1 explanation of the law to him, which is in his
2 report. So there's nothing else to go over
3 between --
4   MR. PARK: We don't want to hear you
5 testify about it. Why don't you let us ask the
6 question and he can tell us the basis for his
7 opinion and what he relied on.
8   MR. KRIEGER: That's what he's doing.
9   MR. PARK: Okay, well, then, let's
10 let him answer the question.
11   MR. KRIEGER: He did. I don't know
12 what we're arguing about here.
13   MR. PARK: I wanted to make sure,
14 this is Jin for Samsung, that the basis of your
15 objection wasn't the fact that there was some other
16 communication that he could in his mind have relied
17 upon that you are saying, well, just because we
18 talked, meaning that you and he talked, he can't
19 disclose that. He must disclose that if it's
20 something that he relied on to form his opinion.
21   MR. KRIEGER: Right. Yeah, we agree
22 there. You're entitled to anything that he relied
23 on. That's correct. I am not disputing that.
24   MR. PARK: Your objection and your
25 direction to him blanketed all communications it

1 appeared to me. So I wanted to make sure that the
2 witness understood that he must disclose what he
3 relied upon, regardless of if it came from you.
4   MR. KRIEGER: Correct. Yeah, no,
5 that's a good clarification and if I didn't make
6 that clarification in my objection, I didn't mean
7 to state that. So we're on the same page.
8   MR. BLUESTONE: Jin, do you want to
9 wrap up where you're going with that?
10   MR. PARK: It was just with that
11 instruction and this discussion with counsel, Mr.
12 Baxter, does that change your response?
13   THE WITNESS: No.
14   Q   (BY MR. BLUESTONE) All right. So
15 can we go to paragraph 35 of Exhibit 2, please?
16 I'll just read this portion into the record. You
17 state "The plain and ordinary meaning of
18 'distinguish' (from the Merriam Webster Collegiate
19 Dictionary, 1998) is, 'to separate into kinds,
20 classes, or categories.'"
21   The next sentence states, "Synonyms
22 (from thesaurus.com) include categorize, classify,
23 and characterize."
24   Is -- are those two statements, do
25 they constitute your opinion of the meaning of

1 distinguish?
2   A   These are definitions and synonyms
3 for distinguish, yes.
4   Q   And how did you select those
5 definitions?
6   A   I looked in the dictionary and
7 thesaurus.com and, to me, that encapsulates the
8 plain and ordinary meaning of distinguish as we use
9 it in everyday English.
10   Q   And there was no definition of
11 distinguish like this in previous Declarations;
12 correct?
13   A   I don't recall.
14   Q   And just to make sure I understand
15 what you're saying in paragraph 35, are you saying
16 that you could replace the word distinguish with
17 categorize? That they're interchangeable?
18   MR. KRIEGER: Objection, form.
19   A   I don't know that they're identically
20 interchangeable in all cases. Synonyms, to me, are
21 words that basically mean the same thing. I think
22 between the dictionary and the thesaurus, it gives
23 sort of the range of meaning of distinguish in
24 ordinary English.
25   Q   (BY MR. BLUESTONE) All right. Let's

1 turn to paragraph 74. I'm going to read into the
2 record the first sentence here. You state,
3 "Intrinsic evidence shows that one of ordinary
4 skill in the art would understand that 'arranging
5 impedance within the at least one path' means
6 placing an impedance in a path between contacts."
7   Is that an accurate reflection of
8 your opinion of the meaning of arranging impedance
9 within at least one path?
10   A   Yes, it is.
11   Q   So where it says "arranging
12 impedance," you would change it to say placing an
13 impedance?
14   A   I just indicated that's what
15 arranging means to me. Placing impedance, you've
16 got one impedance, you put the impedance in the
17 path.
18   Q   Now, an impedance is a measurable
19 characteristic; correct?
20   A   Yes.
21   Q   So how does one go about placing a
22 measurable characteristic in a path?
23   A   Well, because there are circuit
24 elements that have impedance, and you can place
25 them in the path.

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1   Q   So you place -- you arrange the
2 impedance by placing the circuit elements into the
3 path?
4   A   Which have impedance, yes.
5   Q   Which have impedance. Okay. Is
6 there any difference between arranging an impedance
7 with a 25 kilo ohm resistor versus two 50 kilo ohm
8 resistors in parallel?
9   MR. KRIEGER: Objection, form.
10   A   I am not sure what you're getting at
11 by difference.
12   Q   (BY MR. BLUESTONE) For the purpose
13 of assessing whether you have arranged impedance to
14 distinguish. Does it make any difference whether
15 you have used a 25 -- a single 25 kilo ohm
16 resistor, for example, or two 50 kilo ohm resistors
17 in parallel?
18   A   It may make a difference in your
19 circuit. I don't know. But I would think both of
20 those would classify as arranging.
21   Q   Okay. So the particular physical
22 structure might not matter, it's the measured value
23 that matters?
24   A   Right. It's the impedance in the
25 path is the way I would look at it.

1   MR. BLUESTONE: Okay. Let's mark as
2 Exhibit 3 --
3   (Exhibit 3 marked for identification
4 by the court reporter.)
5   Q   (BY MR. BLUESTONE) Exhibit 3 is your
6 August 11, 2014, Declaration in support of
7 plaintiffs' claim construction on selected terms.
8   MR. KRIEGER: I thought we agreed
9 this deposition was limited to the definiteness
10 Declaration.
11   MR. BLUESTONE: It is.
12   MR. KRIEGER: Okay. And why are we
13 talking about this then?
14   MR. BLUESTONE: Because I am going
15 through what his constructions are to see how they
16 have changed with respect to the definiteness.
17 There's Declarations -- there's statements on claim
18 construction with respect to distinguishing
19 information here.
20   MR. KRIEGER: Okay. So limited to
21 that? Okay.
22   MR. BLUESTONE: Yeah, I don't expect
23 to go much more into that.
24   MR. KRIEGER: All right.
25   Q   (BY MR. BLUESTONE) With respect to

1 the definitions that we talked about, specifically,
2 paragraphs 35, 74, 81, and 82, those definitions
3 are nowhere in Exhibit 3; correct?
4   A   Nowhere in this document you are
5 saying? Is that the question?
6   Q   Correct. Yes. In Exhibit 3.
7   A   I don't believe they do, no.
8   Q   I would direct you to paragraph 31
9 and paragraph 32 in which you provide a definition
10 for, I'll start with paragraph 31, "distinguishing
11 information about the piece of Ethernet data
12 terminal equipment" you state means "Information to
13 distinguish the piece of Ethernet data terminal
14 equipment from at least one other piece of Ethernet
15 data terminal equipment."
16   That's what it says in the paragraph
17 31; correct?
18   A   Correct.
19   Q   Does your, referring back to Exhibit
20 2, does your proposed definition of distinguish in
21 paragraph 35 of Exhibit 2 modify or alter your
22 position as stated in paragraph 31? Of Exhibit 3?
23   MR. KRIEGER: Objection, form.
24   A   I'm sorry, you are asking does the
25 definitions in paragraph 35 of Exhibit 2 affect

1 what is in 31 of Exhibit 3?
2   Q   (BY MR. BLUESTONE) Correct. And
3 Exhibit 3 is what you said previous to Exhibit 2.
4   A   Yes. No, I think those are
5 consistent.
6   Q   Okay. Could I apply your meaning of
7 distinguish to paragraph 31 in Exhibit 3 such that
8 you would say it's information to classify or
9 categorize?
10   MR. KRIEGER: Objection, form.
11   A   Well, I mean, this sentence doesn't
12 really make sense if you substitute those words in
13 there. Classify or distinguish -- classify or
14 categorize from at least one other piece doesn't
15 really -- I think that's what classify or
16 categorize means is that there's different kinds
17 and you know it's this one, not some other one.
18   Q   (BY MR. BLUESTONE) So does classify
19 or categorize mean that you can put it in one of
20 two groups?
21   A   There doesn't have to be two.
22   Q   But it -- two or more?
23   A   I think so, yeah.
24   Q   So would it be fair under claim 31 to
25 say that "distinguishing information about the

17 (Pages 62 - 65)

1 piece of Ethernet data terminal equipment" means
2 information to characterize the piece of Ethernet
3 data terminal equipment?
4   A   Yeah, I suppose it might be.
5 Characterize, classify, or it just says here
6 distinguish them with at least one other thing.
7   Q   Okay. So it would be fair to accept
8 the definition of information to characterize the
9 piece of Ethernet data terminal equipment?
10   MR. KRIEGER: Objection, form.
11   A   Well, let me just think about this
12 for a second.
13   Q   (BY MR. BLUESTONE) Please.
14   A   And your proposed change was what?
15   Q   Well, I'm trying to go and take the
16 language you used to see if I can synthesize it
17 down to understand what your position is. But I
18 would say is it fair to accept the definition of
19 information to characterize the piece of Ethernet
20 data terminal equipment?
21   A   I like distinguish better, but, I
22 mean, that's just -- just my opinion, but...
23   Q   But I mean is there anything that you
24 would say is inaccurate as a reflection of your
25 opinions with that statement as applying to

1 "distinguishing information about the piece of
2 Ethernet data terminal equipment"?
3   A   Well, to me, the distinguishing
4 implies, as used here, implies that there's types
5 or categories that you're putting it into. And
6 that's what we mean when we say distinguishing at
7 least one other piece is that there's types or
8 categories and there's something -- at least one
9 other thing is different that's not in this
10 category. And I don't know that characterize
11 really conveys that as well. Characterize is just
12 saying something about it.
13   Q   But that's a term that you have used
14 to define distinguish; correct?
15   MR. KRIEGER: Objection, form.
16   A   It's one of the terms that I used
17 about plain and ordinary meaning of distinguish,
18 and specifically to show that it doesn't imply that
19 it has to be uniquely identified.
20   Q   (BY MR. BLUESTONE) Okay. So back to
21 my question, what, if anything, would you say is an
22 accurate reflection of your opinion to apply a
23 definition of information to characterize the piece
24 of Ethernet data terminal equipment as being
25 applicable to the claim language "distinguishing

1 information about the piece of Ethernet data
2 terminal equipment"?
3   MR. KRIEGER: Objection, form.
4   MR. BLUESTONE: And would the court
5 reporter just repeat back what I said? That was a
6 little bit long, I want to make sure he heard it
7 completely.
8   THE REPORTER: What, if anything,
9 would you say is an accurate reflection of your
10 opinion to apply a definition of information to
11 characterize the piece of Ethernet data terminal
12 equipment as being applicable to the claim language
13 "distinguishing information about the piece of
14 Ethernet data terminal equipment"?
15   A   You know, I don't really like it all
16 that much, to be honest with you.
17   Q   (BY MR. BLUESTONE) What is it that
18 you don't like?
19   A   I think distinguishing conveys more
20 the separating into kinds, classes, categories;
21 whereas, characterization is just, you know,
22 something about it.
23   Q   Okay. What if we said information to
24 separate into kinds, classes or categories the
25 piece of Ethernet data terminal equipment?

1   A   I think that's more in line with the
2 meaning of the term, but I kinda like the claim as
3 it's written, personally.
4   Q   And, of course, I appreciate that,
5 but part of this is trying to figure out what the
6 claim constructions would be, and the situation to
7 explain why I'm even going with any of this is we
8 had one definition, we have additional
9 constructions as we see them, and I am trying to
10 reconcile them. So to the extent that I can kind
11 of get a sense of how we reconcile that, that's
12 where I'm going with this.
13   A   Yeah, right. And what I was doing
14 here was just trying to talk about the plain and
15 ordinary meaning of distinguish, which is what I
16 view as being used here.
17   Q   And "The plain and ordinary meaning
18 of distinguish," as you have said, "is," as you've
19 said in Exhibit 2, paragraph 35, "is to separate
20 into classes, kinds, or categories." Right?
21   A   Yes.
22   Q   So if we're going to say
23 distinguishing information, it would be accurate to
24 say that that is information that separates into
25 kinds, classes, or categories; right?

18 (Pages 66 - 69)

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1   MR. KRIEGER: Objection to form.
2   A   Yeah, that, I mean, that's kinda what
3 distinguishing means.
4   Q   (BY MR. BLUESTONE) Is there anything
5 inaccurate about what I just said?
6   MR. KRIEGER: Objection, form.
7   A   I don't know that it's necessarily
8 inaccurate, but it seems less precise to me. I
9 mean, I think the claim as it's written says what
10 it means to say and when we start changing other
11 words in, you know, we may not get as precise a
12 meaning as we had originally.
13   Q   (BY MR. BLUESTONE) But you have
14 opined as to the meaning of the claim terms;
15 correct?
16   A   Yes.
17   Q   And you have come to the point which
18 you've decided to introduce alternative meanings
19 for the word distinguish; correct?
20   A   I -- explain what the common meanings
21 are, yes.
22   Q   Correct. And my question for you,
23 sir, is in looking at what you've said in paragraph
24 35 of Exhibit 2, am I free to use that word to
25 substitute out distinguish in distinguishing

1 information?
2   A   I think it provides a context for the
3 meaning of distinguish. To the extent that these
4 other words may have implications that distinguish
5 doesn't have, then I would say maybe not. So
6 that's my -- my hesitancy in agreeing with that.
7   Q   So do you --
8   A   I mean, I don't think distinguish is
9 a hard word.
10   Q   So in looking at paragraph 35 now of
11 Exhibit 2, do you still stand by your statement in
12 paragraph 35?
13   A   35?
14   Q   Yeah.
15   A   Well, again, what paragraph 35 says
16 is it gives the plain and ordinary meaning of
17 distinguish and synonyms include, and then it says
18 "Thus, contrary to Defendants' proposed
19 construction, 'Distinguish' does not imply that a
20 particular item is necessarily uniquely or
21 individually identified."
22   THE REPORTER: Sir.
23   A   Oh. I'm reading paragraph 35.
24   (Off the record discussion.)
25   A   Start again. Paragraph 35 talks

1 about the plain and ordinary meaning of distinguish
2 as defined in the dictionary and some synonyms for
3 it, and concludes, "Thus, contrary to Defendants'
4 proposed construction, 'Distinguish' does not imply
5 that a particular item is necessarily uniquely or
6 individually identified."
7   So what the purpose of that paragraph
8 is to refute the notion that distinguish must mean
9 that you individually identify things. That if you
10 put them into classes or categories, you have
11 satisfied the meaning of distinguish. It wasn't
12 necessarily to say that you could take any one of
13 these words and use them instead of distinguish in
14 the claim.
15   Q   (BY MR. BLUESTONE) Okay. But do you
16 agree still with the first sentence in which you
17 said that "The plain and ordinary meaning of
18 'distinguish' is 'to separate into classes'" --
19 sorry, "'separate into kinds, classes, or
20 categories'"?
21   A   Yes. That's the plain and ordinary
22 meaning.
23   Q   Okay. And that's the plain and
24 ordinary meaning after your review of the intrinsic
25 evidence as well; correct?

1   A   Mm-hmm.
2   Q   And the intrinsic evidence would be
3 the claims, specification, and the prosecution
4 history; correct?
5   A   Yes.
6   Q   And after reviewing all that, you've
7 come to the conclusion that the plain and ordinary
8 meaning of distinguish is to separate into kinds,
9 classes, or categories?
10   MR. KRIEGER: Objection, form.
11   Q   (BY MR. BLUESTONE) You can answer if
12 you understand.
13   A   Yes.
14   Q   Okay. And if we were at trial before
15 the judge or the jury, you would not be presenting
16 any testimony that says that your first sentence in
17 paragraph 35 is not untrue, would you?
18   MR. KRIEGER: Objection, form.
19   A   That says it's not untrue?
20   Q   (BY MR. BLUESTONE) You wouldn't walk
21 away from your statement, for example, in your
22 first sentence in paragraph 35, would you?
23   MR. KRIEGER: Objection, form.
24   A   I think that the first sentence in
25 paragraph 35 is accurate. That's the meaning of

19 (Pages 70 - 73)

1 distinguish from that particular dictionary, and I
2 am not necessarily comfortable substituting
3 different words into the claim because, you know, I
4 don't think distinguish is that tough a word to
5 understand. And I think the claim is fine the way
6 it is.
7   Q   (BY MR. BLUESTONE) I understand that
8 you're saying there's a preference of distinguish
9 but, as you are aware, there is a dispute over what
10 distinguish means in this case.
11   A   Now, are you referring to the
12 uniquely identify versus not?
13   Q   No, just in general there's --
14 there's differences of opinions of distinguish,
15 let's just start with that. What I need to know
16 from you is what your position is on the meaning of
17 distinguish without using the term itself. And
18 what I'm trying to get is, in para -- in the first
19 sentence of paragraph 31, if I went up and said
20 before the judge, you know, it's Mr. Baxter's
21 testimony that the plain and ordinary meaning of
22 distinguish, upon review of the intrinsic evidence,
23 is to separate into kinds, classes, or categories,
24 I want to make sure I'm accurately reflecting your
25 opinion.

1   So my question for you now is, is
2 that statement an accurate reflection of your
3 opinion?
4   MR. KRIEGER: Objection, form.
5   A   Yes, I think that's the plain and
6 ordinary meaning of distinguish as I have said in
7 35.
8   Q   (BY MR. BLUESTONE) So that would --
9 what I said would be accurate if I represented that
10 was your opinion?
11   MR. KRIEGER: Objection, form.
12   A   If I said "The plain and ordinary
13 meaning of 'distinguish' is 'to separate into
14 kinds, classes, or categories,'" you're asking if
15 that's accurate?
16   Q   (BY MR. BLUESTONE) In view of the
17 intrinsic evidence, does that meaning apply to the
18 '012 patent?
19   A   Yes, I believe it does.
20   Q   If we -- we were talking about claim
21 31 for a bit. There's also language where we have,
22 in claim 67, that it's "arranging impedance within
23 the at least one path" to distinguish the piece of
24 terminal equipment.
25   For the purpose of our discussion I

1 am going to parse that down to just arranging
2 impedance to distinguish. I just want to talk
3 about what the meaning of arranging impedance to
4 distinguish is.
5   Is it accurate that you are --
6 arranging the impedance, you are separating the
7 impedance into kinds, classes, or categories?
8   A   No. We are arranging the impedance.
9 We are distinguishing the terminal equipment.
10   Q   Okay. When you do that, where --
11 when do you know whether you have distinguished the
12 terminal equipment?
13   A   When does who know?
14   Q   When do you know if you're successful
15 in distinguishing the terminal equipment?
16   A   If -- if I am who? If I am the
17 designer?
18   Q   Sure.
19   A   If I am the designer? If I design it
20 so that it will use the impedance in the path to
21 distinguish the terminal equipment, then I test it
22 and it does, then I am successful.
23   Q   How would you test it?
24   A   I would, the same way you test any
25 piece of equipment. You build one, you put it

1 through its paces and you see if it does what you
2 designed it to do. And if it does, then you were
3 successful.
4   Q   But how would I know specifically
5 whether it has been arranged to distinguish?
6 Specifically the terminal equipment has been, has
7 been in some way distinguishable; right? That's
8 what you're saying?
9   A   Right. Mm-hmm.
10   Q   I'm putting in impedance; correct?
11 Once I put in that impedance, how do I know whether
12 the overall terminal device has somehow been made
13 distinguishable?
14   A   Again, if your design goal was to use
15 certain impedance under certain conditions to
16 distinguish a certain characteristic, then that's
17 how you would know. I mean, when you look at the
18 things in those conditions, one has that
19 characteristic, does it do this, then you know.
20   Q   Do I -- do I know before I have even
21 compared it with any other device?
22   A   If you're a decent designer, you do,
23 yes.
24   Q   And what -- what feature am I trying
25 to go and distinguish that Ethernet to data

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1 terminal device based on?
2   MR. KRIEGER: Objection, form.
3   A What feature are you --
4   Q (BY MR. BLUESTONE) If I am the
5 designer --
6   A Okay.
7   Q -- and I'm trying to distinguish the
8 Ethernet data terminal device, what is the feature
9 I am choosing as the basis of distinguishing?
10   A Well, that's kind of your choice as a
11 designer. It's something you think the other end
12 of the link would like to know, and you decide on
13 the way to do that and you build it into the
14 product.
15   Q Okay. So in -- I'm referring back to
16 Exhibit 2 now in paragraph 33, you give a series of
17 examples.
18   A Exhibit 2, which --
19   Q That's your October 20th Declaration,
20 sir.
21   A Oh. And paragraph what?
22   Q 33.
23   A Okay.
24   Q You list numerous examples,
25 "equipment processor type, hard drive capacity,

1 authorization information, physical attributes,
2 physical configuration, electronic attributes,
3 software configuration, and network attributes."
4 Correct?
5   A Mm-hmm, yes.
6   Q All those could be bases on which you
7 would distinguish the Ethernet data terminal?
8   A Potentially, yeah.
9   Q Is there anything that you can think
10 of that would not serve as a basis for
11 distinguishing?
12   MR. KRIEGER: Objection, form.
13   A Well, when you're conveying
14 information over the Ethernet, I mean, pretty much,
15 virtually everything you send is
16 non-distinguishable. I mean, if you're
17 broadcasting the time of day, if you're repeating
18 the Bloomberg stock ticker, if you're sending a
19 video file, I mean the vast majority of information
20 that is communicated is not distinguishing
21 information about the terminal.
22   This is an unusual case where you do
23 this. So the vast majority of stuff out there,
24 this is not even a factor.
25   Q (BY MR. BLUESTONE) Okay. So but

1 let's talk specifically about the Ethernet data
2 terminal. Can you think of anything about the
3 Ethernet data terminal that would not serve as
4 distinguishing information?
5   MR. KRIEGER: Objection, form.
6   A When you say "anything about," what
7 are you -- what are you talking about?
8   Q (BY MR. BLUESTONE) Well, in
9 paragraph 33 we have a list of a broad range of
10 stuff. For example, "physical attributes" is
11 fairly broad; correct?
12   A Correct.
13   Q I mean, it could be a lot of stuff.
14 "Electronic attributes" is very broad as well;
15 correct? And as I see paragraph 33, and please
16 correct me if I'm wrong, I see it as encompassing
17 absolutely anything about the Ethernet data
18 terminal.
19   So my question for you is, is there
20 anything that you can think of that would be
21 excluded from applying as distinguishing
22 information?
23   MR. KRIEGER: Objection, form.
24   Q (BY MR. BLUESTONE) I think the
25 question was still open to you.

1   A I'm sorry, which --
2   Q Is there anything that you can think
3 of that would be excluded as a distinguishing
4 characteristic of an Ethernet data terminal?
5   A I think the number of things that you
6 would communicate over a technique like this are
7 quite limited and would you limit them to things
8 that you had some reason to want to know at the
9 other end. You might want to know the processor
10 type or the serial number or some other piece of
11 information like that.
12   It's doubtful to me that in a low
13 bandwidth environment like this you would be
14 communicating things like what the user's typing
15 into the keyboard right now because you're sending
16 it out over the Ethernet.
17   So there's a lot of things that are
18 happening in data terminal equipment that are just
19 temporary statusy type things that would not be
20 really distinguishing, as opposed to things like
21 this, which are qualities that that unit has. Not
22 just what it's doing right now.
23   Q Okay. So are there any qualities
24 that the Ethernet data terminal has that would not
25 be applicable as distinguishing information?

21 (Pages 78 - 81)

1   MR. KRIEGER: Objection, form.
2   A   And I think that's largely at the
3 discretion of the designer of the equipment, who
4 can determine what information he wants to be
5 distinguishing and convey it using this technique
6 if he wants to. Or he doesn't have to convey
7 anything at all.
8   I mean, it's not like have you to
9 convey certain of these informations. Whatever is
10 important to your product, you can decide that's
11 distinguishing information and design it so that it
12 communicates that via the impedance across the
13 contacts.
14   Q   (BY MR. BLUESTONE) But if the
15 attributes of the Ethernet data terminal are
16 unbounded, how does a person of ordinary skill in
17 the art determine whether or not they have arranged
18 the impedance to distinguish?
19   MR. KRIEGER: Objection, form.
20   A   Well, you haven't arranged it to
21 distinguish unless you have done it to indicate
22 some particular thing. And if you've done it to
23 indicate some particular thing, you would know.
24   Q   (BY MR. BLUESTONE) So one example
25 that you have is a -- is a physical attribute in

1 claim 33, for example.
2   A   Okay.
3   Q   You also have electronic attribute;
4 correct?
5   A   Okay.
6   Q   Going back to the Bob Smith
7 terminations, would those constitute physical
8 attributes of the Ethernet data terminal?
9   A   I mean, I -- if I was designing the
10 terminal, I would not think of them that way, no.
11 If you're designing something, you wanted to make
12 it that way, you could, and if you put a unique
13 impedance signature there to indicate that, that
14 would be fine.
15   Q   I guess I don't understand your
16 answer, I need to follow up on this. If you've
17 just put in a Bob Smith termination, my question
18 is, is the Bob Smith termination in an Ethernet
19 data terminal -- sorry, let me rephrase that.
20   Is a Bob Smith termination in a piece
21 of Ethernet data terminal equipment a physical
22 attribute of that piece of Ethernet data terminal
23 equipment?
24   A   It's a part of the circuitry in the
25 thing, yes.

1   Q   So is that a yes, it is a physical
2 attribute, or is no?
3   A   Again, I would think of it more as
4 being an element that's in the circuit rather than
5 a physical attribute, but...
6   Q   Does that make it an electronic
7 attribute, then?
8   A   I suppose it could be. I can't
9 imagine why you would want it to be in a real,
10 practical situation. Because they're pretty much
11 always there.
12   Q   So if they're pretty much always
13 there, does that make them not attributes that can
14 be distinguishing information?
15   A   Well, if everybody has an attribute,
16 then there's no real distinction to it.
17   Q   And what's the universe of
18 "everybody" in that circumstance?
19   A   Well, "everybody" in this case would
20 be the products that you anticipate this thing
21 working with.
22   Q   Okay. So back to this -- we'll come
23 back to your point there, I just want to make sure
24 we wrap up the Bob Smith termination aspect of
25 things here.

1   If I put in a Bob Smith termination
2 -- and it's an electronic attribute; correct?
3   A   If you say so.
4   Q   Okay. Let's assume that it is. In
5 that circumstance, does the mere existence of the
6 Bob Smith termination serve to distinguish the
7 device?
8   A   Well, does it distinguish the device
9 by means of impedance placed between the path
10 across the connector.
11   Q   Okay. Sure.
12   A   And that is not obvious at all to me
13 that it would.
14   Q   Why not?
15   A   It -- it isn't. I mean --
16   Q   You would agree with me that the
17 implementation of the Bob Smith termination affects
18 the impedance that would otherwise be present
19 across the path of the Ethernet connector; correct?
20   A   It affects the common mode impedance
21 between pairs. Whether you're going to see that in
22 a path between two connectors or not, or two pins
23 or not, I'm not sure. And they have a DC blocking
24 cap in them so you couldn't really detect it with a
25 DC voltage. So, you know, I -- I'm not really

22 (Pages 82 - 85)

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1 clear if you could reliably tell that or not.
2   Q   So you don't know whether or not you
3 could take a measurement across two contacts in
4 which a Bob Smith termination implementation is
5 present and discern whether the impedance across
6 those two selected contacts would have changed?
7   MR. KRIEGER: Objection, form.
8   A   I would have to think about that
9 more.
10   Q   (BY MR. BLUESTONE) Okay. Maybe
11 we'll come back to that.
12   Okay. So can you turn to paragraph
13 50 of Exhibit 2? Let me know when you have had a
14 chance to review it.
15   A   Okay.
16   Q   The first sentence says, "If every
17 piece of Ethernet data terminal equipment has the
18 same particular characteristic, then that
19 characteristic does not distinguish a piece of
20 Ethernet data terminal equipment from any other
21 piece of Ethernet data terminal equipment."
22   How do you discern the scope of what
23 "every piece of Ethernet data terminal equipment"
24 constitutes?
25   A   Well, clearly, if it's every one in

1 the world, then the issue is moot; right? That's
2 every.
3   On a more practical level, again,
4 speaking as an engineer, you are designing this
5 product for some particular use. And what you're
6 concerned with is the application it's going to be
7 used in, the system it's going to be used with.
8 Now, if it's going to be used with everything,
9 that's a very broad thing. If it's going to be
10 used for a more particular purpose, then that's a
11 narrower thing.
12   Q   So practically speaking, how do I
13 ever decide what my scope of comparison is?
14   A   Well, if you're designing the
15 product, you would know.
16   Q   Sounds rather circular. Is there
17 another way you can explain it?
18   A   Product designer knows what he's
19 designed that product for and what it's going to be
20 used with. I mean, if you're designing some
21 special piece of military Ethernet hardware or some
22 special piece of medical Ethernet hardware, that's
23 different than if you're designing a thing that's
24 going to be sold at Radio Shack. So there may be
25 various ones, but, as a designer, you would be

1 aware of what field you're in.
2   Q   How would she be aware of which
3 attribute of the Ethernet data terminal equipment
4 is relevant for that comparison?
5   A   How would the designer be aware?
6   Q   Correct.
7   MR. KRIEGER: Objection to form.
8   A   Well, the designer typically is
9 designing to a set of requirements, there's things
10 he wants this product to do. Cost, among other
11 things, but functionality and features and so on,
12 and so if there's something that's important to
13 distinguish, in my experience as a designer, you
14 would want to identify it when you're setting out
15 the requirements for this thing.
16   Q   (BY MR. BLUESTONE) So if the person
17 has -- so can you give me an example of something
18 that you might want to use to distinguish other
19 than the Power over Ethernet standard that's been
20 talked about?
21   A   Well, in the O and 2 specification
22 they give a number of embodiments of systems that
23 convey identifying information, for instance, and
24 they give a number of other types of things that
25 you could convey.

1   Q   Is there any instance in the
2 specification where it discloses the use of a
3 single resistor as serving the purpose of providing
4 distinguishing information?
5   MR. KRIEGER: Objection, form.
6   A   Well, they -- they talk about how
7 information can be conveyed as a single bit and
8 they also talk about how it can be conveyed by
9 impedance across the pair, yeah.
10   Q   (BY MR. BLUESTONE) Does it ever talk
11 about a single resistor being -- serving that
12 purpose?
13   MR. KRIEGER: Objection, form.
14   A   I would have to look up the exact
15 quote here. If you want me to, I can do that.
16   Q   (BY MR. BLUESTONE) So right now you
17 are saying you would need to refresh your
18 recollection by looking at the patent to see if
19 there's an instance in which a single resistor has
20 been used to serve as the distinguishing impedance?
21   A   Right.
22   MR. KRIEGER: Objection, form. Make
23 sure to take your time, let me object, if I need
24 to, so we don't talk over each other.
25   MR. BLUESTONE: Got another hour.

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1 You want to take a break?
2   THE WITNESS: Whenever you're ready.
3   MR. BLUESTONE: Yeah, this is as good
4 a time as any.
5   THE VIDEOGRAPHER: We're going off
6 the record at approximately 11:04 a.m.
7   (Off the record.)
8   THE VIDEOGRAPHER: We're back on the
9 record at approximately 11:24 a.m.
10   Q (BY MR. BLUESTONE) Mr. Baxter,
11 referring back to Exhibit 3, paragraph 32, I
12 believe I talked about paragraph 31 and whether
13 your definition in paragraph 35 of Exhibit 2
14 applied to paragraph 31, that was the definition of
15 distinguish?
16   I am now going to ask you about
17 paragraph 32 and that question is, does your
18 definition of distinguish in paragraph 35 of
19 Exhibit 2 apply to the statements in paragraph 32
20 of Exhibit 3?
21   MR. KRIEGER: Objection, form.
22   A Okay. 35 was the dictionary thing,
23 and 32 now we're talking about claim 67, we're
24 doing 31 before.
25   Q (BY MR. BLUESTONE) Correct.

1   A And like I said before, you know, I
2 kinda like distinguish.
3   Q Okay. But you do agree with your
4 statement in paragraph 35 of Exhibit 2; right?
5   A I do. These are dictionary
6 definitions, synonyms, and the fact that it doesn't
7 imply unique identification. That was really the
8 purpose of that paragraph, as I think I said
9 before. And, you know, I don't really intend that,
10 didn't really intend with that paragraph to equate
11 that with this.
12   Q Well --
13   A We were kinda stumbling around this
14 before as well. That, you know, I think the claim
15 as written is clear and I like distinguish. And
16 these are ways to explain sort of how I think of
17 distinguish, but I'm not suggesting that we
18 substitute one of those into here.
19   Q Okay. Now, in both claim 31 and
20 claim 67, the claim language itself doesn't ever
21 say you're distinguishing from anything else, does
22 it?
23   A It says "to distinguish."
24   Q Right. And the claim doesn't say to
25 distinguish from some reference point; correct?

1   MR. KRIEGER: Objection, form.
2   A No, it does not.
3   Q (BY MR. BLUESTONE) Okay. But in
4 paragraph 32 you add "to distinguish from at least
5 one other piece of terminal equipment." Correct?
6   A Yes.
7   Q And that's your interpretation of
8 what that reference point should be?
9   A Right. As I explained before, if
10 everything has the same characteristic, it doesn't
11 distinguish anything from anything, but some are
12 red, some are blue, then that's a distinguishing
13 characteristic.
14   Q And there's nothing in the
15 specification that tells you how broad of a range
16 you should be looking at for what devices for
17 comparison you should apply; right?
18   MR. KRIEGER: Objection, form.
19   A I don't think any comparison is
20 necessary.
21   Q (BY MR. BLUESTONE) So when you say
22 it's "to distinguish from at least one other piece
23 of terminal equipment," how am I to assess whether
24 that is met without comparing it with this
25 unspecified "other piece of terminal equipment"?

1   A Well, because one of ordinary skill
2 in the art knows that this equipment has different
3 characteristics. You know, for instance that there
4 are different processor types. So when I tell you
5 this has processor type A, you say, okay, it's
6 processor A. You don't have to compare it to
7 twelve other processors to understand what
8 processor A means.
9   Q But how do you know whether the
10 impedance was arranged to distinguish and how do
11 you know what characteristic you're trying to
12 distinguish from, and how do you know how many
13 devices from which you are seeking to distinguish?
14   MR. KRIEGER: Objection, form.
15   A All right. Let me give you my
16 perspective then as a designer of equipment.
17 Because you have a million design choices to make.
18 Features, functions, implementations, what chip to
19 use, how to lay the boards, what the power
20 consumption is going to be, cost, et cetera, et
21 cetera, et cetera.
22   And whether or not you want to
23 communicate a piece of distinguishing information
24 using this technique is one of those choices you
25 can make. And if you choose not to, fine, you

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1 don't do it.
2   If you decide, hey, for my product,
3 it's really important that I let them know what
4 processor type it has so I'm going to define this
5 set of impedances that mean these types of
6 processors, then you can do that.
7   These are design choices that one of
8 ordinary skill in the art makes all the time.
9   Q   (BY MR. BLUESTONE) You used an
10 interesting word, you used that the -- that the
11 patent was about communicating information; is that
12 right?
13   MR. KRIEGER: Objection, form.
14   A   Yeah, well, Ethernet is about
15 communicating, so.
16   Q   (BY MR. BLUESTONE) Okay. But
17 specific to the '012 patent, you used the word
18 communicate. Is -- how does one arrange an
19 impedance or, to use your language in Exhibit 2,
20 put an impedance into place and provide
21 communication?
22   MR. KRIEGER: Objection, form.
23   A   Well, the '012 patent describes the
24 entire communication system, both ends and the link
25 in the middle. I'm sorry, the '250 does. The '012

1 just concentrates on the one, one end. And so by
2 putting that distinctive impedance there, the unit
3 at the other end of the link can determine what
4 information you're conveying.
5   Q   (BY MR. BLUESTONE) It's the other
6 unit in the link that determines the information.
7   MR. KRIEGER: Objection to form of
8 the question.
9   A   Well, that's not the way I would look
10 at it, no. I mean, if -- if I am sending you
11 information in Morse code, I am determining what
12 the information is. If you can't read Morse code,
13 then you don't get it. If you can, you do. It's
14 the sender that determines the information.
15   In this case you're presenting that
16 information which can be gathered by an end point
17 at the far end who knows to look for it.
18   Q   (BY MR. BLUESTONE) Morse code would
19 be more than just putting an impedance into place.
20 It would be varying that impedance; correct?
21 You're opening and closing a switch, in essence;
22 correct?
23   A   Yes. Correct.
24   Q   So my question, just to try and be as
25 clear as possible, is, I'm talking about a simple

1 example in which you're placing an impedance into
2 the circuit. That's it. How does that go about
3 communicating any information?
4   MR. KRIEGER: Objection, form.
5   A   Well, again, any communication, in my
6 view, requires that the two ends have some rules
7 they have agreed on, like we're both speaking
8 English, for instance. And although we've got
9 legal English and engineering English, so not quite
10 the same.
11   But if you don't have the rules in
12 place, it would be like someone sending Morse code
13 to me because I don't -- I don't read it. But when
14 you, when you decide how that product is going to
15 operate you build these capabilities into it.
16   Says okay. If I want to indicate
17 this, I want to put this impedance right there.
18 And assume the other end is built the same way, it
19 would know what that means.
20   Q   (BY MR. BLUESTONE) Okay. So for me
21 to communicate some piece of distinguishing
22 information by use of placing an impedance into the
23 circuit, I, as the designer, need to know as you,
24 as someone else, is going to receive that
25 information and understand what it means; correct?

1   A   Well, in order to design your end of
2 it, you don't need to know that it's received. You
3 just need to know what you're going to put there;
4 right? Presumably, you would document what you're
5 putting there so the other things would know what
6 it means.
7   Q   But as we said before, an impedance
8 is a measured characteristic that the value for
9 which is ohms; correct?
10   A   Mm-hmm.
11   MR. KRIEGER: Objection, form.
12   Q   (BY MR. BLUESTONE) And when I put an
13 impedance into the circuit, I have put something
14 that across the path I can take a measurement and
15 read out some value in ohms; correct?
16   A   Correct.
17   Q   Now, just by looking at this
18 measurement between this path across the connector
19 and getting some impedance value in ohms, how does
20 that correlate to any aspect of communication?
21   MR. KRIEGER: Objection, form.
22   A   Well, I would say it correlates in
23 the same way that these markings on paper
24 correlate. We know what they mean.
25   Q   (BY MR. BLUESTONE) But how do I know

25 (Pages 94 - 97)

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1 -- so let me, maybe an example would be helpful.
2 Exhibit -- oh, okay. So if you can turn to Exhibit
3 3.
4   A   Okay.
5   Q   And paragraph 37.
6   A   Okay.
7   Q   And here you say, "Thus, information
8 associated with the 25 kilo ohm signature
9 resistance distinguishes that product from non-PoE
10 standard compliant products that cannot receive
11 power over the Ethernet cable." Correct?
12   A   Correct.
13   Q   Could that -- you're analyzing that
14 statement as of right now; right? Sorry. The year
15 2014.
16   A   Okay.
17   Q   Is that correct?
18   A   That's when I wrote this.
19   Q   Okay. And the assessment of whether
20 information associated with the 25 kilo ohm
21 resistance is being distinguishing was assessed as
22 of 2014; correct?
23   A   Correct.
24   Q   Now, can this statement in paragraph
25 37 be true as of April of 1998?

1   A   Well, the PoE specification did not
2 exist in April of 1998.
3   Q   Okay. So in 1998, there's no
4 information associated with the 25 kilo ohm
5 resistor that distinguishes the product from the
6 PoE standard because there was no PoE standard;
7 right?
8   A   Coincidentally, no one put one there.
9   Q   But paragraph 37 doesn't hold true if
10 you're assessing this as of April 1998?
11   A   Well, again, as I've said I think a
12 bunch of times, you arrange the impedance, or place
13 the impedance, associate the impedance, to convey a
14 particular piece of information. Which you have
15 defined as that's the way my product is going to
16 work, I place this thing here and this is what it
17 means.
18   Much the way these pulses of DC
19 current in the '012 specification allow you to send
20 an ID number back. If you didn't -- if you had
21 never read this specification, you'd say why is
22 this current doing this? I don't know what's going
23 on. Right?
24   So you, I mean, once you've defined
25 what that means, then you build it into your

1 product.
2   Q   So but just to make sure I
3 understand, paragraph 37 does not apply if you
4 analyze it as of April of 1998.
5   MR. KRIEGER: Objection to form.
6   Q   (BY MR. BLUESTONE) It doesn't make
7 any sense; right?
8   MR. KRIEGER: Objection to form.
9   A   Well, it doesn't make any sense for
10 two reasons. I mean, there was no PoE then and no
11 one put 25K resistors there then.
12   Q   (BY MR. BLUESTONE) How do you know
13 no one ever put a 25 kilo ohm resistor there?
14   A   The reason that 25K was selected IS
15 because there wasn't equipment out there that had
16 an impedance in that range.
17   Q   You couldn't buy a 25 kilo ohm
18 resistor?
19   A   The Ethernet equipment that was out
20 there at that time did not have a 25 ohm impedance.
21   Q   But there's nothing unique about a 25
22 -- a 25 kilo ohm resistor isn't something you can't
23 buy off the shelf; right?
24   A   That's true.
25   Q   So you can't go and say there was no

1 25 kilo ohm resistor ever placed across a path;
2 correct?
3   A   I'm not aware of it being done in an
4 Ethernet terminal prior to this, and, but again, I
5 keep saying I -- it was put interest for the
6 purpose of conveying distinguishing information
7 and...
8   Q   Okay. But I just want to lock this
9 down to make sure I understand here. Paragraph 37
10 does not hold true in 1998; correct?
11   MR. KRIEGER: Objection, form.
12   A   That is true. Same way the products
13 it was talking about did not exist in 1998 either.
14   Q   (BY MR. BLUESTONE) Okay. And
15 paragraph 37 wouldn't hold true at all until 2003
16 when the PoE standard becomes ratified; correct?
17   MR. KRIEGER: Objection, form.
18   A   Yes, unless there were some previous
19 specifications that used that as well. I don't
20 know. That's the one I'm familiar with now.
21   Q   (BY MR. BLUESTONE) Okay. But
22 there's nothing that you're aware of prior to the
23 year 2000 that would hold paragraph 37 to be true
24 in that time frame?
25   MR. KRIEGER: Objection to form.

26 (Pages 98 - 101)

1 A Well, again, the entire system that
2 paragraph 37 is talking about didn't exist then.
3 So I mean, it's not just at that paragraph, you
4 know, quote wasn't true unquote, I mean, it's,
5 we're talking about things that did not exist then.
6 Q (BY MR. BLUESTONE) Okay.
7 A But do exist now.
8 Q But specifically, there's no
9 information associated with the 25 kilo ohm
10 resistor that has any relevance at all until the
11 standard comes into play; right?
12 MR. KRIEGER: Objection to form.
13 A Well, and again, from the claim
14 language, once you associate distinguishing
15 information with that impedance, then there is.
16 Q (BY MR. BLUESTONE) Who? Who is
17 associating with distinguishing information?
18 A When you build the product -- when
19 you build in the product for that purpose, you are.
20 Q For what purpose?
21 A For the purpose of signaling that
22 you're PoE compliant.
23 Q Okay. What if I put in a 10 kilo ohm
24 resistor, in 1998? Does that signify anything?
25 MR. KRIEGER: Objection, form.

1 A I mean, I don't know. That's a
2 hypothetical. You know, as I have said again, a
3 number of times, you have to look at the product,
4 the documentation, the way it operates, and you go
5 down the claim elements and you see if they're all
6 there. And merely knowing there's a 10-K does not
7 -- does not address all the claim elements.
8 Q (BY MR. BLUESTONE) What else would
9 you need to know?
10 A I would need to know each and every
11 element. Is it on the -- I would need to
12 basically, you know, it's all the claim elements.
13 Is it on the Ethernet connector, across selected
14 pins? Is it, you know, associated to, is the
15 impedance in that path, associated to this
16 distinguishing information.
17 Q Now, in formulating your opinions,
18 did you consider it relevant, the date in which the
19 PoE standard using 25 kilo ohm resistor was
20 adopted?
21 A Forming my -- my opinions?
22 Q Yeah.
23 A On -- well, I think the issue really
24 is whether they infringe today, not whether they
25 infringed in 2000 when they didn't exist.

1 Q So is it correct that your position
2 was that the date of when the PoE standard was
3 adopted is irrelevant?
4 MR. KRIEGER: Objection, form.
5 A No, I don't think it's irrelevant. I
6 just think those products didn't exist before then.
7 Q (BY MR. BLUESTONE) Did you factor
8 into your analysis in any way the date in which the
9 PoE standard was adopted?
10 A Well, my analysis is of the claims.
11 And what they mean. And the fact that this came
12 after the specification, I, you know, I think is an
13 issue for what products might or might not
14 infringe, but it doesn't, to me, affect how I
15 interpret the claims.
16 Q In looking at Exhibit 2, I don't see
17 any reference in which you're talking about the
18 date at which the PoE standard was adopted;
19 correct?
20 A Exhibit 2. This was the -- no. This
21 was about addressing definiteness of the claims.
22 Q And on page 6 of Exhibit 2 under 18
23 c., you state that "The ordinary and customary
24 meaning of a claim term is the meaning that the
25 term would have to a person of ordinary skill in

1 the art in question at the time of invention, i.e.,
2 as of the effective filing date of the patent
3 application." Correct?
4 A Correct.
5 Q So if we're following that legal
6 standard, there is no PoE compliance or
7 non-compliance; right?
8 MR. KRIEGER: Objection, form.
9 A At the time of the filing of the --
10 at the priority date?
11 Q (BY MR. BLUESTONE) Yeah. If we're
12 applying the legal standard to 18 c., that we're
13 going to look at the meaning of the claim term at
14 the time of the invention or the effective filing
15 date of the patent application, that means we're
16 talking about a time frame prior to 2000 based on
17 the asserted priority dates; right?
18 A Right.
19 Q And that means that there is no PoE
20 standard at that time; right?
21 A Right.
22 Q So in looking at the claims, the PoE
23 standard has no relevance to whether it's
24 distinguishing information or not; correct?
25 MR. KRIEGER: Objection, form.

27 (Pages 102 - 105)

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1   A   Yeah, I am -- what are you getting
2 at?
3   Q   (BY MR. BLUESTONE) If we are
4 interpreting the claim at the time of -- at the
5 time of invention --
6   A   Mm-hmm.
7   Q   -- and one of ordinary skill in the
8 art is trying to assess what it means about
9 arranging impedance or associating with
10 distinguishing information, or arranging to
11 distinguish, at that time they wouldn't have any
12 PoE standard to refer to, would they?
13   A   No.
14   Q   So as of '99, if you are looking at
15 the universe of distinguishing information, 25 kilo
16 ohms means nothing to you; correct?
17   MR. KRIEGER: Objection, form.
18   A   T means nothing to you unless you
19 defined it in some way for some particular system.
20   Q   (BY MR. BLUESTONE) Okay. And at the
21 point at which now we say okay, now 802.3af comes
22 out, now that device can have distinguishing
23 information based on this classification of what
24 signature resistance should be applied; correct?
25   MR. KRIEGER: Objection, form.

1   A   Well, the PoE standard came out in
2 2003, yes.
3   Q   (BY MR. BLUESTONE) So if we were to
4 change our analysis now and look at the claims as
5 of 2003, June 2003 when it becomes ratified, at
6 that point in time is it correct that Ethernet
7 devices could fall into two categories, PoE
8 compliant or PoE non-compliant; correct?
9   A   Correct.
10   Q   And at that stage, the only thing
11 that has changed is that someone has adopted a
12 standard that characterizes or classifies an
13 impedance across the path; correct?
14   A   Well, no, that's not the only thing
15 you changed. People also started putting impedance
16 in their products.
17   Q   Mm-hmm. But let's take a product
18 that's being sold prior -- let's say the product is
19 being sold on May 12 of 2003. And it is doing
20 whatever it does with whatever impedance across the
21 path. There's one category, and that is Ethernet
22 data terminal; right? Once June 12, 2003, comes
23 about, that same device now can be put into two
24 groups; correct?
25   A   Right, a -- yes. A PSE can classify

1 it one of two ways.
2   Q   Okay. And now that that standard is
3 adopted, isn't it correct that that product,
4 unchanged from May 12 to June 12, now can be
5 characterized as a non-PoE compliant device;
6 correct?
7   MR. KRIEGER: Objection, form.
8   A   Well, it was always non-PoE
9 compliant, you just didn't know it yet.
10   Q   (BY MR. BLUESTONE) How could it
11 always be non-PoE compliant if there was no
12 delineation at all?
13   A   Exactly. There was nothing to comply
14 with.
15   Q   Okay. So the absence of a standard
16 means the non-compliance with the standard?
17   A   Right. You can't comply with it
18 before it exists.
19   Q   Okay.
20   A   Although you can often make
21 prestandard products because you know what the
22 standard is going to be. People do that all the
23 time.
24   Q   Okay. So in my hypothetical of May
25 12, 2003, it wouldn't make any sense to say you're

1 non-compliant with the PoE standard, because there
2 is no standard?
3   MR. KRIEGER: Objection to form.
4   A   But there was a draft had been worked
5 on for a long time and people knew what the
6 standard was going to be, so there may have been
7 product.
8   Q   (BY MR. BLUESTONE) Okay. That's
9 fair. So let's say it's a product that goes back
10 to before the patent was even filed. That same
11 product, now in 2003, just became non-PoE
12 compliant; correct?
13   A   Yes, sir.
14   Q   And the specification makes no
15 mention of Power over Ethernet?
16   MR. KRIEGER: Objection, form.
17   A   The '012 specification?
18   Q   (BY MR. BLUESTONE) Correct.
19   A   Well, no. Of course not.
20   Q   All right. Let's go to Exhibit --
21 we're still on Exhibit 2, sorry. I want to run
22 through some of the schematics that you put in,
23 starting on page 16.
24   A   Of which?
25   Q   Exhibit 2. You can put Exhibit 3 and

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