

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

3 -----:
4 SAMSUNG ELECTRONICS CO., LTD., :
5 SAMSUNG ELECTRONICS AMERICA, :
6 INC., AND APPLE INC., :
7 Petitioner, : Case Nos.:
8 vs. : IPR2015-01445
9 IXI IP, LLC, : IPR2015-01446
10 Patent Owner. :
11 -----:

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13
14 Videotaped Deposition of SAYFE KIAEI, PH.D.
15 Washington, D.C.
16 Thursday, March 17, 2016
17 9:38 a.m.

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21
22 Job No. BO-078413
23 Pages 1 - 132
24 Reported by: Robert M. Jakupciak, RPR

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Deposition of SAYFE KIAEI, PH.D, held at
the offices of:

Fish & Richardson
1425 K Street, N.W.
Washington, D.C. 20005

Pursuant to Notice, before Robert Michael
Jakupciak, RPR, a Notary Public in and for the
District of Columbia, when were present on behalf of
the respective parties:

1 A P P E A R A N C E S (Cont'd.)

2 On behalf of the Patent Owner:

3 GEORGE S. HAIGHT, ESQUIRE

4 GRIFFIN N. MESMER, ESQUIRE

5 Pepper Hamilton, LLP

6 125 High Street

7 Boston, Massachusetts 02110

8 (617) 204-5100

9 haightg@pepperlaw.com

10 mesmerg@pepperlaw.com

11

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15

16 Also Present: Videographer, David Cooper

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1 C O N T E N T S

2 THE WITNESS: SAYFE KIAEI, PH.D.

3 EXAMINATION PAGE NO.

4 By Mr. Haight 8

5 By Mr. Mukerji 126

6

7 E X H I B I T S

8 EXHIBIT NO. DESCRIPTION PAGE NO.

9 Exhibit 1445-1 Notice of Deposition 10

10 Exhibit 1445-2 Notice of Deposition 10

11 Exhibit 1445-3 Declaration of Sayfe 11

12 Kiaei, Ph.D.

13 Exhibit 1445-4 U.S. Patent 7,016,648 B2 13

14 Exhibit 1445-5 Petition for Inter 15

15 Parties Review of

16 U.S. Patent 7,016,648

17 Exhibit 1445-6 Patent Application No. 54

18 WO 01/12285 A1

19 Exhibit 1445-7 Patent 7,076,536 B2 60

20 Exhibit 1445-8 Second Declaration of 66

21 Sayfe Kiaei, Ph.D.

22 Exhibit 1445-9 U.S. Patent Application 68

23 Publication No.

24 2002/0069263 A1

1	E X H I B I T S (Cont'd.)		
2	EXHIBIT NO.	DESCRIPTION	PAGE NO.
3	Exhibit 1445-10	U.S. Patent Application	78
4		Publication No.	
5		WO 01/76154 A2	
6	Exhibit 1445-11	Web page printout from	107
7		Connection One website	
8	Exhibit 1445-12	On-line ASU research	109
9		listing for Sayfe	
10		Kiaei, Ph.D.	
11	Exhibit 1445-13	Google Printout	113
12	Exhibit 1445-14	C1 Membership Account -	121
13		Samsung Telecommunications	

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23 (Exhibits attached to transcript.)

24

1 P R O C E E D I N G S

2 Whereupon,

3 VIDEOGRAPHER: Here begins video disk 09:38:02
4 number one in the video deposition of Sayfe Kiaei, 09:38:10
5 Ph.D. in the matter of Samsung Electronics Company 09:38:13
6 LTD, Samsung Electronics America, Inc. and Apple 09:38:17
7 Inc. versus IXI IP, LLC, in the United States Patent 09:38:21
8 and Trademark Office, Before the Patent Trial and 09:38:26
9 Appeal Board. Case Number IPR2015-01445 and 09:38:30
10 IPR2015-01446. 09:38:41

11 Today is Thursday, March 17, 2016. The 09:38:45
12 time on the video monitor is 9:38:03 a.m. We are 09:38:49
13 now on the record. My name is Dave Cooper. I'm the 09:38:55
14 certified legal video specialist with DTI Court 09:38:59
15 Reporting Solutions, 21 Church Street, Suite 150, 09:39:01
16 Rockville, Maryland, 20850. 09:39:05

17 This video deposition is taking place at 09:39:07
18 Fish & Richardson, P.C., in the Dupont Conference 09:39:12
19 Room, located at 1425 K Street, Northwest, 09:39:16
20 Washington, D.C. 20005. Would counsel and all 09:39:20
21 present please introduce themselves and who they 09:39:24
22 represent. 09:39:27

23 MR. MUKERJI: Indranil Murkerji, Jeremy 09:39:27
24 Monaldo and Adam Carlson, of Fish & Richardson, 09:39:30

1 representing Apple, Samsung and the witness here 09:39:34

2 today. 09:39:37

3 MR. HAIGHT: George Haight, of Pepper 09:39:39

4 Hamilton. With me also from Pepper Hamilton is 09:39:40

5 Griffin Mesmer, on behalf of patent owner IXI IP. 09:39:44

6 VIDEOGRAPHER: The court reporter, Robert 09:39:49

7 M. Jakupciak, of DTI Court Reporting Solutions, will 09:39:50

8 now swear in the witness. 09:39:52

9 Whereupon, 09:39:54

10 SAYFE KIAEI, PH.D, 09:39:54

11 called as a witness, and having been first duly 09:39:54

12 sworn, was examined and testified as follows: 09:39:54

13 EXAMINATION BY COUNSEL FOR THE PATENT OWNER

14 BY MR. HAIGHT: 09:40:06

15 Q Good morning, Dr. Kiaei. 09:40:09

16 A Good morning, counsel. How are you? 09:40:11

17 Q Thank you for coming back again. 09:40:14

18 A Thank you. Day number three. 09:40:17

19 Q As we discussed in both the previous days, 09:40:21

20 we will be asking some questions today. Do you 09:40:25

21 still understand the rule that we are going to go 09:40:28

22 through this proceeding with? 09:40:31

23 A Yes, I do, counsel. 09:40:33

24 Q Is there any reason this morning that you 09:40:35

1 are not able to give truthful and honest testimony? 09:40:36

2 A No, there is not, counsel. 09:40:40

3 Q Thank you. After the close of yesterday's 09:40:42

4 deposition did you do anything to prepare for 09:40:57

5 today's deposition? 09:41:01

6 A Yes, I did, counsel. 09:41:03

7 Q And what did that preparation entail? 09:41:05

8 A I skimmed through my declarations, and if 09:41:09

9 I had the time through some of the prior art. 09:41:15

10 Q Did you meet with counsel? 09:41:20

11 A After we finished, yes, I met with them. 09:41:22

12 Q How long did you meet with counsel after 09:41:26

13 yesterday's deposition? 09:41:27

14 A Ten, 15 minutes or so at most. 09:41:31

15 Q And who was present at that meeting? 09:41:34

16 A At that meeting Andy was present, Jeremy 09:41:43

17 was present, as well as Kevin Greene. Was there 09:41:49

18 anybody else? No, that's it. Things are getting 09:41:55

19 blurred a little bit. 09:41:59

20 Q I understand. We will try and keep things 09:42:01

21 as separated as we can today. 09:42:04

22 A I appreciate that. 09:42:07

23 Q Do you recall -- I believe you mentioned 09:42:08

24 reviewing some of the prior art. Do you recall 09:42:11

1 which prior art that was that you reviewed last 09:42:14

2 night? 09:42:17

3 A Last night I briefly looked at the Dexter 09:42:21

4 prior art. I think that was -- that may have been 09:42:34

5 it. I may have briefly opened up the other ones, 09:42:39

6 too, so. There wasn't much time left between that 09:42:43

7 and the dinner and going to sleep. 09:42:47

8 Q I'm going to hand you what are going to be 09:43:10

9 marked Exhibits 1445-1 and 1445-2. 09:43:15

10 (1445 Exhibit Numbers 1 and 2 09:43:21

11 were marked for identification.) 09:43:21

12 THE WITNESS: Thank you. 09:43:37

13 BY MR. HAIGHT: 09:43:45

14 Q Beginning with Exhibit 1445-1, do you 09:43:54

15 recognize that document? 09:43:57

16 A Yes, I do. 09:43:58

17 Q And what is that document? 09:44:00

18 A It is notice for my deposition being held 09:44:03

19 here today. 09:44:10

20 Q And that notice -- let me first apologize 09:44:13

21 again for probably misspelling your name. It 09:44:19

22 probably carried through on all of these. 09:44:22

23 A That's quite all right. 09:44:23

24 Q But does it reference both IPRs 2015-01445 09:44:24

1 and IPR2015-01446? 09:44:31

2 A Yes, it does. 09:44:37

3 MR. MUKERJI: Mr. Haight, how are you able 09:44:39
4 to tell these apart? 09:44:40

5 MR. HAIGHT: They are identical. I 09:44:42
6 apologize. When I marked them I wasn't sure whether 09:44:44
7 or not we had done a joint notice or -- 09:44:47

8 MR. MUKERJI: That's fine. 09:44:50

9 BY MR. HAIGHT: 09:44:51

10 Q Dr. Kiaei, is it your understanding that 09:44:52
11 you are here today to testify regarding the 09:44:56
12 petitions filed in those two IPRs identified on the 09:45:00
13 first page of Exhibit 1445-1? 09:45:04

14 A Yes, I am. And dash 2. 09:45:09

15 Q And dash 2. I will submit that those are 09:45:14
16 identical. 09:45:17

17 A Right. 09:45:19

18 Q One was filed in the 1445 proceeding and 09:45:20
19 one was filed in the 1446 proceeding. You can set 09:45:23
20 both of those aside. 09:45:27

21 A Thank you. 09:45:28

22 Q I'm going to hand you what will be marked 09:45:43
23 as Exhibit 1445-3. 09:45:45

24 (1445 Exhibit Number 3 09:45:47

1 was marked for identification.) 09:45:47

2 THE WITNESS: Thank you. 09:45:57

3 BY MR. HAIGHT: 09:45:58

4 Q Do you recognize what's been handed to you 09:46:02

5 as Exhibit 1445-3? 09:46:04

6 A Yes, I do. 09:46:06

7 Q And what is that document? 09:46:14

8 A It is the declaration, my declaration for 09:46:16

9 the U.S. Patent Number 7,016,648. 09:46:24

10 Q This is entitled the first declaration; 09:46:33

11 correct? 09:46:36

12 A Yes. It is the first declaration, yes. 09:46:37

13 Q We will get to it a bit later, but you did 09:46:39

14 submit a second declaration also relating to the 09:46:43

15 '648 patent? 09:46:45

16 A Yes, I did, counsel. 09:46:48

17 Q This is the declaration that was submitted 09:46:51

18 in the 1445 proceeding; is that correct? 09:46:59

19 A Yes, counsel. 09:47:03

20 Q Are you aware of any errors or mistakes in 09:47:08

21 your declaration marked as Exhibit 1445-3? 09:47:12

22 A No, I am not aware of any. 09:47:16

23 Q And if you could turn to the last page of 09:47:24

24 Exhibit 1445-3, page 55. Do you see a signature 09:47:30

1 there halfway down the page on the right? 09:47:39

2 A Yes, I do. 09:47:42

3 Q Is that your signature? 09:47:43

4 A Yes, counsel. 09:47:45

5 Q I'm going to hand you what is being marked 09:48:01

6 as Exhibit 1445-4. 09:48:04

7 (1445 Exhibit Number 4 09:48:06

8 was marked for identification.) 09:48:06

9 BY MR. HAIGHT: 09:48:16

10 Q Do you recognize Exhibit 1445-4? 09:48:21

11 A Yes, I do. 09:48:27

12 Q What is that document? 09:48:30

13 A It is U.S. Patent 7,016,648. 09:48:32

14 Q And if we refer to that document 09:48:43

15 throughout today as the '648 patent, will you have 09:48:47

16 an understanding of what we are referring to? 09:48:50

17 A Yes, counsel. 09:48:53

18 Q And is it your understanding that this 09:48:58

19 '648 patent is the subject of the IPR petitions in 09:49:00

20 the 1445 and 1446 proceedings? 09:49:07

21 A Yes, counsel. 09:49:13

22 Q Specifically referring to the 1445 09:49:20

23 proceeding, do you have an understanding of what 09:49:24

24 claims of the '648 patent are being challenged? 09:49:26

1 A Yes, counsel. 09:49:33

2 Q What are those claims? 09:49:34

3 A In '648 patent all the claims are being 09:49:38
4 challenged. 09:49:44

5 Q And where is your understanding of all of 09:50:03
6 those claims being challenged coming from? 09:50:07

7 MR. MUKERJI: And I will caution you not 09:50:09
8 to reveal any attorney/client privileged 09:50:10
9 communications, so if the sole basis of your 09:50:14
10 knowledge is attorney communications and not relying 09:50:16
11 the identity of which claims are being challenged in 09:50:18
12 rendering your declarations, then you should not 09:50:23
13 respond. But if you did rely on the identity of the 09:50:26
14 claims being challenged, so the fact that which 09:50:31
15 claims are being challenged in these proceedings 09:50:34
16 informed your declaration or was a fact you used in 09:50:37
17 your declaration, then you may respond. Did you 09:50:40
18 understand that instruction? 09:50:47

19 THE WITNESS: If you don't mind, repeat 09:50:50
20 that again, please. 09:50:51

21 MR. MUKERJI: He is entitled to ask you 09:50:53
22 questions about things you relied on in rendering 09:50:54
23 your declarations. 09:50:57

24 THE WITNESS: That's correct. 09:50:58

1 MR. MUKERJI: If the identity of the 09:50:59
2 claims, meaning the fact that the claims are being 09:51:01
3 challenged, which claims are being challenged in the 09:51:03
4 proceedings somehow informed your analysis, then you 09:51:07
5 should respond. But if, if those, that fact, the 09:51:11
6 identity of the specific claims being challenged did 09:51:16
7 not inform your analysis, then you should not 09:51:20
8 respond, because if I'm correct, you have that 09:51:23
9 knowledge from counsel. 09:51:26

10 THE WITNESS: Yes. 09:51:29

11 MR. MUKERJI: Is that instruction clear? 09:51:30

12 THE WITNESS: Yes, it is. 09:51:31

13 MR. MUKERJI: Okay. 09:51:32

14 THE WITNESS: Yes, it is. In that case I 09:51:33
15 prefer not to respond to your question. 09:51:36

16 MR. HAIGHT: That's all right. I think 09:51:38
17 your counsel just answered it for me. Let me hand 09:51:40
18 you what we will mark as Exhibit 1445-5. 09:51:43

19 (1445 Exhibit Number 5 09:51:47
20 was marked for identification.) 09:51:47

21 THE WITNESS: Thank you. 09:52:11

22 BY MR. HAIGHT: 09:52:11

23 Q Do you recognize what's been handed to you 09:52:16
24 as Exhibit 1444-5? 09:52:18

1 A Yes, I do, counsel. 09:52:21

2 Q What is that document? 09:52:23

3 A That document is U.S. Patent Number 09:52:31

4 7,016,648. Oh. This is a Petition for Inter Party 09:52:35

5 Review of the United States Patent Number 7,016,648. 09:52:55

6 Before going to this, looking at this 09:52:59

7 document, I want to clear my previous question in 09:53:16

8 terms of my declaration is based on -- strike that 09:53:24

9 please for now. Give me one second if you don't 09:53:46

10 mind. I need to look at something. 09:53:50

11 I would like to make a general statement 09:53:53

12 before I read the petition. Is it's been three days 09:58:28

13 since we've been doing this, and I -- my declaration 09:58:35

14 is based on the, the claims that were challenged at 09:58:44

15 the time we discussed it with the attorney, my 09:58:48

16 attorney -- with the attorneys of Samsung and Apple, 09:58:53

17 Fish & Richardson, so my declaration is based on the 09:58:57

18 challenged claims. 09:59:04

19 I am not a hundred percent sure that all 09:59:06

20 the claims are challenged. I don't exactly remember 09:59:10

21 that. But I have to go by memory. When I wrote the 09:59:13

22 report, declaration, my review of it was based on 09:59:43

23 describing and the prior art and looking at the 09:59:49

24 claims and so forth and describing prior art in view 09:59:56

1 of the body of the patent and the challenged claims. 10:00:05

2 I don't recall -- I can look at the patent, right? 10:00:09

3 Q You can. I might be able just to 10:00:15

4 shortchange this. I'm not asking for an absolute 10:00:19

5 memory recall. 10:00:22

6 A Yeah. 10:00:23

7 Q I was trying to get your understanding of 10:00:24

8 your review of the '648 patent. My question was 10:00:27

9 whether you knew what claims were being challenged. 10:00:31

10 You said yes. 10:00:34

11 A Yes. 10:00:35

12 Q So my follow-up to that was which ones do 10:00:35

13 understand the claims to be? If you don't 10:00:39

14 understand, that's fine. 10:00:40

15 A Yeah. I don't recall if I, I -- I'm 10:00:42

16 sorry. I don't recall if every single one of those 10:00:45

17 claims -- I looked at all the claim of the patent, I 10:00:49

18 looked at the body of the patent. I'm going based 10:00:54

19 on the patent that was given to me and the prior art 10:00:57

20 that I had and then the discussions I had in there. 10:01:01

21 I don't recall the discussions we had exactly on 10:01:05

22 this patent specifically. 10:01:08

23 Q I'm not asking about the discussions you 10:01:09

24 had with counsel. 10:01:11

1 A Yeah, I understand that. Right. I 10:01:12
2 appreciate that. 10:01:14

3 Q Then maybe this will go a little quicker. 10:01:16
4 What's been handed to you as 1445-5, which is the 10:01:19
5 Petition for Interparty Review in the 1445 10:01:23
6 proceeding. 10:01:27

7 A Right. 10:01:28

8 Q Let me ask, have you ever reviewed that 10:01:29
9 petition? 10:01:34

10 A Can I open it? 10:01:35

11 Q Sure. 10:01:36

12 A I may have seen the document. I don't 10:02:41
13 remember doing a review, total review of the 10:02:43
14 document. I may have seen it. I don't recall it. 10:02:45

15 Obviously, when you first handed it to me 10:02:47
16 I was just saying this is the patent number. So it 10:02:50
17 doesn't look like something I reviewed, because it 10:02:56
18 looks like it's going through the petition going 10:03:01
19 claim-by-claim element in there; correct? 10:03:05

20 Q Did you have any part in drafting or 10:03:09
21 writing this petition? 10:03:12

22 A No. I was not even -- 10:03:17

23 Q Okay. That's fine. You can set that 10:03:22
24 aside. Going back to the '648 patent, Exhibit 10:03:28

1 1445-4 -- 10:03:38

2 A Yes. 10:03:41

3 Q -- if you could turn to column one of the 10:03:43

4 '648 patent, beginning around line 50, the paragraph 10:04:00

5 that starts "therefore." Do you see that? 10:04:07

6 A Yes. 10:04:13

7 Q Could you read the first sentence of that 10:04:13

8 paragraph? 10:04:15

9 A Therefore, it is desirable to provide a 10:04:20

10 method, a system, and a computer readable medium 10:04:24

11 that easily and conveniently provides software 10:04:30

12 components to a device in a short distance wireless 10:04:36

13 network with little or no user, retailer, 10:04:43

14 distributor or manufacturer intervention. 10:04:45

15 Q Thank you. Would you agree that that is 10:04:49

16 one of the primary goals of the invention of the 10:04:51

17 '648 patent? 10:04:57

18 A Yes, I do. 10:05:02

19 Q And the next sentence in that paragraph 10:05:06

20 beginning at line 34 says: "Likewise, it is 10:05:09

21 desirable to provide added functionality and value 10:05:12

22 to a wireless device, while increasing 10:05:15

23 telecommunication operator revenue." Did I read 10:05:18

24 that correctly? 10:05:21

1 A Yes, you did. 10:05:22

2 Q Would you also agree that that is a goal 10:05:23
3 to be attained by the invention of the '648 patent? 10:05:27

4 A Yes, it is. 10:05:32

5 MR. MUKERJI: Just for the clarity of the 10:05:33
6 record, and I think we need to get stronger coffee 10:05:36
7 for the conference room, because I think both of 10:05:39
8 you -- you said, Dr. Kiaei, "software components," 10:05:40
9 plural, and it says "a software component," and you, 10:05:44
10 Mr. Haight, said "line 34" and I think you meant 10:05:47
11 line 54. 10:05:51

12 MR. HAIGHT: That is correct. 54. 10:05:53
13 Apologies. 10:05:54

14 BY MR. HAIGHT: 10:06:00

15 Q If you could turn to Figure 1A of the '648 10:06:04
16 patent? That's a high level system overview diagram 10:06:08
17 similar to those we've looked at in the previous 10:06:36
18 days; would you agree? 10:06:40

19 A Yes, it is. 10:06:44

20 Q Okay. And again I will apologize for the 10:06:46
21 repetitiveness, but we are dealing with a different 10:06:49
22 patent and there are some differences, so I do want 10:06:52
23 to make sure we are on the same page with what we 10:06:54
24 are talking about in this system. 10:06:57

1 Figure 1A depicts a series of terminals 10:07:01
2 107 within a short distance wireless network. Do 10:07:07
3 you agree? 10:07:11

4 A Yes, I do. 10:07:15

5 Q And those terminals are linked to a wide 10:07:17
6 area network through a, through a device 106; is 10:07:29
7 that correct? 10:07:34

8 A Those terminals use the device 106 as a 10:07:38
9 gateway to communicate with the wide area network 10:07:42
10 105. 10:07:47

11 Q And that wide area network includes 10:07:48
12 cellular signals 111, carrier backbone 104, Internet 10:07:50
13 103, server 101, and server 102; is that correct? 10:07:56

14 A In the picture it shows the wide area 10:08:01
15 network includes those elements you mentioned. 10:08:03
16 Before we go any further, can I make a quick comment 10:08:06
17 about the last sentence in column one that we just 10:08:30
18 read? 10:08:39

19 Q Uh-huh. 10:08:41

20 A In column one, line 54, where you mention 10:08:42
21 likewise, it is desirable to provide added 10:08:48
22 functionality and value to the wireless device, 10:08:50
23 while increasing telecommunication operator revenue. 10:08:53
24 I just want to clarify that I am a technical person 10:08:59

1 here, I'm not a marketing person or a financial 10:09:03
2 witness, so the added value in terms of 10:09:06
3 functionality and desirable features to, in view of 10:09:12
4 this patent which are described, which is what my 10:09:19
5 analysis has been, not -- the revenue part of it, if 10:09:22
6 we are talking about financial revenues and so on, I 10:09:29
7 can give a general statement about that, but I'm not 10:09:33
8 a financial expert witness. I'm a technical expert 10:09:36
9 witness here. What values they add and so forth, 10:09:40
10 it's my understanding of the last sentence as to 10:09:52
11 revenue. 10:09:58

12 Q In the diagram of Figure 1A, what is your 10:10:22
13 understanding of what server 101 does in the context 10:10:30
14 of this '648 patent? 10:10:35

15 A Excuse me. That's also discussed in the 10:10:59
16 patent, column 6, lines 13 through line 22, where it 10:11:39
17 describes that by communications methods that are 10:12:23
18 provided in the invention, the manufacturer, 10:12:34
19 retailer or distributor via that communication 10:12:44
20 device provides that information to the server 101 10:12:48
21 where the server 101 -- actually, I do not 10:13:01
22 exactly -- give me a second, please. 10:13:11

23 In general, servers 101 and 102 have 10:13:16
24 information in terms of Web pages, software 10:13:45

1 components and so forth. So that doesn't really 10:13:53
2 relate to that paragraph I was just reading in 10:14:01
3 column six. Column six was talking about how server 10:14:03
4 101 communicates. So server 101 and 102 provides 10:14:07
5 the information I just mentioned. 10:14:12

6 Q And the system described in the '648 10:14:42
7 patent teaches a way of one of the terminals of 10:14:47
8 Figure 1A to receive software components from the 10:15:07
9 wide area network. Would you agree with that? 10:15:13

10 A Yes. In general, the '648 patent 10:15:28
11 describes a method where we are downloading a 10:15:33
12 software to, to the network in the terminals 107 in 10:15:36
13 response to the device information and user 10:15:45
14 information. 10:15:50

15 Q And what is your understanding of what 10:15:53
16 that device information that you referred to, what 10:16:00
17 is your understanding of that? 10:16:04

18 A That involves a device type, a device 10:17:16
19 manufacturer, and user preference which would enable 10:17:24
20 downloading the appropriate software components in 10:17:47
21 there, based on the device type -- device 10:17:52
22 manufacturer. 10:17:55

23 Q Sorry. I didn't mean to interrupt you. 10:17:56

24 A No. No problem. 10:17:59

1 Q Let me direct your attention to column 10:18:01
2 three of the '648 patent, and starting at about line 10:18:04
3 52, the paragraph that begins, "a software component 10:18:20
4 is provided." Do you see that? 10:18:28

5 A Yes, I do. 10:18:30

6 Q And, actually, the second sentence of that 10:18:34
7 paragraph that begins on line 54 says: "In an 10:18:38
8 embodiment of present invention, the software 10:18:42
9 component is provided in response to device 10:18:45
10 information including." Do you see that? 10:18:49

11 A Yes, I do. 10:18:50

12 Q Does that list various types of 10:18:51
13 information? Let me withdraw that and ask a better 10:18:53
14 question. Does that list various types of device 10:19:05
15 information? 10:19:09

16 MR. MUKERJI: Objection to form. 10:19:25

17 A What those three, four lines says is that 10:20:14
18 the software component is provided in response to 10:20:22
19 device information, including type of device, 10:20:25
20 manufacturer of the device, where the device -- 10:20:31
21 excuse me -- was purchased, and the fourth one is 10:20:36
22 activation date. 10:20:41

23 Q Those would be examples of the types of 10:20:43
24 device information that would be used in downloading 10:20:45

1 the software component; correct? 10:20:50

2 A I would not call it the types of device 10:20:54
3 information. I would say device information, which 10:20:56
4 in there has the type of device, manufacturer of the 10:20:59
5 device and so forth. 10:21:03

6 Q Sure. That list of four things there, are 10:21:04
7 those examples of device information? 10:21:12

8 A As a general statement I would say that 10:22:38
9 the type of device and the manufacturer of the 10:22:41
10 device are the device information and in here it's 10:22:45
11 adding other information in terms of where the 10:22:49
12 device was purchased and the activation date in 10:22:53
13 there. I'm sorry. I was done. 10:22:58

14 Q You were done? 10:24:26

15 A Yeah. I apologize. Yes. Yes. 10:24:26

16 Q So are you saying that say items three and 10:24:48
17 four of that list, those are not device information? 10:24:53

18 MR. MUKERJI: Objection to form. 10:25:04

19 A Yes. What I'm saying is that the device 10:25:44
20 information includes the device type and the 10:25:47
21 manufacturer of the device. The other information 10:25:49
22 it's adding in there in terms of where the device 10:25:56
23 was purchased and the activation date of that is 10:26:00
24 more of a purchasing information of where the device 10:26:10

1 was purchased and when it was purchased. 10:26:14

2 Q So despite the fact that this sentence 10:26:25
3 says, "device information including where a device 10:26:28
4 and/or terminal was purchased and/or activation 10:26:32
5 date," it's your opinion that those are not device 10:26:35
6 information? 10:26:39

7 MR. MUKERJI: Objection to form. 10:26:45

8 A I don't believe in here it is -- what it's 10:27:29
9 saying is that in an embodiment of the present 10:27:31
10 invention, the software component is provided in 10:27:34
11 response to device information, and then it says 10:27:39
12 including a device type or terminal, manufacturer of 10:27:41
13 the device, and it goes on into where the device was 10:27:47
14 purchased and the activation date. So does it have 10:27:54
15 a clear -- so -- I believe the device information 10:28:04
16 includes the type of a device and manufacturer of 10:28:14
17 the device. 10:28:17

18 Q But not the, not where a device or 10:28:18
19 terminal is purchased and/or the activation date? 10:28:23

20 MR. MUKERJI: Objection to form. 10:28:27

21 A I already I believe stated my position on 10:28:35
22 that, where the device -- the device information 10:28:37
23 includes the type of device and the manufacturer of 10:28:42
24 the device. 10:28:45

1 Q And what is your basis for saying that the 10:28:45
2 device information only includes type of device and 10:28:49
3 manufacturer of device? 10:28:53

4 A The bases are based on my understanding 10:29:38
5 that the device information -- based on my own 10:29:43
6 understanding and my own background in terms of 10:30:01
7 device information includes a device type and the 10:30:06
8 manufacturer to, to load the software into a device 10:30:09
9 to enhance its functionality. 10:30:49

10 Q Where in the '648 patent does it say the 10:30:56
11 device information is solely limited to the type of 10:31:00
12 device or the manufacturer of the device? 10:31:03

13 A You can go and look at claim one, for 10:31:37
14 example. 10:31:40

15 Q And how does claim one indicate that 10:31:47
16 device information is only manufacturer type and -- 10:31:56
17 or manufacturer and type of device? 10:32:03

18 MR. MUKERJI: Objection to form. 10:32:05

19 A Let me read the claim one. Which is a 10:32:09
20 method comprising obtaining device information from 10:32:13
21 a device in a short distance wireless network, 10:32:16
22 wherein the device information includes a 10:32:20
23 manufacturer of the device and a type of device. 10:32:24
24 And it goes on with the rest of the details in 10:32:28

1 there. 10:32:33

2 Q Sure. So it's your opinion that device 10:32:34
3 information can only include what's listed there in 10:32:37
4 that claim? 10:32:40

5 MR. MUKERJI: Objection to form. 10:32:42

6 A In that claim those are the information it 10:32:50
7 needs for obtaining and downloading a software 10:32:54
8 component to the device from the processing device 10:33:04
9 as it says at the end of that claim. 10:33:07

10 Q What does the word "including" mean to 10:33:10
11 you? 10:33:13

12 MR. MUKERJI: Objection to form. 10:33:15

13 A Includes means that it has the device type 10:33:34
14 and the manufacturer in there. Those are the two 10:33:39
15 elements that it includes in there. 10:33:42

16 Q Does it mean that those are the only two 10:33:44
17 things that are included? 10:33:47

18 MR. MUKERJI: Objection to form. 10:33:50

19 A Those are the two elements that are needed 10:33:53
20 that this claim requires for downloading a software. 10:33:56
21 Hypothetically speaking, device information could be 10:34:03
22 many, many other things. Looking at this as an 10:34:05
23 expert witness in here, if you want my opinion in 10:34:09
24 general, I can go over what device information in 10:34:12

1 general could have and what it could be. 10:34:15

2 Q I'm not asking you about in general. I'm 10:34:18
3 asking about the paragraph back in column three. It 10:34:20
4 says the device information includes where a device 10:34:25
5 and/or terminal was purchased and/or activation 10:34:29
6 date. 10:34:33

7 A I believe that paragraph is talking about 10:34:41
8 the general information about the device and is 10:34:43
9 listing a number of character -- and number of items 10:34:49
10 in there under the information -- under the -- let 10:34:59
11 me stop for a second, please. 10:35:06

12 What that's saying, that sentence, is that 10:35:08
13 in an embodiment of the present invention, the 10:35:10
14 software component is provided in response to device 10:35:14
15 information and it's adding, including all these 10:35:17
16 other items in there. Device information could 10:35:20
17 hypothetically include many other information about 10:35:28
18 the phone, how big is the antenna, what's the color 10:35:31
19 of it, all the other. What's important here is that 10:35:35
20 in the claim it is describing the device information 10:35:39
21 for downloading a software which includes the 10:35:49
22 manufacturer of the device and a type of device. 10:35:52

23 Q Is it your opinion that the language of 10:35:56
24 the claims limits the language of the specification? 10:35:59

1 MR. MUKERJI: Objection to form. 10:36:04

2 A I'm not doing a -- again I'm not a legal 10:36:12
3 person. I'm not doing -- I'm stating my technical 10:36:17
4 opinion in this case and I'm looking at the body of 10:36:21
5 the invention, and based on that, understanding what 10:36:25
6 the claim says and what is claimed in there. 10:36:30

7 In the claim one it is describing 10:36:34
8 obtaining -- sorry -- downloading a software 10:36:39
9 component based on the device information which is 10:36:44
10 the manufacturer of the device and the type of the 10:36:49
11 device. 10:36:51

12 Q It says "which includes," not "which is"; 10:36:52
13 correct? 10:36:55

14 A I don't -- I'm not going to -- which 10:37:00
15 includes -- but it's discussing only those two 10:37:14
16 information which is the device information in terms 10:37:19
17 of manufacturer type -- manufacturer of the device 10:37:22
18 and the type of the device. 10:37:25

19 Q Just so we are clear, in claim one at line 10:37:28
20 34 it starts, "wherein the device information." Do 10:37:32
21 you see that line? 10:37:36

22 A Yes. 10:37:37

23 Q Would you read that for the record, 10:37:37
24 please? 10:37:39

1 A Sure. "Wherein the device information 10:37:39
2 includes a manufacturer of the device and a type of 10:37:41
3 the device." 10:37:43

4 Q Okay. 10:37:45

5 A Thank you. 10:37:49

6 Q The -- 10:37:54

7 MR. MUKERJI: Mr. Haight, when we get to a 10:37:54
8 convenient breaking point, just let me know. 10:37:57

9 MR. HAIGHT: Sure. A couple more 10:38:00
10 questions. 10:38:01

11 MR. MUKERJI: Sure. 10:38:02

12 BY MR. HAIGHT: 10:38:03

13 Q In paragraph -- I'm sorry. Back in column 10:38:09
14 three, just below the language that we were 10:38:12
15 discussing, beginning in lines 59, the sentence 10:38:15
16 beginning: "In an embodiment of present invention, 10:38:28
17 user information includes." Do you see that? 10:38:31

18 A Yes. 10:38:34

19 Q Would you mind reading that sentence for 10:38:34
20 the record? 10:38:36

21 A Sure. "In an embodiment of the present 10:38:37
22 invention, user information includes user preference 10:38:50
23 or profile, user price plan, user usage, promotional 10:38:53
24 plan and/or user's replacement phone." 10:39:01

1 Q And would you agree that user information 10:39:09
2 is different from device information? 10:39:11

3 A Yes, I do. 10:39:19

4 MR. MUKERJI: Objection to form. 10:39:21

5 BY MR. HAIGHT: 10:39:23

6 Q And would you agree that user information 10:39:29
7 includes all five of those listed items in those 10:39:31
8 lines 59 through 64? 10:39:46

9 MR. MUKERJI: Objection to form. 10:39:54

10 A What it is saying in that sentence is that 10:40:18
11 the user information includes those five items that 10:40:20
12 are listed. 10:40:23

13 Q And we discussed the server 101 of Figure 10:40:29
14 1A before. That following sentence beginning at 10:40:37
15 line 64 or 63, reads: "In an embodiment of the 10:40:45
16 present invention." Do you see that? 10:40:55

17 A Yes, I do. 10:40:57

18 Q Does that indicate to you that the device 10:40:58
19 information is obtained from the short distance 10:41:01
20 wireless network and the user information is 10:41:03
21 obtained from that server 101 that we were 10:41:05
22 discussing before? 10:41:08

23 A Yes. That sentence says that in the 10:41:15
24 embodiment of the present invention, device 10:41:18

1 information is obtained from the short distance 10:41:21
2 wireless network 116, and the user information is 10:41:24
3 obtained from user 101. 10:41:36

4 Q So that user information would be 10:41:41
5 something that would be stored on the server 101 and 10:41:45
6 could be obtained by one of the terminals on the 10:41:49
7 short distance network, short distance wireless 10:41:55
8 network? 10:41:59

9 MR. MUKERJI: Objection to form. 10:42:00

10 A That user information is obtained from a 10:42:09
11 server 101. 10:42:11

12 MR. HAIGHT: All right. Why don't we take 10:42:15
13 a break. 10:42:16

14 VIDEOGRAPHER: This concludes disk number 10:42:18
15 one of the video deposition of Sayfe Kiaei, Ph.D. 10:42:20
16 The time is 10:41:38 a.m. We are now off the 10:42:27
17 record. 10:42:31

18 (Recessed at 10:41 a.m.) 10:42:32

19 (Reconvened at 10:56 a.m.) 10:42:32

20 VIDEOGRAPHER: This begins disk number two 10:42:58
21 of the video deposition of Sayfe Kiaei, Ph.D. The 10:57:26
22 time is 10:56:42 a.m. We are now on the record. 10:57:30

23 BY MR. HAIGHT: 10:57:35

24 Q Welcome back, Dr. Kiaei. 10:57:37

1 A Thank you, counsel. 10:57:40

2 Q Did you discuss the substance of your 10:57:42
3 testimony with any of your counsel during the break? 10:57:45

4 A No, I did not. 10:57:48

5 Q I want to turn to Figure 4 of the '648 10:57:49
6 patent. And Figure 4 appears to be a software 10:57:54

7 architecture diagram similar to those we discussed 10:58:12
8 in the prior two days. Would you agree with that? 10:58:15

9 A Figure 4 is the network protocol stack as 10:58:23
10 we discussed in the previous days. 10:58:27

11 Q And at risk of repeating what we've done 10:58:35
12 over the last couple days, I think there might be 10:58:39
13 some differences here, so I do want to go through, 10:58:41
14 and especially because we have the shading issue 10:58:42
15 again, to identify some of these components. 10:58:46

16 If it helps you, I believe this figure is 10:58:48
17 described in column 10, starting at column 10 of the 10:58:51
18 '648 patent and into column 11. Do you see the 10:58:54
19 heading Roman Numeral III, Software, at line 58 of 10:59:02
20 column 10? 10:59:08

21 A Sorry. Yes. I have column 10. What line 10:59:26
22 was this. 10:59:28

23 Q Around 58. 10:59:30

24 A Okay. 10:59:31

1 Q It says Roman III, Software? 10:59:31

2 A Yes. 10:59:35

3 Q Okay. Figure 4, as you said, depicts the 10:59:36

4 network protocol stack for the, that's for the 10:59:40

5 gateway device 106 that was shown in Figure 1A; is 10:59:50

6 that correct? 10:59:54

7 A Yes, it is. It is a device 106 software 10:59:55

8 architecture or network protocol stack. 11:00:02

9 Q And at the lowest layer we see elements 11:00:08

10 401, 402 and 403; correct? 11:00:15

11 A Yes. We do. We see 401, 402 and 403. 11:00:18

12 Q And that would represent the physical 11:00:20

13 layer? 11:00:22

14 A Those are the phy layer or physical layer, 11:00:23

15 yes. 11:00:26

16 Q Element 403 is labeled as the GPRS 11:00:27

17 Baseband? 11:00:33

18 A Yes. Yes, it is. 11:00:33

19 Q And that component is used to transmit and 11:00:37

20 receive cellular signals. Would you agree with 11:00:43

21 that? 11:00:45

22 A Yes, it is. 11:00:46

23 Q Element 402, also in the physical layer, 11:00:50

24 is labeled as the Bluetooth Baseband; is that 11:00:54

1 correct?

11:00:59

2 A Yes. That is a Bluetooth baseband, yes.

11:00:59

3 Q And that component would be used to

11:01:00

4 transmit and receive Bluetooth radio signals?

11:01:02

5 A That is the baseband functionality of the

11:01:10

6 physical layer to work with the front-end RF to send

11:01:14

7 the Bluetooth signal. To work with the RF, radio

11:01:19

8 frequency.

11:01:28

9 Q And then element 401 is simply the other

11:01:29

10 baseband. Do you see that?

11:01:33

11 A Yes. Element 401 is other baseband.

11:01:35

12 Q And that would represent generally other

11:01:38

13 types of telecommunication baseband technologies

11:01:41

14 that could be implemented in a device like 106; is

11:01:46

15 that correct?

11:01:51

16 A It doesn't describe here the details of

11:01:52

17 what other baseband functions are. One familiar

11:01:55

18 with the art would understand that this could be a

11:02:02

19 number of things, baseband filtering, baseband error

11:02:05

20 correction, whatever else it could be.

11:02:10

21 Q Sure. And let me point you to column 11,

11:02:12

22 line 24 of the '648 patent.

11:02:16

23 A Uh-huh.

11:02:21

24 Q And that line -- in that sentence it says:

11:06:34

1 Other telecommunication software may be based -- I'm 11:06:34
2 sorry -- "other telecommunication software may be 11:06:34
3 used as illustrated by other basebands." 11:06:34

4 THE COURT REPORTER: I need to break here. 11:06:34

5 (Recessed at 11:02 a.m.) 11:06:34

6 (Reconvened at 11:06 a.m.) 11:06:34

7 VIDEOGRAPHER: The time is 11:06:06 a.m. 11:06:53

8 We are now on the record. 11:06:56

9 BY MR. HAIGHT: 11:07:00

10 Q Dr. Kiaei, before we had a little bit of a 11:07:00
11 technical glitch I believe there was a question 11:07:04
12 pending, so I'm going to withdraw that and ask a new 11:07:06
13 question so the record is clear. 11:07:08

14 We were discussing the block 401 of Figure 11:07:11
15 4 labeled as Other Basebands. Do you recall that? 11:07:15

16 A Yes, I do recall that. 11:07:22

17 Q And in column 11 at line 24 of the '648 11:07:24
18 patent it states: "Other telecommunication software 11:07:33
19 may be used as illustrated by other basebands 401"; 11:07:36
20 correct? 11:07:39

21 A Yes. 11:07:41

22 Q So that other basebands would represent 11:07:43
23 telecommunication software other than GPRS or 11:07:47
24 Bluetooth that could be used to communicate with 11:07:55

1 other devices from device 106? 11:08:03

2 A Potentially, yes, given that the other 11:08:11
3 physical components are available in the device. 11:08:16

4 This is only showing the software component in the 11:08:20
5 baseband. It could also mean -- it's a very general 11:08:24
6 statement. It could also mean other baseband 11:08:27
7 functionalities, meaning that for GPRS or Bluetooth 11:08:30
8 if there are additional baseband functionalities 11:08:34
9 that needs to get done, those are done here, like 11:08:37
10 filtering, for example, or error correction and so 11:08:40
11 forth. The way the statement is is pretty generic. 11:08:42

12 Q And the layer above the physical layer 11:08:51
13 that we identified, which is labeled as block 404, 11:08:57
14 that's a media abstraction layer; is that correct? 11:09:01

15 A Yes, it is. 11:09:05

16 Q And that media abstraction layer allows 11:09:06
17 the operating system to communicate with the 11:09:12
18 basebands? 11:09:14

19 A The media abstraction layer allows the phy 11:09:17
20 layer to work with the operating system and pass 11:09:22
21 data between the phy layer to the operating system. 11:09:27

22 Q And that layer isolates the operating 11:09:34
23 system from, from the baseband layer; correct? 11:09:38

24 A In a general term, abstract term, yes, it 11:09:47

1 does. In general, yes. 11:09:51

2 Q And above the media abstraction layer 404 11:10:02
3 there is an operating system layer labeled as block 11:10:07
4 405; is that correct? 11:10:13

5 A Yes, it is. 11:10:14

6 Q And I think that block in Figure 4 11:10:15
7 identifies Nucleus, Linux and EPOC, E-P-O-C. Do you 11:10:18
8 see that? 11:10:24

9 A Yes, I do. 11:10:24

10 Q And are those examples of operating 11:10:25
11 system, operating systems? 11:10:30

12 A Yes, they are. 11:10:34

13 Q In the next layer up in Figure 4 there are 11:10:39
14 four different blocks. The first one on the 11:10:47
15 right-most labeled as block -- I'm sorry -- on the 11:10:50
16 left, labeled as 414. Do you see that block? 11:10:52

17 A Yes, I do. 11:11:01

18 Q And that's labeled the Telecommunication 11:11:02
19 Usage Software; is that correct? 11:11:05

20 A Yes. I do see that, yes. 11:11:10

21 Q And according to the '648, that software 11:11:13
22 component provides information from the short 11:11:21
23 distance wireless network in order to provide -- 11:11:28
24 well, let me withdraw that. 11:11:37

1 What is your understanding of what that 11:11:40
2 software block is doing in the context of '648? 11:11:43

3 A As it's also stated in the patent, '648, 11:11:55
4 line 49, the telecommunication usage software 11:12:00
5 component 414 and a device status software 415 are 11:12:06
6 used to provide information from a short distance 11:12:11
7 wireless network in order to provide software 11:12:20
8 component -- in order to provide a software 11:12:24
9 component according to an embodiment of the present 11:12:36
10 invention. 11:12:40

11 Q And you referenced block 415. That's 11:12:46
12 labeled as the Device Status Software; is that 11:12:52
13 correct? 11:12:55

14 A Yes, it is. 11:12:56

15 Q And those two software blocks are used in 11:13:03
16 conjunction to provide information from the short 11:13:06
17 distance network to the, to the wide area network in 11:13:15
18 order to obtain software component? 11:13:26

19 A Those are used to provide information from 11:13:31
20 the short distance wireless network to provide 11:13:34
21 software component, yes. 11:13:38

22 Q Block 416 of Figure 4, that's labeled 11:13:57
23 Application Service Software. Do you see that? 11:14:04

24 A Yes, I do. 11:14:09

1 Q What is your understanding of what the 11:14:11
2 application service software component does within 11:14:15
3 this protocol stack? 11:14:22

4 A These are application software that are 11:14:46
5 downloaded -- that are -- these are application 11:14:48
6 software that is loaded into the device 106 or the 11:14:52
7 terminals 107 from the server 101. 11:14:56

8 Q And then block 417 of Figure 4 is the GUI 11:15:13
9 or the graphic user interface; is that correct? 11:15:18

10 A Yes, it is. 11:15:23

11 Q Please turn to Figure 5G of the '648 11:15:33
12 patent. What is your understanding of what is being 11:15:38
13 depicted in Figure 5G? 11:16:17

14 A Give me one second, please. It's been a 11:16:36
15 long three days. In general, Figure 5 -- sorry. 11:18:37
16 Figure 5G shows downloading a software component to 11:19:39
17 a short distance wireless network 116. 11:19:54

18 Q And according to that method of 5G, of 11:20:03
19 Figure 5G, there is an initial determination of 11:20:12
20 whether a new device is activated; is that correct? 11:20:15

21 A Yes. It discusses that a determination is 11:20:36
22 made whether a new device or terminal has been 11:20:40
23 activated in short distance wireless network 116. 11:20:42

24 Q And if it's determined that there is a new 11:20:51

1 device activated in the short distance wireless 11:20:58
2 network, it then will obtain the device type, is 11:21:01
3 that correct, the type of device that is newly 11:21:09
4 activated? 11:21:14

5 A Yes. In box number 571 of that flow chart 11:21:15
6 it shows obtaining a device type in there. 11:21:24

7 Q And it will also obtain the manufacturer 11:21:34
8 of the device? 11:21:37

9 A I apologize. It's been a long three days 11:22:49
10 and a number of patents and over 40 references I 11:22:56
11 have looked at in the last three days. So going 11:23:01
12 back to column three, the discussion we had in 11:23:13
13 there, now that I'm looking at Figure 5G, as well as 11:23:17
14 the information that we discussed regarding column 11:23:23
15 three on the device information, as well as a user 11:23:29
16 information, on the device information I was 11:23:43
17 focusing on what was said in claim one and that's 11:23:51
18 what was confusing me. But in device information, 11:23:58
19 including the device type, manufacturer of the 11:24:02
20 device, and where the device was purchased and 11:24:06
21 activation date would also be device information. 11:24:15

22 Q And according to the figure of 5G, the, 11:24:20
23 once a new device is activated in that short range 11:24:32
24 network, the device type and the device manufacturer 11:24:35

1 and user preference are obtained; correct? 11:24:40

2 A In that figure, yes; device type, device 11:24:47
3 manufacturer and user information -- user, obtain 11:24:51
4 user preferences are obtained. 11:24:55

5 Q And that information is then put into a 11:24:58
6 message and then sent via a cellular signal to 11:25:04
7 server 101; is that correct? And if it helps, I 11:25:08
8 will point you to roughly lines 10 to 15 of Figure 11:25:20
9 14 -- column 14. Sorry. 11:25:23

10 A Thank you. Yes. It says in there as 11:25:29
11 well, in the embodiment of the present invention, 11:25:45
12 the short range radio signal includes device 11:25:50
13 information such as a device type, a device 11:25:54
14 manufacturer, when the device was purchased and/or 11:25:57
15 current date. 11:26:01

16 Q Then it -- then could you read the next 11:26:10
17 two sentences? 11:26:15

18 A Sure. Yes. "Obtaining device type and 11:26:16
19 device manufacturer is illustrated by logic blocks 11:26:20
20 571 and 572. In an embodiment of the present 11:26:26
21 invention, device information is obtained by 11:26:33
22 generating a message containing the device 11:26:38
23 information in a cellular signal from device 106 to 11:26:42
24 WAN 105 and in particular to server 101." 11:26:51

1 Q Thank you. 11:26:57

2 A Thank you, counsel. Would you mind if I 11:26:58
3 take a two-minute break? Let's finish the question 11:27:06
4 first. 11:27:10

5 Q I just have a few more questions on Figure 11:27:11
6 5G and then -- 11:27:13

7 A Yeah. The last break I didn't -- I need 11:27:15
8 to take a quick bio break. 11:27:20

9 MR. HAIGHT: That's okay. We will break 11:27:26
10 now. 11:27:28

11 THE WITNESS: Is that okay? I appreciate 11:27:28
12 that. I'll be back right away. 11:27:30

13 VIDEOGRAPHER: The time is 11:26:43 a.m. 11:27:31
14 We are now off the record. 11:27:35

15 (Recessed at 11:26 a.m.) 11:27:36

16 (Reconvened at 11:31 a.m.) 11:27:37

17 VIDEOGRAPHER: The time is 11:31:55 a.m. 11:28:47
18 We are now on the record. 11:31:46

19 BY MR. HAIGHT: 11:31:48

20 Q Dr. Kiaei, referring back to Figure 5G 11:31:53
21 that we were discussing before the brief break, in 11:31:59
22 that, in that flow diagram after the device type and 11:32:05
23 device manufacturer and the user preference are 11:32:26
24 obtained, I think you agreed that there is a 11:32:28

1 download of a software component; is that fair? 11:32:32

2 A Yes. Block 574 shows download of software 11:32:39
3 component. 11:32:46

4 Q Going back to the obtaining of the user 11:33:11
5 preference block 573, would you agree that the '648 11:33:15
6 in that block is talking about obtaining a user 11:33:23
7 preference from the usage information 610A? And 11:33:31
8 I'll point you to lines 24, column 14. 11:33:38

9 A Yes. It discusses in the patent also, in 11:35:00
10 particular, a user preference such as being a, an 11:35:04
11 AOL user, is retrieved from the usage information 11:35:08
12 610A. 11:35:14

13 Q And I gather you know where we are going, 11:35:27
14 but now we can turn to Figure 6. I believe 610A is 11:35:29
15 shown in Figure 6; is that correct? 11:35:35

16 A Yes, counsel. 11:35:38

17 Q And what is your understanding of what 11:35:40
18 Figure 6 is depicting there? 11:35:42

19 A Figure 6 is showing the server 101, which 11:35:48
20 we already discussed earlier. 11:35:57

21 Q Would you agree that that diagram is a 11:36:12
22 software architecture of server 101? 11:36:17

23 A I would not call it a software 11:36:32
24 architecture similar to the protocol stack we 11:36:34

1 discussed in Figure 4, but it is a block diagram 11:36:38
2 that shows the different blocks which are in server 11:36:42
3 101. Meaning that there is no -- it's a flat 11:36:47
4 hierarchy here. There is no hierarchy up or down. 11:36:53
5 Q And in that software diagram of Figure 6 11:37:38
6 there is a rate schedule block 601; correct? 11:37:46
7 A Can you repeat the question, please? 11:38:04
8 Q Sure. In the software diagram of Figure 6 11:38:06
9 there is a block labeled Rates Schedule 601? 11:38:09
10 A Yes, counsel. 11:38:15
11 Q There is also an application service 11:38:32
12 software 602; is that correct? 11:38:36
13 A Yes, counsel. 11:38:39
14 Q And a message generation component 603? 11:38:41
15 A Yes, counsel. 11:38:46
16 Q A user database 604; do you see that? 11:38:48
17 A Yes, I do. 11:38:53
18 Q And then at the bottom of Figure 6 we have 11:39:02
19 a promotional plan generation block 605? 11:39:05
20 A Yes. 11:39:11
21 Q There is also a price plan generation 11:39:11
22 block 606? 11:39:15
23 A Yes. 11:39:15
24 Q And an invoice generation block 607; 11:39:16

1	correct?	11:39:19
2	A Correct.	11:39:21
3	Q User database 604, that includes a, a user	11:39:30
4	record 120?	11:39:41
5	A Yes.	11:39:42
6	Q And that user record would include usage	11:39:46
7	information 610 that we identified before?	11:39:49
8	A Yes, it is.	11:39:53
9	Q It also includes status info 611A?	11:39:54
10	A Correct.	11:39:58
11	Q Also includes prices plan 612A?	11:39:58
12	A Yes. Correct.	11:40:02
13	Q And also includes replacement plan 613A;	11:40:03
14	is that correct?	11:40:07
15	A Correct. Yes.	11:40:07
16	Q And in the usage information block 610A do	11:40:53
17	you see a list of it looks like starred items below	11:41:01
18	that?	11:41:07
19	A Yes, counsel.	11:41:07
20	Q Do those represent to you types of usage	11:41:11
21	information? Let me ask -- let me withdraw that and	11:41:14
22	ask a different question.	11:41:23
23	Are those starred items listed below block	11:41:24
24	610A, are those part of the usage information as	11:41:27

1 contemplated in the '648 patent? 11:41:32

2 MR. MUKERJI: Objection to form. 11:41:42

3 A These are usage information as listed here 11:42:08

4 in terms of types, Man, preference, Sftw, which I 11:42:11

5 presume means software, date and the retailer. 11:42:21

6 Q Just to put a pin in that, if I direct you 11:42:28

7 to the top of column 6 at line 3, do you see the 11:42:31

8 sentence that starts: "In an embodiment of the 11:42:41

9 present invention, usage information 610A includes"? 11:42:44

10 Do you see that? 11:42:48

11 A Yes, I do. 11:42:49

12 Q So that would correspond to those items 11:42:51

13 that you just listed off; correct? That list? 11:42:53

14 A Yes, it is. If you don't mind, give me 11:42:57

15 one second to recollect my memory again on block 11:43:05

16 610A. We can continue, please. 11:43:10

17 Q Turning to, back to your declaration, 11:44:11

18 Exhibit 1445-3 -- 11:44:14

19 A Yes, counsel. 11:44:19

20 Q -- and at the end of paragraph -- I'm 11:44:21

21 sorry -- above paragraph 21, which is on page 9 of 11:44:27

22 your declaration, do you see there is a figure there 11:44:31

23 labeled Exhibit 1001 (the '648 patent), Figure 5G 11:44:39

24 Excerpt? 11:44:47

1 A Yes, counsel. 11:44:49

2 Q And that's an excerpt of the diagram that 11:44:51

3 we were referring to that we went through earlier? 11:44:55

4 Do you recall that? 11:44:57

5 A Yes, counsel. 11:44:58

6 Q Is there any particular reason you only 11:45:03

7 provided that excerpt of that figure there instead 11:45:06

8 of the whole thing? 11:45:12

9 A No particular reason. Primarily the focus 11:45:14

10 was on these blocks in the description I had above, 11:45:20

11 so I put those logical blocks 571 through 574 here. 11:45:23

12 Q But you would agree at least that the 11:45:31

13 Figure 5G includes more than what is shown in your 11:45:33

14 declaration there? 11:45:37

15 A Figure 5G shows additional elements as 11:45:38

16 shown in the '648 patent, yes, I agree with that. 11:45:44

17 Q Going back to paragraph 14 of your 11:46:12

18 declaration -- 11:46:16

19 A Yes, I have that, counsel. 11:46:25

20 Q -- in paragraph 14 you say you reviewed 11:46:27

21 the '648 patent, including the claims of the patent, 11:46:30

22 in view of the specification and the file history. 11:46:33

23 In addition, I have reviewed the following 11:46:36

24 documents, and then there is a list of several 11:46:38

1 documents below. Do you see that? 11:46:41

2 A Yes, counsel. 11:46:43

3 Q Does that list of documents, are those the 11:46:50

4 documents you reviewed and relied on in preparation 11:46:54

5 of this declaration? 11:46:56

6 A Yes, counsel. 11:46:58

7 Q As you sit here today, are you aware of 11:47:00

8 any other documents that you reviewed that you used 11:47:03

9 in preparing this declaration? 11:47:07

10 A No, besides my own knowledge, and as I 11:47:09

11 said yesterday, looking at a few textbooks laying in 11:47:16

12 my office and so on, if there was any information. 11:47:20

13 But it wasn't -- I did not rely on this declaration. 11:47:22

14 Q You did not rely on those -- 11:47:25

15 A I did not rely on -- 11:47:28

16 Q -- other references? Did you conduct any 11:47:32

17 prior art searching on your own in preparation of 11:47:50

18 this declaration? 11:47:54

19 A No. No, I did not. 11:48:01

20 Q In paragraph 22 of your declaration, which 11:48:09

21 is on page 10, there is a similar section that we 11:48:12

22 discussed in other, other of your declarations 11:48:19

23 entitled Terminology. Do you see that? 11:48:28

24 A Yes, counsel. 11:48:30

1 Q And here you have not provided any 11:48:33
2 additional guidance for any other terms of the 11:48:38
3 claims of the '648 patent; correct? 11:48:43

4 A Not that I recall, no, I have not. At 11:48:46
5 least in this paragraph I'm not discussing any, any 11:48:49
6 specifics. 11:48:54

7 Q So is it your opinion when you prepared 11:49:00
8 this that the language of the claims that you 11:49:02
9 reviewed of the '648 were sufficiently clear and 11:49:05
10 would be understood by one of ordinary skill in the 11:49:10
11 art without further guidance? 11:49:14

12 MR. MUKERJI: Objection. Outside the 11:49:21
13 scope. You can answer. 11:49:23

14 A It's going to be a similar answer as I 11:49:25
15 gave yesterday. That the -- can you ask the 11:49:27
16 question again, please? 11:49:37

17 Q Sure. 11:49:39

18 A Thank you. 11:49:40

19 Q Is it your opinion that at the time you 11:49:42
20 prepared this document, the language of the 11:49:47
21 challenged claims of the '648, that those claims 11:49:51
22 were sufficiently clear or would be clear to one of 11:49:59
23 ordinary skill in the art such that they wouldn't 11:50:02
24 need additional guidance as to what that language 11:50:05

1 meant? That was a terrible question. Let me
2 withdraw that. I apologize.

3 At the time you prepared this declaration,
4 was it your opinion that the claim language of the
5 challenged claims was sufficiently clear that you
6 did not need to provide additional guidance as to
7 their meaning?

8 A When I was reading the patent and the
9 claim language and looking at the specification of
10 the patent and the claims for the usage of the, how
11 a POSITA would look at it, my declaration is based
12 on that. In general in the declaration I have here,
13 I have looked at the claims and considered the
14 claims and formed an opinion, and also this in
15 conjunction with the prior art I have, I -- I've
16 looked at how a POSITA would interpret these claims.

17 As an expert witness, I have my
18 declaration which explains what is my interpretation
19 of that with the prior art, including what I have
20 here, which has a, a, the first section relying on
21 the reference Dexter and continuing on and looking
22 at other -- I lost my train of thought. I
23 apologize.

24 Q Let me try to refocus you then.

1 A Yeah, I got too -- 11:53:47

2 Q The section Terminology in your 11:53:50
3 declaration doesn't provide additional guidance on 11:53:53
4 any other terms of the challenged claims of the '648 11:53:55
5 patent; correct? 11:53:58

6 A The section Terminology, paragraph 22, it 11:53:59
7 discusses in general that the claims are interpreted 11:54:03
8 as broadly as possible, but I do not have -- in this 11:54:07
9 section I do not interpret any specific item as I 11:54:12
10 have in the other patents. Thank you. 11:54:16

11 Q And when you reviewed -- when you prepared 11:54:19
12 this declaration, and in your review of the 11:54:22
13 challenged claims, if there were any terms or 11:54:27
14 language in those claims that you felt needed 11:54:31
15 additional guidance, would you have put it in this 11:54:34
16 section? 11:54:38

17 MR. MUKERJI: Objection to form. 11:54:39

18 A It is possible that in the body of the 11:54:45
19 declaration itself I have had further explanation 11:54:47
20 on, on the specifics that when I'm reviewing those. 11:54:53
21 But I do not have them in the section here in terms 11:54:59
22 of the specific claims, how they should be 11:55:02
23 interpreted. 11:55:07

24 Q And is it your opinion that one of 11:55:12

1 ordinary skill in the art reading the challenged 11:55:14
2 claims of the patent would understand the language 11:55:17
3 of those claims without further guidance? 11:55:20

4 MR. MUKERJI: Objection to form and scope. 11:55:24

5 A I was not asked to look at -- when I was 11:55:27
6 preparing the document, I had guidance and I worked 11:55:37
7 with the counsel. I cannot talk about a 11:55:41
8 hypothetical case where a POSITA by themselves 11:55:44
9 reading the patent on their own, what they could 11:55:46
10 conclude. On a technical basis I reviewed the 11:55:50
11 patent, the body of the patent and the language of 11:55:53
12 the patent, and based on that my declaration is 11:55:56
13 using that. But I cannot hypothetically talk about 11:55:59
14 a person of skill in the art on their own just 11:56:04
15 reading the patent. I have the guidance in here 11:56:08
16 working on the patent. 11:56:11

17 Q I want to hand you what we will mark as 11:56:15
18 Exhibit 1445-6. 11:56:22

19 (1445 Exhibit Number 6 11:56:27

20 was marked for identification.) 11:56:27

21 BY MR. HAIGHT: 11:56:42

22 Q Do you recognize what's been handed to you 11:57:14
23 as Exhibit 1445-6? 11:57:17

24 A Yes, counsel. 11:57:20

1 Q What is that document? 11:57:21

2 A This document is WIPO International 11:57:28

3 Publication Number WO 01/012285. And this one I 11:57:35

4 call it Dexter by the first name of the author 11:57:49

5 rather than Liu, by the last name of the author. 11:57:57

6 But throughout the discussion we have, if you would 11:58:01

7 call it Dexter, that's okay. 11:58:05

8 Q That's fine. We will stick with that 11:58:07

9 terminology for the purposes of today. And that was 11:58:07

10 Dexter Liu, L-I-U; correct? 11:58:08

11 A That's right. That's Dexter Liu. L-I-U. 11:58:11

12 Q And this was a reference that you relied 11:58:15

13 on in your declaration; is that correct? 11:58:18

14 A Yes, it is one of the references I used, 11:58:24

15 prior art in my declaration. 11:58:27

16 Q If you could turn to, it's page 1 of the 11:58:47

17 Liu reference, but I believe it's stamped as page 2. 11:59:03

18 It's the page titled Networked Toys at the top. 11:59:09

19 A Yes, I see that. 11:59:14

20 Q Roughly around line 24 there is a 11:59:21

21 paragraph that begins, "there remains a need." Do 11:59:23

22 you see that paragraph? 11:59:27

23 A Yes, counsel. 11:59:28

24 Q Would you read that sentence for the 11:59:29

1 record? 11:59:31

2 A "There remains a need for toys that employ 11:59:34

3 advancing hardware and internetworking" -- sorry -- 11:59:40

4 "and internetworking to provide interactivity 11:59:46

5 between multiple toys, networked distribution of 11:59:55

6 play patterns and other content, feedback and 12:00:09

7 evolution of play patterns, and/or a platform for 12:00:15

8 developing play patterns." 12:00:20

9 Q And would you agree with me that the 12:00:33

10 primary goal of the system described in the, the 12:00:36

11 systems described in the Dexter reference are to 12:00:40

12 provide a toy that advances hardware and 12:00:43

13 inter-networking to provide interactivity between 12:00:46

14 multiple toys, networked distribution of play 12:00:50

15 patterns and other content, feedback and evolution 12:00:53

16 of play patterns, and/or a platform for developing 12:00:53

17 play patterns? 12:00:58

18 A In general that is one of the discussions 12:01:30

19 that is in the Dexter reference. But in my 12:01:35

20 paragraph 32 also I have a clear description of some 12:02:03

21 of the elements in there as well for this. 12:02:07

22 Q Sure. Going a couple paragraphs forward 12:02:09

23 of that, paragraph 29 of your declaration, and below 12:02:14

24 that there is a diagram Figure 1. Do you see that? 12:02:33

1 A Yes, counsel. 12:02:41

2 Q You have that labeled as Excerpt, 12:02:43

3 Annotated. Do you see that? 12:02:45

4 A Yes, counsel. 12:02:49

5 Q What annotation did you provide to that, 12:02:51

6 add to that figure? 12:02:55

7 A That Figure 1 is identical to the Figure 1 12:03:23

8 in the Dexter reference. 12:03:27

9 Q So you don't know why you would have 12:03:31

10 labeled it as excerpted or annotated? 12:03:33

11 A I think it may have been a mistake as I 12:03:39

12 was copying and pasting from the previous diagrams, 12:03:44

13 because I may have done that. This figure is again 12:03:48

14 shown on page 17 on my declaration, and there I only 12:03:52

15 call it excerpt. It's not, "annotation" is not 12:03:58

16 there anymore. So I think it may have been a typo, 12:04:02

17 added undesired typo. 12:04:06

18 Q Sure. And in both of those figures you 12:04:09

19 have it had labeled as excerpted. What did you 12:04:11

20 excerpt? 12:04:15

21 A The entire Figure 1, I did not take any 12:04:26

22 part of Figure 1 out of there. I excerpted -- I 12:04:33

23 excerpted it; other page 51 of the patent did not 12:04:38

24 include Figure 2. That's why I called it excerpt. 12:04:44

1 But it's Figure 1. It's completely Figure 1. There 12:04:48
2 is nothing changed in there. 12:04:51

3 Q In paragraph 29 of your declaration, the 12:04:56
4 third sentence that starts with the word 12:05:03
5 "specifically," do you see that? 12:05:06

6 A Yes. 12:05:10

7 Q You referred to Dexter describing a 12:05:12
8 sophisticated network system. Do you see that? 12:05:14

9 A Yes. 12:05:17

10 Q What do you mean by sophisticated network 12:05:20
11 system? 12:05:24

12 A It was a general terminology I used which 12:05:32
13 described the network that Dexter shows in Figure 1 12:05:37
14 and the other figures which has the elements of the, 12:05:49
15 a programmable device 10 connected to the interface 12:05:58
16 which is connected to an element 50. There wasn't a 12:06:07
17 specific terminology I would call the sophisticated, 12:06:17
18 it was more of a saying that it's a network which 12:06:21
19 has many elements in it. More of an adjective I 12:06:25
20 would say than any specific terminology. 12:06:29

21 Q So in your opinion the, the principles of 12:06:33
22 the invention depicted in Figure 1 represent a 12:06:50
23 sophisticated network? 12:06:55

24 MR. MUKERJI: Objection. 12:06:59

1 A It's a terminology I used at the time I 12:07:01
2 was typing it. I can't tell you why I specifically 12:07:04
3 call it sophisticated network. 12:07:09

4 Q And at the end of that sentence you refer 12:07:17
5 to an environment of sophisticated toys. Do you see 12:07:19
6 that? 12:07:24

7 A Yes. 12:07:29

8 Q And what is your opinion -- strike that. 12:07:30
9 In your opinion what is a sophisticated toy versus 12:07:40
10 an unsophisticated toy? 12:07:45

11 A It is a toy which has networking 12:07:55
12 capabilities and communication capabilities in it. 12:07:58
13 It includes interfaces and communications in that 12:08:04
14 programmability software, new features and the toy 12:08:20
15 being able to have capabilities to identify self in 12:08:26
16 terms of the manufacturer and the type of a toy, and 12:08:34
17 other features that are in there. 12:08:39

18 I look at that, the toy, I look at the toy 12:08:44
19 more as a shell. Really it is a, a, part of a 12:08:48
20 communication system which has control capabilities, 12:08:57
21 download capabilities and so forth. So that's why I 12:09:00
22 call it a sophisticated toy, because at the time of 12:09:06
23 an invention -- nowadays we see a lot of toys with 12:09:14
24 these capabilities. At the time of invention this 12:09:20

1 had a lot of novel features in it. So I'm writing 12:09:26
2 the report based on looking at it from that 12:09:32
3 perspective. 12:09:35

4 MR. MUKERJI: Mr. Haight, since there is a 12:11:15
5 bit of break in the action, we have been going about 12:11:17
6 an hour, although I know there was a mini-break in 12:11:19
7 there, but whenever it's convenient for you, I 12:11:23
8 suggest a lunch break. 12:11:27

9 THE WITNESS: If you are in the middle of 12:11:29
10 a question, we can go for a few more minutes. If 12:11:31
11 you would like to start a new line of questions, it 12:11:34
12 may be better to take a break. I agree. 12:11:37

13 MR. HAIGHT: Let's go off the record for a 12:11:40
14 quick second. 12:11:42

15 VIDEOGRAPHER: The time is 12:10:54 p.m. 12:11:43
16 We are off the record. 12:11:47

17 (Recessed at 12:10 p.m.) 12:11:48

18 (Reconvened at 12:17 p.m.) 12:11:49

19 VIDEOGRAPHER: The time is 12:17:28 p.m. 12:18:15
20 We are now on the record. 12:18:20

21 (1445 Exhibit Number 7 12:18:29

22 was marked for identification.) 12:18:29

23 BY MR. HAIGHT: 12:18:45

24 Q Dr. Kiaei, before we broke we were 12:18:53

1 discussing the Dexter Liu reference, Exhibit 1445-6, 12:18:55
2 and I think we mentioned the concept of play 12:19:00
3 patterns. Do you recall that? 12:19:05

4 A Yes, I do. 12:19:09

5 Q What is your understanding of what a play 12:19:11
6 pattern is as it's used in the, in that reference? 12:19:13

7 A These are different patterns that a toy 12:22:17
8 can play, can do, which are software components and 12:22:27
9 downloads that are sent specifically to the 12:22:37
10 preferences or the user, customized for what the 12:22:45
11 user preferences are. So these software components 12:22:51
12 are different play patterns which are downloaded to 12:22:56
13 the toy in response to the user preference of a type 12:22:59
14 of the software component. 12:23:08

15 Q I'm handing you or maybe you already have 12:23:15
16 it, what's been marked as 1445-7. 12:23:18

17 A Yes. 12:23:23

18 Q Do you have that? 12:23:23

19 A Yes. 12:23:24

20 Q Do you recognize that document? 12:23:24

21 A Yes, counsel, I do. 12:23:26

22 Q What is Exhibit 1445-7? 12:23:30

23 A It is Patent Number U.S. 7,076,536, also 12:23:34
24 called '536, by Chiloyan. That's it. 12:23:44

1 Q That's also a reference that you have 12:23:53
2 relied on in your first declaration? 12:23:56

3 A Yes, I have. 12:23:59

4 Q And Chiloyan describes a system and method 12:24:27
5 to obtain software pertinent to a peripheral device 12:24:32
6 based on a peripheral device identifier; is that 12:24:44
7 correct? 12:24:48

8 A In general it relates to a personal 12:25:27
9 computer that connects to different devices, 12:25:29
10 peripheral devices in here. And it downloads 12:25:32
11 software pertaining to a peripheral device over the 12:25:44
12 network that it shows. And, and it obtains the 12:25:51
13 automated -- it has structure that has an 12:26:13
14 automated -- automatic access of getting the 12:26:16
15 software over a network and the required drivers and 12:26:20
16 other software it may need for the peripherals, and 12:26:24
17 the peripheral devices. 12:26:29

18 If I can add one more sentence on there as 12:26:30
19 well? Specifically what Chiloyan also shows in 12:26:49
20 addition to that is a peripheral device, has an 12:26:51
21 identifier, which you already discussed, a 12:26:55
22 peripheral device identifier in there. 12:27:02

23 Q So Chiloyan describes a system in which if 12:27:14
24 say a peripheral is connected to a host computer, 12:27:17

1 that host computer then goes out and retrieves 12:27:28
2 software related to that peripheral? Is that 12:27:34
3 accurate? 12:27:39

4 A What it does is that the system, one of 12:27:51
5 the examples it shows is based on a personal 12:28:04
6 computer which transfers over the cellular wireless 12:28:08
7 network connection the peripheral device identifier 12:28:12
8 to the remote computer. 12:28:19

9 Q And let me point you to column three of 12:28:29
10 the '536 Chiloyan patent, roughly around line 15. 12:28:36

11 A Line 15? 12:28:57

12 Q Uh-huh. 12:28:59

13 A Yes. 12:29:00

14 Q Could you read that first sentence of that 12:29:04
15 paragraph? 12:29:07

16 A From line 8? 12:29:10

17 Q No. From line 15. 12:29:11

18 A Okay. Column four, right? 12:29:13

19 Q Column three. 12:29:17

20 A I apologize. I was looking at column -- 12:29:17
21 it would be -- "It would thus be desirable to 12:29:49
22 provide another method applicable to existing 12:29:54
23 peripheral devices for automatically providing a 12:29:58
24 network address for a site from which materials 12:30:04

1 pertaining to a peripheral device that is connected 12:30:07
2 to a host computing device can be obtained." Do you 12:30:10
3 want me to continue? 12:30:16

4 Q No. That's good for now. Would you agree 12:30:18
5 that that is a solution that the '536 patent is 12:30:21
6 attempting to provide? 12:30:27

7 A I would say that's a generalization of -- 12:30:33
8 sorry. You are focusing on one sentence. There is 12:30:36
9 many other features that the patent describes in 12:30:38
10 there. That's one of the things it discusses in 12:30:42
11 that sentence. 12:30:45

12 Q And Chiloyan doesn't discuss or describe 12:30:47
13 any usage of toys, does it? 12:30:57

14 A Specifically Chiloyan does not discuss 12:31:05
15 toys, but it discusses peripherals and other devices 12:31:09
16 connected which are electronic devices that perform 12:31:13
17 similar functionalities to, to the type of toys we 12:31:18
18 were discussing earlier in the Dexter patent. 12:31:21

19 Q Does Chiloyan discuss or describe play 12:31:25
20 patterns as we had discussed them earlier? 12:31:30

21 A It does discuss that the device that it 12:31:58
22 has, which could be a toy, for example, it 12:32:06
23 communicates with the interface, which communicates 12:32:09
24 with the server over a cellular connection. 12:32:14

1 Q That wasn't my question. 12:32:18

2 A Oh. 12:32:20

3 Q Does it describe, discuss or describe the 12:32:20
4 use of play patterns? 12:32:24

5 A If I look at the play pattern in terms of 12:32:39
6 appropriate software that is downloading, what 12:33:07
7 Chiloyan discusses is that when it receives the 12:33:10
8 identifier from the peripheral device, the Chiloyan 12:33:15
9 remote system, remote computer downloads appropriate 12:33:21
10 device drivers for the peripheral device to the 12:33:27
11 personal computer and that downloads the device 12:33:30
12 software, appropriate software and so on to the 12:33:35
13 peripheral device. 12:33:39

14 So play pattern is, if I look at it from 12:33:39
15 an electronics perspective and signals coming in, 12:33:44
16 there are softwares that are coming in to make the 12:33:49
17 toy have different play patterns which is similar to 12:33:52
18 what we are talking about here, having different 12:33:55
19 software coming into the peripheral device. So we 12:33:58
20 have to look at the, in here with respect to what is 12:34:03
21 going on electronically because the topic of 12:34:10
22 discussion here is electronic systems, 12:34:13
23 communications, networking and messaging going back 12:34:16
24 and forth. So in that concept it is discussing 12:34:19

1 downloading appropriate software and firmware to the 12:34:23
2 peripheral device based on the manufacturer and the 12:34:28
3 type of device it is. 12:34:30

4 MR. HAIGHT: Object as non-responsive. 12:34:36
5 But we have to change the tape. 12:34:39

6 VIDEOGRAPHER: This concludes disk number 12:34:42
7 two of the video deposition of Sayfe Kiaei, Ph.D. 12:34:44
8 The time is 12:34 p.m. We are now off the record. 12:34:48

9 (Recessed at 12:34 p.m.) 12:34:54

10 (Reconvened at 1:20 p.m.) 12:34:58

11 VIDEOGRAPHER: This begins disk number 12:36:10
12 three in the deposition of Sayfe Kiaei, Ph.D. The 13:20:46
13 time is 1:20 p.m. We are now on the record. 13:20:50

14 BY MR. HAIGHT: 13:20:54

15 Q Welcome back, Dr. Kiaei. 13:20:54

16 A Thank you, counsel. 13:20:57

17 Q During the lunch break did you discuss any 13:20:58
18 of your testimony with your counsel? 13:21:00

19 A No, I did not. 13:21:02

20 Q I'm going to hand you what we will mark as 13:21:14
21 Exhibit 1445-8. 13:21:17

22 (1445 Exhibit Number 8 13:21:19
23 was marked for identification.) 13:21:19

24 A Thank you. 13:21:35

1	Q	Do you recognize what's been handed to you	13:21:45
2		as Exhibit 1445-8?	13:21:47
3	A	Yes, counsel, I do.	13:21:50
4	Q	What is that exhibit?	13:21:54
5	A	That is the second declaration, my second	13:21:56
6		declaration of '648 patent.	13:22:01
7	Q	And this is the declaration you submitted	13:22:07
8		in IPR2015-01446?	13:22:09
9	A	Yes, it is.	13:22:18
10	Q	Sitting here today, are you aware of any	13:22:24
11		mistakes or errors in this declaration?	13:22:27
12	A	No, counsel.	13:22:29
13	Q	Turning to page 53 of Exhibit 1445-8, if	13:22:38
14		you would?	13:22:47
15	A	53?	13:22:48
16	Q	Yes. The last page.	13:22:49
17	A	Yes.	13:22:57
18	Q	Is that your signature in the lower	13:22:57
19		right-hand corner?	13:23:00
20	A	Yes, it is.	13:23:01
21	Q	If you could turn to paragraph 14 of your	13:23:22
22		declaration, which is page 5?	13:23:25
23	A	Yes.	13:23:28
24	Q	In that declaration you state -- I'm	13:23:30

1 sorry. In that paragraph you state that you have 13:23:33
2 reviewed the '648 patent, including the claims of 13:23:36
3 the patent in view of the specification and the file 13:23:40
4 history. Do you see that? 13:23:43

5 A Yes, I have. 13:23:44

6 Q And you have four bullet points listing a 13:23:45
7 series of documents; is that correct? 13:23:49

8 A Yes, it is. 13:23:51

9 Q And those are the documents on which you 13:23:54
10 are relying in this particular declaration? 13:23:57

11 A Yes, I am, counsel. 13:24:01

12 Q And is it fair to say that any other 13:24:09
13 documents you may have reviewed outside of these 13:24:13
14 four and the '648 patent in preparation of this 13:24:16
15 declaration were not used, were not relied upon? 13:24:23

16 A Yes. Correct. 13:24:26

17 Q I'm going to hand you what is being marked 13:24:58
18 as Exhibit 1445-9. 13:25:01

19 (1445 Exhibit Number 9 13:25:14

20 was marked for identification.) 13:25:14

21 BY MR. HAIGHT: 13:25:15

22 Q Do you recognize that document? 13:25:18

23 A Yes, I do. 13:25:20

24 Q What is Exhibit 1445-9? 13:25:22

1 A It is U.S. Patent Number -- sorry. It's 13:25:25
2 actually a patent application. It's a Patent 13:25:32
3 Application Number U.S. 2002/0069263. 13:25:35

4 Q And that's one of the references that 13:25:47
5 you've relied upon in your declaration? 13:25:50

6 A Yes, I did. 13:25:53

7 Q If we refer to this as the Sears 13:25:55
8 application, will you understand what we are 13:26:00
9 referring to? 13:26:03

10 A Yes, I do. 13:26:03

11 Q Would you agree that the Sears patent 13:26:45
12 application is directed to systems and methods for 13:26:48
13 providing interaction between users, devices and 13:26:53
14 applications in a network environment? 13:26:59

15 A That's a fair assessment. 13:27:18

16 Q And the applications described in Sears 13:27:30
17 are Java or Java-like applications; is that correct? 13:27:34

18 A That is correct. 13:27:38

19 Q Will you turn to Figure 1 of the Sears 13:27:47
20 reference? What is your understanding of what's 13:27:53
21 being shown in Figure 1? 13:28:17

22 A What it is is that it's an overview of the 13:29:21
23 infrastructure of the architecture of a network 13:29:25
24 infrastructure that has a seamless interaction 13:29:30

1 between the various users and user devices and the 13:29:37
2 applications with the server, again using Java-type 13:29:46
3 technologies. 13:29:56

4 Q And Sears identifies a, or one or more 13:30:04
5 repository servers; is that correct? 13:30:12

6 A Yes, it does. 13:30:16

7 Q And that's labeled as element 101 of 13:30:22
8 Figure 1? 13:30:25

9 A Yes. 101 is a block diagram of the Java 13:30:27
10 application repository server. 13:30:33

11 Q Figure 1 also includes a device 140; 13:30:37
12 correct? 13:30:43

13 A Yes. It also has a device 140 labeled 13:30:46
14 User Device, User/Device. 13:30:51

15 Q Figure 1 also includes a database 120; 13:31:00
16 correct? 13:31:04

17 A Yes, it does. 13:31:07

18 Q Those elements, the repository server 101, 13:31:12
19 the device 140, and the database 120 are all within 13:31:16
20 the network infrastructure of Figure 1; correct? 13:31:21

21 A Yes, they are. They are within the 13:31:26
22 infrastructure that is shown in the Figure 1 of 13:31:28
23 Sears. 13:31:32

24 Q And regarding device 140, you would agree 13:31:47

1 that Sears contemplates that there would be one or 13:31:54
2 more devices 140 connected to that network 100; is 13:31:57
3 that correct? 13:32:02

4 A In general, yes, it does. 13:32:21

5 Q That network infrastructure 100, that's 13:32:45
6 only depicting one network. Would you agree with 13:32:48
7 that? 13:32:53

8 A Yeah, that's an example of a network that 13:32:59
9 they have shown in there, yes. 13:33:02

10 Q Figure 1 doesn't show device 140, for 13:33:09
11 example, connected to any other networks; is that 13:33:12
12 right? 13:33:15

13 A In Figure 1 it does not show that, but it 13:33:51
14 discusses in column -- on page 4 in paragraph 34, 13:33:57
15 that in one embodiment one or more of the devices 13:34:03
16 140 may comprise mobile devices that may communicate 13:34:16
17 in this case over a wireless medium. 13:34:20

18 Q And that connection is between devices, 13:34:26
19 devices 140 and server 101; correct? 13:34:29

20 A Yes, it is. Yes. But it also, if you go 13:34:35
21 down in paragraph 35, it talks about the fact that 13:34:41
22 in one embodiment the server 101 may communicate 13:34:46
23 with one or more devices 140 either directly or to a 13:34:50
24 proxy server or a gateway server which is not shown. 13:34:55

1 So it does not show -- Figure 100 does not show the 13:35:05
2 gateway server in between the devices 140 and the 13:35:13
3 Java application repository services 100. 13:35:18

4 Q Referring to database 120 of Figure 1, you 13:35:37
5 would agree that a database is used to store 13:35:43
6 information? 13:35:46

7 A Yes, I do. 13:35:48

8 Q And if I could direct you to paragraph 41, 13:37:29
9 which is on page 5 of the Sears application. That's 13:37:35
10 using the page number at the top of the page. Do 13:37:42
11 you see paragraph 41 that runs from the first column 13:37:47
12 on to the second? 13:37:51

13 A Yes, I do see that. 13:37:58

14 Q And in the second column, roughly around 13:38:00
15 line 11, do you see a sentence that starts out, 13:38:08
16 "database 120 may be distributed"? 13:38:12

17 A Uh-huh. Yes, I do. 13:38:17

18 Q Could you read that sentence for the 13:38:25
19 record? 13:38:27

20 A It says that the database 120 may be 13:38:29
21 distributed and updated periodically using methods 13:38:32
22 well-known to those skilled in the art. 13:38:36

23 Q And do you see two sentences later it 13:38:46
24 identifies an MExE look-up method? Do you see that? 13:38:56

1 A Yes, I do. 13:39:05

2 Q Is MExE, do you have an understanding of 13:39:07
3 what that is? 13:39:13

4 A I don't recall that, specifics of the 13:39:20
5 MExE. 13:39:23

6 Q Do you know if that would be a, what the 13:39:27
7 prior sentences identified as a well-known method of 13:39:34
8 distributing and updating a database periodically? 13:39:47

9 A The prior sentence says that, as we just 13:39:59
10 discussed it, that the database 120 may be 13:40:04
11 distributed and updated periodically using methods 13:40:07
12 well-known to those skilled in the art. In one 13:40:11
13 embodiment the administrating body may be a server 13:40:14
14 provider -- sorry -- may be a service provider that 13:40:17
15 also provides application optimization facilities 13:40:21
16 based on the supported devices capabilities. 13:40:25

17 In one embodiment, the capabilities 13:40:29
18 look-up methods proposed by the MExE group currently 13:40:36
19 defined as the following website, and it continues 13:40:41
20 on with additional websites and additional 13:40:49
21 information on these other websites. 13:40:53

22 Q And then after that -- strike that. 13:41:10

23 The last sentence of that paragraph that 13:41:52
24 begins with, "in one embodiment, unique device 13:41:54

1 identifier," do you see that? 13:41:59

2 A Oh, yes, I do. Would you like me to read 13:42:07
3 it? 13:42:11

4 Q Please. 13:42:12

5 A "In one embodiment, unique device 13:42:13
6 identifier and unique manufacturer identifier, as 13:42:17
7 defined by the Bluetooth special interest group, may 13:42:21
8 be used to index the database 120." 13:42:24

9 Q And would that be considered another 13:42:31
10 well-known method of indexing a database? 13:42:35

11 MR. MUKERJI: Objection to form. 13:42:55

12 A I have to look at what that document they 13:43:00
13 are discussing is and analyze it before I make that 13:43:04
14 statement. They are addressing -- they are 13:43:10
15 referring to a general Bluetooth special interest 13:43:17
16 group, WWW dot Bluetooth dot com, which has hundreds 13:43:23
17 of thousands of pages of information in there. I 13:43:31
18 don't know specifically what the specifics they are 13:43:34
19 looking at in there. But if you have that 13:43:37
20 information, I can go through that. 13:43:46

21 Q Based on that sentence, is it your 13:43:53
22 understanding that the Bluetooth special interest 13:43:55
23 group has defined a unique device identifier and 13:43:58
24 unique manufacturer identifiers that can be used to 13:44:09

1 index databases? 13:44:13

2 A That's what that sentence says, yes. 13:44:18

3 Q Would you agree that that's the only 13:44:47
4 mention of anything related to Bluetooth in the 13:44:50
5 Sears patent? 13:44:53

6 A Top of my head, that's probably the only 13:45:15
7 one that is mentioned in that document, but I did 13:45:21
8 not do a search on that document to see how many 13:45:26
9 Bluetooth indexes it has in there. 13:45:29

10 Q Would you agree that Sears does not 13:45:35
11 disclose any devices connected via Bluetooth 13:45:37
12 network? 13:45:43

13 A In paragraph six it does discuss at the 13:47:18
14 beginning of the paragraph that mobile device users, 13:47:27
15 if they want services and applications that can 13:47:29
16 deliver individualized information, and the 13:47:34
17 paragraph goes on further, it does discuss mobile 13:47:39
18 devices and users -- mobile device users in there. 13:47:44

19 Q That wasn't my question. My question is 13:47:57
20 whether or not Sears describes or discloses 13:48:01
21 connecting devices via Bluetooth network? 13:48:05

22 A In Figure 1 and the description it has in 13:49:34
23 there it doesn't specifically discuss connecting 13:49:37
24 device using Bluetooth, but it does talk about these 13:49:44

1 devices and networks, so one skilled in the art 13:49:53
2 could understand that the interconnections between 13:49:58
3 them could be other various types of wireless 13:50:02
4 technologies. 13:50:05

5 Q Does Sears describe that network as an ad 13:50:21
6 hoc Bluetooth network? 13:50:26

7 A No. Sears does not discuss an ad hoc 13:50:35
8 network. 13:50:39

9 Q Is it your opinion that the devices of the 13:50:54
10 network 100 could connect via Bluetooth? 13:51:01

11 A That's a very general question. It 13:51:13
12 depends on the specifics. Which devices are we 13:51:20
13 talking about connecting via Bluetooth to each 13:51:23
14 other? 13:51:26

15 Q I believe your previous answers had said 13:51:27
16 that Figure 1 discloses these devices in a network? 13:51:30

17 A Yes. 13:51:37

18 Q And that they could be connecting via 13:51:38
19 Bluetooth. Did I mishear you? 13:51:40

20 A No. I said they could be connected in a 13:51:42
21 wireless application. I may have said Bluetooth. I 13:51:45
22 don't remember. 13:51:48

23 Q Okay. 13:51:49

24 A But I meant wireless, wireless 13:51:50

1 communication. They could be connected wirelessly 13:51:52
2 potentially. It depends on the system. That's sort 13:51:55
3 of a very general high level network connection in 13:51:58
4 there. 13:52:03

5 Q So you can't say based on the disclosure 13:52:07
6 in Sears of whether or not the device 140, the 13:52:11
7 server 101 and the database 120 could communicate in 13:52:18
8 a Bluetooth network? 13:52:25

9 A I was not looking at the analysis of 13:52:35
10 looking at how the connections between the different 13:52:38
11 devices here and communications between them can be 13:52:43
12 done in a Bluetooth or not. That would require a 13:52:46
13 lot more information for me to do that in terms of 13:52:49
14 how big is the server, the memory size, the 13:52:53
15 database, the bandwidth, information between them 13:52:57
16 and so on. Hypothetically speaking, in a very, very 13:53:01
17 high level, one can build a wireless communications 13:53:05
18 in a very high level between devices, but that 13:53:11
19 really depends on the system configuration and what 13:53:15
20 you are connecting and what are the constraints of 13:53:17
21 the system, what's the distance we want to send it 13:53:21
22 to, what's the bandwidth we are looking at, what 13:53:24
23 kind of a memory and so forth. On the fly at this 13:53:28
24 point, if I answer you, that would be a very 13:53:32

1 hypothetical answer. 13:53:35

2 However, I want to -- you are talking 13:53:56
3 about specifically on Bluetooth; correct? 13:54:02

4 Q Uh-huh. 13:54:04

5 A Connection between. I think that 13:54:06
6 discussing this in terms of Bluetooth and how they 13:54:08
7 could connect, it would be -- I have to look at the 13:54:11
8 whole system and answer that question. 13:54:24

9 Q I'm going to hand you what is being marked 13:54:36
10 as Exhibit 1445-10. 13:54:39

11 (1445 Exhibit Number 10 13:54:41
12 was marked for identification.) 13:54:41

13 A Thank you. 13:55:06

14 Q At this point it may go without saying, 13:55:14
15 but do you recognize what's been marked as Exhibit 13:55:16
16 1445-10? 13:55:19

17 A Yes, I do. That is the Marchand reference 13:55:26
18 that we have been discussing the last two days. 13:55:31

19 Q This is a reference that you've relied on 13:55:36
20 in your second declaration, which is Exhibit 1445-8; 13:55:39
21 is that correct? 13:55:45

22 A Yes, it is. 13:55:46

23 Q As we discussed, the devices of the, 13:56:04
24 described in Marchand are all Bluetooth compliant 13:56:11

1 and JINI/Java capable; correct? 13:56:15

2 A The devices in Figure 1 -- sorry. I 13:56:24

3 apologize. I misspoke. The devices in Figure 3 of 13:56:39

4 Marchand, within the local area network that's shown 13:56:47

5 by lines 34 connecting them together, are connected 13:56:57

6 together via Bluetooth and JINI ad hoc network. 13:57:02

7 Q And each of those devices in that network 13:57:10

8 are Bluetooth capable devices; correct? 13:57:15

9 A That is correct, counsel. 13:57:18

10 Q And each of those devices are also 13:57:19

11 JINI/Java capable devices; correct? 13:57:22

12 A That is correct, counsel. 13:57:31

13 Q Would you agree that the, any of the 13:57:41

14 devices that would be contemplated by Marchand in a 13:57:45

15 Bluetooth ad hoc network would be JINI/Java capable? 13:57:49

16 A Yeah. In general Marchand describes a 13:58:33

17 solution where the IP network that, the network 34 13:58:37

18 that I talked about in Figure 3, establishes a 13:58:43

19 network between devices that utilize Bluetooth 13:58:49

20 technology and JINI/Java technology is used and 13:58:54

21 utilized to publish and share information -- I'm 13:59:01

22 sorry -- share services between the devices. 13:59:06

23 Q And we also talked yesterday a little bit 13:59:14

24 in that in order to be Bluetooth compliant, a device 13:59:17

1 would have to have a Bluetooth chipset or, as you 13:59:21
2 said, specific hardware and software that allows 13:59:28
3 devices to communicate using a Bluetooth protocol; 13:59:31
4 is that correct? 13:59:35

5 A That is correct. It should be Bluetooth 13:59:36
6 capable devices. 13:59:37

7 Q So any device that is Bluetooth compliant 13:59:39
8 would follow the Bluetooth protocol; correct? 13:59:42

9 A Can you repeat the question again, please? 13:59:52

10 Q Any device that is Bluetooth compliant 13:59:56
11 would follow the Bluetooth protocol; is that 13:59:59
12 correct? 14:00:02

13 A Yeah. That's a correct statement. 14:00:06

14 Q And for a, any device that is JINI/Java 14:00:14
15 capable, they would have a protocol stack similar to 14:00:21
16 the one that we've discussed at great lengths in 14:00:27
17 Figure 2 of Marchand; is that correct? 14:00:31

18 A It will have a protocol similar to Figure 14:00:49
19 2. And here it's specifically talking about 14:00:51
20 JINI/Java technology and we are talking about 14:00:57
21 JINI/Java capable. With that in mind, having the 14:01:00
22 JINI/Java capability, it will have a similar stack 14:01:04
23 in here, Figure 2. I agree with that as having 14:01:07
24 JINI/Java capability that would show the protocol 14:01:11

1 stack as shown in Figure 2 of Marchand. 14:01:14

2 Q And referring to each of the devices in 14:01:25
3 the Bluetooth ad hoc network of Marchand, each of 14:01:29
4 those devices would have a protocol stack as what's 14:01:34
5 shown in Figure 2; is that correct? 14:01:39

6 A What Figure 2 is talking about in Marchand 14:02:44
7 is a drawing of a protocol stack for a Bluetooth 14:02:46
8 piconet that has been extended into an IP wireless 14:02:53
9 LAN which is implementing JINI/Java technology. 14:02:57

10 Q So you would expect any device on that 14:03:05
11 extended network to have this protocol stack; 14:03:09
12 correct? 14:03:13

13 A All the devices in Figure 3 of -- sorry -- 14:05:45
14 Figure 2. In Figure 3 -- let me stop for a second. 14:05:57
15 All the devices in Figure 3 of Marchand as shown, 14:06:01
16 they are all Bluetooth compliant and JINI/Java 14:06:12
17 capable, which enables them to have JINI APIs to 14:06:16
18 transfer between them. 14:06:21

19 The protocol stack shown in Figure 2 of 14:06:25
20 Marchand, in general, in a high level would be 14:06:37
21 similar, but depends on the functionality of the 14:06:43
22 device and the computing power of the device, the 14:06:47
23 memory and so on. But it should have JINI/Java 14:06:58
24 capability and be Bluetooth compliant to be in that 14:07:02

1 Figure 3 of Marchand. How that would defer depends 14:07:08
2 on aspects of the architecture and the power, et 14:07:22
3 cetera, so... 14:07:25

4 Q And piggy-backing on what you just said, 14:07:28
5 the JINI/Java technology in Marchand is used to 14:07:34
6 publish and share services between those devices in 14:07:38
7 the Bluetooth piconet; correct? 14:07:41

8 A JINI/Java capable is used in there. I 14:07:51
9 wouldn't call it JINI/Java, exactly JINI/Java. 14:08:07

10 Q But Marchand describes JINI/Java 14:08:11
11 technology explicitly being used to publish and 14:08:14
12 share services; correct? 14:08:18

13 A Marchand discusses using JINI/Java to 14:08:30
14 share information between the master device, 14:08:33
15 technologies between the master device and the slave 14:08:37
16 devices in the network, in the ad hoc network. But 14:08:40
17 Marchand has many, many other features it discusses 14:08:52
18 in there. 14:08:56

19 Q You just said that it discloses sharing 14:08:58
20 services between the master and the slave, but it 14:09:02
21 certainly discloses being able to share other 14:09:07
22 services between two slaves; correct? 14:09:10

23 A I believe we had that discussion yesterday 14:09:13
24 that this is a piconet and it's an ad hoc network, 14:09:16

1 and this ad hoc network has a master as a piconet 14:09:19
2 and the slave devices. 14:09:24

3 Q Sure. But Marchand explicitly 14:09:26
4 contemplates being able to print from the laptop to 14:09:29
5 the printer; correct? 14:09:32

6 A I do not agree with that statement. It's 14:09:44
7 in a ad hoc network. There is a master device which 14:09:47
8 is the gateway 33, and a Bluetooth configuration. 14:10:00
9 And that information has to go through the device 14:10:07
10 gateway 33 to other devices. 14:10:12

11 I think we are getting out of the scope of 14:10:14
12 this discussion of this patent, because really here 14:10:17
13 my discussion, at least this patent relates to 14:10:24
14 device information in terms of manufacturing and 14:10:30
15 type information which is up-loaded from the piconet 14:10:39
16 to the 3G wireless IP network and up to the server, 14:10:45
17 et cetera. If you would like me to go back again, I 14:10:51
18 can go back and read Marchand again to make sure I'm 14:11:03
19 saying the right things in here, read it again, if 14:11:07
20 you want to go back to discussion on the piconet 14:11:11
21 master/slave discussions. I believe we had that 14:11:14
22 discussion yesterday in details. 14:11:17

23 Q I understand. You are the one that 14:11:19
24 brought up the master/slave. My question was 14:11:20

1 specifically whether or not it's JINI/Java 14:11:23
2 technology that is used to publish and share 14:11:29
3 services. I didn't mention master/slave. 14:11:32

4 A Okay. 14:11:35

5 Q So I will ask again, is it your 14:11:36
6 understanding that according to the teachings of 14:11:38
7 Marchand, that JINI/Java technology is what is being 14:11:41
8 used to publish and share services between the 14:11:46
9 devices in the ad hoc Bluetooth piconet? 14:11:49

10 MR. MUKERJI: Objection to form. 14:11:54

11 A Thank you for clarifying. I have shown 14:12:06
12 that in Figure 3 that I have redrawn again in page 14:12:19
13 23 of my declaration, which is the Java app is 14:12:29
14 downloaded from the repository -- and I'm getting to 14:12:41
15 the answer -- and then from there to the 3G device 14:12:46
16 wireless IP network, and then from there to the 14:12:50
17 gateway 33, and that information is then transferred 14:12:53
18 to the laptop 31. 14:12:55

19 Q I'm going to object again as 14:12:58
20 non-responsive. I'm not talking about Sears at this 14:13:00
21 point. I'm talking about Marchand and Marchand 14:13:04
22 only. 14:13:06

23 A Sure. 14:13:07

24 Q My question was in Marchand do you agree 14:13:08

1 or is it your -- I'll start again. Is it your 14:13:14
2 understanding that JINI/Java technology is utilized 14:13:19
3 to publish and share services between devices? 14:13:21

4 A JINI/Java technology is used here to send 14:13:27
5 information from the gateway 33 to, in Figure 3, to 14:13:40
6 the device 31, which is a laptop, or to the device 14:13:47
7 32, which is the printer. My answer is finished. 14:13:52

8 Q No. I understand. I'm just trying to 14:14:24
9 understand what it means. 14:14:26

10 A Yeah. 14:14:27

11 Q If you could turn to page 6 of the 14:14:54
12 Marchand reference, Exhibit 1445-10? And for 14:14:57
13 consistency, we will use page 6 at the top of the 14:15:05
14 page as well. 14:15:08

15 A Thank you. Page 6, correct? 14:15:10

16 Q Yes. 14:15:15

17 A Thank you. 14:15:17

18 Q Could you read the third sentence that 14:15:17
19 starts with the word "then, JINI"? 14:15:20

20 A Yes. I would like to read this from the 14:15:24
21 beginning of the sentence, the paragraph, if you 14:15:36
22 don't mind. 14:15:37

23 "The present invention relies on several 14:15:38
24 technologies. First, a wireless IP network is 14:15:41

1 established between devices utilizing Bluetooth 14:15:45
2 technology." So that's underlying infrastructure 14:15:48
3 within that network. "Then, JINI/Java technology is 14:15:55
4 utilized to publish and share information between 14:15:59
5 devices and to establish a client/server 14:16:02
6 relationship between the devices and one of the 14:16:07
7 devices having a cellular radio modem and a call 14:16:12
8 control client." 14:16:17

9 Q I'm going to read that paragraph for the 14:16:21
10 record because you were adding your own words in 14:16:24
11 there. That paragraph states: "The present 14:16:26
12 invention relies on several technologies. First, a 14:16:28
13 wireless IP network is established between devices 14:16:30
14 utilizing Bluetooth technology. Then, JINI/Java 14:16:32
15 technology is utilized to publish and share services 14:16:36
16 between the devices and to establish a client/server 14:16:39
17 relationship between the devices and one of the 14:16:43
18 devices having a cellular radio modem and a call 14:16:45
19 control client." Did I read that accurately? 14:16:49

20 A Yes, you did. 14:16:52

21 Q Does that sentence accurately describe -- 14:16:53
22 never mind. Strike that. 14:16:57

23 When a Bluetooth device enters -- let me 14:17:03
24 start again. When a device enters a Bluetooth ad 14:17:14

1 hoc network as described in Marchand and that device 14:17:20
2 is JINI/Java capable, there is a registration 14:17:31
3 process; is that correct? 14:17:38

4 A Could you be more specific? What 14:17:45
5 registration process are we discussing here? 14:17:47

6 Q Sure. There is a discovery and join 14:17:50
7 process? 14:17:52

8 A Within the Bluetooth ad hoc network? Or 14:17:57
9 you are talking about for the JINI-type discussion? 14:18:04
10 I think that's a general statement again because we 14:18:09
11 have two different discoveries going on here. 14:18:11

12 Q Sure. Let's start with the mobile phone 14:18:15
13 with JINI. When it joins or when it forms a 14:18:18
14 network, a Bluetooth ad hoc network in which all of 14:18:21
15 the devices, including the phone, are JINI/Java 14:18:29
16 capable, there is a JINI/Java related discovery and 14:18:32
17 join process; is that correct? 14:18:38

18 A Yes. From the discussion we had 14:18:47
19 yesterday, yes, about the JINI/Java -- 14:18:50

20 Q Right. 14:18:54

21 A -- technology. 14:18:57

22 Q And during that discovery and join process 14:18:58
23 the mobile phone will publish its available services 14:19:02
24 to a look-up service; correct? 14:19:08

1 A I'm not sure where you are going with this 14:19:21
2 discussion, because I think what you are discussing 14:19:24
3 here is the specifics of a JINI/Java technology and 14:19:27
4 the look-up service, which is described in Marchand 14:19:31
5 and relates to the discussion we had yesterday, but 14:19:35
6 here I do not discuss anything about look-up server 14:19:38
7 and join and discover. 14:19:42

8 I am relying primarily on the Bluetooth 14:19:44
9 network connecting the devices together through the 14:19:47
10 Bluetooth configuration and its protocol, and then 14:19:55
11 using JINI/Java technology to download information 14:19:59
12 from gateway 33 to the printer 32 or to the laptop 14:20:11
13 31. I did not discuss anywhere here in my 14:20:17
14 declaration about any of the stuff -- any of the 14:20:22
15 details you mention on discovery and look-up service 14:20:25
16 and so forth. 14:20:28

17 Q But you discover being able to access 14:20:30
18 information on a wide area network by one of these 14:20:33
19 devices in a Bluetooth ad hoc network; correct? 14:20:36

20 A I discuss using Java app or Java-type, 14:20:43
21 JINI/Java type capabilities that in general Marchand 14:20:48
22 teaches for downloading software from the Java 14:20:55
23 application server 101 through the 3G wireless IP 14:21:00
24 network, and then from there to the gateway 33, and 14:21:06

1 then from there to an example of in page 23 of my 14:21:09
2 declaration, from there to the device number 31, 14:21:15
3 which is a laptop. 14:21:19

4 Q Sure. So are you saying that the 14:21:21
5 JINI/Java technology described in Marchand is not 14:21:24
6 relevant to your declaration and to this IPR 14:21:27
7 proceeding? 14:21:32

8 A That's not what I'm saying. What I'm 14:21:34
9 saying is that the additional features and 14:21:36
10 discussions we had on JINI/Java in terms of look-up 14:21:39
11 server, how it publishes information, all that stuff 14:21:45
12 that we discussed yesterday, I'm not discussing them 14:21:47
13 today. All I'm discussing today is using JINI/Java 14:21:50
14 capability to download information from the server 14:21:54
15 via through the 3G wireless IP network, through the 14:21:58
16 gateway and to the device. I'm not discussing 14:22:02
17 anything about the look-up server and all that -- I 14:22:05
18 apologize -- and so forth. I think we had that 14:22:08
19 discussion yesterday quite extensively. 14:22:11

20 Q So you didn't consider the JINI/Java 14:22:16
21 technology in your analysis that's in your second 14:22:21
22 declaration? 14:22:25

23 MR. MUKERJI: Objection to form. 14:22:26

24 A I believe I said what features of 14:22:29

1 JINI/Java technology capable devices I'm using for 14:22:32
2 downloading information. 14:22:38

3 Q And one of those features was not the 14:22:39
4 look-up service; is that correct? 14:22:45

5 A That's not what I said either. I did not 14:22:47
6 go into details of that in that declaration. When I 14:22:49
7 did the analysis, I primarily relied on JINI/Java 14:22:53
8 download capabilities of getting information or 14:22:58
9 getting software components and loading them. Those 14:23:01
10 are the features I focused on and used from Marchand 14:23:05
11 in my declaration here. If there is anywhere in my 14:23:08
12 declaration I talk about look-up server and 14:23:11
13 discovery and join in the JINI/Java technology that 14:23:14
14 you believe I should be elaborating on, I would be 14:23:20
15 happy to go through that. 14:23:22

16 Q So the features of Marchand that describe 14:24:01
17 the discovery and join process you didn't discuss in 14:24:04
18 your declaration? 14:24:11

19 A I don't believe I went through them 14:24:22
20 directly in terms of -- sorry. Let's go through 14:24:24
21 that question again. 14:24:27

22 Q The features of Marchand that describe the 14:24:31
23 discovery and join process, you didn't discuss those 14:24:34
24 in your declaration? Is that what you are saying? 14:24:37

1 A No, that's not what I'm saying. What I'm 14:24:41
2 saying is that I did not discuss the details of how 14:24:44
3 the look-up server operates and how I'm using the 14:24:47
4 look-up server and details of that in my report in 14:24:51
5 here. 14:24:55

6 Q Is that because you don't think those are 14:24:56
7 relevant to the claims of the '648 patent or the 14:24:59
8 analysis you've done in your declaration? 14:25:01

9 MR. MUKERJI: Objection. Form. 14:25:05

10 A No. That's not correct either. 14:25:06

11 THE WITNESS: Thank you for the water. 14:25:19

12 BY MR. HAIGHT: 14:25:21

13 Q So those features would be relevant, the 14:25:44
14 features of discovery and join, are relevant to your 14:25:47
15 analysis of the '648 patent? A simple yes or no 14:25:52
16 would be a fine answer. 14:26:16

17 MR. MUKERJI: Mr. Haight, while the 14:27:16
18 witness is considering his answer, we've been going 14:27:17
19 about 70 minutes. When he finishes his answer, can 14:27:20
20 we take five? 14:27:25

21 MR. HAIGHT: Sure. 14:27:27

22 A Yes, I am using the JINI/Java 14:30:20
23 technology -- JINI/Java capable technology in the 14:30:22
24 local area network between the devices communicating 14:30:34

1 with the gateway device 33. So yes. My answer is 14:30:40
2 yes. 14:30:47

3 Q Yes, the discovery and join procedures are 14:30:54
4 relevant? That's what you are saying? That was my 14:30:56
5 question. Discovery and join; are those relevant to 14:31:00
6 your analysis? 14:31:09

7 A My answer is still yes. I am using the 14:31:38
8 JINI/Java technology capabilities in there, which 14:31:40
9 includes discovery and join as well, the devices 14:31:44
10 within the piconet communicating with the gateway 14:31:49
11 33. 14:31:52

12 Q So then it's fair to discuss those 14:31:57
13 procedures today? 14:32:01

14 A It is not in my analysis I have done for 14:32:05
15 this declaration. If you like to bring some of the 14:32:10
16 prior art I had in yesterday's discussion and go 14:32:18
17 back in there, including the JINI/Java book and 14:32:21
18 references in there, I can sit down and go through 14:32:25
19 that and recall from my recollection. 14:32:28

20 This is -- I have been here for three 14:32:30
21 days, counsel. I'm not trying to evade your 14:32:33
22 question. It's just really is a lot of information 14:32:37
23 and I prepared for coming here and what I'm saying, 14:32:40
24 it is there. I think yesterday we had a very 14:32:43

1 detailed discussion on how that works. If you want 14:32:45
2 to go back and rehash that, we can. But I would 14:32:48
3 like to have a fair amount of time to go back and 14:32:51
4 look at it, examine it again and bring it out here 14:32:54
5 again. 14:32:57

6 If anywhere in my declaration I have 14:32:57
7 detailed information in there regarding that join 14:33:00
8 and discovery, I would be happy to go through that 14:33:05
9 and discuss it in details with you if you hand the 14:33:07
10 proper information to me. Thank you. 14:33:11

11 Q But you recognize this is the same 14:33:12
12 reference we talked about yesterday. This is the 14:33:15
13 prior art reference that we discussed yesterday that 14:33:16
14 is being used again in this proceeding; correct? 14:33:19
15 Yes or no? 14:33:22

16 A Yes, it is. 14:33:23

17 Q Thank you. 14:33:24

18 A Along with -- no, I'm not done yet, 14:33:25
19 counsel. Along with other references I had, which I 14:33:28
20 had prepared for, which was the JINI/Java book and 14:33:31
21 the references on JINI/Java which described the 14:33:34
22 details of the JINI/Java, discovery, join, and all 14:33:37
23 these other things you are asking about. That's 14:33:40
24 a -- to be fair, if you like to go back and discuss 14:33:42

1 that and go back into the discussion from yesterday, 14:33:47
2 we can even refer to those from yesterday, and if 14:33:50
3 you are going to do that, I would like to have the 14:33:53
4 time and the right references of yesterday to talk 14:33:55
5 about them. So thank you. 14:33:58

6 Q Did we discuss the JINI/Java specification 14:34:01
7 document yesterday? 14:34:06

8 A We did not specifically discuss the 14:34:10
9 JINI/Java specification yesterday, but I had 14:34:12
10 prepared for that and was ready to discuss all that 14:34:15
11 information in there. I realize that you may think 14:34:19
12 that as an expert I should know everything in the 14:34:22
13 world here, but I only prepared that document, and 14:34:26
14 to be frank with you, last night I put that aside 14:34:29
15 and I start focusing on this thing here. 14:34:32

16 Q That's fair. My question is about this 14:34:35
17 one particular document, Marchand reference, that we 14:34:37
18 have been discussing for three days. 14:34:40

19 MR. HAIGHT: We can take a break now. 14:34:43

20 THE WITNESS: Thank you. I appreciate the 14:34:45
21 time. 14:34:47

22 VIDEOGRAPHER: This concludes disk number 14:34:47
23 three of the video deposition of Sayfe Kiaei, Ph.D. 14:34:49
24 The time is 2:34:06 p.m. We are now off record. 14:34:53

1 (Recessed at 2:34 p.m.) 14:35:01

2 (Reconvened at 2:54 p.m.) 14:35:01

3 VIDEOGRAPHER: This begins disk number 14:35:18

4 four of the video deposition of Sayfe Kiaei, Ph.D. 14:55:19

5 The time is 2:54:34 p.m. We are now on the record. 14:55:22

6 BY MR. HAIGHT: 14:55:28

7 Q Welcome back, doctor. 14:55:28

8 A Thank you, counsel. 14:55:31

9 Q During the break did you discuss the 14:55:32

10 testimony you've given today with your counsel? 14:55:34

11 A No, sir, I did not. 14:55:36

12 Q If you could turn to paragraph 28 of your 14:55:38

13 second declaration, Exhibit 1445-8? Page 13. 14:55:41

14 A Yes, sir. I have it. 14:55:54

15 Q Could you read the first sentence of 14:55:58

16 paragraph 28 for the record, please? 14:56:00

17 A "In particular, Marchand describes a 14:56:03

18 solution in which a wireless IP network is 14:56:10

19 established between devices utilizing Bluetooth 14:56:15

20 technology, unquote, and then JINI technology, JINI 14:56:19

21 (Java) technology is utilized to publish and share 14:56:28

22 services between the devices, and to establish a 14:56:33

23 client/server relationship between the devices and 14:56:39

24 one of the devices having a cellular radio modem." 14:56:45

1 Q If you could turn to paragraph 29 of your 14:56:52
2 declaration, please, on the next page, page 14? 14:56:55

3 A Okay. Which paragraph number again? 14:57:14

4 Q Paragraph 29. 14:57:18

5 A 29. Yes. 14:57:19

6 Q Could you read that first sentence of 14:57:26
7 paragraph 29 for the record, please? 14:57:28

8 A "As shown in the excerpt above, Marchand 14:57:30
9 Figure 3 illustrates an ad hoc network 30 utilizing 14:57:38
10 Bluetooth, IP, and JINI technologies to enable the 14:57:44
11 use of a gateway mobile phone." Is that enough? 14:57:51

12 Q Yes. Thank you. 14:57:56

13 A Sure. 14:57:58

14 Q And turning to paragraph 30 of your 14:58:07
15 declaration -- 14:58:10

16 A Yes. 14:58:21

17 Q The last sentence of that paragraph that 14:58:24
18 begins "in this regard," do you see that? 14:58:27

19 A Paragraph 30, correct? 14:58:45

20 Q Yes. It's the fourth line from the 14:58:47
21 bottom. 14:58:49

22 A Oh, yes. In this regard, yes. 14:58:50

23 Q Could you read that sentence for the 14:58:52
24 record, please? 14:58:54

1 A "In this regard, with Marchand's 14:58:54
2 architecture, a mobile phone serves as a gateway to 14:58:56
3 a cellular IP network for devices in a short 14:59:03
4 distance wireless network such as Bluetooth" 14:59:08
5 network -- such as -- I apologize -- "such as a 14:59:11
6 Bluetooth piconet that otherwise are unable to 14:59:17
7 access the cellular IP network." 14:59:20

8 Q And would you agree that the only 14:59:28
9 mechanism described in Marchand for the laptop to 14:59:33
10 reach the cellular IP network is via the shared call 14:59:37
11 control service described in Marchand? 14:59:45

12 A So we start with paragraph 28, correct? 15:00:08

13 Q Uh-huh. Feel free to look at those 15:00:12
14 paragraphs. My question was not related 15:00:25
15 specifically to those paragraphs. My question is 15:00:27
16 about the teachings of Marchand. 15:00:30

17 A Sure. If you don't mind, since you asked 15:00:33
18 me to quote those paragraphs, I would like to read 15:00:35
19 them before I answer your question. 15:00:39

20 - - - 15:00:41

21 (There was a pause in the proceedings.) 15:00:41

22 - - - 15:03:39

23 A Can you repeat the question, please? 15:03:47

24 Q Would you agree that the only mechanism 15:03:52

1 described in Marchand for the laptop to reach the 15:03:54
2 cellular IP network is via the shared call control 15:03:57
3 service described in Marchand? 15:04:01

4 A In order for the laptop to send an email 15:04:18
5 or information outside of the local Bluetooth 15:04:28
6 network, and it doesn't have a connection, first 15:04:36
7 that device has to register with a piconet and use 15:04:41
8 the call control client that the gateway 33 is 15:04:46
9 providing. So in this case then that device, the 15:04:56
10 laptop which is in the, now it is within the 15:05:02
11 piconet, can send email through the gateway device 15:05:09
12 mobile phone 33. Did I answer your question? 15:05:14

13 Q Yes. Thank you. 15:05:18

14 A Sorry. It took me a while to paste these 15:05:19
15 different quotes from different paragraphs. 15:05:25

16 Q When you say register with the piconet, 15:05:36
17 that's the discovery and join process that we 15:05:38
18 discovered -- discussed at length yesterday; is that 15:05:40
19 correct? 15:05:44

20 A We were discussing this in Marchand in 15:05:49
21 view of the JINI/Java capable technologies in there, 15:05:51
22 so yes. 15:05:57

23 Q The call control service that you just 15:06:02
24 mentioned, that's the only service described in 15:06:06

1 Marchand for the mobile phone gateway; is that 15:06:12

2 correct? 15:06:16

3 A For sending APIs? 15:06:22

4 Q For doing anything. Or there are no other 15:06:26

5 services described in Marchand other than this call 15:06:31

6 control service which originate from the mobile 15:06:34

7 phone; isn't that correct? 15:06:38

8 A For the laptop to send let's say an email 15:06:48

9 to outside world, it has to use a call control 15:06:52

10 client that the host mobile phone is providing for 15:06:56

11 it to be able to send that information. 15:07:01

12 Q My question is Marchand doesn't describe 15:07:03

13 any other services being provided by that mobile 15:07:06

14 phone in the reference; correct? 15:07:09

15 A Any other services with respect to what 15:07:12

16 operations, what type of things are we trying to do? 15:07:15

17 Q Anything. Does Marchand describe the 15:07:19

18 mobile phone offering any other services other than 15:07:22

19 call control services? 15:07:25

20 A Marchand is describing JINI/Java 15:08:08

21 technology and capabilities within that piconet. 15:08:12

22 I'm sorry. I still don't know -- your question is 15:08:20

23 what I was discussing here, was it specific to the 15:08:24

24 call client control for the wireless -- sorry -- for 15:08:27

1 the laptop? But in general Marchand describes using 15:08:31
2 of JINI/Java technology in the configuration it has. 15:08:36

3 Q Sure. But the only service it describes 15:08:41
4 being used in that JINI/Java environment is the call 15:08:44
5 control service, correct, with respect to the mobile 15:08:52
6 phone? 15:09:08

7 A What Marchand describes is JINI/Java 15:17:21
8 technology by which the JINI/Java capable 15:17:26
9 technology, which makes the devices within the 15:17:35
10 piconet have their services available to the 15:17:43
11 gateway, and, and also has the capability of having 15:17:53
12 a client call control such that through the gateway 15:18:09
13 could access for email or other information that we 15:18:13
14 were just discussing right now for client control. 15:18:17

15 The -- that's it. 15:18:26

16 Q My question specifically was whether 15:18:28
17 Marchand discloses any other services being offered 15:18:32
18 by the mobile phone in the JINI/Java capable 15:18:37
19 Bluetooth ad hoc network? 15:18:43

20 A Okay. 15:18:50

21 Q It's a yes, no, or I don't know. 15:18:51

22 MR. MUKERJI: Objection to form. 15:19:02

23 A What Marchand discloses is that the 15:21:02
24 gateway has a JINI call control API to, to connect 15:21:09

1 with a wireless IP network. In addition to that, 15:21:19
2 also it has a second interface, which is an 15:21:23
3 abstraction of H.323 client for interfacing with the 15:21:27
4 H.323 gateway in a wireless IP network, as well as 15:21:31
5 it includes an interface which is an abstraction of 15:21:37
6 SIP, or session initiation protocol, for interfacing 15:21:42
7 with a SIP proxy in the wireless IP network. 15:21:47

8 Q Okay. I don't, also don't think that was 15:21:52
9 the answer to my question. And I'll try to rephrase 15:21:57
10 it again. Are there any other services that the 15:22:02
11 mobile phone offers to the local area network, to 15:22:05
12 the Bluetooth network, besides from the call control 15:22:09
13 service which includes all those things you just 15:22:14
14 said? Does it offer any other services? That's all 15:22:18
15 I'm asking. According to the disclosure in 15:22:21
16 Marchand? 15:22:26

17 A If you are only looking at Marchand, it 15:22:27
18 discloses JINI/Java capabilities within the, within 15:22:30
19 the Bluetooth network. And within that JINI/Java 15:22:35
20 capabilities there is a variety of different 15:22:39
21 capabilities that it offers. Do you want me to go 15:22:42
22 through all the potential capabilities that it has 15:22:46
23 in there? 15:22:49

24 Q I want you to identify which ones the 15:22:50

1 mobile phone offers as described in Marchand. 15:22:53

2 A To the devices in the ad hoc Bluetooth 15:23:01
3 network? 15:23:03

4 Q Yes. 15:23:05

5 A Oh, okay. And I believe I answered that. 15:23:05
6 The answer is it offers JINI/Java technologies, it 15:23:07
7 offers, by having that JINI/Java capabilities and 15:23:12
8 look-up server on the mobile phone, it adds the 15:23:17
9 capability of the devices being able to communicate 15:23:20
10 with the mobile phone 33 and register their services 15:23:25
11 with the mobile phone 33, and also it offers 15:23:28
12 JINI/Java type capabilities to them to download 15:23:33
13 software from the server through the wireless IP 15:23:38
14 network to the devices. And then also the API call 15:23:42
15 control I just discussed. 15:23:47

16 Beyond these, I don't remember if it 15:23:49
17 offers any other capabilities. I think that covers 15:23:52
18 all the different angles of, that we've been 15:23:57
19 discussing. If there is anything else I'm missing, 15:24:01
20 please point it out in the Marchand patent and I 15:24:11
21 will go through that. 15:24:13

22 Q So are you saying that JINI/Java is a 15:24:15
23 service being offered or it's an underlying 15:24:18
24 technology that allows these services to be offered? 15:24:23

1 A The JINI/Java technology -- excuse me -- 15:24:28
2 is the technology that is used in the -- JINI/Java 15:24:35
3 capable technology is a technology that is used 15:24:45
4 within the Bluetooth ad hoc network, and within 15:24:48
5 that, based on JINI/Java's specification and what it 15:24:52
6 offers, then the devices are able to use each 15:24:56
7 other's services for whatever they perform. 15:24:59

8 So within that umbrella, whatever the list 15:25:02
9 of those services are that allows that JINI/Java 15:25:05
10 capabilities, API call control and so forth is the 15:25:09
11 ones I'm discussing. 15:25:11

12 I don't have anything else in my 15:25:14
13 declaration that discusses other types of protocols 15:25:16
14 or other specific things that we are going to be -- 15:25:25
15 that I am referring to. 15:25:30

16 Q Does the mobile phone publish a printing 15:25:33
17 capability to the ad hoc network according to 15:25:37
18 Marchand? 15:25:40

19 A The mobile phone according to Marchand -- 15:25:43

20 Q Uh-huh. 15:25:46

21 A -- has a -- if you look at the page 19 of 15:25:48
22 Marchand, page 19 on top of the page, line 25, it 15:26:01
23 discusses a JINI look-up service for making services 15:26:13
24 available to the plurality of devices in the 15:26:16

1 piconet. And we had the discussion yesterday about 15:26:21
2 the look-up service where the devices will publish 15:26:25
3 their services to the Bluetooth master device which 15:26:28
4 is the gateway 33, and based on that, those 15:26:33
5 services, which is the look-up service in there, 15:26:37
6 through the gateway are the capabilities offered to 15:26:42
7 the other devices in piconet. 15:26:46

8 That would also include the services that 15:26:48
9 the mobile phone also is capable of. So the gateway 15:26:52
10 33 also has its own capabilities and services which 15:26:57
11 is offering as well, that's the call client control, 15:27:01
12 for example, to the piconet network. 15:27:05

13 Q And that's the only service that the 15:27:08
14 mobile phone brings to the network, correct, as 15:27:10
15 described in Marchand? 15:27:16

16 A And the look-up service capabilities. 15:27:21
17 That is a service it offers. That service is a 15:27:25
18 service that it offers in terms of a depository of 15:27:32
19 all the different devices in the piconet and their 15:27:37
20 capabilities. Now inclusively or exclusively it's 15:27:41
21 also offering those services to the table that it's 15:27:45
22 performing via the gateway. 15:27:49

23 Q So by that logic, the look-up service 15:27:51
24 lists the look-up service as an available service? 15:27:55

1 A No. I did not mean it that way. I meant 15:27:58
2 it as the look-up service has the capabilities of 15:28:01
3 other devices available in there that it publishes, 15:28:04
4 but having that look-up service itself within a 15:28:08
5 JINI/Java technology is a service that it offers. 15:28:11

6 Q I understand. My question is as the phone 15:28:13
7 comes in to a network, what services it bringing 15:28:16
8 with it? 15:28:19

9 A It is bringing -- well, it's bringing the 15:28:21
10 services of establishing the client call control 15:28:26
11 between the, which we already discussed -- between 15:28:31
12 the piconet and that. It's bringing the 15:28:34
13 capabilities of having software being downloaded 15:28:37
14 from the server to the devices, to the piconet 15:28:42
15 devices, and primarily in this particular 15:28:45
16 declaration I have and that relates to this patent, 15:28:52
17 '648, what we are discussing is information that the 15:28:58
18 laptop passes a device information and manufacturing 15:29:08
19 and type to the gateway, and through that the 15:29:12
20 gateway 33 is able to access the server and bring 15:29:15
21 those software upgrades to the device. So that is a 15:29:21
22 service it's providing and that's the focus of my 15:29:25
23 declaration here. 15:29:27

24 Q Where in Marchand specifically does it 15:29:28

1 disclose the capability of having software 15:29:34

2 downloaded from the server to the devices? 15:29:38

3 MR. MUKERJI: I'm going to make an 15:29:55

4 objection on scope. You can answer. 15:29:56

5 A What Marchand is discussing is using 15:30:06

6 JINI/Java type technologies as -- 15:30:08

7 Q Doctor, I don't mean to interrupt, but I 15:30:18

8 want to respond to that last objection. 15:30:21

9 MR. HAIGHT: It's well within the scope. 15:30:22

10 It's language that he just answered. I'm asking 15:30:24

11 about his answer. Now you can answer. 15:30:27

12 MR. MUKERJI: I understand, counsel. But 15:30:29

13 at the same time, I think you will agree that this 15:30:30

14 was stuff that I think we covered yesterday, so it 15:30:33

15 has a feel of de javu to it. 15:30:36

16 MR. HAIGHT: I'm asking him about his 15:30:41

17 answers he has just given. 15:30:42

18 MR. MUKERJI: That's fine. Like I said, 15:30:44

19 it does feel a little de javu. My understanding is, 15:30:44

20 and I haven't been involved in discussions, you are 15:30:50

21 sort of parsing these depositions out, not 15:30:53

22 cross-discussing. I'm fine with him answering. 15:30:57

23 A My answer is in page 41 of my declaration, 15:31:00

24 which is the Figure 3 again shown where I'm showing 15:31:05

1 how by looking at the Sears, the teaching of 15:31:11

2 Sears -- 15:31:23

3 Q I'm going to object as non-responsive. I 15:31:24

4 wasn't asking about Sears at all. I wasn't asking 15:31:27

5 about the combination. I asked very specifically 15:31:28

6 about Marchand. Your answer prior said that 15:31:30

7 Marchand discloses a service by which software can 15:31:35

8 be downloaded from a server to the end device. So 15:31:40

9 my question specifically is where in Marchand, in 15:31:44

10 the four corners of that document, does it disclose 15:31:47

11 that capability? 15:31:51

12 A I have misspoken there. What I meant was 15:31:59

13 a combination of Sears, Marchand together enables 15:32:01

14 that capability. I made a mistake there and I take 15:32:06

15 it back. 15:32:10

16 Q I want to do a little clean-up of some 15:32:41

17 things we discussed back on Tuesday. I'm going to 15:32:44

18 hand you what's going to be marked as Exhibit 15:32:47

19 1445-11. 15:32:51

20 (1445 Exhibit Number 11 15:32:57

21 was marked for identification.) 15:32:57

22 BY MR. HAIGHT: 15:33:17

23 Q Do you recognize what's been handed to you 15:33:21

24 as Exhibit 1445-11? 15:33:23

1 A It is a printout of a website for the 15:33:27
2 Connection One website at Arizona State University 15:33:33
3 that I'm the director of. 15:33:38

4 Q And do you see a URL and a time stamp in 15:33:40
5 the lower left corner of that? 15:33:44

6 A Yes, I do, sir. It is 3/16/2016 at 15:33:47
7 6:28:07 p.m. 15:33:52

8 Q That was yesterday's date? 15:33:55

9 A Yes, it is. 15:33:56

10 Q And do you see it lists ostensibly members 15:34:03
11 of the Connection One Research Center as Arizona 15:34:07
12 State, Ohio State, and the University of Hawaii? 15:34:12

13 A What it shows in there is the members, 15:34:17
14 university members and industry members that the 15:34:19
15 website shows. 15:34:24

16 Q Do you see a Samsung logo under the 15:34:26
17 Arizona State University list of members? 15:34:29

18 A That is correct. That is an out-of-date 15:34:32
19 website. I would be happy to provide you with -- if 15:34:35
20 counsel advises me so, I'll be happy to providing 15:34:39
21 you with a contract that shows when Samsung's 15:34:42
22 contract ended with Connection One. And you believe 15:34:45
23 it was at least two or three years ago. And this 15:34:48
24 website is out-of-date. 15:34:51

1 MR. MUKERJI: I'm not your counsel. We 15:34:53
2 will be happy if you provide that. So we will 15:34:56
3 discuss that. 15:34:58

4 THE WITNESS: I said under your advice. 15:35:00
5 But this is out-of-date. Samsung is no longer a 15:35:01
6 member, number one. And number two, Samsung had a 15:35:05
7 specific contract with another faculty and that was 15:35:10
8 not in any area related to here. And I was not 15:35:12
9 anywhere involved in that research myself. 15:35:19

10 BY MR. HAIGHT: 15:35:26

11 Q I'm going to hand you what is marked as 15:35:27
12 Exhibit 1445-12. 15:35:29

13 (1445 Exhibit Number 12 15:35:31
14 was marked for identification.) 15:35:31

15 THE WITNESS: Thank you, sir. 15:35:53

16 BY MR. HAIGHT: 15:35:54

17 Q Do you recognize what's been handed to you 15:35:56
18 as Exhibit 1445-12? 15:35:58

19 A I believe it is an Arizona State 15:36:01
20 University directory profile for myself. 15:36:06

21 Q And again do you see a URL and a time 15:36:11
22 stamp in the lower left-hand corner? 15:36:15

23 A Yes, I do. That's also March 16, 2016 at 15:36:17
24 6:39 p.m. 15:36:21

1 Q And if you could look down to the fifth 15:36:23
2 line from the bottom of that first page of Exhibit 15:36:27
3 1445-12, do you see your name there? 15:36:32

4 A Yes, I do. 15:36:37

5 Q Followed by the words Connection One - 15:36:39
6 Membership Account: Samsung Telecommunications, 15:36:42
7 Samsung? 15:36:45

8 A Yes. 15:36:46

9 Q That also has a date of 8/1/2011 through 15:36:46
10 7/3/2013? 15:36:51

11 A That's correct, counsel. 15:36:54

12 Q I believe your prior testimony was that 15:36:57
13 you had no connection to the research projects that 15:37:00
14 were funded by Samsung at Connection One; correct? 15:37:03

15 A That is correct. 15:37:06

16 Q Can you explain how your name is listed 15:37:07
17 here under your -- let me start that again. Can you 15:37:10
18 explain how or why Samsung Telecommunications is 15:37:14
19 listed here under your name and under your research 15:37:21
20 activity? 15:37:24

21 A Yes, I can explain that. I am the 15:37:25
22 director of the center and all of the membership 15:37:28
23 that comes through that, since I'm a director of 15:37:31
24 that center, all of those membership is done with 15:37:35

1 the center overall and that's why it is there. 15:37:39

2 However, projects that are, that are 15:37:42

3 performed in the center are specifically performed 15:37:46

4 by specific faculty member, and the faculty member 15:37:51

5 who is involved in here is Bertan, and he is another 15:37:57

6 faculty at Arizona State University and he has done 15:38:01

7 all the work with them. I have not been in any of 15:38:03

8 the meetings that Samsung has had and none of these 15:38:06

9 membership fee has gone to any of my research, nor 15:38:08

10 the research of any of my students, nor any of it 15:38:12

11 has been compensated for my time. Just because I'm 15:38:15

12 the director of the center, I'm recognized that all 15:38:19

13 of the funding that comes to the center that goes to 15:38:22

14 faculty is funneled through me. 15:38:24

15 For example, if the president of the 15:38:27

16 university is the president, all the money coming in 15:38:29

17 from National Science Foundation is going to ASU and 15:38:31

18 then from there it goes to the faculty. So that is 15:38:34

19 the reason. And I also explained earlier this is an 15:38:36

20 industry/university cooperative research center, so 15:38:39

21 what they have done there is that they have been a 15:38:43

22 member of the center and the project they did was 15:38:45

23 with Dr. Bertan. All the information I provided to 15:38:48

24 you was absolutely correct three days ago. 15:38:53

1 Q And as director of the research center, 15:39:12
2 what is your role in allocating the funds that come 15:39:19
3 into the center based on a project that Samsung 15:39:25
4 would have been part of? 15:39:29

5 A My role is primarily an administrative 15:39:32
6 role by which I handle the administration of the 15:39:35
7 center. When an industry member joins the center, 15:39:42
8 they join the center based on the projects they 15:39:45
9 select and those projects are carried out by 15:39:48
10 individual faculty. 15:39:51

11 For example, I have a project myself with, 15:39:52
12 as an example, with another member in the center 15:39:56
13 that is my own research that I'm performing with 15:40:05
14 them. Samsung, I had no -- besides the fact that I 15:40:11
15 was the director of the center, the funding that 15:40:14
16 came in through that was a membership and that 15:40:16
17 membership enabled them to work with Dr. Bertan on a 15:40:19
18 specific project on power amplifiers. 15:40:23

19 Q And in your role as director, is it common 15:40:30
20 to include research projects of other faculty 15:40:39
21 members in the center in your resume' or your bio? 15:40:43

22 A Let me give you an example of a Dean of 15:40:50
23 Engineering. A Dean of Engineering will put in the 15:40:53
24 research in the College of Engineering this year is 15:40:56

1 a hundred million dollars. So he would put that on 15:40:59
2 his resume', that while I was Dean of Engineering at 15:41:02
3 Jamaica State University, I brought in or the 15:41:05
4 Jamaica State University brought in a hundred 15:41:09
5 million dollars. 15:41:13

6 As a director of Connection One Center, 15:41:13
7 the member companies that joined in the center, in 15:41:17
8 there it included the total funding that comes 15:41:22
9 through the center. The only project that I would 15:41:29
10 be the PI, which is the principal investigator, 15:41:32
11 would be the one with the National Science 15:41:36
12 Foundation. The rest of them they are joining in as 15:41:39
13 a member to the center. 15:41:42

14 Q And what do you mean by principal 15:41:48
15 investigator? 15:41:52

16 A What I meant is that the only one that I'm 15:41:53
17 actually doing a research grant with, I have 15:41:56
18 projects that National Science Foundation has given 15:41:59
19 me grants that I'm specifically involved in the 15:42:03
20 research, and that funding goes to my account and it 15:42:05
21 goes to my research operation. 15:42:08

22 Q Let's mark the next exhibit as 1445-13. 15:42:24
23 (1445 Exhibit Number 13 15:42:30
24 was marked for identification.) 15:42:30

1 THE WITNESS: Thank you. 15:42:51

2 BY MR. HAIGHT: 15:42:55

3 Q I won't expect you to recognize the first 15:42:55

4 two pages. I will submit that that's a printout of 15:43:00

5 a Google search result using the terms Sayfe, Kiaei, 15:43:05

6 Samsung. 15:43:13

7 A Yes. 15:43:14

8 Q Do you see a URL and a time stamp on the 15:43:16

9 bottom of that page? 15:43:19

10 A Yes, I do. It is at 3/16/2016 at 7:16 15:43:20

11 p.m. 15:43:25

12 Q And starting at page 3 of what's been 15:43:34

13 given to you as Exhibit 1443-13, do you recognize 15:43:38

14 the remainder of that exhibit? 15:43:45

15 A That is my resume'. I presume you got 15:43:47

16 that from the website. 15:43:50

17 Q I will submit, if you go back to the first 15:43:52

18 page and the fourth search result, that has a PDF 15:43:54

19 next to it? 15:44:00

20 A Yes. 15:44:01

21 Q I will submit for the record that starting 15:44:01

22 at page 3 through the rest of the document, that is 15:44:04

23 the PDF that -- 15:44:07

24 A Okay. 15:44:09

1 Q If you could turn to page 8 of what is 15:44:13

2 the -- the 8th page of your CV? 15:44:20

3 A Yes. I'm there. 15:44:24

4 Q And about eight bullets up from the bottom 15:44:26

5 do you see an entry that says Connection One - 15:44:34

6 Samsung? 15:44:38

7 A Yes. 15:44:39

8 Q And do you see a date of 8/15/2001 to 15:44:39

9 8/14/2014? 15:44:43

10 A That's correct. 15:44:45

11 Q And in parentheses it says \$200,000? 15:44:45

12 A Right. 15:44:48

13 Q And then there is a title: High 15:44:48

14 Linearity, Wide Bandwidth, Envelope Tracking 15:44:53

15 Regulators for Handset RF Power Amplifiers. Did I 15:44:58

16 read that correct? 15:45:03

17 A That's correct. You did. 15:45:05

18 Q What is the significance of having this on 15:45:14

19 your resume'? 15:45:20

20 A That, if you go back again, look at the 15:45:22

21 one, two, three, four, five, sixth line in the first 15:45:29

22 page, it says "C1 Membership Account." That is the 15:45:33

23 membership account that Samsung has had with 15:45:39

24 Connection One, and the project again is nothing but 15:45:42

1 mentioning that project which is their membership 15:45:47
2 account with the Connection One Center, and with 15:45:51
3 that they have the faculty member who was involved 15:45:55
4 in that project is the faculty Bertan that I just 15:46:02
5 mentioned. 15:46:07

6 Q The date there, August 15th, 2001 to 15:46:16
7 August 14th, 2014 -- 15:46:20

8 MR. MUKERJI: 2011. 15:46:23

9 BY MR. HAIGHT: 15:46:25

10 Q I'm sorry. 2011 to August 14, 2014, that 15:46:25
11 doesn't seem to be consistent with the dates that we 15:46:31
12 highlighted in Exhibit 1445-12. Can you explain 15:46:34
13 that? 15:46:38

14 A A typo. Off the top of my head, I don't 15:46:39
15 know when the membership ended, and I will provide 15:46:43
16 that to my counsel and let them handle it with you 15:46:46
17 however it is. It is a typo. Personally I don't 15:46:48
18 know which one of them is correct either. But this 15:46:52
19 project, I have nothing to do with the project here. 15:46:56
20 This was their membership for the center and which 15:46:59
21 was a project they specifically performed with Dr. 15:47:02
22 Bertan at Arizona State University. 15:47:05

23 Q And you would include it in your resume' 15:47:09
24 as a means of showing the success of the center, or 15:47:16

1 why would you have it in your resume' if you had 15:47:21
2 nothing to do with the project itself? 15:47:24

3 A It's a list of projects that the center 15:47:26
4 has performed, and as a membership to the center, 15:47:29
5 these are a lists of all the projects that I have 15:47:31
6 done in there. As I mentioned, when this comes in 15:47:34
7 to the university, it goes to the center, and me 15:47:37
8 being a director of the center, that's the way they 15:47:41
9 are accounted for in terms of how they are coming in 15:47:44
10 the center, in the university. So I had nothing to 15:47:47
11 do with this project. 15:47:50

12 Q I did want to clarify that, because I 15:47:52
13 think you said that it lists the projects that the 15:47:55
14 center has performed as a membership to the center, 15:47:58
15 these are the list of all the projects that I have 15:48:00
16 done in there. 15:48:05

17 A That's not what I meant. It's a list of 15:48:08
18 the projects that the center performs with each 15:48:10
19 faculty separately. It is a consortium. As a 15:48:14
20 consortium, NSF consortiums, rules and regulations 15:48:19
21 is clearly outlined on the National Science 15:48:26
22 Foundation website. Each company comes in as a 15:48:30
23 member, joins the center, and as joining the center, 15:48:34
24 then they, the faculty proposes the research 15:48:38

1 project, that that research project is performed. 15:48:42
2 Samsung joined the center and that was as a result 15:48:44
3 of the work that Dr. Bertan was doing with them, 15:48:49
4 joined the center and also all the work was done 15:48:53
5 with Dr. Bertan. 15:48:56

6 Q And in this particular example it appears 15:48:57
7 that Samsung's contribution to that research project 15:49:03
8 was \$200,000; correct? 15:49:06

9 A That may have been a typo also. I have to 15:49:09
10 go back and look at how many years they were a 15:49:12
11 member and how much money they contributed. It's 15:49:15
12 approximately around the same number. 15:49:18

13 Q So is this \$200,000 a membership fee or is 15:49:21
14 this a grant to your colleague, who is then able to 15:49:26
15 use that money to perform his research? 15:49:29

16 A That was a membership fee. That was a 15:49:32
17 membership fee over a certain period of time. I 15:49:34
18 don't know how long that was. The membership fee 15:49:37
19 usually is \$50,000 a year. 15:49:40

20 Q So then it's fair to say that that 15:49:43
21 \$200,000 was used to, to fund many aspects of the 15:49:47
22 work that goes on at the Connection One Center; 15:49:56
23 correct? 15:50:00

24 A It's a membership fee that they joined the 15:50:01

1 center. When they joined the center, then they have 15:50:03
2 a project they have in mind and they do that project 15:50:06
3 specifically with the faculty member. 15:50:10

4 Q But the membership fee that's paid is not 15:50:18
5 a one-to-one dollar correspondence to the cost of 15:50:21
6 the research; is that correct? 15:50:25

7 A It almost is. All of the membership fee 15:50:27
8 that comes in goes towards the faculty and they pay 15:50:31
9 most of it to the graduate students for doing the 15:50:34
10 research. \$50,000 with overhead doesn't go far. 15:50:37
11 Student salary and students, if they get paid, with 15:50:42
12 their salary and tuition, it's easy to go over 15:50:45
13 \$50,000. Most of it is paid for graduate students, 15:50:50
14 not for any of the faculty time. 15:50:53

15 Q So those -- do those membership fees limit 15:50:55
16 the scope of the amount of research that these 15:50:59
17 projects can entail? 15:51:02

18 A Absolutely. It depends on how much money 15:51:03
19 they are paying and it is focused on really amount 15:51:07
20 of work that the graduate students can do for that 15:51:11
21 duration of time. They are working on their thesis, 15:51:15
22 they are taking classes. It primarily pays the 15:51:19
23 graduate student tuition, and it doesn't pay that 15:51:25
24 much money monthly. 15:51:28

1 Q So if the \$200,000 is a, I guess it would 15:51:31
2 be the sum of the membership fees over those three 15:51:41
3 years that Samsung was a member; correct? All of 15:51:45
4 those membership fees were then funneled directly 15:51:52
5 into the High Linearity, Wide Bandwidth, Envelope 15:51:59
6 Tracking Regulators for Handset RF Power Amplifiers 15:52:02
7 project? 15:52:07

8 A The majority of them, yes. With the 15:52:07
9 exception of university overhead. There is some 15:52:10
10 overhead involved in here. 15:52:13

11 Q What goes into the university overhead? 15:52:14

12 A I don't know the percentage. The 15:52:17
13 University has an overhead when you have a project. 15:52:20

14 Q Not a percentage of the money. What types 15:52:20
15 of costs are -- 15:52:21

16 A Involved in university overhead? 15:52:23

17 Q Yeah. 15:52:25

18 A Lights, building, water, gas. 15:52:26

19 Q Not salaries? 15:52:30

20 A I don't believe so. None of my salary is 15:52:31
21 paid out of this \$200,000, if that's what you are 15:52:40
22 referring to. 15:52:44

23 MR. HAIGHT: Let's mark the next exhibit, 15:52:53

24 1445-14. 15:52:57

1 (1445 Exhibit Number 14 15:53:00
2 was marked for identification.) 15:53:00
3 BY MR. HAIGHT: 15:53:24
4 Q And do you recognize that exhibit as what 15:53:28
5 you identified previously as the sixth entry of the 15:53:33
6 search result from Exhibit 1445-13? 15:53:39
7 A Yes, I do. 15:53:43
8 Q Again down in the lower left-hand corner 15:53:49
9 do you see a URL and a time stamp? 15:53:52
10 A Yes. 15:53:54
11 Q That time stamp is also from yesterday? 15:53:55
12 A Yes, it is. 3/16/2016, 6:31 p.m. 15:53:58
13 Q And the main heading of that a page is C1 15:54:04
14 Membership Account - Samsung Telecommunications? 15:54:08
15 A Yes, it is. 15:54:11
16 Q And do you see your name underneath it? 15:54:12
17 A Yes. It says Kiaei Sayfe, PI. 15:54:14
18 Q Is that the same PI as principal 15:54:18
19 investigator that you referred to earlier? 15:54:21
20 A Yes, it is. Yes, it is. And it is for 15:54:23
21 them joining the center as a member. All the 15:54:26
22 research was done by a faculty member I had 15:54:29
23 mentioned. As a director of the center, the funding 15:54:32
24 that comes through the center, it goes to the main 15:54:36

1 center account, and then from there it goes to the 15:54:39
2 faculty member. 15:54:41

3 Q In the description that's at the bottom of 15:54:47
4 that first page of 1445-14, about four lines up from 15:54:52
5 the bottom there is a sentence that starts, "for the 15:54:56
6 first five years." Do you see that? 15:54:59

7 A Yes. 15:55:00

8 Q Is that sort of -- well, let me ask a 15:55:01
9 different question. Samsung was not a member of 15:55:08
10 Connection One for five years; correct? 15:55:10

11 A For five years? No. No. It was for like 15:55:13
12 three years or two years or three years. I don't 15:55:19
13 remember the details of it. 15:55:21

14 Q Is that language there, "for the first 15:55:22
15 five years the center will be supported jointly by 15:55:25
16 private sector entities," and then it lists various 15:55:28
17 other entities, is that sort of boilerplate 15:55:31
18 language? 15:55:35

19 A Let me explain to you what that is. The 15:55:35
20 industry/university cooperative research centers are 15:55:40
21 funded, small amount of the funding comes from 15:55:43
22 National Science Foundation, which is for 15:55:47
23 administrative support of the center. Primarily 15:55:50
24 that is supposed to come in to support the 15:55:52

1 administration which is supporting the coordinator 15:55:54
2 of the center and the salary for her and so forth, 15:55:59
3 and overall administration of the center. 15:56:01

4 That NSF supports it for the first five 15:56:05
5 years, that is phase one. We started the center 15:56:11
6 roughly at 2002 I believe when I joined Arizona 15:56:14
7 State University. The first phase ended 15:56:16
8 approximately 2007. Then after that we applied for 15:56:19
9 a phase two. Each phase NSF money goes down a 15:56:22
10 little bit. Phase two, NSF gave additional support 15:56:27
11 every year for five years. 15:56:31

12 And now we are in phase three of that 15:56:32
13 center, which the NSF contribution has diminished 15:56:34
14 significantly. So that's what these are. And the 15:56:39
15 idea is that once you finished phase three, then you 15:56:40
16 can become an independent center that is fully 15:56:44
17 funded by industry even though NSF funding really 15:56:47
18 doesn't go far. So what they are discussing here is 15:56:52
19 that for the first five years of the center, the 15:56:55
20 center is supported jointly by private sector 15:56:58
21 entities and the National Science Foundation, and 15:57:03
22 the National Science Foundation. 15:57:07

23 That's been going on now for 13 years. We 15:57:10
24 have two more years and we graduate in 2017, and 15:57:13

1 after that who knows what happens. 15:57:17

2 Q On the back side of that page do you see 15:57:23
3 an effective start/end date? 15:57:26

4 A Uh-huh. 15:57:29

5 Q At least according to this page, that says 15:57:33
6 that that engagement went from 8/1/11 to 8/1/11? 15:57:36

7 A Yeah. That is not correct obviously. 15:57:43
8 That was a lot of money for one day of research. 15:57:45

9 Q Then that, the \$200,000 figure we 15:57:48
10 discussed earlier is represented here as well? 15:57:52

11 A The amount of money they have given, 15:57:55
12 whatever the total is was towards their membership 15:57:57
13 in December. And all the statements I have made so 15:58:01
14 far, they are all correct. 15:58:04

15 Q Sure. Are you and your faculty 15:58:06
16 responsible for sort of soliciting members, 15:58:20
17 soliciting private industry companies to become 15:58:28
18 members of the research center? 15:58:32

19 A Depends on -- it's a case-by-case basis. 15:58:36
20 This particular one Dr. Bertan was the sole 15:58:40
21 responsible person that solicited Samsung to come 15:58:44
22 and join and they came primarily because of his work 15:58:49
23 that he has done. I can say that I have not been 15:58:54
24 involved in any of the technical meetings they have 15:58:58

1 had during the project that was funded in that time 15:59:01
2 period, neither did I solicit Samsung to come and 15:59:04
3 join the center. This was all Dr. Bertan's work 15:59:08
4 that he has done. 15:59:11

5 Q Are industry companies that leave the 15:59:18
6 membership of the research center, are they allowed 15:59:30
7 to rejoin? 15:59:35

8 A Periodically, yes, they can. They can 15:59:40
9 rejoin, yes. They have 30 days at any time to 15:59:43
10 cancel their contract. 15:59:47

11 Q Okay. After those 30 days, is a member 15:59:56
12 who has left or stopped paying their membership 16:00:06
13 fees, are they ever able to rejoin? 16:00:10

14 A I don't remember the exact details of the 16:00:18
15 contract, if there is a grace period they have to 16:00:20
16 wait to rejoin. I don't see any reason not they 16:00:23
17 couldn't. Typically when they join, they pay for 16:00:28
18 that year's membership fee or summation for the two 16:00:33
19 or three years they are going to be a member upfront 16:00:41
20 or we invoice them later. We haven't had a case 16:00:45
21 that the company pulled out and then they said give 16:00:47
22 me my money back. 16:00:49

23 Q I'm not asking if you give the money back. 16:00:50
24 I'm saying theoretically if a member decided to 16:00:50

1 leave the organization, either by nonpayment of 16:00:54
2 their membership fees or just made a business 16:00:59
3 decision not to be a member anymore, would they 16:01:03
4 later be able to come back a period of time later? 16:01:06

5 A Yes, they could. 16:01:09

6 MR. HAIGHT: Well, doctor, I thank you for 16:01:14
7 the long grind that it's been for the last three 16:01:16
8 days, but at this time I have no more questions. 16:01:19

9 THE WITNESS: Thank you, George. I 16:01:21
10 appreciate your time. Thank you, counsel. 16:01:22

11 MR. MUKERJI: Well, after three days I 16:01:26
12 finally get to say something, so I'm going to say 16:01:28
13 something. 16:01:30

14 BY MR. MUKERJI: 16:01:32

15 Q Dr. Kiaei, can you pull out 1445-12 that 16:01:32
16 Mr. Haight just asked you about a few minutes ago? 16:01:36
17 Hopefully, it's in front of you. 16:01:41

18 A This is 12. Yes. 16:01:43

19 Q Do you have that? 16:01:44

20 A Yes, counsel. 16:01:45

21 Q There is a picture of somebody at the 16:01:46
22 upper left of that document. Do you see that? 16:01:48

23 A Yes, I do. 16:01:52

24 Q And there is some dark stuff on the top of 16:01:54

1 that guy's head. What is that? 16:01:57

2 A That used to be called hair. 16:01:59

3 Q That's a picture of you? 16:02:01

4 A Yes, it is. 16:02:02

5 Q Would you say this picture is somewhat 16:02:03
6 out-of-date then? 16:02:06

7 A Well, it is at least 15 years out-of-date, 16:02:07
8 like the rest of my resume'. 16:02:11

9 Q Can you pull out 1445-13? 16:02:13

10 A Yes, I do have that in front of me. 16:02:19

11 Q There is some Google pages in the front 16:02:21
12 and then there is something that I guess you guys 16:02:24
13 talked about being your resume'. And I would like 16:02:26
14 you to go to the section that says Funded Research 16:02:30
15 Projects. 16:02:34

16 A Yes, I have that. 16:02:35

17 Q Okay. Now, so this is on numbered page 7 16:02:36
18 of what you guys called your resume'. Are you with 16:02:43
19 me? 16:02:46

20 A Yes. I'm with you. 16:02:47

21 Q Okay. The eighth entry down is an entry 16:02:49
22 for the University of Texas for \$50,000. Do you see 16:02:59
23 that? 16:03:03

24 A Yes, I do. 16:03:04

1 Q And the entry after that is the University 16:03:05
2 of Texas for a hundred thousand dollars. Do you see 16:03:07
3 that? 16:03:10

4 A Yes, I do. 16:03:11

5 Q And you teach at ASU; right? 16:03:12

6 A Yes, I do. 16:03:15

7 Q So I want you to think very carefully 16:03:16
8 about my next question, and that question is when 16:03:19
9 football season roles around, do you cheer for Texas 16:03:23
10 or do you cheer for ASU? 16:03:27

11 A Well, thank you for bringing that up. And 16:03:30
12 I know the reason these entries are like that is 16:03:37
13 because once in a while my secretary updates my 16:03:41
14 resume' and she just pulls out the -- 16:03:45

15 Q Doctor, I'm going to have to stop you. 16:03:48
16 Answer my question, please. 16:03:51

17 A I believe that I would -- 16:03:53

18 Q Do you cheer for Texas or do you cheer for 16:03:54
19 ASU? 16:03:58

20 A I was a Longhorn when I was in Arizona -- 16:03:59
21 I mean when I was in Texas, so I probably, I don't 16:04:00
22 know, I would be conflicted. I would have to figure 16:04:04
23 it out. 16:04:07

24 Q Fair enough. Now, I know there has been 16:04:09

1 some discussion over the past few minutes about 16:04:11
2 Samsung's role in Connection One and the fact that 16:04:14
3 they paid a subscription fee. Now, I have got to 16:04:18
4 ask you, doctor, any of the opinions that you have 16:04:21
5 rendered in this matter across the four matters that 16:04:25
6 we've been discussing, the four petitions we have 16:04:30
7 been discussing for the past three days, have any of 16:04:34
8 those been influenced by the fact that Samsung is 16:04:35
9 one of the parties that's retained you? 16:04:37

10 A No. 16:04:40

11 Q Is there any hope, expectation, 16:04:42
12 understanding, wish, fervent desire that you will 16:04:45
13 render opinions in this case and Samsung will return 16:04:51
14 to Connection One? 16:04:55

15 A No. 16:04:56

16 MR. HAIGHT: Objection. Form. Calls for 16:04:57
17 speculation. 16:04:59

18 MR. MUKERJI: I'll pass the witness. 16:04:59

19 MR. HAIGHT: I have no more questions. 16:05:01

20 MR. MUKERJI: This concludes the 16:05:05
21 deposition. 16:05:06

22 VIDEOGRAPHER: This concludes the video
23 deposition of Sayfe Kiaei, Ph.D., consisting of five
24 DVD discs. The time is 4:04:26 p.m. We are now off

1 the record.

2 (Whereupon, at 4:04 p.m., the
3 deposition of SAYFE KIAEI, PH.D.
4 was concluded.)

5 * * * * *

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1 UNITED STATES OF AMERICA)

2 ss:

3 DISTRICT OF COLUMBIA)

4 I, ROBERT M. JAKUPCIAK, an RPR and Notary
5 Public within and for the District of Columbia, do
6 hereby certify:

7 That prior to being examined, the witness named
8 in the foregoing deposition was duly sworn to
9 testify the truth, the whole truth, and nothing but
10 the truth;

11 That said deposition was taken down by me in
12 shorthand at the time and place therein named and
13 thereafter reduced by me to typewritten form and
14 that the same is a true, correct, and complete
15 transcript of said proceedings.

16 Before completion of the deposition, review of
17 the transcript [] was [] was not requested. If
18 requested, any changes made by the deponent (and
19 provided to the reporter) during the period allowed
20 are appended hereto. I further certify that I am
21 not interested in the outcome of the action.

22 Witness my hand this 25th day of
23 March, 2016.

24 _____

1 Errata Sheet

2

3 NAME OF CASE: SAMSUNG ELECTRONICS vs. IXI IP

4 DATE OF DEPOSITION: 03/17/2016

5 NAME OF WITNESS: Sayfe Kiaei, PH.D.

6 Reason Codes:

7 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct transcription errors.

10 Page _____ Line _____ Reason _____

11 From _____ to _____

12 Page _____ Line _____ Reason _____

13 From _____ to _____

14 Page _____ Line _____ Reason _____

15 From _____ to _____

16 Page _____ Line _____ Reason _____

17 From _____ to _____

18 Page _____ Line _____ Reason _____

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22 Page _____ Line _____ Reason _____

23 From _____ to _____

24

25 _____

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