

**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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