Exhibit D: Summary of Expected Testimony of Dr. Kevin Almeroth Including Preliminary Identification of Expert Testimony of Dr. Kevin Almeroth Regarding Defendants' Indefiniteness Challenge(s)

A. Claim Construction Issues

Plaintiffs anticipate calling Dr. Kevin Almeroth to testify either live and/or by declaration regarding the following subject matters relating to claim construction:

1. U.S. Patent Nos. 6,249,516, 8,000,314, 8,233,471, and 8,625,496

a. The level of knowledge and skill of a person having ordinary skill in the art (POSA) at the time of the inventions of the '516, '314, '471, and '496 patents, which would have included the prior art and the various approaches to wireless network routing employed in the relevant prior art, the type of problems encountered, the solutions to those problems, the problems encountered by the inventor, and the rapidity with which innovations were made, the sophistication of the technology involved and the educational background and experience of those actively working in the relevant field at the time of the invention.

b. His own knowledge and experience in the mid-to-late 1990s, including the technology available at that time and the engineers and other professionals with whom he worked or who he taught in the relevant industries, and their levels of education, activities, and sophistication.

c. The scope and content of the prior art to the '516, '314, '471, and '496 patents, including the teachings of prior art references asserted by Defendants as understood by a POSA at the time of the inventions of the '516, '314, '471, and '496 patents.

d. The understanding by a POSA of the teachings of the '516, '314, '471, and '496 patents, including the descriptions of the preferred embodiments and best modes for carrying out the inventions therein, including the patents' teachings regarding the relationships

between clients and a server, clients and other clients, maps or trees of client links maintained by a server, distribution of portions of client maps or links within wireless networks, updating or optimizing links from clients to a server, and authentication of clients.

e. The understanding by a POSA of the claims of the '516, '314, '471, and '496 patents, including support for the claims within the descriptions of the preferred embodiments and best modes of carrying out the inventions therein, and in the prosecution histories thereof.

f. The understanding by a POSA of the following disputed claim terms in light of the scope and content of the prior art, the teachings of the '516, '314, '471, and '496 patents, and prosecution histories thereof: gateway, server, client, process, controller, node, link, transmission path, initiating and selecting, hop-by-hop, viable network path, changing a transmission path, upgrade a transmission path, optimization of a transmission path, housekeeping functions, authentication, and data buffer, and whether and/or what structures are conveyed by those terms to a POSA.

g. Rebuttal to testimony offered by any experts testifying on behalf of Defendants as to any issue regarding claim construction, including those set forth above.

2. U.S. Patent Nos. 6,437,692, 6,914,893, 7,468,661, 7,697,492, 8,013,732, 8,754,780, and 8,908,842

a. The level of knowledge and skill of a person having ordinary skill in the art (POSA) at the time of the inventions of the '692, '893, '661, '492, '732, '780, and '842 patents, which would have included the prior art and the various approaches to wireless network routing employed in the relevant prior art, the type of problems encountered, the solutions to those problems, the problems encountered by the inventor, and the rapidity

with which innovations were made, the sophistication of the technology involved and the educational background and experience of those actively working in the relevant field at the time of the invention.

b. His own knowledge and experience in the mid-to-late 1990s, including the technology available at that time and the engineers and other professionals with whom he worked or who he taught in the relevant industries, and their levels of education, activities, and sophistication.

c. The scope and content of the prior art to the '692, '893, '661, '492, '732, '780, and '842 patents, including the teachings of prior art references asserted by Defendants as understood by a POSA at the time of the inventions of the '692, '893, '661, '492, '732, '780, and '842 patents.

d. The understanding by a POSA of the teachings of the '692, '893, '661, '492, '732, '780, and '842 patents, including the descriptions of the preferred embodiments, including the patents' teachings regarding self-healing networks of wireless transceivers coupled to remote devices such as sensors and actuators in communication with remote computers via wireless gateways connected to wide area networks via wired connections. Dr. Almeroth may further testify regarding the patents' teachings regarding the utility of the disclosed inventions to multiple fields of use, including in the fields of home and industrial automation, agriculture, and geolocation.

e. The understanding by a POSA of the asserted claims of the '692, '893, '661, '492, '732, '780, and '842 patents, including support for the asserted claims within the descriptions of the preferred embodiments and the prosecution histories thereof.

f. The understanding by a POSA of the following disputed claim words and terms in light of the scope and content of the prior art and the teachings of the '692, '893, '661, '492, '732, '780, and '842 patents and prosecution histories thereof: gateway, scalable address, scalable field, scalable byte segments, scalable message, actuator, wide area network preformatted [command/response/emergency] message, predetermined signal type, data packet, sensor, retransmitted signal, gateway, command, function code, concatenation, low-power, remote [remotely located] device, select information, transceiver, data controller, information signal, signal comprising instruction data, central location, nearby, adaptively configuring, appropriately respond, appropriate control signal, remote, and whether and/or what structures are conveyed by those terms to a POSA.

g. Rebuttal to testimony offered by any experts testifying on behalf of Defendants as to any issue regarding claim construction, including those set forth above.

B. **Preliminary Identification of Expert Testimony of Dr. Kevin Almeroth Regarding Defendants' Indefiniteness Challenge(s)**

Plaintiffs' current knowledge of Defendants' indefiniteness challenges is currently limited to what is contained in Defendants' invalidity contentions and P.R. 4-2 preliminary claim constructions. Plaintiffs' preliminary identification of expert testimony regarding Defendants' indefiniteness challenges is likewise limited to those disclosures. Plaintiffs reserve the right to proffer additional and/or alternative testimony regarding Defendants' indefiniteness challenges in light of additional information gathered during discovery. Subject to the above reservation, Plaintiffs expect Dr. Almeroth to testify regarding the following:

1. U.S. Patent Nos. 6,249,516, 8,000,314, 8,233,471, and 8,625,496

a. The understanding by a POSA of "initiating" and/or "selecting" a path from a client to a server at the time of the inventions of the '516, '314, 471, and '496 patents.

b. The understanding by a POSA of the teachings of the ‘516, ‘314, ‘471, and ‘496 patents with respect to “initiating” and/or “selecting” a path from a client to a server.

c. The understanding by a POSA of the “direct/indirect” and “‘selecting/initiating’ recitations” within the asserted claims of the ‘516, ‘314, ‘471, and ‘496 patents alleged to be indefinite by Defendants, including support for the asserted claims within the description of the preferred embodiments and within the prosecution histories thereof.

d. Whether the claims containing the “direct/indirect” and “‘selecting/initiating’ recitations” within the asserted claims of the ‘516, ‘314, ‘471, and ‘496 patents alleged to be indefinite by Defendants connote sufficient structure to a POSA to remove them from the scope of 35 U.S.C. §112(f), or whether a POSA would be able to identify sufficient corresponding structure within the patent specifications if 35 U.S.C. §112(f) is found to apply.

e. The understanding by a POSA of transmission paths at the time of the inventions of the ‘516, ‘314, 471, and ‘496 patents, including methods for changing transmission paths between wireless nodes based on various criteria such as network optimization.

f. The understanding by a POSA of the teachings of the ‘516, ‘314, ‘471, and ‘496 patents with respect to the term “optimize,” the “‘changing’ recitations,” and Markush group elements alleged by Defendants to be indefinite.

g. The understanding by a POSA of “optimize,” the “‘changing’ recitations” and Markush group elements within the asserted claims of the ‘516, ‘314, ‘471, and ‘496 patents alleged by Defendants to be indefinite, including support for the asserted terms within the descriptions of the preferred embodiments therein and within the prosecution histories thereof.

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