

1 UNITED STATES DISTRICT COURT
2 FOR THE CENTRAL DISTRICT OF CALIFORNIA
3 SOUTHERN DIVISION

4 SPEX TECHNOLOGIES, INC.,)
5)
6 Plaintiff,) Civil Action Nos.
7 vs.) 8:16-CV-01799-JVS-AGR
8) 8:16-CV-01800-JVS-AGR
9) 8:16-CV-01790-JVS-AGR
10 WESTERN DIGITAL CORPORATION,)
11 et al.,)
12)
13 Defendants.)

14 ORAL AND VIDEOTAPED DEPOSITION OF VERNON THOMAS
15 RHYNE, III, produced as a witness at the instance of
16 the Defendants, and duly sworn, was taken in the
17 above-styled and numbered cause on April 20, 2018,
18 from 9:06 a.m. to 5:50 p.m., before WILLIAM M.
19 FREDERICKS, CSR in and for the State of Texas,
20 reported by machine shorthand at the offices of
21 Bracewell LLP, 111 Congress Avenue, 22nd Floor,
22 Austin, Texas, pursuant to the Federal Rules of
23 Civil Procedure.

24 Job No. 2864787

25 Pages 1 - 295

Page 1

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1 Q. Right. But they didn't -- they didn't
2 indicate within the patent itself that they actually
3 already had possession of that, right?

4 A. I -- I mean, I don't think anybody can write
5 a patent and totally predict what the future changes
6 in technology are going to be.

7 Q. Well, there's not even a hint that they had
8 it in the possession of this invention, right, in the
9 patent?

10 A. Well, that's -- it's a -- the patent either
11 speaks to it or against it. I mean, this is an
12 implementation deal. Okay. I've -- I've lived
13 through everything from vacuum tubes to SoCs, and
14 they're just -- things change in terms of how you
15 implement them when you take your conceptual ideas
16 shown, for example, in a block diagram like
17 Figure 6 of the '802 and you then build it in a way
18 that it could actually be a product. That's -- that's
19 an implementation detail.

20 Q. Would your -- strike that. It's more of a
21 legal question. I'll leave that out.

22 (Discussion off the record.)

23 Q. (BY MR. COTE) Turn to Figure 4 of the '802
24 patent. I'm sorry. The Harari patent. My mistake.

25 A. Okay. Okay.

1 Q. And then give me a second to get my copy of
2 the Harari patent from this paper mess here that I
3 have.

4 So looking at Figure 4 of the Harari
5 patent, we've got the flash system controller shown as
6 element 40, correct?

7 A. Oh, the whole thing. Yes.

8 Q. Yes. And there is an element 54, the host
9 interface. Do you see that?

10 A. Uh-huh.

11 Q. And within it there is a buffer or SRAM,
12 right?

13 A. Uh-huh.

14 THE REPORTER: "A buffer or" --

15 MR. COTE: SRAM.

16 Q. (BY MR. COTE) And connector 12 could be, for
17 example, the PCMCIA connector, right?

18 A. Yes.

19 Q. All right. And so the host interface would
20 be interacting with the host computer over the PCMCIA
21 interface using PCMCIA protocols, right?

22 A. Yes.

23 Q. Okay. And that would be -- strike that.

24 And then there's also a memory interface
25 56 that includes a flash controller 59.

1 Do you see that?

2 A. Yes.

3 Q. And that interfaces with the flash chips 1
4 and 2 in the daughter card, right?

5 A. 1 through N.

6 Q. Oh, you're right. 1 through N.

7 A. Uh-huh.

8 Q. My mistake. Element 30 --

9 A. Uh-huh.

10 Q. -- is the daughter card?

11 A. So the card could be built up of multiple
12 chips.

13 Q. Okay. And the host interface would be
14 analogous to -- or perform the same function as the
15 blocks in Figure 9B of the '802 patent that interface
16 with the PCMCIA interface, right?

17 A. I -- there -- there are two -- there -- I
18 mean, there's something similar about what's shown in
19 Figure 4 and the top half of Figure 9, if that's what
20 you're referring to. In fact, there's a reference
21 again to Element 12.

22 MR. KROEGER: He's referring to
23 Figure 9 of the '802 patent, not Figure 9 of Harari.

24 THE WITNESS: Oh, I'm sorry. I
25 misunderstood your question. Thank you.

1 Q. (BY MR. COTE) Figure 9B in particular of --
2 A. Okay. I'm sorry. So would you restate your
3 question.
4 Q. Sure. So the host interface 54 in Figure 4
5 of Harari would perform the same function as the
6 blocks that interface with the PCMCIA interface in
7 Figure 9B, right?
8 A. Did you mean 54 or 12 in -- in Harari's
9 Figure 4?
10 Q. No. In -- in Harari's Figure 4, I'm talking
11 about host interface --
12 A. Okay.
13 Q. -- block 54, and I'm asking you if they
14 perform the same function as -- and I'll identify the
15 blocks in Figure 9B of the '802 patent -- the PCMCIA
16 I/O controller?
17 A. Okay.
18 Q. PCMCIA address buffer?
19 A. Yep.
20 Q. PCMCIA data buffer?
21 A. Yep.
22 Q. Ready register?
23 A. Ready/busy register, right.
24 Q. Yes. Command detector and state controller?
25 A. Okay. I think I might have to do some

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