

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner

v.

BRADIUM TECHNOLOGIES LLC,
Patent Owner

CASE IPR2015-01432
Patent 7,139,794

**PATENT OWNER BRADIUM TECHNOLOGIES LLC'S
MOTION FOR OBSERVATIONS ON CROSS-EXAMINATION**

PATENT OWNER'S MOTION FOR OBSERVATIONS ON CROSS-EXAMINATION

Pursuant to the Board's Scheduling Order dated December 30, 2015 (Paper 17), Patent Owner Bradium Technologies LLC ("Bradium") respectfully submits this Motion for Observations on Cross-Examination of Dr. William Michalson, who was deposed on August 5, 2016.

1. In Exhibit 2011, on page 10, line 12 to page 11, line 14, Dr. Michalson testified that Dr. Bajaj refers to GIS within a chapter authored by Dr. Bajaj within Exhibit 2002, which are page proofs for a book edited by Dr. Bajaj. This testimony is relevant to Petitioner's Reply (Paper 27) at Page 2. The testimony is relevant to Petitioner's argument that Dr. Bajaj does not have geographic information systems (GIS) experience.

2. In Exhibit 2011, on page 11, line 22 to page 12, line 16, Dr. Michalson testified that Exhibit 2002, page proofs for a book edited by Dr. Bajaj, includes a figure with an image of the earth with caption "Pressure distribution around the earth globe." This testimony is relevant to Petitioner's Reply (Paper 27) at Page 2. The testimony is relevant to Petitioner's argument that Dr. Bajaj does not have geographic information systems (GIS) experience.

3. In Exhibit 2011, on page 14, line 9 to page 15, line 14, Dr. Michalson testified that Exhibit 2003, an article with Dr. Bajaj as first listed author, refers to graphical information systems (GIS), and that Dr. Michalson had not previously

reviewed the article. This testimony is relevant to Petitioner's Reply (Paper 27) at Page 2. The testimony is relevant to Petitioner's argument that Dr. Bajaj does not have geographic information systems (GIS) experience.

4. In Exhibit 2011, on page 27, lines 14 to 17, Dr. Michalson testifies that he agrees that GIS is a multidisciplinary area of study. This testimony is relevant to Exhibit 1015, paragraph 15. This testimony is relevant to Dr. Michalson's requirement that a POSA have knowledge and experience with GIS.

5. In Exhibit 2011, on page 25, line 15 to page 27, line 2, Dr. Michalson testifies that Exhibit 2005 states that the background of those involved in the development of GIS includes persons with computer science background. This testimony is relevant to Petitioner's Reply (Paper 27) at Page 2. The testimony is relevant to Petitioner's argument that Dr. Bajaj does not have geographic information systems (GIS) experience.

6. In Exhibit 2011, on page 27, lines 3 to 13, Dr. Michalson testifies that Exhibit 2005 states that the essence of GIS is its multidisciplinary character. This testimony is relevant to Petitioner's Reply (Paper 27) at Page 2. The testimony is relevant to Petitioner's argument that Dr. Bajaj does not have geographic information systems (GIS) experience.

7. In Exhibit 2011, on page 21, lines 3 to 22, Dr. Michalson testifies that Exhibit 2005 is a reference that he cited in Exhibit 2004, his prior expert report.

This testimony is relevant to Exhibit 2011, on page 26, lines 3 to 13. This testimony is relevant to Dr. Michalson's testimony regarding Exhibit 2005.

8. In Exhibit 2011, on page 24, lines 1 to 10, Dr. Michalson testifies that Exhibit 2005 was not provided to him by Microsoft. This testimony is relevant to Exhibit 2011, on page 26, lines 3 to 13. The testimony is relevant to Petitioner's argument that Dr. Bajaj does not have geographic information systems (GIS) experience.

9. In Exhibit 2011, on page 35, line 17 to page 36, line 3, Dr. Michalson testifies that in his prior declaration, Exhibit 2006, he states that a POSA is a hypothetical person to whom an expert in the relevant field could assign a routine task with reasonable confidence that the task would be successfully carried out. This testimony is relevant to Exhibit 1015, paragraph 15. This testimony is relevant to Dr. Michalson's requirement that a POSA have knowledge and experience with GIS.

10. In Exhibit 2011, on page 34, line 24 to page 35 line 7, Dr. Michalson testifies that Exhibit 2006 is an excerpt of a declaration that he submitted in November 2015. This testimony is relevant to Exhibit 2011 at page 35, line 17 to page 36, line 3. This testimony is relevant to Dr. Michalson's testimony regarding Exhibit 2006.

11. In Exhibit 2011, on page 17, lines 18 to 24, Dr. Michalson testifies

that Exhibit 2004 states that computer-based GIS have been used since at least the late 1960s. This testimony is relevant to Dr. Michalson's Declaration (Exhibit 1008) at ¶¶ 104–05. The testimony is relevant to Dr. Michalson's and Petitioner's argument that a POSA would have been motivated to combine the asserted references as of October 1999 because the reference address similar technology problems and are applicable to mapping-related applications.

12. In Exhibit 2011, on page 16, lines 6 to 20, Dr. Michalson testified that Exhibit 2004 is an expert report authored by Dr. Michalson that includes his signature. This testimony is relevant to Exhibit 2011, on page 17, lines 18 to 24. This testimony is relevant to Dr. Michalson's testimony regarding Exhibit 2004.

13. In Exhibit 2011, on page 19, lines 7 to page 20, line 6, Dr. Michalson testifies that Exhibit 2004 states that by the mid 1980's it was known that there were many ways that GIS data could be stored, and that the manner in which data are stored impacts the time and computer resources required to effectively use the data. This testimony is relevant to Dr. Michalson's Declaration (Exhibit 1008) at ¶¶ 104–05. The testimony is relevant to Dr. Michalson's and Petitioner's argument that a POSA would have been motivated to combine the asserted references as of October 1999 because the reference address similar technology problems and are applicable to mapping-related applications.

14. In Exhibit 2011, on page 31, lines 8 to 15, Dr. Michalson testifies that

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.