

1 UNITED STATES PATENT AND TRADEMARK OFFICE

2
3 BEFORE THE PATENT TRIAL AND APPEAL BOARD

4 APPLE, INC.,

5 Petitioner,

6 vs.

7 MULLEN INDUSTRIES, LLC,

8 Patent Owner.

9 CASE NO. IPR2022-01389
10 U.S. PATENT NO. 11,190,633

11
12 STENOGRAPHIC VIDEOTAPED DEPOSITION OF

13 GERRY CHRISTENSEN

14 GREENVILLE, SOUTH CAROLINA

15 THURSDAY, AUGUST 17, 2023

16
17 (Reported Remotely)

18
19
20 REPORTED BY: TANYA L. VERHOVEN-PAGE,
21 CCR-B-1790 (GA), CSR-12254 (TX),
LCR-991 (TN)

22 FILE NO. 502615

Transcript of Gerry Christensen
Conducted on August 17, 2023

2

1 August 17, 2023

2 9:00 a.m.

3
4 Stenographic videotaped deposition
5 of GERRY CHRISTENSEN, held at the Hilton
6 Greenville, 45 W. Orchard Park Drive,
7 Greenville, South Carolina before
8 Tanya L. Verhoven-Page, Certified Court
9 Reporter (GA), Licensed Court Reporter (TN)
10 and Certified Shorthand Reporter (TX).
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22

PLANET DEPOS

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Petitioner Apple, Inc.
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APPEARANCES OF COUNSEL

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ALSO PRESENT:

Jack Dunn, Videographer

I N D E X

WITNESS: GERRY CHRISTENSEN

Examination	Page
BY MR. ALEMANNI	7

EXHIBITS INDEX:

Christensen
Deposition
Exhibit

Description

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Exhibit 1001 United States Patent:
US 11,190,633 B2 12

Exhibit 1005 United States Patent:
US 6,477,117 B1 89

Exhibit 1006 United States Patent
Application Publication
Pub No.:
US 2002/0115478 A1 38

Exhibit 1007 United States Patent:
US 6,539,336 B1 75

Exhibit 1008 Nokia 8890 User Guide 65

Exhibit 2009 Declaration of Gerry
Christensen 42

Exhibit 2013 The Evolution of
Global Positioning
System (GPS) Technology 96

Transcript of Gerry Christensen
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1 GREENVILLE, SOUTH CAROLINA; THURSDAY, AUGUST 17, 2023

09:01:41

2 9:00 A.M.

3
4 P R O C E E D I N G S

5
6 THE VIDEOGRAPHER: Here begins

09:00:43

7 media number one in the videotaped

09:00:44

8 deposition of Gerry Christensen in the

09:00:46

9 matter of Apple Incorporated v. Mullen

09:00:50

10 Industries, LLC in the United States

09:00:52

11 Patent and Trademark Office before the

09:00:55

12 Patent Trial and Appeal Board; Case No.

09:00:56

13 IPR2022-01V89.

09:00:58

14 Today's date is August 17th, 2023.

09:01:04

15 The video monitor reads 9:00. The

09:01:10

16 videographer today is Jack Dunn,

09:01:22

17 representing Planet Depos. The video

09:01:24

18 deposition is taking place at 45 West

09:01:26

19 Orchard Park Drive, Greenville, South

09:01:28

20 Carolina.

09:01:31

21 Would counsel please voice identify

09:01:32

22 themselves and state whom they represent.

09:01:34

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Petitioner Apple, Inc.

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Transcript of Gerry Christensen
Conducted on August 17, 2023

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1 MR. ALEMANNI: Good morning. This
2 is John Alemanni on behalf of Apple, the
3 Petitioner in this matter.

09:01:37

09:01:38

09:01:41

4 MR. SCHELLER: Good morning. This
5 is Brad Scheller from Mintz Levin on
6 behalf of patent owner Mullen Industries
7 Incorporated.

09:01:43

09:01:44

09:01:46

09:01:48

8 THE VIDEOGRAPHER: The court
9 reporter today is Tanya Page,
10 representing Planet Depos. I will swear
11 in the witness and then we can proceed.

09:01:48

09:01:49

09:01:50

09:01:54

12 (Witness sworn.)

09:01:55

13 THE VIDEOGRAPHER: Thank you.

09:01:55

14 Counsel, we can proceed.

09:02:05

15
16 Thereupon --

17 GERRY CHRISTENSEN,
18 called as a witness, having been first duly sworn,
19 was examined and testified as follows:

20
21 EXAMINATION

22 BY MR. ALEMANNI:

09:02:08

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Petitioner Apple, Inc.
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Transcript of Gerry Christensen
Conducted on August 17, 2023

8

1	Q	Good morning.	09:02:09
2	A	Good morning.	09:02:09
3	Q	For the record, my name is John Alemanni.	09:02:09
4		I'm here on behalf of Apple in this matter.	09:02:11
5		Could you pronounce your last name for	09:02:13
6		me?	09:02:15
7	A	Christensen.	09:02:15
8	Q	Christensen, okay. Sorry, I'm trying to	09:02:16
9		get it correct.	09:02:17
10		Have you been deposed before,	09:02:18
11		Mr. Christensen?	09:02:21
12	A	Yes.	09:02:23
13	Q	And about how many times?	09:02:24
14	A	Roughly about half a dozen times.	09:02:24
15	Q	Okay. Have they been -- have these half	09:02:26
16		dozen times been in relation to patent matters?	09:02:27
17	A	Some are patent matters and some are not.	09:02:30
18	Q	When was the most recent time you were	09:02:32
19		deposed?	09:02:34
20	A	Oh, gosh. I'm not quite sure, but it was	09:02:35
21		probably at least five years ago.	09:02:39
22	Q	Okay. So I'm going to ask you questions.	09:02:40

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Petitioner Apple, Inc.
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1	I'll expect an answer. Your counsel may object.	09:02:45
2	Unless he instructs you not to answer, I'll expect an	09:02:47
3	answer.	09:02:51
4	When I ask you a question and you answer	09:02:53
5	it, I'll expect that you understood the question. If	09:02:54
6	you don't understand it, please ask me to clarify.	09:02:57
7	Is that fair?	09:03:00
8	A Understood.	09:03:03
9	Q And then it's not a marathon. If you	09:03:03
10	need a break, go to the bathroom or whatever, I'll	09:03:06
11	try to take one every hour, but if you need one more	09:03:08
12	often or if something comes up, let me know.	09:03:11
13	A Sounds good.	09:03:14
14	Q I'll ask that you not ask in the middle	09:03:15
15	of a question, or if I have a line of questions I	09:03:17
16	might want to finish it, but other than that, we'll	09:03:19
17	just take a break whenever you need it.	09:03:20
18	A Understood.	09:03:22
19	Q Let's see. What did you do to prep for	09:03:24
20	this?	09:03:26
21	A Well, I reviewed a lot of material that	09:03:27
22	sits in front of me, which is material that I had	09:03:30

1	reviewed quite a bit and discussed with counsel, and	09:03:33
2	so you can see what that is, if you want. Part of	09:03:37
3	that was my affidavit, because it was a while since I	09:03:40
4	put that together.	09:03:43
5	Q And who did you meet with?	09:03:46
6	A Brad.	09:03:48
7	Q Did you meet with anybody else in	09:03:49
8	preparation?	09:03:51
9	A No.	09:03:52
10	Q About how long did you spend preparing?	09:03:52
11	A Well, preparation yesterday, Brad and I	09:03:54
12	met for a few hours. Or do you mean preparation in	09:03:56
13	general?	09:04:01
14	Q In general.	09:04:01
15	A Many hours. I'd have to look at what I	09:04:02
16	billed out, but maybe 30 hours. Do you mean	09:04:04
17	preparation for this deposition or for --	09:04:10
18	Q That's what I'm asking.	09:04:11
19	A Oh, sorry.	09:04:12
20	Q What you did to prepare for this	09:04:14
21	deposition?	09:04:15
22	A Apologize.	09:04:15

1	Q	That's okay.	09:04:16
2	A	So, four hours.	09:04:17
3	Q	And as you mentioned, you have a set of	09:04:19
4		materials in front of you. Can you tell me what's in	09:04:21
5		those materials?	09:04:23
6	A	Sure. There's a bunch of things.	09:04:25
7		Petition for the IPR. The -- three of the relevant	09:04:33
8		patents here in the case. Some depositions. My own	09:04:40
9		affidavit, as I mentioned. Some other documentation,	09:04:44
10		such as a reference to a phone that came up as part	09:04:47
11		of the case.	09:04:53
12	Q	I think you mentioned three patents?	09:04:55
13	A	There may be more patents than that	09:04:58
14		involved, but three patents in particular that come	09:05:01
15		to mind are Vock, Varaswami [sic] and the other one,	09:05:03
16		I can't remember how to pronounce it.	09:05:07
17	Q	And do you have the Mullen '633 patent in	09:05:09
18		there?	09:05:10
19	A	Yes.	09:05:11
20	Q	And do you understand why you're here?	09:05:14
21	A	Yes.	09:05:17
22	Q	And why is that?	09:05:19

1	A	To provide testimony about the case in	09:05:19
2		terms of this IPR.	09:05:22
3	Q	Okay. And you understand the IPR	09:05:23
4		proceeding that Apple, whom I'm representing, is	09:05:25
5		asking the Patent Office to take a second look at the	09:05:29
6		'633 patent to determine its validity?	09:05:32
7	A	I do understand that.	09:05:34
8	Q	All right. Do you have a copy of the	09:05:36
9		patent in there in your materials, the '633 patent?	09:05:38
10	A	That would be the Mullen patent?	09:05:41
11	Q	Yeah.	09:05:44
12	A	Yes, it's here somewhere.	09:05:46
13	Q	I mean, I can give you a clean copy.	09:05:48
14	A	Yes, because otherwise I'd have to dig	09:05:49
15		through this large stack here.	09:05:52
16		(Christensen Deposition Exhibit No.	09:05:56
17		1001 was identified for the record.)	09:05:56
18		BY MR. ALEMANNI:	09:05:56
19	Q	All right. I'm going to hand you what	09:05:56
20		was previously marked as Exhibit 1001.	09:06:00
21		Can you tell me what this is?	09:06:02
22	A	This is exactly what we just talked	09:06:06

1	about, which is the Mullen patent.	09:06:08
2	Q So this is U.S. Patent No. 11,190,633 in	09:06:10
3	the top right corner; do you see that?	09:06:15
4	A I see that.	09:06:17
5	Q And then just for reference, on the	09:06:18
6	left-hand side, about halfway down, there's a number	09:06:23
7	60.	09:06:26
8	Do you see that? Small?	09:06:27
9	A On the left-hand side, number -- what	09:06:31
10	number?	09:06:33
11	Q Six-zero.	09:06:33
12	A I see that.	09:06:35
13	Q Do you see the language there Provisional	09:06:36
14	Application filed on March 14, 2003?	09:06:38
15	A I do see that.	09:06:41
16	Q Do you understand March 14, 2003 to be	09:06:43
17	the date of alleged invention?	09:06:45
18	A I do understand that.	09:06:47
19	Q So when I ask you questions today, I will	09:06:48
20	be asking questions from the perspective of someone	09:06:50
21	at around that time. Does that make sense?	09:06:53
22	A Understood. Yes.	09:06:56

1	Q	So I'm going to refer back to this, but	09:06:57
2		just so you have it for your reference.	09:06:59
3		What does the '633 patent relate to?	09:07:01
4	A	Well, the '633 patent relates to -- it's	09:07:04
5		described in the abstract here. It's an invention	09:07:08
6		that provides remote notification to a user of a cell	09:07:10
7		phone, and it talks about different embodiments of	09:07:13
8		that, a sensing device provided on the cell phone, et	09:07:17
9		cetera, et cetera.	09:07:20
10	Q	Does it describe a watch?	09:07:21
11	A	So you're asking me if this patent	09:07:27
12		directly describes a watch. I would say a watch,	09:07:31
13		like a normal watch, no.	09:07:39
14	Q	And what do you mean by a normal watch?	09:07:41
15	A	I don't have one on right now, but an	09:07:45
16		everyday watch that does not communicate in any way	09:07:47
17		with any other device, in my mind, is a normal watch,	09:07:51
18		a traditional watch.	09:07:55
19	Q	Okay. So a normal watch is the same as a	09:07:58
20		traditional watch; when you use that language, is	09:08:01
21		that what you mean?	09:08:03
22	A	For this purpose, yeah.	09:08:04

1	Q	So you understand that the claim recites	09:08:05
2		a watch, correct?	09:08:06
3	A	Yes.	09:08:08
4	Q	So I'm on -- just for reference if you	09:08:08
5		want to turn to it, it's Column 6, so Page 10 of	09:08:10
6		Exhibit 1001.	09:08:14
7	A	Column 6 of Page 10. Okay, I'm there.	09:08:16
8	Q	It's near the bottom, the numbered	09:08:31
9		paragraphs beginning with 1. It's at Line 48.	09:08:33
10		Do you see that?	09:08:37
11	A	Line 48, I see.	09:08:38
12	Q	Yeah, and it begins, A watch. Do you see	09:08:40
13		that?	09:08:42
14	A	I see that.	09:08:43
15	Q	So when it says a watch, what does it	09:08:43
16		mean there in the claim?	09:08:45
17		MR. SCHELLER: Objection. Form.	09:08:48
18		THE WITNESS: So it literally says:	09:08:55
19		A watch for use with a mobile telephonic	09:08:56
20		device that provides notification of an	09:09:00
21		incoming call, said watch comprising.	09:09:02
22		So it clearly clarifies that it's	09:09:05

1 not talking about a normal watch. The 09:09:07
2 part that comes after A watch, clearly 09:09:10
3 says: For use with a mobile telephonic 09:09:12
4 device. 09:09:15

5 So, in that sense, it's not a 09:09:16
6 normal watch as we were just discussing. 09:09:17
7 It's a watch that can do this additional 09:09:19
8 functionality as described here. 09:09:22

9 BY MR. ALEMANNI: 09:09:24

10 Q Okay. So the term watch in that clause 09:09:24
11 that you're referring to, does it have any specific 09:09:28
12 components aside from what you read about the mobile 09:09:33
13 telephoning device it's communicating with? 09:09:37

14 A Can you repeat that again? 09:09:45

15 Q Yeah. So it recites a watch and then it 09:09:47
16 goes on, as you mentioned, to talk about the fact 09:09:49
17 that it provides a notification. So the watch itself 09:09:51
18 that's recited there, does that require any 09:09:55
19 particular components when one of skill in the art 09:09:59
20 reads that in 2003? 09:10:01

21 A Yes. 09:10:04

22 Q And what would they be? 09:10:05

1 A So what they would be, as referenced in 09:10:10
2 this particular element of the claim, those would be 09:10:12
3 some capabilities to enable the watch to be able to 09:10:15
4 be used with a mobile telephone device, and so one 09:10:20
5 skilled in the art would infer that there needs to be 09:10:26
6 some means of communication between said watch and 09:10:29
7 said mobile telephone device. 09:10:32

8 Q I think I'm not -- I think I'm not asking 09:10:35
9 the question correctly. 09:10:38

10 So if I took watch out of there and said 09:10:39
11 a thing for the use of the mobile telephone to 09:10:42
12 communicate, it would have all those additional 09:10:45
13 elements that you recited. I guess what I'm asking 09:10:47
14 you, is does the fact it's a watch add anything to 09:10:51
15 that claim in your opinion? 09:10:53

16 MR. SCHELLER: Objection. Form. 09:10:55

17 THE WITNESS: Well, what it adds to 09:10:57
18 the claim is that we're talking about a 09:10:58
19 specific thing, a watch, which is 09:11:01
20 something that typically is worn on a 09:11:04
21 human being, traditionally for purposes 09:11:07
22 of telling time, maybe other things as 09:11:11

1	well, but in this case we're talking	09:11:14
2	about a very specific thing. As you	09:11:17
3	said, it can be anything, but in this	09:11:19
4	case we're talking about a watch, that	09:11:21
5	has the ability to communicate with a	09:11:22
6	mobile telephonic device.	09:11:24
7	BY MR. ALEMANNI:	09:11:25
8	Q So would the watch that's recited here	09:11:26
9	have a face?	09:11:28
10	A It could.	09:11:30
11	MR. SCHELLER: Objection. Form.	09:11:31
12	BY MR. ALEMANNI:	09:11:32
13	Q Would it have a case?	09:11:33
14	MR. SCHELLER: Objection. Form.	09:11:34
15	THE WITNESS: If by case you mean a	09:11:36
16	structure that holds the said watch	09:11:41
17	together, I would say yes, otherwise it	09:11:44
18	would not be together, it would fall	09:11:46
19	apart. But I'm not an expert in watches.	09:11:48
20	So when you say case, I presume you mean	09:11:52
21	what embodies the watch itself. And I'm	09:11:54
22	not wearing one or I could gesture to it.	09:11:58

1	BY MR. ALEMANNI:	09:12:02
2	Q Let me -- let me turn your attention to	09:12:02
3	Figure 2 in the patent. I think it's on Page 3. No,	09:12:05
4	it's on Page 40. So Exhibit 1001, Page 4.	09:12:08
5	A Oh, okay. I'm there.	09:12:20
6	Q Do you see the -- do you see the thing on	09:12:21
7	the bottom right?	09:12:23
8	A I do.	09:12:24
9	Q Of that Figure 2? And what is that?	09:12:24
10	A That is a device that could be worn on	09:12:27
11	your ear for purposes of communicating to a cell	09:12:29
12	phone as described in this Figure 2.	09:12:34
13	Q So that's not a watch?	09:12:37
14	A That is not a watch.	09:12:39
15	Q Okay. So is there a place -- is there	09:12:41
16	anyplace in the figures, then, that describe a watch	09:13:02
17	or -- let me back up.	09:13:05
18	Are there any figures in Exhibit 1001	09:13:07
19	that depict a watch?	09:13:10
20	A I do not see anything on this Figure 2 on	09:13:16
21	Exhibit 1001 that depict a watch.	09:13:18
22	Q So what -- if that device is, I think you	09:13:38

1 said, made to fit on an ear, what do the Elements 237
2 and 238 do?

3 A Elements 237, 238? Oh, I see. I don't
4 have this memorized so I would have to look at the
5 patent itself to see how they're described.

6 Q Why don't I direct your attention, if I
7 may, to Column 4. I mean, you can look at anything
8 you want --

9 A Sure.

10 Q -- but I will direct your attention to
11 Exhibit 1001, Column 4, which is on Page 9, and to
12 Line 13. Just take a look at that. You don't have
13 to read it on the record.

14 A Did you say Column 9?

15 Q Column 4.

16 A Oh, 4. Sorry.

17 Q Page 9.

18 A Got it. All right.

19 Q And if you'll just take a look at Lines
20 13 through whatever you want to look at. I think
21 that's where it describes that figure.

22 A It's a little further down, Row 17, or 16

1	or 17 it looks like.	09:14:43
2	Q Yeah. It's part of the same paragraph, I	09:14:46
3	believe, isn't it?	09:14:47
4	A It is. I'll go ahead and glance at it	09:14:49
5	for a moment.	09:14:53
6	I've read it. I understand it now. I	09:15:04
7	remember it now.	09:15:06
8	Q So then based on that description, if we	09:15:07
9	look back at Figure 2 on Page 4, what are Elements	09:15:09
10	237 and 238 of the device that goes on an ear?	09:15:13
11	A They're described as a band and a buckle.	09:15:17
12	Q So how would a user use the band and the	09:15:21
13	buckle described in Figure 2 to affix that device to	09:15:23
14	their ear?	09:15:26
15	A Well, as you can see, the shape of this	09:15:30
16	device is more or less shaped in such a way that it	09:15:33
17	would go over your ear, the band on one side of it	09:15:35
18	and the buckle on the other side, so that it could	09:15:39
19	affix to your ear in a nonpermanent manner, but in	09:15:42
20	such a way that it wouldn't fall off your ear.	09:15:46
21	Q Okay. So I think you described 237 and	09:15:49
22	238 as bands. What is -- what is the rectangular	09:15:54

1	section with the numeral 230 in Figure 2?	09:16:00
2	A I'm going to read the patent again	09:16:08
3	because, again, I don't have this memorized.	09:16:10
4	Q Yes, of course.	09:16:12
5	(Construction noise.)	09:16:12
6	MR. SCHELLER: Do you want to go	09:16:29
7	off the record to make sure that doesn't	09:16:30
8	continue?	09:16:32
9	THE VIDEOGRAPHER: Stand by. We	09:16:34
10	are going off the record at 9:16.	09:16:35
11	(Brief pause.)	09:17:36
12	THE VIDEOGRAPHER: We are back on	09:19:05
13	the record. The time is 9:19.	09:19:32
14	BY MR. ALEMANNI:	09:19:35
15	Q Thank you. Sorry for that brief pause.	09:19:35
16	So we were discussing Figure 2 and I	09:19:38
17	think I had just asked you about Elements 237 and	09:19:41
18	238.	09:19:45
19	And I believe my last question was asking	09:19:47
20	you what 230 was referring to in that figure.	09:19:50
21	A So 230 in that figure is a device that is	09:19:54
22	capable of receiving a signal from 211 on a wireless	09:19:59

1 basis. In other words, it provides the ability for
2 the cell phone which is depicted in this figure to
3 communicate with this earpiece-type device.

4 Q Okay. And so how are -- how is Element
5 237 affixed to the case of that device, 230?

6 MR. SCHELLER: Objection. Form.

7 THE WITNESS: I don't know if this
8 patent describes how it's affixed. I
9 could look. If you could direct me
10 towards something that you want me to
11 opine on, I could do that, but I could
12 imagine that it could be affixed in any
13 number of different ways.

14 BY MR. ALEMANNI:

15 Q What sorts of ways are you aware of that
16 it could have been affixed to that watch -- I'm
17 sorry -- to that ear notification device?

18 A It could be affixed by the manufacturer
19 by some type of process during manufacturing. If
20 it's not already affixed from the manufacturer, it
21 could be affixed by the user using a belt and a band,
22 perhaps.

1 Q And so I believe earlier you testified 09:21:20
2 you're not a watch expert. So you're just testifying 09:21:22
3 based on what your knowledge generally was in 2003; 09:21:25
4 is that correct? 09:21:29

5 A Well, my testimony in general here when 09:21:31
6 it pertains to things that I am an expert about is my 09:21:34
7 expert knowledge for somebody skilled in the art in 09:21:39
8 March of 2003, but since you're asking me questions 09:21:43
9 about a watch or an analogous device in this case, 09:21:46
10 something that could be worn on your ear, how 09:21:50
11 something is affixed to it, when I respond to that, 09:21:55
12 I'm responding in more of a general manner because 09:21:57
13 I'm not a manufacturer, I'm not a -- I've never 09:22:01
14 designed a piece of equipment that goes on your ear. 09:22:03

15 Q And then switch gears just a little bit. 09:22:07
16 Let's talk about a watch generally, since we don't 09:22:10
17 have a figure of a watch. 09:22:14

18 You testified earlier you're not an 09:22:15
19 expert on watches, correct? 09:22:16

20 A Not normal watches, correct. 09:22:18

21 Q Okay. And are you an expert on any kind 09:22:20
22 of watches? 09:22:23

1 A I'm an expert on the ability for devices
2 to communicate with one another, which is very
3 germane to this case, including a so-called smart
4 watch, which has the ability to communicate with a
5 variety of different devices.

6 Q So have you designed a smart watch
7 before?

8 A I have never personally designed a smart
9 watch before.

10 Q So let me -- let me ask you about the
11 physical aspects of a watch in 2003. I assume, based
12 on your testimony, that if we're talking about the
13 physical aspects of a watch as opposed to the
14 communication aspects of a watch, then you don't
15 consider yourself an expert; rather, you're relying
16 on your personal knowledge that essentially anyone
17 would have in 2003?

18 A That's fair.

19 Q Okay. So how would -- how would one in
20 2003 have expected the bands of a watch to be affixed
21 to the watch?

22 MR. SCHELLER: Objection. Form.

1	THE WITNESS: Generally speaking,	09:23:17
2	someone would expect it to be, perhaps,	09:23:18
3	one band or two bands. They could be	09:23:21
4	detachable or they could be solid.	09:23:27
5	There's a variety of different ways.	09:23:31
6	BY MR. ALEMANNI:	09:23:32
7	Q How long before 2003 were you aware of	09:23:37
8	watchbands being affixed to watches?	09:23:42
9	A Probably since I was old enough to	09:23:47
10	recognize what a watch is. I guess five years old,	09:23:49
11	maybe. I don't know.	09:23:52
12	Q So I don't know your age. I don't want	09:23:53
13	to ask your age. But could you give me a -- could	09:23:54
14	you give me a sense, prior to 2003, how many years	09:23:57
15	you were aware of how -- of watches and watchbands	09:24:00
16	and them being affixed to one another?	09:24:02
17	MR. SCHELLER: Objection. Form.	09:24:05
18	THE WITNESS: Well, I'll tell you	09:24:06
19	my age. I'm 58. And so, you know, we	09:24:07
20	could do the math. Decades.	09:24:10
21	BY MR. ALEMANNI:	09:24:11
22	Q What sorts of materials could a watchband	09:24:20

1	be made of in 2003?	09:24:22
2	MR. SCHELLER: Objection. Form.	09:24:25
3	THE WITNESS: I'm not an expert in	09:24:26
4	materials or manufacturing processes in	09:24:27
5	general or as they pertain to watches,	09:24:30
6	but I would say most likely it could be	09:24:34
7	any type of different metal. It could be	09:24:36
8	composite metal. It could be plastic.	09:24:39
9	Those are probably the typical materials.	09:24:41
10	BY MR. ALEMANNI:	09:24:44
11	Q And then I think you referred to, in	09:24:44
12	Figure 2 on Page 10 -- I'm sorry -- Page 4 of Exhibit	09:24:46
13	1001 as a buckle; is that correct?	09:24:48
14	A Correct.	09:24:51
15	Q So how do you know that's a buckle?	09:24:53
16	A Well, besides the fact that it's	09:24:58
17	identified in the patent as a buckle, a buckle is a	09:25:01
18	more or less general term to refer to something that	09:25:05
19	attaches to something else for purposes of holding it	09:25:09
20	in place.	09:25:15
21	Q So can you tell by looking at that figure	09:25:17
22	whether that buckle has any particular structure?	09:25:21

1	A	Define the word structure in this	09:25:26
2		context, just so I know the context of your question.	09:25:28
3	Q	Well, let me -- what do you -- what do	09:25:31
4		you understand the word structure to mean? You used	09:25:33
5		it earlier when you were talking about a watch case.	09:25:35
6		What do you understand the term structure to mean?	09:25:37
7	A	Well, structure in the context in which I	09:25:39
8		responded earlier would be the encasement, like what	09:25:42
9		is the shape of it, how does it adhere, is it all in	09:25:45
10		one piece, those type of things.	09:25:49
11	Q	So you understand what the word structure	09:25:53
12		means generally?	09:25:55
13	A	In that context, yes.	09:25:56
14	Q	Okay. So -- and what's your	09:25:57
15		understanding generally of the term structure?	09:25:59
16	A	I'd like to go with what I just said,	09:26:02
17		just to keep it simple.	09:26:04
18	Q	Okay. So what I'm asking is, that 239	09:26:06
19		appears to have at least one component, and so are	09:26:10
20		you able to tell by looking at that figure how many	09:26:17
21		components make up Element 239, the buckle?	09:26:19
22	A	I would say it could be a single	09:26:25

1 component or it could be three or more separate
2 components.

3 And again, this, I would think, pertains
4 more to manufacturing and the various ways that it
5 could be manufactured or implemented in the context
6 of the patent. So, again, it could be one single
7 component, per se -- physical component, not
8 necessarily logical component -- or it could be
9 multiple.

10 Q Okay. So if it's -- if it's a single
11 component, how would the buckle work in that figure?

12 A I'm not sure where you're going with
13 that. It's an earpiece. You just simply put it over
14 your ear.

15 Q So is the buckle -- the function of the
16 buckle to hold the two bands together, 237 and 238?

17 A The function of the band and the buckle
18 are to work together for the same aim, which in this
19 case is to hold it onto your ear.

20 Q Okay. So the -- the Band 237 and 238
21 appears to have three holes in it on the upper side
22 of 237.

1	Do you see that?	09:27:38
2	A I see that.	09:27:39
3	Q So what are those holes for?	09:27:39
4	A Well, they look like holes. I don't know	09:27:41
5	if they're described in the patent as such. So	09:27:43
6	perhaps we should refer to the patent to see if it	09:27:47
7	describes them as holes and, if so, if it defines	09:27:50
8	their purpose.	09:27:53
9	Q Yeah, of course.	09:27:53
10	A Is that the case? I don't know. I don't	09:27:56
11	recall.	09:27:57
12	Q You'd have to look. I guess you could	09:27:57
13	look back at Column -- was it -- 6, I think is where	09:27:59
14	we were, Page 9. That's the section that we looked	09:28:06
15	at before. I don't know if the patent has any	09:28:10
16	description of the buckle.	09:28:12
17	But I'm asking you if you have any	09:28:13
18	understanding by looking at it what the structure is?	09:28:15
19	A Just by looking at it in the context of	09:28:18
20	its function, and its form to a certain extent, I	09:28:22
21	would presume that that is a microphone and/or	09:28:25
22	speaker.	09:28:28

1	Q	On Element 237?	09:28:32
2	A	Correct, the holes that we're referring	09:28:33
3		to. Two of them that are close together and one's	09:28:34
4		that a little further away.	09:28:37
5	Q	Okay.	09:28:39
6	A	I'm thinking that maybe the one that's	09:28:39
7		lower is a microphone and the two upper ones are	09:28:41
8		speakers, but I don't know. It doesn't describe that	09:28:44
9		in the patent. I'm just going by logical sense.	09:28:47
10		It's something you wear on your ear and most likely	09:28:50
11		you want to be able to hear things and maybe speak.	09:28:54
12	Q	If Buckle 239 is a -- is a rectangle --	09:28:57
13		I'm sorry. Let me -- strike that.	09:29:00
14		Could Element 239, the buckle, be a	09:29:03
15		rectangle only?	09:29:05
16	A	Can you repeat the question? Are you	09:29:13
17		referring to 239?	09:29:14
18	Q	Yeah. I think earlier you described 239	09:29:15
19		as a buckle, correct?	09:29:18
20	A	No, I thought 238 was the buckle. I need	09:29:19
21		to refer back to this again. But let me look again.	09:29:22
22	Q	Sure.	09:29:25

1	A	Just to be sure. What column is this on	09:29:25
2		again?	09:29:30
3	Q	It's Column 4. I think -- it's the	09:29:31
4		paragraph that starts at 13 and then continues. But	09:29:33
5		if you look at Line -- I'm going to direct you to	09:29:37
6		Line 16, but you can look at whatever you want to.	09:29:39
7	A	Okay. Yeah, right. It clearly says that	09:29:41
8		237 is a band and 239 is a buckle. You're absolutely	09:29:43
9		right.	09:29:47
10	Q	So the Buckle 239, could the buckle be	09:29:48
11		just a rectangle as a structure?	09:29:52
12		MR. SCHELLER: Objection. Form.	09:29:57
13		THE WITNESS: Again, I'm not	09:29:58
14		opining as an expert in the construction	09:29:59
15		of adornable material, whether it's a	09:30:02
16		watch or an earpiece; but I would say,	09:30:07
17		generally speaking, it could be a	09:30:09
18		rectangle, it could perhaps be other	09:30:12
19		shapes.	09:30:15
20		BY MR. ALEMANNI:	09:30:15
21	Q	Let say it was a rectangle and the band	09:30:16
22		was Velcro. Would this function if the Velcro went	09:30:17

1 through the buckle and then back -- laid back over
2 itself to attach?

3 MR. SCHELLER: Objection. Form.

4 THE WITNESS: I'm trying to
5 visualize your -- based on your question.

6 So I'm not quite sure, to be honest.

7 BY MR. ALEMANNI:

8 Q Okay. Do you know how Velcro works?

9 A Of course.

10 Q I guess that's a brand name.

11 So is it your understanding that Velcro
12 essentially doubles over on itself and then hooks?

13 A I do understand that.

14 Q So if I were to feed the end of a Velcro
15 through a buckle and then back, it would serve to
16 affix the buckle to that band; is that fair?

17 A I think that's fair. Again, I'm just
18 trying to visualize. I certainly understand what
19 Velcro is, I use it all the time, but I'm still
20 trying to visualize your exact question. So I'm
21 going to generally agree with you, but I'm not quite
22 sure.

1	Q	Okay. Earlier you talked about a smart	09:31:14
2		watch, correct?	09:31:16
3	A	Correct.	09:31:17
4	Q	Okay. Have you ever taken a smart watch	09:31:17
5		apart?	09:31:19
6	A	No, I have never taken a smart watch	09:31:20
7		apart.	09:31:22
8	Q	Have you ever -- so are smart watches	09:31:23
9		capable of running applications?	09:31:27
10	A	Yes.	09:31:29
11	Q	Have you ever written an application for	09:31:30
12		a smart watch?	09:31:31
13	A	Have I ever myself personally written an	09:31:32
14		application for a smart watch?	09:31:35
15	Q	Yes.	09:31:37
16	A	No, I have not.	09:31:37
17	Q	Do you remember the first time you became	09:31:39
18		aware of the existence of the smart watch?	09:31:40
19	A	From purely an R&D perspective, just the	09:31:44
20		rumor mill, probably -- I want to say -- 2010-ish,	09:31:47
21		circa.	09:31:54
22	Q	I should ask you. What -- what in your	09:32:03

1	mind differentiates a smart watch from a traditional	09:32:06
2	watch?	09:32:09
3	A Well, I could give you a short answer	09:32:10
4	and, of course, I could give you a very long answer.	09:32:11
5	The short answer is -- and again, we're using the	09:32:14
6	vernacular smart watch, which sort of came into the	09:32:17
7	lexicon around 2010, but we could look much further	09:32:20
8	back than 2010 based on my answer that I'm about to	09:32:24
9	give you.	09:32:29
10	A smart watch is a device that	09:32:29
11	encompasses a computing platform that can run	09:32:31
12	applications, and it also has the ability to	09:32:34
13	communicate via various means with other devices.	09:32:36
14	Q Are you familiar with the term Reminder?	09:32:51
15	A Yes.	09:32:52
16	Q And you understand that the term Reminder	09:32:53
17	is used in the claims?	09:32:54
18	A Yes.	09:32:55
19	Q What is a reminder?	09:33:05
20	MR. SCHELLER: Objection. Form.	09:33:07
21	THE WITNESS: In a very general	09:33:10
22	sense, a reminder is something that	09:33:11

1	alerts someone or something -- I'm trying	09:33:13
2	to answer this without providing a	09:33:20
3	circular answer, a circular reference.	09:33:23
4	It informs someone or something	09:33:25
5	about something. I couldn't answer that	09:33:28
6	without being circular. I apologize.	09:33:31
7	BY MR. ALEMANNI:	09:33:35
8	Q That's okay.	09:33:35
9	Can a Reminder be associated in the '633	09:33:35
10	patent with a Calendar event?	09:33:38
11	MR. SCHELLER: Objection. Form.	09:33:41
12	THE WITNESS: Repeat the question	09:33:44
13	again.	09:33:45
14	BY MR. ALEMANNI:	09:33:45
15	Q Can a Reminder in the '633 patent be	09:33:45
16	associated with a Calendar event?	09:33:49
17	A Let me see what the '633 says about a	09:33:53
18	Calendar event and then I'll answer that question.	09:33:55
19	Q Okay.	09:33:59
20	A Can you direct me towards it? You must	09:33:59
21	have something in mind.	09:34:01
22	Q I know one place it appears is in Column	09:34:02

1	1. Let's go to Line 54. Column 1, Line 54 of	09:34:04
2	Exhibit 1001?	09:34:30
3	A Okay. I'm there.	09:34:31
4	Q I'll have to get my glasses out to look	09:34:37
5	at this. Yeah.	09:34:39
6	If you look at that column, my question	09:34:39
7	was, can a Reminder be associated with a Calendar	09:34:41
8	event?	09:34:45
9	A I am on Column 1, Line 54, and I don't	09:34:49
10	see the word Reminder.	09:34:52
11	Q I'm sorry. It's probably -- no. Read	09:34:54
12	the -- if I can direct your attention to 54, it	09:34:56
13	begins -- it's Column 1, it starts The?	09:34:59
14	A You're saying Row 54?	09:35:07
15	Q Are we on -- are you on Exhibit 1001,	09:35:09
16	Page 8?	09:35:11
17	A Yes.	09:35:13
18	Q Column 1?	09:35:14
19	A I'm there.	09:35:15
20	Q If you go down --	09:35:17
21	A Oh. Where it says, The device?	09:35:18
22	Q Yes.	09:35:21

1	A	Oh, I see. Sorry.	09:35:21
2	Q	That's okay. Do you see the sentence I'm	09:35:24
3		referring to?	09:35:26
4	A	I do. I'm going to read it briefly.	09:35:26
5	Q	Sure.	09:35:29
6	A	Okay. I'm with you. Ask the question	09:35:55
7		one more time. I want to make sure I answer it	09:35:57
8		properly.	09:35:59
9	Q	Sure. Can a Calendar event in the '633	09:36:00
10		patent be associated with a Reminder?	09:36:02
11	A	Yes.	09:36:10
12		(Christensen Deposition Exhibit No.	09:36:10
13		1006 was identified for the record.)	09:36:10
14		BY MR. ALEMANNI:	09:36:10
15	Q	Let's -- let's switch gears a little bit.	09:36:17
16		Let me introduce an exhibit that's been previously	09:36:37
17		marked as Exhibit 1006.	09:36:40
18	A	Thank you.	09:36:53
19	Q	Do you recognize this, Mr. Christensen?	09:37:03
20	A	I do.	09:37:07
21	Q	What is this?	09:37:07
22	A	This is the Fujisawa patent.	09:37:08

1	Q	So Exhibit 1006 is a U.S. patent	09:37:11
2		publication 2002/0115478.	09:37:16
3		Do you see that?	09:37:20
4	A	I see that.	09:37:21
5	Q	And Fujisawa was the inventor?	09:37:21
6	A	Yes.	09:37:28
7	Q	And are you familiar with this reference?	09:37:28
8	A	I am.	09:37:30
9	Q	And what does this reference describe?	09:37:30
10	A	Let's refer to the abstract, just to keep	09:37:31
11		it simple. When there is an incoming call to a	09:37:34
12		mobile telephone, it sends an incoming call	09:37:37
13		notification signal to a watch-shaped information	09:37:40
14		processing device. And it kind of goes on from	09:37:43
15		there.	09:37:46
16	Q	So Fujisawa was describing what I think	09:37:46
17		you described as a smart watch?	09:37:52
18	A	Not exactly.	09:37:53
19	Q	Not exactly. How is this not a smart	09:37:54
20		watch?	09:37:57
21		MR. SCHELLER: Objection. Form.	09:37:57
22		THE WITNESS: Fujisawa, as	09:37:58

1	explained in the abstract -- and we can	09:38:01
2	go through the individual claims, of	09:38:04
3	course -- described the ability for an	09:38:05
4	incoming call to a mobile telephone	09:38:08
5	device to send call notifications to a	09:38:11
6	watch-shaped device. It does not	09:38:16
7	describe or define a smart watch itself.	09:38:20
8	BY MR. ALEMANNI:	09:38:22
9	Q Okay. So but -- but as I understand the	09:38:23
10	testimony you just gave, Fujisawa describes a watch	09:38:26
11	that provides notifications of incoming calls on a	09:38:32
12	cell phone; is that correct?	09:38:34
13	A That is correct.	09:38:36
14	Q There's a figure on the cover of	09:38:36
15	Fujisawa, Page 1 of Exhibit 1006, which shows what	09:38:38
16	appears to be a watch in the bottom right corner.	09:38:41
17	Do you see that? It's on the very first	09:38:44
18	page.	09:38:46
19	A That looks like a watch.	09:38:48
20	Q Okay. And you, it appears, are looking	09:38:50
21	at Page 2 of Exhibit 1006; is that correct?	09:38:53
22	A Yes. Is that where I'm supposed to be?	09:38:57

1	Q	It's fine.	09:38:59
2	A	Okay.	09:39:01
3	Q	So the watch that you're referring to, I	09:39:01
4		believe, is denoted by number 12 on the left-hand	09:39:03
5		side of Figure 1; is that correct?	09:39:08
6	A	Correct.	09:39:11
7	Q	How do you know that that is a watch in	09:39:11
8		Figure 1?	09:39:13
9	A	Well, other than the fact that it's	09:39:13
10		described in the patent here somewhere as a watch, it	09:39:15
11		looks like a watch.	09:39:19
12	Q	And that watch has a band, doesn't it?	09:39:21
13	A	Yes.	09:39:25
14	Q	And how is that band affixed to the	09:39:25
15		watch?	09:39:28
16		MR. SCHELLER: Objection. Form.	09:39:29
17		THE WITNESS: Well, I don't know if	09:39:30
18		this patent describes or to what extent	09:39:30
19		it describes without refreshing my memory	09:39:32
20		how it's --	09:39:35
21		BY MR. ALEMANNI:	09:39:36
22	Q	Can you -- sorry.	09:39:36

1	A	-- how it's affixed. So --	09:39:37
2	Q	Can you tell if it has a buckle?	09:39:39
3		MR. SCHELLER: Objection. Form.	09:39:41
4		THE WITNESS: From this picture, I	09:39:42
5		can't discern if it has a buckle.	09:39:44
6		BY MR. ALEMANNI:	09:39:46
7	Q	Okay. Let me get a copy of your	09:39:46
8		declaration.	09:39:52
9		(Christensen Deposition Exhibit No.	09:39:53
10		2009 was marked for the record.)	09:39:53
11		BY MR. ALEMANNI:	09:39:53
12	Q	So what I've handing you is Exhibit 2009.	09:39:53
13	A	Thank you.	09:40:34
14		MR. ALEMANNI: Are you sure you	09:40:35
15		want all this paper to take home to New	09:40:35
16		York? Sorry.	09:40:37
17		BY MR. ALEMANNI:	09:40:40
18	Q	Do you recognize Exhibit 2009,	09:40:40
19		Mr. Christensen?	09:40:41
20	A	Indeed, I do.	09:40:43
21	Q	And what is Exhibit 2009?	09:40:44
22	A	It's my declaration.	09:40:46

1	Q	And do you recall when you signed that	09:40:47
2		declaration?	09:40:49
3	A	It is back in June, I believe.	09:40:51
4	Q	Okay. If you turn to Page 61, I think	09:41:01
5		your recollection is correct, but if you can just	09:41:06
6		confirm when you signed it?	09:41:08
7	A	June 6th, 2023.	09:41:15
8	Q	Okay. Let me -- let me turn your	09:41:17
9		attention to Paragraph 39 of your declaration,	09:41:23
10		Exhibit 2009, which is on Page 15.	09:41:30
11	A	I'm there.	09:41:35
12	Q	And I think it's apparent this is a	09:41:36
13		section that describes Exhibit 1006, the Fujisawa	09:41:39
14		patent or patent application?	09:41:45
15	A	Yes, I believe so.	09:41:47
16	Q	So the first paragraph, 39, on Page 15,	09:41:49
17		you say at the bottom that Fujisawa thus addresses	09:42:14
18		the particular problem of answering a mobile phone	09:42:17
19		without taking it out of the bag, right?	09:42:21
20	A	Correct.	09:42:30
21	Q	And then, in Paragraph 40, you talk about	09:42:30
22		the first embodiment of Fujisawa -- well, actually	09:42:32

1	about halfway down, do you see where you start	09:42:36
2	talking about the first embodiment?	09:42:39
3	A Yes.	09:42:41
4	Q And you say: The first embodiment	09:42:41
5	involves the radio communication device receiving an	09:42:44
6	incoming call notification signal from a mobile	09:42:47
7	telephone and providing notification of an incoming	09:42:50
8	call on a display device.	09:42:52
9	Did I read that correctly?	09:42:55
10	A Yes, you did.	09:42:56
11	Q And so is it true, then, that Fujisawa	09:42:57
12	was addressing the exact same problem as the problem	09:43:02
13	addressed in the '633 patent?	09:43:06
14	A No.	09:43:09
15	Q Why not?	09:43:09
16	A Well, we would have to break that down	09:43:13
17	piece by piece. But what we're talking about right	09:43:15
18	here in this particular comment that I have provided	09:43:18
19	in my declaration is a very narrowly focused problem,	09:43:21
20	which is the ability to present information that is	09:43:28
21	coming into a smartphone and being able to present	09:43:31
22	that to a watch or some other ancillary device.	09:43:36

1 Q So the sentence in your declaration on 09:43:44
2 Paragraph 40 says: The radio communication device 09:43:47
3 receives an incoming call notification from a mobile 09:43:52
4 telephone and provides a notification. 09:43:55

5 Correct? 09:43:56

6 A Correct. 09:43:57

7 Q So is there something in Claim 1 that 09:44:05
8 requires more than receiving an incoming call 09:44:07
9 notification signal from a mobile telephone and 09:44:10
10 providing a notification of the call? 09:44:13

11 MR. SCHELLER: Objection to form. 09:44:15

12 THE WITNESS: Claim 1 involves -- 09:44:16

13 I'll have to find the patent again here. 09:44:18

14 Claim 1 involves more than just that. It 09:44:20

15 clearly states in Claim 1 that there's a 09:44:24

16 need for a watchband, a second watchband, 09:44:39

17 a buckle, and then the last element in 09:44:41

18 that claim goes into great detail about 09:44:46

19 how the messaging works, and it also goes 09:44:50

20 into a plurality of different types of 09:44:54

21 motion. 09:45:00

22 So when I answer that question, 09:45:00

1	that was the basis of my answer that	09:45:02
2	Fujisawa, on its own, does not describe	09:45:04
3	what is taught in the Mullen patent.	09:45:08
4	BY MR. ALEMANNI:	09:45:13
5	Q So if I understood that answer correctly,	09:45:14
6	then you -- it's your opinion that the difference	09:45:16
7	between Claim 1 in Fujisawa is that Claim 1 recites a	09:45:20
8	specific communication technique, as well as motion	09:45:25
9	sensing?	09:45:27
10	A Certainly that and perhaps other things.	09:45:29
11	I need to look at it again. We would have to break	09:45:31
12	this down element by element to give you a better	09:45:50
13	answer.	09:45:53
14	Q Let me -- let me try something different	09:45:53
15	then. Can you turn to Page 27 of Exhibit 2009,	09:45:55
16	Paragraph 51.	09:46:00
17	A Are we in Fujisawa now?	09:46:05
18	Q I'm sorry. 2009 is your declaration. If	09:46:07
19	we go to Page 27 on the bottom right of 2009,	09:46:09
20	Paragraph 51 of your declaration.	09:46:14
21	A Paragraph 59, I'm there.	09:46:23
22	Q Fifty-one.	09:46:25

1	A	Fifty-one?	09:46:27
2	Q	Yeah. The internal memory is 22, the	09:46:27
3		Exhibit 2009 numbering is Page 27, the paragraph is	09:46:31
4		51. Are you with me now?	09:46:33
5	A	Paragraph 51 of my declaration?	09:46:36
6	Q	Of your declaration.	09:46:39
7	A	Is on Page 22 for me.	09:46:40
8	Q	Right. And if you look at the bottom	09:46:42
9		right of that, it has the page numbers -- the very	09:46:43
10		bottom right of the page?	09:46:46
11	A	Oh, I see, yes. Page 27 of 84.	09:46:46
12	Q	Yeah. Sorry for the confusion. What	09:46:48
13		I'll do is try to refer to that because that's the	09:46:51
14		numbering within the exhibit itself.	09:46:53
15	A	Good. That would be helpful. Thank you.	09:46:54
16	Q	Okay. So, now we're on Page 27 of	09:46:56
17		Exhibit 2009. Do you see Paragraph 51?	09:46:59
18	A	Yes.	09:47:02
19	Q	Okay. Paragraph 51 is your description	09:47:02
20		of the '633 patent, right?	09:47:05
21	A	Yes.	09:47:08
22	Q	And the last -- the last sentence --	09:47:10

1 there's only two, so the second sentence says: The 09:47:13
2 structure of the claimed invention is a wristwatch 09:47:16
3 and the function is receiving wireless communications 09:47:19
4 from a mobile telephonic device to notify the user of 09:47:22
5 an activity occurring at the mobile telephone, e.g. 09:47:25
6 an incoming call. 09:47:28

7 Isn't that the exact same thing as what 09:47:31
8 you've described in Paragraph 40 about Fujisawa? 09:47:33

9 A It is certainly analogous to that, but I 09:47:38
10 would also add that in Paragraph 51, that that is not 09:47:41
11 an exhaustive explanation of the invention as 09:47:48
12 described in the Mullen patent. 09:47:54

13 Q Okay. You're familiar with the -- the 09:48:02
14 term voice message, are you not? 09:48:05

15 A Yes, yes. 09:48:07

16 Q And you understand that some of the 09:48:08
17 claims of the '633 patent recite a voice metage? 09:48:09

18 A Yes. 09:48:14

19 Q And what is a voice message? 09:48:14

20 A A voice message is an alert that one 09:48:16
21 might receive to let them know that there is a 09:48:22
22 voicemail waiting for them that they could listen to. 09:48:24

1	Q	Okay. And I guess just to get this	09:48:34
2		context, if you go to Exhibit 1001, Claim 1, so the	09:48:38
3		Mullen patent, Exhibit 1001, Page 10, Claim 1.	09:48:42
4	A	I'm there.	09:48:50
5	Q	So if you got -- go to the long clause	09:48:52
6		that you mentioned, the fourth element, where it --	09:48:55
7		it starts around Line 52, it says: Said device is	09:49:00
8		operable to provide first user-perceivable	09:49:05
9		notification signals that are dependent upon said	09:49:08
10		received first communication signals.	09:49:11
11		Do you see that?	09:49:13
12	A	Let me see. On what row?	09:49:16
13	Q	So Column 6.	09:49:18
14	A	I'm there.	09:49:21
15	Q	It's like 62, 63. It's a little -- it's	09:49:22
16		hard -- I guess it's -1, too. It's probably 62. So	09:49:24
17		Column 6, Line 62, Exhibit 1001.	09:49:27
18	A	I'm there.	09:49:31
19	Q	Do you see the -- do you see the section	09:49:31
20		of that claim that says: Said devices will provide	09:49:33
21		first user-perceivable notification signals that are	09:49:37
22		dependent upon receive-first communication signals?	09:49:41

1	A	Yes.	09:49:44
2	Q	What does that mean to you?	09:49:44
3		MR. SCHELLER: Objection. Form.	09:49:46
4		THE WITNESS: So one second. I'm	09:49:53
5		still trying to find this exact section	09:49:54
6		here. It's about 63 you said?	09:49:56
7			
8		BY MR. ALEMANNI:	09:49:58
9	Q	Sixty-two.	09:49:59
10	A	I believe it begins with: Operable to	09:50:02
11		provide first user-perceivable notification signals	09:50:04
12		that are dependent upon said receive-first	09:50:08
13		communication signals and said device is operable to	09:50:10
14		provide second-user perceivable notification signals.	09:50:15
15		So my understanding of it is that there	09:50:19
16		are two different signals involved here and that they	09:50:22
17		are not the same signal.	09:50:27
18	Q	Let me ask you about the first signal.	09:50:34
19		What is the -- can you give an example of	09:50:35
20		a user-perceivable notification dependent on a first	09:50:39
21		data communication signal?	09:50:43
22	A	So it could be a signal that you have an	09:50:44

1	incoming call.	09:50:49
2	Q Okay. And could it be a signal that you	09:50:50
3	have an incoming voice message?	09:50:55
4	A I wouldn't phrase it as such. It	09:50:59
5	wouldn't be an incoming voice message because, if you	09:51:02
6	have a voice message, it's already occurred.	09:51:06
7	Q Okay. So I'll try to unpack that a	09:51:08
8	little bit.	09:51:11
9	So you -- do I understand you to say that	09:51:12
10	the voice message doesn't exist until after it's been	09:51:14
11	recorded?	09:51:19
12	A That is correct. The voice message does	09:51:20
13	not exist until after it's been recorded.	09:51:23
14	Q Okay.	09:51:26
15	A Which is separate and distinct from a	09:51:27
16	voice message alert.	09:51:30
17	MR. SCHELLER: Can we go off the	09:51:33
18	record a second?	09:51:34
19	MR. ALEMANNI: Yeah, of course.	09:51:35
20	THE VIDEOGRAPHER: Stand by. We	09:51:37
21	are going off the record. The time is	09:51:38
22	9 -- hold on one second. Sorry. The	09:51:40

1	time is 9:51.	09:51:53
2	(Brief pause.)	09:56:10
3	THE VIDEOGRAPHER: We are back on	10:01:58
4	the record. The time is 10:01.	10:02:07
5	BY MR. ALEMANNI:	10:02:10
6	Q Okay. Welcome back, Mr. Christensen.	10:02:11
7	So we were talking about Exhibit 1006,	10:02:14
8	the Fujisawa patent publication. Do you have that in	10:02:16
9	front of you still?	10:02:20
10	A It's here somewhere. I'll pull it up	10:02:21
11	again. Here it is.	10:02:23
12	Q Okay. Great. Can you turn in that	10:02:25
13	document to Figure 10, which is on Page 10.	10:02:27
14	A I'm there.	10:02:38
15	Q Okay. And do you see a list of -- or do	10:02:39
16	you see a table with two columns?	10:02:43
17	A I do.	10:02:45
18	Q And what's the first column of the table	10:02:46
19	that you're looking at on Figure 10?	10:02:47
20	A The first column says Message Type.	10:02:49
21	Q And so -- let me switch gears, actually.	10:02:51
22	Let's go in that -- let's go to Figure 19 on Page 17.	10:02:59

1	MR. SCHELLER: Of Fujisawa?	10:03:05
2	MR. ALEMANNI: Of Fujisawa.	10:03:07
3	Exhibit 1006, Page 17.	10:03:07
4	THE WITNESS: I'm there.	10:03:13
5	BY MR. ALEMANNI:	10:03:13
6	Q Do you see two figures on Page 17 of	10:03:14
7	Exhibit 1006?	10:03:17
8	A I do.	10:03:17
9	Q And what are those two figures?	10:03:18
10	A Figure 19 has a picture of what appears	10:03:19
11	to be a watch face and it says Recording Caller's	10:03:23
12	Message. Figure 20 appears to be a watch face saying	10:03:25
13	Finish Recording Message.	10:03:30
14	Q Okay. And so if I understood your prior	10:03:32
15	testimony, then a voice message would not exist until	10:03:35
16	the caller's message was completed recording or	10:03:41
17	finished recording as depicted in Figure 20; is that	10:03:44
18	correct?	10:03:48
19	A The context of that answer was a received	10:03:48
20	voice message. In other words, I'm the user of a	10:03:52
21	phone, I'm the user of a smart watch, and somebody	10:03:56
22	leaves me a voice message.	10:03:59

1	What it appears that these figures are	10:04:02
2	pertaining to is the ability for somebody, when using	10:04:04
3	a watch or a smart watch, to record some type of	10:04:08
4	voice message. So that would be a different answer.	10:04:11
5	Q Okay. But if I read Figure 19 correctly,	10:04:14
6	it says Recording Caller's Message, correct?	10:04:17
7	A It does say that.	10:04:23
8	Q So am I -- am I looking at this correctly	10:04:24
9	to say Figure 19 is showing me that a caller's	10:04:29
10	message is being recorded, and then Figure 20 shows	10:04:32
11	me that that message has been recorded, it's been	10:04:34
12	finished?	10:04:37
13	A That's what it literally says here, but I	10:04:38
14	would need to read what it says about these figures	10:04:40
15	to make sure that that understanding is correct.	10:04:42
16	Q So Figure 19 is described beginning on	10:04:54
17	Page 51 of Exhibit 1006 at Paragraph 272. Can you	10:04:59
18	please turn to that and take a look at it.	10:05:06
19	A I'm there.	10:05:09
20	Q If you would take a second and	10:05:13
21	familiarize yourself with that and I'll ask my	10:05:15
22	question again.	10:05:18

1	A	I need to also read the preceding number,	10:05:39
2		the number that precedes 272, because 272 starts off	10:05:42
3		with, As shown.	10:05:47
4		Yes, I understand this now. I can	10:06:18
5		respond to this now.	10:06:20
6	Q	And do you understand what Figure 19 and	10:06:21
7		Figure 20 are depicting now?	10:06:25
8	A	Yes, I do.	10:06:27
9	Q	Okay. Can you tell me what Figure 19 is	10:06:28
10		depicting?	10:06:30
11	A	So what Figure 19 is depicting is the	10:06:31
12		process of this device, which again appears to be a	10:06:33
13		watch or a smart watch, recording a caller's message,	10:06:36
14		which presumably was originally stored somewhere	10:06:39
15		else, most likely the voicemail system associated	10:06:43
16		with a smartphone or perhaps some other device.	10:06:47
17	Q	Okay. So turning back to Paragraph 272,	10:06:50
18		which is on Page 51, the last sentence -- and I guess	10:06:54
19		the only sentence -- says: As shown in Figure 19,	10:07:02
20		during this process the caller's telephone number and	10:07:05
21		a message "recording caller's message" are shown on	10:07:07
22		the display unit of the watch-shaped information	10:07:11

1	processing device to inform the user that the call --	10:07:14
2	which I assume is caller -- is currently leaving a	10:07:17
3	message.	10:07:20
4	Is that what it says?	10:07:20
5	A To inform the user that the call is	10:07:22
6	currently leaving a message.	10:07:25
7	Not the caller. It says the call.	10:07:29
8	Q Okay. And you think there's a difference	10:07:32
9	there between the call and the caller?	10:07:34
10	A Absolutely.	10:07:37
11	Q On what basis do you think there's a	10:07:38
12	difference?	10:07:40
13	A On the basis that the call itself has	10:07:40
14	already occurred, and what Fujisawa is describing	10:07:42
15	here is taking that voicemail message -- which,	10:07:45
16	again, could reside anywhere -- and essentially	10:07:48
17	pulling it down onto this device and recording it in	10:07:51
18	memory on this device. That's what's described in	10:07:54
19	this patent.	10:07:57
20	Q Okay. Okay. And so when it says the	10:07:59
21	call is currently leaving a message, you think that	10:08:11
22	means that it actually means that it is somehow	10:08:13

1	pulling data from somewhere else and storing it on	10:08:17
2	the device; that's how you interpret that?	10:08:19
3	A Correct.	10:08:21
4	Q Okay.	10:08:22
5	A That's what they mean by leaving a	10:08:22
6	message, in this context.	10:08:23
7	Q Okay. The message that's being recorded	10:08:24
8	on the phone, where did it originate -- I'm sorry.	10:08:32
9	Strike that.	10:08:35
10	The message that's being recorded on the	10:08:35
11	smart watch, where did that message originate?	10:08:38
12	A If you're referring to a message as the	10:08:43
13	voicemail content itself, I mentioned just a few	10:08:45
14	moments ago that it could reside anywhere. It could	10:08:49
15	be on a voicemail system that's associated with a	10:08:52
16	smartphone, for example.	10:08:55
17	Q Okay. So is it your opinion that there	10:08:56
18	was originally a call placed to the user of the watch	10:09:00
19	that was then recorded somewhere?	10:09:04
20	A It's my opinion that there was originally	10:09:07
21	a call that was intended for someplace. It may be	10:09:09
22	the user of the watch, it may not be the user of the	10:09:12

1	watch, but it was intended for some recipient, and by	10:09:15
2	some means the user of this watch is able to pull	10:09:19
3	down the content, the audio content, of that voice	10:09:23
4	message stored into memory on the watch, presumably	10:09:26
5	for purposes of playback from the watch.	10:09:31
6	Q Okay. So the -- so the -- would you	10:09:34
7	agree with me that there must have been an original	10:09:37
8	caller that left a voice message?	10:09:40
9	A Yes.	10:09:41
10	Q And then would the user of the smart	10:09:42
11	watch depicted in Figure 19 see this message if a	10:09:45
12	voice message had not been left?	10:09:49
13	MR. SCHELLER: Objection. Form.	10:09:51
14	THE WITNESS: Would the user of the	10:09:56
15	watch see a message about a voicemail if	10:09:58
16	a voicemail was never left; is that your	10:10:01
17	question?	10:10:04
18	BY MR. ALEMANNI:	10:10:05
19	Q It is.	10:10:05
20	A I would say no, because they -- how could	10:10:06
21	they see a message about something that doesn't	10:10:09
22	exist.	10:10:11

1 Q So then this message that's displayed on 10:10:12
2 this watch is associated with or depends from the 10:10:14
3 voice message and the call that originally occurred 10:10:19
4 that resulted in a voice message, right? 10:10:22

5 A This message that we're talking about as 10:10:27
6 we see here on Figure 19 is not a message indicator 10:10:32
7 to let one know that a voicemail exists, that it's 10:10:39
8 present, that it's occurred. Instead, what we're 10:10:43
9 seeing on the user interface here on Figure 19 is a 10:10:47
10 notification that a recording is currently happening 10:10:50
11 to place that voice message into memory on this 10:10:55
12 device for this Fujisawa patent. It's different. 10:10:59

13 Q Well, right, but my question was, was the 10:11:04
14 message here associated with an original call in 10:11:07
15 which a voice message was left? 10:11:10

16 A Indirectly. 10:11:13

17 Q Okay. So this message is indirectly 10:11:14
18 dependent on the voice message that was left as a 10:11:17
19 result of the call? 10:11:20

20 A Correct. 10:11:21

21 Q Can you turn in Fujisawa to Paragraphs 10:11:41
22 290 and 291? And I'll tell you the page number. 10:11:43

1	A	Okay.	10:11:55
2	Q	So Page 51, at the bottom right, same	10:11:56
3		page we were on before.	10:11:59
4	A	I'm there.	10:12:00
5	Q	Can you just look at those two	10:12:03
6		paragraphs, 290 and 291, of Exhibit 2006 and let me	10:12:06
7		know when you've done so.	10:12:13
8	A	Okay. I've done that.	10:12:44
9	Q	So what are those two paragraphs	10:12:46
10		describing?	10:12:47
11	A	They're describing the process that we	10:12:48
12		were just discussing, which is a voicemail resides	10:12:51
13		somewhere and this Fujisawa invention has the	10:12:56
14		capability of pulling the contents, the auditory	10:13:01
15		transport contents, into the memory of a device, a	10:13:04
16		watch or a smart watch, and so it's describing that	10:13:09
17		process in some degree of detail here.	10:13:12
18	Q	Okay. And can you turn to Page 19 of	10:13:15
19		Exhibit 1006.	10:13:18
20	A	I'm there.	10:13:29
21	Q	So I'm going to direct your attention to	10:13:30
22		Figure 23. So Exhibit 1006, Figure 23, is that	10:13:32

1	depicting the smart watch displaying a list of	10:13:39
2	voicemail messages?	10:13:43
3	A Yes.	10:13:45
4	Q And are those user perceivable?	10:13:45
5	A Yes.	10:13:48
6	Q You agree that the Fujisawa watch can	10:14:02
7	receive wireless communication signals?	10:14:05
8	A Yes.	10:14:08
9	Q Can I get you to turn in your	10:14:33
10	declaration, so Exhibit 2009, to Page 59 on the	10:14:34
11	bottom right or 54 internally.	10:14:41
12	A I'm there.	10:14:47
13	Q Okay. So you see this section is a	10:14:48
14	section where you're describing text messaging?	10:14:49
15	A Which paragraph are you on?	10:14:53
16	Q Well, the section, if you look at the	10:14:54
17	heading, do you agree with me --	10:14:56
18	A Yes.	10:14:58
19	Q -- that this is the section where you're	10:14:58
20	talking about Fujisawa and the Nokia phone and text	10:15:00
21	messaging?	10:15:03
22	A Correct.	10:15:04

1	Q	What is a text message?	10:15:04
2	A	A text message is a non-voice message	10:15:06
3		consisting of characters.	10:15:09
4	Q	If we turn to Page 55, which is Paragraph	10:15:16
5		118 of your declaration. So let me -- let me reset	10:15:21
6		this a little bit.	10:15:31
7		Is it your understanding that the alleged	10:15:33
8		date of invention is March of 2003?	10:15:35
9	A	Correct.	10:15:39
10	Q	So in this paragraph you're talking about	10:15:39
11		text messaging prior to 2002. And you say, fourth	10:15:42
12		line down, that: As of 1996, text messaging would	10:15:56
13		arguably not become widely used until approximately	10:16:00
14		2002 when cross-carrier text messaging was introduced	10:16:04
15		or SMS messaging was introduced.	10:16:07
16		I didn't read that correctly. Let me	10:16:10
17		start over.	10:16:11
18		So you say -- if I understand your	10:16:11
19		testimony correctly, you're saying text messaging was	10:16:13
20		widely available in 2002, correct?	10:16:16
21	A	Correct.	10:16:18
22	Q	So prior to the date of alleged invention	10:16:18

1 of the '633 patent, text messaging was well known,
2 widely dispersed, correct?

3 A From the perspective of intercarrier
4 messaging enabled somebody to originate a text
5 message, as well as receive a text message for
6 person-to-person communications, but it was not
7 widely known that one could do person-to-application
8 or application-to-person messaging, which is why I
9 put this in my declaration.

10 Q So when you say became widely used in
11 approximately 2002, would one of skill in the art
12 have been aware that it was widely used as of 2002?

13 MR. SCHELLER: Objection. Form.

14 THE WITNESS: Well, first of all,
15 by 2002 it became widely known that one
16 could engage in intercarrier messaging on
17 a person-to-person basis. So somebody
18 skilled in the art would certainly be
19 aware of that. But somebody skilled in
20 the art would not be widely aware of
21 person-to-application or
22 application-to-person messaging, which is

1	different.	10:17:23
2	BY MR. ALEMANNI:	10:17:23
3	Q Is there a limitation in the claims of	10:17:24
4	the '633 patent that would make the distinction that	10:17:26
5	you're trying to make in your testimony?	10:17:32
6	MR. SCHELLER: Objection to form.	10:17:34
7	THE WITNESS: There is not a	10:17:35
8	limitation in the claim, but, again, the	10:17:35
9	reason that I stated this in my	10:17:37
10	declaration is that it would not be	10:17:38
11	obvious to one skilled in the art to	10:17:41
12	essentially build what was in the Mullen	10:17:44
13	patent on the basis of intercarrier	10:17:48
14	messaging not being available at all	10:17:51
15	until 2002, let alone a	10:17:53
16	person-to-application or	10:17:55
17	application-to-person messaging.	10:17:56
18	BY MR. ALEMANNI:	10:17:58
19	Q Until 2002?	10:17:58
20	A At some point subsequent to 2002,	10:18:00
21	person-to-application and application-to-person	10:18:02
22	messaging became more prevalent, but prior to 2002,	10:18:07

1 because intercarrier messaging for P-to-P,
2 person-to-person, messaging was not available, it
3 really wasn't on anybody's radar screen very much.

4 (Christensen Deposition Exhibit No.

5 1008 was identified for the record.)

6 BY MR. ALEMANNI:

7 Q You can put that aside if you'd like.

8 Let me introduce what has previously been marked as
9 Exhibit 1008.

10 A Thank you.

11 Q Do you recognize Exhibit 1008,
12 Mr. Christensen?

13 A Yes, I do.

14 Q What is it?

15 A It's a user guide from Nokia 8890.

16 Q Okay. Can you get you to turn in Exhibit
17 2009 to Page 26 of 84, and I'm going to direct your
18 attention to Paragraph 47.

19 MR. SCHELLER: Exhibit 2009?

20 MR. ALEMANNI: 2009, your
21 declaration.

22 BY MR. ALEMANNI:

1	Q	So Exhibit 2009, your declaration, Page	10:19:52
2		26 on the bottom right, of 84, Paragraph 47.	10:19:57
3	A	I'm there.	10:20:03
4	Q	So can you take a look at Paragraph 47 if	10:20:03
5		you would, it's just a few sentences, and I'll ask	10:20:06
6		you a few questions about it.	10:20:10
7	A	Okay. I've done so.	10:20:12
8	Q	Okay. So in your description of the	10:20:13
9		Nokia device, you note that it's a mobile phone,	10:20:18
10		correct?	10:20:22
11	A	Correct.	10:20:23
12	Q	Is it a wireless phone?	10:20:23
13	A	Yes.	10:20:24
14	Q	And so what is it designed to communicate	10:20:25
15		with if it's unable to communicate wirelessly with	10:20:27
16		other devices?	10:20:31
17		MR. SCHELLER: Objection. Form.	10:20:33
18		THE WITNESS: Can you repeat your	10:20:37
19		question, because I think you're -- I	10:20:37
20		think your question was actually	10:20:39
21		nonsensical.	10:20:40
22		BY MR. ALEMANNI:	10:20:40

1	Q	Yeah.	10:20:43
2	A	Because I just said it is a wireless	10:20:44
3		device, and I thought your question said it doesn't	10:20:47
4		communicate wirelessly.	10:20:49
5	Q	Well, so what I -- I said it is a	10:20:51
6		wireless device, and then I read your testimony that	10:20:52
7		says it's not -- doesn't have means to wirelessly	10:20:55
8		communicate with other devices. I was trying to	10:20:56
9		understand what you meant by that.	10:20:57
10	A	Oh, I see.	10:20:59
11	Q	I don't dispute it's nonsensical.	10:20:59
12	A	Okay. All right. And where do I say	10:21:01
13		that?	10:21:02
14	Q	It's the last sentence of that paragraph.	10:21:03
15	A	Paragraph 47?	10:21:07
16	Q	Paragraph 47.	10:21:08
17	A	Oh, I see: Other means for wirelessly	10:21:13
18		communicating with other devices.	10:21:16
19		Okay. I see where you're going with	10:21:18
20		this. I understand. No, it did not have means of	10:21:19
21		communicating with other devices, as opposed to	10:21:21
22		communicating with a base station transceiver which	10:21:24

1 is part of the cellular network. 10:21:27

2 Q Okay. So if I understand that, then 10:21:29
3 you're saying -- I think the distinction you're 10:21:32
4 making is that -- well, let me ask you. 10:21:34

5 So could the wireless phone, the Nokia 10:21:36
6 referenced in Exhibit 1008, communicate indirectly 10:21:39
7 with other wireless phones such as the Nokia phone in 10:21:43
8 Exhibit 1008? 10:21:46

9 A Could it communicate indirectly; is that 10:21:48
10 your question? 10:21:51

11 Q Yeah. 10:21:53

12 A Indirectly, if you define that as going 10:21:55
13 through the base station of the cellular network to 10:21:58
14 be able to have a voice call, then the answer is yes. 10:22:01

15 Q Okay. What's the point of the phone, the 10:22:04
16 wireless phone? Is it to make calls to other 10:22:06
17 wireless phones? Is that part of the point of it? 10:22:09

18 A The point of a wireless phone is to make 10:22:11
19 calls to a variety of places, including other 10:22:14
20 wireless phones, land lines, but when I was referring 10:22:16
21 to in Paragraph 47 that it did not have the means for 10:22:20
22 wirelessly communicating with other devices, what was 10:22:25

1 intended there is peer-to-peer communications 10:22:28
2 directly, not indirectly through the wireless 10:22:32
3 infrastructure such as a base station. 10:22:35

4 Q And why does that matter? Why does it 10:22:38
5 matter that, in your opinion, the Nokia device cannot 10:22:40
6 communicate wirelessly peer-to-peer with other 10:22:43
7 devices? 10:22:45

8 A Well, it's very germane to this case 10:22:46
9 because the Mullen patent clearly describes the 10:22:49
10 ability for a smart watch to communicate wirelessly 10:22:51
11 with other devices, including a mobile phone. 10:22:55

12 Q Okay. And so -- so the basis of your 10:22:59
13 opinion that this wouldn't have been obvious is the 10:23:02
14 fact that the Nokia phone could not communicate 10:23:04
15 wirelessly peer-to-peer with other devices; do I 10:23:06
16 understand you correctly? 10:23:09

17 A That's one of the bases, yeah. 10:23:10

18 Q Let me get you to turn -- so back to 10:23:12
19 Exhibit 1008, which is the Nokia reference. Let's 10:23:14
20 turn to Page 101. Can you take a look at that page? 10:23:21

21 A I'm there. 10:23:44

22 Q So I see a reference here to IR. Do you 10:23:45

1	see that reference?	10:23:47
2	A I do see that.	10:23:48
3	Q What does IR refer to here?	10:23:51
4	A Infrared.	10:23:52
5	Q And what is infrared?	10:23:53
6	A Infrared is a form of communications that	10:23:55
7	can be used for a variety of purposes. Some of them	10:23:58
8	are described here in this document. The ability	10:24:00
9	to -- let's see, what does it say here. Actually, it	10:24:04
10	doesn't get into its purposes here. So I'm not going	10:24:10
11	to go any further at this point.	10:24:12
12	Q So I think one of the -- one of the	10:24:14
13	things that it suggests here is that it can send a	10:24:16
14	business card using IR.	10:24:20
15	Do you see that?	10:24:23
16	A Oh, it does say that. Yes, I see that.	10:24:23
17	Q Why would one want to send a business	10:24:27
18	card via IR with a Nokia phone?	10:24:29
19	A Perhaps for convenience purposes, rather	10:24:33
20	than providing a physical business card and then	10:24:35
21	causing somebody to have to transcribe that data	10:24:37
22	themselves.	10:24:40

1	Q	So would they share with another user of	10:24:41
2		another Nokia device, is that one of the use cases	10:24:44
3		for using IR to transfer a business card?	10:24:47
4	A	Perhaps.	10:24:50
5	Q	So that seems to me to be a peer-to-peer	10:24:50
6		wireless communication, is it not?	10:24:54
7	A	It is a form of peer-to-peer and so,	10:24:56
8		within the context of this case, which of course is	10:24:58
9		the basis of my testimony, and more specifically what	10:25:01
10		I said here in Paragraph 47 of my declaration, what's	10:25:07
11		depicted here with the Nokia phone is not autonomous.	10:25:11
12		In other words, it requires a human being to do	10:25:17
13		something. You have to -- as described here on Page	10:25:20
14		101, one has to go through a series of different	10:25:23
15		things on the phone, making choices, to be able to	10:25:27
16		communicate via infrared with another phone.	10:25:31
17		I compare and contrast that to Mullen and	10:25:37
18		in my testimony, which is a form of autonomous	10:25:39
19		communications on a peer-to-peer basis wirelessly	10:25:42
20		between a mobile phone and other devices. So it's	10:25:45
21		very, very different.	10:25:48
22	Q	And is the term autonomous in the claims?	10:25:49

1 A It's not in the claims, but it's inferred
2 based on one skilled in the art such as myself, you
3 would have to understand that for this to work
4 properly, there would have to be autonomous
5 communications as described as a human being doesn't
6 have to get involved with, for example, an alert
7 being sent to a mobile phone about a voicemail.

8 Q Okay. So you're reading an autonomous
9 limitation of the claims?

10 MR. SCHELLER: Objection. Form.

11 THE WITNESS: I'm not reading that
12 as a limitation. I'm reading that as a
13 practicality for scale and scope, that
14 for something to be commercially viable,
15 you wouldn't want to have to get involved
16 with every single message that may ever
17 occur between a smartphone and a wireless
18 device such as a smart watch.

19 BY MR. ALEMANNI:

20 Q Okay. So what would it take, in your
21 opinion, for the Nokia phone communicating wirelessly
22 over infrared to meet whatever limitation you're

1	reading in about needing to wirelessly communicate	10:27:01
2	with other devices? What is it missing?	10:27:06
3	MR. SCHELLER: Objection. Form.	10:27:09
4	THE WITNESS: Well, first of all,	10:27:09
5	infrared communications and other forms	10:27:10
6	of communications are very, very	10:27:14
7	different. Infrared, for example, has	10:27:15
8	completely different propagation	10:27:17
9	capabilities than something like	10:27:19
10	Bluetooth, for example.	10:27:21
11	BY MR. ALEMANNI:	10:27:22
12	Q Okay.	10:27:22
13	A And I'm not going say that I'm an expert	10:27:22
14	on spectrum or propagation, but generally speaking,	10:27:27
15	Bluetooth, as we know it today, is something that can	10:27:32
16	be used where communication can occur whether it's in	10:27:37
17	your pocket, whether it's on the other side of the	10:27:40
18	room. You don't need to worry about line of sight,	10:27:42
19	you don't need to worry about how far away you are	10:27:45
20	from the device. So, generally speaking, infrared is	10:27:48
21	practical for certain purposes.	10:27:51
22	For example, where you have two devices	10:27:53

1 that are in close proximity with one another where 10:27:56
2 the infrared signal has nothing blocking it. There's 10:27:59
3 nothing between to block the signal. It's very 10:28:02
4 convenient for that type of purpose. It would be 10:28:05
5 inconvenient, at best, for other types of use cases, 10:28:07
6 such as getting an automatic voicemail notification 10:28:10
7 if your phone happens to be in your backpack and it 10:28:14
8 just simply can't communicate via IR. 10:28:18

9 Q So is it your opinion that the Mullen 10:28:21
10 patent does not encompass infrared communication? 10:28:23

11 A No, it could encompass IR but it's not 10:28:27
12 limited to IR. 10:28:30

13 Q So it's broad enough to encompass IR 10:28:31
14 communication or wireless communication between the 10:28:33
15 phone and the watch? 10:28:35

16 MR. SCHELLER: Objection to form. 10:28:38

17 THE WITNESS: The Mullen patent 10:28:39
18 encompasses virtually any type of what I 10:28:41
19 would refer to as peer-to-peer 10:28:43
20 communications between devices. 10:28:46

21 BY MR. ALEMANNI: 10:28:47

22 Q Okay. You can put that aside. 10:28:55

1	A	Okay.	10:28:56
2		(Christensen Deposition Exhibit No.	10:28:57
3		1007 was identified for the record.)	10:28:57
4	BY MR. ALEMANNI:		10:28:57
5	Q	Let me give you what's previously been	10:29:00
6		marked Exhibit 1007.	10:29:02
7	A	Thank you.	10:29:06
8	Q	And do you recognize Exhibit 1007,	10:29:25
9		Mr. Christensen?	10:29:27
10	A	Yes, I do, it's the Vock patent.	10:29:28
11	Q	What is it?	10:29:32
12	A	It's the Vock patent.	10:29:32
13	Q	So this is U.S. Patent No. 6539336,	10:29:34
14		correct?	10:29:39
15	A	Correct.	10:29:40
16	Q	Let's go to Page 29 of Exhibit 1007.	10:29:43
17	A	I'm sorry. Figure 29?	10:29:53
18	Q	It's Page 29 of Exhibit 1007. It's	10:29:55
19		Figure 38.	10:29:58
20	A	Okay. I'm there.	10:30:03
21	Q	What is depicted in Figure 38 of Exhibit	10:30:04
22		1007?	10:30:10

1	A	That appears to be a watch.	10:30:11
2	Q	Does it have a watchband?	10:30:13
3	A	It appears to have a watchband.	10:30:15
4	Q	Does it have a buckle?	10:30:17
5	A	It looks like it has a buckle.	10:30:18
6	Q	How are the parts of the watchband	10:30:20
7		affixed to the case of the watch that's shown in	10:30:22
8		Figure 38 of Exhibit 1007?	10:30:27
9		MR. SCHELLER: Objection. Form.	10:30:29
10		THE WITNESS: Just -- I don't know	10:30:31
11		if it's described in the patent. I would	10:30:31
12		have to look at it. Maybe you could	10:30:33
13		direct me towards it if that's where	10:30:34
14		you're going with this. But just looking	10:30:37
15		at this image it appears to be, from a	10:30:40
16		manufacturing process perspective,	10:30:42
17		affixed permanently.	10:30:43
18		BY MR. ALEMANNI:	10:30:45
19	Q	And would you expect that it's affixed on	10:30:46
20		each side of the case as it's depicted there in	10:30:48
21		Figure 38?	10:30:51
22		MR. SCHELLER: Objection. Form.	10:30:52

1	THE WITNESS: Yes.	10:30:54
2	BY MR. ALEMANNI:	10:30:54
3	Q I didn't hear your answer. I'm sorry.	10:30:54
4	A Yes. The answer is yes.	10:30:56
5	Q Okay. And then let's turn to the next	10:30:57
6	page of Exhibit 1007, Page 30, Figure 39. So what is	10:31:00
7	depicted on Page 30 of Exhibit 1007?	10:31:12
8	A On Page 30, Figure 39 we're talking	10:31:17
9	about?	10:31:21
10	Q Yes. What is depicted in Figure 39 of	10:31:21
11	Exhibit 1007?	10:31:23
12	A It looks like a watch again.	10:31:25
13	Q Can you tell if it's the same watch as	10:31:26
14	depicted in Figure 38?	10:31:27
15	A It looks like a different watch to me.	10:31:30
16	Q Okay. Are you sure?	10:31:32
17	A Based on the figure, it looks very	10:31:36
18	different from the perspective of how the watch is --	10:31:40
19	how the watch frame is attached to the band and	10:31:44
20	buckle.	10:31:49
21	Q So in the picture -- in the figure	10:31:50
22	depicted in Figure 39, can you tell how the bands are	10:31:52

1 connected to the case of the watch?

10:31:55

2 MR. SCHELLER: Objection. Form.

10:31:57

3 THE WITNESS: It looks like they

10:32:00

4 are attached to -- I don't know what this

10:32:01

5 is called on a watch, but the pins.

10:32:05

6 BY MR. ALEMANNI:

10:32:07

7 Q And so it appears that there is a pin on

10:32:10

8 each side of the watch that affixes a band on the

10:32:12

9 right and then affixes a band on the left, correct?

10:32:15

10 MR. SCHELLER: Objection. Form.

10:32:18

11 THE WITNESS: That's how it

10:32:19

12 appears.

10:32:20

13 BY MR. ALEMANNI:

10:32:20

14 Q Can you tell if there's a buckle?

10:32:20

15 A I don't see a buckle.

10:32:23

16 Q Would you expect there to be a buckle --

10:32:24

17 MR. SCHELLER: Objection.

10:32:26

18 BY MR. ALEMANNI:

10:32:28

19 Q -- in Figure 39?

10:32:28

20 MR. SCHELLER: Objection. Form.

10:32:29

21 THE WITNESS: I don't see a buckle

10:32:32

22 on Figure 39, so I can't answer that.

10:32:33

1	BY MR. ALEMANNI:	10:32:36
2	Q Do you see on Figure 39 the -- the lines	10:32:38
3	are running horizontal down the watchband on the left	10:32:42
4	side?	10:32:47
5	A Yes.	10:32:48
6	Q What do you think the horizontal lines on	10:32:49
7	the watchband on the left side of Figure 39 depict?	10:32:51
8	MR. SCHELLER: Objection. Form.	10:32:58
9	THE WITNESS: I don't know.	10:33:01
10	Perhaps the stitching of a leather band.	10:33:01
11	BY MR. ALEMANNI:	10:33:04
12	Q Let's assume for purposes of your	10:33:26
13	testimony that Figures 38 and 39 are different	10:33:28
14	watches. Would one of skill in the art in 2003 have	10:33:34
15	been able to utilize the buckle that's depicted in	10:33:36
16	Figure 38 on the two bands that are depicted in	10:33:40
17	Figure 39?	10:33:43
18	MR. SCHELLER: Objection. Form.	10:33:44
19	THE WITNESS: Someone skilled in	10:33:46
20	the art of watchbands?	10:33:46
21	BY MR. ALEMANNI:	10:33:48
22	Q I mean somebody skilled in the art as far	10:33:49

1 as this case. You're testifying as one skilled in 10:33:50
2 the art at the time of the invention in 2003. 10:33:52

3 So my question is, would one of skill in 10:33:55
4 the art at the time have been able to utilize the 10:33:58
5 buckle that's shown in Figure 38 on the watchbands 10:34:00
6 that are depicted in Figure 39 of Exhibit 1007? 10:34:03

7 MR. SCHELLER: Objection. Form. 10:34:07

8 THE WITNESS: I don't know. I 10:34:09
9 can't answer that because I can't see the 10:34:11
10 full figure on 39. It shows -- as you 10:34:13
11 can see, the band is cut off on either 10:34:15
12 side, so I couldn't clearly discern that 10:34:18
13 a buckle would be involved. 10:34:22

14 BY MR. ALEMANNI: 10:34:23

15 Q Would you expect there to be any 10:34:24
16 particular challenge in affixing the buckle from 10:34:26
17 Figure 38 onto the two watchbands that are depicted 10:34:28
18 in Figure 39? 10:34:31

19 MR. SCHELLER: Objection. Form. 10:34:32

20 THE WITNESS: Possibly. Again, it 10:34:34
21 would require speculation because I can't 10:34:36
22 see either side of the rest of the band. 10:34:37

1	For all I know, it could be a solid band	10:34:40
2	or who knows.	10:34:43
3	BY MR. ALEMANNI:	10:34:46
4	Q Okay. Let me -- let me stay with Exhibit	10:34:48
5	1007 for just a second. Let's go to Page 44 -- I'm	10:34:51
6	sorry -- Column 44. So look at -- if you will look	10:35:03
7	at Column 44, Line -- the paragraph that begins at	10:35:30
8	Line 26.	10:35:36
9	A I'm there.	10:35:38
10	Q Okay. Can you just take a look at that	10:35:38
11	paragraph, just read that paragraph to yourself.	10:35:41
12	A Okay. I've read that paragraph.	10:36:01
13	Q The second sentence of that paragraph	10:36:05
14	begins: As in normal watches, the band secures the	10:36:07
15	watch on to user's -- on a user's wrist.	10:36:10
16	Correct?	10:36:12
17	A Correct.	10:36:12
18	Q So the use of normal watch there, is that	10:36:12
19	the same of your use of normal watch when you were	10:36:15
20	testifying earlier as far as the structure of the	10:36:17
21	watch goes?	10:36:20
22	A Yes.	10:36:22

1	Q	So I'm going to ask you to look at your	10:36:29
2		declaration again and some of the testimony about	10:36:31
3		this reference. So Exhibit 2009 is what I'll refer	10:36:33
4		to. Okay. So in Paragraph 52, which is Page 27 and	10:36:38
5		carries over to Page 28, the bottom right corner	10:36:55
6		again.	10:37:02
7	A	Okay. I'm there.	10:37:06
8	Q	Okay. So you -- you begin that	10:37:07
9		paragraph: The field of endeavor of Vock.	10:37:13
10		Do you see that?	10:37:17
11	A	Yes.	10:37:18
12	Q	And you say -- as you transition over,	10:37:18
13		you say: It discloses a wristwatch, but the function	10:37:22
14		of the wristwatch is sensing movement data and	10:37:25
15		transmitting that data to a computer.	10:37:28
16		Is that right?	10:37:30
17	A	Yes.	10:37:32
18	Q	Why does that matter?	10:37:33
19	A	Why does what part in particular matter?	10:37:35
20		Where are we at again? Page 27?	10:37:36
21	Q	Yeah. So let me try again. Page 27 and	10:37:38
22		28 of your declaration, Paragraph 52. Go ahead and	10:37:38

1	take a look at that and I'll ask the question again.	10:37:45
2	A I've read it and I can answer your	10:37:50
3	question.	10:37:55
4	Q So the sentence that runs over to the	10:37:55
5	page, it says the wristwatch -- it talks about the	10:37:58
6	wristwatch. It says: The function of the Vock	10:38:00
7	wristwatch is sensing movement data and transmitting	10:38:02
8	that data to a computer.	10:38:06
9	Right?	10:38:08
10	A Correct.	10:38:08
11	Q So why is -- why is that important in	10:38:08
12	terms of your opinion, that the wristwatch is	10:38:11
13	transmitting -- sensing movement data and	10:38:13
14	transmitting data to a computer?	10:38:15
15	A Well, in one sense, it's transmitting	10:38:17
16	data to a computer as opposed to transmitting data to	10:38:21
17	something else.	10:38:27
18	Q Does the watch receive data in Vock?	10:38:31
19	A I need to read it again, because one	10:38:39
20	thing I do recall about Vock is it talks about having	10:38:43
21	some sensors on skis -- and I'd have to read it	10:38:46
22	again, if you'd give me a moment -- about the	10:38:53

1 involvement of a watch. 10:39:00

2 Q I can help a little bit, I think. Let me 10:39:02
3 walk you through Vock. And then you can look at 10:39:04
4 anything you want, but let me give you a couple of 10:39:07
5 places to look at that I think will help direct this. 10:39:09

6 So if you go to page 52 of 84, in the 10:39:27
7 bottom right side, Page 52 of 84, Column 1, there's a 10:39:30
8 paragraph that begins at Line 51 in Column 1. 10:39:39

9 Do you see that? 10:39:45

10 A I see it. 10:39:45

11 Q So it says: Persons in sporting 10:39:46
12 activities only have a qualitative sense as to speed 10:39:48
13 and loft -- they give an example -- without ever 10:39:51
14 quantitatively knowing how much time really elapsed 10:39:55
15 in the air. 10:39:59

16 Right? 10:40:00

17 A Correct. 10:40:00

18 Q I mean, I paraphrased, but that's 10:40:02
19 essentially what it says? 10:40:04

20 A Exactly. 10:40:06

21 Q And so part of what Vock is doing, then, 10:40:06
22 is sensing something that happens that the user is 10:40:09

1	not able to perceive; is that correct?	10:40:13
2	A Not in a quantitative sense, correct.	10:40:15
3	Q So then let's go to Column 2, around the	10:40:17
4	same area, and I think you -- I think you actually	10:40:21
5	referred to this a second ago. So if we get to --	10:40:25
6	the paragraph that begins around 47, In most cases.	10:40:34
7	Do you see that?	10:40:41
8	A I see that.	10:40:42
9	Q So just -- I'm going to point you to Line	10:40:44
10	50 where it says, More particularly, and then One	10:40:46
11	technique. But go ahead and read that and we can	10:40:49
12	talk about it.	10:40:51
13	A I've read that.	10:41:18
14	Q So is this the example that you're	10:41:19
15	referring to, the ski?	10:41:21
16	A Yes.	10:41:22
17	Q So if I understand this correctly, Vock	10:41:22
18	is saying user can't perceive something such as air	10:41:25
19	time, and so one way of addressing that is to attach	10:41:28
20	a vibration sensor in order to capture movement of	10:41:31
21	the ski and then provide a notification to the user	10:41:34
22	about the vibration?	10:41:36

1	A	Correct.	10:41:42
2	Q	And then let's go to Column 4, Line 54.	10:41:43
3		So kind of the bottom again.	10:41:45
4	A	Okay. I've read that.	10:42:14
5	Q	Okay. So if I understand this example,	10:42:15
6		it's saying that data from the sensing unit, which is	10:42:18
7		the vibration sensor on the ski, is sent from the	10:42:21
8		vibration sensor to the watch so that the user could	10:42:24
9		perceive the motion that the user is not otherwise	10:42:26
10		able to perceive; is that correct?	10:42:31
11	A	Correct.	10:42:33
12	Q	Let me -- actually -- if you go to the	10:42:37
13		next to last page -- or the two pages from the end,	10:42:50
14		it's 82 in Vock. So Page 82 of Exhibit 1007.	10:42:53
15	A	Okay.	10:43:03
16	Q	If you look in Column 62 of Claim 15,	10:43:04
17		it's near the top of the page.	10:43:08
18	A	Yes.	10:43:13
19	Q	So Claim 15 recites a Data Transfer	10:43:15
20		section: The sensing unit further comprising a data	10:43:17
21		transfer section for wirelessly transmitting	10:43:18
22		performance data and further comprising a watch data	10:43:22

1 unit for receiving the performance data and inform 10:43:24
2 the user. 10:43:27

3 So is that Claim 15 describing or 10:43:28
4 reciting what we just discussed in relation to 10:43:30
5 notifying the user about what's going on with the 10:43:33
6 vibration sensor? 10:43:35

7 A Insomuch as, as you mentioned, as I heard 10:43:36
8 you mention, that somebody could have some type of 10:43:40
9 sensor on their ski and be alerted about that 10:43:43
10 quantitative data on a device such as a watch, yes. 10:43:48

11 Q All right. So let me go -- you can set 10:43:54
12 that aside. I'm done with that. But I want to go 10:44:06
13 back to your declaration for just a second, so 10:44:09
14 Exhibit 2009. Paragraph 52, which begins on Page 22 10:44:12
15 and 23 of Exhibit 2009? 10:44:18

16 A Uh-huh. 10:44:20

17 Q So the statement that you make here that 10:44:20
18 the function of the Vock wristwatch is sensing 10:44:22
19 movement data and transmitting that data to the 10:44:25
20 computer, that's not the only function of the Vock 10:44:28
21 watch, is it? 10:44:30

22 MR. SCHELLER: Objection. Form. 10:44:36

1	THE WITNESS: I'm not sure. As we	10:44:39
2	just described on the Vock patent, the	10:44:41
3	function of the Vock watch was to be a	10:44:44
4	passive recipient of quantitative data	10:44:45
5	that's detected on some sensor, such as a	10:44:48
6	ski, as opposed to what is taught in the	10:44:50
7	Mullen patent, which is the ability to	10:44:55
8	sense directly on the device itself, such	10:44:58
9	as a smart watch.	10:45:01
10	BY MR. ALEMANNI:	10:45:02
11	Q Yeah, that wasn't my question. Let me	10:45:02
12	try again.	10:45:04
13	So you say in Paragraph 52 that the	10:45:05
14	function of the Vock wristwatch is sensing movement	10:45:07
15	data and transmitting that data to a computer, but as	10:45:09
16	we just walked through, Vock also describes a	10:45:13
17	wristwatch that receives data from a sensor and then	10:45:16
18	displays it to the user, right?	10:45:18
19	A Correct.	10:45:21
20	Q So the function that you've laid out in	10:45:22
21	Paragraph 52 is not the only function of the Vock	10:45:24
22	watch, correct?	10:45:27

1	A	Correct.	10:45:29
2		(Christensen Deposition Exhibit No.	10:45:29
3		1005 was identified for the record.)	10:45:29
4	BY MR. ALEMANNI:		10:45:29
5	Q	And then I'll introduce Exhibit 1005.	10:45:44
6		This is --	10:45:49
7		MR. ALEMANNI: Here you go, Brad.	10:45:55
8		We're right at an hour. Do you	10:46:13
9		want to stretch your legs again? Are you	10:46:16
10		good? It's been 45 minutes, but we	10:46:18
11		stopped at ten til before.	10:46:22
12		THE WITNESS: Let's stop, yeah.	10:46:23
13		Please.	10:46:24
14		MR. ALEMANNI: Can we go off the	10:46:24
15		record, please?	10:46:25
16		THE VIDEOGRAPHER: Stand by.	10:46:28
17		MR. ALEMANNI: Thank you.	10:46:28
18		THE VIDEOGRAPHER: We're going off	10:46:28
19		the record at 10:46.	10:46:29
20		(Brief pause.)	10:46:33
21		THE VIDEOGRAPHER: We are back on	11:00:57
22		the record. The time is 11:00.	11:01:12

1	MR. ALEMANNI: Welcome back,	11:01:18
2	Mr. Christensen. Are you ready?	11:01:18
3	THE WITNESS: I am ready.	11:01:20
4	BY MR. ALEMANNI:	11:01:20
5	Q Okay. So I think before the break I	11:01:20
6	handed you Exhibit 1005?	11:01:22
7	A Yes.	11:01:26
8	Q And do you know what Exhibit 1005 is?	11:01:26
9	A That's the Narayanaswami patent.	11:01:28
10	Q I'm very impressed that you said it that	11:01:32
11	way.	11:01:34
12	A I'm not sure I got it correct, but I	11:01:35
13	tried.	11:01:36
14	Q Okay. And Exhibit 1005 is U.S.	11:01:37
15	6,477,117, correct?	11:01:38
16	A Correct.	11:01:45
17	Q I'm going to have you turn back to your	11:01:45
18	declaration where you discuss this reference. So if	11:01:47
19	you could pull out 2009, and in particular I want to	11:01:50
20	look at Page 37 in the bottom right.	11:01:54
21	A Okay.	11:02:05
22	Q So starting at Section 2 on Page 37,	11:02:06

1	Paragraph -- and then Paragraph 72, you are	11:02:10
2	discussing Dr. Bims and the petition in relation to	11:02:13
3	GPS and altimeter sensors, correct?	11:02:18
4	A Yes, we're on Paragraph 82 [sic], you	11:02:26
5	said? Yes.	11:02:29
6	Q Right.	11:02:30
7	A Correct.	11:02:30
8	Q At the bottom of Paragraph 72, you make a	11:02:30
9	statement, this is Page 38, that there's no	11:02:33
10	explanation of how a GPS or altimeter would have	11:02:44
11	operated distinguished between different types of	11:02:47
12	motion.	11:02:50
13	Do you see that?	11:02:51
14	A I see that. You said 72, you meant 82.	11:02:51
15	I see that.	11:02:53
16	Q Seventy-two, yeah.	11:02:55
17	A Or 72. Am I looking in the wrong place	11:02:56
18	again? So Paragraph 72?	11:02:59
19	Q Paragraph 72, your declaration Page 37 at	11:02:59
20	the bottom. It's 32 in the internal numbering and 37	11:03:02
21	for the numbers we've been using. Does that help?	11:03:10
22	A Yes. I keep getting that confused.	11:03:13

1	Q	I'm trying to keep the record straight.	11:03:15
2	A	Yes, so I'm on the right page now.	11:03:18
3	Q	Do you see Paragraph 72 on Page 37?	11:03:20
4	A	Indeed, I do.	11:03:22
5	Q	You do, okay. All right. So again, my	11:03:23
6		question is, in the first paragraph you say -- you	11:03:26
7		describe GPS and altimeter sensors, and you say that	11:03:30
8		it's your opinion there's not an explanation how they	11:03:33
9		would have operated to distinguish between different	11:03:37
10		types of motion.	11:03:39
11		What do you mean by that?	11:03:40
12	A	Well, in terms of different types of	11:03:42
13		motion, it's one thing to gather data that's	11:03:45
14		indicative of motion, such as speed, which is one of	11:03:51
15		the things you get from GPS. It's another thing	11:03:58
16		altogether to be able to render that as a type of	11:04:01
17		motion, such as vertical movement or jumping or	11:04:03
18		vibrating, for example.	11:04:09
19	Q	So you say in Paragraph 73, about halfway	11:04:12
20		down: Furthermore, the GPS receiver is capable of	11:04:18
21		deriving speed.	11:04:23
22		Correct?	11:04:24

1	A	That is correct.	11:04:26
2	Q	So is it your opinion that the GPS	11:04:27
3		receiver is capable of detecting motion since it's	11:04:29
4		able to derive speed?	11:04:33
5	A	One could assume that if something has a	11:04:36
6		certain speed that it is in motion, correct.	11:04:39
7	Q	Okay. So let me make sure.	11:04:42
8		So is it your opinion that the GPS	11:04:45
9		receiver disclosed in Exhibit 1005 is capable of	11:04:48
10		detecting motion then?	11:04:56
11		MR. SCHELLER: Objection. Form.	11:04:58
12		THE WITNESS: It's capable of	11:04:59
13		detecting motion specifically when GPS is	11:05:00
14		involved based on assuming that if	11:05:05
15		something has a speed that it is in	11:05:08
16		motion.	11:05:12
17		BY MR. ALEMANNI:	11:05:12
18	Q	And so you say in Paragraph 72, though,	11:05:12
19		that it's not operable or operated to distinguish	11:05:18
20		between different types of motion. Are you saying --	11:05:23
21		I'm trying to understand that.	11:05:27
22		You said that the GPS receiver is capable	11:05:28

1	of deriving, I guess, horizontal motion in the form	11:05:30
2	of speed, correct?	11:05:34
3	A In the sense that GPS is capable of	11:05:36
4	discerning changes in location in the X and Y axis,	11:05:39
5	which is otherwise known as horizontal, and also	11:05:45
6	being able to provide the speed. That would be one	11:05:49
7	form of motion.	11:05:51
8	Q Okay. And then -- and then if you go to	11:05:52
9	Paragraph 74, you're discussing an altimeter,	11:05:55
10	correct?	11:06:02
11	A Correct.	11:06:02
12	Q When you discuss the altimeter, you talk	11:06:04
13	about airplanes and you say that: Altitude change	11:06:08
14	information derived via calculations involving	11:06:11
15	changes in barometric pressure can be detected by an	11:06:15
16	altimeter.	11:06:18
17	Correct?	11:06:20
18	A Correct.	11:06:20
19	Q So is it your testimony that the	11:06:20
20	altimeter is detecting a different type of motion	11:06:22
21	from the GPS sensor?	11:06:25
22	A Conceivably and most likely yes, but not	11:06:27

1	necessarily.	11:06:32
2	Q Why not necessarily? Why are they not	11:06:34
3	necessarily detecting a different type of motion?	11:06:36
4	A Well, because GPS, as most people are	11:06:38
5	familiar with it, provides latitude and longitude	11:06:41
6	which are the X and Y axis I was referring to	11:06:46
7	earlier, and that is a form of horizontal motion, but	11:06:49
8	GPS is also capable of providing X, Y and Z. Z being	11:06:52
9	the vertical dimension. And so it's conceivable that	11:06:56
10	you could get vertical motion from GPS and also,	11:06:59
11	somehow, be able to derive vertical motion from some	11:07:03
12	other form of sensing.	11:07:08
13	Q So is the GPS sensor in Exhibit 1005	11:07:12
14	capable of detecting motion in both the X axis and	11:07:16
15	the Z axis?	11:07:20
16	MR. SCHELLER: Objection. Form.	11:07:22
17	THE WITNESS: It depends. It	11:07:22
18	depends on a very use-case-specific	11:07:24
19	situation, because you need to have a	11:07:27
20	certain number of GPS satellites that you	11:07:29
21	have a viable signal from to be able to	11:07:32
22	derive that Z axis.	11:07:37

1	(Christensen Deposition Exhibit No.	11:07:38
2	2013 was identified for the record.)	11:07:38
3	BY MR. ALEMANNI:	11:07:38
4	Q Okay. Let me -- let me introduce	11:07:39
5	Exhibit -- previously marked Exhibit 2013. Do you	11:07:42
6	recognize Exhibit 2013?	11:07:50
7	A Yes, it's an evolution of GPS technology.	11:07:53
8	Q And you relied on this in your opinion,	11:07:57
9	correct?	11:08:00
10	A Yes.	11:08:00
11	Q And so you relied on this as a summary or	11:08:00
12	description of what a GPS receiver is capable of	11:08:06
13	doing, correct?	11:08:09
14	A Yes, as a good general backgrounder.	11:08:10
15	Q Let's go to -- and again, with the pages	11:08:15
16	at the bottom, Exhibit 2013, Page 4. The sentence	11:08:18
17	that begins at the very end of Page 4 and then	11:08:31
18	continues over to the top of Page 5. And just for	11:08:35
19	purposes of the record, the internal numbering here	11:08:38
20	is Page 62 and 63 of Exhibit 2013.	11:08:39
21	Do you see that sentence?	11:08:43
22	A I do.	11:08:44

1	Q	Okay. So the sentence there, I think, is	11:08:45
2		describing what you suggest which is that GPS	11:08:49
3		sensors, at the time this article was published in	11:08:52
4		March 2002, were capable of detecting latitude,	11:08:55
5		longitude and altitude, correct?	11:08:58
6	A	Correct.	11:09:02
7	Q	And also time, correct?	11:09:02
8	A	Correct.	11:09:06
9	Q	And so the use of latitude and longitude	11:09:06
10		would allow the GPS sensor in 2002 to detect motion	11:09:10
11		in the X-Y axis, correct?	11:09:14
12	A	Yes, correct.	11:09:18
13	Q	Right. And then, because the GPS sensor	11:09:19
14		in 2002 is able to also detect altitude, it can also	11:09:21
15		detect changes -- or motion in the Z axis, as well,	11:09:25
16		correct?	11:09:28
17	A	Correct.	11:09:28
18	Q	And then motion in the X-Y axis is a	11:09:41
19		different type of motion than motion in the Z axis,	11:09:46
20		right?	11:09:49
21		MR. SCHELLER: Objection. Form.	11:09:50
22		THE WITNESS: Not necessarily.	11:09:54

1
2 BY MR. ALEMANNI:

11:09:54

3 Q So moving up and down is not -- is not
4 different from moving left and right?

11:09:55

11:09:58

5 MR. SCHELLER: Objection. Form.

11:10:02

6 THE WITNESS: It's different in a
7 sense that you're moving in -- against a
8 different axis, but it could be the same
9 in the sense that an object can move in
10 the X direction, the Y direction or the Z
11 direction but it's still the same object.

11:10:02

11:10:04

11:10:09

11:10:12

11:10:15

11:10:18

12 BY MR. ALEMANNI:

11:10:20

13 Q But it's a different motion, correct?

11:10:20

14 A I don't know. It depends on the
15 definition of motion. Something is moving.

11:10:26

11:10:27

16 Q So if a plane is moving in a certain
17 altitude towards a mountain range in the X-Y axis but
18 maintaining altitude in the Z axis, is that different
19 from the plane moving down in the Z axis as it
20 approaches the mountain range? Is that a different
21 kind of motion?

11:10:31

11:10:33

11:10:38

11:10:41

11:10:43

11:10:46

22 MR. SCHELLER: Objection. Form.

11:10:47

1	THE WITNESS: Not necessarily. I	11:10:50
2	mean, it depends on your definition of	11:10:51
3	motion. The common definition of motion	11:10:53
4	to a layperson is something that's	11:10:55
5	moving --	11:10:57
6	BY MR. ALEMANNI:	11:10:59
7	Q Which --	11:10:59
8	A -- and so --	11:10:59
9	Q I'm sorry. What's your definition of	11:11:00
10	motion?	11:11:01
11	A Something is moving.	11:11:02
12	Q And is that the same definition as in the	11:11:03
13	'633 patent?	11:11:05
14	A I'd have to look at the '633 patent again	11:11:09
15	to see if they define motion.	11:11:13
16	Q Okay. Let's move forward to Paragraph --	11:11:14
17	in Exhibit 2009, this is your declaration again, Page	11:11:23
18	40 at the bottom right. The section that begins F.	11:11:28
19	Do you see that?	11:11:37
20	A Yes.	11:11:38
21	Q Okay. And so that's Paragraph 78. We	11:11:38
22	talked -- we talked earlier about reminder, right?	11:11:43

1	A	Yes, we did.	11:11:48
2	Q	Paragraph 78, you make the statements	11:11:49
3		about -- that the signals in the Claim, Claim 1, must	11:11:54
4		be dependent upon communication signals, right?	11:12:01
5	A	Correct.	11:12:06
6	Q	Okay. You say, in your opinion, the	11:12:07
7		reminder is in response to communications through	11:12:09
8		signals received from a telephonic device and	11:12:11
9		associated with an event.	11:12:15
10		If -- if the phone provides a reminder of	11:12:18
11		an event, do you read the claim as requiring that	11:12:26
12		that be immediately responsive to a signal that's	11:12:32
13		received from a mobile phone?	11:12:35
14	MR. SCHELLER:	Objection. Form.	11:12:36
15	THE WITNESS:	I'd have to think	11:12:42
16		about that further, but I would say not	11:12:42
17		necessarily.	11:12:48
18	BY MR. ALEMANNI:		11:12:48
19	Q	So let's go to -- let's go to Paragraph	11:12:58
20		79. Do you see 79?	11:13:00
21	A	I do.	11:13:03
22	Q	Okay. And you're talking about Snooze	11:13:04

1	Option, right?	11:13:07
2	A Yes.	11:13:08
3	Q And so you quote a portion of	11:13:08
4	Narayanaswami that says: A user may stop the alarm,	11:13:13
5	select a new Snooze option -- S-N-O-O-Z-E -- where	11:13:20
6	the user will receive subsequent reminders. The	11:13:25
7	alarm to activate after a pre-defined time interval.	11:13:29
8	Do you see that?	11:13:32
9	A I see that.	11:13:32
10	Q And I believe it's your opinion that	11:13:33
11	those reminders are not dependent upon communication	11:13:35
12	signals received from the phone; is that correct?	11:13:38
13	A Let me read it again. Correct.	11:13:44
14	Q Okay. So am I understanding your opinion	11:14:20
15	to be that, if I receive a notification reminder on	11:14:23
16	my -- on my watch that is triggered by an event on	11:14:29
17	the phone and I hit Snooze, then the subsequent	11:14:32
18	reminder that occurs after the Snooze is no longer	11:14:37
19	dependent on the notification from the phone?	11:14:40
20	A Correct.	11:14:43
21	Q So is there something in the claim that	11:14:43
22	suggests to you is that there is a temporal	11:14:45

1	limitation between the communication signal and the	11:14:49
2	notification?	11:14:52
3	A No.	11:14:52
4	Q Do you read Claim 1 as requiring a direct	11:14:53
5	dependency between the communication signal from the	11:14:56
6	mobile phone and the notification on the watch?	11:14:58
7	A The initial notification, yes; subsequent	11:15:03
8	notifications, no.	11:15:06
9	Q Where are you reading the -- where are	11:15:12
10	you getting initial and subsequent? Where does that	11:15:14
11	terminology come from?	11:15:17
12	A It's terminology that I'm introducing	11:15:19
13	right now. And I would only relate that to, as the	11:15:20
14	claim language reads on Mullen, that Signal 1	11:15:26
15	pertain -- Signal 1 received by the watch from the	11:15:29
16	phone will cause an alert; signal 2, a separate and	11:15:33
17	distinct signal from the phone, will result in some	11:15:37
18	kind of alert or notification on the watch; that they	11:15:40
19	are not necessarily related.	11:15:43
20	Q But you agree, I think, if I understood	11:15:45
21	your testimony, the alarm reminder that occurs after	11:15:48
22	the Snooze still depends from the original	11:15:54

1 communication, correct?

11:15:58

2 MR. SCHELLER: Objection. Form.

11:16:01

3 THE WITNESS: It could insomuch as

11:16:03

4 there was an initial alert from the

11:16:04

5 phone, but it's conceivable that what's

11:16:07

6 taught by Narayanaswami could be that an

11:16:12

7 alert from the watch comes from the watch

11:16:16

8 itself, perhaps.

11:16:19

9 BY MR. ALEMANNI:

11:16:20

10 Q So would a reminder after a Snooze have
11 ever occurred if the initial signal from the phone
12 had not been received?

11:16:20

11:16:24

11:16:28

13 A If there was such signal to begin with,
14 then yes.

11:16:30

11:16:33

15 Q Okay. I'll try that again. Let's assume
16 that the phone never receives a signal from -- I'm
17 sorry. Strike that.

11:16:35

11:16:38

11:16:42

18 The watch -- let's assume the watch never
19 receives a signal from the phone. Would there be a
20 reminder after a Snooze?

11:16:45

11:16:48

11:16:51

21 MR. SCHELLER: Objection. Form.

11:16:55

22 THE WITNESS: If there were a

11:16:58

1	scenario where a smart watch has the	11:16:59
2	capability as a standalone feature to	11:17:02
3	provide notifications about something	11:17:05
4	that you could Snooze, then there would	11:17:10
5	be no need for an initial signal from the	11:17:13
6	mobile phone.	11:17:16
7	BY MR. ALEMANNI:	11:17:17
8	Q So that's -- but that's an additional	11:17:17
9	feature that's not recited in the claim, correct?	11:17:19
10	A I'd have to read it again, but --	11:17:22
11	Q But as far as you're aware, it's not in	11:17:24
12	the claim?	11:17:26
13	MR. SCHELLER: Objection. Form.	11:17:27
14	THE WITNESS: As far as I'm aware,	11:17:28
15	it's not in the claim, no. I'll have to	11:17:29
16	read it again to be able to answer for	11:17:32
17	sure.	11:17:32
18	BY MR. ALEMANNI:	11:17:33
19	Q Okay. Well, we can turn back to Exhibit	11:17:33
20	1001. It's Exhibit 1001, Page 10. Do you have that?	11:17:35
21	A Here it is.	11:17:46
22	Q The claim is on Page 10.	11:17:47

1	A	I'm there. I've read it.	11:18:13
2	Q	Is there anything in the claim that you	11:18:15
3		just read, Claim 1 of the '633 patent, that precludes	11:18:17
4		the watch having an additional feature wherein it can	11:18:21
5		generate its own alarms and Snooze those alarms?	11:18:24
6	A	No.	11:18:29
7	Q	Okay. Let me -- let me turn back to	11:18:30
8		Narayanaswami. Let's go to Column 8. At the very	11:18:46
9		top of Column 8 -- sorry about the print on this. At	11:19:10
10		the very top of Column 8, starting at 3, can you read	11:19:14
11		that?	11:19:19
12	A	As a further example, Caller ID	11:19:21
13		information may be displayed?	11:19:23
14	Q	Yes. So as I understand -- oh, I'm	11:19:27
15		sorry.	11:19:35
16	A	How much of that should I read?	11:19:36
17	Q	You can read until the end of the	11:19:37
18		paragraph, I guess. It's not that long.	11:19:39
19	A	Okay.	11:20:01
20	Q	So are you familiar with the term Missed	11:20:02
21		Call?	11:20:05
22	A	Yes.	11:20:05

1	Q	And that's in the claims, right?	11:20:06
2	A	You're asking me if Missed Call is in the	11:20:10
3		claim of Narayanaswami?	11:20:12
4	Q	Of the '633 patent, the claims of the	11:20:15
5		Mullen patent.	11:20:17
6	A	Sitting here right now, I don't recall.	11:20:18
7		I'd have to read and see if it is.	11:20:19
8	Q	Okay. I'm going to direct you to the	11:20:21
9		same page we were on, Page 10 of Exhibit 1001 -- or	11:20:22
10		Page 11.	11:20:27
11	A	I'm there.	11:20:35
12	Q	Claim 13.	11:20:36
13	A	I see that, and it is listed as a	11:20:44
14		dependent claim.	11:20:45
15	Q	Yeah. Do you have an understanding of	11:20:46
16		the term Missed Call in that Dependent Claim 13 of	11:20:48
17		the '633 patent?	11:20:52
18	A	Yes, I do.	11:20:54
19	Q	And what is your understanding of Missed	11:20:55
20		Call?	11:20:56
21	A	My understanding of a Missed Call is this	11:20:57
22		would be an alert to let one know that somebody	11:20:58

1	called you but you didn't answer, hence you have a	11:21:01
2	missed call.	11:21:04
3	Q In Column 8 of Narayanaswami, Exhibit	11:21:05
4	1005, the section we just read, that section	11:21:09
5	describes informing a user that a call is occurring	11:21:14
6	on their phone by looking at the wristwatch, correct?	11:21:17
7	A Correct.	11:21:22
8	Q And so if the user doesn't answer that	11:21:26
9	call, is that a Missed Call?	11:21:28
10	A If the person doesn't answer, they missed	11:21:30
11	the call, but it's not the same as a Missed Call	11:21:32
12	alert.	11:21:36
13	Q Okay. So are the -- are the -- the	11:21:37
14	options with the call either the user missed the call	11:21:39
15	or the user answered the call?	11:21:43
16	A When you say options, you mean things	11:21:45
17	that could occur?	11:21:47
18	Q Yeah. If the phone rings, are the	11:21:48
19	options that the user can answer the call or not	11:21:50
20	answer the call?	11:21:53
21	MR. SCHELLER: Objection. Form.	11:21:53
22	THE WITNESS: If somebody receives	11:21:55

1	a call and they become aware that they	11:21:56
2	have a call, it's a binary outcome.	11:21:58
3	Either the call is answered or the call	11:22:03
4	is not answered, but it's not the same as	11:22:05
5	a Missed Call notification.	11:22:07
6		
7	BY MR. ALEMANNI:	11:22:08
8	Q Okay. If the user decides not to answer	11:22:08
9	the call and receives a notice sometime after the	11:22:12
10	call occurs about the call, is that a Missed Call	11:22:16
11	notification?	11:22:23
12	A Yes, it would be.	11:22:24
13	Q Let's go back to your declaration. We	11:22:25
14	can turn Narayanaswami aside for a second.	11:22:29
15	I want to look at Paragraphs 91 and 92.	11:22:47
16	Take a look at them. I just want to ask you a	11:22:56
17	question about it.	11:22:58
18	A Okay. I've read both.	11:23:19
19	Q So the last sentence of that Paragraph	11:23:21
20	91, you describe the Nokia wireless phone and you	11:23:23
21	say: At the time of the invention, it wasn't obvious	11:23:28
22	to extract or expose handset feature functionality to	11:23:35

1	other devices.	11:23:39
2	What do you mean by extract?	11:23:40
3	A To, in essence, replicate a feature	11:23:43
4	functionality item that is otherwise self-contained	11:23:49
5	in a phone and render that available to some other	11:23:54
6	device.	11:23:58
7	Q So are you saying in 91 that it wasn't --	11:24:01
8	it wouldn't be able to copy the feature?	11:24:04
9	MR. SCHELLER: Objection. Form.	11:24:10
10	THE WITNESS: As a generalization,	11:24:11
11	yes.	11:24:12
12	BY MR. ALEMANNI:	11:24:12
13	Q Is extract, in the way that you're using	11:24:13
14	it in Paragraph 91, different than copying the	11:24:16
15	functionality?	11:24:20
16	A I would say they're generally the same	11:24:22
17	term in this context.	11:24:25
18	Q And what's the difference in that	11:24:26
19	Paragraph 91 of your declaration between extract and	11:24:28
20	expose?	11:24:31
21	A I would say they're generally the same	11:24:34
22	thing.	11:24:36

1	Q	You can set the documents except for your	11:24:40
2		declaration aside. I just have a few more questions	11:24:45
3		about your dec and then we'll wrap it up. Let's turn	11:24:48
4		to Page 75 of 84. This is about your background. So	11:24:59
5		it's Exhibit A of Exhibit 2009, your declaration.	11:25:03
6		So as I read Exhibit A, it appears to be	11:25:23
7		a version of a CV; is that correct?	11:25:26
8	A	Correct.	11:25:30
9	Q	And if I'm looking at it correctly, the	11:25:32
10		portion of your education and career that occurs	11:25:38
11		prior to 2003 goes from approximately Page 72 to	11:25:42
12		about Page 75; is that correct?	11:25:50
13	A	Yes, that is correct.	11:26:04
14	Q	Okay. So let's start on Page 75. You	11:26:06
15		have -- you have an industrial engineering degree	11:26:15
16		from the University of Florida, correct?	11:26:18
17	A	That is correct.	11:26:23
18	Q	Did you take courses at the University of	11:26:23
19		Florida dealing with computer engineering?	11:26:25
20	A	No.	11:26:27
21	Q	Did you take any courses at the	11:26:28
22		University of Florida dealing with programming?	11:26:31

1	A	Yes.	11:26:34
2	Q	What -- what were those -- what did those	11:26:35
3		courses at the University of Florida regarding	11:26:38
4		programming entail?	11:26:42
5	A	I can't recall the exact programming	11:26:45
6		language. It's probably quite dated at this point.	11:26:45
7		But I took a course in industrial robotics where we	11:26:48
8		had to program -- we had to create programs, do some	11:26:52
9		software engineering, to make robots move objects and	11:26:57
10		do various things that you might do with a	11:26:59
11		manufacturing environment.	11:27:03
12	Q	So you were programming in a particular	11:27:05
13		language but you don't recall what the language is?	11:27:06
14	A	I don't recall sitting here right now.	11:27:09
15	Q	Did you have any other	11:27:10
16		programming-related courses at the University of	11:27:10
17		Florida?	11:27:13
18	A	I believe there was a rather basic course	11:27:14
19		that preceded that, and as a matter fact it might	11:27:16
20		have even been in the BASIC language that preceded	11:27:20
21		that one.	11:27:23
22	Q	Okay. And then you have an MBA from	11:27:26

1	Auburn?	11:27:28
2	A That's correct.	11:27:29
3	Q Did you do any -- did you have any	11:27:29
4	courses at the University of Auburn dealing with	11:27:31
5	programming?	11:27:33
6	A I had a concentration in MIS, but I	11:27:35
7	didn't have any courses that involved programming	11:27:37
8	itself directly.	11:27:40
9	Q And can you describe what MIS is?	11:27:41
10	A Management information systems.	11:27:45
11	Q And what does an MBA in MIS entail?	11:27:46
12	A So specifically it's concentrating on the	11:27:53
13	use of data as information for managers, in	11:27:55
14	particular middle managers.	11:27:59
15	Q And then you were an intern with the U.S.	11:28:02
16	Navy, it appears, in September through December '85,	11:28:08
17	and then again May of -- August through '86. What	11:28:11
18	were you doing for the Navy as an industrial	11:28:13
19	engineering intern?	11:28:17
20	A Well, there's a variety of things in each	11:28:19
21	instance. This was a facilities engineering group,	11:28:20
22	so we were tasked with keeping track of the layout of	11:28:23

1 this facility, which was a Naval air rework facility 11:28:27
2 where planes would come in and they would require 11:28:30
3 retrofits. And so the group that I was with would 11:28:35
4 keep track of the space, resource allocation, we 11:28:38
5 would help with construction, et cetera, et cetera. 11:28:41
6 That was my first instance. 11:28:44

7 My second instance was -- it coincided 11:28:46
8 with what they refer to as the dry annual inventory. 11:28:48
9 So every three years they would inventory every piece 11:28:53
10 of major equipment on the plant. And this is really 11:28:56
11 dating myself, but back in the day they used 11:29:00
12 barcodes. And so that quite an endeavor. So I 11:29:03
13 managed some people that were engaged in that 11:29:06
14 activity of effectively inventorying every major 11:29:08
15 piece of equipment on the facility. 11:29:08

16 Q Is that as entertaining as it sounds? 11:29:11

17 A It was quite tedious, but it was a good 11:29:14
18 learning experience for me to manage people. 11:29:18

19 Q Yeah, okay. That makes sense. 11:29:20

20 And then you had another internship at 11:29:20
21 the Gainesville Regional Utilities? 11:29:22

22 A Yes. 11:29:25

1 Q Could you describe that for me? 11:29:25

2 A Yes. So in that capacity I helped with a 11:29:26
3 variety of different tasks, also industrial 11:29:29
4 engineering related. Mostly working on a lot of 11:29:31
5 spreadsheets and helping them put together some 11:29:35
6 models that involve various projects that they had 11:29:37
7 going on. 11:29:40

8 Q Okay. And then it appears that the first 11:29:41
9 job out of the college, as I read this, was as a 11:29:47
10 network design engineer for AT -- well, let me ask 11:29:50
11 you this question. 11:29:55

12 You have an entry here, network design 11:29:55
13 engineer in May of 1988. What was that? 11:29:59

14 A That was with AT&T, what was know at the 11:30:01
15 time as BellSouth Telecommunications. So that was 11:30:05
16 the wire line side of the old RBOCs, the regional 11:30:06
17 Bell operating companies. And so a network design 11:30:08
18 engineer, also known as a traffic engineer, is 11:30:11
19 responsible for doing the calculations for switch 11:30:13
20 capacity to make sure that telecommunication switches 11:30:17
21 have sufficient capacity to handle calls. 11:30:20

22 Q And by switches, you mean the actual 11:30:23

1	physical switches in the telephone network?	11:30:25
2	A Yes.	11:30:27
3	Q And I think you referred to this as	11:30:27
4	Signaling System 7 elsewhere in your CV?	11:30:29
5	A Signaling System 7 is sort of ancillary	11:30:32
6	to that, and actually when I joined BellSouth	11:30:35
7	Telecommunications, that was prior to SS7, Signaling	11:30:38
8	System 7, being in place. SS7 is just one form of	11:30:38
9	signaling.	11:30:46
10	Q So what did your job entail? Well, let	11:30:47
11	me back -- let me strike that.	11:30:49
12	As a network design engineer, were you	11:30:51
13	designing switches?	11:30:55
14	A I was not designing switches, no.	11:30:57
15	Q Were you -- as a design engineer, were	11:31:00
16	you programming switches?	11:31:02
17	A No.	11:31:03
18	Q And then I believe it's still with AT&T,	11:31:06
19	you became an equipment engineer; is that correct?	11:31:10
20	A Correct.	11:31:15
21	Q And what did that entail?	11:31:15
22	A So that entailed working with the vendors	11:31:17

1 that BellSouth Telecommunications used for placement
2 of switches. A lot of it was project management and
3 logistics, dealing with the placement of switches and
4 making sure that all the information that we would
5 receive from the network design engineers, my
6 previous job, that that was all taken into
7 consideration when ordering equipment to make sure
8 that we had the proper equipment ordered and placed.

9 Q So when you say placement, are you
10 talking about physically placing the equipment?

11 A Yes.

12 Q And then, I believe still with AT&T, you
13 were a quality consultant trainer?

14 A Yes.

15 Q And what did that job entail?

16 A So what that entailed was working with a
17 variety of different people within the organization
18 for them to understand quality concepts and
19 procedures. Basically, the overall goal was to
20 incorporate that into the day-to-day business to make
21 sure that we, as a company, would focus on doing the
22 best, highest quality job possible.

1	Q	And then you became a manager, it	11:32:24
2		appears, in '92, and how did your responsibilities	11:32:27
3		change?	11:32:29
4	A	So my responsibilities there were I	11:32:30
5		managed a group of roughly 12 people, I believe --	11:32:31
6		no, nine people, and their responsibility -- the	11:32:33
7		people I managed, their responsibility was to	11:32:36
8		provision the network, and so I oversaw those	11:32:39
9		operations.	11:32:44
10	Q	What do you mean by provisioning the	11:32:44
11		network?	11:32:47
12	A	Making sure from an administrative	11:32:48
13		perspective that all of the equipment and resources	11:32:50
14		that were required were actually placed	11:32:52
15		appropriately.	11:32:55
16	Q	Placed appropriately how?	11:32:58
17	A	Make sure that if you need a rack of	11:33:00
18		wiring, that it's in the right central office, for	11:33:03
19		example.	11:33:07
20	Q	And then -- and then you moved on to a	11:33:08
21		signaling intelligent network planner engineer	11:33:12
22		position?	11:33:16

1	A	Yes.	11:33:17
2	Q	And what did that entail?	11:33:17
3	A	So what that entailed was planning and	11:33:19
4		engineering the Signaling System 7 network, SS7	11:33:21
5		network, for the entirety of BellSouth	11:33:26
6		Telecommunications. There was actually like a small	11:33:28
7		group of us. There were three of us that were	11:33:31
8		responsible for all of that, and I had complete	11:33:35
9		responsibility for -- I think it was four states. I	11:33:37
10		think I had North Carolina, South Carolina, Georgia	11:33:39
11		and Tennessee, as I recall, or something like that.	11:33:41
12	Q	And then it appears that your -- you	11:33:51
13		finish your career with AT&T, at least, in July of	11:33:54
14		1997 as the manager of network strategic planning and	11:33:58
15		implementation?	11:34:02
16	A	Correct.	11:34:07
17	Q	And what did that entail?	11:34:07
18	A	So in that role it was strategic	11:34:09
19		planning, just as it states, and some of the specific	11:34:11
20		things that I was involved with was placement of the	11:34:15
21		company's first standalone home location register,	11:34:17
22		which is a centralized database that enables tracking	11:34:18

1 of mobile phones to make sure that you know which 11:34:23
2 ones are in use and which ones are roaming and what 11:34:25
3 their capabilities are. 11:34:29

4 Some other things that I got involved 11:34:30
5 with were local number portability, which was in its 11:34:32
6 infancy at that time. Prior to my coming on board 11:34:36
7 there and that being implemented, once you had a 11:34:39
8 telephone number on a particular network, you were 11:34:42
9 stuck on that network. But once local number 11:34:45
10 portability, LNP, was in place, then you could take 11:34:47
11 your number and go elsewhere. 11:34:49

12 Q And what was your role in relation to 11:34:51
13 those -- to that functionality? 11:34:52

14 A Vendor analysis, vendor selection, 11:34:54
15 decisions about network integration, how those 11:34:56
16 decisions would impact the network, service 11:35:00
17 assurance. 11:35:02

18 Q And then you moved to Illuminet? 11:35:05

19 A Correct. 11:35:08

20 Q What were your responsibilities at 11:35:11
21 Illuminet? 11:35:12

22 A So as senior product manager at 11:35:13

1 Illuminet, not only the care and feeding of existing
2 services, which Illuminet was an independent
3 third-party System 7 provider. For example, they
4 provided a means for AT&T to signal to other
5 networks. In addition to that, I was tasked with
6 some business development responsibilities, such as
7 looking at how we could grow the overall business by
8 doing new things, looking at vendor partnerships and
9 things of that nature.

11:35:16

11:35:20

11:35:24

11:35:27

11:35:31

11:35:33

11:35:36

11:35:38

11:35:41

10 Q And then you move from there to

11:35:43

11 SignalSoft in 1999?

11:35:45

12 A Correct.

11:35:48

13 Q And what were your -- what was your role
14 at SignalSoft?

11:35:48

11:35:50

15 A So SignalSoft no longer exists, it was
16 bought out by somebody, but at the time it was a
17 leading provider of location-based technology, not
18 the least of which is the technology that's relied
19 upon for 911. And so something I didn't mention a
20 moment ago about AT&T is, while I was there, I was
21 also tasked with making decisions about 911.

11:35:52

11:35:55

11:35:57

11:36:01

11:36:05

11:36:08

11:36:11

22 So when I came on board with AT&T,

11:36:14

1 believe it or not, if you had a so-called glove box 11:36:17
2 telephone, meaning it was not initialized, that maybe 11:36:21
3 you weren't even paying for service for it, you 11:36:25
4 couldn't call 911 with it. But today, actually if 11:36:28
5 you have a -- what's referred to as a non-initialized 11:36:32
6 phone, you can actually dial 911. 11:36:37

7 And so while I was at AT&T I did vendor 11:36:39
8 selection, and one of those vendors I looked at was 11:36:41
9 SignalSoft. So I went to work for SignalSoft as 11:36:41
10 their director of product management to work on those 11:36:44
11 kind of things, the infrastructure required for 911, 11:36:46
12 as well as commercial location-based services. 11:36:49

13 Q So as I understand it, you had a business 11:36:52
14 role here where you set direction, established 11:36:54
15 strategic plans; is that correct? 11:36:56

16 A Business and technical. 11:36:59

17 Q What was your technical role at 11:37:00
18 SignalSoft? 11:37:00

19 A So my technical role is being apprised of 11:37:01
20 all these different technologies. The one I just 11:37:05
21 mentioned a moment ago, 911, is a so-called control 11:37:07
22 plane technology, as opposed to a user plane 11:37:10

1 technology, so to be conversant in those. And again,
2 piggybacking from what I learned at AT&T, being
3 conversant and understanding all of the different
4 both terrestrial means of determining location, as
5 well as GPS.

6 Q In your role at SignalSoft, are you
7 making changes to mobile phones?

8 MR. SCHELLER: Objection. Form.

9 THE WITNESS: I was not directly
10 making changes to mobile phones, but I
11 was making decisions that led others to
12 consider the feature functionality that
13 they had in mobile phones to discern
14 whether or not that is something that
15 would make sense going forward from a
16 commercial sustainability and
17 profitability perspective.

18 BY MR. ALEMANNI:

19 Q And when you say others, to whom are you
20 referring?

21 A Vendors of mobile phones, providers of
22 location-based technology such as GPS chip set

1	providers.	11:38:04
2	Q And then finally, the last thing I'd like	11:38:05
3	to ask you about is working with VeriSign next, and	11:38:07
4	beginning in 2001 and ending in 2005, correct?	11:38:12
5	A That is correct.	11:38:14
6	Q And what was your role at VeriSign?	11:38:15
7	A So my role at VeriSign was business	11:38:17
8	development where I worked with a variety of	11:38:20
9	different companies, some of which involved	11:38:22
10	location-based technology. So I was exposed to a	11:38:25
11	whole bunch of different companies that we could	11:38:28
12	potentially partner with.	11:38:30
13	Q So were you responsible for any	11:38:32
14	programming of anything during this period of time	11:38:35
15	from your undergraduate degree at the University of	11:38:40
16	Florida through the VeriSign job?	11:38:44
17	MR. SCHELLER: Objection. Form.	11:38:47
18	THE WITNESS: I was not responsible	11:38:48
19	for programming in a sense that I was not	11:38:49
20	an individual contributor of developing	11:38:51
21	programs, I did not oversee people	11:38:54
22	directly that were doing programming;	11:38:56

1 however, what I was involved with, and in 11:38:58
2 particular while I was at VeriSign, was 11:39:03
3 looking at different applications. And 11:39:05
4 case in point, one of those applications 11:39:06
5 was prepaid wireless and -- as well as 11:39:08
6 location, for that matter. 11:39:12

7 And so what that involved is 11:39:13
8 working with technical specifications, 11:39:15
9 talking to prospective partners and 11:39:18
10 understanding the feature functionality 11:39:21
11 and the coding of those particular 11:39:23
12 applications. So even though I wasn't 11:39:26
13 myself writing programming, I had to have 11:39:29
14 a certain level of understanding of 11:39:31
15 programming for, if nothing else, the 11:39:33
16 assurance that it worked as they said it 11:39:36
17 should work. 11:39:38

18 BY MR. ALEMANNI: 11:39:38

19 Q Okay. So are you testifying here today 11:39:40
20 that you had folks working directly for you who were 11:39:45
21 programming -- or making programming changes to 11:39:47
22 mobile devices? 11:39:53

1	A	No, I'm not.	11:39:55
2	Q	Okay. We talked a bit about the Nokia	11:39:56
3		phone earlier, correct?	11:39:59
4	A	Uh-huh.	11:40:01
5	Q	Would you agree the Nokia phone was very	11:40:01
6		well-known in that 2003 time frame?	11:40:03
7	A	Yes.	11:40:05
8	Q	Do you have any idea what operating	11:40:06
9		system that Nokia phone ran?	11:40:08
10	A	Sitting right here now, no, I can't	11:40:10
11		recall.	11:40:12
12	Q	Any idea what programming language was	11:40:12
13		likely used in the Nokia phone?	11:40:15
14	A	Sitting here right now, I can't recall.	11:40:17
15	Q	What about the watches that we've	11:40:19
16		discussed today, the Narayanaswami and Fujisawa smart	11:40:21
17		watches, any idea how they were configured,	11:40:26
18		programmed?	11:40:30
19		MR. SCHELLER: Objection. Form.	11:40:31
20		THE WITNESS: Unless there's	11:40:32
21		something in the patents themselves,	11:40:33
22		which sitting here right now I don't	11:40:34

Transcript of Gerry Christensen
Conducted on August 17, 2023

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1	recall, I can't recite that sitting here.	11:40:36
2	MR. ALEMANNI: And I have no	11:40:38
3	further questions. Thank you. I	11:40:39
4	appreciate it. Thank you. I'll turn the	11:40:40
5	witness over.	11:40:42
6	MR. SCHELLER: I don't have any	11:40:43
7	questions.	11:40:44
8	MR. ALEMANNI: Okay. I think we're	11:40:44
9	done. We can go off the record.	11:40:44
10	THE VIDEOGRAPHER: Okay. Stand by.	11:40:46
11	This marks the end of the deposition of	11:40:50
12	Gerry Christensen. We are going off the	11:40:51
13	record at 11:40.	11:40:53
14		
15	(Thereupon, the deposition was	
16	concluded at approximately 11:40 a.m.)	
17		
18		
19		
20		
21		
22		

1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2 I, Tanya L. Verhoven-Page, Reporter and Notary
3 Public within and for the State of Georgia do hereby
4 certify:

5 That Gerry Christensen, the witness whose
6 deposition is hereinbefore set forth, was duly sworn
7 by me before the commencement of such deposition and
8 that such deposition was taken before me and is a
9 true record of the testimony given by such witness.

10 I further certify that the adverse party,
11 Petitioner, was represented by counsel at the
12 deposition.

13 I further certify that the deposition of Gerry
14 Christensen occurred at the Hilton Greenville, 45 W.
15 Orchard Park Drive, Greenville, South Carolina on
16 Thursday, August 11, 2023, commencing at 9:00 a.m. to
17 11:40 a.m.

1 I further certify that I am not related to any
2 of the parties to this action by blood or marriage, I
3 am not employed by or an attorney to any of the
4 parties to this action, and that I am in no way
5 interested, financially or otherwise, in the outcome
6 of this matter.

7 IN WITNESS WHEREOF, I have hereunto set my hand
8 this 24th day of August, 2023.

9 My commission expires:

10 April 31, 2024

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14 NOTARY PUBLIC IN AND FOR THE

15 STATE OF GEORGIA
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