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UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

WHATSAPP, INC. and FACEBOOK, INC.,)	
)	
Petitioner,)	
)	
vs.)	IPR2015-00740
)	
TRIPLAY, INC.,)	
)	
Patent Owner.)	
_____)	

DEPOSITION OF DAVID KLAUSNER
Palo Alto, CA

Wednesday, November 4, 2015
Volume I

Reported by: SUSAN F. MAGEE, RPR, CCRR, CLR
CSR No. 11661

Pages 1-87

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6 Petitioner,)
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7 vs.) IPR2015-00740
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8 TRIPLAY, INC.,)
)
9 Patent Owner.)
)
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11
12 DEPOSITION OF DAVID KLAUSNER taken on behalf of
13 Patent Owner at COOLEY LLP, 3175 Hanover
14 Street, Palo Alto, CA 94304-1130, beginning at
15 9:09 a.m. and ending at 1:01 p.m. on Wednesday,
16 November 4, 2015, before Susan F. Magee, RPR,
17 CCRR, CLR, Certified Shorthand Reporter
18 No. 11661.
19
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1 A. There are boxes, Items 32 and 60, along with 34
2 that are involved in receiving registration information
3 from the receiving device to determine its
4 characteristics and selects those characteristics
5 returned by the receiving device as a result of the
6 registration process.

7 In addition, there is also the Message
8 Adaptation Engine Control 64 of Item 20.

9 Q. In Figure 3?

10 A. Also in Figure 3 --

11 Q. Okay.

12 A. -- that selects those characteristics of the
13 receiving device and forwards them on to Item 68 within
14 Item 20 for the purposes of performing the -- comparing
15 and determining.

16 Q. Okay.

17 A. That ends my answer.

18 Q. So when you refer to -- in this Figure 3 -- and
19 you discussed each one of those. Where in Coulombe in
20 the text does it disclose that it's doing a selection
21 process? I heard that -- I will agree that Coulombe
22 talks about determining or determines, but where does
23 Coulombe talk about selecting in -- when it's talking
24 about Message Adaptation Engine?

25 A. An example would be in Coulombe paragraph 57.

1 Q. 57. Okay.

2 A. Which, along with the paragraphs that precede
3 and follow, describes a resolution of the terminal
4 capabilities of the registering terminal. That
5 includes -- that determination or resolution includes
6 selecting them.

7 Q. So where does it talk -- where does it disclose
8 that it's selecting? I understand you're talking
9 resolution and determining. Where in the -- this
10 paragraph you're referring to me -- 54, 55, 56, 57 --
11 does it talk about a selection process?

12 A. As I've just described, that is a selection
13 process.

14 Q. So when you're doing resolution and
15 determining, you're saying that's equivalent to
16 selecting?

17 A. Yes.

18 Q. Okay.

19 A. In addition, adaption is also equivalent to
20 selecting.

21 Q. Oh. So adapting is also equivalent to
22 selecting?

23 A. Yes.

24 Q. Okay. So let me ask you a hypothetical.

25 If I have a multiple choice exam and I can

1 select from A, B and C, on the other hand if I give you
2 that same test and you must answer it without A, B or
3 C -- it's not a multiple choice question -- is that also
4 selecting?

5 MR. CHEN: Objection. Incomplete hypothetical.

6 THE WITNESS: I don't understand.

7 BY MR. SCHINDLER: Q. Okay. You would agree,
8 if I have a multiple choice exam and I have A, B and C,
9 I'm going to select either A, B or C.

10 You agree with that?

11 A. Yes.

12 Q. I would select. I have that same exam, and the
13 professor now makes me come up with an answer that I
14 must determine, am I also doing a selection?

15 A. Yes. You're selecting A, B or C.

16 Q. No. The second exam there is no -- you're not
17 given a choice of A, B or C. You must write down an
18 answer. You must determine an answer.

19 Is that the same thing as selection?

20 MR. CHEN: Objection. Incomplete hypothetical.

21 THE WITNESS: I don't understand. I can also
22 choose not to answer.

23 BY MR. SCHINDLER: Q. That's your prerogative.
24 I'm trying to understand here --

25 A. I mean, in your hypothetical --

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