

Exhibit 14

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS - WACO DIVISION
CASE NO. 6:21-CV-01101-ADA

AIRE TECHNOLOGY LIMITED,

Plaintiff,

-vs-

APPLE INC.,

Defendant.

Deposition of MICHAEL CALOYANNIDES
Monday, July 25, 2022 - 2:00 P.M. EDT

Reported by:

S. Arielle Santos

Job No.: 5236

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3 JULY 25, 2022
4 2:00 P.M. EDT
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8
9 REMOTE DEPOSITION of MICHAEL
10 CALOYANNIDES, before S. Arielle Santos, Certified
11 Court Reporter, Certified LiveNote Reporter and
12 Notary Public.
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10 No. 8,174,360
11 Caloyannides Exhibit 2 - Declaration of 17
12 Dr. Michael Caloyannides
13 Regarding Claim Construction
14 for U.S. Patent No. 8,174,360
15 Caloyannides Exhibit 3 - Prosecution 119
16 History for U.S. Patent No.
17 8,174,3260
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1 REMOTE APPEARANCES:
2
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1 MICHAEL CALOYANNIDES, Testifies under
2 penalty of perjury as follows:
3 THE WITNESS: I do.
4
5 EXAMINATION
6 BY MR. HASENOUR:
7 Q Good afternoon.
8 Could you state your full
9 name for the record?
10 A Michael Caloyannides.
11 Q And where are you located
12 today?
13 A In Herndon, Virginia.
14 Q Approximately how many times
15 have you previously been deposed?
16 A Oh, I will say well over a
17 hundred.
18 Q And have you been deposed in
19 well over 100 patent cases?
20 A Most of them were patent
21 cases. It's a very small percentage were
22 not.
23 Q So you understand that you're
24 testifying under oath today just as if you
25 were in a court of law?

1 the phases?
 2 MR. RICHARDS: Objection.
 3 Calls for speculation.
 4 THE WITNESS: Two signals can
 5 drift in phase for any one of
 6 multitude of reasons: oscillator
 7 drift, relative motion. These are
 8 the two that come primarily to
 9 mind.
 10 BY MR. HASENOUR:
 11 Q If there is a change in the
 12 frequency of the transmission oscillator,
 13 can that result in the output of a control
 14 figure in Figure 5?
 15 MR. RICHARDS: Objection.
 16 Form.
 17 THE WITNESS: If there is a
 18 change in the frequency of the
 19 transmission oscillator, Figure 5,
 20 which detects, again, phases, would
 21 detect that there's a shift in the
 22 phases getting out of Box 61 and
 23 63, and the phase comparator, you
 24 say, oh, there's a change in phase.
 25 Then if that phase happens at

1 a sufficiently low rate, then to
 2 make it through the low-pass
 3 filter. And then from that point
 4 on, it goes to the differentiator
 5 and the threshold switch, which
 6 would result in a control signal
 7 going out.
 8 But again, it's a phase
 9 comparator system. It's not a
 10 frequency comparator.
 11 BY MR. HASENOUR:
 12 Q So Figure 5 uses a phase
 13 comparator system to ascertain a change in
 14 the frequency of the transmission
 15 oscillator, correct?
 16 MR. RICHARDS: Objection.
 17 Form.
 18 THE WITNESS: Figure 5 uses
 19 phase comparator to compare phases.
 20 That's it.
 21 Then it goes beyond that and
 22 claims to perform a differentiator
 23 and differentiation, and feeds that
 24 into a threshold switch.
 25 BY MR. HASENOUR:

1 Q So the result is that that
 2 output signal is triggered when there's a
 3 change in the frequency of the
 4 transmission oscillator, correct?
 5 A You said the result. Again,
 6 it's a phased detection circuitry which
 7 triggers when phase changes and then
 8 processes the signal and gives a control
 9 signal out saying something changed.
 10 Q And that change can be a
 11 result of a change in the frequency of the
 12 transmission oscillator there.
 13 A But that's not Figure 5.
 14 Figure 5 does phase changes, and detects
 15 phase changes and directs when there's a
 16 phase change.
 17 Q The phase change occurs when
 18 there's a change in the frequency of the
 19 transmission oscillator, correct?
 20 MR. RICHARDS: Objection.
 21 Asked and answered.
 22 THE WITNESS: Well, when a
 23 frequency changes in inevitably
 24 involves phase changes.
 25 Inevitably.

1 So when phase changes are
 2 detected and an alarm is caused by
 3 Box 67, it stands to reason that if
 4 there is a frequency change, that
 5 would also result in a phase
 6 change, which is not the primary
 7 function of the device in Figure 5.
 8 BY MR. HASENOUR:
 9 Q So a change in frequency can
 10 be detected using a phase comparator
 11 system?
 12 MR. RICHARDS: Objection.
 13 Misstates testimony.
 14 THE WITNESS: A frequency
 15 change will result in a phase
 16 change. A phase change can be
 17 detected with a phase locked loop
 18 implementation which is what is
 19 happening here.
 20 MR. HASENOUR: Let's take a
 21 break.
 22 (Whereupon a Recess Commenced
 23 at 4:01 p.m. and Testimony
 24 Recommended at 4:09 p.m. EDT.)
 25 BY MR. HASENOUR:

1 Q I will ask you to turn to
2 column 4, line 12 of the patent. And if
3 you can review that paragraph.
4 A Give me a second. Column 4,
5 line 12?
6 Q Yes.
7 A The measuring device is
8 connected to the coil and detects a
9 property of the transmission oscillator
10 formed with the coil. It can in
11 particular be of the type as described in
12 the stated German patent application, blah
13 blah blah.
14 Q Did you review that German
15 patent application?
16 A The German patent
17 application? No, I have not.
18 Q Did you consider it at all in
19 forming your opinions in your declaration?
20 A Considering it's only in
21 German, no, I have not.
22 Q You would agree the
23 specification here says that an example of
24 the measuring device is described in that
25 German patent application?

1 patent is incorporated by
2 reference.
3 BY MR. HASENOUR:
4 Q You would agree a POSITA
5 would understand that the structure in
6 that patent is clearly linked to the
7 measuring device as Claim 1?
8 MR. RICHARDS: Objection.
9 Form. Calls for legal conclusion.
10 THE WITNESS: Again, I am not
11 an attorney I have not --
12 (Reporter Clarification.)
13 THE WITNESS: I am not an
14 attorney and I have no answer to
15 that.
16 BY MR. HASENOUR:
17 Q Is there any reason you
18 believe a POSITA would not understand the
19 structure in that German patent
20 application to be clearly linked to the
21 measuring device of Claim 1?
22 MR. RICHARDS: Same objection.
23 THE WITNESS: You're asking
24 for a legal question. I have no
25 answer.

1 MR. RICHARDS: Objection.
2 Form.
3 THE WITNESS: I don't see that
4 wording there. I don't see that
5 wording anywhere.
6 BY MR. HASENOUR:
7 Q You have no reason to believe
8 that the measuring device described in
9 that patent application satisfies the
10 claim limitation of Claim 1 for the
11 measuring device?
12 MR. RICHARDS: Objection.
13 Form.
14 THE WITNESS: Not without
15 having read the patent, I have no
16 opinion.
17 BY MR. HASENOUR:
18 Q Would you agree a POSITA
19 would understand that that German patent
20 application is incorporated by reference
21 in the context here?
22 MR. RICHARDS: Objection.
23 Form.
24 THE WITNESS: Well, I agree
25 the patent -- I'm sorry, the German

1 BY MR. HASENOUR:
2 Q Do you have any technical
3 understanding why a POSITA would not
4 understand that?
5 A Not having seen the patent, I
6 have no comment one way or the other.
7 Q You testified earlier today
8 that you reviewed the prosecution history
9 for the '360 patent, correct?
10 A Yes. Sometime back, yes.
11 Q You would agree that there
12 was nowhere in that file history where
13 either the applicant or the examiner
14 suggested that the claimed measuring
15 device was a means-plus function term?
16 A Again, I am not an attorney.
17 But my understanding about means-plus
18 function is what was provided to me by my
19 attorney, which is stated in my
20 declaration, as to why I believe it is a
21 means-plus function.
22 Q You didn't identify anything
23 in your declaration from the prosecution
24 history that suggested that that term,
25 measuring device, is means-plus function,

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