

Paper No. ____

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BROADCOM CORPORATION

Petitioner

v.

WI-FI ONE, LLC

Patent Owner

Case IPR2013-00636
U.S. Patent No. 6,424,625

**PETITIONER'S RESPONSE TO PATENT OWNER'S MOTION FOR
OBSERVATIONS ON CROSS EXAMINATION OF PETITIONER'S
REPLY DECLARANT DR. HARRY BIMS**

Petitioner's Response to Patent Owner's Motion for Observations on Cross Examination of Petitioner's Reply Declarant Dr. Harry Bims
Case No. IPR2013-00636/U.S. Pat. No. 6,424,625

Pursuant to the Board's November 11, 2014 e-mail Order, Petitioner submits the following responses to Patent Owner's observations on the October 17, 2014 cross-examination of Petitioner's reply declarant Dr. Harry Bims (Paper 49).

Response to Patent Owner's Observation #1: Citing to Dr. Bims'

October deposition (Ex. 2029), Patent Owner asserts that Dr. Bims used the AX.25 specification as a basis for an opinion about the control field 80 in Garrabrant. However, at page 83, lines 5-11 of Exhibit 2029 Dr. Bims states that he did not rely on the AX.25 protocol in forming his opinions. Indeed, neither Dr. Bims' reply declaration nor Petitioner's reply mention AX.25. Therefore the portions of Exhibit 2029 identified in Patent Owner's Observation #1 are not relevant to ¶ 4 of Dr. Bims' reply declaration in which he states that the RNR command in Garrabrant is an example of a command that could be used to send a "lost" message (Ex. 1022), nor are the identified portions relevant to Petitioner's use of Dr. Bims' testimony at page 9 of its reply to Patent Owner's response (Paper No. 45).

Response to Patent Owner's Observation #2: Patent Owner alleges that Dr. Bims contradicted his earlier testimony when he testified in his October deposition (Ex. 2029) that Garrabrant discloses an RNR command that may be used to send a "lost" message command. However, Dr. Bims' October deposition

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is entirely consistent with his prior testimony. In his October deposition and ¶ 4 of Dr. Bims' Reply Declaration (Ex. 1022), Dr. Bims testified that the RNR command (in Garrabrant's command tables) is an example of a command that can be used to send a "lost" message. Dr. Bims never asserted that Garrabrant's tables use the word "lost." (See Ex. 2029 at 65:18-68:8; Ex. 1022 at ¶ 4). In the identified portion of his May deposition, Dr. Bims was directed to Garrabrant's command tables and testified that the tables do not list a command named "lost." (Ex. 2028 at 25:21-26:2). Thus, there is no inconsistency between Dr. Bims' May and October testimony.

Dated: November 19, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on November 19, 2014, I caused a true and correct copy of the foregoing PETITIONER'S RESPONSE TO PATENT OWNER'S MOTION FOR OBSERVATIONS ON CROSS EXAMINATION OF PETITIONER'S REPLY DECLARANT DR. HARRY BIMS to be served via email on the attorneys identified in Wi-Fi One's Updated Mandatory Notice and Notice of Appearance for John Shumaker, whom consented to electronic service:

Lead Counsel:	Peter J. Ayers
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