UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ERICSSON INC.,

Petitioner,

v.

KONINKLIJKE KPN N.V.,

Patent Owner.

IPR2022-00557

Patent No. 9,667,669 B2

REMOTE DEPOSITION OF ANTHONY J. WECHSELBERGER

WEDNESDAY, DECEMBER 14, 2022, 9:18 A.M.

WITNESS SITUATED IN ESCONDIDO, CALIFORNIA

Reported by Megan M. Grossman-Sinclair

CSR No. 12586

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(All appearances via Zoom videoconference)

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ESCONDIDO, CALIFORNIA

WEDNESDAY, DECEMBER 14, 2022; 9:18 A.M.

ANTHONY J. WECHSELBERGER,

having been first duly sworn,

testifies as follows:

MR. LOVSIN: Good morning. James Lovsin on behalf of the patent owner, KPN.

MR. BECKER: This is Jeff Becker representing Ericsson in this matter.

MR. LOVSIN: Thank you for being here today, Mr. Wechselberger.

Before we get into your questions, for the record, I just would like to memorialize an agreement that Mr. Becker and I had off the record. The deposition notice of Anthony J. Wechselberger, Paper 11, references recording by video. We are recording this deposition, and the parties agree that a video recording is intended to be used for any disputes about errata, and any other use of it, we have to agree subsequently.

MR. BECKER: I think just to correct, our agreement was to record the audio. So I don't -- I don't know that that accurately

describes what we agreed to.

MR. LOVSIN: So, Jeff, I guess we can go off the record.

Ms. Grossman-Sinclair said that the audio --

THE COURT REPORTER: Sorry. Are we off the record, Mr. Becker? Are we agreed?

MR. BECKER: Yeah, we can go off the record.

(Whereupon, a discussion was held off the record.)

MR. LOVSIN: Thank you, Ms. Grossman-Sinclair, Mr. Becker, for the discussion. So we are recording audio by Zoom for the purpose of any errata dispute that may arise.

MR. BECKER: That's my understanding, with the -- with the caveat that it would not be used for any other purpose than that.

MR. LOVSIN: Yes. And I am fine with that. I think let's have the flexibility, if there is another agreement, because if there is some recording in a deposition that you take down the line, this has got to be a two-way street.

MR. BECKER: I leave it open to future, I guess, modifications to the agreement,

but my agreement currently is that it would only be used for errata.

MR. LOVSIN: Fair enough.

EXAMINATION

BY MR. LOVSIN:

Q. Mr. Wechselberger, would you please state and spell your full name for the record.

A. Anthony Wechselberger.

Did you want me to spell that?

Q. Yes, please.

A. W-e-c-h-s-e-l-b-e-r-g-e-r.

Q. Would you please state your home address for the record.

A. 3447 Bernardo Lane, Escondido, California 92029.

Q. Is that where you are appearing for the deposition today?

A. Yes.

Q. Is there anyone in the room with you where you are now?

A. No.

Q. Can I ask, if anyone enters the room, you will tell me during the deposition?

A. For sure, yes.

Q. Do you have any notes or anything with you today?

A. I have the FedEx box that you folks had shipped to my house, sitting next to me. Other than that, my desktop is clear.

Q. Other than the FedEx box that we shipped to you, will you agree not to consult any notes or documents other than the ones that are put before you during this deposition?

A. Yes, I do. I agree.

Q. So you have Zoom on your computer right now; is that correct?

A. Yes.

Q. Are there any other applications open on your computer other than Zoom?

A. The e-mail application is open so that the calendar invite is available in case I need to click back in, but my e-mail is not visible; just the Zoom invite.

Q. Will you agree not to use any applications other than Zoom or Adobe, to the extent we share documents during the deposition?

A. Yes, I agree. I agree.

Q. Will you agree that during the question-and-answering portion of the deposition

you will not communicate with Ericsson's counsel?

A. I agree.

Q. Have you been deposed before?

A. Yes, many times.

Q. When was the last date of your last deposition?

A. I can't remember. I don't believe I have been deposed in the last -- within the last six or eight months.

Q. So it sounds like you have done quite a few depositions and relatively recently, but I will go through ground rules, if that's okay, as a refresher.

A. Go ahead.

Q. I will ask you -- thank you.

I will ask you questions, and you must answer them unless instructed not to do so by your attorney. Understood?

A. Yes.

Q. If your attorney makes an objection to a particular question, you must still answer the question unless your attorney specifically instructs you not to answer it. Understood?

A. Yes.

Q. Please speak up and answer orally.

The court reporter can't take down gestures.

Do you understand?

A. Understood.

Q. If at any time you need a clarification of a question, please ask. Otherwise, I will assume you understand the question. Does that make sense?

A. Agreed.

Q. If you need a break, please let me know, but I would ask -- answer the pending question first before we take a break.

Does that sound fair?

A. Yes.

Q. Do you have any questions so far?

A. No.

Q. Is there any reason why you cannot testify accurately and truthfully today?

A. No.

Q. Are you on any medication or any other circumstance that may render you incapacitated to testify?

A. No.

Q. When were you first contacted in connection with any role in this case?

A. About a year ago.

Q. Who contacted you?
A. I can't remember.
Q. Can you remember the organization where the person was from that contacted you about a year ago?
A. Well, it was with Baker Botts law firm, and in the course of my work on this assignment, I worked with two to three different lawyers back in the beginning, Mr. Becker being one of them.
Q. So you think it was one of these three attorneys that may have contacted you about a year ago?
A. Probably.
Q. How long after you were first contacted were you retained as an expert in this case?
A. Probably within a couple weeks.
Q. Did Ericsson's counsel provide you with any assumptions for your analysis?
MR. BECKER: Objection.
THE WITNESS: I don't understand the question.
BY MR. LOVSIN:
Q. Did Ericsson's counsel ask you to

make any assumptions in the analysis in your declaration in this case?

MR. BECKER: Objection.

THE WITNESS: The only ones that I recall are being presented with a couple of claim constructions between patent owner and -- patent owner's claim construction assertions and those of Ericsson. And I do recall that my declaration has that information in it, and I took -- I accepted both of them and provided opinions that, under either assumption, the claims are invalid.

BY MR. LOVSIN:

Q. So when you say your "declaration," are you referring to Exhibit 1003?

A. I don't have any materials in front of me, and I don't have the exhibit numbers memorized. If that is my declaration for the '669 patent, then I agree. I am referring to that.

Q. Do you recall the claim construction that you were presented with by Ericsson's counsel?

MR. BECKER: Objection.

THE WITNESS: It was the "construction of composition" section, I believe.

///

BY MR. LOVSIN:

Q. Were there any statements Ericsson's counsel made to you in the course of this case that you relied upon in forming the opinions you ultimately provided in your declaration, Exhibit 1003?

MR. BECKER: Object to form.

THE WITNESS: Repeat the question?

BY MR. LOVSIN:

Q. Were there any statements Ericsson's counsel made to you in the course of this case that you relied upon in forming the opinions you ultimately provided in your declaration, Exhibit 1003?

A. No. My opinions are based upon the prior art, my analysis of the challenged patent claims, and the prior art that I discussed in my declaration.

Q. So you mentioned earlier you have a FedEx box that KPN shipped to you.

A. Yes.

Q. And you haven't opened that box yet; is that correct?

A. That's correct.

MR. BECKER: Just for the record, I

have -- also have a FedEx box that I have also not opened.

BY MR. LOVSIN:

Q. Okay. Mr. Wechselberger, would you please open the box.

A. Yes.

MR. BECKER: Mr. Lovsin, any objection to me doing the same?

MR. LOVSIN: No. No. Please proceed.

MR. BECKER: Can we open the envelope too or --

MR. LOVSIN: Yes, please.

THE WITNESS: Okay. I am observing lettered -- manila envelopes from letters A through O.

BY MR. LOVSIN:

Q. Thank you.

So my plan for today is to walk through those letter folders, and we will identify what those are, contents on the record. I am happy to share the documents on the screen if you think that would be helpful to you. But let's see where we get to throughout the day.

A. Agreed.

Q. Would you please open the folder with the letter L.

A. I have it.

Q. Do you see Paper 11 in the top right corner of the document in the folder with letter L?

A. Yes.

Q. And do you see the title "Patent Owner's Notice of Deposition of Anthony J. Wechselberger" on the document?

A. I do.

Q. Do you recognize Paper 11?

A. Yeah. I was given a PDF of documents when I started preparing for the deposition. I believe this was one of those.

Q. Are you here today pursuant to this notice?

A. Yes, I assume so. I assume that's why we are here.

Q. What did you do to prepare for your deposition?

A. The file has been sitting in storage since I signed the declaration some months ago. So I recovered the file; I began to review the challenged patent, the claims; I reviewed the

pieces of prior art I cited to; I reviewed my declaration, of course. I also had the opportunity to read the POPR, patent owner preliminary report, and the decision by the Board.

Q. And the "decision by the Board" you are referring to is the Board's institution decision?

A. Yes.

Q. And you mentioned earlier you were given PDF documents when you started preparing for the deposition; is that correct?

A. Yes.

Q. What were those PDF documents?

A. I think it was just a complete set of documents associated with the -- the fact that the Board had instituted, and the folks at the Baker law firm just forwarded to me -- or gave me a link I could go to to download the documents. There were about at least a dozen of them. I do not remember what all they were. They included the documents that I just told you I started reviewing, plus other documents that were generated in the course of the months since I did my declaration.

Q. Did you meet with Ericsson's

attorneys in preparation for your testimony today?

A. Only remotely.

Q. When did you meet with Ericsson's attorneys in preparation for your testimony today?

A. Once notice had been provided that I would be deposed, which was two to three weeks ago, or maybe a little longer -- call it three weeks -- as is usual for me to get prepared for a deposition like this, I chatted with the law firm about putting in place some time spots on the calendar leading up to the deposition day. I typically ask for maybe three interactive sessions, hour or two each, with a kickoff session and a couple in between.

As I recovered the learning curve on the process, then I used those sessions to interface with the attorneys and otherwise appear. I think in this case there were maybe three Zoom calls that I had with Mr. Becker.

Q. And you said each call was about one to two hours; is that correct?

A. Well, I said I usually set up those kinds of time spans. I don't think we actually spent any more than an hour on any one of these calls.

Q. So is it fair to say you spent about three hours preparing for your deposition with Ericsson's attorneys?

A. I think that's fair. There was also a couple of -- maybe a couple of e-mails that we shared, but that doesn't take time. So, yeah, I think it's about correct.

Q. And during these Zoom calls in preparation for your deposition, who was on the call with you?

A. All the calls were just between myself and Mr. Becker.

Q. And you had spoken with Mr. Becker about this case before these Zoom calls preparing for your deposition; correct?

A. It was one of the Baker law folks who I worked with in the original process preparing my declaration. So, yes, I spoke to him before depo prep.

Q. Did Ericsson's attorneys assist you in developing your testimony today?

A. I am not quite sure I understand that question. They assisted me in recovering the learning curve and the thought processes that we went through in generating my declaration, but my

opinions are now in my declaration. So I didn't need any assistance other than getting back up the learning curve on my declaration.

Q. Did you discuss the subject of your deposition with any person who is not an Ericsson lawyer?

A. No.

Q. Have you been engaged as an expert witness before?

A. Yes.

Q. Has a court ever found that you were unqualified to render an opinion that you offered in a case that you were retained as an expert?

A. No.

Q. Has a court ever excluded testimony that you offered in a case that you were retained as an expert?

A. No.

Q. If I refer to "Board" today, will you understand that I am referring to the Patent Trial and Appeal Board?

A. Yes.

Q. Has the Board ever found that you were unqualified to render an opinion that you had

offered in a case that you were retained as an expert?

A. No.

Q. Has the Board ever excluded testimony that you submitted in a case that you were retained as an expert?

A. No, but I do recall the Board one time using an alternative claim construction term than I was providing an opinion for. So I suppose if you want to call that an "exclusion," they took the construction of patent owner and not me, but they never expressly disregarded or not accepted my -- the answer to your question is no.

Q. Do you remember the name of the case where the Board went with a different claim construction than the one you offered?

A. No. It's probably been six or eight years. I don't remember the name.

Q. Do you remember the subject matter of the case where the Board took a different claim construction than the one you offered?

A. No.

Q. So we have spoke about your declaration in this case; correct?

A. Yes.

Q. Please look at the folder with the letter F.

A. F as in "fox"?

Q. Yes.

A. I have it.

Q. Did you see the document in the folder with the letter F is Exhibit 1003, Declaration of Anthony Wechselberger?

A. Agreed.

(Exhibit No. 1003 was previously marked for identification.)

BY MR. LOVSIN:

Q. And on Page 104 of Exhibit 1003, do you see the signature?

A. Yes. That's my signature.

Q. Did you prepare Exhibit 1003?

A. Yes.

Q. Anybody assist you in preparing Exhibit 1003?

A. Sure. I worked with -- as I testified earlier, I worked with the law firm of Baker Botts, including Mr. Becker here, in the course of preparing this declaration.

Q. Who else other than Mr. Becker from the Baker firm assisted you in preparing the

declaration, Exhibit 1003?

A. I only remember one other name, Melissa. I haven't interfaced with her since almost a year ago now. So I don't remember her last name. Sorry.

Q. If I said "Muenks," would that refresh your recollection as to her last name?

A. I can't affirm or deny it. I don't remember.

Q. Do you know Kevin Jeffay?

A. No.

Q. So you have never spoken to Kevin Jeffay about this case; correct?

A. That's correct.

Q. Are you aware that KPN and Ericsson are involved in a co-pending patent litigation?

A. A district court case? Is that what you are asking me about?

Q. Yes.

A. I am aware of that.

Q. Did you review any papers from the district court case between KPN and Ericsson in connection with your work in this IPR?

A. I think after I signed my declaration and submitted it, if I recall

correctly, there was a claim construction order that came forward on that district court case, and I had them have a copy of that, a PDF copy, a soft copy that I have looked at, at least parts of it.

Q. Do you recall any other papers that you reviewed from the district court case between KPN and Ericsson in connection with your work in this IPR?

A. I can recall two. One was the -- is the name Kevin Jeffay you asked me about. I believe he submitted a declaration in conjunction with that case, and then there is a claim construction order. And the only reason I know about those is they were mentioned in the Board's decision document and they were cited there, so I went to look at them. That's all I am aware of from the district court case.

Q. So is it fair to say you did not review any drafts of papers that Ericsson filed in the district court case between KPN and Ericsson?

A. Not that I recall.

Q. Do you know George Foti?

A. No, I don't.

Q. So you have never spoken to Mr. Foti about this case; correct?

A. Correct.
Q. Outside of Ericsson's counsel, did you discuss your declaration, Exhibit 1003, with anybody else?
A. No.
Q. Let's turn to Appendix A, Exhibit 1003. It's Page 106 of Exhibit 1003.
A. Okay. I am there.
Q. What is Appendix A?
A. It's my resume.
Q. Did you prepare Appendix A?
A. Not in conjunction with this case. This is my resume. So, yeah, I prepared it.
Q. Did you make any updates to your resume in Appendix A of Exhibit 1003 for this case?
A. No, I did not.
Q. Does Appendix A of Exhibit 1003 accurately identify all of your education?
A. Yes.
Q. Does Appendix A to Exhibit 1003 accurately identify all of your professional experience?
A. No. It is a summary of my experiences in corporate life, and it mentions

briefly some of the areas where I have been involved as a consultant. I usually accompany this resume with additional information. In particular, I have a document which discusses my work as an assistant -- in assisting the legal community, which is not reflected in this resume itself.

Q. So you usually accompany your resume with additional information, and you didn't do it in this case?

A. Yeah, I did it in this case. It's the backgrounder on me that's about me in the front of my declaration.

Q. So the background in your declaration and Appendix A would accurately identify all of your professional experience?

MR. BECKER: Objection.

THE WITNESS: No. The specific legal cases and the law firms I have worked with for the past 20 years is additional material about my professional experience.

BY MR. LOVSIN:

Q. Is that list of cases on the -- your company, Entropy Management Solutions' website?

A. There is a sprinkling of them on that website that you see the link to on the resume. That's -- those are kind of dated. I haven't updated them in a long time. They are not meant to be comprehensive. They are just meant to be a sampling of the kind of work that I do and a key into my background areas of expertise.

Q. So is it fair to say Appendix A accurately identifies all your professional experience before your experting work in litigation?

MR. BECKER: Objection.

THE WITNESS: It is mostly focused on, like I said, my work in corporate life. When it comes to my consulting -- legal consulting experiences, I always include a backgrounder about me in the front of an expert report or a declaration, as is present in this case with my declaration. And if I am asked, I can also provide additional professional experience about the legal experiences that I have had. I was not asked to do so, as I recall, in this case.

BY MR. LOVSIN:

Q. So turning to Paragraph 14 of Exhibit 1003.

A. I am there.

Q. Do you see your statement:

"...working with high technology systems related to military, commercial, and consumer communications systems, networks, and appliances."

A. Yes.

Q. Well, let's focus on your experience with the military.

When was that?

A. 1974 to 1980 when I worked for General Dynamics.

Q. And your time at General Dynamics is listed on Appendix A; correct?

A. Yes.

Q. And so your experience with the military in connection with General Dynamics, is that listed on Appendix A?

A. Yes. It says General Dynamics electronics division, 1974 to 1980.

Q. Understood.

So this text, "Communications, embedded processing, digital signal processing for portable man/aircraft wargame instrumentation,

moving target indicator (MTI) digital radar, global positioning system receivers," that was all in connection with the military?

A. Agreed.

Q. Did you work with military personnel in connection with your work with the military through General Dynamics?

A. Occasionally, yes.

Q. What types of military personnel would you work with in connection with your work with the military through General Dynamics?

A. I worked mostly in what are called "iRAD programs," individual research and development. Those were advanced demonstration-type projects, oftentimes sponsored and paid for by a branch of the military. And as a result of that, those folks, those military folks would come in and -- for status reports and interfacing.

I also traveled to Germany on one of the projects, the MTI radar project, where I participated in NATO war games with helicopters and fighter jets and tanks, and I interfaced with a lot of military on that project.

Q. So you worked with military

officers and enlisted personnel in connection with your work with the military and through General Dynamics?

A. I would say I didn't work with them; I interfaced with them.

Q. While interfacing with military personnel in connection with your work with the military through General Dynamics, did you come to see that the military personnel were trained in communications systems and networks?

A. Did I come to see that they were trained in communications systems and networks?

Q. Yes.

MR. BECKER: Objection.

THE WITNESS: Well, yes, some of them were. That was the kind of nature of the work that I was doing at GD.

BY MR. LOVSIN:

Q. Let's turn to Paragraph 16 of Exhibit 1003.

A. Okay.

Q. And do you see your statement:

"The technological teachings found in IETF and ETSI standards form the important backdrop to

the knowledge of a person of ordinary skill in the art at the time (POSITA)."

A. I see that statement, yes.

Q. And does "IETF" stand for?

A. Internet engineering task force.

Q. Is session initiation protocol, SIP, an IETF standard?

A. Yes.

Q. RFC 3261 is the SIP IETF standard; right?

A. I don't have the IETF numbers memorized. I have got a part in the front of my resume which talks about references cited to or relied upon, I believe, that -- and the exhibit numbers. The SIP IETF numbers is RFC 3261.

Q. Before this case, have you had any work experience related to SIP?

A. Well, SIP is part of the toolkit of Internet standards that is fundamental, and I was first exposed to this -- I was first exposed to that when working with DOCSIS technologies back when I worked in the cable industry. DOCSIS is based on Internet -- several Internet standards. So I am thinking back 20-plus years now. That's

when I first would have been exposed to SIP.

Q. Before this case, have you ever been retained as an expert in a case involving SIP?

A. Not where it was front and center the way it is in this case, but like I say, it's fundamentally an important Internet protocol standard, and I have been involved in several cases where IPTV was the subject matter, and so by implication, SIP would have been within the sandbox of the technologies therewith but, as I say, not nearly as front and center as it was in this case.

Q. Do you recall the names of the cases where IPTV was subject matter where you were an expert?

A. No. I have been engaged in over 105 assignments in the past 20-plus. I can't -- I couldn't tell you.

Q. And what does "IPTV" stand for?

A. Internet protocol television.

Q. Is session description protocol, SDP, an IETF standard?

A. Yes.

Q. And RFC 4566 is the SDP IETF

standard; right?

A. Yes. Well, it's the latest one. It has been proceeded in earlier days by other numbers that -- when a newer version comes out, it obsoletes the older ones, but the current one, I believe, is 4566.

Q. Before this case, have you had any work experience related to SDP?

A. Same answer as for SIP. SDP is included in SIP. It's important -- it carries important information, and so to the extent that the IPTV assignments that I worked on involved that kind of detail, then I would have -- I would have been involved with it, but I have certainly been exposed to it, and I understand what it's about, and I had known that for at least 15 or 20 years.

Q. So you have not been an expert in a case where SDP has been front and center; right?

A. Relative to -- I would caveat -- I would generally agree with that with the caveat that SIP, SDP, and RT SP are all front and center in this particular matter, and I can't recall another case where that particular characteristic would apply.

Q. Let's touch on RTSP.

That is realtime streaming protocol; correct?

A. Yes.

Q. And RTSP is an IETF standard; correct?

A. Yes.

Q. RFC 2326 is the RTSP IETF standard?

A. Agreed.

Q. Before this case, have you had any work experience related to RTSP?

A. Same answer as before. SIP, RTSP, and SDP are typically all in support of each other in IPTV systems and perhaps not as front and center as they are in this case, but I have been exposed to them and I'm familiar with them through previous case work.

Q. So if we go back to Appendix A of Exhibit 1003, you are saying your exposure to SIP, SDP, and RTSP has been in connection with your role as an expert on prior cases; correct?

A. Yes.

Q. And so your exposure to SIP, SDP, RTSP has not been in connection with your prior experience in corporate life or your consulting,

non-legal work with Entropy Management Solutions?

A. No, that's not correct.

I mentioned earlier the term DOCSIS, and the last parts of my corporate life with TV/COM International where I was -- well, I had several different executive positions while I was there, but toward the latter half of the '90s, as the Internet exploded onto the scene, those of us involved in digital television and broadband distribution systems had assimilated Internet types of protocols as they became part of the broadband distribution technology arena. In other words, prior to the Internet, you could look at the satellite or cable television industry and find it's kind of an island of technology committed to those -- it might have been digital television for sure, but it wasn't until the Internet impact happened that the landscape of technologies began to expand into Internet stuff, IPTV being an example of that.

And so by the time I left corporate life, as vice president of product management or as general manager of conditional access business unit, Internet types of transmissions and communications were very much part of what we were

doing. So, yeah, I got initially exposed to that while still in corporate life.

Q. And in your role with non-legal consulting work in Entropy Management Solutions, have you worked with SIP, SDP, or RTSP?

A. I have not worked with them directly, but I have been consulting, for example, to the digital cinema community through my work with the Hollywood studios and my work with SMPTE, the Society of Motion Picture and Television Engineers, on developing standards that support digital cinema, and Internet communications are very much part of that communications infrastructure.

And so you will find sprinkled about throughout the two- or three-dozen standards that have been generated in support of digital cinema, many of them include IETF standards as normative references.

So, yes, that work is non-legal assistance work that I do as a contributing systems engineer.

Q. What does it mean to be a normative reference from one standard to another?

A. A standard -- standard is not an

island. A standard is directed to solving a specific or defining a specific arena of something, of some technological sandbox, and it's typically been the case that standards, as I said, are not an island, but they depend on earlier or other standards.

And in the front end of a standard, it is standard practice -- normal practice to list those other standards that a given standard relies upon, and those are called "normative standards." It just means that if you are studying standard A and it has -- it has normative references to standard B, it just means standard A isn't fully complete without the additional support it gets from standard B, standard B being -- is thus called "normative." They are also called the "informative standards," which are standards which are kind of like, oh, by the way, for additional detail, look at this informative reference for additional background.

Q. Are you familiar with web realtime communication, web RTC?

A. I have heard of it. I don't recall, sitting here today, exactly what it's about.

Q. Before this case, have you had any work experience related to web RTC?

A. I can't recall. I don't recall.

Q. Before this case, have you ever been retained as an expert in a case involving web RTC?

MR. BECKER: Objection.

THE WITNESS: Since I don't remember what it's about, I don't know.

BY MR. LOVSIN:

Q. You mentioned earlier in your testimony that you had reviewed the Board's institution decision in this case; correct?

A. Yes.

Q. Do you agree with the Board's analysis on the institution decision?

MR. BECKER: Objection.

THE WITNESS: I don't recall if I agree with every sentence they wrote. I generally am in agreement that they understood, for example, the subtleties of how I was -- they were addressing my declaration as much as the petition, but to the extent that the petition and my declaration align with each other, the Board understood how these IETF standards fit into the

prior-art picture, so I agreed with that.

But, you know, we would have to do a page-turner on the decision to see if I agreed with everything. I don't remember.

BY MR. LOVSIN:

Q. Sitting here, can you remember any portion of the Board's institution decision that you disagree with?

A. No, I can't remember anything I specifically disagreed with.

Q. If you look at Paragraph 4 of Exhibit 1003.

A. Okay.

Q. You just testified about:

"To the extent that the petition and my declaration align with each other, the Board understood how these IETF standards fit into the prior-art picture."

Is that correct?

A. Yes.

Q. And so in Paragraph 4 of Exhibit, 1503, you say:

"I have reviewed the petition

in detail and I agree with its analysis and conclusions."

Do you see that?

A. I do.

Q. Do you recall if you reviewed the petition before you prepared your declaration in this case?

A. Well, yes. It says right there I did.

Q. And, again, you mentioned:

"To the extent the petition and my declaration align with each other, the Board understood how these IETF standards fit into the prior-art picture."

Right?

A. Yeah.

Q. Do you have a view of how much alignment there is with your declaration and the petition?

A. I think -- I believe them still to be a hundred percent aligned. I actually did not review the petition in preparing for today. I am here to defend my declaration. And when I said to "the extent the petition and my declaration

align," I was simply referring to -- acknowledging the fact that it wasn't evident to me that the Board actually looked at my declaration; they were responding to the petition. And so indirectly I was saying -- suggesting that the Board also agrees with me.

Q. Do you agree with the Board's construction of associated sessions in the institution decision?

MR. BECKER: Object to form.

THE WITNESS: I have to look at that again. I don't remember exactly what they decided. I believe they -- I believe they accepted patent owner's position on that. I don't have the decision -- you have to put it in front of me. I don't recall.

I mean, again, I accepted both parties' positions and provided -- and opined upon how the plaintiffs would be invalidated under either. And so, you know, whatever the Board decided, from my perspective, I don't really -- it doesn't change my opinions or my testimony.

BY MR. LOVSIN:

Q. Let's look at the folder with the letter I.

A. Okay.

Q. Do you see the document in the folder with the letter I is Paper 8 decision?

A. Yes.

Q. What is Paper 8?

A. It is -- it is Board's -- it's just called "decision." I mean, I just refer to it as the institution decision document.

Q. Let's turn to Page 8 of Paper 8.

A. I am there.

Q. Do you see Section 1 on Page 8, associated sessions?

A. Yes.

Q. Do you see the Board's statement:

"We construe associated sessions as sessions that should not be managed independent from each other."

A. I do.

Q. Do you agree with the Board's construction of associated sessions on Page 8 of Paper 8?

MR. BECKER: Object to form.

THE WITNESS: I accept it, and I know where it came from. It came directly out of

the '669 patent. It seemed like that was a logical place for the Board to pull from. Like I said, I accept it.

BY MR. LOVSIN:

Q. Do you agree with the Board's construction of exchanging the composition session identifier in the institution decision?

A. Can you point me where that exists in the document so I can give you a solid answer?

Q. Yes.

If you turn to Page 9 of Paper 8, do you see Section 3, exchange?

A. Yes.

Q. Do you see -- do you see the last -- second-to-last sentence in that section:

"Exchanging the composition session identifier in the context of the specification is sending the composition session identifier in either direction."

A. Got it. I am looking at it.

And your question was?

Q. Do you agree with the Board's construction of exchanging the composition identifier in the institution decision?

A. Yeah, I do.

Q. So I am at a bit of a transition point. I am happy to take a break. We have been going for a while.

If, Mr. Wechselberger, you would like to take a break?

MR. BECKER: I think we have been going about an hour.

MR. LOVSIN: I can keep going.

THE WITNESS: Yeah, I mean, I am fine if you want to -- I am fine.

MR. LOVSIN: All right. Let's keep going. When you -- please let me know when you want to stop to take a break.

THE WITNESS: Okay.

MR. BECKER: Let's set up some goalposts. Like, what generally -- what -- how long do you generally like to go, Mr. Wechselberger, without a break? You want to go an hour and a half? Another 30 minutes?

THE WITNESS: An hour and a half -- hour and a half is comfortable for me typically, yeah.

MR. LOVSIN: Okay. Yeah. Let's do that.

BY MR. LOVSIN:

Q. Let's turn back to your declaration, Exhibit 1003, and could you turn to Paragraph 57.

A. Okay. I am there.

Q. In Paragraph 57, do you see your statement:

"Signaling...refers to information messages to set up control and terminate communication [of] media sessions"?

A. The opening sentence of Paragraph 57?

Q. Yes. And I see -- I misspoke. I said "of" instead of "or." So I will re-read that portion again:

"Signaling" -- and then -- "the information messages passed between network nodes to set up, control, and terminate communication or media sessions."

Do you see that?

MR. BECKER: Objection.

THE WITNESS: Yes.

BY MR. LOVSIN:

Q. And staying on that Paragraph 57, you quote the '669 patent, which is Exhibit 1001, as:

"Composition session may be used for the management of associated sessions."

Is that correct?

A. Yes. That's out of the exhibit -- that's out of the '669 spec.

Q. Taking those two statements together, are you saying session management is the setup control and termination of media sessions?

MR. BECKER: Object to form.

THE WITNESS: I am saying session management includes those.

BY MR. LOVSIN:

Q. Is there a difference between session management and telecommunications management?

MR. BECKER: Object to form.

THE WITNESS: I am trying to remember where the term "telecommunications management" might have surfaced in this case, and I am drawing a blank. So I don't know the answer

to your question. I don't know what you mean.
BY MR. LOVSIN:
Q. What does "telecommunications management" mean to you?
MR. BECKER: Object to form.
THE WITNESS: In absence of a context, I don't think it's a term of art that necessarily means anything. If you can show me someplace where that exists, I can opine better, but it might be the same, it might be different, depending upon context. I don't think I used that term in my declaration.
BY MR. LOVSIN:
Q. Is there a difference between session management and other types of management in communications and networks?
A. Repeat the question?
Q. Is there a difference between session management and other types of management in communications and networks?
A. I will answer it the same way. It would depend upon context, on session management in the context of '669 as -- you know, it's -- what it is, it's set forth in that -- in the '669 patent and also in the prior art.

You are asking me how it compares to other telecommunications management options. I don't have an opinion.

Q. What does "session management" mean in the context of the prior art?

A. Examples are throughout my declarations. A session management could be the establishment, management in tear- -- establishment or tearing down of media sessions, as an example.

Q. Sitting here, are there any other examples of session management that you can identify from the prior art?

A. I believe Paragraph 107 of my declaration speaks to this. In that paragraph, I describe how signaling sessions is for management of the associated sessions, and I provide several examples in the next several paragraphs.

Q. Is there a difference between session management and facilitating management of sessions?

MR. BECKER: Object to form.

THE WITNESS: I don't recall opining on that. I don't have an opinion.

///

BY MR. LOVSIN:

Q. Foti describes setup of RTSP messages; correct?

A. Yes.

Q. And when I refer to Foti, do you understand me referring to the published patent application that you cited as prior art in the petition No. 20080151918?

A. Yeah. I just happened to open Folder No. A which is Foti, and I looked at the numbers as you read them. I concur that is Foti.

Q. And Foti is F-o-t-i; is that correct?

A. Yes.

Q. And the document in the folder letter A is Exhibit 1006; correct?

A. Yes.

(Exhibit No. 1006 was previously marked for identification.)

BY MR. LOVSIN:

Q. And if I refer to the term "Foti," you'll understand I'm referring to Exhibit 1006?

A. Okay.

Q. And so just to confirm our first question in this set of questions about Foti, Foti

describes the setup of RTSP messages.

That's right?

MR. BECKER: Object to form.

THE WITNESS: The setting up of RTSP sessions is amongst -- is described by Foti, as is the establishment of SIP session.

BY MR. LOVSIN:

Q. And RTSP messages are different than RTSP sessions.

A. Well, an RTSP session must be established -- is established for the purpose of then exchanging RTSP messages within that session.

Q. An RTSP message terminates an RTSP session; correct?

MR. BECKER: Object to form.

THE WITNESS: Repeat the question?

BY MR. LOVSIN:

Q. An RTSP message terminates an RTSP session; correct?

MR. BECKER: Object to form.

THE WITNESS: I don't have the RTSP spec in front of me, and under Foti, it's the -- the RTSP sessions are managed by the SIP session. And, for example, Foti teaches that if the SIP sessions were to terminate, then the RTSP sessions

would fail to operate, and effectively terminate them. But whether they are formerly terminated -- there is a lot of different ways these standards interact with each other to initiate and terminate sessions.

Outside the context of what Foti, Wright, and Lloyd teach, your question seems a bit abstract.

BY MR. LOVSIN:

Q. Does Foti teach or suggest a SIP message terminates an RTSP session?

A. I am looking at Foti, Column 3, around Paragraph 36. At the bottom of Page 3, Foti says:

> "Most skilled in the art will appreciate that the SIP session used to set up the RTSP session may terminate."

And then it gives reasons why that may happen. Paragraph 37 says:

> "Because conventional methods of streaming media do not link the RTPS session to the SIP session that created it, the [AS400]" -- "40" -- excuse me --

"would reject subsequent RTSP commands from the UT as invalid."

And then Foti goes on to teach a process of reviving the SIP sessions so the RTSP sessions become operative again.

The other reference that I cited to is the Wright reference which also describes the termination of RTSP sessions. And I don't have that in front of me, so I can't exclusively tell you what -- remember what Wright teaches.

Q. Folder with the letter B, please open that folder.

A. Yeah, I have it.

Q. Do you see the document in the folder with letter B is Exhibit 1010?

A. Yes.

(Exhibit No. 1010 was previously marked for identification.)

BY MR. LOVSIN:

Q. And do you see "Wright" in the top left of Exhibit 1010?

A. Yes.

Q. And the number 20060039 through -67 in the top right of Exhibit 1010?

A. Yes.

Q. Is Exhibit 1010 the Wright reference that you were referring to?

A. It is.

Q. And if I refer to "Wright" today, you will understand I am referring to Exhibit 1010?

A. Understood.

Q. Can you show me in Wright where a SIP message terminates an RTSP session?

A. I am actually going to look in my declaration to attempt to find the answer to that.

In that declaration, I covered this question at Paragraph 75 on Page 46. Paragraph 75 says:

"Wright's technique for termination..."

The second sentence:

"...includes the user equipment sending a SIP BYE message and the network responding to that message by terminating the media stream."

As shown in Figure 6 from Wright.

Q. So your statement in Paragraph 75 of Exhibit 1003:

"Wright's technique for termination includes the user equipment sending a SIP BYE message (as taught by RFC 3261), and the network responding to that message by terminating the media stream."

Is that what you pointed to?

A. Yes.

Q. So the network responds to the SIP BYE by terminating the media stream; correct?

A. That's a quote -- well, let's see. The actual quote from Paragraph 38 of Wright says:

"For example, the customer may activate a push button of the remote 306 to terminate transmission of the media stream, which is Step 650 of Figure 6."

Q. Does Paragraph 38 of Wright use the term "RTSP session"?

A. I don't see the RTSP mentioned in Paragraph 38. The media sessions of Foti are the associated sessions, and Wright -- the modification of Foti under the teaching of Wright is -- is how Wright teaches that the SIP sessions

can terminate the media sessions.

Q. Figure 6 of Wright doesn't have an RTSP session labeled; correct?

MR. BECKER: Objection.

THE WITNESS: Well, since SIP doesn't directly transmit or communicate media streams, I think one of ordinary skill in the art would understand that the media stream in Figure 6 would be an RTSP session or an SDP session, whichever way you want to transfer the actual data.

BY MR. LOVSIN:

Q. Back to Foti.

In this discussion of whether an RTSP message terminates an RTSP session, I believe you pointed to Paragraph 36 and 37 of Foti; is that correct?

MR. BECKER: Objection.

THE WITNESS: Repeat the question.

BY MR. LOVSIN:

Q. Back to Foti.

In this discussion of whether an RTSP message terminates an RTSP session, I believe you pointed to Paragraph 36 and Paragraph 37 of Foti; is that correct?

A. I did point to those two paragraphs, 36 and 37, but I believe I was saying that the SIP session termination results without -- would result in the ending of the RTSP session.

Q. So you agree with me that an RTSP message terminates an RTSP session?

MR. BECKER: Object to form.

THE WITNESS: That's not what I said. I said the SIP -- the termination of the SIP session under Foti would result in the failure of the RTSP sessions to operate.

And Foti says in Paragraph 37:

"The linking performed by the present invention, however, avoids the need for teardown, and instead, allows the AS 40 and the UT to establish a new SIP session and link it with the existing RTSP media session."

So there is no tearing down under Foti of the RTSP sessions themselves; rather, Foti is teaching a way to revive them should the SIP session terminate.

///

BY MR. LOVSIN:

Q. So Foti does not teach a SIP message terminates an RTSP session; correct?

MR. BECKER: Object to form.

THE WITNESS: Foti expressly describes how to revive, which is the word used under Foti, the SIP and RTSP sessions that are supplying the media stream to the user terminal. Foti is focused on a situation that can develop in the network where the SIP session would time out, for example, or cease -- or terminate.

In my declaration, I use -- I pointed to that as a use case for how a SIP session manages the associated media sessions, and supplemented that with the teachings of Wright, which then discloses how a SIP session could be -- SIP session BYE message, B-Y-E message, could be used if one wanted to terminate the media sessions.

So to the extent one would argue that Foti doesn't talk about deliberate termination, which is a thing that may well be -- you would want to do if you are done watching television or an event, but Wright does tell you how to do that.

BY MR. LOVSIN:

Q. Does an RTSP teardown message terminate an RTSP session?

MR. BECKER: Object to form.

THE WITNESS: I don't recall.

BY MR. LOVSIN:

Q. Are you familiar with an RTSP teardown message?

A. I would have to look at the spec.

Q. Which spec?

A. The RTSP spec.

Q. So sitting here, you are not familiar with an RTSP teardown message?

A. I don't recall it being used for the -- I'm sorry. I don't recall it being used in the teardown process of these particular references. I am not saying it doesn't exist; I assume it does.

I am now looking at Paragraph 113 of my declaration where this subject that you are asking me about is discussed. In Paragraph 113, I cite from Paragraph -- Foti Paragraph 36 that we just looked at with the session -- SIP session may terminate, do a time-out. So at the bottom of that Page 75, I say:

"A person of ordinary skill in the art would have understood that Foti discloses a network initiated procedure for tearing down RTSP sessions when the SIP session times out."

And then I go on to talk about Wright, beginning in Paragraph 114, would have -- in the middle of Paragraph 114:

"It would have been obvious in light of the teaching of Wright to implement signaling in a SIP signaling session to permit such a user to terminate the session and the associated RTSP sessions. For example, Wright expressly teaches to use a standard SIP BYE message" -- B-Y-E -- "to terminate the SIP session and thus delivery of RTSP media streams."

And there is a figure in Wright that illustrates that.

Q. We talked about Paragraph 38 earlier; correct?

A. 38 of Wright?
Q. Yes.
A. Yes.
Q. 38 of Wright doesn't refer to an RTSP session; correct?
A. I mentioned that I did not see it in 38, but it's my opinion that a person of ordinary skill in the art would understand that that's the way Wright is delivering actual media streams.
Q. In Foti, between which entities is the media session?
A. Are we saying the media session under Foti -- when you said "media session," are you talking about the RTSP session?
Q. Is the RTSP session what you are relying on as a media session for purposes of this case?
MR. BECKER: Object to form.
THE WITNESS: Yes. If we look at Foti, summary of the invention, Page 1, Paragraph 5:
"The present invention links a realtime streaming protocol media session that streams media

content through user terminal.
That linkage is to a session initiation protocol (SIP) used to set up the RTSP media session."

I think that answers your question.

BY MR. LOVSIN:

Q. So between which entities is the RTSP session in Foti?

A. Looking at Figure 4 of Foti, which is also the title page figure, you can see the initial part of the RTSP setup takes place between AS 40 and MCS 30. So the session setup is shown there as Line No. 70, and there is a return 200 OK message 72 that goes back to the AS 40, and subsequently the AS 40 then returns the 200 OK RTSP session ID to the UT.

So getting back around to answer your question, the RTSP session in fact ends up being -- connecting -- or ends up connecting the user terminal 20 with the MCS 30, and that would make sense because the RTSP session is intended to control the playback of media such as play, pause, et cetera. And so that would reasonably take place between the UT and the MCS, which is the source of the content.

So it's a two-phase start between AS and MCS. It ends up being the connection between the UT and MCS for purposes of media session control.

Q. So just to confirm, you are saying the media session is between UT 20, AS 40, and MCS 30?

A. Well, it's -- what I described to you was the sequence of events depicted in Figure 4, and all three of those actors are involved. In the end, the UT and the MCS are handshaking RTSP messages.

One of ordinary skill would understand from this that what needs to be established is the UT 20 being able to communicate with the MCS, which is the source of the media content streaming over RTSP session 90 at the bottom of that figure. And so there is ultimately connection from the UT through to the MCS via RTSP.

Q. RTSP has its own signaling for termination of sessions; correct?

A. We have already had that discussion. I don't recall. That isn't -- again, I was looking at Wright from my declaration. Let

me just continue with that.

Looking at Paragraph 115, 115 is speaking to Figure 6 of Wright:

"As seen above, the session teardown of the RTSP controlled media stream (highlighted in yellow) is initiated at Step 650 using a SIP BYE message from the user equipment (IPFCD 100). As disclosed by Wright, 'The customer may activate a push button of the remote to terminate transmission of the media stream," which is Step 650.

So Wright uses the SIP BYE message to terminate the RTSP session.

And your question was specifically if RTSP terminates message use; well, not in Wright.

Q. So let's look at the folder with letter M.

MR. BECKER: Are we at a transition point, Mr. Lovsin, so where we could take that break we talked about?

MR. LOVSIN: I am good with taking

a break if that works for everybody.

MR. BECKER: I think we have been going a little bit over an hour and a half.

Tony, does that work for you?

THE WITNESS: Yeah, just need an ETA for resumption, an after.

MR. LOVSIN: Well, let's go off the record.

MR. BECKER: Sure.

(Whereupon, a recess was held from 10:56 a.m. to 11:10 a.m.)

BY MR. LOVSIN:

Q. Mr. Wechselberger, during the break, did you discuss your testimony with Mr. Becker?

A. I did not.

Q. If you could turn back to Appendix A.

A. Okay.

MR. BECKER: Just as a point of confusion, you are talking about Exhibit 1003?

MR. LOVSIN: Yes, Appendix A of 1003. Thank you.

BY MR. LOVSIN:

Q. Do you have any books listed that

you have authored regarding communications systems or networks in Appendix A of Exhibit 1003?

A. No.

Q. Have you authored any books about communication systems?

A. I authored dozens of technical white papers or articles. I have not authored a book, a textbook.

Q. Have you authored a book about networks?

A. I just said I have not authored a book.

Q. Okay. Just to confirm, you have not authored any books?

A. Correct.

Q. Okay. We were looking at the folder with the letter M before the break.

A. That's the realtime streaming protocol standard; right?

Q. Yes.

Do you see the document? It's marked Exhibit 1009 in the folder with the letter M.

A. Yes.

Q. And do you see -- do you see

"RFC 2326" in the top left of Exhibit 1009?

A. I do.

Q. And so if I refer to Exhibit 1009 as "RFC 2326," you will understand that I am referring to Exhibit 1009?

A. Yes.

(Exhibit No. 1009 was previously marked for identification.)

BY MR. LOVSIN:

Q. RFC 2326 describes how a user can terminate an RTSP session; correct?

A. I am looking at the table of contents under Section 10. I see -- they call the messages methods, m-e-t-h-o-d, quote/unquote, and I see message 10.7 called "teardown" on Page 37. It's 37 of the RFC spec, not page -- oh, it's Page 37 of the exhibit. That's good.

Your question is -- describes how a user can terminate an RTSP session. So I am going to review the teardown message.

"The teardown request stops the stream delivery for the give URI."

So RTSP does provide a message tool for terminating -- for freeing the resource -- for

stopping the stream delivery and freeing the resources associated with it. The RTSP session identifier is no longer valid. So it appears they don't call it "terminate"; they call it "teardown" under the standard.

Does that answer your question?

Q. So Section 10.7 of RFC 2326 shows signaling to tear down an RTSP session; correct?

A. That's what it appears to show.

Q. And RFC 2326 describes how a user can tear down an RTSP session; correct?

MR. BECKER: Object to form.

THE WITNESS: Well, the IETF standards are purpose neutral as to whether it's the user or whoever it is. It just defines a standard.

BY MR. LOVSIN:

Q. So if RFC 2326 is neutral, a user can use a teardown message to tear down an RTSP session; correct?

MR. BECKER: Object to form.

THE WITNESS: I presume so. But this is outside the scope of my declaration because the citations -- the prior art that I cited to uses a SIP session termination to do that

same thing.
BY MR. LOVSIN:
Q. Did you cite RFC 2326 as prior art in the petition?
A. Yes, I did.
MR. BECKER: Object to form.
I think you meant declaration when you asked that question.
BY MR. LOVSIN:
Q. Did you cite 2326 -- strike that.
Did you cite RFC 2326 as prior art in your declaration, Exhibit 1003?
A. Yes.
Q. You didn't cite an RTSP teardown message in your declaration, Exhibit 1003?
MR. BECKER: Object to form.
THE WITNESS: I believe that's correct because there's different ways these standards interact with each other, and it turns out that both Foti and Wright establish and terminate RTSP sessions using SIP messaging.
BY MR. LOVSIN:
Q. Let me ask you a logic question.
Do you agree that just because all cats are animals does not mean that all animals

are cats?

A. Yeah, I would agree with that.

Q. So just because SIP can manage media sessions does not mean that all media sessions are thus managed by SIP; correct?

MR. BECKER: Object to form.

THE WITNESS: I would agree with that statement as well.

BY MR. LOVSIN:

Q. Let's turn back to your declaration, Exhibit 1003, Paragraph 106.

A. I am there.

Q. Do you see your statement in the second sentence:

"Each RTSP session would be understood to be a signaling session because the purpose of the RTSP session is to allow UT 20 to control the media stream using various signaling messages such as RTSP play at Step 76"?

A. I do see that.

Q. And your statement in Paragraph 106 of Exhibit 1003 is related to Foti; correct?

A. Yes.

Q. Earlier you testified that in Foti the RTSP session is a media session; correct?

MR. BECKER: Object to form.

THE WITNESS: Yes, and I cited to -- I cited to Foti's opening Paragraph 5 under the summary invention as support.

BY MR. LOVSIN:

Q. And Paragraph 106 of Exhibit 1003, you are saying each RTSP session would be understood to be a signaling session; correct?

A. Yes.

Q. So which one is it? Is the RTSP session in Foti a media session or a signaling session?

MR. BECKER: Object to form.

THE WITNESS: Foti uses the term "media session" in conjunction with RTSP. Again, I am looking at Paragraph 5. That's just the way Foti describes the invention there.

More critically, in my declaration at Paragraph 106 that you pointed to, I am saying an RTSP session is a signaling session because the purpose of RTSP session is to allow the UT 20 to control the media stream using various signaling messages.

So there is the text of Foti that a person of ordinary skill in the art would be able to read and understand where Foti describes, for purposes of convenience, the RTSP session as media sessions, but through the lens of the claims, one would -- a person of ordinary skill would understand that it's a signaling session.

BY MR. LOVSIN:

Q. So through the lens of the claims, the RTSP session is not a media session?

MR. BECKER: Object to form.

THE WITNESS: Well, I just tried to carefully describe Foti's use of that term in the Foti specification, differentiate what Foti -- to differentiate from the SIP session within Foti. And so Foti's media sessions are sessions looking at the claim again, which are sessions -- which are separate or different from the SIP sessions.

BY MR. LOVSIN:

Q. What claim are you looking at?

A. Well, Paragraph 106 is developed in conjunction with claim element 1D as in "delta."

Q. So for purposes of this case, are you saying the RTSP session within Foti is both a media session and a signaling session?

A. Foti calls the RTSP sessions "media sessions," and they are established for purposes of controlling media streams. The actual media streams in Foti, by the way, are found at the bottom of Figure 4. The big fat line that says "90" is an RTP session. That's the actual transmission of media information.

So everything above there -- the SIP session, the RTSP sessions -- are signaling sessions. For convenience Foti calls the RTSP "media sessions," and to distinguish them from the SIP sessions that create the RTSP sessions.

Q. What's an RTP session?

A. Realtime protocol is a -- another IETF standard for transmitting realtime data streams.

Q. And so an RTP session is different than an RTSP session; correct?

A. Correct.

Q. Are you saying Foti mischaracterizes an RTSP session when he calls it a "media session" in the Foti reference?

MR. BECKER: Object to form.

THE WITNESS: No, not at all.

///

BY MR. LOVSIN:

Q. So just to confirm, you are saying the RTSP session in Foti is both a media session and a signaling session?

A. Asked and answered. I said Foti uses the term "media session" to describe the RTSP sessions. That's the term used in Foti. He is welcome to call it whatever he wants. That's what he calls it. He can call it whatever he wants to, but it doesn't change the fact that it is a signaling session for controlling media streams.

Q. Okay. So your testimony is that an RTSP session is not a media session, from your perspective?

MR. BECKER: Object to form.

THE WITNESS: No. I disagree with that statement. I said -- I said Foti calls the RTSP session a "media session." That doesn't mean it's not a signaling session because one of ordinary skill in the art would understand that an RTSP session is a signaling session.

I further explain that if there is any confusion between media session and the actual data transfer session, that Foti eliminates that confusion, if you look at Figure 4, where he shows

an RTP session that actually transfers media.
BY MR. LOVSIN:
Q. And just so I am clear, you are not saying that the RTSP session is both a media session and a signaling session.
MR. BECKER: Object to form.
THE WITNESS: I am saying that Foti calls the RTSP sessions "media sessions" to differentiate them from the SIP.
For example, you can look at the abstract, and Foti says:
"A user terminal uses a session initiation protocol, SIP, to establish a realtime streaming media, RTSP, media session with a content server. An application server which establishes the RTSP media session links the RTSP media session to the corresponding SIP session."
One of ordinary skill in the art reading that and looking at the title picture, Figure 4, would understand that all the sessions are shown -- are signaling sessions. There's SIP sessions and there's RTFP sessions established as

signaling sessions. And the bar at the bottom, the fat one, 90, would be the actual media transfer session under RTP.

BY MR. LOVSIN:

Q. Staying on Foti, please turn to Figure 4. Figure 4 of Foti only shows a single RTSP session; correct?

MR. BECKER: Object to form.

THE WITNESS: Agreed.

BY MR. LOVSIN:

Q. How many SIP invite messages does Foti show in Figure 4?

A. In the exemplary discussion of Figure 4, Foti shows the opening of a SIP invite -- shows the opening of a SIP session by starting the invite command as shown in line 64, and a subsequent dialogue establishes an RTSP session in conjunction with the invite.

Q. So Figure 4 shows -- of Foti shows one SIP invite message; correct?

A. Yes.

Q. And Foti describes one SIP invite message in connection with Figure 4; correct?

MR. BECKER: Object to form.

THE WITNESS: Yes.

BY MR. LOVSIN:

Q. Turning to Paragraph 68 of your declaration, Exhibit 1003, do you see that?

A. Yes.

Q. Do you see the statement in Paragraph 68 of Exhibit 1003:

"Returning to Figure 4, after completing RTSP signaling session setup (70 and 72), AS 40 sends a 200 OK message to UT 20 (74), which contains the information 'AS 40 used to link the RTSP session and the SIP session'"?

A. I see the statement.

Q. Foti is referring to a single RTSP session in Lines 70, 72, and 74; correct?

A. Right. He described how the SIP invite results in an RTSP session establishment.

Q. Foti is referring to a single SIP session in Lines 70, 72, and 74; correct?

A. Yes. But, you know, I have cited from Foti in the previous paragraph, 66, directly from Foti, the discussion on Figure 3 which includes the disclosure in Foti that more than one RTSP session ID may be linked from the same SIP

session. In other words, more than one RTSP session can be established just as you see in Lines 70, 72, and 74. And Figure 3 is an example of the result of that where two RTSP sessions are linked to the -- to the -- to one SIP session.

Q. Paragraph 28 doesn't say anything about RTP sessions; correct?

A. Paragraph 28 of Foti?

Q. Yes.

A. Paragraph 28 is about Figure 3, which shows RTSP sessions and SIP sessions, and your question was about RTP sessions. There is nothing in Figure 3 about that. But in Paragraph 28, Foti further discloses:

> "While not explicitly shown in this figure, Table 52 might also store other information including but not limited to the user ID and the URL associated with the RTSP media session."

But RTP is not specifically called out in Paragraph 28.

Q. So back to Lines 70, 72, and 74 of Foti, Figure 4 and the corresponding description, those lines and corresponding description do not

refer to Figure 3 or Paragraph 28; correct?

MR. BECKER: Object to form.

THE WITNESS: Well, you haven't gotten to Figure 4 yet. But when you read Paragraph 28, which is about Figure 3, for whatever reason, the disclosure talks about functions of the lot diagram shown in Figure 1 and then informs you about Figure 3, which shows more than one RTSP session linked to a given SIP session. And then Figure 4 is described beginning in Paragraph 30.

So we haven't gotten to Lines 70, 72, and 74 yet in the discussion -- limited discussion about Figure 3, which takes place at 28, Paragraph 28.

BY MR. LOVSIN:

Q. So you would agree that Foti's description of Lines 70, 72, and 74 in Figure 4 do not refer to Figure 3 or Paragraph 28?

MR. BECKER: Objection to form.

THE WITNESS: No, I would disagree with that, because of the disclosure that more than one RTSP session can be linked to the SIP session. Foti only describes one way of generating -- of establishing an RTSP session, and

that's in Figure 4.

So it's notoriously obvious to one of ordinary skill in the art that to end up with the linkage shown in Figure 3, one would have to duplicate Lines 70, 72, and 74 for a subsequent RTSP session.

BY MR. LOVSIN:

Q. What does "notoriously obvious" mean?

A. Well, it's -- it's not only obvious; it's really, really obvious.

Q. In Figure 4 of Foti, only one RTSP session ID is linked to one SIP session ID; correct?

MR. BECKER: Object to form.

THE WITNESS: Actually, there is no linkage shown in Figure 4. The linkage is described in conjunction with Figure 3 where there's two RTSP sessions linked to a single SIP session.

BY MR. LOVSIN:

Q. So just to confirm, Figure 4 shows one RTSP session and one SIP session; correct?

A. Yeah. We have already agreed that that's what Figure 4 shows.

Q. Let's turn to Figure 7.

A. Okay.

Q. In Figure 7 of Foti, only one RTSP session is shown; correct?

A. I didn't use Figure 7 in my declaration, so I am going to have to read about it. This is the revised picture.

Yeah, Foti is reestablishing SIP's -- Foti is keeping an RTSP session going or operative. So it's a flow diagram associated with what he describes or she describes as a revive feature by issuing another SIP invite command.

And you will see it's Line 110, the RTSP resume process takes place and, once again, the user terminal is connected to the MCS for purposes of RTSP session command and control.

Q. So in Figure 7 of Foti, only one RTSP session is shown; correct?

A. And just like Figure 4, only one is shown, and Figure 7 one is shown, but as I testified in my declaration, it would be obvious that if you were using the revive feature, you would do it to revive both sessions shown in Figure 3.

Q. In Figure 7 of Foti, only one SIP

session is shown; correct?

A. Yes. There was only one SIP session, presumably, that terminated from Figure 4. Figure 7 is the follow-on revive process associated with maintaining the RTSP sessions. So you only need one session, one SIP session.

Q. If you could look at Paper 8, Page 24. Do you see that?

MR. BECKER: Do you have a tab, Mr. Lovsin?

MR. LOVSIN: "I."

MR. BECKER: Thank you.

BY MR. LOVSIN:

Q. I'm sorry. The folder with the letter I.

A. So I don't seem to find a folder with "I."

Q. I believe we talked about -- I'm sorry. I believe we talked about the Board's institution decision earlier this morning, Paper 8.

A. Oh, got it.

Q. So if you could turn to Page 24.

A. Okay. I am there.

Q. Do you see the statement:

"The bulk of Foti considers the linking of one RTSP ID with one SIP ID"?

A. Yes, I see that.

Q. (Reading:)

"In its institution decision, the Board found that the bulk of Foti considers the linking of one RTSP ID with one SIP ID."

Do you agree with that finding?

A. I agree that the bulk -- the bulk of the words surrounding -- well, Figure 4 and 7, for example, that we have been talking about establish a single SIP session and a single RTSP session. But one can't deny that Figure 3 shows that a second -- at least a second RTSP session is established for the SIP session.

The Board also said, right after the quote you read, that:

"We agree with the petitioner that the linking of the multiple RTSP IDs with a single SP ID via the exchange correlation information would allow for

facilitation of management of the two or more RTSP sessions."

And the two or more RTSP sessions I associate with Figure 3, which shows two RTSP sessions. So they are simply acknowledging what you have been asking me about Figures 4 and 7, that only one RTSP session is shown there. But if you read Foti in its entirety, a person of ordinary skill in the art would understand that Figure 3 can only happen if another round of Lines 70, 72, and 74 take place in order to populate that table with a second RTSP system -- RTSP session. It's not rocket science.

Q. What's your basis for the statement "Figure 3 can only happen if another round of Lines 70, 72, 74 take place in order to populate that table with a second RTSP session"?

A. Because Foti doesn't teach another way of establishing -- or a different way of establishing an RTSP session other than in Figure 4. And the fact that there are a plurality of them associated with SIP 2 in Figure 3, a person of ordinary skill in the art would look again at Figure 4 to understand where the second RPS -- RTSP session came from.

I would also add that as a core layer to that answer is that in Column 1 of Page 1 of Foti, one understands the background of this to be IPTV systems, IP multiple media subsystem or architectures. And Foti talks about IPTV -- I am looking at Paragraph 3 now -- it was provided to residential subscribers in conjunction with video on-demand and may be bundled with other Internet services such as web access, voice over IP, and Google Voice services.

In other words, if bringing in the factual background for an application where you have, indeed, a plurality of media streams that may become part of a session with a person of, you know -- absorbing a video on-demand or a television program with secondary camera angles and those kinds of things.

Q. Where does Foti say all that?

A. First column of Page 1.

Q. Is it fair to say -- I'm sorry?

A. Yeah, the background principally is where I was looking.

Q. Is it fair to say Foti does not explain how more than one RTSP session ID might be linked to the same SIP session ID?

MR. BECKER: Object to form.

THE WITNESS: I disagree with that statement because just scanning over Paragraphs 27 and 28 that establishes the linkage for a single RTSP session to a SIP session, and so exactly the same technique would be used to link a second RTSP session to the SIP session as illustrated in Figure 3.

BY MR. LOVSIN:

Q. Foti doesn't say exactly the same technique would be used for the second RTSP session; correct?

MR. BECKER: Object to form.

THE WITNESS: Right in the middle of Paragraph 23, it says:

"After describing the linkage in Paragraph 27 and 28, it says more than one RTSP session ID may be linked to the same SIP session. For example, the media sessions identified by RTSP 2 and RTSP 4 are both linked to the signaling session identified by SIP 2."

So it does disclose that.

BY MR. LOVSIN:

Q. I would like to go back to RTSP.

Is RTSP a media protocol?

MR. BECKER: Object to form.

THE WITNESS: I don't know what you mean -- what you are asking me about media protocol.

BY MR. LOVSIN:

Q. What does the term "media protocol" mean to you?

A. Absent context, nothing.

Q. So if you look at the folder with the letter N.

A. This is the challenged patent, '669 patent?

Q. Yes.

In folder letter N, do you see Exhibit 1001?

A. I do.

Q. And you mentioned you see the '669 number in the top right of Exhibit 1001?

A. Yes.

(Exhibit No. 1001 was previously marked for identification.)

///

BY MR. LOVSIN:

Q. And if I refer to Exhibit 1001 as "the '669 patent," you will understand that I am referring to Exhibit 1001?

A. Sure.

Q. Claim 1 of the '669 patent recites a composition session identifier; correct?

A. Yes.

Q. Can you point to anything in Foti that describes a composition session identifier?

A. So I am looking at my declaration now, Paragraph 90, which is directed to Claim 1, Element 1A, which is providing a composition session identifier for associating sessions in a network. So Foti's S-I-P or SIP session is the claimed composition session.

Q. My question was: Can you point to anything in Foti that describes a composition session identifier?

A. So the claimed composition session identifier is the identifier of the composition session. And Claim 90 opens -- again, focused on Foti, it says:

"Foti alone, or in light of RFC 3261, discloses that UT 20

provides a composition session identifier for associating RTSP sessions in the network."

And they go on to say:

"More specifically, UT 20 generates a 'composition session identifier'..."

Which is the SIP session ID, which I further elaborate on in the next couple of paragraphs.

So the term "composition session" is not a term of art. It's a term that's used in the '669 patent. But one could understand in reading Foti that that's nothing more than a SIP session with a SIP ID.

Q. Please turn to Paragraph 95 in Exhibit 1003. Do you see that?

A. Yes.

Q. In Paragraph 9 (sic) of Exhibit 1003, you identify the SIP invite message from UC 20 to AS 40 in Figure 4, Line 64 of Foti, as an exchange of the SIP session ID; correct?

A. I think there is a typo in your question. You asked me of Paragraph 9. I think you meant 95?

Q. Yes. In Paragraph 95 of Exhibit 1003, you identify the SIP invite message from UT 20 to AS 40 in Figure 4, Line 64 of Foti, as an exchange of the SIP session ID; correct?

A. Yes.

Q. And in Paragraph 97 of Exhibit 1003, you identify the 200 OK message from AS 40 to UT 20 in Figure 4 at Line 74 of Foti as an exchange of the SIP session ID; correct?

A. Yes.

Q. Does Foti describe AS 40 sending another message with the SIP session ID to UT 20?

MR. BECKER: Object to form.

THE WITNESS: Are we still looking at Paragraph 97?

BY MR. LOVSIN:

Q. Does Paragraph 97 of Foti describe the AS 40 sending another message with the SIP session ID to UT 20?

MR. BECKER: I am confused. I thought we were talking about the Paragraph 97 in the declaration. Are we looking -- are we supposed to be looking at Foti?

MR. LOVSIN: Yeah. I don't think there's 97 in Foti.

MR. BECKER: Yeah, sorry. Okay.
BY MR. LOVSIN:
Q. Yeah. Mr. Wechselberger, does Foti anywhere describe AS 40 sending another message with the SIP session ID to UT 20?
MR. BECKER: Object to form.
THE WITNESS: This is similar to the conversation we had earlier about there being two RTSP sessions established under the teachings of Foti in order to result in what's shown in Figure 3. And the corollary to the two RTSP session generations that we talked about earlier would be corresponding 200 OK RTSP session IDs returned to the UT.
So in the same way, the obviousness of that sticking place, using the teachings of Foti in conjunction with Figure 4, would result in a -- eventually a second exchange, a second message for the 200 OK established -- RTSP establishment for the second RTSP session as shown in Figure 3.
BY MR. LOVSIN:
Q. Foti does not describe AS 40 sending another message to SIP session ID to UT 20; correct?

MR. BECKER: Object to form.

THE WITNESS: Foti doesn't have to explicitly disclose that in order for a person of ordinary skill to understand that it took place, or else Figure 3 wouldn't be -- couldn't be what it is.

BY MR. LOVSIN:

Q. So Foti does not explicitly disclose AS 40 sending another message with the SIP session ID to UT 20; correct?

A. Yeah. In my declaration, I didn't say that he did explicitly. I said it was obvious that that would take place.

I covered this in my declaration in Paragraph 101 -- no, I'm sorry -- Paragraph 100 as stated by Foti:

> "More than one RTSP session ID may be linked to the same session ID and SIP session ID."

Between Paragraphs -- just let me punctuate that by saying between Paragraphs 97 and 100, I provide the testimony and disclosures in Foti that would substantiate that there is more than one message sent back to UT from AS 40.

Q. So other than Paragraph 28, what

are the disclosures in Foti that would substantiate there is more than one message sent back to UT from AS 40?

A. I think the real explanation point or mark associated with the question is Figure 3 and the disclosure that more than one RTSP session ID may be linked to the same SIP session. Figure 3 breathes life into that disclosure in figure -- in Paragraph 38 -- I'm sorry -- 28.

Q. Figure 3 doesn't say how more than one RTSP session ID may be linked to the same SIP session ID; correct?

MR. BECKER: Object to form.

THE WITNESS: We already talked about -- you already asked me that question, and I responded earlier that Paragraphs Foti -- Paragraphs 27 and 28 in conjunction with Figure 3 -- well, it's actually the collective teachings of Paragraphs 25 through 28 which cover -- which leads you into Figure 4. And so Figure 4 then talks about the overall flow which establishes the RTSP session.

So one would read those collectively and understand how more than one RTSP session would be linked to the same SIP session.

BY MR. LOVSIN:

Q. Mr. Wechselberger, are you using realtime for this deposition?

A. Yeah. I got it working during the break.

Q. So in the first part of the deposition up to the break, you were not using realtime, and since the break, you have been using realtime?

A. Yes. It's the second monitor on my left which you see me looking at it.

MR. BECKER: Yeah. Sorry about -- Mr. Lovsin, sorry about that. He did announce it, but I think you had not quite joined when he said that on the last break.

MR. LOVSIN: Fair enough.

BY MR. LOVSIN:

Q. In Foti, revival of an RTSP session requires a new SIP invite message; correct?

A. Yes.

Q. And in Foti, the new SIP invite message will have a new SIP session ID; correct?

A. In Figures 6A and 6B, Foti shows that, but I don't -- I would not agree that it requires a new session ID.

Q. Does Foti ever say the new SIP invite used in connection with revival has the same SIP session ID as the initial SIP session?

A. In the exemplary disclosures, Foti uses a different SIP session number on the -- on the invite, but although he doesn't -- doesn't disclose -- he doesn't anywhere disclose that it must be a new number, and I can think of no reason why it would need to be.

Q. But Foti doesn't tell us how more than one RTSP session ID may be linked to one SIP session ID, but you can figure that out?

MR. BECKER: Object to form, argumentative.

THE WITNESS: Oh, I think he does tell us how. I mean one of ordinary skill would understand that it's the same process that generates the first RTSP session, and the fact that that happened is again shown in Figure 3.

BY MR. LOVSIN:

Q. And so just to confirm, in Foti, the new SIP invite message in connection with revival has a new SIP session ID; correct?

A. In the example discussion in Paragraph 38 in conjunction with Figure 6A and 6B,

a new SIP ID is, indeed, generated, but as I said, I can think of no logical or technical reason why it would need to be a new one. I can think of reasons why you would not need a new one. For example, Figure 3 already exists as is. This example forces you to change one of the numbers.

But, you know, the spec teaches what it teaches. It doesn't teach away from using the same number.

Q. What does "teach away" mean?

A. Give you a reason for thinking that, for example, it should not be the same number. I don't see that here.

Q. And so you just said, you know, "the spec teaches what it teaches"; right?

A. Uh-huh, yes.

Q. And does that mean in Foti the new SIP invite message in the revival has a new SIP session ID?

MR. BECKER: Objection.

THE WITNESS: In the -- in the example shown, it does. But as I say, if it said -- if it said you must use a new ID, that would be teaching away, but it doesn't say that.

///

BY MR. LOVSIN:

Q. In Line 64 of Figure 4 of Foti, the RTSP session ID has not yet been assigned; correct?

A. Agreed.

Q. The RTSP session ID is not assigned until Line 68 of Figure 4 of Foti; correct?

MR. BECKER: Object to form.

THE WITNESS: Yes. At Paragraph 31, that's explained that the 200 OK message, which is Line 68 that you asked about, and then in the session description protocol SDP message that contains information relevant to the RTSP session being established, such information includes but is not limited to the RTSP session ID.

BY MR. LOVSIN:

Q. Let's talk more about RTSP messages. Foti does not disclose that UT 20 sends any RTSP messages that include the SIP session ID to the AS 40; correct?

(Reporter interruption.)

THE WITNESS: I would agree with that question, that the UT does not disclose it sends any RTSP messages that include the SIP

session ID; however, the converse is disclosed as part of the revival process. Messages do go from the UT 20 to the AS 40 in the establishment of the revival SIP session which contain RTSP session IDs. But even as to the -- you asked me that. You asked me if Foti disclosed the UT sending an RTSP message that include the session ID to AS 40.

I think that is correct. It does not disclose that.

Q. Foti does not disclose that UT 20 sends an RTSP session initiation request that includes the RTSP session ID to AS 40; correct?

A. In Foti, the RTSP sessions are initiated via SIP invite commands.

Q. So you would agree that Foti does not disclose that UT 20 sends an RTSP session initiation request that includes the RTSP session ID to AS 40?

A. Well, it isn't needed. I am looking at Paragraph 39 in Foti where it says the UT 20 issues a new SIP invite message to the AS 40 which includes the RTSP session ID previously stored in memory, rather than send the RTSP described in setup messages to the MCS 30. However, the AS 40 uses the RTSP session ID

receipt from the UT as an index and updates the correlation information stored in memory.

So the -- sort of the novelty that I am seeing in Foti in this revival process is that although it doesn't explicitly say it, it doesn't -- it appears that the RTSP sessions were not formerly terminated, so you don't need an initiation request as you had in your question.

Rather, Foti teaches that rather than send RTSP described in setup messages, the AS 40 uses the RTSP session ID receipt from UT as an index, which is shown in Figure 7, where the UT at Line 110 issues the RTSP resume message, which is turned up by info play message at the AS 40, and the subsequent 200 OK messages reestablish the status quo that happened before the first SIP session went down.

(Reporter interruption.)

THE WITNESS: "Formerly," as in the past.

BY MR. LOVSIN:

Q. What's your basis for talking about the novelty of the Foti revival process?

A. Because Foti tells us in Paragraph 37 that conventional methods of

streaming media that do not link the RTSP session to the SIP session that created it, the AS 40 would reject subsequent RTSP commands from the UT as invalid, and the AS 40 would then have to tear down the existing media -- RTSP media sessions and create new ones. The linking performed by the present invention, however, avoids the need to tear down.

And I did not do a novelty analysis on Foti, but taken at his word that that looks like what Foti is presenting as being an improvement over conventional methods. That's all I meant.

Q. And is that the standard we should use, when we're interpreting Foti, to take him at his word?

MR. BECKER: Object to form.

THE WITNESS: That's a -- that's a very broad statement. I don't know how to answer that. A person of ordinary skill in the art would read Foti for what it is and what it teaches and suggests, and that's what I did in my declaration.

BY MR. LOVSIN:

Q. Didn't you just use the phrase "I am going to take him at his word"?

MR. BECKER: Object to form.

THE WITNESS: In the context of what I was citing to. You asked me what I thought was novel, and I quoted you from the spec. Foti says the invention is above and -- does -- has features above conventional methods.

MR. LOVSIN: I think -- has it been another 90 minutes?

MR. BECKER: I think we are close to that. I think we started at 1:10 maybe.

MR. LOVSIN: I am ready to pivot, so I'd like to take a break if that -- but I can keep going if that's what we want to do.

MR. BECKER: I would -- I am glad to.

Is that okay, Mr. Wechselberger?

THE WITNESS: Yeah. Good by me.

MR. LOVSIN: Okay. And it can be five minutes, or if we want to do ten minutes, I'm -- we'll go off the record.

(Whereupon, a recess was held from 12:28 p.m. to 12:40 p.m.)

BY MR. LOVSIN:

Q. Mr. Wechselberger, did you talk with Mr. Becker during the break?

A. No.
Q. So you didn't discuss your testimony with Mr. Becker during the break?
A. I didn't. No, I did not. I did not discuss my testimony at all with anybody during the break.
Q. Back on Foti.
You look at Figure 4; do you see that?
A. Yes.
Q. You cited the SIP reinvite message in your declaration, Exhibit 1003; correct?
A. I know I did at one point in conjunction with the particular claim element.
Q. My questions are about Foti. Let's look at Line 62 of Figure 4 of Foti.
A. Okay.
MR. BECKER: Just to be clear, are you withdrawing the prior question?
MR. LOVSIN: No. I think he answered it.
MR. BECKER: Okay. Sorry. I thought he was still --
Were you done answering, Mr. Wechselberger? I thought you were going to

say something else.

THE WITNESS: Well, he asked me if I cited to the reinvite message, and I know that I did at one point, and I was trying to find it. But if that's all the question was, that's all I had to say.

MR. BECKER: Sorry for the interruption. I just thought he had something more to say.

MR. LOVSIN: Yeah, no problem. I am not trying to cut anybody off here.

BY MR. LOVSIN:

Q. Let's look at Line 62 of Figure 4 of Foti. Do you see that, Mr. Wechselberger?

A. Yes.

Q. Does Foti mention a SIP reinvite message in connection with Line 62 of Figure 4?

A. No. I don't think -- I don't think Foti discusses the reinvite, the SIP reinvite command in conjunction with Line 62. I'm not sure that he mentions it in conjunction with anything.

Q. So Foti does not disclose the SIP reinvite message anywhere in the reference; correct?

A. I don't recall seeing the reinvite.

I would have to do a word search. It's a standard SIP message. It doesn't matter if he did or he didn't. Anybody knowing about SIP would understand the existence of the message.

Q. Sitting here today, you cannot identify a portion of Foti that discloses a SIP reinvite message; correct?

A. Well, the SIP -- well, Foti may not explicitly use the term "reinvite."

I did cite from the SIP standard, Exhibits 1007. No, I'm sorry. I am looking at my declaration now in Paragraph 129. The bottom of Page 85, it says:

> "For example, RFC 3261 confirms the ability to modify the existing SIP session by sending a new invite request to add additional media stream."

And then I cite from Exhibit 1007, Page 86. "This section" -- which is a standard:

> "This section describes how to modify the actual session. This modification can involve changing addresses or ports or adding a media stream, deleting a

media stream, and so on. As RSTP 3261 explains, 'This is accomplished by sending a new invite request which Foti does describe within the same dialogue that established the session which is known as a reinvite.'"

Q. So you would agree with me that Foti does not disclose a SIP reinvite message anywhere in the reference?

A. Yeah. But what I just cited to indicates that under some conditions a new invite is -- is a reinvite.

Q. Using a SIP reinvite to add a media stream to an existing SIP session must not only include the SDP information but also a full description of the session; is that correct?

A. I'm not sure if you were reading from my declaration, but there is a citation I have in Paragraph 129 from RFC 3261 that says:

"The same offer-answer model that applies to session descriptions and invites, Section 13.2.1, invites to reinvites. As a result, the UAC that wants to

add a media stream, for example, will create a new offer that contains this media stream and send that in an invite request to its peer. It's important to note that the full description of the session, not just the change, is sent."

So that may answer your question. That's in my declaration.

Q. So, yeah. Let's get the folder with the letter D.

A. Okay. I got it.

Q. Did you see the document in the folder with letter D as Exhibit 1007?

A. Yes.

(Exhibit No. 1007 was previously marked for identification.)

BY MR. LOVSIN:

Q. And do you see RFC 3261 in the top left?

A. I do.

Q. And so if I refer to RFC 3261, you will understand that I am referring to Exhibit 1007?

A. Yes.

Q. So I was asking about the full description of the session.

And do you see in your declaration in Paragraph 129 you have quoted from Exhibit 1007, RFC 3261:

"It is important to note that a full description of the session, not just the change, is sent"?

A. I don't hear a question.

Q. Do you see that?

A. Do I see what I wrote in my declaration? I do.

Q. Using a SIP reinvite to add a media stream to an existing SIP session must not only include the SDP session but also a full description of the session; correct?

MR. BECKER: Object to form.

THE WITNESS: Well, I don't see the mention of SDP in what I wrote. So I don't know what you are quoting from.

BY MR. LOVSIN:

Q. So using a SIP reinvite to add a media stream to an existing SIP session must

include a full description of the session; correct?

A. That paragraph cites to 3261, apparently at Section 13.2.1.

Q. Mr. Wechselberger, have you answered my question?

A. Well, I am finding the area in the SIP spec now that I cited to you. Apparently, Section 13.2.1 is part of it, but I am finding the meat of the matter in Section 14.1. Section 14 deals with modifying an existing session where it says there that an invite request sent within an existing dialogue is known as a reinvite.

It talks about UAC behavior there, and it says:

"The same offer-answer model that applies to the session descriptions and invites, Section 13.2.1 --"

There is where that came from.

"-- applies to reinvites. As a result, a UAC that wants to add a media stream, for example, would create a new offer that contains this media stream, and

send that in an invite request. It is important to note that the full description of the session, not just the change, is sent. This supports stateless session processing in various elements, and supports failover and recovery..."

And then it goes on to say: "Of course a UAC may send a reinvite with no session description in which case the first reliable non-failure response to the reinvite will contain the offer."

Q. Using a SIP reinvite to add a media stream to an existing SIP session must include a full description of the session; correct?

MR. BECKER: Object to form.

THE WITNESS: Well, in reading standards, something that must be -- specifically says "must" or will say "must" or "shall," and this doesn't say that. It just says "the full description," not the -- "not just the changes sent." And then it goes on to say "a UAC may send

a reinvite with no session description."

So the answer to your question is no. I am reading from the spec itself.

BY MR. LOVSIN:

Q. I have this spec in front of me, and it says on Page 87:

"Of course a UAC may send a reinvite with no session description in which case the first reliable non-failure response to the reinvite will contain the offer. In this specification that is a 2XX response."

A. I see the same language, yes.

Q. So you quoted:

"It is important to note that the full description of the session...not just the changes sent."

From Exhibit 1007 in Paragraph 129 of your declaration, Exhibit 1003; correct?

A. Yes.

Q. And now you are telling me that it's not important to note that the full

description of the session, not just the changes sent.

MR. BECKER: Objection; mischaracterizes testimony.

THE WITNESS: I don't have an opinion about this. I cited from the spec. You asked me a specific question which went beyond what my declaration said. So I went deep into the spec to find out, apparently, both options are available.

BY MR. LOVSIN:

Q. So you don't have an opinion in this case about whether a SIP reinvite has a full description of a session?

MR. BECKER: Object to form.

THE WITNESS: It would seem that Foti doesn't provide these kinds of details. Foti is very clear that what the objective is, is to reestablish a SIP session without having the RTSP sessions being torn down, so whatever is going on in terms of the moving parts behind that.

A person of ordinary skill in the art actually implementing what Foti is going to do, he is going to have to dive into the details of this spec that you and I are talking about.

It seems reasonable that a full description would be helpful in reestablishing and recovering the RTSP commands, but I was simply answering your question which was pretty black and white. I found that the spec supports that full description, and I also see the spec says that under certain conditions no session description is there. I don't know what the implications of that are. I haven't thought about it.

BY MR. LOVSIN:

Q. So in the context of Foti, I think your answer just said it seems reasonable that a full description would be helpful in reestablishing and recovering the RTSP commands; is that correct?

A. I would agree that it seems reasonable but, again, the question dives below levels of detail that Foti doesn't disclose to us.

Q. Right. Foti doesn't describe a SIP reinvite message.

MR. BECKER: Objection.

BY MR. LOVSIN:

Q. Is that correct?

A. Well, RFC 3261, as cited in my Paragraph 129, explains this is accomplished by

sending a new invite request, which Foti does describe, and established -- within the same dialogue that established the session which is known as a reinvite.

I mean, maybe you are suggesting that Foti is broken? I don't see it.

Q. But you are telling me, sitting here, you don't have an opinion on the contents of the SIP reinvite message in the context of Foti?

MR. BECKER: Objection to form.

THE WITNESS: Well, I know on Foti that -- looking at Paragraph 39, that the new SIP invite message to the AS 40 must include the RTSP session ID previously stored. That much has got to be there.

BY MR. LOVSIN:

Q. In Figure 4 of Foti, the SIP invite message in Line 64 of Figure 4 includes a URL; correct?

A. Reading from Foti Paragraph 30 at the bottom of Column, 2 right-hand side:

"The SIP invite message may include, inter alia, information that identifies a user, a SIP session ID, and a uniform

resource locator (URL) that identifies particular MCS and/or media program being requested by the user."

It says it "may include" a URL.

Q. Okay. In Figure 4 of Foti, the SIP invite message in Line 64 of Figure 4 may include a URL. That's right?

A. Yes.

Q. In Figure 4 of Foti, the session description is not known by the UT 20 when it sends the SIP invite; correct?

MR. BECKER: Object to form.

THE WITNESS: Foti is silent on that.

(Reporter interruption.)

THE WITNESS: Foti is silent on that.

BY MR. LOVSIN:

Q. Just to confirm, in Figure 4 of Foti, the session description is not known by the UT when it sends the SIP invite; right?

MR. BECKER: Objection.

THE WITNESS: What do you mean by "session description"?

BY MR. LOVSIN:

Q. The full session -- the full description of the session that's in Exhibit 1007, Page 86.

A. In which context are you asking the question, the reinvite or the original art of everything?

Q. Foti doesn't disclose a SIP reinvite message; correct?

MR. BECKER: Object to form.

THE WITNESS: Foti does not use the word "reinvite." What we are told under the spec RFC 3261, that on Page 86 of Exhibit 1007, this section describes how to modify the actual session:

> "This modification can involve changing the address or ports and adding a media stream and so on. This is accomplished by sending a new invite within the same dialogue that established the session which is known as a reinvite."

So whether Foti calls it that or not, the spec, in adding the stream, considers it

a reinvite.
BY MR. LOVSIN:
Q. And RFC 3261 says it's important to note that the full description of the session, not just the changes sent. Right?
A. Yes, as we discussed, it says that. It goes on to provide an exception that the user agent, UAC, may send a reinvite with no session description.
Q. So let's have a hypothetical where, you know, it seems you are applying a SIP reinvite to the Figure 4 call flow of Foti. So at Line 64 of Foti, in this hypothetical where a SIP reinvite is sent at Line 64, the session description is not known by the UT 20 when it sends the SIP reinvite; correct?
MR. BECKER: Object to form.
THE WITNESS: Figure 4 isn't described in terms of the session modifications. Excuse me. Foti uses Figure 7 for that.
BY MR. LOVSIN:
Q. Okay. In Line 104 of Figure 7 of Foti, the session description is not known by the UT 20 when it sends the SIP invite; correct?
MR. BECKER: Objection to form.

THE WITNESS: Well, certainly a description Foti discloses in Paragraph 39, that the UT 20 issues a new SIP invite message to the AS 40 Line 104 which includes the RTSP session ID previously stored in memory when the RTSP media session was initially established. It was that much of a description, for sure.

BY MR. LOVSIN:

Q. Is the RTSP session ID the full description of the session that's referred to in RFC 3261 at Page 86?

MR. BECKER: Object to form.

THE WITNESS: Well, the two end points of Section 14.1 of Exhibit 1007, you have on one end point a full description, not just the changes sent. On the other end point, you can say it says the UAC may send a reinvite with no sessions description. So Foti is somewhere in between that.

BY MR. LOVSIN:

Q. What's your basis for that "somewhere in between that" statement?

A. Well, it -- it's sending an RTSP session ID. That's more than no session description.

Q. In Foti, the session description is information returned by the MCS 30 in response to the receipt of the RTSP determine message from AS 40; correct?

A. Where are you reading from?

Q. So I am reading from Foti.

Let me ask a different question.

The session description is information returned by the MCS 30 in response to the receipt of a RTSP describe message from AS 40?

A. There's two places where Foti talks about the describe message, at least in -- the first line appears to be in latter parts of Paragraph 30 at the top of Column 3 in the initial data flow associated with Figure 4.

The invite message may include, among other things, information that identifies the user, the SIP session ID, uniform resource locator that identifies the particular MCS in our media program. The AS 40 may extract this information for storage, and generates and sends an RTSP describe command with the identified MCS 30. In response, the MCS 30 returns a confirmation message, 200 OK message. And this is associated with Figure 4. And then -- which is

not the revive -- or reinvite process. That is the second occurrence of the describe command or message.

In Figure 7, UT 20 issues a new SIP invite message to the AS 40 in Line 104, which includes the RTSP session ID previously stored in memory when the RTSP media session was initially established, but rather than send the RTSP describe and setup messages to the MCS 30, however, the AS 40 uses the RTSP session ID receipt from the UT as an index and thus states the correlation information stored in memory.

So I'm not sure which one of those you are asking about in terms of the use of the describe message.

Q. So Line 114 in Figure 7 of Foti, what's the contents of that 200 OK message?

MR. BECKER: Object to form.

THE WITNESS: I assume it's -- I was just reading from the spec, and it doesn't provide much detail on that.

It says in Paragraph 40 the UT 20 issues an RTSP resume command in Line 110 that includes the RTSP session ID in the header. In response, the AS 40 issues the RTSP play command

to the MCS 30 in Line 112, and receives a 200 OK message from the MCS Line 114 and then notifies the UT Line 116.

Foti doesn't tell us what all is in that other than it's a 200 OK message which reestablishes the ability of the user terminal to resume access to media stream, one would assume.

BY MR. LOVSIN:

Q. So let's look at Paragraph 129 of your declaration.

A. I am there.

Q. You state in Paragraph 129:

"A person of ordinary skill in the art would have understood that establishing a second linked RTSP session would merely require repeating Steps 62 through 74 for each subsequent RTSP session."

Correct?

A. Yes, I agree.

Q. So Line 64 of Figure 4, the session description is not known by the UT 20 when it sends the SIP invite; correct?

MR. BECKER: Object to form.

THE WITNESS: Foti tells us in

Paragraph 30, the bottom of Column 2 -- or Page 2, the SIP invite message may include information -- among other things, information that identifies the user, a SIP session ID, uniform research -- resource locator that identifies particular MCS and/or the media program being requested. AS 40 may extract this information for storage.

That much, Foti tells us.

BY MR. LOVSIN:

Q. So Paragraph 30 of Foti does not say the session description; correct?

A. I just read you what it said. It does not mention that.

Q. Staying on Figure 4, the session description is information returned by MCS 30 in response to receipt of the RTSP describe message from AS 40.

MR. BECKER: Object to form.

THE WITNESS: There is no question there.

BY MR. LOVSIN:

Q. Staying on Figure 4, the session description is information returned by MCS 30 in response to the receipt of the RTSP describe message from AS 40; correct?

MR. BECKER: Object to form.

MR. LOVSIN: Mr. Becker, you know, I am happy to try to correct these form objections you keep making.

Can you give me the basis?

MR. BECKER: I am objecting because of the angry tone that you used to ask the question. I think you are being rude and argumentative to the witness. That's why I am objecting.

MR. LOVSIN: I disagree.

MR. BECKER: I maintain the objection, though. I mean, I am not making -- I have tried to limit the speaking objections. I am not, you know, coaching the witness. I am just making my objections, so --

MR. LOVSIN: Understood. I am trying to understand --

MR. BECKER: I will explain any of them that you want me to explain.

MR. LOVSIN: Yeah, I am just trying to clean up the record.

THE WITNESS: That dialogue -- okay. I still see the question. Hold on.

Well, that paragraph I had been

reading from continues by saying the AS 40 may extract the information for storage and generates and sends an RTSP describe command. One would assume that that information for the program or the particular MCS is in the describe command -- to the identified MCS. In response, the MCS returns a confirmation message to the AS 40, Line 68, which is a 200 OK message.

The next paragraph starts by saying -- Paragraph 31:

> "The 200 OK message returned by the MCS 30 may be, for example, a session description protocol or (SDP) message, that contains information relevant to the RTSP message being established."

And then it goes on to describe what information is included in the SDP message.

BY MR. LOVSIN:

Q. So I think the answer to my question is Foti doesn't say; is that right?

A. What's the question?

Q. In Foti, no RTSP sessions are initiated from AS 40 to UT 20; correct?

A. I disagree because, as you can see in Figure 4, the RTSP setup begins over at MCS 30 at Line 70, and results in a 200 OK RTSP session ID being transmitted both back to the AS 40 and the user terminal 20.

Q. Is it fair to say that Foti only discloses a client server model with UT 20 being the client?

A. Well, I would say that in the establishment, the initial -- no, because the establishment of the RTSP setup at Line 70, the AS is operating at that point as a client with the MCS as a server. I am not saying the AS 40 is a user terminal, but you used the term "client server."

Q. Is it fair to say that Foti only discloses a user server model with UT 20 being the user?

A. I don't understand that question.

Q. Does AS 40 receive any RTP sessions?

A. Foti doesn't disclose AS 40 being part of any RTP sessions.

I am looking at Figure 1, which shows the RTP session -- that would be Line 18 --

which doesn't involve the AS 40. And, indeed, Figure 4 doesn't show -- it shows only a direct connection between UT 20 and MCS 30 as Line 90.

Q. Are you aware of URI lists?

A. As in capital U, capital R, capital I?

Q. Yes.

A. What do the acronyms stand for?

Q. What does "URI" mean to you?

A. I am thinking it's like URL, universe resource locator. URI might be universal resource indicator, but I don't know. I am trying to see if either these standards, these specs you gave me, have a terminology in them, but I don't -- as I sit here today, I don't remember what "URI" means. It doesn't mean I didn't use it or have known it; I just forgot it.

Q. Are you aware of a textbook title, "The 3GIP Multimedia Subsystem IMS Merging the Internet and Cellular Worlds"?

MR. BECKER: Object to form.

THE WITNESS: I don't -- or I can't say that I've never seen it. I don't remember it, sitting here today.

///

BY MR. LOVSIN:

Q. Are you aware of a --

A. I was trying to remember -- I was trying to remember if it's -- if it's mentioned in the '669 patent, but I don't -- I don't remember.

Q. Are you aware of the IETF standard related to your "I" lists?

A. I probably was at one point. I don't remember it, sitting here today. There is no reason for me to remember that.

Q. Let's go back to Figure 4 of 40.

Do you see Figure 4?

A. Yes.

Q. Referring to Figure 4 of Foti, does Foti teach that a SIP session -- having a SIP session ID is established between UT 20 and AS 40 by a SIP invite at Step 64 and a 200 OK at Step 74?

A. The question begins by referring to Figure 4 of 40. What's 40?

Q. I believe I said "Foti."

A. The question still is not good because you are asking me does Foti teach that having a SIP session ID is established. I don't know what that means.

Q. Is this not a basis for your petition, a SIP invite and the 200 OK message?

MR. BECKER: Object to form.

THE WITNESS: I am looking at the text -- the text of the question does not make sense. What does "having a SIP invite" mean? Or SIP session ID?

BY MR. LOVSIN:

Q. Does Foti teach that a SIP session message with a SIP session ID is established between UT 20 and AS 40 by a SIP invite at Step 64 in a 200 OK at Step 74?

I am going to withdraw the question.

Can a SIP session have a SIP session ID?

A. Yes. Foti teaches that.

Q. So looking at Figure 4, does Foti teach that a SIP session with a SIP session ID is established between UT 20 and AS 40 by a SIP invite at Step 64 and a 200 OK at Step 74?

MR. BECKER: Object to form.

THE WITNESS: Yes.

BY MR. LOVSIN:

Q. Still referring to Figure 4 of

Foti, does Foti teach that after the RTSP session ID is sent to the UT 20 at Step 74 in the 200 OK that the RTSP session ID is linked to the SIP session ID of the established SIP session?

A. So there are two linkages that take place. The first one is the link that's established by AS 40. And I am looking now at Paragraph 99 of my declaration, which states:

> "In one embodiment, for example, the AS 40 receives an RTSP session ID from the MCS during the setup of the RTSP media session. The controller 42 correlates the RTSP session ID to the SIP session using, for example, information included in the SIP invite previously received from the UT. The correlation of RTSP session ID to SIP session is shown in Table 52 of Figure 3."

That's one linkage.

In AS 40, looking at Paragraph 101, AS 40 takes the step -- AS 40 returns a 200 OK message to the UT 20 at Line 74. Foti describes

that this message may contain correlation information determined by AS 40 which completes the association of two or more sessions by AS 40 and also in turn permits UT 20 to also associate the two-or-more sessions. That's the second link. I should say that's the second link location or embodiment.

Q. So you would agree with me that Foti teaches that after the RTSP session ID is sent to the UT 20 at Step 74 in the 200 OK that the RTSP session ID is linked to the SIP session ID of the established SIP session?

A. Well, it's not just the -- yes, they are linked, and that's provided visually in Figure 4 by the Box 75 that's shown there.

Q. In Paragraph 90 of Exhibit 1003, you equated the SIP session ID of Foti with the composition session identifier recited in Claim 1; correct?

A. Yes.

Q. On Page 63, Paragraph 97 of Exhibit 1003, you said that Message 74 of Figure 4 of Foti represents the second exchange recited in limitation 1C; is that correct?

A. Yes.

Q. Referring only to Figure 4 of Foti and Step 75 where the information 200 OK message of Step 1 -- 74 is recorded at the UT 20, is the more-than-one RTSP session ID linked to the SIP session ID of the established SIP session?

MR. BECKER: Object to form.

THE WITNESS: There's a couple things about your question that are unclear to me.

You say "referring only to Figure 4 of Foti," and then you say "Step 75." There is no Step 75, unless you are talking about Box 75?

BY MR. LOVSIN:

Q. I am happy to clarify my questions.

This is how I understand your declaration. Are you telling me this is not correct?

A. I am telling you your question is unclear to me. We agreed at the beginning that if your questions weren't clear that I would ask you to clarify them.

Q. At Box 75 of Figure 4 of Foti, information in the 200 OK message from Step 74 is recorded at the UT; is that right?

A. I would agree with that.

Q. And then referring only to

Figure 4, is your position that the more-than-one RTSP session ID is linked to the SIP session ID of the established SIP session after the information is recorded at Box 75?

MR. BECKER: Object to form.

THE WITNESS: I will -- it is not my position that only Figure 4 quotes that. As stated in my declaration in Paragraphs 98, 99, and 100, that there is a linkage established -- and I am now looking at Page 64 of my declaration; Figure 4, well, starting in Paragraph 98. After receiving -- let's skip to Paragraph 99. Foti discloses that Steps 68 through 72 establish the RTSP session.

Reading from the middle of Paragraph 99:

> "In one embodiment, for example, the AS 40 receives an RTSP session ID from the MCS 30 during the setup of the RTSP media session. The controller correlates the RTSP session ID to the SIP session using, for example, information included in the SIP invite message previously

received from the UT 20. The correlation of RTSP session ID to SIP session ID is shown in Table 52 of Figure 3..."

So we would have to go beyond Figure 4.

"...which comprises a column that stores the RTSP session ID and a column that stores the corresponding SIP session ID."

Moving on to Paragraph 100 to complete my response to your question:

"As stated by Foti, more than one RTSP session ID may be linked to the same session ID, for example, the media sessions identified by RTSP 2 and RTSP 4...After the AS 40 performs these correlation activities, 'AS 40 then sends an RTSP setup message to MCS 30 to set up the RTSP media sessions (Line 70), and receives a 200 OK message in response."

So the longwinded answer to your

question is the linkage is established after the -- and recorded in Box 75, but Figure 3 and the disclosure that more than one RTSP session ID may be linked says that there are two links in there by the time the second association is made.

BY MR. LOVSIN:

Q. Referring to figure 6A, 6B, and 7 in Paragraphs 36 to 38 of Foti, Foti discloses that an established SIP session may terminate; correct?

A. Well, those are used in conjunction of Foti's teaching of a response to determine a -- determine itself describes by Foti before you get to Figures 6A, B and 7.

Q. Foti gives an example of a session timeout that results in a network tearing down the SIP session; correct?

A. Yes.

Q. Foti teaches that when a SIP session terminates, the RTSP session linked to the torn-down SIP session can be revived by the UT sending a SIP invite with a new SIP session ID and including the RTSP session ID of the RTSP session that is to be revived; correct?

A. Yes.

Q. Figure 7 of Foti, Steps 104 to 108 illustrate the revival process; correct?

A. Yes.

Q. Figures 6A and 6B of Foti illustrate that, after revival, the RTSP session ID is linked to the new SIP session ID; correct?

A. That's what is illustrated between 6A and 6B, as we discussed earlier. Foti chooses to have what he calls the "new SIP session," chooses to use a different session ID of the SIP 17. That's what he uses in his example.

Q. As a hypothetical, could it happen that a SIP session that Foti states could expire be the SIP session established in Figure 4?

A. Sure.

(Reporter interruption.)

THE WITNESS: I said "sure." Yes.

BY MR. LOVSIN:

Q. As a hypothetical, could the RTSP revival method that Foti teaches then be applied to the RTSP session established in Figure 4?

A. I haven't thought about how Figure 4 and Figure 7 could be mixed like that, so I don't know how to answer that on-the-fly.

Q. Let's look at Paragraph 125 of your

declaration at Exhibit 1003.

Do you see that text?

A. Yeah. I am just reading the text leading up to that too, kind of get -- understand where we are.

Q. Do you see the last sentence of Paragraph 125:

"Although not necessary to meet the claim, it would also have been obvious to a person of ordinary skill in the art that in the event that UT 20 wished to revive more than one RTSP session such as RTSP 2 and RTSP 4 in Table 52, the SIP invite should include both of the SIP session IDs"?

A. I see that.

Q. Referring only to Figure 3 of Foti, is it possible to determine whether reviving two RTSP sessions with a single SIP invite that includes two RTSP session IDs was used to achieve the two RTSP session IDs being linked to the same SIP session ID?

A. Well, it's certainly obvious to do

that. Figure 3 was presumably the situation prior to the SIP session time-out or termination. In the teaching of the revival mode, if there were two active RTSP sessions associated with a single SIP session before you started, before the SIP session timed out or terminated, then in using the revived teaching of Foti, it would make sense -- or if you are going to go back and reestablish the RTSP session that the revive process does, that if you have the situation shown at Figure 3 with two active RTSP sessions, it would be obvious to initiate the next SIP session with not only one RTSP media session ID but both of them so that you can reestablish the situation after the revival that's represented by Figure 3.

So that's -- when you say is it possible to determine whether reviving two SIP sessions when a single SIP was used, using a revival process, it would be -- it would be obvious to do it with a single SIP message. If you can do -- establish one RTSP, why not establish both if that's where you started from.

Q. What's your basis to say Figure 3 was presumably the situation prior to the SIP session time-out or termination?

A. Because Figure 3, the flow of the disclosure within Foti covers Figure 4 -- Figure 3 and Figure 4. So at the end of Figure 4, if you end up at Figure 3 with two RTSP sessions, then Foti teaches -- goes in to say it's possible for a session to time out. Then, I mean, the logic of the disclosure flows naturally. That's my basis.

Q. Referring to only Figure 3, is it possible to determine whether using a SIP reinvite to repeat Steps 64 to 74 of Foti was used to achieve the two RTSP session IDs being linked to the same SIP session ID?

A. I think referring to Figure 3 is the invitation to come to that conclusion. Figure 3 expressly shows two RTSP sessions linked to a single SIP session, and so it's obvious, in my opinion, that if that situation, as originally described in conjunction with Figure 3, were somehow interrupted by a SIP session termination, that it would only be obvious and natural to reestablish the same two RTSP sessions under the revive -- revival process.

Q. Referring to only Figure 3, is it possible to determine what was used to achieve the two RTSP session IDs being linked to the same SIP

session ID?

A. Well, Figure 3 provides the motivations to understand, through the teachings of Figure 4 and Figure 7, how to use those data flows to end up back at Figure 3 again after the revival session. So it provides the motivation for -- as I said at the end of Paragraph 125, it would have been obvious to a person of ordinary skill in the art in the event that UT 20 wished to revive more than one RTSP session, such as RTSP 2 and RTSP 4 in table 52, the SIP invite should include each of the RTSP session IDs.

MR. BECKER: Mr. Lovsin, I think we have been going a little over an hour and a half. I don't know if you are close to a stopping point.

MR. LOVSIN: Yeah, I am fine to take a break. Is it good?

MR. BECKER: Yeah, and I am -- yeah, we can go off the record.

(Whereupon, a recess was held from 2:15 p.m. to 2:27 p.m.)

BY MR. LOVSIN:

Q. Mr. Wechselberger, did you talk with Mr. Becker during the break?

A. I didn't talk with anybody during

the break.

Q. Did you take any handwritten notes on any of the documents we discussed today?

A. I worked from your clean documents. I don't understand the question.

Q. Did you mark up any of the clean documents that I sent you during the deposition today?

A. No.

Q. And you didn't take any other notes during the deposition today?

A. Correct.

Q. So we talked about you using realtime. Did you have any of the documents open electronically during the day?

A. No.

Q. So you didn't -- you didn't control-F any of the document during the deposition?

A. I don't even know what that does. No.

MR. LOVSIN: Thank you for your time today, Mr. Wechselberger.

Patent owner has no further questions at this time.

MR. BECKER: I have no questions, but I do have one for Mr. Lovsin after we go off the record.

THE COURT REPORTER: Just tell me when we're off the record.

MR. LOVSIN: Yeah, we can go off the record.

(Whereupon, at the hour of 2:29 p.m., the proceedings were concluded.)

--oo0oo--

REPORTER'S CERTIFICATION

I, Megan Grossman-Sinclair, Certified Shorthand Reporter, in and for the State of California, do hereby certify:

That the foregoing witness was by me duly sworn; that the deposition was then taken before me at the time and place herein set forth; that said testimony and proceedings were reported stenographically by me and later transcribed into typewriting under my direction; that the foregoing is a true record of the testimony and proceedings taken at that time.

IN WITNESS WHEREOF, I have subscribed my name this 17th day of December 2022.

Megan Grossman-Sinclair

Megan Grossman-Sinclair, CSR No. 12586

DEPOSITION ERRATA SHEET

ERICSSON INC.
v. KONINKLIJKE KPN N.V.

DECLARATION UNDER PENALTY OF PERJURY I declare under penalty of perjury that I have read the entire transcript of my Deposition taken in the above captioned matter or the same has been read to me, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the DEPOSITION ERRATA SHEET hereof, with the understanding that I offer these changes as if still under oath.

Signed on the 19 day of December, 2022,

Anthony J. Wechselberger

ANTHONY J. WECHSELBERGER

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