mean in a different reference?

13 A. A declaration for a different patent.

14 Q. Okay. So my question was not about
15 your declaration necessarily. My question was
16 whether or not you see a bezel in Figure 2 of
17 Goldberg.

18 A. Well, I'd like to refer back to my
19 declaration where I have that discussion about a
20 bezel.

21 Q. Okay. Is it your declaration in the
22 '623?

1 A. So I don't --

2 Q. Let's look at that one and see.

3 So if we can pull up Exhibit 1001 from
4 the '623 patent.

5 And has that been -- James, is that in
6 the box?

7 THE HOTSEATER: I'm uploading it now.

8 MS. HOEKEL: Okay.

9 Okay. I have it now.

10 Q. Do you have it, Mr. Oslan?

11 A. Yeah -- oh, wait a minute.

12 Q. Oh, nope, that's not it.

13 A. Yeah, that's the patent itself.

14 MS. HOEKEL: Sorry. I gave you the
15 wrong number, James. It's --

16 THE HOTSEATER: 2010?

17 MS. HOEKEL: 2010, yeah. Sorry about
18 that.

19 I've got 1010, but I think we need
20 2010. The one you uploaded into the box is
21 1010 -- okay. I see the right on the screen.

22 Q. Mr. Oslan, is this is your declaration,

1 Exhibit 2010, your declaration in the '623
2 patent IPR?

3 A. Yes, it is.

4 So, I don't see the word "bezel" coming
5 up in this declaration.

6 Q. I don't either. So let's look at the
7 '108 declaration. See if it's in this one. If
8 not, we'll pull up the '300.

9 A. So I don't see it in the '300.

10 Should I look in the '108 then?

11 Q. Yeah, but I don't think it's in that
12 one. But we'll look.

13 A. That's strange.

14 Q. So the Estep reference talks about a
15 bezel, and I know you've talked about the Estep
16 reference, but do you have an understanding of
17 what a bezel is?

18 A. Yeah, again, I'd like to just refer
19 back to the -- my declaration that has that
20 discussion in it.

21 Q. Which declaration, though? Because we
22 just searched for "bezel," and it doesn't appear

1 in any of your declarations.

2 A. Yeah, which I find unusual, but let me
3 start searching for Estep then.

4 Okay. It's not in the '300.

5 Q. So you talk about Estep in the '735.

6 A. Okay.

7 Okay. So -- okay. I understand now
8 why the word "bezel" is not in there, because my
9 opinion was that Estep was not -- and now I can
10 start.

11 So can you repeat your question,
12 Ms. Hoekel.

13 Q. So my question is -- and if we can pull
14 up Figure 2 of Exhibit 1005 again.

15 Perfect. Thank you.

16 My question was whether Figure 2 of the
17 Goldberg patent shows a bezel.

18 A. So I did not opine on this in my
19 declaration, and from the drawing it's hard to
20 say if there's a bezel or not.

21 Q. Okay. What is a bezel?

22 A. So I did not do the analysis in my

1 declaration of the -- a definition of a bezel.

2 Q. Do you have -- testifying today as a
3 PHOSITA, do you have a definition of a bezel?

4 A. I have -- I don't have an official
5 definition such as, you know, actually looking
6 it up in a dictionary.

7 Q. Okay. But do you have a working
8 understanding of what a bezel is?

9 MR. EVERTON: Object to form.

10 THE WITNESS: So since I haven't done
11 the analysis such as I've done on other
12 terminology, such as "port," then, you know, I'm
13 not comfortable on opining at this point.

14 MS. HOEKEL: Okay. Let's pull up
15 Exhibit 1009 from the '735 patent, please.

16 James, is it in the Box yet?

17 THE HOTSEATER: It just finished
18 uploading.

19 MS. HOEKEL: Thank you.

20 Q. So Exhibit 1009 is the PCT application
21 to Estep.

22 Do you see that, Mr. Oslan?

1 A. Yes, I do.

2 Q. And if you look at Figure 3C, which is
3 on page 27 of the PDF.

4 Do you see Figure 3C?

5 A. Yes.

6 Q. Okay. And do you know what Figure 3C
7 is depicting?

8 A. I'd have to look it up.

9 Q. Okay. And the description of Figure 3C
10 is on page 6 of the PDF, if that helps you.

11 A. Yes. Thank you.

12 Yes, I see the first -- at line 29 --
13 25.

14 Q. And it says, "Figure 3C is a plan view
15 of the display 31 showing a microphone 38 and a
16 miniature speaker 39 integrated into the bezel
17 surrounding the display."

18 Do you see that?

19 A. Yeah, it says "into the bezel surround
20 of the display."

21 Q. "Of the display." Thank you for
22 correcting me.

1 Okay. Does Goldberg show a bezel in
2 Figure 2?

3 A. So it's hard to --

4 MR. EVERTON: Object to form.

5 THE WITNESS: I'm sorry. Is there a --
6 okay.

7 It's hard to tell. So Figure 3C in
8 Estep and Figure 2 in Goldberg both show a
9 rectangle.

10 BY MS. HOEKEL:

11 Q. Which is a display in both Estep and
12 Goldberg; correct?

13 A. Right.

14 Q. Okay. Go ahead.

15 A. So there's some border around it, and
16 so a bezel is a -- some separate element. And
17 in Goldberg that could be similar to, like, an
18 old iPod. It could just be the whole face is
19 flat, and then beneath meeting it is where the
20 screen is, and there's no feature delineating
21 the boundaries of the display.

22 Q. I'm sorry. Is it your opinion that

1 Goldberg doesn't show a boundary around the
2 display?

3 MR. EVERTON: Object to form.

4 THE WITNESS: I'm saying it -- just
5 from these figures I can't make a conclusion
6 that what's described in Estep is a bezel and
7 drawn as a rectangle, that a rectangle in
8 Goldberg would be a bezel. I can't just make
9 that conclusion.

10 BY MS. HOEKEL:

11 Q. Okay. Do you agree with me that Estep
12 discloses a bezel?

13 A. Yes. In line 25 of Estep on page 6 he
14 discusses a microphone and a miniature speaker
15 integrated into the bezel surround of the
16 display.

17 Q. Okay. So the bezel of Estep in 3C is
18 that rectangular box sort of on the outside of
19 the figure; correct?

20 A. Right.

21 Q. And it's your opinion that you can't
22 tell whether Goldberg has a bezel from the

1 drawing?

2 A. Correct.

3 MS. HOEKEL: If we can pull up the
4 '735 patent again, please.

5 Q. And let's look at Figure 4A.

6 A. Okay.

7 Q. Is there a bezel in Figure 4A?

8 A. So there's no discussion related to
9 Figure 4A that there is a bezel.

10 Q. Okay. But does Figure 4A show a bezel?

11 A. I think it's hard to tell from the
12 drawing.

13 Q. So the claims of the '735 patent
14 include -- Claim 10, for example, says, "The
15 mobile medical monitoring device of Claim 9
16 wherein the front side of the housing comprises
17 a bezel and the display."

18 Do you see that in Claim 10?

19 A. I do.

20 Q. Okay. And I agree with you that the
21 word "bezel" doesn't appear anywhere in the
22 patent except in the claims.

1 So would a PHOSITA looking at Figure 4
2 conclude that there is a bezel depicted in
3 Figure 4 of the '735 patent?

4 MR. EVERTON: Object to form.

5 THE WITNESS: So a PHOSITA may not
6 conclude that there's a bezel in Figure 4A. But
7 reading the claims, they may consider that
8 there's a bezel in Figure 4A, but it's just not
9 showing in enough details.

10 BY MS. HOEKEL:

11 Q. Is there any difference in the detail
12 of the drawing with respect to a bezel on 4A of
13 the '735 patent versus Figure 2 of the Goldberg
14 patent?

15 MR. EVERTON: Object to form.

16 THE WITNESS: Can you repeat your
17 question, please.

18 BY MS. HOEKEL:

19 Q. Sure.

20 Is there any difference in the
21 Figure 4A of the '735 patent and Figure 2 of the
22 Goldberg patent with respect to any detail

1 showing -- with respect to any detail that would
2 lead a PHOSITA to believe there was a bezel in
3 either figure?

4 A. So --

5 MR. EVERTON: Same objection.

6 THE WITNESS: So both figures are
7 for -- are rough drawings, and they may not
8 depict all details. And neither drawing
9 specifically calls out a bezel.

10 BY MS. HOEKEL:

11 Q. Okay. Let's move on to the Money
12 patent, which is Exhibit 1008 of the
13 '735 patent.

14 Actually, before we go into that, one
15 last question on the bezel: Is it your opinion
16 that a bezel needs to be specifically called out
17 in the specification in order to support the
18 disclosure of a bezel?

19 MR. EVERTON: Object to form.

20 THE WITNESS: Can you repeat your
21 question, please.

22

1 BY MS. HOEKEL:

2 Q. Is it your opinion that the
3 specification of a patent needs to specifically
4 call out a bezel in order for a bezel to be
5 included in the scope of the patent?

6 MR. EVERTON: Object to form.

7 THE WITNESS: So I'm not prepared to
8 answer that. I would want to know if there's
9 any legal interpretations about what's included
10 in the scope of the patent.

11 BY MS. HOEKEL:

12 Q. But it was your testimony that the
13 figures that we looked at today in both the '735
14 and the Goldberg patent don't give enough detail
15 to teach a PHOSITA that there is a bezel in that
16 invention; correct?

17 MR. EVERTON: Object to form.

18 THE WITNESS: So that the way that
19 these drawings are done, there's just not enough
20 information for a PHOSITA to decide if they
21 represent a bezel or not.

22

1 BY MS. HOEKEL:

2 Q. Let's look at Exhibit 1000- --

3 A. And --

4 Q. Oh, I'm sorry. Go ahead.

5 A. Yeah, that's okay.

6 MS. HOEKEL: Let's look at Exhibit 1008
7 in the '735 patent, which is the Money patent.

8 THE WITNESS: Okay.

9 BY MS. HOEKEL:

10 Q. So the Money patent is titled "Vital
11 Sign Remote Monitoring Device," and it was
12 issued in July of 1999; correct?

13 A. Yes, correct.

14 Q. And Money discloses "a device for
15 remote monitoring for hospitalized patient vital
16 signs incorporated into a portable housing,
17 wearable by an ambulatory patient," according to
18 the abstract; right?

19 A. Correct.

20 Q. And does Money discuss the size of the
21 device?

22 A. Yes, he does.

1 Q. And what does Money disclose as the
2 size of the device?

3 A. Okay. Let me make sure my declaration
4 is open.

5 So what's the exhibit number for my --
6 oh, there it is. I see it.

7 Q. 2010.

8 A. Yeah, okay. Thank you.

9 Q. And you talk about this at page 77,
10 paragraph 129, if that's helpful.

11 A. Oh, yes. Thank you.

12 Okay. Yeah, I see in paragraph 130 of
13 my declaration that Money also says that its
14 device is approximately 1 inch thick, 3 inches
15 wide and 6 inches long. And that's from the
16 Money patent at Column 5, Rows 6 to 8.

17 Q. And then in Column 129 of your
18 declaration you also say, "Money also says that
19 its device would weigh up to 16 ounces";
20 correct?

21 A. That's correct.

22 Q. So Money was filed in September of

1 1996.

2 Do you see that?

3 A. Yes.

4 Q. And the priority date of the Masimo
5 patents that we've been discussing is 2002;
6 correct?

7 A. Correct.

8 Q. Wouldn't a PHOSITA know to make things
9 smaller and lighter in the six years between
10 when Money was filed and when the Masimo patents
11 were filed?

12 MR. EVERTON: Object to form.

13 THE WITNESS: So my declaration does
14 not address the -- what a PHOSITA would see
15 being changed over those few years. It
16 addresses that Dr. Yanulis said in his
17 declaration that this housing would be easily
18 worn on a patient's wrist. That's in
19 paragraph 130 of my declaration.

20 BY MS. HOEKEL:

21 Q. My question is wouldn't a PHOSITA --
22 well, let me ask it a different way.

1 Haven't portable devices gotten smaller
2 over time?

3 MR. EVERTON: Object to form.

4 THE WITNESS: I would say as a general
5 trend, devices have gotten smaller over time,
6 but I did not do any detailed analysis of this
7 in my declarations.

8 BY MS. HOEKEL:

9 Q. Are you familiar with Moore's law?

10 A. Yes. For semiconductor sizes?

11 Q. And Moore's law tells us that
12 semiconductor size has decreased -- or decreases
13 over time for the same processing capacity?

14 A. I don't know all the details, but I
15 know it's that semiconductor devices can get
16 smaller over time.

17 Q. So isn't it likely that in the six
18 years between Money being filed and the Masimo
19 patents being filed, a PHOSITA would have known
20 to make the Money device smaller?

21 MR. EVERTON: Object to form.

22 THE WITNESS: They may have known, but

1 that was not what was in Dr. Yanulis's argument.
2 He just took the Money patent and the device as
3 it was when it was issued and described it as
4 being a housing of the size that would easily be
5 worn on a patient's wrist, and a PHOSITA would
6 disagree with that statement.

7 BY MS. HOEKEL:

8 Q. In your review for preparing your
9 declaration, you reviewed the file history of
10 the '735 patent; correct?

11 A. Yes. Parts of it.

12 MS. HOEKEL: Okay. And I'm going to
13 ask the hotseat person to upload Exhibit -- I
14 think it's 1002 from the '735 patent, the file
15 history.

16 Q. And do you see 1002?

17 It may take a minute to upload,
18 Mr. Oslan. It's pretty big.

19 A. Actually, I've got it.

20 Q. Okay. Great.

21 A. Things are going pretty fast with the
22 uploading, and I have it in Adobe now.

1 Q. Well, it's working much better for you
2 than it is for me, because my system is really
3 slow today. So you're going to be ahead of me
4 here.

5 And if we can go to page 252 of this
6 document.

7 Actually, we probably need to start up
8 a few pages so you understand where we are. But
9 just take a look at page 252, because we're
10 going to come back to that.

11 But then, James, if you can tab up
12 until you get to the top of the document, which
13 is at page 243.

14 So, Mr. Oslan, feel free to take your
15 time to make sure that we're on the same page,
16 but this is the notice of the allowability of
17 the '753 patent.

18 A. '753?

19 Q. '735.

20 A. '735. Okay.

21 Q. All right. This is the notice of
22 allowability of the '735 patent. It starts on

1 page 243 of Exhibit 1002 and continues for
2 several pages, and I want to ask some questions
3 on page 252.

4 A. Okay. Do you want me to review those
5 pages now?

6 Q. Why don't I give you my question, and
7 then you can decide if there's something else
8 you need to review.

9 A. Okay.

10 Q. Is that okay?

11 A. Yeah.

12 Q. So if you see in the notice of
13 allowance in that full paragraph --

14 A. This is on --

15 Q. Page 252.

16 So the notice of allowance is a lot of
17 pages. So I'm on page 252 of the notice.

18 A. Okay.

19 Q. Or of the document.

20 A. Yeah.

21 Q. Okay. So in the notice of allowance
22 the examiner says, "The connection of Amano

1 receives analog data from a single sensor having
2 one emitter and one detector; there is no
3 teaching or suggestion in the prior art to
4 receive some data in analog form through a first
5 port and other physiological data in digital
6 form through a second port."

7 Do you see that?

8 A. Yes.

9 Q. So the examiner is saying that of the
10 prior art that was before him during the
11 examination, particularly this Amano reference,
12 he finds, "There is no teaching or suggestion in
13 the prior art to receive some data in analog
14 form through a first port and other
15 physiological data in digital form through a
16 second port."

17 Do you see that?

18 A. Yes.

19 MR. EVERTON: Object to form.

20 BY MS. HOEKEL:

21 Q. Is there prior art in this IPR
22 proceeding that would show that the examiner's

1 statement that there's no teaching in the prior
2 art to receive some data in analog form through
3 a first port and another physiological data in a
4 digital form through a second port --

5 MR. EVERTON: Object to form.

6 BY MS. HOEKEL:

7 Q. Let me ask it again, Mr. Oslan. Let me
8 ask it again, because I don't think I finished
9 the question.

10 Is there prior art in this case to show
11 that the examiner was incorrect in making that
12 conclusion that there was no teaching or
13 suggestion in the prior art to receive some data
14 in analog form through a first port and other
15 physiological data in digital form through a
16 second port?

17 MR. EVERTON: Object to form.

18 THE WITNESS: So in my declaration I
19 have not commented on this part of the file
20 history. So I don't -- I haven't reviewed this
21 ahead of time, and it would take me a while to
22 go through and read all these pages to make an

1 opinion.

2 BY MS. HOEKEL:

3 Q. So if I can direct your attention to
4 your declaration at pages 67 and 68.

5 So Exhibit 2010, pages 67 and 68, you
6 discuss Money; correct?

7 A. Yes.

8 Q. And with respect to -- if you look at
9 page or paragraph 108 --

10 A. Yes.

11 Q. -- you say, "All of the sensors in
12 Money are analog except for Money's SpO2 sensor,
13 which is digital."

14 Do you see that?

15 A. Yes, I do.

16 Q. And then if you go to the next page,
17 and you have annotated Figure 1.

18 A. Okay.

19 Q. And what is it that your annotations
20 are showing with respect to Figure 1 of Money?

21 A. So the annotations are showing how the
22 signals are received as analog signals or

1 digital signals.

2 Q. Okay. So Money does show us some
3 physiological data being received in digital
4 form and some physiological data being received
5 in digital form; correct?

6 A. So he shows the pulse oximetry, the
7 SpO2 data, being received as digital. And then
8 the following are received as analog, that's
9 temperature, blood pressure, two ECG channels,
10 and respiration.

11 Q. So then the examiner would be incorrect
12 with respect to the prior art insofar as Money
13 does show receiving some physiological data in
14 analog form and some physiological data in
15 digital form; correct?

16 MR. EVERTON: Object to form.

17 THE WITNESS: So I have not reviewed or
18 analyzed this in my declaration, so I'm not
19 comfortable offering an opinion at this time.

20 BY MS. HOEKEL:

21 Q. Well, you have analyzed Money in your
22 declaration; correct?

1 A. I've analyzed the Money patent in some
2 areas.

3 Q. And you have analyzed it for purposes
4 of showing that there are some physiological
5 signals coming in in analog form and some in
6 digital form; right?

7 A. Yeah. As the figure shows, the pulse
8 oximetry is coming in digital, and the other
9 ones that I went over a few minutes ago are
10 received as analog signals.

11 Q. Okay.

12 A. That's per Money.

13 Q. And did you consider the examiner's
14 notice of allowance in rendering the conclusions
15 that you have in your declaration?

16 A. So, again, I did not include an
17 analysis of this part of the prosecution history
18 in my declaration, so I cannot opine on that at
19 this time.

20 Q. Would you agree that in the Money --
21 sorry. Let me start that over.

22 Would you agree that transmitting data

1 digitally was conventional technology in the
2 mid-'90s?

3 MR. EVERTON: Object to form.

4 THE WITNESS: So transmitting data
5 digitally in the 1990s was one way to transmit
6 data.

7 BY MS. HOEKEL:

8 Q. A conventional way; correct?

9 A. What do you mean by --

10 MR. EVERTON: Object to form.

11 THE WITNESS: -- "conventional"?

12 BY MS. HOEKEL:

13 Q. Was it a common way known to a PHOSITA
14 to transmit data?

15 A. It was one of several ways known to a
16 PHOSITA to transmit data.

17 Q. Right.

18 And was that a data transmission
19 technique you taught when you taught earlier in
20 your career?

21 MR. EVERTON: Object to form.

22 THE WITNESS: Can you repeat the

1 question, please.

2 BY MS. HOEKEL:

3 Q. Did you teach digital data transmission
4 when you taught earlier in your career?

5 A. So I taught a course when I was working
6 towards my PhD on, like, signals and systems
7 analysis. So there's things like Fourier
8 transform and doing it in the analog domain and
9 discretely, which would be in the digital
10 domain. And it was only analyses. It didn't
11 get into circuit designs.

12 Q. So a PHOSITA would know how to transmit
13 discrete data as a digital signal; correct?

14 A. They would know -- yeah, that's one way
15 of transmitting data.

16 Q. And they would know how to transmit
17 discrete data as an analog signal; correct?

18 A. I'm not sure what you mean by "discrete
19 data."

20 Q. You used the term "discrete data." I
21 was repeating --

22 A. So the terminology "discrete" is as

1 opposed to continuous and usually implies
2 digital data.

3 Q. Would a PHOSITA now how to transmit
4 discrete data as an analog signal?

5 A. So you're asking if a PHOSITA would
6 know how to transmit digital data as an analog
7 signal?

8 Q. Well, would a PHOSITA know how to
9 convert between an analog signal and a digital
10 signal?

11 A. Oh --

12 MR. EVERTON: Object to form.

13 THE WITNESS: So that's one type of
14 conversion that a PHOSITA would know how to do.

15 BY MS. HOEKEL:

16 Q. And that's true as of 1999?

17 A. And that -- was your question from
18 analog to digital conversion?

19 Q. Yes.

20 A. A PHOSITA would know that's one way to
21 convert data.

22 Q. Staying on Money for just a second --

1 A. Okay.

2 Q. -- do you agree that Money teaches a
3 dual-purpose serial I/O interface?

4 A. So are you reading from a particular
5 section of Money or my declaration?

6 Q. Well, your declaration at paragraph --
7 the end of paragraph 150 has one reference. And
8 then I can also direct you to Money in Column 6,
9 which I think is the reference you're making in
10 your declaration statement as well.

11 A. Can you repeat the question again,
12 Ms. Hoekel, please.

13 Q. Sure.

14 My question was, does the Money patent
15 disclose a dual-purpose serial I/O interface?

16 A. So Money describes two separate
17 external connectors, one for serial debug in
18 programming with a DB9 connector and another --
19 a connector for the digital SpO2 sensor.

20 Q. Why do you say it describes two
21 separate external connectors?

22 Let me ask a different question.

1 If we look at paragraph -- in the
2 paragraph that's on the screen right now, which
3 is Money, Column 6, lines 11 through 20 -- and
4 I'm focused mostly on the second half of that
5 paragraph -- it says, "Accordingly, a serial
6 data I/O interface unit 17 is provided in device
7 10 to allow the user to use the serial
8 communications interface (SCI) port on processor
9 14 to communicate with an external terminal for
10 either debugging and programming purposes or to
11 receive data from pulse oximetry cuff transducer
12 39."

13 A. Okay. I see that.

14 Q. Is that describing a dual-purpose
15 serial I/O interface?

16 A. So in my declaration at the top of
17 page 90, there's a figure from Money that's --
18 yeah, it's Figure 1 annotated showing a serial
19 debug port and a digital SpO2 port as two
20 separate ports.

21 And then further down at the top of
22 page 91 is rolled-together portions of

1 Figures 2A and 2C of Money, the circuit
2 schematics, and I've lined out the pathway for
3 the serial SpO2 sensor. I have the red box.
4 Maybe I should wait till it's up on the screen.

5 Q. But if we look at your annotated
6 figure -- that one that's on the screen right
7 now. So it's your annotated Figure 1 on page 90
8 of your declaration.

9 A. Right.

10 Q. So I see that you have a serial debug
11 port, and then you have a digital SpO2 port;
12 correct?

13 A. Correct.

14 Q. And then those are both going into,
15 though, a serial I/O interface; correct?

16 A. Correct.

17 Q. And they're leading into the same
18 serial I/O interface?

19 A. So if you go down to the figure at the
20 top of page 91. So in the upper right I've
21 annotated serial debug port 16. There's the DB9
22 connector going into connector 34. Probably

1 would have been clearer if I showed some lines.

2 But if you look, for example, on that
3 connector 34, it's called J1 at the top, and
4 pins 7 and 8 go to reference 35, which is a
5 serial input/output driver, and that's connected
6 to the debug port.

7 Q. Okay.

8 A. And then coming out of pin -- pins 11
9 and 12 of reference 35 --

10 Q. Okay.

11 A. -- they go to a serial port switch 36.
12 So that's one of those serial ports for the
13 debug and software upgrade.

14 And then on the right, if you go
15 further down, is a red box. That's a serial
16 SpO2 sensor 39. And that's shown in green how
17 it makes it over to reference 36, the serial
18 port switch. So that serial port switch 36
19 switches between the separate serial debug port
20 16 and the serial SpO2 sensor 39.

21 Q. Okay. So both the serial debug port
22 and the digital SpO2 port are going through the

1 serial I/O interface of 17 through --

2 A. Yes.

3 Q. -- the serial port switch 36?

4 A. Right.

5 Q. If the SpO2 sensor of Money was
6 transmitting analog digital data, a PHOSITA
7 would not want to connect it to the dual-purpose
8 serial I/O face of 17; correct?

9 A. So if a -- if there was an SpO2 or
10 pulse oximeter sensor that was analog, then a
11 PHOSITA would not connect it to the serial SpO2
12 port as shown here.

13 Q. The device would need another analog
14 sensor port and interface; correct?

15 A. Correct.

16 MS. HOEKEL: Why don't we take a break.
17 We've been going about an hour.

18 And, Ben, just for your heads-up, I'll
19 probably conclude when we come back. I mean,
20 I'll have questions, and then we'll be done.

21 MR. EVERTON: Okay. Sounds good.

22 THE VIDEOGRAPHER: Okay. The time is

1 12:11 p.m. We are now off the record.

2 (Recess taken.)

3 THE VIDEOGRAPHER: The time is

4 12:26 p.m., and we are now on the record.

5 BY MS. HOEKEL:

6 Q. All right. Mr. Oslan, again, did you
7 talk to anybody over the break about the
8 substance of your deposition?

9 A. No, I did not, Ms. Hoekel.

10 Q. Okay. And do you have anything you
11 want to change or correct about your testimony
12 this morning so far?

13 A. Nothing I can think of at this point.

14 Q. Okay. I'm going to ask you to look at
15 paragraph 89 of your declaration, which is on
16 page 53 of Exhibit 2010.

17 A. This is the '735?

18 Q. The '735 again, yes.

19 A. Sorry. What's the page?

20 Q. Page 53, paragraph 89.

21 A. Okay.

22 Q. And I have a couple questions about

1 this.

2 So you talk about the blood pressure
3 cuff and give an example of this Sasaki patent,
4 which is a wrist-worn blood pressure-measuring
5 unit; correct?

6 A. Correct.

7 Q. And you say that "a pressure sensor
8 would be positioned within a housing in order to
9 measure the cuff pressure and determine the
10 blood pressure"; correct?

11 A. Correct.

12 Q. Okay. And then you give an example of
13 a system with a pressure sensor as the Sasaki
14 patent, and you give -- one of the figures in
15 your declaration, you include Figure 2 of the
16 Sasaki patent; correct?

17 A. Correct.

18 Q. At the top of page 54.

19 So this is a pressure-measuring blood
20 pressure system; correct?

21 A. Correct.

22 Q. And 10A and 10- -- well, 10A in

1 Figure 2, are those -- those are ports for
2 airflow; correct?

3 MR. EVERTON: Object to form.

4 THE WITNESS: Can we pull up the Sasaki
5 patent, please.

6 BY MS. HOEKEL:

7 Q. Sure. It's Exhibit 2026, US Patent
8 4,896,676.

9 THE HOTSEATER: I don't believe that
10 one was sent to me.

11 MS. HOEKEL: It was sent the other
12 night. It doesn't have an exhibit number. It's
13 just US Patent 4,896,676. It was in a folder
14 marked "Other," at least the way I have it.

15 THE HOTSEATER: Yeah, I have it. Sorry
16 about that.

17 MS. HOEKEL: That's okay.

18 Q. All right. Mr. Oslan, do you have that
19 exhibit in front of you?

20 A. Yes, I do.

21 So -- I'm sorry. You're referring
22 to -- was it 10A?

1 Q. Correct.

2 A. This is not searchable. So...

3 Q. Let's see. It's described at Column 3,
4 lines 25, and continuing.

5 A. Okay. Can you repeat your question
6 again, please, Ms. Hoekel.

7 Q. All right. The two features that are
8 labeled as 10A, those are air ports; correct?
9 Or ports for airflow?

10 A. They're described as openings.

11 Q. And they're the openings for what?

12 A. The air pressure chamber reference 10.

13 Q. So the air flows in and out of air
14 pressure chamber 10 from where?

15 A. So I don't see -- okay. So I see 10.

16 Can you repeat your question, please.

17 I'm sorry.

18 Q. Okay. The air is flowing in and out of
19 air pressure chamber 10 from where?

20 A. Through 10A and from the cuff 17.

21 Q. And this is a pressure measurement
22 blood pressure system; correct?

1 A. Let me just double-check.

2 MR. EVERTON: Object to form.

3 THE WITNESS: So reference 14 in
4 Figure 2 is described as a pressure sensor.

5 BY MS. HOEKEL:

6 Q. And it's described as being a pressure
7 sensor that measures the air pressure in the air
8 pressure chamber; correct?

9 A. Correct.

10 Q. Okay. And I think you may have just
11 said this, but the pressure sensor is 14 --

12 A. Correct.

13 Q. -- correct?

14 And is that -- where is 14 located
15 relative to the housing?

16 A. Can you repeat the question again,
17 please.

18 Q. Where is the pressure sensor located
19 relative to the housing?

20 A. So 14 is part of the casing, too, which
21 I would consider the housing.

22 Q. And in your declaration you say that

1 the PHOSITA would understand that the pressure
2 sensor is a part internal to the housing;
3 correct? In the middle of paragraph 89?

4 A. Correct.

5 Q. Are you familiar with other ways to
6 measure blood pressure besides pressure sensors?

7 A. So the one a PHOSITA I think would be
8 most familiar with is using some type of
9 pressure sensor, and especially for an
10 arm-worn/wrist-worn device, and they may or may
11 not be aware of other techniques. I'm just
12 trying to think of things I've read in research
13 journals.

14 Q. Are you familiar with Korotkoff sounds,
15 K-o-r-o-t-k-o-f-f?

16 A. Yeah. Korotkoff.

17 Q. Korotkoff sounds?

18 A. Yeah.

19 Q. Can we refer to them as K-sounds?

20 A. Okay.

21 Q. Are you familiar with those?

22 A. Yeah, it's been a while. I haven't

1 refreshed my memory on it, so I may be a little
2 fuzzy on that.

3 Q. All right. Are you aware that you can
4 measure blood pressure by using K-sounds?

5 MR. EVERTON: Object to form.

6 THE WITNESS: So I have not done
7 research on this recently, so I'm just not up to
8 speed to present an opinion here.

9 BY MS. HOEKEL:

10 Q. Okay. Do you know -- if a PHOSITA was
11 going to use K-sounds to measure blood pressure,
12 you have to be able to hear those sounds;
13 correct?

14 MR. EVERTON: Object to form.

15 THE WITNESS: So, again, I have not
16 analyzed this in detail to have a more proper
17 opinion here.

18 MS. HOEKEL: Let's look at an exhibit
19 that is US Patent 4,889,132. I do not believe
20 it's in evidence yet.

21 And this is a patent to several
22 individuals titled "Portable Automated Blood

1 Pressure Monitoring Apparatus and Method,"
2 issued in 1989.

3 Do you see that?

4 MR. EVERTON: And Patent Owner objects
5 to this new exhibit as not being part of the
6 record or included in any of the IPRs so far.
7 So objection as introduction of new evidence.

8 (Whereupon, Oslan Exhibit 2
9 was marked for identification.)

10 MS. HOEKEL: So if we can look at
11 page 24 of this exhibit.

12 Q. And page 24 of this exhibit talks about
13 Korotkoff sounds.

14 Do you see that around line 22?

15 Do you see that, Mr. Oslan?

16 A. So it just came up. So I'm just
17 starting to read.

18 Q. That's fine. I was going to ask you to
19 read to yourself the paragraphs that start at
20 line 22 through line 54.

21 A. Okay. I've read it.

22 Q. So does this refresh your recollection

Page 181

1 that measuring blood pressure is something that
2 can be done using Korotkoff sounds?

3 MR. EVERTON: Object to form. And,
4 again, objection as introducing new evidence.
5 And objection to any testimony that comes out of
6 this new document that is not part of the
7 record.

8 THE WITNESS: So in reading this, it
9 refreshes my memory to a minimal extent about
10 what the Korotkoff sound is and how somebody
11 would measure blood pressure with a cuff and a
12 stethoscope.

13 But beyond that, since I haven't had a
14 chance to look through the entirety of this
15 patent and analyze it, I'm not comfortable
16 making an opinion on the spot.

17 BY MS. HOEKEL:

18 Q. If someone was -- if a PHOSITA was
19 going to use Korotkoff sounds to measure blood
20 pressure, they would need to be able to hear the
21 Korotkoff sounds; correct?

22 MR. EVERTON: Object to form.

1 THE WITNESS: Again, I have not had a
2 chance to fully analyze this technique to form
3 an opinion on the spot here.

4 BY MS. HOEKEL:

5 Q. Right. And my question wasn't about
6 this reference so much as just generally your
7 knowledge of Korotkoff sounds and how one uses
8 them to measure blood pressure.

9 And so I'll ask my question again, and
10 if you can't answer it again, that's fine.

11 But my question was whether or not a
12 PHOSITA using Korotkoff sounds to measure blood
13 pressure would need to hear those sounds.

14 MR. EVERTON: Object to form.

15 THE WITNESS: So just in reading these
16 short paragraphs, so it involves using a
17 stethoscope and sound. So a PHOSITA would need
18 to hear the sounds.

19 BY MS. HOEKEL:

20 Q. If we look at Figure 1 of the patent,
21 which is on page 3, we start over at the
22 right-hand side.

1 Do you see where it says "K-Sound
2 Transducer" and then there's a little squiggly
3 line to a circle K 108?

4 A. Yes, I see that.

5 Q. What is a transducer, just generally?

6 MR. EVERTON: Object to form.

7 THE WITNESS: So I'd want to look at
8 this patent in detail in terms of how they're
9 using that terminology.

10 BY MS. HOEKEL:

11 Q. If you see just the term "transducer"
12 as a PHOSITA, do you import any meaning to that
13 word?

14 MR. EVERTON: Object to form.

15 THE WITNESS: Again, you know, this is
16 the first time seeing this, and I would just
17 want to look through the whole patent and, you
18 know, get a better understanding of how the
19 inventors are using this term.

20 BY MS. HOEKEL:

21 Q. Okay. So you can't give me a
22 definition of "transducer" in the abstract?

1 A. I'm not prepared, because, again, you
2 know, some context of how it's used in this
3 patent, which I have not seen before. [verbatim]

4 Q. Does a transducer generally require an
5 electrical connection?

6 MR. EVERTON: Object to form.

7 THE WITNESS: So, again, I'd just want
8 to go back and just -- like some of the other
9 terms in my declaration, I'd want to go back and
10 review the use of the word "transducer." Is it
11 exclusively electrical? Could it be another
12 type of energy?

13 So I can't offer an opinion at this
14 time.

15 BY MS. HOEKEL:

16 Q. Have you reviewed the Sotera accused
17 device that's accused in the underlying -- the
18 litigation that led up to these IPRs?

19 MR. EVERTON: Object to form.

20 THE WITNESS: So do I know the Sotera
21 device?

22

1 BY MS. HOEKEL:

2 Q. Yes.

3 A. No.

4 Q. Have you looked at the Masimo device?

5 A. I've looked on their website somewhat.

6 Q. Have you seen a device in real life,
7 the Masimo device?

8 A. No.

9 Q. Do you know whether the Masimo housing
10 has a port to the blood pressure sensor?

11 MR. EVERTON: Object to form.

12 THE WITNESS: I have not seen the
13 Masimo device, and I'm not sure if the ones I
14 saw on the website are the ones you're
15 discussing. So I have not seen that device.

16 MS. HOEKEL: Well, Mr. Oslan, I don't
17 think I have any more questions for you at this
18 time.

19 So I will pass the witness.

20 MR. EVERTON: Okay. And if we could
21 take a break now.

22 MS. HOEKEL: Sure.

1 THE WITNESS: Okay.

2 THE VIDEOGRAPHER: The time is
3 12:52 p.m. We are now off the record.

4 (Recess taken.)

5 THE VIDEOGRAPHER: The time is
6 1:16 p.m. We are now on the record.

7

8 EXAMINATION

9 BY MR. EVERTON:

10 Q. So, Mr. Oslan, I'm just going to ask
11 you a few questions.

12 First, do you recall being asked about
13 the claim construction of "sensor communication
14 port" earlier in this deposition?

15 A. Yes, I do.

16 Q. And if we go to paragraph 33 of your
17 '735 patent declaration -- I think it's
18 Exhibit 2010.

19 Do you see paragraph 33 there in your
20 declaration?

21 A. Yes, I do.

22 Q. Do you remember being asked about your

1 opinions in paragraph 33?

2 A. By Ms. Hoekel? Are you referring to
3 Ms. Hoekel?

4 Q. Yes, previous in the deposition you
5 were asked by Counsel about your opinions in
6 paragraph 33; is that right?

7 A. Yes, I remember being asked about my
8 opinions.

9 Q. Do you recall being asked about the
10 basis for your opinions related to the
11 construction of "sensor communication port" in
12 this paragraph?

13 A. Yes, I remember being asked about the
14 basis for my opinion.

15 Q. Now, looking at the next paragraph,
16 paragraph 34 in your declaration --

17 A. Yes.

18 Q. -- can you read the first two sentences
19 of paragraph 34 for the record, please.

20 A. "The claims of the '735 patent use the
21 term 'sensor communication port' in accordance
22 with its plain and ordinary meaning as a

1 connector that interfaces with a corresponding
2 connector from a sensor cable. For example,
3 Claim 1 recites a first sensor communication
4 port and a plurality of additional sensor
5 communications ports."

6 And that's Exhibit 1001 at Column 13,
7 lines 14 to 56, which is Claim 1.

8 Claim 13 recites a first communications
9 port, a second communications port and a third
10 communications port at the same reference -- the
11 same patent in rows -- Column 14, Rows 38,
12 starting at Column 14, Row 38, and continuing on
13 to Column 15, Row 9 of Claim 13.

14 Should I continue reading?

15 Q. No.

16 So, generally, what do you discuss here
17 in this paragraph 34 of your declaration?

18 A. So a sensor communication port, keeping
19 with its plain and ordinary meaning, is a
20 connector that interfaces with a corresponding
21 connector from a sensor cable.

22 Q. And in that paragraph 34, did you look

1 at the claim language from Claims 1, 13 and 20?

2 A. Yes, I did.

3 Q. How, if at all, did you consider the
4 claims in developing your opinions on the claim
5 construction?

6 A. So further down in line --
7 paragraph 34, I have that "a PHOSITA would
8 understand that the term 'sensor communication
9 port' as used in the '735 patent refers to a
10 connector that mates with a compatible connector
11 from a sensor."

12 Q. So did you consider the claims when
13 developing your opinions regarding the
14 construction of "sensor communication port"?

15 MS. HOEKEL: Object to form.

16 THE WITNESS: So in paragraph 34 I use
17 the plain and ordinary meaning and -- in
18 accordance with the claims of the invention.

19 MR. EVERTON: Okay. I don't have any
20 further questions.

21 MS. HOEKEL: No questions at this time.

22 THE VIDEOGRAPHER: Does this conclude

1 for today's depo?

2 MR. EVERTON: Yes.

3 MS. HOEKEL: Yes.

4 THE VIDEOGRAPHER: Okay. This
5 concludes for today's deposition. The date is
6 April 29, 2021, and the time is 1:21 p.m. We
7 are now off the record.

8 (Whereupon, at 1:21 p.m. EDT
9 the deposition of ALAN OSLAN was
10 adjourned.)

11

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11 Witness my hand this ____ day of _____,
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Page 192

1 Alan Oslan Vol II, c/o
KNOBBE MARTENS OLSON & BEAR LLP
2 2040 MAIN STREET, 14TH FLOOR
IRVINE, CALIFORNIA 92614

3
Case: Sotera Wireless, Inc. v. Masimo Corp.
4 Date of deposition: April 29, 2021
Deponent: Alan Oslan Vol II

5
6 Please be advised that the transcript in the above
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I do hereby acknowledge that I have read
7 and examined the foregoing pages
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9 (Check appropriate box):
() The same is a true, correct and
10 complete transcription of the answers given by
me to the questions therein recorded.
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attached Errata Sheet, the same is a true,
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ERRATA SHEET

7

8 Case: Sotera Wireless, Inc. v. Masimo Corp.

9 Witness Name: Alan Oslan Vol II

10 Deposition Date: April 29, 2021

11 Page No. Line No. Change

12

13

14

15

16

See attached errata sheet

17

18

19

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21

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Signature_____
Date

ERRATA SHEET, Volumes 1 & 2

Case: Sotera Wireless, Inc. v. Masimo Corp.

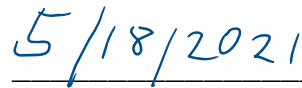
Witness Name: Alan Oslan

Deposition Date: April 28, 2021

Page No.	Line No.	Change
10	7	"widescreen" -> "widescreen monitor"
13	5	"a" -> ""
14	1	"Knox" -> "Nox"
14	6	"Knox" -> "Nox"
27	18	"sector" -> "connector"
42	13	"if" -> "in"
67	10	"had be" -> "had to be"
71	18-21	"And Figure 6A to 6D, how I show" -> "And Figures 6A to 6D, how it shows messages directed towards the monitored person: "Your Averages are as follows:", "Your Daily Averages", and so on."
83	13	"extensive" -> "expensive"
84	16	"breakage" -> "sensor"
92	21	"design" -> "design issue"
93	22	"which usually don't get to see those" -> "which you usually don't get to see that"
94	1	"go" -> "goes"
119	3	"so just" -> "so I just"
128	2	"?" -> "."
150	9	"showing" -> "shown"
156	10	"?" -> "."
168	17	"in" -> "and"
170	3-4	"I have the red box. Maybe" -> "I have the red box -- maybe"

171	1	"showed some lines." -> "showed some lines [tracing the path]."
178	7	"the one a" -> "the one way a"



Signature

Date