

**Patent Owner's Submission of  
Proposed Supplemental Information  
Pursuant to Motion filed Under  
37 C.F.R. § 42.123(b).**

1 UNITED STATES DISTRICT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION  
4

5 EVOLVED WIRELESS, LLC, )  
6 )  
7 Plaintiff, )  
8 )  
9 vs. ) Case No.  
10 ) C.A. 15-545-SLR-SRF  
11 SAMSUNG ELECTRONICS CO. )  
12 LTD., and SAMSUNG ELECTRONICS )  
13 AMERICA, INC., )  
14 )  
15 Defendants. )  
16 \_\_\_\_\_ )  
17 )

18 CONFIDENTIAL -- OUTSIDE ATTORNEYS' EYES ONLY  
19 SOURCE CODE  
20

21 VIDEO DEPOSITION OF JOHN DAVID VILLASENOR,  
22 taken on behalf of STRAIGHT PATH IP GROUP, INC., at  
23 QUINN EMANUEL URQUHART & SULLIVAN, LLP, 555 Twin  
24 Dolphin Drive, Suite 560, Redwood Shores,  
25 California, beginning at 9:02 A.M., Friday,  
26 August 25, 2017, before QUYEN N. DO, Certified  
27 Shorthand Reporter No. 12447.

1 BY MR. SCHULTZ:

2 Q Is it software code? How would you  
3 describe the code it's in?

4 A I'm not --

5 MR. STIERNBERG: Objection. Form.

6 THE WITNESS: I'm not sure I understand --

7 MR. SCHULTZ: That's a poor question. Let  
8 me think about it. I'll ask it again later. All  
9 right.

10 Q (By Mr. Schultz) And just so I'm clear as  
11 your opinion on noninfringement, your  
12 noninfringement opinion is based on what you claim  
13 Evolved has said is the scope of the claim, right?

14 A Among other things. I think I was very  
15 clear about that. My noninfringement opinion is  
16 based, first and foremost, on the language of, for  
17 example, the first transmitting element in Claim 1;  
18 the language -- the plain language of that element;  
19 as well as the -- there's some text in the patent  
20 that supports the interpretation -- the "only if"  
21 interpretation; and then Evolved also confirmed  
22 and -- and made very clear its view of that claim  
23 element in the IPR that I cited somewhere here. Let  
24 me see where.

25 Q Okay.

1           A     I think I cited it somewhere here.

2                     Yeah, I cited this, for example, in  
3     paragraph 272 of the -- of the '236 patent.

4           Q     So it's your opinion, as you've read the  
5     '236 patent and Claim 1, that one of skill in the  
6     art would understand that first transmitting step to  
7     be "only if"?

8                     MR. STIERNBERG:  Objection.  Form.  
9     Misstates testimony.

10                    THE WITNESS:  Yeah, I -- I -- I -- I --  
11    I -- I'm not sure I have anything to add.  I mean,  
12    I -- I've read -- to understand the claim, you  
13    read -- read the claim, the claim element, and you  
14    also read the specification, and in this case we  
15    also have other evidence provided by the patentee.

16    BY MR. SCHULTZ:

17           Q     Right, but that's not my question.

18                     My question is, Is it your opinion that  
19    one of skill in the art reading Claim 1 of the '236  
20    patent, in that first transmission limitation, would  
21    understand that that transmission of stored Msg3  
22    data only occurs when those two conditions are true?

23                     MR. STIERNBERG:  Objection.  Form.

24                     THE WITNESS:  I mean, my -- I -- I agree  
25    with the "only if" interpretation of Evolved.  So I

1 want to make sure I -- that's not taken out of  
2 context. I -- I agree that -- that -- you know, if  
3 you look at what I've said -- what -- what -- I've  
4 characterized Evolved's statement in paragraph 280,  
5 and I've cited -- I've cited that also in  
6 paragraph 272, and -- and that's consistent with my  
7 own reading of -- of the claim and -- and -- and in  
8 light of the specification.

9 BY MR. SCHULTZ:

10 Q Okay. So I'm trying to separate out what  
11 Evolved has said. I'm just asking, is it your  
12 opinion, as of one of skill in the art, that reading  
13 Claim 1 of the '236 patent, that first transmitting  
14 limitation should be interpreted as "only if"?

15 MR. STIERNBERG: Objection. Form.

16 THE WITNESS: Again, I want to make sure  
17 that it depends -- I want to make sure that my  
18 understanding of "only if" is the same as your  
19 understand [sic] of -- -standing of "only if." And  
20 so my understanding of the "only if" is that  
21 there -- these -- these two -- these two conditions,  
22 and both of them would -- both of them would need to  
23 be met in order for -- for a -- in a system meeting  
24 or a method meeting Claim 1, both of those  
25 requirements here would -- would need to be met.

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