

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HTC CORPORATION; HTC AMERICA, INC.; SAMSUNG ELECTRONICS
CO., LTD.; and SAMSUNG ELECTRONICS AMERICA, INC.

Petitioners,

v.

E-WATCH, INC. and E-WATCH CORPORATION,
Patent Owner.

Case IPR2014-00987¹
Patent 7,365,871

**MOTION FOR OBSERVATION REGARDING CROSS-EXAMINATION OF
KENNETH PARULSKI**

¹Case IPR2015-00541 has been joined with this proceeding.

EXHIBIT LIST

Patent Owner

- [EX. 2001] Expert Witness Declaration of Dr. Jose Melendez
("Melendez Declaration")
- [EX. 2002] U.S. Patent 6,427,078 ("Wilska's '078 Patent")
- [EX. 2003] Office Action Reply in Inter Partes Reexamination of U.S.
Patent 6,427,078 of Wilska et al. Under Control No.
90/012,637 ("Wilska '634 IPX Office Action Reply")
- [EX. 2004] U.S. Patent 5,550,643 ("Hassan")
- [EX. 2012] Oxford Dictionary online definition of "signal"
- [EX. 2013] Wikipedia entry related to "Fax"
- [EX. 2014] Wikipedia entry related to "JPEG"
- [EX. 2015] Merriam-Webster online definition of "JPEG"
- [EX. 2016] HTC One Phone specifications
- [EX. 2017] Merriam-Webster online definition of "Buffer"
- [EX. 2019] Kenneth Parulski Deposition Transcript from 5/21/15²

²There were additional exhibits introduced at Mr. Parulski's deposition. However, these additional exhibits are already papers or exhibits of record in IPR2014-

Petitioner

- [EX. 1001] U.S. Patent No. 7,365,871 (“the ’871 Patent”)
- [EX. 1002] United Kingdom (U.K.) Patent Application GB 2,289,555 A
to Wilska (“Wilska”)
- [EX. 1003] Certified Translation of the Japanese Patent Application
Publication No. H06-176114 to Yamagishi (“Yamagishi”),
Certification of English Translation and the Original
Japanese Document
- [EX. 1004] U.S. Patent No. 5,550,754 B2 to McNelley et al.
 (“McNelley ”)
- [EX. 1005] European Patent Application Publication No. 0594992 A1 to
Yamagishi (“Yamagishi-992”)
- [EX. 1006] Declaration of Kenneth Parulski including Attachments A-D
 (“Parulski Declaration”)
- [EX. 1007] Select Portions of the 871 Prosecution File History (“871
Prosecution File History”)

00987/IPR2015-00541 or IPR2014-00989/IPR2015-00543. Pursuant to 37 CFR
42.6(d), Patent Owner is not submitting documents that are previously in the
record.

- [EX. 1008] Rebuttal Declaration of Kenneth Parulski in Support of
Petitioner's Reply to Patent Owner's Response of February
20, 2015 ("2015 Parulski Decl.")
- [EX. 1009] Select Sections of eWatch Preliminary Contentions in
Lawsuits Filed in the Eastern District of Texas Against
Petitioner HTC
- [EX. 1010] Select Sections of eWatch Preliminary Contentions in
Lawsuits Filed in the Eastern District of Texas Against
Petitioner Samsung
- [EX. 1011] Samsung Galaxy S5 User Manual
- [EX. 1012] Select Sections of AT&T Wireless Picture/Video Messaging

e-Watch Corporation and e-Watch, Inc. (“Patent Owner”) submit this motion for observation regarding cross-examination during the May 21, 2015 deposition of Kenneth Parulski, a reply declarant of HTC Corporation and HTC America, Inc. (“Petitioner”). Patent Owner submits the following observations based on Kenneth Parulski’s testimony.

Observation Number 1

In Exhibit 2019, on page 10, lines 19-21, Mr. Parulski testified that “[g]enerally, the ‘871 Patent has many claim limitations, but certainly that includes transmission of images.” This testimony is relevant to Mr. Parulski’s statement in paragraph 18 of the 2015 Parulski Decl. (EX. 1008) that “[t]he ‘871 patent treats the cellular telephone 164 as a mere add-on device...” and the importance of image transmission capabilities of the ‘871 Patent in general.

Observation Number 2

In Exhibit 2019, on page 12, lines 16-19, Mr. Parulski testified in relation to one of the limitations of claim 12 of the ‘871 Patent that “generally, the limitation relates to the wireless telephone being operable to transmit and receive non-audio digital

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