UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMCAST CABLE COMMUNICATIONS, LLC,

Petitioner,

v.

ENTROPIC COMMUNICATIONS LLC,

Patent Owner.

Case IPR2024-00438 Patent 11,399,206

VIDEOCONFERENCE DEPOSITION OF

DAVID B. LETT

TAKEN ON MAY 20, 2025

REPORTED BY:

PATRICIA L. HUBBARD, CSR #3400



	Page 2		Page 4
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	UNITED STATES PATENT AND TRADEMARK OFFICE	2	REMOTE VIDEOCONFERENCE DEPOSITION
2	BEFORE THE PATENT TRIAL AND APPEAL BOARD	3	OF DAVID B. LETT, who is at the
3		4	time of this proceeding located in
4	COMCAST CADLE COMMUNICATIONS LLC	5	Duluth, Georgia, taken on behalf
5	COMCAST CABLE COMMUNICATIONS, LLC,	6	of the Patent Owner, commencing at
	Petitioner,	7	8:57 A.M. (Pacific Time) on
6	v.	8	May 20, 2025, before PATRICIA L.
7		9	HUBBARD, CSR #3400, a Certified
8	ENTROPIC COMMUNICATIONS LLC,	10	Shorthand Reporter in and for the
	Patent Owner.	11 12	State of California, pursuant to
9 10	Case IPR2024-00432	13	Notice.
10	Patent 9,210,362	14	
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	Page 3		Page 5
1	INITED STATES DATENT AND TRADEMARK OFFISE	1	APPEARANCES OF COUNSEL:
2	UNITED STATES PATENT AND TRADEMARK OFFICE	2	For the Petitioner:
3	BEFORE THE PATENT TRIAL AND APPEAL BOARD	3	BANNER WITCOFF
4		4	BY: MICHAEL S. CUVIELLO, ESQ.
	COMCAST CABLE COMMUNICATIONS, LLC,	5	FREDERIC MEEKER, ESQ.
5	Petitioner,	6 7	1100 13th Street NW Suite 1200
6	remoner,	8	Washington, DC 20005
7	v.	9	202.824.3000
7	ENTROPIC COMMUNICATIONS LLC,	10	mcuviello@bannerwitcoff.com
8	P. (. (O	11	(Present via videoconference)
9	Patent Owner.	12	,
10	Case IPR2024-00435	13	For the Patent Owner:
11	Patent 11,381,866	14	LOWENSTEIN AND WEATHERWAX
12		15	BY: PARHAM HENDIFAR, ESQ.
13 14		16	1016 Pico Boulevard
15		17	Santa Monica, California 90405
16		18 19	310.307.4514
17 18		19 20	hendifar@lowensteinweatherwax.com (Present via videoconference)
19		21	(Freschi via videocomerence)
20 21		22	
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	Page 6		Page 8
1	INDEX	1	MR. HENDIFAR: Parham Hendifar for
2		2	Patent Owner Entropic.
3	WITNESS PAGE	3	MR. CUVIELLO: And Michael Cuviello for
4	DAVID B. LETT	4	Petitioner Comcast.
5	(By Mr. Hendifar) 8	5	And I have Fred Meeker here with me, as
6		6	well.
7		7	MR. MEEKER: Fred Meeker with the Law
8		8	Firm of Banner and Witcoff representing Comcast
9	EXHIBITS:	9	Communications, LLC.
10	(NONE)	10	THE REPORTER: Okay, Counsel. You're
11		11	good to go.
12		12	
13		13	DAVID B. LETT,
14	INFORMATION REQUESTED:	14	called as a witness, having been
15	(NONE)	15	sworn, was examined and testified
16		16	as follows:
17		17	
18	WITNESS INSTRUCTED NOT TO ANSWER:	18	EXAMINATION
19	(NONE)	19	BY MR. HENDIFAR:
20		20	Q. Okay. Good morning, Mr. Lett.
21		21	Thank you for your time.
22		22	A. Good morning.
23		23	Q. You understand that today's deposition
24		24	is a combined deposition for three matters
25		25	IPR2024-00432 00435 and 00438, correct?
	Page 7		Page 9
1	MAY 20, 2025	1	A. Yes. I understand.
2	7:57 A.M. (PACIFIC TIME)	2	Q. Okay. For simplicity, I will use the
3	* * *	3	exhibit numbers in the first IPR2024-00432 unless I
4		4	note otherwise.
5	THE REPORTER: Good morning. My name is	5	If at any point you have any questions
6	Patricia Hubbard. I am California CSR Number 3400.	6	or concerns or confusions let me know, and I'll
7	Mr. Lett, can you tell me the city and	7	clarify the exhibit numbers.
8	state you are currently located in.	8	Is that fair?
9	THE WITNESS: Duluth, Georgia. Duluth,	9	A. Yes.
10	D-u-l-u-t-h.	10	Q. Okay. And you were already deposed once
11	THE REPORTER: Okay. I am not at the	11 12	in connection with these three IPRs, correct?
12 13	same location as the witness.	13	A. Yes.
14	Does anyone have any objection to my	14	Q. And do you recall the procedure for
15	administering the oath to the witness remotely?	15	these IPRs we discussed in the prior deposition?
16	MR. HENDIFAR: No objections from me. MR. CUVIELLO: No objections.	16	A. I think so, yes.Q. Do you have any questions about the
17	THE REPORTER: Okay. Would you please	17	deposition process for today's deposition?
18	raise your right hand, sir.	18	A. No.
19	Do you solemnly swear that the testimony	19	Q. Okay. And do you understand that during
20	you are about to give in this deposition will be the	20	the breaks you are not allowed to speak with
21	truth, the whole truth, and nothing but the truth	21	counsel, correct?
22	under penalty of perjury?	22	A. I think
23	THE WITNESS: I do.	23	Q. Withdraw that.
24	THE REPORTER: Counsel, would you make	24	You're not you understand that during
25	your appearances for the record, please.	25	the breaks you're not allowed to speak with counsel



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regarding the substance of your testimony, correct?

- A. Yes. I understand.
- Q. Okay. If I ask you a question and you have any questions, concerns or ambiguities, please let me know. But if you do answer the question, I will assume that you have understood my question.

Is that fair?

A. Yes.

- Q. And what did you do to prepare for today's deposition?
- A. I reviewed the three reply declarations that I had submitted, as well as some of the other materials that were used in the first deposition -- first declaration and supporting materials.
- Q. And in connection with preparing for today's deposition did you review any document that is not cited in your declarations in this matter?
 - A. No, not that I'm aware of.
- Q. And how many hours did you approximately spend preparing for today's deposition?
- A. I'm thinking maybe around -- let's call it eight hours. That's just ballpark. I don't -- I don't really know exactly.
- Q. And did you meet anyone in connection with preparing for today's deposition?

And do you have any documents -- do you have any hard copy documents available to you in the room where you are currently located?

- A. Yes.
- Q. And will you please let me know what hard copy documents you have?
- A. Yes. I have all three Exhibits 1078 that you just referred to. I have Exhibit 1013 --

You want me to tell you the titles or just the exhibit numbers?

- Q. Exhibit number is fine.
- A. Okay. I have Exhibit -- actually all three exhibits, 1001, which are the reference -- the patents and AMs that we're talking about, and I also have printouts of a subsection of my first declaration that I have both the claim listing appendix and the exhibits list. I have printouts of all three of those of each of those two subsections of my first declarations.
- Q. And are all the documents that you just described clean copies or do they have writings on them?
 - A. They do not have writings.
- Q. Other than the documents you mentioned from these IPRs, do you have any other documents,

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ation

- A. Yes. I had some -- some preparation sessions with Michael and other attorneys.
- Q. Okay. Anybody else other than attorneys?
 - A. No.
- Q. And how many hours did you approximately meet with others in connection with preparing for today's deposition?
- A. I'm thinking maybe -- maybe three hours of the eight.
- Q. And you submitted a reply declaration in each of the three IPRs that are the subject of today's deposition, correct?
 - A. That's right.
- Q. And I believe in each of the IPRs those reply declarations are filed as Exhibit 1078.

So, for -- for everyone's convenience when I refer to a reply declaration I mean the reply declarations filed as Exhibit 1078 in each of the three matters.

Is that fair?

A. That's fair with me.

I wasn't sure if that question was for me or for counsel. So, sorry for my delay.

Q. No worries.

such as an outline, notes or something similar?

- A. No. I don't have any other written documents or printed documents in front of me or notes or anything.
- Q. Now, same question for electronic documents.

Do you also have access to electronic documents on your computer?

- A. I do. I have -- would you like to know what they are?
- Q. Let me -- I don't want to waste your time.

Other than matter -- other than documents that are found in these IPRs, do you have access to any other documents on your computer for today's deposition?

A. The only folders -- the only folder I have open other than Zoom is the -- the thumb drive that I was provided with all the materials considered that has all the exhibit numbers, and within that thumb drive are three folders. And on those folders, they also have some other -- they have all the exhibit numbers for each folder.

Right.

But then each one of the folders also



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And I edited and commented in a collaborative process to produce the final document that is my opinion that I signed.

Q. Prior to receiving your draft declarations did you conduct any analysis of what arguments you would like to be in your draft declaration?

MR. CUVIELLO: Objection. Form. THE WITNESS: I'm sorry. I didn't quite understand that last part.

23 Can you repeat that part or restate it 24 for me? 25 ///

draft.

BY MR. HENDIFAR:

Q. And did you make the determination as to what specific issues would be addressed in your declarations?

MR. CUVIELLO: Objection. Form, scope. THE WITNESS: I provided some input that I think resulted in the points that were put in the supplied -- reply declaration.

BY MR. HENDIFAR:

Q. Does your reply declaration contain all the points and issues that you intended to address? MR. CUVIELLO: Objection. Form, scope.

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I'm not asking you what Zhang says. I'm not asking you what the patent says. I'm asking you as an expert in this field, if those words have the same meaning. So I'll repeat the question.

Mr. Lett, as an expert in this field of digital signal processing and radio frequency tuning systems, do you have an opinion as to whether the phrases "selecting channels" and "demultiplexing channels" are synonymous?

MR. CUVIELLO: Objection. Form and scope.

THE WITNESS: So, the one example that I know of very intimately is that Zhang uses the words "demultiplexing" for selecting.

BY MR. HENDIFAR:

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Q. That wasn't my question.

A. And that's in the digital channel demultiplexer 230, and then he shows the inside of what's 230, which is a channel selector.

Q. So, Mr. Lett, let me be clear. So, I'm -- we went through the deposition last time, and I'm familiar with how you would be trained. But I will -- if you don't answer my questions, I will call the Board.

I'm not asking about what Zhang does. I

allow it to go the way you're playing it.

So, I'll ask the question, and I expect an answer to the question.

Okay?

My question is not about what Zhang does. My question is not about what terminologies Zhang uses. My question is very simple.

As an expert in this field, Mr. Lett, in the field of digital signal processing and radio frequency tuning systems, do you have an opinion as to whether the phrases "selecting channels" and "demultiplexing channels" are synonymous?

Do you have an opinion as to that question?

MR. CUVIELLO: Objection. Form and scope.

17 THE WITNESS: I'm trying to answer your 18 question.

BY MR. HENDIFAR:

Q. Do you have an opinion?

A. My opinion is that at least one example that I know of, and I looked at it from a -- from a viewpoint of a POSITA that would have access to documents in this field such as Zhang, I'm giving you one example where Zhang says one word and means

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am -- I am very familiar that you're instructed to whatever question go read your declaration from Zhang. I'm familiar with that instruction.

But I am not intending to just allow this deposition to go the way --

MR. CUVIELLO: And, Counsel, if I can just interrupt, if you want to call the Board, we're comfortable with that. Because your line of questions are out of scope. This deposition is about the replies that he filed --

MR. HENDIFAR: You don't get to give speaking objections here. If you have an objection, you just say "objection, scope" and that's the extent of it.

And actually you cannot instruct the witness not to answer a question based on scope.

MR. CUVIELLO: I have not instructed him not to answer the question.

MR. HENDIFAR: Very good. But I can ask the questions I need to ask and he's required to answer.

Okay?

23 BY MR. HENDIFAR:

> Q. So, Mr. Lett, as I'm explaining, I am familiar with the process. And I don't intend to

the other.

Because if you look at the inside of what he's -- the details of what he's describing, it's perhaps different than one would expect. BY MR. HENDIFAR:

Q. So is it your opinion that Zhang's use of the word "demultiplexing" is different than the ordinary usage of that word in this field?

MR. CUVIELLO: Objection. Form.

THE WITNESS: No. What I'm saying is that at least one example of Zhang uses the word "DEMUX," "demultiplexer" for block 230. And block 230, if you look at it, is a channel selector, because it has mixers and numerically controlled oscillators and low-pass filters that select channels.

So in this case what he calls a demultiplexer is a selector. BY MR. HENDIFAR:

Q. Okay. Is it your opinion that Zhang's, in your view, use of the phrase "demultiplexing" to mean selecting, is it your opinion that that usage of the word "demultiplexing" is consistent with the plain meaning of "demultiplexing" in the field of digital signal processing?

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MR. CUVIELLO: Objection. Form. THE WITNESS: So, Zhang also uses the word "demultiplexing" in another context. He's talking about time division demultiplexing.

And in that case it's basically different than what we described earlier -- or he called as a demultiplexer, which was actually a selector.

In the case of time division demultiplexing, he's describing the serialization of data with one selected channel data followed by another channel selected data output to demodulators.

Q. Does the phrase "demultiplexing" have an understood meaning by a POSITA in the field of digital signal processing and radio frequency tuning systems?

A. So, I think that it's a little loose in terms of what exactly "demultiplexing" means in the field.

And so one would as a POSITA maybe see the word "demultiplexing" and see if they understood what it really is.

Right?

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In this case, you know, that I described

"DEMUX" so that he's talking about basically picking out certain of those channels as the output C1 through CN from that block.

And then clearly if you look at the next diagram, which is Figure 3, that's exactly what he's doing.

Q. So my question was why is it that Zhang's use of the word "demultiplexing" to mean selecting in your view, quote, not one -- not what one would expect, end quote?

Why is that usage of "demultiplexing" not what one would expect as you mentioned?

MR. CUVIELLO: Objection. Form.

THE WITNESS: So I probably should have said without looking at further detail, we might -we might not understand what he means by that exactly.

And then -- then he goes on to describe in detail what that block is. And so we totally understand that each path includes a mixer, a filter and an NCO that takes out, let's call it, one channel for each one of those strings. And there's multiple of those, one for each C element and, you know, outputs that channel in its own baseband the output path.

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a minute ago with Zhang, he calls it a demult---DEMUX, but it's actually channel selecting.

So, I think a POSITA would need to look at the case that we're talking about and -- or he's looking at a particular case to see what is exactly meant by those terms.

Q. And you testified that Zhang's use of "demultiplexer" as -- to mean selector was not, quote, what one would expect, end quote.

Do you recall that?

- A. I do, yes.
- O. Okay. And why is that?
- A. So, what he shows in his figure --Figure 2 is the output of the high-speed analog to digital converter coming into the digital channel

DEMUX. And then coming out are selected channels C1, C2...CN.

So, I think what he used the terminology for in this case, DEMUX, is he's taking, let's call it, signals on one -- let's call it one signal.

Right?

The one signal in this case is the -the digitized full frequency spectrum -- right? -as the input. And the output are selected channels.

So, he might have chosen the word

BY MR. HENDIFAR:

- Q. Outside of Zhang have you ever seen in this field the word "demultiplexing channels" to mean selecting channels?
 - A. I don't remember.
- Q. Sitting here now you have no recollection of any other instance outside of Zhang where "demultiplexing channels" meant selecting channels, correct?

MR. CUVIELLO: Objection. Form. THE WITNESS: Would you mind restating that for me? BY MR. HENDIFAR:

Q. Sure.

Sitting here now you have no recollection of any other instance that, outside of Zhang, the word "demultiplexing channel" in this field was used to mean selecting channel, correct?

MR. CUVIELLO: Objection. Form.

THE WITNESS: I don't recall. There might have been, but I just -- I don't recall.

I've been focused on these patents and this issue for a while, and so I really haven't thought about that.

	Daga 20		Daga 32
	Page 30		Page 32
1	BY MR. HENDIFAR:	1	like all the data sheets of all the parts they
2	Q. Is there a device in the field of	2	offer. I think would be a best way to describe it.
3	digital processing called a demultiplexer?	3	Q. Okay.
4	A. I've heard the word "demultiplexer,"	4	A. But I remember it had demultiplexers in
5	yes. So, I think that you would have to look at the	5	there.
6	device to see what it is exactly in a similar manner	6	Q. And when you saw a demultiplexer in the
7	to what I just described with the Zhang Zhang	7	Texas Instruments index
8	patent.	8	A. Cookbook.
9	Q. So you had heard the phrase	9	Q. Cookbook. Is that a term that is
10	"demultiplexer" prior to your engagement in these	10	normally used for that? I just don't know.
11	IPRs, correct?	11	A. Yes.
12	A. Yes.	12	Q. So, when you saw the demultiplexer
13	Q. And prior to your engagement in these	13	device in the Texas Instruments cookbook, did you
14	IPRs did you know what a "demultiplexer" means?	14	understand what that device does?
15	A. I think so.	15	MR. CUVIELLO: Objection. Scope.
16	MR. CUVIELLO: Objection. Form.	16	THE WITNESS: Yes.
17	BY MR. HENDIFAR:	17	BY MR. HENDIFAR:
18	Q. I'm sorry. You both spoke. I could	18	Q. And what did it do?
19	not	19	A. It received one signal and split it up
20	MR. CUVIELLO: Yes. Objection. Form.	20	into other signals.
21	THE WITNESS: So, when I was in college,	21	Q. Would it so would the split-up
22	for example, and took my very first digital design	22	signals contain all the frequencies in the input
23	class, I remember they had like a book of logic	23	signal or would it cut out some of them?
24	parts that you could pick from. Like Texas	24	MR. CUVIELLO: Objection. Form. Scope.
25	Instruments had this very nice yellow book, you	25	THE WITNESS: Yeah. So I'm not talking
	Page 31		Page 33
1		1	
1 2	probably remember it, that we all loved.	1 2	about an RF device. I'm talking about just digital
2	probably remember it, that we all loved. No.	2	about an RF device. I'm talking about just digital logic.
2	probably remember it, that we all loved. No. BY MR. HENDIFAR:	2	about an RF device. I'm talking about just digital logic. So, I'm not sure the context of your
2 3 4	probably remember it, that we all loved. No. BY MR. HENDIFAR: Q. I didn't know enough of electronics in	2 3 4	about an RF device. I'm talking about just digital logic. So, I'm not sure the context of your question makes a whole lot of sense to me.
2 3 4 5	probably remember it, that we all loved. No. BY MR. HENDIFAR: Q. I didn't know enough of electronics in college.	2 3 4 5	about an RF device. I'm talking about just digital logic. So, I'm not sure the context of your question makes a whole lot of sense to me. BY MR. HENDIFAR:
2 3 4 5 6	probably remember it, that we all loved. No. BY MR. HENDIFAR: Q. I didn't know enough of electronics in college. A. So anyway, you know, I think there were	2 3 4 5 6	about an RF device. I'm talking about just digital logic. So, I'm not sure the context of your question makes a whole lot of sense to me. BY MR. HENDIFAR: Q. Prior to your engagement in these IPRs
2 3 4 5 6 7	probably remember it, that we all loved. No. BY MR. HENDIFAR: Q. I didn't know enough of electronics in college. A. So anyway, you know, I think there were devices in there that were called demultiplexers.	2 3 4 5 6 7	about an RF device. I'm talking about just digital logic. So, I'm not sure the context of your question makes a whole lot of sense to me. BY MR. HENDIFAR: Q. Prior to your engagement in these IPRs were you familiar with demultiplexer in RF systems?
2 3 4 5 6 7 8	probably remember it, that we all loved. No. BY MR. HENDIFAR: Q. I didn't know enough of electronics in college. A. So anyway, you know, I think there were devices in there that were called demultiplexers. Q. And so what was the book name? I'm	2 3 4 5 6	about an RF device. I'm talking about just digital logic. So, I'm not sure the context of your question makes a whole lot of sense to me. BY MR. HENDIFAR: Q. Prior to your engagement in these IPRs were you familiar with demultiplexer in RF systems? A. I mean I think so. But, again, it's
2 3 4 5 6 7 8	probably remember it, that we all loved. No. BY MR. HENDIFAR: Q. I didn't know enough of electronics in college. A. So anyway, you know, I think there were devices in there that were called demultiplexers. Q. And so what was the book name? I'm sorry.	2 3 4 5 6 7 8	about an RF device. I'm talking about just digital logic. So, I'm not sure the context of your question makes a whole lot of sense to me. BY MR. HENDIFAR: Q. Prior to your engagement in these IPRs were you familiar with demultiplexer in RF systems? A. I mean I think so. But, again, it's kind of a concept where to understand exactly what
2 3 4 5 6 7 8 9	probably remember it, that we all loved. No. BY MR. HENDIFAR: Q. I didn't know enough of electronics in college. A. So anyway, you know, I think there were devices in there that were called demultiplexers. Q. And so what was the book name? I'm sorry. A. "TTL Cookbook" from Texas Instruments.	2 3 4 5 6 7 8	about an RF device. I'm talking about just digital logic. So, I'm not sure the context of your question makes a whole lot of sense to me. BY MR. HENDIFAR: Q. Prior to your engagement in these IPRs were you familiar with demultiplexer in RF systems? A. I mean I think so. But, again, it's kind of a concept where to understand exactly what you're talking about, you need to look at the
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Did I understand you correctly?

A. Yes. So, again, it's just that one case of a digital demultiplexer part that was in the "TTL Cookbook" that I referred to.

And so every time you see the word "demultiplexer," I think a POSITA would look and see what exactly is meant by that.

Q. But is it your testimony that in its ordinary usage in this field, a demultiplexer would not generally be understood as a device that separates out the input signal?

MR. CUVIELLO: Objection. Form.
THE WITNESS: It could -- I think
that -- you know, there are so many variations of
what we're talking about here with "demultiplexer."

And I think that, again, if we could focus on more specifically what we're talking about, an example or -- or a citation or something, I think I could probably answer the question.

Right? You know, that term is used a lot.

Because I'm having trouble understanding how to answer the question other than what we've already discussed, which is when you see the word "demultiplexer," a POSITA would look at the details to understand what that means.

A. So, you have my C.V. Let me just pull it up, and I can perhaps look at the date and see if that helps me answer the question.

Yeah. So, March 1983 through June 2, 1985 I worked as an assistant professor while working at night -- I did that at night. I helped taught evening -- evening school courses while I was working at Scientific Atlanta.

Q. Got it.

And what -- did you teach graduate level courses or undergraduate level courses?

- A. They were considered undergraduate courses.
 - Q. And what courses did you teach?
- A. It's been a long time, so I'm just reading what my C.V. says.

The microprocessor hardware, software and electronics.

There were several courses, and I don't remember exactly the names of the courses, but those are the subject matters they included.

Q. And if in your classes a student showed up and asked, "Mr. Lett, what is a demultiplexer," how would you explain that?

MR. CUVIELLO: Objection. Scope.

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- Q. So is your testimony that a POSITA would generally not know what a demultiplexer in this field is unless the POSITA looks at the details of the circuitry?
- A. I'm sorry. I still didn't understand what you said.
- Q. Is it your testimony that a POSITA would not know what a demultiplexer is unless the POSITA looks at the details of that circuitry?
- A. It's hard to say. Because sometimes it might be clear, and sometimes you might need to look at the details of the circuitry.

So I'm having trouble answering the question in any other way other than what I've testified so far.

- Q. And I'm sorry if I don't quite remember, do you teach any courses in any institution or are you in the industry?
- A. I have taught classes. And I'm currently not working for a company other than on cases like this.

Did that answer your question?

Q. Yes. Thank you so much.

And when was the last time you taught a course?

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THE WITNESS: So, I think I would understand the context of the question based on what I had been teaching. So I would have understood the details of the demultiplexer.

And so I think kind of like what I said, a POSITA would need to look into the details of what is meant by demultiplexer. And given that I would have been teaching what a demultiplexer is, then I would have understand -- understood the details of that, what was meant by demultiplexer.

BY MR. HENDIFAR:

- Q. So is it your testimony that in Zhang, "selecting" and "demultiplexing" are synonymous?
- A. I think I answered this question. But if you'd like, I can try again.
 - Q. It's a "yes" or "no" question.

Is it your testimony that in Zhang "demultiplexing" and "selecting" are synonymous?

- A. I don't think synonymous is right -- is correct. So, I think what he does is he describes a box as a DEMUX. That's the block 230. And then he describes what's in that box. And it's a channel selector, it selects channels, selects desired television channels.
 - Q. What does it mean to select a channel?



A. So, I would say picking which channel that I'm interested in. In the -- in both the patent and in Zhang, what is done is -- is there are -- there are mixers and low-pass filters and numerically controlled oscillators that take the input -- take the input that came from a digitized full spectrum of frequencies, and it -- and it picks one of those frequencies with one of those chains of mixers, numerically controlled oscillators and demultiplexers and that as shown in the Figure 3 in Zhang and also shown in the patents that we're talking about, they do the exact same thing as Zhang; and that is, they select one channel on its own output path that is baseband that has one channel on it instead of all the channels that are represented by the fully digitized frequency spectrum.

Q. Okay. If a hypothetical system as posited was to take an input signal that has ten channels and it would separate out that input signal into ten -- ten distinct channels, would that be considered selecting the channels?

MR. CUVIELLO: Objection. Form. THE WITNESS: So, again, one of these elements selects a channel.

MR. CUVIELLO: Objection. Form.

THE WITNESS: So, I think I described that scenario in my depositions and declarations. BY MR. HENDIFAR:

- Q. You talked about --
- A. The number of input channels can be equal to the number of channels selected.

But also, the number in Zhang, actually also in the patents -- the patents both describe the scenario where the number of input channels --

- Q. That's not my question.
- A. -- is equal to the number of output channels --
 - Q. If you want to -- (Indecipherable simultaneous colloquy.)

MR. CUVIELLO: Counsel, can you let him finish answering the question, please.

MR. HENDIFAR: Well, he's not answering the question.

BY MR. HENDIFAR:

Q. I'm not asking about what the patent does. I'm not asking about what Zhang does.

Again, I'm familiar with the instructions for you to go back to what you have

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Right?

So that one element of -- and I'm talking about the chain I described, the mixer, NCO and the low-pass filter, selects a channel. And if you have more than one of these elements, you had two of the chain of elements, you could select two channels and so on and so forth.

So it really depends on how many selector elements you have.

And as I described through my first declaration and test- -- and depositions and all of that is that the number of channels selected depends on the number of these three elements that I just described as shown in Figure 3 of Zhang. And that's for the patents, as well as Zhang.

BY MR. HENDIFAR:

Q. So that was not my question. And I move to strike that.

So, please focus on the question and please answer my question.

My question was if in the hypothetical system a signal went into -- went in and had ten channels and all that circuitry did was to separate out the input signal into its ten channels, would that be considered selecting?

memorized, but that's not my question, Mr. Lett.

So I'm not asking you about what Zhang does. I'm not asking what the patent does. I'm not asking about mixers, filters, how many mixers are there. None of that is my question.

My question is if a hypothetical system takes an input with ten channels and all it does is that it separates out the input signal into its ten channels, would that be understood as selecting the channels?

MR. CUVIELLO: Objection. Form and scope.

THE WITNESS: By the way, my testimony is my opinion. And so you keep saying something about I've been told to say this or that. This is my testimony and my opinion. Just to be clear. BY MR. HENDIFAR:

Q. Please answer my question.

In a hypothetical system -- well, if -- if that's the case, I expect that you would actually answer my questions, Mr. Lett.

So the question is if in a hypothetical system there is an input signal with ten channels and all that circuitry does is that it separates the input signal into its ten constituent channels, is Page 43

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with ten channels and invariably and indiscriminately all it does is that it separates that input signal into its ten channels, is that considered selecting?

MR. CUVIELLO: Objection. Form and scope.

THE WITNESS: So, as I explained in my depositions and declarations, selecting includes selecting all of the channels, but it also can include selecting less channels and can be any value up to the total number of channels in the signal band.

And that's for Zhang and that's also for the patents.

BY MR. HENDIFAR:

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- Q. Again, you're going back to your discussion of Zhang, correct?
- A. So, the discussion of Zhang that I just described, if you had ten channels is your hypothetical scenario.
- Q. So it is your view that Zhang can select less than and up to all of the channels, and it depends on the instance where -- how many channels it wants, right?

considered selection?

MR. CUVIELLO: Objection. Form and scope.

THE WITNESS: I don't know. I don't know if that's selecting. Because -- I'm not sure.

Because if you were not specifically picking the channels, I don't see a need for a numerically controlled oscillator to go -- to move around and pick out a channel.

So I'm getting confused because of your hypothetical scenario.

And you don't want me to talk about the architecture or construction of devices that we've been discussing with both patents and Zhang.

So, you know, I think your hypothetical scenario may be a different design. I'm not sure. BY MR. HENDIFAR:

- Q. Is it possible -- is it possible to select channels just by mixers and numerical oscillators?
- A. I think that's what we're doing with -with both Zhang and the patents, is we're selecting a channel of a number of channels with -- with a mixer and oscillator and low-pass filter.
 - Q. Now, in your declarations you testified



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that -- let me step back.

If you have a television system that takes an input signal with ten channels and outputs two channels, is it your opinion that that circuitry is necessarily selecting channels?

MR. CUVIELLO: Objection. Form.

THE WITNESS: I don't know. You know, if the -- if the -- if it only selects two channels that are always the same, I don't know if that's selecting or not. If, you know, by design, the design always picks a certain two, you know, I'm not sure.

But selecting to me means that, you know, you've got a bunch of choices and you're picking one of them. Right?

Where -- so, and that's exactly what architecture we've been talking about. BY MR. HENDIFAR:

Q. So, if you have a hypothetical television system that takes an input signal and all it does is that it separates out that input signal into its constituent channel, all of them, without exception, without variation, that wouldn't be selecting, correct?

MR. CUVIELLO: Objection. Form.

separates it out into its constituent parts, invariably without exception always separates out the input signal into all of its constituent parts, you don't have -- actually, we said channel. So strike that and let me repeat my question. I'll restate the question.

Did I understand you correctly that sitting here now with the hypothetical of a television channel -- a television system that takes an input signal and, as a matter of design, all it does invariably all the time is that it separates out the input signal into its constituent channels and that's all it does, sitting here now you do not have an opinion whether that is selecting or not?

MR. CUVIELLO: Objection, Counsel. He's answered -- you've asked this and he's answered.

MR. HENDIFAR: Don't interrupt me.

Don't interrupt me.

BY MR. HENDIFAR:

Q. Sitting here now you do not have an opinion about that -- whether that's selecting or not, correct?

MR. CUVIELLO: Objection. Form, scope, asked and answered.

MR. HENDIFAR: That's not a -- that's a

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THE WITNESS: I don't know. Because is the selecting done by -- by the design ahead of time?

I mean or is it -- so, unless you have, in my opinion, the numerically controlled oscillators to move around and, you know, pick one of many choices -- and again, you can pick -- you can pick one, two, three, four, five, six, seven, eight, nine, ten, right? With ten of these elements, right?

But if they are always doing the same thing and -- and perhaps you don't even have numerically controlled oscillators, perhaps it just always, you know -- it wouldn't have the structure of either the patent or the Zhang reference, I'm not sure if that's selecting or not.

I really haven't thought about that or rendered an opinion on it, I don't think. BY MR. HENDIFAR:

Q. So, just so I make sure I understand you correctly, and if I misunderstand, please correct me, you don't --

Let's start if you have a hypothetical system and that -- a television system and all that circuitry does is that it takes an input signal and speaking objection, Counsel.

BY MR. HENDIFAR:

Q. So because of counsel's speaking objection. I'll repeat my question.

MR. HENDIFAR: And, Mr. Cuviello, please only put your objections. Asked and answered is a speaking objection.

And don't give me a lecture in the middle because -- don't interrupt my question. BY MR. HENDIFAR:

Q. So, Mr. Lett, I want to make sure I understood you correctly.

In a hypothetical with a television system where a circuitry, all it does is that it takes an input signal and indiscriminately separates out that input signal into its constituent channels, all of its constituent channels without exception, sitting here now you do not have an opinion as to whether that is selecting or not?

Did I understand you correctly?
MR. CUVIELLO: Objection. Form and scope.

THE WITNESS: Yeah. I do not have an opinion on that hypothetical system, because I have not seen the details of that hypothetical system.

not contiguous, the swath includes the desired channels as well as undesired channels," end quote. Do you see that? A. Yes. Do you mind if I highlight it on My paper copy? Q. Sure. Go ahead. A. Okay. Okay. Q. And have you reviewed the Background section of the '362 Patent column 1 line 15 to column 2 line 27? A. Not just now, but previously I have. Q. Okay. Do I understand it correctly that 11 correct? A. Yes. It says Figure 1 shows a conventional wideband tuner 100. Q. And on column 2 starting on line 20, it states, quote, "The wide bandwidth of 800 megahertz would require a very expensive digital processing circuitry such as very high-speed analog to digital conversion and high-speed processor in the demodulator," end quote. Do you see that?		Page 50		Page 52
tingut signal with both desired and undesired questions about my reply declarations having to do with the patents that we've been talking about, the three subject patents and the and the background references. BY MR. HENDIFAR: Q. Now may 1 please refer you to the demodulating them and, as explained in commendation of the demodulating them and, as explained in channels before demodulation; and it was the demodulator because the demodulator because the demodulator because the channels before demodulation; and it was the demodulator because the channels before demodulation; and it was the demodulator beause the channels before demodulation; and the send channels is not put the set within the demodulator because the demodulator sectived by departing them and, as explained in channels? Do you see that? A. No, Well HENDIFAR	1	I've only really been looking at the	1	desired and undesired channels and that complete
the demodulator that had to first select the desired channels before demodulating them and, as explained in references. BY MR. HENDIFAR: Q. Now may I please refer you to the 362 Patent. Q. No. Of course. It can be longer. I'm sorry! I didn't offer. I lost track of time. How much of a break would you like? A. I'm good with five minutes unless y'all want longer. MR. CUVIELLO: Can we do ten? MR. HENDIFAR: Sure. THE WITNESS: Okay. MR. HENDIFAR: Let's come back at ten minutes past the hour. MR. HENDIFAR: Let's come back at ten minutes past the hour. MR. HENDIFAR: Let's come back at ten minutes past the hour. MR. HENDIFAR: Let's come back at ten minutes past the hour. MR. HENDIFAR: Let's come back at ten minutes past the hour. MR. HENDIFAR: Let's come back at ten minutes past the hour. MR. HENDIFAR: Let's come back at ten minutes past the hour. MR. HENDIFAR: Let's come back at ten minutes past the hour. MR. HENDIFAR: Let's come back at ten minutes past the hour. MR. HENDIFAR: Let's come back at ten minutes past the hour. MR. HENDIFAR: Let's come back at ten minutes past the hour. MR. HENDIFAR: Let's come back at ten minutes past the hour. MR. HENDIFAR: Let's come back at ten minutes past the hour. MR. HENDIFAR: Let's come back at ten minutes past the hour. MR. HENDIFAR: MR	2	in detail, and I thought I was going to answer	2	input signal with both desired and undesired
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channels input in the '362 specification output to the demodulator.

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Q. So I'm discussing the Figure 2 embodiment. So I'm discussing the Figure 2 embodiment. So if you'd like to review the Figure 2 embodiment, please feel free.

The question is in the Figure 2 embodiment, what's output to the demodulators are only the desired channels and none of the undesired channels, correct?

A. So, the '362 Patent gives an example where all the input channels are output to the demodulator. That's in 5, 36 through 39, where it says,

> "N is equal to the number of all available channels that exist in the licensed frequency spectrum, or all receivable channels within a geographic area."

So, all channels include the undesired channels in that example of the '362 Patent.

Q. And you see that in column 5 --

A. I'm sorry. Hang on. That might be -yeah. That's the '206 I was quoting there.

Let me see if that quotes in the '362.

following the link, but the question was in the Figure 2 embodiment of the '362 Patent, all the undesired channels are transmitted to the demodulators, correct?

A. Yes. But it also could be all the channels according to what I just read.

O. Right. And in -- and in the case where all the channels are desired channels, then all the channels are transmitted to the demodulator -- let me step back.

In -- is it your -- let me step --

My understanding of the '362 Patent was that capital letter "N" denotes desired channels whether that's four, eight or happens to be all the channels, a capital "N" is the desired.

Did I misunderstand or do you have the same view?

MR. CUVIELLO: Objection. Form. THE WITNESS: So, according to the citations I just read and also Figure 2 on the right side, it says,

> "N filtered and decimated baseband channels."

It doesn't say anything about desired or undesired.

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I think it is because it's the same specification. So let me find that.

Yes. That same -- that same quote is in the '362.

Q. Okay. And in column 5 of the '362 starting on line 43, the same paragraph that you were reading from says,

> "In the exemplary embodiment shown in Figure 2, the number of desired channels is four."

Do you see that?

- A. I'm sorry. What line numbers again?
- Q. Column 5, line 43.
- A. Yes. I see that.
- Q. Okay. And regardless of whether the desired channels is four or it's all the channels or whatever the number is, all of the desired channels are transmitted to a demodulator in the embodiment of Figure 2, correct?
 - A. This says,

"In an embodiment each of the filter signals 260a to 260n may be sent to an associated demodulator." That's in column 5 row 54 through 56.

Q. So, I'm sorry if I was not right

And what I just read basically says it can be up to or less than -- and can be up to or less than the number of RF channels on the input.

- Q. But is it your testimony that the patent -- the '362 Patent's embodiments, at least some embodiments transmit both the desired and undesired channels to the demodulators?
- A. They can, yes. That's what I just read in those citations.
- Q. And how would that be different from the prior art that the patent had -- said has deficiencies in the Background of the invention?
- A. So, as I show in my declaration -- or my second declaration, on page three with the diagram, which includes Figure 2 that we just talked about, it's the same between Zhang and the '362 Patent. And similarly these diagrams are in the other two
- Q. Mr. Lett, was my -- did my question say anything about Zhang?
 - A. Zhang is prior art, correct?
 - Q. Did I say generally prior art?

My question was how would an embodiment of the '362 patent that transmits both in your view desired and undesired channels to demodulators be

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the desired channels as well as

Q. And then we looked at Figure 1 where we

demodulator includes both the desired and undesired

undesired channels."

discussed what goes out of Figure 1 to the

Do you see that?

A. Yes.

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Figure 1 that he's talking about seems to be just a

amplification and filtering.

BY MR. HENDIFAR:

Q. Uh-huh.

straight RF mixer, you know, followed by, you know,

A. And in other words, it doesn't show any

analog to digital converter in -- in number one.

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And as we discussed in my previous testimony with another deposition, if you use the architecture of Figure 2 or Figure 3 of Zhang, which is the mixers and the -- and the -- you know, numerically controlled oscillators and so on -- I'm sorry. You -- I'm sorry.

Scratch that answer. I was -- that's not correct.

Let me restate that.

So, if you look at Figure 2 of the '362 Patent, the radio front end, the output is an I and Q signal. And the I and Q signal requires half the bandwidth -- half the sampling rate for the analog to digital converters, you know, with a little margin.

But let's just say instead of 800 megahertz, those ADCs need 400 megahertz sampling rate plus a little bit of margin.

So that's the advantage, you know, of the very high-speed analog to digital conversion that he's talking about.

- Q. Why is he talking about digital circuitry in the demodulator being expensive in column 2 line 20?
 - A. Because the digital circuitry in the

'362 Patent in your view both desired and undesired channels could be in an embodiment transmitted or output to the demodulator.

Correct? Did I understand correctly? MR. CUVIELLO: Objection. Form. BY MR. HENDIFAR:

- Q. I'm sorry. I couldn't hear your answer, Mr. Lett.
 - A. Can you re-ask the question?
 - Q. Of course.

Did I understand you correctly that in your view, in the embodiment in Figure 2 of the '362 Patent, both the desired and undesired channels could be output to the demodulator?

MR. CUVIELLO: Objection. Form.
THE WITNESS: That's probably -- sorry.
MR. CUVIELLO: Sorry. I wasn't quick enough.

Objection. Form.

THE WITNESS: Yeah. So, I said in section specifically in column 5 that -- that it said that it did. So that's what I'm basing it on. BY MR. HENDIFAR:

Q. Now, in the embodiments of the '362 Patent, what does it mean for a channel to be a

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demodulator in Figure 1 would have to demodulate a -- well, again, he didn't really say, you know, what is the architecture of the demodulator.

Right?

But presumably what he's talking about there is that since the prior art is all analog, all RF -- right? -- not -- in other words, not digitized, you know, and then -- you know, what he's showing here is the I/Q demodulator at the front end that requires half the bandwidth before the ADC so that the ADC sampling rate could be lower.

I think that's what he's talking about there, is that if the demodulator, if he did it all, you know, at one, two, three, four, five, six, seven, eight, nine, ten channels of bandwidth, you know, if you're going to essentially demodulate that, and if you wanted to use analog to digital converters and presumably didn't have I/Q demodulators in the demodulator, that he probably is saying that -- that it would probably require a more expensive analog to digital converter.

It's hard to say because he doesn't really describe what he's talking about in the demodulator.

Q. Now, you testified in Figure 2 of the

desired channel?

A. I'm not sure he defines what desired and undesired are in the '362 or the other two patents or the specification. It just talks about there are desired channels and there are undesired channels, as far as I remember.

Q. Would a person of ordinary skill in the art understand reading the '362 Patent embodiments when the patent refers to desired channels, from whose perspective or from what perspective are those channels desired?

MR. CUVIELLO: Objection. Form. THE WITNESS: So, I don't know what a POSITA would understand. But if you read this patent -- well, no. Let me rephrase that.

A POSITA would look at this Figure 2 and description of desired and undesired channels and understand that as we've discussed that the ones that are shaded in one form or another in this diagram are -- are what he calls desired and the ones in white are undesired.

BY MR. HENDIFAR:

Q. But what does it mean for the channel to be desired? Desired by who?

MR. CUVIELLO: Objection. Form.

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THE WITNESS: I don't think the patent says desired by who or who desires it. I suppose the patent inventor desires it or doesn't desire it.

I'm not sure, to answer your question. BY MR. HENDIFAR:

- Q. Would a person of ordinary skill reading the '362 Patent understand what the distinction is between desired and undesired channels?
- A. So, yes. As I described, I think that one would understand that what the patent inventor meant by desired is shown in those shaded sections of Figure 2, and what he meant as undesired are shown in the white sections representing those channels of Figure 2.
 - O. If the '362 Patent -- strike that.

What does -- what do the embodiments of the '362 Patent achieve by dividing the channels into desired and undesired and treating them separately?

MR. CUVIELLO: Objection. Form. THE WITNESS: I think what the inventor is trying to describe is that you have a bunch of channels coming in and you're selecting certain of those channels to go to the next stage. Or -- and eventually either some or all of those can be output Q. It's not to be a trick question.

A. Perhaps there's some technology I don't know about.

- Q. Okay. But as far as you know, in order for a viewer to watch a television channel in this field, the channel has to be demodulated, correct?
- A. Yeah. In the context of these patents, yes.
- Q. Now, in Zhang's selector 240, what criteria does Zhang use to select the M channels from the N channels output from the demultiplexer?

12 MR. CUVIELLO: Objection. Form. 13 THE WITNESS: Can you restate that,

14 please? 15 BY MR. HENDIFAR:

O. Sure.

In Zhang's selector 240, what criteria does that selector 240 use to select the M channels from the N channels output from the demultiplexer?

20 MR. CUVIELLO: Objection. Form. 21 THE WITNESS: The selecting is done by 22 230, not 240.

23 BY MR. HENDIFAR:

> O. Is it your view that selector 240 performs no selection?

Page 75

Page 77

to a demodulator.

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BY MR. HENDIFAR:

Q. Is it possible that a desired channel is not output to the demodulator?

MR. CUVIELLO: Objection. Form. THE WITNESS: I suppose it is possible. I don't know if he describes that. BY MR. HENDIFAR:

Q. Then let me phrase my question.

Would a POSITA reading the '362 Patent understand that the desired channels are always output to the demodulator?

MR. CUVIELLO: Objection. Form. THE WITNESS: I don't have an opinion on that.

BY MR. HENDIFAR:

- Q. Now, in order -- if you were to watch a television channel in this field, the channel would first have to be demodulated, correct?
- A. I think that's the normal understanding. I was trying to think if there's a case. I don't know. Maybe there is.
- Q. I'm not asking that question. I'm just laying the foundation for the technology.

A. Okay.

A. 240 is a switch. And it also includes time division multiplexing circuitry. And it outputs serial data and/or parallel data.

And I know I said it's very flexible in our last deposition, which it is. So this switch can perform a number of functions.

It's essentially representative, as I show on page three of my second declaration, the diagram where the orange part of -- which is -which is 240 is represented by the orange line of the patent, which -- that provides serial or parallel data interface to the demodulator.

Q. Well, that did not answer my question. Is it your testimony that Zhang's selector 240 does not perform any selection?

A. It can select from the C1 through CN that are input. And the C1 and CN are the desired channels based on the number of elements of mixers, NCOs and low-pass filters.

The selecting is done by -- by 230. And there is some further -- further flexibility provided by block 240.

And so one of the reasons that Zhang shows the embodiment of 240, as he says for fast channel change, so one might select from among --

	Page 78		Page 80	
1	so, let's call them desired channels, C1, CN.	1	more capability	
2	Right?	2	Q. That is also not my	
3	From those and it may be only able to	3	A than is described by the patents.	
4	watch one channel at a time. So one of the	4	Q. That is also not my question.	
5	applications that Zhang describes that's achieved by	5	A. And so mapping the claim elements to	
6	this flexible architecture is that those channels	6	Zhang, the selection is done by Zhang in the	
7	can be essentially available for demodulation	7	block 230. The providing the outputs is provided is	
8	Q. Look, I understand	8	by block 240.	
9	A for fast channel change.	9	Zhang's 240 can do a lot more than that.	
10	Q. Again, I know you take offense to my	10	Q. So which is my question. Is it your	
11	comment, but I don't need a memorized answer to my	11	testimony that Zhang selector 240 performs any	
12	question that is not responsive.	12	selection? Yes or no?	
13	My question is really yes or no.	13	MR. CUVIELLO: Objection. Form.	
14	Is it your testimony that Zhang's	14	THE WITNESS: It can provide with a	
15	selector 240 performs any selecting? Does it or	15	it's a switch. Right? It can provide some routing,	
16	does it not?	16	let's call it, of signals to the output in a very	
17	MR. CUVIELLO: Objection. Form.	17	flexible way.	
18	THE WITNESS: I think it provides the	18	BY MR. HENDIFAR:	
19	output to the demodulator. The selecting is done	19	Q. I didn't ask	
20	by 230.	20	A. It certainly implements the	
21	BY MR. HENDIFAR:	21	functionality of the '362 Patent and the other two	
22	Q. Is your testimony	22	patents in this embodiment.	
23	A. Providing the output to the demodulator	23	Q. Did I ask you if the selector provides	
24	is done by block 240.	24	routing?	
25	Q. So it's your testimony that Zhang's	25	A. I'm sorry. I didn't understand what you	
	Page 79		Page 81	
			1 4 9 0 1	
1	selector 240 does not perform any selection,	1	said.	
1 2	selector 240 does not perform any selection, correct?		said.	
1 2 3	correct?	1 2 3	said. Q. Did I ask you if the Zhang selector	
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construction for the plain and ordinary meaning of

Q. You don't know what I mean when I ask

Page 88 Page 86 you if you have provided a construction for saying that, you know, how does it -- how does the 1 1 2 2 "selecting"? backgrounds, you know, compare to the -- to the 3 3 Is that your testimony? structure of the '362 Patent. And I continued to 4 MR. CUVIELLO: Objection. Form. 4 explain that. 5 THE WITNESS: I think "construction" has 5 You know, in fact, the diagram I've been 6 6 a very legal term, legal definition. And me not referring to on page three of my second declaration 7 7 being a lawyer, I'm not sure I fully understand lays out the structure to be identical between Zhang 8 exactly what that means. 8 and the '362 Patent, as well as similar figures for 9 So I would appreciate it if you could 9 the other patents. 10 define it for me, and then perhaps I can answer your 10 Q. Now, on paragraph 35 of your declaration 11 11 you also discuss claim constructions in various question better. 12 12 BY MR. HENDIFAR: District Court litigation? 13 A. Which declaration are we talking about? 13 Q. If I may refer you to Exhibit 1002, your 14 first declaration for the '362 Patent. 14 Q. The '362 Patent. 15 15 A. Okay. A. The first one or the second? 16 16 Q. And on page 18 do you see that you have Q. The first one, the one we were just 17 a section titled "Claim Construction"? 17 discussing, Exhibit 1002. 18 18 A. Yes. A. I was referring to the second 19 19 declaration in my answer previously just now, just Q. And do you see paragraph 34, you 20 20 testified that, quote, to be clear. 21 21 Q. So going to Exhibit 1002, the "I have been asked to consider a 22 potential construction of 'digital 22 declaration I've been asking questions about, 23 circuitry"? 23 paragraph 35, you also discuss claim constructions 24 24 A. Yes. in various District Court litigation, correct? 25 25 Q. On page 133 of your declaration --A. Yes. Page 89 Page 87 1 A. I'm sorry. We were on page 19. 1 Q. So let me ask you again. Do you 2 2 Did you switch to a different page? understand what it means to provide a construction 3 3 Q. I'm now on page 133 of that declaration. for a term? 4 Do you see the heading says, 4 A. I think so. 5 5 "Alternate grounds based on means Q. Thank you. 6 6 plus function construction of the Have you provided a construction in any 7 digital circuitry"? 7 of your declarations for the claim term "selecting"? 8 8 A. Yes. MR. CUVIELLO: Objection to form. 9 9 Q. Is it your testimony that sitting here THE WITNESS: I don't know if I have. 10 now you don't know what providing a construction for 10 Perhaps I have. If I have, could you refer me to 11 11 a term means? 12 12 MR. CUVIELLO: Objection to form. BY MR. HENDIFAR: 13 13 THE WITNESS: I understand this -- this Q. I'm sorry. I am the one who asks 14 context in the section we just talked about starting 14 questions. 15 with paragraph 212. 15 If you need to review declarations, 16 16 BY MR. HENDIFAR: review them. 17 17 Q. And do you understand that on page 18 of But the question is have you provided a your declaration, you provide a section titled 18 18 construction for "selecting" in either of your 19 "Claim Construction"? 19 declarations? 20 20 A. Yes. A. I need to look through my declaration. 21 Q. What did you understand "claim 21 I don't recall. 22 construction" to mean when you discussed it on page 22 Q. Do whatever you have to do. 23 23 18 of your declaration? A. Okay. 24 24 A. So I was talking about the structure of Q. My question is have you provided a 25 25 the -- of the figures. And so -- so I was basically construction for "selecting" in either of your

Page 90 Page 92 declarations? 1 MR. CUVIELLO: Objection. Form. 1 2 2 A. I'm going to go through my declaration THE WITNESS: Using a banks -- bank of 3 now and look for it. 3 mixers to frequency shift a digitized version of the 4 4 So, in paragraph 115 -down converted wideband signal so that each mixer 5 5 outputs a different desired channel shifted to Q. Of? 6 6 A. -- of my '362 declaration Exhibit 1002, baseband and then filtered out the undesired 7 I provided a figure to illustrate an example of 7 channels with a low-pass filter so that only the 8 8 selecting a plurality of television channels from desired channels remain. 9 9 digitized plurality of frequencies. BY MR. HENDIFAR: 10 10 Q. Where are you reading from? Q. What are you reading from? I'm sorry. 11 11 A. Paragraph 115, page 80. A. Paragraph 114 of the '362 declaration, 12 12 Q. Of the '362 declaration? Oh, okay. first declaration Exhibit 1002. 13 13 Okay. Q. So is it your testimony that in 14 Is that a construction for "selecting" 14 paragraph 114 of Exhibit 1002, your first 15 15 that is provided? declaration for the '362 Patent, you have provided a 16 A. Well, it's an example of the --16 construction for the term "selecting"? 17 O. I --17 A. So a POSITA would understand this as 18 18 A. -- of selecting. selecting. 19 19 O. Let's do this. O. That's not my question. 20 A. A plurality of desired television 20 Is it your testimony that in 21 channels from digitized plurality of frequencies. 21 paragraph 114 of your first declaration for the 22 Q. My question is not about examples. So 22 '362 Patent you have provided a construction for 23 23 if you need to review, review. And I don't need "selecting"? 24 24 additional commentary. A. I mean it sounds like a trick question 25 25 My question is have you in either of that an attorney's trying to get me to say Page 91 Page 93 1 your declarations provided a construction for the something, because I -- I think I've described many, 2 2 claim term "selecting"? many times what Zhang is doing, what the '362 is 3 3 MR. CUVIELLO: Objection. Form. doing, how the structure of the elements of the 4 4 THE WITNESS: Is there a particular mixer, low-pass filter and numerically controlled 5 format that you're looking for? Because I think, 5 oscillators are identical. Both of them are 6 6 you know, I've pointed to the patent claims, I've selecting. I've provided multiple diagrams, 7 7 described what selecting is, I've showed that Zhang examples. 8 has the same structure for selecting as the '362 8 I'm not sure what's going on here. 9 9 patents. Q. But that's -- excuse my language, but 10 10 it's not your prerogative to question what's going I'm not sure what you're asking for, 11 because I think I've in those numerous ways provided 11 on here. You are here as an expert. You've 12 12 the construction. provided opinions, and you're required to answer my 13 13 BY MR. HENDIFAR: questions. 14 Q. Okay. What is the construction you 14 And my question is not a complicated 15 believe you have provided for what "selecting" 15 question. 16 16 means? You testified that you understand what 17 17 Give me that definition. claim construction means. 18 MR. CUVIELLO: Objection. Form. 18 The question is have you provided in 19 THE WITNESS: Outputting desires --19 either of your declarations a construction for the 20 20 desired channel C1 through CN. claim term "selecting." 21 21 Either you have or you have not. BY MR. HENDIFAR: 22 Q. Okay. But the construction is provided 22 A. I think I have. Example is the one I 23 23 for "selection." just showed you in paragraph 114. 24 24 So, selecting means desired channels to Q. So it's your testimony that in paragraph 25 25 see what you're seeing? 114 of Exhibit 1002 for the '362 Patent, you have

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Zhang has.

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40 minutes past the hour?

(Brief recess.)

MR. CUVIELLO: 2:40.

That's fine with me.

THE WITNESS: 40 minutes past the hour?

THE WITNESS: Okay. Yes. Thank you.

given C to multiple outputs given this switch that

my declarations and testimony, I've been -- I have

capable of doing, it seems. I've been talking about

the cases where M is equal to N, but mostly when M

not been talking about that case that Zhang is

But as I've been through, you know, all

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is less than N.

- Q. But M can be greater than N, correct, in your opinion?
- A. Like I said, I think so given that the fact that you could -- you could take, for example, C2 and you could output it on several -- like you could output it on D2 and maybe you could output it on D20 -- right? -- when given this in N by M selector. Because it's very flexible, as you can see in the diagram on page three of my second declaration and also in Figure 5 of Zhang, every input to this bus selector can be connected to one or multiple outputs.
- Q. And why have you focused more on the scenario where M is less than N in your analysis? MR. CUVIELLO: Objection. Form.

THE WITNESS: So, I was mapping the claim elements to the prior art, and the claim elements are sometimes, but not always, when M is less than N.

And so that was the focus of the declarations and testimony. BY MR. HENDIFAR:

Q. What logic does Zhang use to output the M channels from the N channels?

choose. Zhang chose an architecture with a switch where the desired channels C1 through CN can be -- are input to the bus selector so that that switch can provide those outputs to the demodulator. BY MR. HENDIFAR:

- Q. Right. But there is a determination made as to which output goes to which demodulator, correct?
- A. So, Zhang is describing the implementation of the -- of the circuit. He doesn't say, you know, "how do I choose what channel I'm going to watch?"

I mean he's -- he's basically saying that any of those -- those desired channels and multiple of those desired channels can be output to the demodulator. He's not saying, "oh, this is how I'm choosing which one I'm going to watch."

- Q. So not all channels C in Zhang are necessarily transmitted to the demodulators, correct?
- A. Zhang's architecture is flexible. All of the CN channels or a subset of the CN channels can be output to the demodulator.
- Q. Okay. So, what is the criteria you have used to determine that Zhang's channel C's are

Page 99

desired channels?

What makes Zhang's channels C1 to N desired?

MR. CUVIELLO: Objection. Form. THE WITNESS: Well, just like the '362 Patent and the other patents describe, desired is one thing, undesired is the other. And both desired and undesired are input to the -- to the device.

And then what -- what I was showing in that figure on page three of my second declaration is after the A to D converters with I and Q signals coming in, the -- the desired are picked from the entire spectrum of channels, with each one of those elements, a mixer, low-pass filter and, NCO, just like in the '362 Patent with the complex mixer and the low-pass filter and, of course, NCO is in there also, the -- just like the '362 Patent, Zhang is saying, you know, you can -- you can tune one of the channels, you can select it, you can tune another channel, you can select it and so on and so forth.

It doesn't really say, you know, "why would I want to watch HBO versus CBS?"

Q. So, you mentioned that a subset of channels C1 to CN may be sent to the demodulators,

, n

MR. CUVIELLO: Objection. Form. THE WITNESS: I don't know the answer, because I don't think he's disclosed what logic he used.

Perhaps you could define "logic" for me if it's different than what I'm understanding. BY MR. HENDIFAR:

- Q. What do you understand "logic" to be?
- A. Well, I think maybe you meant what circuitry is used. I'm not sure.
- Q. And what criteria does Zhang use to output the M channels from the N channels?

MR. CUVIELLO: Objection. Form.

THE WITNESS: So, he probably does not give an exhaustive list, but he does describe that for the sake of fast channel change, even if someone's not watching a particular channel, might want to have those available to be output quickly for fast channel change and, thus, this switch, this bus selector switch, has some value.

BY MR. HENDIFAR:

Q. How does Zhang choose which channels DM are output from the collection of channels C1 to N?

MR. CUVIELLO: Objection. Form.

THE WITNESS: Again, Zhang doesn't

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Q. So how do you know -- if not all channels C are necessarily transmitted to demodulators or watched by users, how do you know that Zhang's channels C do not contain any undesired channels?

A. Well, by definition, desired are the ones that the mixer, low-pass filter and NCO tune to. And undesired are the ones that they don't tune

Q. So your definition is whatever is extracted from an input signal is necessarily by definition a desired channel?

A. I think that's consistent with the patents, yes.

Q. Now, in your -- let me find the correct paragraph. One moment.

A. Again, I want to make sure that what I

my -- my understanding of what unmodified means is that I didn't rely on any prior art to modify the structure or functionality of Zhang in my analysis.

Q. So then let me make it correct adjustment to your understanding.

So, modification doesn't have to be based on another prior art. It could just be based on knowledge of a POSITA to modified something.

So when I say unmodified, I'm not limiting it to modification based on another reference. It can be modification based on whatever a POSITA wants to do --

Does that make sense?

A. Yes.

(A clarification was requested by the reporter.)

Q. A POSITA may wish to do? So the question -- let me then ask the

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just said was correct.

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I was talking about the output C1 through CN. I think you were -- used the word "channel." So I just want to make sure I'm exact on what we're talking about.

Q. Now, may I please refer you to paragraph 19 of your first declaration for the '362 Patent.

A. Okay.

Q. And you see the first two grounds of anticipation and obviousness based on Zhang alone?

A. Yeah. I see those first two lines, ground A and ground B.

Q. The question is, in your analysis for the grounds that rely only on Zhang, you have relied on an unmodified version of Zhang as opposed to proposing specific modifications to Zhang's disclosure, correct?

MR. CUVIELLO: Objection. Form. THE WITNESS: I don't think that I proposed that another prior art element -- prior art reference would modify the structure of Zhang in ground A and ground B.

BY MR. HENDIFAR:

Q. So my question is not about if the

question again.

In your analysis for the grounds that are based on Zhang alone, have you relied on any modification to Zhang or are you relying on an unmodified disclosure in Zhang?

A. We're talking about ground A and ground B still?

Q. Right. The grounds that are based on Zhang alone.

A. Okay.

MR. CUVIELLO: Objection. Form. THE WITNESS: So, I don't think I have. If you saw that I did, maybe you could point me to it, save us a little time.

BY MR. HENDIFAR:

Q. I don't believe you have. But I don't want to put words in your mouth and I need a straight answer.

So, I don't -- I don't believe you have, but I don't want you to rely on me because I don't want to put words in your mouth. I really just want an actual answer.

So the question is, in your analysis for the grounds that rely on Zhang alone, have you relied on any modification to Zhang or have you

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that is true.

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Q. Now, Mr. Lett, is the term "digital

front end" a term of art that a POSITA would know

Q. Now, how would Zhang deal with the

situation where a user may wish to watch a channel that has not been -- that is one of the channels that was not extracted by Zhang's demultiplexer?

MR. CUVIELLO: Objection. Form.

THE WITNESS: So, suppose it's a set top box or whatever it is, right, that we're going to watch television on. And I'm watching a channel that has my -- let's call it C2, right?

So my C2 set of mixers, NCOs and low-pass filters is tuned to that channel. Right?

If -- if I want it to go to a different channel, you know, somebody probably pressed the remote, you know, select a different channel number or channel up, down or something and cause that mixer -- that NCO that's part of the chain to switch to a new target frequency so that it would tune to the frequency of the channel that we decided we want to watch now instead of the one we've been watching.

Q. How long would it take for Zhang's system, if implemented in 2011 with the technology at the time, to switch the channel to a channel that had not been extracted yet?

MR. CUVIELLO: Objection. Form. THE WITNESS: It's hard to say. I don't recall.

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I mean it would be certainly fast enough so the user who wanted to select a different channel than the one that's selected that he's watching or whatever would not be too objectionable.

I don't know. Maybe a half -- I don't know. Less than half a second, less than a second, I don't know. Something like that. Whatever one would think would be acceptable. BY MR. HENDIFAR:

- Q. Other than the documents provided by Patent Owner regarding Zhang's European prosecution history, did you review any other documents from Zhang's European prosecution history?
- A. I did not review the prior art references D1 and D2 because I don't think they were provided.

And I followed Dr. Russ's declaration where he was talking about this. And he referenced some other document related to the EPO, I think. And I looked at that. I looked at the quote that he put in his -- Dr. Russ put in his declaration that was part of the -- the document -- I can't remember the name of the document. But anyway, he references it explicitly, and I looked at that.

So other than that, I didn't look at any

other --

Was the question European --

Q. Yes. Right.

A. -- patents?

I don't think I looked at any other European patents or documents about European applications other than the ones that Dr. Russ referenced.

- Q. Did you try to locate either the application or the references cited or anything else from the European prosecution of Zhang?
- A. So I looked at this analysis from the view of a POSITA. And so the answer is no, I did not.

So, and the reason I did not is because from the position of a POSITA, I think one would look at Zhang and read it and -- and perhaps use it to -- to implement a product or whatever.

So -- so, I don't think that a POSITA would go and look at all the background references and the applications and all that. A POSITA would normally just look at the patent and -- and use that in his -- to whatever use he wants to use it.

Q. Okay. Do you recall when you read for me your construction of "selecting" from

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paragraph 114 of your first declaration for the '362 Patent?

- A. Yes. Paragraph 114, I remember reading it.
- Q. Okay. Is the construction you read for me from paragraph 114 of your first declaration for the '362 Patent which you said you believe is the correct construction for "selecting," is that the plain and ordinary meaning of "selecting" or is that the construction of "selecting" in the context of the '362 Patent?

MR. CUVIELLO: Objection. Form.

THE WITNESS: So, as I stated on paragraph 27 in my second reply declaration for the '362, a POSITA would have understood the plain and ordinary meaning of "select" said plurality of desired television channels is what each signal path in Figures 2 and 3 do -- does.

And then this plain and ordinary meaning of "select" that is the same that's used between Zhang and the '362 patents and other -- those other patents.

So that's the meaning of "select" that I was using as the plain and ordinary meaning through all of my analysis.

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- Q. In your opinion, does the plain and ordinary meaning of "select" require the use of mixers and filters?
- A. So, the mixers and filters are picking something out.

Right?

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So, picking a channel that I want as desired -- right? -- out of a whole bunch of channels is selecting. And it just happened to use mixers and the low-pass filters and NCOs to do that picking.

So that is selecting in the plain and ordinary meaning.

Q. Picking a channel from a signal or selecting -- I guess you used the word picking instead -- so let me ask the question again.

So, selecting or picking a channel from an input signal is different from separating out all the channels in that input signal, correct?

MR. CUVIELLO: Objection. Form. THE WITNESS: It can be the same if -if you want to pick all the channels. If you had enough of those elements, those -- those mixer, low-pass, filter, NCO elements, one for each channel, you could -- and that's when you could --

You know, an NCO by definition is programmable. So you change the numbers to hit different target frequencies.

If you're going to always tune all the channels, which, again, I said is not practical or needed or wanted, then you wouldn't even -- you'd just have an oscillator with fixed frequencies for each one of those mixers.

Q. So Zhang's device can be used with satellite or cable or whatnot; is that accurate?

MR. CUVIELLO: Objection. Form. 12

THE WITNESS: Yeah. So, Zhang talks about cable and satellite systems. So I think that answer is yes.

BY MR. HENDIFAR:

Q. How would the manufacturer of a device implementing Zhang know in advance what exact frequencies are the channels in the signal that Zhang's device is going to receive?

> (A clarification was requested by the reporter.)

BY MR. HENDIFAR:

Q. In the signals that the device is going to receive?

A. And the device is what? What was the

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you could select all of the channels.

But that's in general not what is practical, you know, for a number of reasons. Right? One is it would require a whole bunch of circuitry to duplicate those elements for every single channel.

You could imagine that, you know, a cable system that would have 150 channels, are you going to have 150 mixers and low-pass filters and NCOs so you could select all 150? Probably not.

And secondly, you know, once you selected all those channels, what would you do with it? Right?

So, how many channels can somebody watch simultaneously. Probably not 150, right?

So, for -- for practical reasons, most of the time you would have fewer selected channels than you would all the channels.

And furthermore -- and I think I said this in my second declaration -- there wouldn't be any point in having NCOs. You would -- you essentially have mix -- if you want to select all those channels, you would have fixed numbers for NCOs for every single channel, and there would be no point in them -- it being programmable by --

last word?

Q. Let me step -- I'll withdraw that question. I'll ask it in smaller pieces.

So, Zhang's input signal contains a number of channels, correct?

A. I mean I think it can. Or it could be less -- I mean it could be one, I suppose, right?

Q. It was a number -- I was not trying to limit it.

My question was Zhang's input signal has one or more channels, correct?

- A. I think so, yes.
- Q. And the frequency location where a channel is located can be different depending on the nature of the input; for example, satellite versus cable versus broadcast, correct?
 - A. Yes.
- Q. So, even if Zhang were to demultiplex and extract all channels in the signal band, it would still require adjustable oscillators. Because he would need to tune each of the extraction path to the frequency of the channels in the input signal, correct?

MR. CUVIELLO: Objection. Form. THE WITNESS: No. You wouldn't build



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a -- you wouldn't build one product that's used for cable and satellite and off air terrestrial. You would build three different products and -- and using the illustration where I said you would have fixed frequency select.

So, you know, the cable may have one set of frequencies and the satellite may have another. But essentially they would be different products. And there's, you know, other differences between cable and satellite, too, that, you know -- especially terrestrial, like, you know, decoding a digital signal, you would have a different product that would -- would you know, decode, demultiplex and decompress and everything per ATSC standards, for example, right? Instead of, you know, like mpeg-2 or whatever that -- that would be used in a cable system.

So they're different products. BY MR. HENDIFAR:

Q. Then it's say it's just for satellite for the sake of this argument.

Is it the case that -- a device built based upon Zhang for a satellite system, is it the case that the input signal always had -- the channels and the input signal are always at their own kind of frequency plan.

You know, Dish is one thing who I worked for. I worked for EchoStar building products for Dish to be clear. You know, DirecTV has another. And, you know, those are based on their channel lineups and so on and so forth.

So, once you get down to a particular implementation, it's pretty much fixed.

But, again, like I was talking about, building a product with all these mixers, what would it be for?

My answer is I don't think it's very useful, because you're not going to -- you're not going to watch 150 channels, for example, simultaneously. You're not going to record 150 channels, because it would eat up all your hard disk drive space in this, you know, kind of set top box.

Right?

And so there's lots of reasons why you would implement Zhang with the numerically controlled oscillators that would, you know, pick or select the channel from the -- from the plurality of input channels that -- that you wanted that was desired.

Q. Now, are generally the devices built by

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previously known fixed frequencies regardless off the -- let me strike that -- let me ask a better question.

So you mentioned that the -- if the input signal --

- A. Could we take a break just a second?
- Q. It's my last question.
- A. Five minutes?
- O. Sure.

A. I can take it now or answer this one and take it.

MR. HENDIFAR: Yeah, let's take a break. That's fine.

I know Mike is like very --

MR. CUVIELLO: That's okay. Five minutes?

THE WITNESS: Thank you. (Brief recess.)

BY MR. HENDIFAR:

Q. So, Mr. Lett, the question is assuming a Zhang device that is built for satellites, is it the case that all the channels in the -- whatever satellite signal the device may receive are always going to get fixed previously known frequencies?

A. Well, so each satellite provider has

manufacturers specifically for a given Dish provider?

So, for instance, does the manufacturer manufacture a device that's just specifically for Dish as opposed to -- was it DirecTV you mentioned?

A. I think so. So, I don't have any experience building a satellite product for both Dish and EchoStar, for example -- I mean both Dish and DirecTV, I meant to say. I don't -- I'm not sure. But I don't think so.

You know, we built products for Dish, and they would not work with -- with a DirecTV system, because there's certain -- usually there's other things that make their systems proprietary, like the encryption methodology that's used on their particular type of system which requires a whole different set of circuitry.

And so I think -- I think the answer is you build the product for the -- for the provider, the service provider.

Q. Okay.

MR. HENDIFAR: I have no further questions.

MR. CUVIELLO: And we have no redirect. MR. HENDIFAR: All right. Well, thank



	Page 122		Page 124
1	you very much, Mr. Lett.	1	REPORTER'S CERTIFICATE
2	Sorry it got a bit heated at times. But	2	
3	it's remote, so there is a limit to that, I suppose.	3	I, PATRICIA L. HUBBARD, do hereby certify:
4	Take care.	4	
5	MR. CUVIELLO: Reporter, if you could	5	That I am a duly qualified Certified
6	stay on for a minute. I just wanted to talk about	6	Shorthand Reporter in and for the State of California,
7	ordering a copy.	7	holder of Certificate Number 3400, which is in full
8	MR. HENDIFAR: Do you need me? Any	8	force and effect, and that I am authorized to
9	questions for me?	9	administer oaths and affirmations;
10	MR. CUVIELLO: No. I think you're	10	,
11	ordering one day, right, turn around?	11	That the foregoing deposition testimony of
12	MR. HENDIFAR: Yes okay. So I'll take	12	the herein named witness, to wit, DAVID B. LETT, was
13	off.	13	taken before me at the time and place herein set
14	(Off-the-record discussion.)	14	forth;
15	MR. CUVIELLO: And as far as ordering	15	,
16	the transcript, can we get a copy by Friday?	16	That prior to being examined, DAVID B.
17	THE REPORTER: No problem.	17	LETT was duly sworn or affirmed by me to testify the
18	THE REPORTER. TO PROBLEM.	18	truth, the whole truth, and nothing but the truth;
19	(Whereupon at 12:30 P.M. the	19	vient, and where treat, and nothing out the treat,
20	deposition proceedings were	20	That the testimony of the witness and all
21	concluded.)	21	objections made at the time of examination were
22	* * *	22	recorded stenographically by me and were thereafter
23		23	transcribed by me or under my direction and
24		24	supervision;
25		25	,
	Page 123		Page 125
1	I, DAVID B. LETT, say I have read the	1	That the foregoing pages contain a full,
2	foregoing deposition and declare under penalty of	2	true and accurate record of the proceedings and
3	perjury under the laws of the State of California:	3	testimony to the best of my skill and ability;
4	That the foregoing is my deposition under	4	
5	oath;	5	I further certify that I am not a relative
6	That I have read same and have made the	6	or employee or attorney or counsel of any of the
7	necessary corrections, additions or changes to my	7	parties, nor am I a relative or employee of such
8	answers that I deem necessary;	8	attorney or counsel, nor am I financially interested
9	That my answers as indicated are true and	9	in the outcome of this action.
10	correct.	10 11	IN WITNESS WHEDEOE 11
11 12	Executed at	12	IN WITNESS WHEREOF, I have subscribed my name this 21st day of May, 2025.
13	Executed at, California, this day of,	13	name this 21st day of May, 2023.
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16			PATRICIA L. HUBBARD, CSR #3400
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