

CHERYL ASADA, CSR 13496

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#### 2 (Pages 2 to 5)

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|   | Page 2  |   |                             |   | Page 4              |
|---|---|---|-----------------------------|---|---------------------|
| 1   | UNITED STATES PATENT AND TRADEMARK OFFICE   | 1   |                             | I N D E X   |                     |
| 2   | BEFORE THE PATENT TRIAL AND APPEAL BOARD  | 2   | WITNES                      | S S:  |                     |
| 3<br>4  |   | 4   | KENNETH FER                 | RNALD, PH.D.,   | PAGE                |
| 5   |   | 5   | E)<br>E)                    | (AMINATION BY MS. ZHANG<br>(AMINATION BY MS. ZHONG  | 6<br>89             |
| 6   |   | 7   |                             |   |                     |
| 7   | DEPOSITION OF KENNETH FERNALD, PH.D., taken on behalf   | 8   | INFORMATION                 | N REQUESTED:<br>(NONE)  |                     |
| 0<br>9  | 1800 Avenue of the Stars, Suite 900, Los Angeles,   | 10  |                             |   |                     |
| 10  | California, commencing at 9:31 a.m. and concluding at   | 11  | QUESTIONS I                 | NSTRUCTED NOT TO ANSWER:<br>(NONE)  |                     |
| 11  | 1:32 p.m., Thursday, October 25, 2018, before CHERYL  | 13  |                             |   |                     |
| 12  | ASADA, Certified Shorthand Reporter No. 13496.  | 14  |                             |   |                     |
| 13<br>14  |   | 16  |                             | ΕΧΗΙΒΙΤΟ  |                     |
| 15  |   | 17  | NUMBER<br>Exhibit 1         | DESCRIPTION   | PAGE<br>36          |
| 16  |   |   | EXILIPIT                    | Before the Patent Trial and Appeal  | 00                  |
| 17  |   | 19  |                             | Board, ZTE (USA) Inc., et al., v.<br>Eundamental Innovation Systems   |                     |
| 18<br>19  |   | 20  |                             | International LLC. Case IPR   |                     |
| 20  |   | 21  |                             | 2018-00111, Patent No. 8,624,550,<br>Patent Owner's Response  |                     |
| 21  |   | 22  | Exhi bi t                   | U.S. Patent No. 8,624,550 (Bates  | 72                  |
| 22  |   | 23  | 1001                        | Numbers: ZTE/SAMSUNG 1001-0001 to ZTE/SAMSUNG 1001-0012)  |                     |
| 23  |   | 24  | Exhi bi t                   | U.S. Patent No. 6,625,738 (Bates  | 78                  |
| 25  |   | 25  | 1006                        | Numbers: ZTE/SAMSUNG 1006-0001 to ZTE/SAMSUNG 1006-0011)  |                     |
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|   |   |   |                             |   |                     |
|   | Page 3  |   |                             |   | Page 5              |
| 1   | Page 3<br>APPEARANCES:  | 1   |                             | E X H I B I T S   | Page 5              |
| 1<br>2<br>3   | Page 3<br>A P P E A R A N C E S :<br>Attorneys for the Petitioner:  | 1   |                             | E X H I B I T S<br>(CONTINUED)  | Page 5              |
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Kenneth Fernald, Ph.D. - October 25, 2018

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| 1 '  | LOS ANGELES, CALIFORNIA; THURSDAY, OCTOBER 25, 2018   | 1 in Figure 1, for example?  |
| 2  | 9:31 A.M 1:32 P.M.  | 2 A. Yes. At least in part.  |
| 3  | -000-   | 3 Q. Okay. The LAN telephone receives power over   |
| 4  |   | 4 Ethernet through LAN cabeling. Right?  |
| 5  | KENNETH FERNALD, PH.D.,   | 5 A. That is my understanding, yes.  |
| 6  | having been duly administered an oath   | 6 Q. The LAN telephone attaches peripheral devices   |
| 7  | in accordance with CCP 2094, was  | 7 through an electronic interface system. Right?   |
| 8  | examined and testified as follows:  | 8 A. He calls them accessories, I believe is what  |
| 9  |   | 9 you're referring to. Effectively, yes. I don't know if   |
| 10   | EXAMI NATI ON   | 10 that's the language that Rogers uses in his of course   |
| 11   | BY MS. ZHANG:   | 11 he refers to it as USB-interfaced.  |
| 12   | Q. Good morning, Dr. Fernald. How are you?  | 12 Q. So the LAN telephone attaches accessories  |
| 13   | A. Good morning. Thank you. I'm very well.  | 13 through an interface system electronic interface  |
| 14   | Thank you for asking me.  | 14 system. Right?  |
| 15   | Q. Great. Thanks for meeting us today.  | 15 A. That's a fair description, yes.  |
| 16   | A. My pleasure.   | 16 Q. Turning to the embodiment shown on Figure 6 of   |
| 17   | MS. ZHANG: I am just going to go ahead and  | 17 the '564 patent, the Rogers patent, how does the LAN  |
| 18   | give you a copy of your declaration to have on hand for   | 18 cabling provide power to the LAN telephone instrument of  |
| 19   | reference.  | 19 Figure 6?   |
| 20   | THE WITNESS: Thank you.   | 20 A. It receives two pairs of power from the LAN  |
| 21   | MS. ZHANG: And here's one for you as well.  | 21 cable is what's disclosed. Each one is disclosed at   |
| 22   | (Exhibit 2011 was marked for  | 22 being, I believe, at 48 volts and a maximum of  |
| 23   | identification by the shorthand   | 23 500 milliamps, so that provides of the input side,  |
| 24   | reporter.)  | 24 effectively, 48 watts, 48 volts and 1 amp total. And  |
| 25   | ///   | 25 then, of course, there is conversion that happens along   |
|  | Page 7  | Page 9   |
|  | 0   | 0  |
| 1  | BY MS ZHANG:  | 1 the way before it actually powers the various components   |
| 1  | BY MS. ZHANG:<br>0. So that's marked as Exhibit 2011. I won't be  | <ol> <li>the way before it actually powers the various components</li> <li>that need power.</li> </ol>   |
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| 1 2<br>3 4<br>5 6<br>7 8<br>9 10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24<br>25 | <ul> <li>BY MS. ZHANG:</li> <li>0. So that's marked as Exhibit 2011. I won't be using it right now, but just so you have it on hand just in case you need it.</li> <li>A. Understood.</li> <li>0. Just to get the standard question out of the way.</li> <li>Is there anything that you're under the control of this morning that would affect your ability to competently testify in this proceeding?</li> <li>A. Nothing that I'm aware of.</li> <li>0. Okay. Thank you.</li> <li>So I'm handing to you what's been</li> <li>U.S. Patent No. 6,556,564 to Rogers titled, "Scheduled Internet Protocol Telephone Instrument System." It's already Exhibit of Record 1005.</li> <li>MS. ZHANG: Oh, do you need a copy. Annita?</li> <li>MS. ZHANG: No, I have a copy.</li> <li>MR. McMAHON: You can just give her a copy.</li> <li>MS. ZHANG: Okay.</li> <li>BY MS. ZHANG:</li> <li>0. The '564 patent is directed to a LAN telephone.</li> <li>Right?</li> <li>A. Effectively, yes.</li> <li>0. Okay. Is an example of the LAN telephone. shown</li> </ul> | <ul> <li>1 the way before it actually powers the various components</li> <li>2 that need power.</li> <li>3 0. So I think what you're referring to in Figure 6</li> <li>4 is the twisted pairs 3 and 4, for example. Is that</li> <li>5 right?</li> <li>6 A. Yes. That is what I was referring to on the</li> <li>7 left of that figure.</li> <li>8 0. Okay. And that feeds in through Pins 4, 5 or 7</li> <li>9 and 8 through the LAN Connector 80. Is that right?</li> <li>10 A. Yes. That's correct.</li> <li>11 0. And then how much current then does the</li> <li>12 '564 patent disclose that the LAN cable can handle?</li> <li>13 A. It discloses that it's 24-gauge American wire</li> <li>14 gauge, which is specified, in fact, to carry for power</li> <li>15 purposes, he says, 500 milliamps up to 500 milliamps.</li> <li>16 0. Okay.</li> <li>17 A. The standard says actually slightly above that,</li> <li>18 but, you know, he's being conservative.</li> <li>19 0. And this is at 48 VDC?</li> <li>20 A. It is delivered at 48 VDC. The current</li> <li>21 carrying capability of the wire, though, is independent</li> <li>22 of the voltage.</li> <li>23 0. And what voltages are contemplated by the</li> <li>24 '564 patent?</li> </ul> |

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#### 4 (Pages 10 to 13)

| 1MS. ZHONG: Objection to form.1other telephones, I don't know the answer to that.2THE WITNESS: Excuse me.2Q. Understood.3Where in the system are you asking about? Are3The disclosed LAN telephone uses a modifi4we still talking about on the LAN cable?4for interconnection of telephone accessories. Right   |           |
|---|-----------|
| 2       THE WITNESS: Excuse me.       2       Q.       Understood.         3       Where in the system are you asking about? Are       3       The disclosed LAN telephone uses a modifi         4       we still talking about on the LAN cable?       4       for interconnection of telephone accessories. Right   |           |
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| 4 we still talking about on the LAN cable? 4 for interconnection of telephone accessories. Right  | ed USB    |
|   | ?         |
| 5 BY MS. ZHANG: 5 A. Yes. That's almost exactly the language  | Rogers    |
| 6 Q. In terms of once you get into the system 6 uses, in fact, is modified USB interface.   |           |
| 7 itself, what voltages are contemplated in terms of supply 7 Q. Right. I think at Column 10, Lines 64 to   | 67,       |
| 8 or other aspects? 8 (reading):  |           |
| 9 MS. ZHONG: Objection, form. 9 "In contrast, the disclosed LAN   |           |
| 10 THE WITNESS: Well, I can list you the 10 telephone uses a modified USB for   |           |
| 11 voltages. For instance, here he converts the 48 volts to 11 interconnection of telephone accessories   |           |
| 12 5 volts in the phone itself. And then there are later 12 to the disclosed LAN telephone."  |           |
| 13 Figures that show it being converted further to 13 A. I see that, yes.   |           |
| 14 3.3 VOLUS, 11 that answers your question.  | ase,      |
| 15 BY MS. ZHANG:<br>16 D Yos Theok you can calumn 10  |           |
| 10 Q. TES. Hidlik you.<br>17 And unlike most LAN unlike most telephones 17 O. Or serry Column 11  |           |
| 17 And diffice most Law diffice most telephones, 17 Q. Of, softy, cordinant it.   |           |
| 19 variety of accessories Right? 19 0 0kay It says or I'm sorry   |           |
| 20 MS. ZHONG: Objection, form. 20 This starts at the bottom of Column 10.   |           |
| 21 THE WITNESS: I don't know that it's unlike 21 line 671. (reading):   |           |
| 22 other telephones, but he does support at least two 22 "One difficulty with the existing  |           |
| 23 accessories that he mentions explicitly. 23 USB" continuing on to Column 11, line  |           |
| 24 BY MS. ZHANG: 24 1 "is that it has only a limited  |           |
| 25 Q. If I could direct your attention to Column 10 25 capability to provide power to a   |           |
|   |           |
| Page 11 Page 11   | e 13      |
| 1 of Rogers. 1 connected device."   |           |
| 2 A. I'm there. 2 Is that right?  |           |
| 3 Q. And Line 56. Can you read that part, please? 3 A. I see that, yes.   |           |
| 4 A. How far do you think I need to go? 4 U. And this is too little for many potential  |           |
| 5 U. JUST & TEW LINES. 5 devices. Is that right?  | 1 + + 1 0 |
| 0     A.     0     A.     Yes.     He says something to that effect a       7     0     So this part starting at Line 56 (reading);     7     Later on in this paragraph. Lat me find it here   | ittie     |
| 7 U. So this part starting at the 50, (reading). 7 Tater on this paragraph. Let me thu there.   | - or      |
| 9 most other telephones is capable of 9 up until then be goes through the fact that USB   | - 01      |
| 10 supporting a variety of accessories."  | nis       |
| 11 A. I see that, ves.<br>11 two-and-a-half watts, and he also discusses the fac  | that      |
| 12 Q. This is '564 patent, Column 10, Lines 56 to 57, 12 a certain class of devices and I suspect we'll t   | alk       |
| 13 (reading): 13 about later are limited to a hundred milliamps,  | n         |
| 14 "These accessories include an operator 14 fact, and then he says, "this is too little for man  | /         |
| 15 console and an external speakerphone 15 practical devices."  |           |
| 16unit."16I'm sorry.I misspoke.It says, "this i   | s too     |
| 17That's Lines 58 to 59.17little for many potential devices."   |           |
| 18 Would you agree, then, that unlike most other 18 Q. Potential devices.   |           |
| 19 telephones, Rogers' LAN telephone is capable of 19 That would be expected to be connected to   | the       |
| 20 supporting a variety of accessories? 20 LAN telephone of Rogers?   |           |
| 21 A. I Can only take this at face value. I'm not 21 MS. ZHUNG: Objection, form.  | ko c      |
| 22 investigating whether that is, in fact, correct or not. $22$ THE WINESS: Yean. It's this looks I   | ke d      |
| 1/3 more negative to a subscript to a single of the second statement to me an arranged to the second statement to the secon | э         |
| 23 $4$ $1$ mean the "inlike" part 1 agree that he can $24$ what you know in the context of Degree that he can   | at .      |
| 24 A. I mean, the "unlike" part. I agree that he can<br>25 take a variety of accessories. Whether it's unlike most<br>25 take a variety of accessories. Whether it's unlike most  | at<br>es  |

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### 5 (Pages 14 to 17)

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|   | Page 14  |   | Page 16  |
|---|--|---|--|
| 1<br>2<br>3   | would be able to pull for power.<br>BY MS. ZHANG:<br>Q. And according to the Rogers patent, how much   | 1<br>2<br>3   | Q. Okay. So under such constraints, how many<br>typical LEDs could be supported using this,<br>quote-unquote, existing USB that Rogers sets out?   |
| 4   | current does a typical LED indicator use?  | 4   | A. Let's see. The operator unit would be allowed   |
| 5   | A. That's just a bit further down in the section.  | 5   | the full 500 milliamps since it is connected straight to   |
| 6   | Actually, the very next sentence from where I was  | 6   | the base unit. So whatever 500 divided by 20 is,   |
| 7   | reading. "For instance, a typical LED indicator uses   | 7   | assuming that each LED is on and is also using   |
| 8   | 20 milliamps," obviously when it's on, compared to off.  | 8   | 20 milliamps, of course.   |
| 9   | Q. And in the context of the Rogers patent, if a   | 9   | So, what, that's 25-ish? I think it is 25.   |
| 10  | USB-compliant cable has two wires supplying 5 volts DC   | 10  | So 25 LEDs could be on simultaneously with that  |
| 11  | current 5 volts DC, and then the current is limited to   | 11  | 500 milliamps, neglecting any other power that, of   |
| 12  | .5 amps as the 504 patent sets out, what would be the  | 12  | O Doesn't Pogers say on Column 11 Line Q through   |
| 14  | A When you say "two wires." you mean one for VBUS  | 14  | 11 that "an accessory using the existing USB could have  |
| 15  | and one for ground?  | 15  | five LEDs, and nothing else"?  |
| 16  | Q. Uh-huh.   | 16  | A. You'll have to direct me I'm sorry. What  |
| 17  | A. In terms of what is available, that would be  | 17  | were those line numbers again? I apologize.  |
| 18  | two-and-a-half watts assuming that the host device   | 18  | Q. That's okay. Column 11, Lines 9 through 11.   |
| 19  | authorized to use that much power, under your  | 19  | A. He states that. He appears, though, to be   |
| 20  | assumptions, of course. There are scenarios where that   | 20  | referring to an accessory that's downstream of the   |
| 21  | much power is not even available on a USB port.  | 21  | operator unit as in it's restricted to the   |
| 22  | Q. UKAY. SU MAXIMUM 2.5 WALLS LHEN?<br>A In the right scenario under the right   | 22  | for example, if they have them   |
| 23  | conditions and, again, if the host allows it. Because  | 23  | 0 So a downstream device that had LEDs, how many   |
| 25  | that level of power has to be negotiated, basically,   | 25  | LEDs could that downstream device have supported using   |
|   |  |   |  |
|   |  |   |  |
|   | Page 15  |   | Page 17  |
| 1   | $\label{eq:page-15} Page \ 15$ between the device and the host.  | 1   | Page 17 only .1 amps?  |
| 1<br>2  | Page 15<br>between the device and the host.<br>Q. And then, if devices were chained together, it   | 1   | Page 17<br>only.1 amps?<br>A. Again, if it's downstream of the of a bus  |
| 1<br>2<br>3   | Page 15<br>between the device and the host.<br>0. And then, if devices were chained together, it<br>would still only be a maximum of 2.5 watts. Isn't that<br>right?   | 1<br>2<br>3   | Page 17<br>only .1 amps?<br>A. Again, if it's downstream of the of a bus<br>bus-powered hub, which is limited to a hundred milliamps,<br>then it would be five LEDs, as Pagers states in these   |
| 1<br>2<br>3<br>4<br>5   | Page 15<br>between the device and the host.<br>Q. And then, if devices were chained together, it<br>would still only be a maximum of 2.5 watts. Isn't that<br>right?<br>A At the originating port, yes, assuming pothing   | 1<br>2<br>3<br>4<br>5   | Page 17<br>only .1 amps?<br>A. Again, if it's downstream of the of a bus<br>bus-powered hub, which is limited to a hundred milliamps,<br>then it would be five LEDs, as Rogers states in those<br>lines that you cited   |
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