1 UNITED STATES PATENT AND TRADEMARK OFFICE

2 BEFORE THE PATENT TRIAL AND APPEAL BOARD

3

4 GOOGLE LLC,

5 Petitioner,
Case No.
6 vs. IPR2023-00357

7 FLYPSI, INC.(D/B/A FLYP), U.S. Patent No.
11,218,585
8 Patent Owner.
_____)

9

DEPOSITION OF BILL LIN, PH.D.

10

APPEARING REMOTELY

11

12 October 12, 2023

13 11:01 a.m., Eastern Standard Time

14

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17

18

19

20

21 Reported by: Lori J. Goodin, RPR, CLR, CRR,
RSA, California CSR #13959
22 Job No. J10304221

1 REMOTE APPEARANCES:

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BILL LIN, PH.D.
GOOGLE LLC V FLYPSI, INC.
Thursday, October 12, 2023
Lori J. Goodin, RPR, CLR, CRR,
RSA, California CSR #13959


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1 THURSDAY, OCTOBER 12, 2023, 11:01 a.m. EST
2 PROCEEDINGS
3 * * *
4 Whereupon,
5 BILL LIN, PH.D.,
6 a witness called for examination, having been
7 first duly sworn, was examined and testified as
8 follows:
9 * * *
10 THE REPORTER: Unless an objection 11:01:38
11 is heard at this time, all parties to this 11:01:38
12 deposition are appearing remotely and have 11:01:38
13 agreed to the witness being sworn in 11:01:38
14 remotely. 11:02:07
15 EXAMINATION 11:02:07
16 BY MR. MCCULLOUGH: 11:02:07
17 Q. Good morning, Dr. Lin. Can you 11:02:08
18 state your name for the record? 11:02:10
19 A. My name is Bill Lin. 11:02:12
20 Q. All right. And you have been hired 11:02:19
21 as Google's expert witness in the five IPRs that 11:02:20
22 we are here discussing today. Correct? 11:02:26

1 MR. HERR: Objection, form. Caution 11:02:30
2 the witness not to answer the question to the 11:02:35
3 extent that the answer will reveal any 11:02:37
4 attorney/client communications. 11:02:39
5 Otherwise you may answer. 11:02:41
6 THE WITNESS: I have been retained 11:02:42
7 as an expert witness for the IPRs in 11:02:44
8 discussion today. 11:02:48
9 BY MR. MCCULLOUGH: 11:02:49
10 Q. All right. Just a couple of ground 11:02:49
11 rules. If you ever don't understand one of my 11:02:51
12 questions, will you let me know? 11:02:54
13 A. Okay. 11:02:56
14 Q. All right. Is there any reason that 11:02:58
15 you cannot testify truthfully today? 11:02:59
16 A. No. 11:03:03
17 Q. All right. Is there anyone in the 11:03:05
18 same room with you? 11:03:08
19 A. Currently in the room with me are 11:03:11
20 counsel, Howard Herr, Daniel Zeilberger, and a 11:03:14
21 tech person. 11:03:22
22 Q. Okay. And what papers do you have 11:03:22

1 in the room with you today? 11:03:24
2 A. I have only the binders with my 11:03:31
3 declarations, exhibits, and the patent and file 11:03:33
4 history. 11:03:37
5 Q. All right. And do you have any 11:03:42
6 programs open on your computer aside from Zoom? 11:03:44
7 A. I have access to my computer. This 11:03:46
8 is not my computer. This is the law firm's 11:03:49
9 computer. 11:03:51
10 And I have it on the PDF files of 11:03:52
11 all of the exhibits and so forth. 11:03:56
12 Q. Okay. You have PDFs of the same 11:03:59
13 things you have paper copies of; is that correct? 11:04:02
14 A. That is correct. 11:04:05
15 Q. All right. Have you reviewed the 11:04:08
16 institution decisions in the five IPRs that you 11:04:19
17 submitted a declaration for Google? 11:04:23
18 MR. HERR: Objection, form. 11:04:27
19 THE WITNESS: I did not. 11:04:28
20 BY MR. MCCULLOUGH: 11:04:31
21 Q. All right. You are -- in your 11:04:46
22 declarations for the five IPRs, you are not 11:04:48

1 proposing any claim construction. Correct? 11:04:51
2 A. No, I am not proposing any claim 11:04:53
3 construction. 11:05:12
4 Q. Okay. So, you are applying the 11:05:14
5 plain meaning for all of the claim terms in all 11:05:16
6 of those five patents. Correct? 11:05:18
7 A. I performed my analysis on each 11:05:21
8 patent and I apply the plain and ordinary meaning 11:05:25
9 with respect to each patent. 11:05:27
10 Q. Okay. You are not relying on the 11:05:29
11 file history of any of the five patents for any 11:05:35
12 of your opinions. Correct? 11:05:39
13 A. I don't recall exactly right now, 11:05:56
14 but we would have to go look at each of them. 11:05:58
15 But there was at least one instance 11:06:01
16 where it is also in the patent that the patent 11:06:03
17 language was incorrect and was corrected by the 11:06:06
18 file history. 11:06:09
19 Q. All right. Your declarations do not 11:06:17
20 identify the -- any legal standards that you 11:06:19
21 applied or considered in your analysis. Correct? 11:06:24
22 A. That is correct. 11:06:29

1 Q. Were you given any legal standards 11:06:31
2 that you considered or applied in your analysis? 11:06:33
3 MR. HERR: I would like to launch a 11:06:40
4 little caution here. I caution the witness 11:06:42
5 not to answer the question to the extent that 11:06:43
6 the answer would reveal any attorney/client 11:06:45
7 privileged communications. 11:06:47
8 Otherwise you may answer. 11:06:48
9 THE WITNESS: So, my declaration is 11:06:49
10 my analysis how the prior art discloses 11:06:53
11 certain teachings. 11:06:57
12 BY MR. MCCULLOUGH: 11:07:00
13 Q. And were you considering or applying 11:07:01
14 any instructions about the law related to 11:07:07
15 validity when you formed the opinions in your 11:07:11
16 declaration? 11:07:15
17 A. I didn't offer any legal opinions in 11:07:16
18 my declarations. 11:07:19
19 Q. Sir, I'm not asking you whether you 11:07:20
20 offered an legal opinion. 11:07:22
21 I'm asking you whether you were 11:07:24
22 applying or considering any instructions 11:07:25

1 regarding the law when you formed the opinions in 11:07:30
2 your declaration. 11:07:32
3 MR. HERR: Objection, asked and 11:07:36
4 answered. 11:07:37
5 THE WITNESS: So, as I said, I, my 11:07:37
6 declarations are about my opinions of how the 11:07:40
7 prior art applies to the claims. 11:07:43
8 BY MR. MCCULLOUGH: 11:07:48
9 Q. Were you applying any understanding 11:07:53
10 of what it means to anticipate a patent claim 11:07:56
11 when you formed your opinions? 11:08:01
12 A. I didn't offer any legal opinions in 11:08:05
13 my declarations, and so as such I didn't -- my 11:08:08
14 opinions were not based on applying any legal 11:08:11
15 standard. 11:08:13
16 Q. All right. You offered opinions on 11:08:31
17 the level of skill in the art. Correct? 11:08:33
18 A. Yes. 11:08:34
19 Q. Were you applying any legal 11:08:36
20 standards when you offered those opinions? 11:08:38
21 MR. HERR: Objection. I'm sorry. 11:08:42
22 Objection, asked and answered. 11:08:46

1 THE WITNESS: So, like I said, I 11:08:49
2 only offer opinions in my declaration about 11:08:51
3 how the prior art applied to these patents. 11:08:54
4 I didn't offer any legal opinions. 11:08:58
5 BY MR. MCCULLOUGH: 11:09:02
6 Q. Sir, I'm not asking you if you 11:09:03
7 offered a legal opinion. I'm trying to 11:09:04
8 understand what standards you applied. 11:09:07
9 Why did you offer an opinion on the 11:09:08
10 level of skill in the art? Were you given some 11:09:11
11 instruction that that was a relevant factor and 11:09:14
12 you applied that instruction in your analysis? 11:09:18
13 A. So, again, so, as I state in my 11:09:22
14 declaration, I describe what I believe a person 11:09:28
15 of ordinary skill in the art at the time of the 11:09:30
16 alleged invention would have had or would have 11:09:32
17 understood. 11:09:35
18 Q. Are you applying any instruction 11:09:44
19 relating to what a person of ordinary skill in 11:09:49
20 the art is or why that is relevant to any other 11:09:52
21 issue when you formed the opinions in your 11:09:54
22 declaration? 11:09:56

1 MR. HERR: Objection, form. 11:10:01
2 THE WITNESS: I think I state in my 11:10:03
3 declaration, I believe a person of ordinary 11:10:23
4 skill in the art at the time would have had 11:10:26
5 an undergraduate degree in electrical and 11:10:29
6 computer engineering, computer science, in a 11:10:31
7 field related to telecommunications and/or 11:10:33
8 someone with more education to supplement the 11:10:37
9 practical experience. 11:10:46
10 BY MR. MCCULLOUGH: 11:10:47
11 Q. And you are reading that from 11:10:47
12 somewhere. Where are you reading that from? 11:10:49
13 A. That is what I state in my 11:10:50
14 declaration. 11:10:52
15 Q. Which declaration? 11:10:52
16 A. The one I'm looking at the moment, 11:10:54
17 is the '585 patent. 11:11:00
18 Q. Do you have any understanding as to 11:11:10
19 whether the level of skill in the art is a factor 11:11:11
20 in considering whether prior art invalidates a 11:11:15
21 patent claim? 11:11:18
22 A. So, as I said, I described in my 11:11:21

1 declaration what I believe a person of ordinary 11:11:26
2 skill in the art would be. 11:11:28
3 And I, in my analysis, I offer my 11:11:30
4 opinion as to how the prior art applies to the 11:11:36
5 claim limitations with the person of ordinary 11:11:41
6 skill in the art. 11:11:46
7 Q. And were you instructed to apply the 11:11:48
8 perspective of a person of ordinary skill in the 11:11:51
9 art? 11:11:53
10 A. So, my own analysis, which I have 11:11:58
11 done in other IPRs is, again, I'm offering the 11:12:00
12 opinion of how the prior art applies to the 11:12:04
13 limitations with the POSITA in mind. 11:12:07
14 Q. So, in your declarations in these 11:12:20
15 five IPRs, you are not relying on any 11:12:22
16 instructions from Google's counsel about legal 11:12:25
17 standards relating to invalidity; is that 11:12:28
18 correct? 11:12:30
19 MR. HERR: I caution the witness not 11:12:31
20 to answer the question to the extent that 11:12:32
21 answer would reveal any attorney/client 11:12:35
22 privileged communications. 11:12:37

1 Otherwise, you may answer. 11:12:38
2 THE WITNESS: Can you ask the 11:12:43
3 question one more time? 11:12:44
4 BY MR. MCCULLOUGH: 11:12:45
5 Q. In your five declarations that we 11:12:46
6 are talking about today, are you relying on any 11:12:47
7 instructions from Google's counsel relating to 11:12:50
8 the legal standards for validity of a patent 11:12:53
9 claim? 11:13:02
10 MR. HERR: Same caution. 11:13:02
11 THE WITNESS: Again, I only offer my 11:13:04
12 opinion as to how the prior art applies to 11:13:06
13 the patent. 11:13:08
14 And, I believe, a person of ordinary 11:13:10
15 skill in the art at the time would have the 11:13:12
16 background that I described. 11:13:14
17 MR. MCCULLOUGH: Objection, 11:13:18
18 nonresponsive. 11:13:18
19 BY MR. MCCULLOUGH: 11:13:18
20 Q. Dr. Lin, I'm asking you for the 11:13:20
21 basis of your opinion. I'm entitled to know what 11:13:22
22 standards you applied. 11:13:25

1 Did you apply any standards given to 11:13:26
2 you by Google's counsel in forming your opinions 11:13:28
3 in your declaration relating to invalidity, yes 11:13:33
4 or no? 11:13:36
5 MR. HERR: Objection, form. 11:13:36
6 Objection, asked and answered. And same 11:13:38
7 caution. 11:13:40
8 THE WITNESS: Yeah, again, I 11:13:42
9 described what I believed a person of 11:13:44
10 ordinary skill in the art would be at the 11:13:46
11 time. 11:13:48
12 And I have offered my opinions in 11:13:49
13 terms of how the prior art applies to the 11:13:53
14 patent. 11:13:55
15 BY MR. MCCULLOUGH: 11:13:57
16 Q. That is not my question, Dr. Lin. I 11:13:57
17 need you to listen to my question and answer the 11:13:59
18 question that I'm asking. 11:14:01
19 Did you apply -- 11:14:03
20 MR. HERR: Objection, form. 11:14:05
21 BY MR. MCCULLOUGH: 11:14:06
22 Q. -- any standards given to you by 11:14:07

1 Google's counsel relating to invalidity in 11:14:09
2 forming the opinions in your declaration? 11:14:12
3 MR. HERR: Objection, form. Asked 11:14:19
4 and answered. And also, same caution. 11:14:21
5 THE WITNESS: I think my answer to 11:14:23
6 you is that I, I described who I thought a 11:14:24
7 person of ordinary skill in the art would be 11:14:28
8 and I applied that -- I applied that standard 11:14:30
9 of what I thought a person of ordinary skill 11:14:34
10 in the art at the time would be. 11:14:37
11 BY MR. MCCULLOUGH: 11:14:40
12 Q. That is not my question. My 11:14:41
13 question is, did you apply any standards relating 11:14:43
14 to validity that were given to you by Google's 11:14:45
15 counsel in forming the opinions in your 11:14:48
16 declaration? 11:14:50
17 MR. HERR: Same objections. And 11:14:51
18 same caution. 11:14:53
19 THE WITNESS: I think my answer is 11:14:54
20 the same. I didn't offer any legal opinions 11:14:56
21 in my declaration. I offered opinion of how 11:14:58
22 the prior art applies to the patents. 11:15:00

1 And throughout my declarations, 11:15:04
2 whenever I refer to a person of ordinary 11:15:06
3 skill in the art, that person I'm referring 11:15:08
4 to is what I described in the section about 11:15:10
5 who the person of ordinary skill in the art 11:15:13
6 would be at the time. 11:15:16
7 BY MR. MCCULLOUGH: 11:15:17
8 Q. You have been an expert witness 11:15:17
9 numerous times before. Correct? 11:15:19
10 A. Yes. 11:15:21
11 Q. And in other cases that you worked 11:15:21
12 on, sometimes you have been given instructions by 11:15:23
13 the lawyers about what the legal standards are 11:15:25
14 and you have applied those instructions in 11:15:27
15 forming your opinions for whatever declaration or 11:15:29
16 report you were writing. 11:15:32
17 Correct? 11:15:33
18 MR. HERR: Objection, form. 11:15:34
19 THE WITNESS: So, in those times I 11:15:35
20 would have explicitly said so in my 11:15:40
21 declarations. 11:15:43
22 BY MR. MCCULLOUGH: 11:15:43

1 Q. Okay. And that is all I'm trying to 11:15:44
2 clarify here. 11:15:47
3 Were you given any instructions by 11:15:47
4 Google's lawyer about the legal standards 11:15:49
5 relating to invalidity that you applied in 11:15:52
6 forming your opinions in the declarations in 11:15:54
7 these IPRs? 11:15:57
8 MR. HERR: Objection, form. Same 11:15:58
9 caution. 11:16:00
10 THE WITNESS: Yeah, I don't know 11:16:01
11 what is client privilege or not. 11:16:02
12 BY MR. MCCULLOUGH: 11:16:06
13 Q. If you relied on it to form your 11:16:06
14 opinions, then it is not privileged. 11:16:09
15 MR. MCCULLOUGH: Counsel, what is 11:16:13
16 the basis for the privilege objection? 11:16:13
17 If I am asking if he applied 11:16:16
18 standards in his analysis, how can that 11:16:18
19 possibly be privileged? 11:16:20
20 I'm entitled to know the basis of 11:16:22
21 the opinions in his declaration. 11:16:24
22 MR. HERR: Objection, form. Are you 11:16:26

1 talking to -- are you communicating with me? 11:16:29
2 MR. MCCULLOUGH: Counsel, I'm asking 11:16:31
3 you what the basis for the privilege 11:16:33
4 objection is. 11:16:34
5 Because, if he applied standards 11:16:35
6 that were given by Google's counsel, I'm 11:16:36
7 entitled to know that. That is part of the 11:16:39
8 basis of his opinion. 11:16:41
9 MR. HERR: Well, any -- our 11:16:48
10 communication with the expert are privileged, 11:16:50
11 so -- 11:16:53
12 MR. ZEILBERGER: If I can just add 11:16:54
13 to it. We didn't make a privileged objection 11:16:55
14 in the sense of instructing Dr. Lin not to 11:17:00
15 answer the question. It was a caution -- 11:17:03
16 MR. MCCULLOUGH: The witness just 11:17:04
17 said he doesn't understand how to answer. 11:17:05
18 MR. ZEILBERGER: Please let me 11:17:08
19 finish. We allowed you to finish. 11:17:10
20 MR. MCCULLOUGH: You are not 11:17:10
21 entitled to have two attorneys defend the 11:17:10
22 deposition. Mr. Herr is defending the 11:17:11

1 deposition. He can speak. 11:17:13
2 MR. ZEILBERGER: This is not 11:17:15
3 relating to defending the deposition, sir. 11:17:16
4 You asked us -- 11:17:19
5 MR. MCCULLOUGH: Mr. Zeilberger, you 11:17:19
6 are not entitled to speak at this deposition, 11:17:20
7 period. 11:17:23
8 MR. ZEILBERGER: Respectfully, that 11:17:24
9 is incorrect. 11:17:26
10 MR. HERR: That is incorrect. 11:17:27
11 Mr. Zeilberger is also a counsel, is also a 11:17:29
12 counsel in this IPR as well. 11:17:32
13 MR. MCCULLOUGH: He may be counsel 11:17:34
14 but you only get one attorney to speak at the 11:17:35
15 deposition. 11:17:38
16 Mr. Herr, what is the basis -- 11:17:40
17 MR. ZEILBERGER: I'm trying to help 11:17:42
18 you. Matt, we did not instruct Dr. Lin not 11:17:43
19 to answer your question. We cautioned him 11:17:46
20 not to reveal the substance of privileged 11:17:48
21 communications because you were specifically 11:17:50
22 asking him about communications with counsel. 11:17:52

1 Dr. Lin may answer -- Dr. Lin may 11:17:55
2 answer about material that he relied upon. 11:17:59
3 He has already answered your question about 11:18:01
4 ten times. He can do so again if you want 11:18:03
5 him to. 11:18:06
6 We are not instructing him not to 11:18:06
7 reveal material that he relied upon. We are 11:18:08
8 only cautioning him not to reveal the 11:18:11
9 substance of privileged communications. 11:18:12
10 BY MR. MCCULLOUGH: 11:18:17
11 Q. Did you rely on any instructions 11:18:18
12 from Google's counsel regarding the standards for 11:18:19
13 invalidity in forming the opinions in your 11:18:21
14 declarations, Dr. Lin? 11:18:24
15 MR. HERR: Same caution. 11:18:26
16 THE WITNESS: So, my answer remains 11:18:27
17 the same which is, I did not offer any legal 11:18:29
18 opinions in my declaration. 11:18:32
19 I applied the -- I applied the prior 11:18:33
20 art to the patent. 11:18:37
21 And whenever I reference a person of 11:18:41
22 ordinary skill in the art in my declaration, 11:18:44

1 in my opinions, it is the person, the person 11:18:46
2 of ordinary skill in the art that I described 11:18:49
3 in my declaration. 11:18:51
4 And that is the basis of the -- of 11:18:53
5 who that person of ordinary skill in the art 11:18:55
6 that I apply. 11:18:57
7 MR. MCCULLOUGH: Objection, 11:18:59
8 nonresponsive. 11:18:59
9 Mr. Herr, what is the basis for your 11:19:01
10 caution when I explicitly limited my question 11:19:03
11 to whether the witness relied on instructions 11:19:06
12 from Google counsel? 11:19:08
13 Mr. Zeilberger just said he was 11:19:08
14 allowed to testify if he relied on it. 11:19:10
15 So, what is the basis for your 11:19:13
16 caution? 11:19:14
17 MR. HERR: So, the basis of the 11:19:15
18 caution is that to the extent that his answer 11:19:16
19 might reveal any kind of attorney/client 11:19:23
20 privileged communications is -- he should not 11:19:26
21 answer that question. 11:19:28
22 But if not, otherwise, he can answer 11:19:29

it. 11:19:31
So, it is up to him, right. It is 11:19:31
just a caution. 11:19:35
We did not instruct him not to 11:19:35
answer. It is merely a caution. 11:19:37
MR. MCCULLOUGH: Are you contending 11:19:39
that instructions from Google's counsel 11:19:41
regarding the standards for invalidity that 11:19:43
he relied on in his declaration are 11:19:45
privileged? 11:19:47
MR. HERR: No. 11:19:47
BY MR. MCCULLOUGH: 11:19:50
Q. Dr. Lin, did you rely on any 11:19:50
instructions from Google's counsel relating to 11:19:51
the standards for invalidity in forming your 11:19:54
opinions? 11:19:58
A. So, again, my analysis in my 11:19:59
declaration, I did not offer legal opinions. 11:20:03
My analysis, whenever I refer to a 11:20:08
person of ordinary skill in the art, I described 11:20:10
in my declaration, and that is the basis that 11:20:12
I -- that is the basis for my opinion. 11:20:14

1 Q. Dr. Lin, my question is not about 11:20:18
2 whether you offered a legal opinion. 11:20:21
3 I'm asking you whether you relied on 11:20:22
4 instructions from Google. 11:20:24
5 Do you understand the difference 11:20:25
6 between those two concepts? 11:20:27
7 MR. HERR: Objection, form. And 11:20:29
8 asked and answered. 11:20:31
9 THE WITNESS: Yeah, I, the basis of 11:20:33
10 who the POSITA is, is what I described in my 11:20:36
11 declaration. 11:20:40
12 I don't, I don't recall -- I just 11:20:40
13 don't know how else to answer your question. 11:20:46
14 BY MR. MCCULLOUGH: 11:20:48
15 Q. Why don't you know how to answer my 11:20:49
16 question? What do you not understand? 11:20:50
17 MR. HERR: Objection, form. 11:20:53
18 THE WITNESS: Yeah. So, when I 11:20:55
19 prepare my declaration, I have in mind who I 11:20:57
20 believe a POSITA is and I describe that. 11:21:02
21 And my opinions is about how the 11:21:04
22 prior art applies. And that is how I prepare 11:21:07

1 my declaration. 11:21:09
2 BY MR. MCCULLOUGH: 11:21:11
3 Q. Did Google give you any instructions 11:21:12
4 on what -- how to define the person of ordinary 11:21:14
5 skill in the art that you applied in your 11:21:17
6 declaration? 11:21:18
7 A. I don't recall. But, this, again, 11:21:23
8 this is the person of ordinary skill in the art 11:21:25
9 that I believe -- that I am referring to in my 11:21:28
10 declaration. 11:21:32
11 Q. Did Google give you any instructions 11:21:32
12 on how to apply the level of skill that you 11:21:34
13 identified as the person of ordinary skill in the 11:21:37
14 art in forming your other opinions relating to 11:21:41
15 validity in this case? 11:21:45
16 A. I'm sorry. What? Say that one more 11:21:48
17 time. 11:21:50
18 Q. Did Google give you any instructions 11:21:51
19 on how to apply whatever level of skill you came 11:21:53
20 up with as the person of ordinary skill in the 11:21:55
21 art in forming your other opinions in this 11:21:57
22 declaration? 11:22:00

A. So, again, I described who I 11:22:01
believed a person of skill in the art would be at 11:22:10
the, would be at the time. 11:22:12
And that is, that is the POSITA that 11:22:13
I applied my opinions on. 11:22:18
MR. MCCULLOUGH: Objection, 11:22:21
nonresponsive. 11:22:22
BY MR. MCCULLOUGH: 11:22:23
Q. Did Google give you any instructions 11:22:23
on how you were supposed to apply the level of 11:22:25
skill of how you came up with a POSITA in 11:22:28
analyzing validity? 11:22:30
MR. HERR: Objection, asked and 11:22:31
answered. 11:22:32
THE WITNESS: Yeah, I believe I 11:22:36
answered your question already. 11:22:42
BY MR. MCCULLOUGH: 11:22:43
Q. What is the answer? Did Google give 11:22:43
you instructions, yes or no? 11:22:45
MR. HERR: Same objection. 11:22:48
THE WITNESS: I don't recall right 11:22:56
now one way or the other. 11:22:58

1 But again, when I prepared my 11:22:59
2 declaration, my opinions were based on the 11:23:01
3 person of skill in the art that I described 11:23:04
4 in my declaration. 11:23:06
5 BY MR. MCCULLOUGH: 11:23:10
6 Q. Okay. But you didn't put any 11:23:10
7 understanding of the legal standards that you 11:23:12
8 were applying in your declarations. 11:23:13
9 Correct? 11:23:15
10 A. I did not offer any legal opinions. 11:23:16
11 Q. Dr. Lin, that is not what I asked. 11:23:23
12 I need you to listen to my question carefully. 11:23:26
13 Did you put any understanding of the 11:23:29
14 legal standards that you were applying in your 11:23:31
15 declaration? 11:23:33
16 MR. HERR: Objection, asked and 11:23:36
17 answered. 11:23:37
18 THE WITNESS: So, again, in my 11:23:38
19 declaration, I described what the prior art 11:23:40
20 teaches or what the prior art discloses and 11:23:43
21 what a POSITA would have been motivated to 11:23:46
22 do. 11:23:49

1 I did not offer any legal opinions. 11:23:49
2 So, from that perspective, I am not 11:23:53
3 offering -- yeah, I did not offer any legal 11:23:56
4 opinions. 11:23:59
5 BY MR. MCCULLOUGH: 11:23:59
6 Q. Did Google's counsel give you any 11:24:00
7 instructions on what claim construction is that 11:24:02
8 you applied in your declaration? 11:24:04
9 A. There is no claim construction. So, 11:24:08
10 so, yeah, there is no claim construction in my 11:24:13
11 declaration. 11:24:15
12 MR. MCCULLOUGH: Objection, 11:24:18
13 nonresponsive. 11:24:19
14 BY MR. MCCULLOUGH: 11:24:20
15 Q. Did Google's counsel give you any 11:24:21
16 instructions on what claim construction is that 11:24:23
17 you applied in your declaration? 11:24:25
18 MR. HERR: Objection, asked and 11:24:29
19 answered. 11:24:30
20 THE WITNESS: So, I think in my 11:24:31
21 declaration I clearly state that I applied 11:24:34
22 the plain and ordinary meaning and not any 11:24:38

1 specialized meaning. That is the claim 11:24:42
2 construction that I applied. 11:24:45
3 BY MR. MCCULLOUGH: 11:24:46
4 Q. Did Google instruct you to apply the 11:24:46
5 plain and ordinary meaning or did you decide that 11:24:49
6 on your own? 11:24:51
7 A. I am not aware of any claim 11:24:52
8 construction. So, since nobody told me any claim 11:24:55
9 construction that I should be applying, then I 11:24:59
10 applied the plain and ordinary meaning. 11:25:02
11 Q. Did you perform any independent 11:25:04
12 analysis of whether any claim terms should be 11:25:07
13 construed? 11:25:10
14 A. So, again, I just applied the plain 11:25:13
15 and ordinary meaning in light of the patents. 11:25:16
16 Q. Did Google tell you to do that or 11:25:19
17 did you decide to do that on your own? 11:25:22
18 MR. HERR: Objection, form. And I 11:25:25
19 caution the witness not to answer the 11:25:27
20 question to the extent that you would reveal 11:25:29
21 any attorney/client privileged 11:25:34
22 communications. 11:25:34

1 Otherwise, you may answer. 11:25:35
2 THE WITNESS: Yes, I am not aware of 11:25:36
3 any claim construction. I have not been 11:25:38
4 instructed about any claim construction. 11:25:44
5 And that is the reason why I, I said 11:25:45
6 in my declaration that I have applied the 11:25:48
7 plain and ordinary meaning in light of the 11:25:50
8 specifications. 11:25:52
9 BY MR. MCCULLOUGH: 11:25:54
10 Q. Did you review whether any claim 11:25:55
11 terms of any of the claims of any of the patents 11:26:01
12 in the IPRs should be construed? 11:26:04
13 A. Did I review if any of them could be 11:26:07
14 construed? I guess I don't understand your 11:26:09
15 question. 11:26:12
16 I have not been told that there are 11:26:16
17 any claim constructions. And, in the absence of 11:26:17
18 any claim constructions, my analysis -- in this 11:26:21
19 case, I am not aware of any claim constructions. 11:26:25
20 So, I applied the plain and ordinary 11:26:28
21 meaning of things in light of the specification. 11:26:30
22 Q. Did you form any opinions on your 11:26:35

1 own about whether a claim term should be 11:26:39
2 construed? 11:26:42
3 A. So, I think, like I said, I have not 11:26:45
4 been informed that there are any claim 11:26:52
5 construction. 11:26:53
6 And so, I analyzed the terms in 11:26:54
7 accordance to their plain and ordinary meaning in 11:26:58
8 light of specification. I did not ask counsel to 11:27:01
9 make any claim construction. 11:27:05
10 Again, I am not involved in the 11:27:07
11 legal opinions. So, I am not aware of any claim 11:27:09
12 construction. So, therefore I applied the plain 11:27:13
13 and ordinary meaning. 11:27:16
14 Q. So, you did not form any independent 11:27:18
15 opinion that a particular claim term in any of 11:27:29
16 the five patents should be construed by the 11:27:31
17 Patent Office. Correct? 11:27:37
18 A. So, again, I am not aware of any 11:27:42
19 claim construction. 11:27:44
20 So, when I analyzed the patent, I 11:27:45
21 analyzed them in accordance with the plain and 11:27:48
22 ordinary meaning, you know, with, in light of the 11:27:51

specification. 11:27:53

Q. Did Google counsel give you any 11:27:59
instruction on what anticipation means that you 11:28:01
applied in forming your opinions in your 11:28:03
declaration? 11:28:05

MR. HERR: I caution the witness not 11:28:06
to answer the question to the extent that the 11:28:08
answer will reveal any attorney/client 11:28:10
privileged communications. 11:28:12

Otherwise, you may answer. 11:28:13

THE WITNESS: Again, I did not offer 11:28:14
any legal opinions. 11:28:16

So my declarations were about how 11:28:17
the prior art teaches the limitations. 11:28:21

BY MR. MCCULLOUGH: 11:28:25

Q. Are you excluding anything from that 11:28:25
answer based on your counsel's privileged 11:28:27
caution? 11:28:29

And I just want a yes or no. I 11:28:30
don't want to know what you are excluding. 11:28:32

A. So, my answer is respect to what I 11:28:35
said earlier is that I didn't offer any legal 11:28:38

1 opinions. 11:28:41
2 Q. That is not my question, Dr. Lin. 11:28:42
3 Did you exclude anything from your 11:28:44
4 answer a moment ago based on your lawyer's 11:28:47
5 counsel to not include anything that would reveal 11:28:50
6 attorney/client privileged communications? Yes 11:28:55
7 or no? 11:28:58
8 A. No. No. I simply am repeating what 11:28:58
9 I said already earlier which is I didn't offer 11:29:01
10 any legal opinions. 11:29:05
11 Q. All right. Dr. Lin, I'm not asking 11:29:12
12 what opinions you offered. 11:29:15
13 But I'm asking, did Google counsel 11:29:16
14 give you any instruction on what anticipation 11:29:18
15 means that you applied in forming any opinion in 11:29:20
16 your declarations? 11:29:25
17 MR. HERR: Objection, asked and 11:29:27
18 answered. 11:29:28
19 THE WITNESS: I, I don't believe so. 11:29:28
20 I don't recall, but I don't believe so. 11:29:31
21 Again, I didn't offer any legal 11:29:32
22 opinions. So, I didn't -- yes, I didn't 11:29:35

1 offer any legal opinions. 11:29:39
2 BY MR. MCCULLOUGH: 11:29:41
3 Q. Did Google counsel give you any 11:29:42
4 instruction on what obviousness means that you 11:29:43
5 applied in forming any opinion in your 11:29:46
6 declaration? 11:29:49
7 MR. HERR: Same caution. 11:29:49
8 THE WITNESS: Yeah, so again, I 11:29:51
9 didn't offer any legal opinions, so I don't 11:29:57
10 recall the Google counsel giving me any legal 11:29:59
11 things I should be relying upon. 11:30:02
12 BY MR. MCCULLOUGH: 11:30:06
13 Q. Have you heard the term, secondary 11:30:09
14 considerations? 11:30:11
15 A. I might have. 11:30:16
16 Q. Did you offer any opinions relating 11:30:18
17 to secondary considerations? 11:30:21
18 A. I did not. 11:30:23
19 Q. Did -- 11:30:26
20 A. Again, I did not, because I didn't 11:30:27
21 offer any legal opinions. 11:30:30
22 Q. Did you receive any instruction from 11:30:31

1 Google's counsel on what secondary considerations 11:30:33
2 are that you applied in forming any opinion in 11:30:36
3 your declarations? 11:30:39
4 MR. HERR: Same caution. 11:30:40
5 THE WITNESS: I don't believe so. 11:30:41
6 Again, I didn't offer any opinions -- legal 11:30:43
7 opinions. I'm sorry. 11:30:45
8 BY MR. MCCULLOUGH: 11:30:47
9 Q. Do you have any understanding of 11:30:49
10 whether the Patent Office has to consider 11:30:50
11 secondary considerations in -- if analyzing 11:30:54
12 obviousness? 11:30:59
13 MR. HERR: Objection, form. 11:31:01
14 THE WITNESS: Can you repeat your 11:31:02
15 question? 11:31:04
16 BY MR. MCCULLOUGH: 11:31:05
17 Q. Do you have any understanding of 11:31:05
18 whether the Patent Office has to consider 11:31:06
19 secondary considerations when analyzing 11:31:09
20 obviousness? 11:31:12
21 A. Again, I didn't offer any legal 11:31:13
22 opinions. 11:31:19

1 Q. All right. Let's open the Backhaus 11:31:23
2 reference, which is Exhibit 1005 in any of your 11:31:27
3 petitions or your declarations. 11:31:30
4 THE WITNESS: Yeah, so I know we 11:31:35
5 have only been not that far in, but, would 11:31:37
6 you mind if I take a five-minute bathroom 11:31:39
7 break? 11:31:43
8 MR. MCCULLOUGH: That is fine. 11:31:43
9 (Recess taken -- 11:31 a.m.) 11:35:51
10 (After recess -- 11:35 a.m.) 11:35:58
11 BY MR. MCCULLOUGH: 11:35:58
12 Q. Dr. Lin, you are not a lawyer, 11:35:59
13 correct? 11:36:00
14 A. I am not a lawyer. 11:36:00
15 Q. And you have no legal training, 11:36:02
16 correct? 11:36:03
17 A. Correct. 11:36:04
18 Q. Who physically wrote your 11:36:05
19 declarations? 11:36:07
20 A. It was a, it was a -- the opinions 11:36:08
21 in my declarations are my opinions. The 11:36:14
22 preparation of the actual document was a 11:36:17

1 collaborative effort. 11:36:20
2 Q. What percentage did you physically 11:36:22
3 write? 11:36:26
4 A. I don't, I don't recall exactly. 11:36:29
5 Q. What is your best estimate? 11:36:32
6 A. Again, the opinions expressed in the 11:36:34
7 declarations are my opinions. 11:36:41
8 The, the lawyers helped me with a 11:36:42
9 collaborative effort to prepare the declarations 11:36:49
10 and, so -- but they are my opinions. 11:36:51
11 Q. And you can not identify a single 11:36:59
12 standard relating to invalidity that was provided 11:37:01
13 to you by Google's counsel that you applied in 11:37:03
14 forming any opinion in any of your declarations, 11:37:05
15 correct? 11:37:08
16 MR. HERR: Objection, form. 11:37:12
17 THE WITNESS: Again, I am not a 11:37:13
18 lawyer, and I didn't make any legal opinions, 11:37:15
19 and my declarations are self-contained. 11:37:19
20 BY MR. MCCULLOUGH: 11:37:24
21 Q. Okay. So, let's look at the 11:37:25
22 Backhaus reference, which is Exhibit 1005 in any 11:37:29

of the IPRs. 11:37:32
Let me know when you have it. 11:37:33
A. I have it in front of me. Thank you. 11:37:35 11:37:37
Q. Okay. So, this, this Backhaus patent application is prior art that you rely on in all of your declarations, correct? 11:37:37 11:37:41 11:37:46
A. Correct. 11:37:49
Q. Okay. And did you identify the Backhaus reference, or was it given to you by Google's counsel? 11:37:49 11:37:51 11:37:54
A. I was asked by Google's counsel to consider a certain prior art. 11:37:55 11:37:58
Q. When you say a certain prior art you mean this Backhaus reference, which is Exhibit 1005, correct? 11:38:03 11:38:06 11:38:09
A. I was asked to consider Backhaus, yes. 11:38:09 11:38:11
Q. Okay. Were you given any other analysis or written materials relating to Backhaus, other than the patent application itself that you considered? 11:38:12 11:38:22 11:38:27 11:38:28

A. No, I think everything that I relied upon or given are cited in my declarations. 11:38:31 11:38:33

Q. Okay. And, you are not relying on any, anything from the pending District Court litigation, correct? 11:38:39 11:38:41 11:38:52

A. No, I actually don't know anything about what you just mentioned. 11:38:53 11:38:55

Q. Okay. Let's look at Figure 1 of Backhaus. 11:38:56 11:38:59

A. Yes, go ahead. 11:39:10

Q. Okay. So, you agree that there is no switch shown on Figure 1 of Backhaus, correct? 11:39:11 11:39:13

A. I -- well, I don't know if I agree with that. 11:39:22 11:39:24

But, in any case, in my declarations, I applied the prior art, you know, Backhaus in this case to the limitations. 11:39:25 11:39:29 11:39:31

So, I would be happy to go to one of the limitations to explain to you how Backhaus discloses the switch in the certain limitation. 11:39:34 11:39:38 11:39:44

Q. Is there a switch shown in Figure 1 of Backhaus? 11:39:47 11:39:49

A. So, again, I would be happy to go to one of the claim limitations to explain to you how that applies to Backhaus. 11:39:50 11:39:55 11:39:59

But certainly Backhaus discloses, Backhaus discloses something called communication network 125, and it clearly teaches that this communication network can include something called PSTN. 11:40:02 11:40:07 11:40:10 11:40:15 11:40:18

And so, we can go to my analysis that I methodically spent a lot of time preparing to explain to you how I -- why I have the opinion that Backhaus teaches the switch in these limitations. 11:40:20 11:40:26 11:40:29 11:40:34 11:40:37

Q. Okay. So, your opinion is that there are switches that are part of communications network 125 shown in Figure 1, correct? 11:40:38 11:40:40 11:40:42 11:40:45

A. So, my opinion is that in the claim limitations they refer to a claim switch. 11:40:52 11:40:54

And it is my opinion that Backhaus teaches this claim switch. 11:40:58 11:41:01

Q. And your opinion is that the claim 11:41:03

1 switch is part of communications network 125 11:41:14
2 shown on Figure 1. Correct? 11:41:17
3 A. Well, if we -- if you want to go 11:41:19
4 more into analysis, in my background section I 11:41:21
5 talk about a PSTN. And I talk about a local 11:41:26
6 switch that something like a server would be 11:41:31
7 attached to when connecting to a PSTN network. 11:41:35
8 So, I can go into more details about 11:41:39
9 how I, how I applied Backhaus teaching with 11:41:42
10 respect to this switch. 11:41:46
11 MR. MCCULLOUGH: Objection, 11:41:47
12 nonresponsive. 11:41:48
13 BY MR. MCCULLOUGH: 11:41:48
14 Q. Is it your opinion that 11:41:49
15 communications network 125 shown on Figure 1 of 11:41:51
16 Backhaus contains a switch? Yes or no? 11:41:54
17 MR. HERR: Objection, asked and 11:41:58
18 answered. 11:41:59
19 THE WITNESS: Again, in my, in my 11:42:00
20 analysis of the, of the limitations that 11:42:04
21 recite the switch, I have discussed that 11:42:10
22 Backhaus teaches something called the SLS 11:42:13

1 platform shown in Figure 1. 11:42:18
2 Backhaus teaches that would be 11:42:21
3 connected to PSTN. And in my background 11:42:23
4 section I explain that when something like an 11:42:29
5 SLS platform or server is connected to PSTN, 11:42:31
6 it will be connected to the local switch. 11:42:35
7 BY MR. MCCULLOUGH: 11:42:39
8 Q. What do you mean by local switch? 11:42:39
9 A. What I mean by local switch is when 11:42:42
10 you are connecting via phone line to the PSTN, 11:42:45
11 you would be connecting to the local exchange. 11:42:50
12 And the local exchange is the local switch. 11:42:53
13 Q. Is the local exchange a single 11:42:58
14 switch or can it be multiple switches? 11:43:00
15 A. The local switch is a local switch. 11:43:03
16 It is a switch. 11:43:06
17 Q. So, your understanding is that if 11:43:12
18 the SLS platform is connected to a PSTN, then 11:43:14
19 every single call to or from the SLS platform 11:43:19
20 will go through the same single local switch. 11:43:25
21 Is that correct? 11:43:27
22 A. Yes. 11:43:27

Q. Okay. So, the SLS platform is 11:43:39
running on a server. Correct? 11:43:41
A. The SLS platform is the server in 11:43:42
the claim limitations. 11:43:48
Q. Okay. And if the SLS platform is 11:43:57
running on a server physically located in the 11:44:00
State of California, will the local switch be 11:44:03
located in California as well? 11:44:07
A. So, in my analysis of the claim 11:44:09
limitations, it is my opinion that the Backhaus's 11:44:16
SLS platform teaches the claim term, server. And 11:44:21
this server is, is connected to -- can be 11:44:25
connected to the PSTN. 11:44:30
And when it is connected to the PSTN 11:44:32
it is connected to a local switch. 11:44:35
And I think typically if a server is 11:44:37
in California and it is connected to the network, 11:44:40
the phone network, it would be connected to a 11:44:43
local switch in California. 11:44:45
Q. Okay. And if you shut down the SLS 11:44:48
platform running on that server in California and 11:44:51
you restarted it on a different server in, let's 11:44:54

say Virginia, then now all of the calls to and 11:44:58
from the SLS platform would go through a local 11:45:03
switch in Virginia. Correct? 11:45:06
A. So again -- 11:45:09
MR. HERR: Objection. Outside the 11:45:10
scope. 11:45:12
THE WITNESS: Yeah, so my opinion is 11:45:14
about how Backhaus disclosures apply to the 11:45:17
limitations. 11:45:24
And so the, the analysis I have done 11:45:24
is a, it is a -- the SLS platform is a server 11:45:27
that is at one location. And it is connected 11:45:32
to the PSTN. 11:45:36
And in that location, when it is 11:45:38
connected to the PSTN, it will always be 11:45:40
connected to the same local switch. 11:45:43
BY MR. MCCULLOUGH: 11:45:50
Q. All right. Turn to Figure 3 of 11:45:50
Backhaus. 11:45:52
A. Give me one moment, please. 11:45:59
Q. Uh-huh. 11:46:02
A. 3A, I assume you mean? 11:46:08

1 Q. Oh, yes. 3A. 11:46:10
2 A. I am there. Thank you. 11:46:13
3 Q. Okay. Do you see the table at the 11:46:19
4 bottom of Figure A -- 3A that is labeled 310? 11:46:22
5 A. Yes. 11:46:26
6 Q. Okay. And this Table 310 shows 11:46:27
7 relationship numbers that have been assigned to 11:46:31
8 three different third party numbers for a 11:46:34
9 particular subscriber that is called 11:46:37
10 Subscriber 1. 11:46:40
11 Correct? 11:46:40
12 A. I am sorry. So, in the figure I see 11:46:41
13 a column called Subscriber Contact. I see a 11:46:48
14 column called Relationship Number, and I see a 11:46:53
15 column called Third Party Number, with different 11:46:55
16 numbers in each row. 11:46:57
17 Q. Right. And if you look at the title 11:46:58
18 of Table 310, it says Subscriber Relationship ID 11:47:01
19 Table (Subscriber 1). Correct? 11:47:06
20 A. Yes. 11:47:07
21 Q. So, this table is storing 11:47:07
22 relationship numbers or contacts of Subscriber 1. 11:47:10

Correct? 11:47:13
A. One moment, please. 11:47:15
Q. Uh-huh. 11:47:21
A. Okay. Can you ask the question one 11:47:24
more time, please. 11:49:43
Q. Table 310 is storing relationship 11:49:45
numbers of contacts of Subscriber 1. Correct? 11:49:48
A. Yes. 11:49:51
Q. And each of the relationship numbers 11:49:56
in Table 310 is different. Correct? 11:49:58
A. Well, I think I described in my, I 11:50:02
described in my declaration, and I can look up 11:50:07
the place where I described it, is that Backhaus 11:50:10
discloses that the relationship numbers do not 11:50:14
have to be unique to third party numbers or 11:50:16
unique to the subscriber. 11:50:20
Q. So, is it your understanding that in 11:50:27
Backhaus you can use the same relationship number 11:50:29
for two different third party contacts of the 11:50:32
same subscriber? 11:50:36
A. And I can go to the paragraph where 11:50:36
I discuss this. 11:50:39

1 But, yes, Backhaus discloses that 11:50:40
2 relationship numbers are not necessarily unique 11:50:43
3 to third party numbers. 11:50:47
4 Q. If the same relationship number is 11:50:51
5 used for two different contacts of the same 11:50:53
6 subscriber, how would Backhaus route a call if it 11:50:55
7 receives a call to that relationship number? 11:50:58
8 How would it know which of the two 11:51:00
9 contacts it is supposed to go to? 11:51:01
10 MR. HERR: Objection, form. 11:51:04
11 THE WITNESS: Yeah, again. I think 11:51:05
12 Backhaus teaches -- and I can't find the 11:52:52
13 place where I expressed this opinion just 11:52:54
14 yet. 11:52:57
15 But Backhaus teaches that the 11:52:58
16 relationship number is not necessarily unique 11:53:03
17 to third party numbers. 11:53:05
18 BY MR. MCCULLOUGH: 11:53:07
19 Q. The way that a subscriber makes an 11:53:07
20 outgoing call to a contact in Backhaus is that 11:53:09
21 the app uses the relationship number and dials 11:53:12
22 the relationship number. Correct? 11:53:16

A. Correct. 11:53:19
Q. So, if the same relationship number 11:53:20
is used for two different contacts of the same 11:53:22
subscriber, how would that work? 11:53:25
How would Backhaus know -- the SLS 11:53:29
platform know which contact to route that call 11:53:32
to? 11:53:35
A. I think we would have to look at the 11:53:36
limitations to see how I have analyzed the 11:53:38
limitation. 11:53:41
And, I, yes, I would -- if you could 11:53:41
point me to the limitations you want me to 11:53:45
address, I will describe to you how that, how 11:53:48
Backhaus is applying that scenario. 11:53:51
Q. All right. In some parts of the 11:54:04
Backhaus specification it talks about using SIP, 11:54:07
Session Initiation Protocol. 11:54:12
Do you recall that? 11:54:14
A. I think it is in there somewhere, 11:54:19
yes. 11:54:21
Q. And you are not relying on SIP in 11:54:22
your opinions in your declaration, correct? 11:54:24

A. No. 11:54:26
Q. What is your understanding of what a 11:54:33
call is? 11:54:35
A. Call with respect to the patent or 11:54:38
with respect to what? 11:54:41
Q. Well, let's start with Backhaus. 11:54:44
What is your understanding of what a 11:54:46
call is in Backhaus? 11:54:47
A. So, maybe I can start with your 11:54:49
question with respect to the patent. 11:54:53
I think the patent is clear that 11:54:55
when it is referring to a call, it is referring 11:54:59
to a voice call. And it is referring to the, the 11:55:02
voice call where a voice path has been 11:55:08
established. 11:55:12
In Backhaus, Backhaus teaches the 11:55:12
call to be something broader including something 11:55:15
that can transfer text messages, other things, 11:55:19
other than voice. 11:55:23
Q. All right. In the patents, you said 11:55:33
you understand call to be a voice call where the 11:55:38
voice path is established. Is that correct? 11:55:41

A. Yes. 11:55:45
Q. And what do you mean by voice path? 11:55:47
A. Well, I think in the patent, the 11:55:51
person of ordinary skill in the art, when reading 11:55:53
those patents, for example '585, would have 11:55:58
understood that a call is a, you know, the voice 11:56:01
telephone call where the voice path has been 11:56:06
established where we can actually exchange audio. 11:56:09
Q. So, if I call someone and their 11:56:19
phone is ringing, in your opinion it is not a 11:56:21
call until the other person picks up. Is that 11:56:24
correct? 11:56:27
A. It is my opinion that in the patent 11:56:28
a person of ordinary skill in the art reading it 11:56:35
would have understood a call to be the voice call 11:56:38
when the voice path has been established. 11:56:41
Q. So, what is it before the person you 11:56:46
are calling picks up, when it is ringing? 11:56:50
What is it at that point? 11:56:52
A. It is something before the call. 11:56:58
Q. Is it using a data channel, as that 11:57:03
term is used in the asserted patents here? 11:57:05

1 A. Again, I have carefully performed my 11:57:08
2 analysis. I think you are referring to a claim 11:57:14
3 term. 11:57:16
4 So, we can go to the limitation that 11:57:17
5 recites this claim term and I can explain further 11:57:21
6 what my opinion is. 11:57:24
7 Q. I am just looking for your technical 11:57:27
8 understanding. 11:57:29
9 So, if we are talking about a 11:57:30
10 conventional landline phone on both ends, and a 11:57:33
11 call is made from one end to the other, when that 11:57:37
12 call is ringing, before the callee has picked up, 11:57:42
13 is it using a voice channel or data channel or 11:57:48
14 something else? 11:57:51
15 MR. HERR: Objection, form. 11:57:52
16 THE WITNESS: Again, rather than -- 11:58:01
17 again, I think we can go to a particular 11:58:02
18 limitation that addresses your question and I 11:58:05
19 can explain to you my opinion with respect to 11:58:08
20 that limitation. 11:58:10
21 BY MR. MCCULLOUGH: 11:58:13
22 Q. Can you explain your opinion of what 11:58:13

a voice channel and a data channel is in relation to a conventional call using landline telephones? 11:58:15 11:58:18

A. Yeah, so I think again, we can -- I can go to one of the claim elements, limitations and then explain to you. Because there is something more concrete of how, how I have interpreted the patents and the application of the Backhaus reference. 11:58:24 11:58:29 11:58:32 11:58:35 11:58:38 11:58:41

Q. Well, Dr. Lin, you have all of your materials in front of you. So, you can look at whatever you want. 11:58:42 11:58:44 11:58:46

But my question is, in a conventional call from one landline to another, when the call is ringing, before it has been picked up, what channel is it using? 11:58:47 11:58:49 11:58:52 11:58:55

MR. HERR: Objection, form. Objection, asked and answered. 11:59:00 11:59:01

THE WITNESS: Yeah, so I can, for example, explain my opinion with respect to Claim 1B in '585. And, in my opinion, a person of ordinary skill in the art reading '585 would have understood the call to be a 11:59:03 11:59:04 11:59:10 11:59:19 11:59:21

1 voice path. 11:59:24
2 And I think a person of skill in the 11:59:24
3 art generally would have understood when 11:59:26
4 reading the patents that a channel that is 11:59:28
5 carrying voice is, is, would be a voice 11:59:30
6 channel or it would be acting as a voice 11:59:33
7 channel. 11:59:35
8 And a channel that is carrying 11:59:35
9 non-voice data would be acting as the data 11:59:39
10 channel. 11:59:42
11 And so, in my analysis, for example, 11:59:42
12 of Limitation 1B, in the '585 patent, I have 11:59:45
13 explained precisely that. 11:59:49
14 BY MR. MCCULLOUGH: 11:59:52
15 Q. So, in a conventional landline to 11:59:53
16 landline call, would a person of ordinary skill 11:59:57
17 in the art consider that call to be using a voice 12:00:01
18 channel when it is ringing before it has been 12:00:04
19 picked up? 12:00:06
20 MR. HERR: Objection, asked and 12:00:07
21 answered. 12:00:08
22 THE WITNESS: Can you ask the 12:00:09

1 question one more time? 12:00:10
2 BY MR. MCCULLOUGH: 12:00:12
3 Q. In a conventional landline to 12:00:12
4 landline call, would a person of ordinary skill 12:00:15
5 in the art consider the call to be using a voice 12:00:18
6 channel when it is ringing before the call has 12:00:21
7 been picked up or answered? 12:00:24
8 MR. HERR: Same objection. 12:00:25
9 THE WITNESS: Yeah, so I think the 12:00:29
10 teaching that I have applied doesn't bring 12:00:36
11 that into question. 12:00:38
12 Again, my analysis of Limitation 1B, 12:00:39
13 for example in the '585, I describe how 12:00:43
14 information that is sent before the voice 12:00:47
15 path is connected, Backhaus teaches that to 12:00:51
16 be sent over a data channel. 12:01:07
17 BY MR. MCCULLOUGH: 12:01:14
18 Q. So, you can't answer how a person of 12:01:18
19 ordinary skill in the art would consider a 12:01:20
20 landline to landline call to be -- when it is 12:01:22
21 ringing before the call has been answered, you 12:01:26
22 can't answer whether that is a voice channel or 12:01:28

not. 12:01:31
Is that correct? 12:01:31
MR. HERR: Objection, form. 12:01:32
THE WITNESS: Yeah, so my answer is, 12:01:33
is that a person of skill in the art reading, 12:01:35
for example, the '585 patent would understand 12:01:40
that when a channel is carrying voice, it is 12:01:45
a voice channel. It is acting as a voice 12:01:47
channel. 12:01:50
And when the channel is being used 12:01:50
to carry non-voice data, it is acting as a 12:01:52
data channel. 12:01:55
BY MR. MCCULLOUGH: 12:01:56
Q. So, when the phone is ringing, in a 12:01:57
landline to landline call, that channel is not 12:02:01
carrying voice. Correct? 12:02:06
MR. HERR: Objection, asked and 12:02:07
answered. 12:02:09
THE WITNESS: Again, I think we can 12:02:11
go through each of my analysis and I can 12:02:15
explain it to you how I applied the prior 12:02:17
art. 12:02:19

BY MR. MCCULLOUGH: 12:02:24
Q. Can you not answer my question? 12:02:25
When the phone is ringing in a landline to 12:02:27
landline call, the channel is not carrying voice, 12:02:29
correct? 12:02:32
MR. HERR: Objection, form. And 12:02:33
asked and answered. 12:02:34
THE WITNESS: Yeah, so again, I 12:02:38
think it is clear that when the channel -- 12:02:41
when a voice path is established and we are 12:02:45
exchanging audio, I think the channel is 12:02:48
acting as a voice channel. 12:02:50
And I think when the channel is 12:02:52
transmitting non-voice data, it is acting as 12:02:56
a data channel. 12:03:00
BY MR. MCCULLOUGH: 12:03:01
Q. So, when a landline to landline call 12:03:02
is ringing before it has been answered, that is 12:03:04
not using a voice channel in your opinion. 12:03:07
Correct? 12:03:10
MR. HERR: Same objections. 12:03:14
THE WITNESS: Yeah, so I think if 12:03:15

1 something is not, something is not -- 12:03:18
2 If you are transmitting something 12:03:20
3 that is not voice, it is -- the channel that 12:03:22
4 is carrying that information is not a voice 12:03:26
5 channel. 12:03:27
6 BY MR. MCCULLOUGH: 12:03:39
7 Q. All right. Turn to Paragraph 33 of 12:03:39
8 Backhaus. 12:03:41
9 A. Almost there. Go ahead. 12:04:08
10 Q. Okay. The first sentence of 12:04:17
11 Paragraph 33 says, "A call made from third party 12:04:19
12 TD 120 to the primary number associated with the 12:04:22
13 subscriber TD 110 is transmitted across 12:04:26
14 communications network 125 and routed to 12:04:27
15 subscriber TD 110 as is understood in the art." 12:04:30
16 Do you see that? 12:04:33
17 A. Yes. 12:04:34
18 Q. And, when it says, "as is understood 12:04:38
19 in the art," that means the calls to the primary 12:04:40
20 number are just routed through the normal 12:04:44
21 telephone network. Correct? 12:04:47
22 A. Well, I think it -- again in 12:04:53

Backhaus, I think the call is more general. 12:04:56
I think it says it is routed across 12:04:59
communications network 125. 12:05:02
But this particular sentence you are 12:05:04
asking me to read doesn't say what networks are 12:05:06
in communication network 125. 12:05:12
Q. Okay. But you agree the calls that 12:05:15
are directed to the subscriber's primary number 12:05:17
do not get routed to Backhaus's SLS platform. 12:05:20
Correct? 12:05:24
A. So your question is, if a third 12:05:49
party caller is not an SLS subscriber, and is 12:05:51
calling a primary number of an SLS subscriber, it 12:05:55
would not -- your question is, would it not go 12:06:00
through the SLS platform? 12:06:03
Q. Correct. 12:06:05
A. I think that is correct. 12:06:05
Q. All right. Now, if you look down 12:06:16
about seven lines, there is a sentence that says, 12:06:20
"The call signal may include the calling line 12:06:25
identification, CLID, i.e., the phone number 12:06:28
associated with third party TD 120." Correct? 12:06:32

A. Yes. 12:06:35
Q. Okay. And this discussion is still 12:06:39
talking about routing phone calls across -- or, 12:06:41
sorry. Strike that. 12:06:45
This sentence is still talking about 12:06:45
routing phone calls as is understood in the art. 12:06:48
This is not about Backhaus's SLS 12:06:51
platform, correct? 12:06:54
A. So your question again, please? 12:06:54
Q. The sentence that I just read is 12:08:24
still talking about conventional telephone calls. 12:08:27
It is not talking about Backhaus's SLS platform. 12:08:34
Correct? 12:08:37
A. It is talking about a call in 12:08:38
general, yes. 12:08:42
Q. Okay. So, for a call that is made 12:08:42
over the PSTN, is the CLID transmitted over the 12:08:49
PSTN as well? 12:08:54
A. It can be. 12:08:56
Q. And when that CLID is being 12:09:02
transmitted, is that being transmitted on a voice 12:09:04
channel or a data channel? 12:09:06

1 A. I think the analysis I performed, 12:09:09
2 which we can go to, I think I am more specific in 12:09:14
3 terms of how that applies. 12:09:17
4 So, maybe I can go to my explanation 12:09:20
5 with respect to 1B. 12:09:27
6 Q. I am asking about call routing as is 12:09:28
7 known in the art. Not specific to Backhaus's SLS 12:09:31
8 platform, but just a general phone call. 12:09:34
9 When the CLID is transmitted, is 12:09:37
10 that using a voice channel or a data channel or 12:09:40
11 something else? 12:09:42
12 MR. HERR: Objection, outside the 12:09:45
13 scope. 12:09:46
14 THE WITNESS: So, again, in my 12:09:46
15 analysis of 1B, I explain how Backhaus 12:09:51
16 teaches that limitation or discloses that 12:09:56
17 limitation. 12:09:59
18 And I would be happy to describe my 12:10:00
19 opinion there. 12:10:03
20 BY MR. MCCULLOUGH: 12:10:03
21 Q. Do you have an understanding of how 12:10:03
22 the calling line identification is transmitted 12:10:05

for general phone calls in the art prior to Backhaus? 12:10:09 12:10:12

A. Yes. 12:10:15

Q. What is that understanding? 12:10:16

A. So, I think, I think it is a data that gets sent over the network. 12:10:17 12:10:24

Q. When you say the network, that can be the PSTN, correct? 12:10:29 12:10:31

A. Yes. 12:10:34

Q. And when you say data, what format is the CLID sent in conventional phone calls? 12:10:37 12:10:39

A. I think the, I think the -- just the specifics depend on the implementation. 12:10:44 12:10:49

But I think going back to my earlier answer, I think a person of ordinary skill in the art reading the '585 patent, for example, would have understood the call to mean the voice path where it is connected and would have understood that a voice channel is the channel that is carrying voice. 12:10:52 12:10:55 12:10:57 12:11:02 12:11:08 12:11:10 12:11:12

And would have understood that a channel that is carrying non-voice would be 12:11:14 12:11:16

1 considered data. 12:11:18
2 If you are asking me to look at the 12:11:18
3 Backhaus reference right now that we are 12:11:24
4 discussing, and in the Backhaus reference, the 12:11:26
5 notion of a call is broader. And in Backhaus 12:11:28
6 notion of a call, it can include both data and 12:11:31
7 voice. 12:11:35
8 Q. In conventional calls before 12:11:39
9 Backhaus, is the calling line identification 12:11:41
10 transmitted as an analog signal? 12:11:46
11 MR. HERR: Objection, outside of 12:11:52
12 scope. 12:11:54
13 THE WITNESS: Again, the Backhaus -- 12:11:55
14 this is a more general paragraph at this 12:11:58
15 moment. And the caller ID may be transmitted 12:12:01
16 in different ways and I think the caller ID 12:12:03
17 is not voice. 12:12:11
18 BY MR. MCCULLOUGH: 12:12:16
19 Q. My question was, is the caller ID in 12:12:16
20 conventional transmissions before Backhaus, is it 12:12:19
21 an analog signal? 12:12:21
22 MR. HERR: Objection, asked and 12:12:25

1 answered. And outside of scope. 12:12:26
2 THE WITNESS: So, again, my analysis 12:12:29
3 was about how Backhaus or other prior art 12:12:35
4 applies to the limitations. 12:12:37
5 And I have explained how that 12:12:39
6 applies in the, in the -- in my declaration. 12:12:40
7 I haven't offered specific opinions 12:12:45
8 about the scenario that you have described. 12:12:49
9 BY MR. MCCULLOUGH: 12:12:52
10 Q. So, you don't know whether in 12:12:52
11 conventional telephony the caller ID is 12:12:54
12 transmitted as an analog signal. 12:12:59
13 You don't know that? 12:13:01
14 MR. HERR: Objection, form. 12:13:02
15 THE WITNESS: No, it is not that I 12:13:05
16 don't know that. I -- you are asking me 12:13:06
17 whether it should be treated as voice or 12:13:10
18 data. And I have not performed that 12:13:13
19 analysis. And I would like to be able to 12:13:14
20 perform such analysis before giving a, an 12:13:16
21 answer. 12:13:20
22 BY MR. MCCULLOUGH: 12:13:21

1 Q. Sir, you are not listening to my 12:13:22
2 questions. I didn't say voice or data. 12:13:25
3 I asked you is the caller ID 12:13:27
4 transmitted as an analog signal. 12:13:29
5 Do you know the answer to that 12:13:31
6 question? 12:13:33
7 MR. HERR: Objection, form. 12:13:33
8 Objection, asked and answered. 12:13:35
9 THE WITNESS: I think that the 12:13:36
10 caller ID, there is no single way to send it. 12:13:39
11 It could be sent as an analog signal as well. 12:13:42
12 BY MR. MCCULLOUGH: 12:14:00
13 Q. In SS7, which is the signalling 12:14:00
14 protocol that you described in your declaration, 12:14:02
15 how is caller ID transmitted? 12:14:05
16 Is it transmitted as an analog 12:14:07
17 signal? 12:14:09
18 MR. HERR: Objection, form. 12:14:10
19 THE WITNESS: I think caller ID can 12:14:11
20 be transmitted different ways. And one of 12:15:25
21 the ways can be as analog. 12:15:27
22 BY MR. MCCULLOUGH: 12:15:32

1 Q. But you are not sure what way caller 12:15:32
2 ID is transmitted in the SS7. Is that correct? 12:15:35
3 A. So, it can be transmitted as analog. 12:15:38
4 Q. Is that the only way that it can be 12:15:43
5 transmitted per SS7? 12:15:45
6 A. I think -- I think analog is a way 12:15:47
7 it can be transmitted. The implementations, I 12:15:54
8 don't know all the detailed limitations of each 12:15:56
9 vendor or each service provider. 12:15:59
10 But I don't disagree that caller ID 12:16:00
11 can be transmitted as an analog data. 12:16:03
12 Q. All right. Let's go to Paragraph 34 12:16:11
13 of Backhaus, the next paragraph. 12:16:27
14 A. Yes. 12:16:36
15 Q. Okay. So, this paragraph is talking 12:16:36
16 about an incoming call from a third party to an 12:16:38
17 SLS number. 12:16:42
18 Correct? 12:16:42
19 A. That is what it reads in the first 12:16:45
20 sentence. 12:16:48
21 Q. So, when the SLS platform receives 12:16:50
22 this incoming call, is it receiving it over a 12:16:53

1 voice channel? 12:16:57
2 A. Yeah, so again, the Backhaus I think 12:16:59
3 is more general with respect to a call. 12:17:08
4 But in my, in my analysis, the call 12:17:10
5 to the SLS number would go over to PSTN -- I'm 12:17:15
6 sorry. The, I'm sorry -- 12:17:22
7 The call from the third party TD 120 12:17:24
8 to the SLS platform, the voice path would be 12:17:32
9 established through the PSTN. 12:17:38
10 Q. Okay. I am not -- I didn't follow 12:17:40
11 that answer. 12:17:43
12 So, when the SLS platform receives 12:17:43
13 the incoming call to the SLS number, is it 12:17:47
14 receiving that call over a voice channel? 12:17:51
15 A. Well, again, the -- and perhaps it 12:17:54
16 would be useful if we, you know, look at my 12:18:00
17 explanation with respect to something like 12:18:05
18 Limitation 1B where I talk about this. 12:18:06
19 But the call from the third party to 12:18:10
20 an SLS number would certainly go to the SLS 12:18:13
21 platform. 12:18:17
22 But as I explain in 1B, a couple of 12:18:18

1 things happen with respect to that call. One of 12:18:22
2 which is the voice path. 12:18:26
3 Q. My question is about, at the moment 12:18:32
4 the SLS platform receives the incoming call from 12:18:35
5 the third party to the SLS number, at that moment 12:18:39
6 is it receiving that call over a voice channel? 12:18:43
7 MR. HERR: Objection, asked and 12:18:46
8 answered. 12:18:47
9 THE WITNESS: Yeah, again, we can go 12:18:47
10 to, for example, my opinion in patent -- 12:18:53
11 the '585 patent or any other one. The 12:18:57
12 example is Limitation 1B, and I can explain 12:19:03
13 how the call is routed from the third party 12:19:06
14 to an SLS number. 12:19:08
15 BY MR. MCCULLOUGH: 12:19:11
16 Q. You can go to whatever limitation 12:19:11
17 you want. 12:19:13
18 My question is, at the moment the 12:19:13
19 SLS platform receives an incoming call from the 12:19:16
20 third party to an SLS number, at that moment is 12:19:20
21 it receiving that call on a voice channel? 12:19:25
22 MR. HERR: Objection, form. Asked 12:19:28

and answered. 12:19:30

THE WITNESS: Can you ask the 12:19:31

question one more time, please? 12:21:27

BY MR. MCCULLOUGH: 12:21:28

Q. At the moment the SLS platform 12:21:28

receives an incoming call from a third party to 12:21:31

an SLS number, at that moment is it receiving the 12:21:34

call on a voice channel? 12:21:37

A. At the moment that the SLS platform 12:21:40

is receiving a call -- 12:21:42

MR. HERR: Sorry. Same objections. 12:21:47

Please wait for me. Thank you. 12:21:48

THE WITNESS: Yeah, so in Backhaus, 12:22:01

again the notion of a call is broader. 12:22:14

In Backhaus when calls occur, there 12:22:19

are additional data exchanges that occur. 12:22:23

So, it depends on this scenario but 12:22:25

sometimes the call involves also a exchange 12:22:31

of data where a data channel would be 12:22:33

involved. 12:22:35

BY MR. MCCULLOUGH: 12:22:40

Q. So, you said sometimes the call also 12:22:50

involves an exchange of data in a data channel. 12:22:51
Are you saying the call can be both 12:22:55
a voice and a data channel? 12:22:58
A. No, that is not what I, that is not 12:23:00
what I said. 12:23:01
Q. Okay. So, what are you saying in 12:23:04
the scenario described in Backhaus Paragraph 33, 12:23:06
at the moment that the SLS platform receives a 12:23:09
call from a third party to an SLS number? Is 12:23:13
that being received on a voice channel? 12:23:17
MR. HERR: Objection, asked and 12:23:21
answered. 12:23:22
THE WITNESS: Again, the -- we have 12:23:23
to look at the particular limitations that I 12:23:26
carefully analyzed. 12:23:29
But the Backhaus calls involved more 12:23:30
than connecting the voice path. They also 12:23:34
involve exchange of data information. 12:23:37
So, I would have to look at the 12:23:39
particular limitation to answer you more 12:23:41
generally. 12:23:42
BY MR. MCCULLOUGH: 12:23:45

1 Q. I told you what I am asking about 12:23:45
2 Paragraph 33. So, if you need to look at 12:23:48
3 Paragraph 33, look at it. 12:23:50
4 But my question is, in the scenario 12:23:51
5 described in Paragraph 33, at the moment the SLS 12:23:54
6 platform receives the call from a third party to 12:23:57
7 an SLS number, is that being received on a voice 12:24:00
8 channel? 12:24:03
9 MR. HERR: Objection, form. 12:24:05
10 Objection, asked and answered. 12:24:06
11 THE WITNESS: Yeah, so I don't -- 12:24:11
12 you would have to point me -- by the way, I 12:24:15
13 think you mean Paragraph 34. 12:24:17
14 I think you would have to point me 12:24:19
15 to a particular limitation that I have 12:24:21
16 analyzed. 12:24:22
17 I think the, the scenario that 12:24:24
18 you -- the question you asked about whether 12:24:30
19 receiving from a voice channel, is not a 12:24:32
20 limitation that I have analyzed. 12:24:36
21 BY MR. MCCULLOUGH: 12:24:37
22 Q. So, you can't tell me whether in the 12:24:38

1 scenario in Paragraph 34 at the moment the SLS 12:24:40
2 platform receives a call from a third party to an 12:24:43
3 SLS number, you can't tell me whether that is 12:24:46
4 being received over a voice channel? 12:24:49
5 MR. HERR: Objection, form. 12:24:52
6 Objection, asked and answered. 12:24:53
7 THE WITNESS: Yeah, so again, I 12:24:54
8 think, I think it depends on the scenario. 12:25:00
9 But, in Backhaus, a call is more 12:25:03
10 than just the voice part. And so, it is more 12:25:07
11 than voice part. 12:25:12
12 So, when a call is established, the 12:25:12
13 data exchange can occur. 12:25:17
14 BY MR. MCCULLOUGH: 12:25:20
15 Q. What else does it depend on? What 12:25:20
16 do you need to know beyond what is written in 12:25:22
17 Paragraph 34 to answer my question? 12:25:25
18 MR. HERR: Objection, form. 12:25:27
19 THE WITNESS: So, for example, in 12:25:28
20 this scenario where the third party is 12:25:31
21 calling the SLS number, the, Backhaus teaches 12:25:35
22 the idea that a relationship number would be 12:25:38

1 set up for that, for that third party call. 12:25:41
2 And then the SLS platform would 12:25:48
3 create a second leg to the subscriber. And 12:25:52
4 in that leg of the call, it would exchange 12:25:55
5 additional information about the relationship 12:26:00
6 number and the third party number and 12:26:01
7 additional data that get exchanged. 12:26:05
8 It is also the case that when the 12:26:09
9 third party calls, wants to call a number and 12:26:11
10 the call itself is the subscriber, there 12:26:17
11 could be additional data exchange that occurs 12:26:20
12 when, when a relationship number gets 12:26:22
13 established. 12:26:25
14 So, this passage you asked me, in 12:26:25
15 isolation, doesn't go into detail about the 12:26:30
16 different scenarios that I have just 12:26:32
17 described. 12:26:33
18 So, that is why I want to be able to 12:26:34
19 talk more specifically with respect to a 12:26:36
20 limitation. 12:26:37
21 BY MR. MCCULLOUGH: 12:26:39
22 Q. So, my question is about a very 12:26:40

1 specific moment in time. So, at the very first 12:26:42
2 moment that the SLS platform receives a call from 12:26:46
3 a third party to an SLS number. 12:26:49
4 So, before setting up any 12:26:50
5 relationship numbers, before creating the second 12:26:52
6 leg, at the very first moment the call is 12:26:54
7 received, is it being received on a voice 12:26:57
8 channel? 12:26:59
9 MR. HERR: Objection, asked and 12:27:02
10 answered. 12:27:03
11 THE WITNESS: I think again, 12:27:03
12 depending on the scenario, when that call 12:27:07
13 occurs -- in Backhaus the notion of a call is 12:27:10
14 broader than just the voice path. 12:27:13
15 And when that occurs, there are 12:27:15
16 things, various things that Backhaus teaches 12:27:17
17 that can happen. And, and so some of those 12:27:20
18 things involve exchange of data that would 12:27:23
19 occur over a data channel. 12:27:25
20 BY MR. MCCULLOUGH: 12:27:29
21 Q. I'm not talking about things that 12:27:30
22 can happen after the call is received. Just at 12:27:31

1 the one moment where the call is very first 12:27:34
2 received by the SLS platform, at that moment, is 12:27:37
3 it being received on a voice channel? 12:27:41
4 MR. HERR: Objection, form. 12:27:43
5 Objection, asked and answered. 12:27:45
6 THE WITNESS: So again, the call 12:27:46
7 itself, I think the call itself, there is 12:27:58
8 certainly, once the voice path is established 12:28:04
9 is certainly over the voice channel. 12:28:07
10 But in the setup of that call and so 12:28:09
11 forth, I think the information being 12:28:12
12 exchanged is not voice. 12:28:16
13 BY MR. MCCULLOUGH: 12:28:19
14 Q. Okay. So, the first moment -- 12:28:19
15 sorry. Go ahead, please. 12:28:22
16 A. So, I think the question you are 12:28:23
17 asking maybe is related to the earlier one. 12:28:30
18 When you call, and the caller ID is 12:28:33
19 being passed, that caller ID and other 12:28:36
20 information is being passed, it is not, it is 12:28:38
21 not, you know -- it generally may not be 12:28:43
22 considered to be over a voice channel. 12:28:46

1 And again I'm very careful in my 12:28:47
2 analysis and in my limitations to explain how 12:28:50
3 Backhaus teaches different limitations. 12:28:53
4 Q. Your understanding that a voice path 12:29:08
5 has to be connected in order for something to 12:29:12
6 qualify as a voice channel, what is that based 12:29:15
7 on? 12:29:17
8 A. That is based on -- that is based on 12:29:19
9 my understanding when I read these patents. 12:29:23
10 Q. What specifically in the patents led 12:29:27
11 you to that understanding? 12:29:29
12 A. I, it is my opinion that a person of 12:29:33
13 skill in the art would have understood when 12:29:36
14 reading this patent that a channel, when carrying 12:29:38
15 voice, is a voice channel. 12:29:42
16 And when it is not carrying voice, 12:29:43
17 it is carrying non-voice data, it would be a data 12:29:46
18 channel. 12:29:49
19 Q. But what is the basis for that 12:29:50
20 opinion? 12:29:51
21 A. The basis of that opinion is a 12:29:52
22 person of skill in the art would have understood 12:29:57

that. And when I read it, that is how I -- when 12:29:59
I read it putting myself at the time, that is how 12:30:05
I would have understood it myself. 12:30:11
Q. Okay. Turn to the '585 patent, 12:30:17
which is, for the record, that is Exhibit 1001 in 12:30:21
Petition Number 357. 12:30:31
A. Give me one moment, please. 12:30:42
Q. Uh-huh. 12:30:44
A. Yes. Which paragraph would you like 12:30:54
me to go to? 12:30:56
Q. Column 1, Lines 62 to 64. 12:30:58
A. Sorry. Do you want me to look at my 12:31:13
declaration? What do you want me to look at? 12:31:16
Q. No, the '585 patent. 12:31:19
A. One moment. Thank you. Which line 12:31:30
number? Which column and line? 12:31:33
Q. Column 1, Line 60. 12:31:34
A. Under the Summary section? 12:31:47
Q. Yes. Okay. And here the patent 12:31:50
references, "Using a voice channel provided in 12:31:59
accordance with a voice channel protocol, e.g., 12:32:02
in accordance with CDMA or GSM, 3G, 4G, LTE or 12:32:06

like future protocol channel standards." 12:32:13
Do you see that? 12:32:15
A. Yes. 12:32:18
Q. And so you agree that in the context 12:32:21
of the patents, CDMA, GSM, 3G, 4G, and LTE are 12:32:23
all examples of voice channels. Correct? 12:32:29
A. I don't think a person of ordinary 12:32:33
skill in the art reading this would make that 12:32:36
conclusion. 12:32:38
Q. Why not? 12:32:40
A. Well, I think at the time already 12:32:41
with these standards, many of us, including a 12:32:45
person of ordinary skill in the art, would have 12:32:51
something like an iPhone or an Android phone that 12:32:53
is connected to one of these protocols. 12:32:56
And certainly, we have all used 12:32:58
these protocols to exchange data. 12:33:00
Q. So, why does that mean these 12:33:09
protocols do not represent a voice channel? 12:33:11
A. Well, like I said -- well, two 12:33:15
things. 12:33:18
One is that, you know, a person of 12:33:18

1 ordinary skill in the art at the time would 12:33:22
2 have -- would reasonably have had experience with 12:33:24
3 some kind of smartphone, using it to access the 12:33:26
4 internet, for example. 12:33:30
5 And a person of ordinary skill of 12:33:32
6 the art at the time would also be making use to 12:33:34
7 make what we typically think of as a voice call. 12:33:38
8 And so, I think in reading this, a 12:33:43
9 person of skill in the art would understand that 12:33:45
10 these protocols, or these types of networks can 12:33:48
11 be used to carry voice, in which case it is 12:33:51
12 acting as the voice channel. 12:33:53
13 But I think a person of skill in the 12:33:55
14 art at the time would have also understood that 12:33:57
15 these networks are being used to access the 12:33:59
16 internet and when, when something is being -- 12:34:01
17 when a channel is being used to carry voice, it 12:34:04
18 is acting as a voice channel. And when it is 12:34:07
19 being used to carry non-voice, it is acting as a 12:34:10
20 data channel. 12:34:13
21 Q. So, even though the patent calls 12:34:18
22 these protocols voice channel protocols, your 12:34:20

1 opinion is that a person of ordinary skill in the 12:34:24
2 art would not agree with that? 12:34:26
3 A. Well, I, I am not sure that a person 12:34:30
4 of skill in the art would agree or disagree with 12:34:34
5 the patent writers, right. 12:34:38
6 I think it is not a question of 12:34:41
7 disagreeing with the patent writers. It is how a 12:34:42
8 person of ordinary skill in the art would have 12:34:46
9 read this paragraph. 12:34:47
10 Q. All right. Turn to Column 7 -- 12:34:56
11 MR. HERR: Counsel, we have been 12:35:06
12 going over about, more than an hour. And it 12:35:07
13 is about now 12:30 on the East Coast. 12:35:11
14 If there is a stopping point in the 12:35:14
15 next ten minutes where you think we can take 12:35:15
16 a break, please let us know. 12:35:18
17 MR. MCCULLOUGH: Yes, that is fine. 12:35:21
18 Let's do something really quickly and then we 12:35:22
19 can break. 12:35:22
20 BY MR. MCCULLOUGH: 12:35:22
21 Q. So, Column 7, Lines 10 through 25. 12:35:25
22 Let me know when you are there. 12:35:27

A. Yes, give me a moment. 12:35:30

THE WITNESS: Would you mind if I 12:36:29
just take a quick bathroom break again and 12:36:30
then come back and resume and then take 12:36:32
another break? 12:36:34

MR. MCCULLOUGH: That is fine. We 12:36:35
can take a break. I will -- that's fine. We 12:36:37
can just do our -- do you need a lunch break 12:36:46
or do you want a longer break now? 12:36:47

MR. HERR: Yes, let's do a lunch 12:36:47
break. 12:36:48

MR. MCCULLOUGH: How long do you 12:36:56
want? 12:36:57

THE WITNESS: I'm okay. Do you want 12:36:57
to come back at 1:00, so close to 25 minutes? 12:36:59

MR. HERR: Yes, 25 minutes is fine. 12:37:00
Okay. Let's do 25 minutes. Thank you. 12:37:00

So, that will be 1:00 p.m. Eastern 12:37:03
Time, please. 12:37:05

(Discussion off the record.) 12:37:05

(Recess taken -- 12:37 p.m.) 13:02:25

(After recess -- 1:02 p.m.) 13:02:33

BY MR. MCCULLOUGH: 13:02:33
Q. All right, Dr. Lin, turn to the '585 13:02:34
patent, Column 7, the paragraph beginning at 13:02:37
Line 10. 13:02:41
A. Okay. I am there. 13:02:52
Q. All right. So, the first sentence 13:02:54
of this paragraph says, "If call is accepted in 13:02:57
step 414, however, the handset application may 13:03:02
automatically cause the handset 340 to call the 13:03:05
bridge telephone number in step 422 over a voice 13:03:08
channel." 13:03:12
Correct? 13:03:12
A. That is what is stated. 13:03:13
Q. And when the handset is placing this 13:03:16
return call, the voice path has not yet been 13:03:21
connected, correct? 13:03:24
A. So, again, I -- so the passage is 13:03:25
what you read. The handset may automatically 13:03:39
cause the handset to call the bridge number in 13:03:42
step 422 over a voice channel. 13:03:52
Q. And when that call is being made in 13:03:52
the '585 patent, the voice path has not yet been 13:03:55

connected, correct? 13:04:00
A. So, I think the, the -- again, I 13:04:01
think the person reading -- the person of skill 13:04:04
in the art reading this would understand the 13:04:08
voice channel to be the channel that is carrying 13:04:10
voice. 13:04:14
MR. MCCULLOUGH: Objection, 13:04:16
nonresponsive. 13:04:17
BY MR. MCCULLOUGH: 13:04:18
Q. Dr. Lin, in the first sentence of 13:04:19
this paragraph beginning at Line 10 in Column 7 13:04:21
of the '585 patent, when this call is being made, 13:04:23
the voice path has not yet been connected. 13:04:26
Correct? 13:04:31
MR. HERR: Objection, asked and 13:04:31
answered. 13:04:32
THE WITNESS: I think it just says 13:04:33
that it was trying to make -- I think the 13:04:41
sentence just states that it is trying to 13:04:43
make a call over a voice channel. 13:04:45
BY MR. MCCULLOUGH: 13:04:51
Q. And the voice path has not been 13:04:51

connected yet. Correct? 13:04:54

MR. HERR: Same objection. 13:04:55

THE WITNESS: So, yeah, so the text 13:04:59

does not indicate whether it is talking about 13:06:26

a voice path or not. It just talks about 13:06:31

trying to make a call over a voice channel. 13:06:35

BY MR. MCCULLOUGH: 13:06:37

Q. The voice path is not connected 13:06:38

until step 424 at Lines 15 through 17, which is 13:06:39

where the calls are bridged, correct? 13:06:43

A. Well, I think 424 is trying to 13:06:45

bridge the two calls. 13:07:02

Q. Right. And before the calls are 13:07:05

bridged together, the voice path is not 13:07:06

connected. Correct? 13:07:09

A. Yeah, so can you repeat the question 13:07:09

one more time? 13:14:29

Q. Before the calls are bridged 13:14:30

together, the voice path is not connected. 13:14:32

Correct? 13:14:34

A. So, before the voice path is -- one 13:14:35

more time, please. 13:14:42

1 Q. Before the calls are bridged 13:14:43
2 together, the voice path is not connected. 13:14:45
3 Correct? 13:14:49
4 A. I think first part is that the 13:14:49
5 paragraph talks about making a call over voice 13:14:53
6 channel. 13:14:58
7 And so, I think that is consistent 13:14:59
8 with the answer that you need to have a voice 13:15:00
9 channel in order to have a voice call. 13:15:03
10 And, so, the voice call occurs over 13:15:05
11 the voice channel. But '585 talks about the 13:15:09
12 number of steps that are in that Figure 4 that 13:15:14
13 are -- that occur over something else other than 13:15:18
14 this voice channel. 13:15:22
15 MR. MCCULLOUGH: Objection, 13:15:25
16 nonresponsive. 13:15:26
17 BY MR. MCCULLOUGH: 13:15:27
18 Q. The voice path is not connected 13:15:27
19 until the calls are bridged as described in 13:15:29
20 Column 7, Lines 15 through 21. Correct? 13:15:33
21 MR. HERR: Objection, asked and 13:15:41
22 answered. 13:15:42

1 THE WITNESS: So, I think in reading 13:15:44
2 this paragraph, the bridging is bridging the 13:15:50
3 two voice paths together. 13:15:53
4 BY MR. MCCULLOUGH: 13:15:55
5 Q. So, you think there are two existing 13:16:03
6 voice paths that are being bridged together? 13:16:05
7 A. There are two legs to the call. 13:16:08
8 MR. MCCULLOUGH: Objection, 13:16:13
9 nonresponsive. 13:16:14
10 BY MR. MCCULLOUGH: 13:16:14
11 Q. I'm asking about voice path. You 13:16:14
12 have used the word, voice path, to describe your 13:16:16
13 understanding of what a voice channel is, 13:16:19
14 correct? 13:16:22
15 A. Well, I think I, more accurately I 13:16:24
16 characterized a voice channel as a channel that 13:16:27
17 is used to carry voice. 13:16:31
18 Q. Does whether something is a voice 13:16:35
19 channel depend on whether the voice path has been 13:16:37
20 connected, yes or no? 13:16:40
21 A. If a voice -- so, a channel that is 13:16:43
22 considered a voice channel is a channel that is 13:16:47

1 being used to carry voice. 13:16:49
2 So, there is no voice being carried. 13:16:50
3 It is carrying something else. It is not yet -- 13:16:53
4 it is not a voice channel. 13:16:56
5 A voice channel is a channel that 13:16:57
6 carries voice. 13:17:00
7 Q. The step before step 424 where the 13:17:01
8 calls are bridged, the call from the user's 13:17:05
9 handset is not carrying voice. Correct? 13:17:09
10 A. Can you point me to where in the 13:17:21
11 specification that it refers to that the voice 13:20:46
12 path has not been established yet? 13:20:51
13 Q. Voice path is your terminology. 13:20:54
14 That doesn't come from the asserted patents, 13:20:56
15 correct? 13:20:59
16 A. Yes. 13:21:01
17 Q. So, my question is, before the 13:21:06
18 step 424, where the calls are bridged, the call 13:21:09
19 that is made by the user's handset, which is 13:21:12
20 described in this column as being step 422, that 13:21:15
21 call is not carrying voice. Correct? 13:21:24
22 A. 422? Which number, 420 what? 13:21:26

Q. Yes, 422. 13:21:40
A. Yeah, so I think what the patent is 13:22:07
saying is that the handset can make a call to 13:22:12
this bridge number over something that could form 13:22:15
a voice connection. Something that could form a 13:22:18
voice channel. 13:22:21
And then I think the subsequent 13:22:22
steps you are talking about is to form these 13:22:25
voice channels and connect them together. 13:22:29
Q. The patent expressly describes the 13:22:33
call being made in step 422 as occurring, quote, 13:22:35
over a voice channel. Correct? 13:22:38
A. Yes. 13:22:41
Q. And that call in step 422 is before 13:22:43
the voice path is connected by bridging the two 13:22:49
calls in step 424. Correct? 13:22:52
A. Well, I think when it says over a 13:22:55
channel, over a voice channel, I think it is 13:22:57
talking about making a call over something that, 13:22:59
that can act as a voice channel. 13:23:02
MR. MCCULLOUGH: Objection, 13:23:08
nonresponsive. 13:23:08

1 BY MR. MCCULLOUGH: 13:23:10
2 Q. The call in step 422 that the patent 13:23:10
3 describes as over a voice channel is being made 13:23:12
4 before the voice path is connected by bridging 13:23:16
5 the two calls in step 424. Correct? 13:23:19
6 MR. HERR: Objection, asked and 13:23:25
7 answered. 13:23:26
8 THE WITNESS: I don't think that is 13:23:26
9 what it says. I think it is calling a bridge 13:23:27
10 cell phone number over a voice channel to 13:23:31
11 mean that over something that can be come to 13:23:34
12 be, something that can act as a voice 13:23:35
13 channel. 13:23:37
14 BY MR. MCCULLOUGH: 13:23:40
15 Q. So you don't believe the call that 13:23:40
16 is being made in 422 is being made over a voice 13:23:42
17 channel? 13:23:45
18 MR. HERR: Objection, form. 13:23:45
19 THE WITNESS: I think it is what is 13:23:51
20 written, which is over a channel, over a 13:23:53
21 voice channel. It is over a voice channel. 13:23:54
22 It is over something that can act as a voice 13:23:57

1 channel. 13:24:00
2 BY MR. MCCULLOUGH: 13:24:01
3 Q. What is the distinction you are 13:24:01
4 drawing between over a voice channel and over 13:24:03
5 something that can act as a voice channel? 13:24:06
6 A. When you make over a call as 13:24:08
7 something that can act as a voice channel, my 13:24:16
8 answer, as I stated earlier, is a voice channel 13:24:18
9 is something, is something that is acting as a 13:24:22
10 voice channel when it is carrying voice. 13:24:27
11 So, when you are making a call over 13:24:30
12 a voice channel, you are making a call over 13:24:32
13 something that can, that can carry voice. 13:24:34
14 Q. Does it have to actually be carrying 13:24:39
15 voice to qualify as a voice channel? Or is it 13:24:42
16 just the fact that it is capable of carrying 13:24:45
17 voice enough to qualify as a voice channel? 13:24:49
18 A. So, I think, I think in the '585 13:24:53
19 patent, when it is talking about a call, it is, 13:24:57
20 it is the same as a voice call. 13:25:01
21 But I think when I analyzed 13:25:03
22 Backhaus, I think Backhaus is a broader notion of 13:25:06

a call. 13:25:09
So, I'm okay with the idea that the 13:25:09
call here is a voice call. 13:25:12
Q. So, you think step 422 is a voice 13:25:17
call? 13:25:20
A. The handset is trying to make a 13:25:34
voice call. Yes. 13:25:36
Q. Even though the voice path has not 13:25:37
been connected yet? 13:25:40
A. So, I think it is making a voice 13:26:09
call, and the voice call is established when the 13:26:11
voice path is established. 13:26:14
Q. Is it using a voice channel before 13:26:20
the voice path is established? 13:26:23
A. It is making a voice call -- it is 13:26:48
making a voice call when it is making the call. 13:26:50
That is correct. 13:26:57
MR. MCCULLOUGH: Objection, 13:26:58
nonresponsive. 13:26:59
BY MR. MCCULLOUGH: 13:27:00
Q. Is it using a voice channel before 13:27:00
the voice path is established? 13:27:02

1 MR. HERR: Objection, asked and 13:27:06
2 answered. 13:27:07
3 THE WITNESS: Yeah, I think -- 13:27:07
4 So, like I said, I think in the 13:27:26
5 patents when referring to a call, it is 13:27:28
6 referring to a call made over a voice 13:27:31
7 channel. 13:27:36
8 So, yes, I think it is being -- the 13:27:37
9 call is being made over voice channel. 13:27:39
10 BY MR. MCCULLOUGH: 13:27:46
11 Q. Even before the voice path is 13:27:46
12 established? 13:27:48
13 MR. HERR: Objection, asked and 13:27:49
14 answered. 13:27:50
15 THE WITNESS: I think the analysis I 13:27:52
16 performed in Backhaus regarding the 13:27:56
17 transmission of information over a data 13:28:01
18 channel, Backhaus teaches that certain 13:28:02
19 information that gets sent over a data 13:28:04
20 channel. 13:28:08
21 So, I can explain how I have done 13:28:08
22 that analysis. 13:28:11

1 MR. MCCULLOUGH: Objection, 13:28:15
2 nonresponsive. 13:28:16
3 BY MR. MCCULLOUGH: 13:28:16
4 Q. Is the call in step 422 using a 13:28:17
5 voice channel before the voice path is 13:28:19
6 established, yes or no? 13:28:22
7 MR. HERR: Objection, asked and 13:28:24
8 answered. 13:28:25
9 THE WITNESS: So, I think it is the 13:28:25
10 same answer which is the passage here talks 13:29:01
11 about a handset trying to make a call over a 13:29:03
12 voice channel. 13:29:06
13 And over a voice channel is over 13:29:07
14 something that can act as the voice channel. 13:29:09
15 And so, I think the voice channel -- 13:29:12
16 the bridging occurs, the voice channel 13:29:17
17 becomes active when the calls, when the call 13:29:20
18 is fully established. 13:29:23
19 BY MR. MCCULLOUGH: 13:29:28
20 Q. And when you say when the call is 13:29:29
21 fully established, you are talking about when the 13:29:30
22 two legs are bridged in step 424, correct? 13:29:32

A. So, I think the voice channels are still there. The voice channel is still there. They are just not yet acting. They are just not yet carrying voice. They are just not acting as voice channels. 13:29:47 13:29:50 13:29:53 13:29:56 13:29:59

Q. You used the phrase that the voice channel becomes active when the call is fully established. 13:30:04 13:30:16 13:30:19

When you said fully established, are you referring to the bridging that happens in step 424 or something else? 13:30:21 13:30:23 13:30:25

A. So, I think in these steps 422 and so forth in Figure 4, I think the diagram shows information being exchanged. 13:30:27 13:33:27 13:33:32

And those informations are being exchanged that are data. That are not part of the voice channel. 13:33:36 13:33:40 13:33:44

So, I think the path that is shared is just trying to make a call over a voice channel. I think it is what is stated which is the handset is trying to make a call over a voice channel. 13:33:44 13:33:47 13:33:49 13:33:52 13:33:55

1 Q. Dr. Lin, my question was when you 13:34:01
2 used the phrase, fully established, are you 13:34:05
3 referring to the bridging that happens in 13:34:07
4 step 424 or something else? 13:34:11
5 MR. HERR: Objection, asked and 13:34:13
6 answered. 13:34:14
7 THE WITNESS: What I was referring 13:34:14
8 to is that the passage talked about making a, 13:34:17
9 a handset making a call to a bridge telephone 13:34:22
10 number over a voice channel, that it is 13:34:26
11 trying to make a call over a voice channel, 13:34:29
12 which is something that can carry voice. 13:34:34
13 The, in my analysis, how Backhaus 13:34:36
14 applies prior to the voice path being 13:34:41
15 established, data exchange that occurs would 13:34:43
16 not be over a voice channel. 13:34:47
17 BY MR. MCCULLOUGH: 13:34:52
18 Q. Dr. Lin, you used the words, fully 13:34:55
19 established, talking about the '585 patent. I'm 13:34:57
20 not asking about Backhaus. I'm asking about 13:34:59
21 words that you used, fully established. 13:35:02
22 What are you referring to when you 13:35:03

1 say the call is fully established? 13:35:05
2 A. Yeah, so I think what I -- yeah. 13:35:08
3 So, I think what I was saying was the handset is 13:36:10
4 trying to make a call to the -- over a voice 13:36:14
5 channel. 13:36:18
6 And there is another leg that is 13:36:18
7 trying to make a call over a voice channel. And 13:36:20
8 when the, when the something that bridges the 13:36:24
9 incoming calls together is connecting the two 13:36:26
10 voice channels together to do the bridging. 13:36:32
11 So, so, I think I read over a voice 13:36:35
12 network -- I mean over a voice channel to mean 13:36:40
13 that the handset is trying to make a call over a 13:36:43
14 voice channel which is required in order for a 13:36:45
15 voice to be carried eventually. 13:36:47
16 Q. So, is the handset's call using a 13:36:56
17 voice channel before the bridging happens? Yes 13:36:59
18 or no? 13:37:06
19 A. So, I think the '585 talks about 13:42:07
20 the -- when you are delivering a voice portion of 13:42:13
21 the call, it is using a voice channel, that it, 13:42:17
22 you know, when used to carry voice information, 13:42:21

1 that is what is meant by voice channel. 13:42:25
2 When you are trying to make a voice 13:42:27
3 call, I think what the passage means is that the 13:42:31
4 handset is trying to make a voice channel call 13:42:38
5 and that the voice channel is when you are 13:42:41
6 carrying voice information. 13:42:46
7 So, I think in the situation where 13:42:48
8 no channel has been established to carry voice, 13:42:51
9 then whatever data exchanges is -- it is not 13:42:53
10 voice. 13:43:03
11 But, I read the passage that you 13:43:03
12 asked me to read to say that the handset 330 -- I 13:43:09
13 mean the handset 340 is making a voice channel 13:43:12
14 call and that is why I stated it as over a voice 13:43:15
15 channel. 13:43:21
16 Q. How is handset 340 making a voice 13:43:21
17 channel call if it is not connected to anything 13:43:28
18 on the other end yet? 13:43:30
19 A. Well, I -- 13:43:32
20 MR. HERR: Sorry. Objection, form. 13:43:34
21 THE WITNESS: Because it is trying 13:43:35
22 to make a voice channel call. It is trying 13:43:40

to make a voice call. 13:43:43
And so it has to -- a number of 13:43:44
steps is involved in making a voice call. 13:43:47
And so the, a voice channel is a 13:43:50
channel carrying information about voice 13:43:54
or -- yes, it is carrying information about 13:43:56
voice. 13:44:02
BY MR. MCCULLOUGH: 13:44:06
Q. So, steps involved in trying to make 13:44:19
a voice call qualify as being over a voice 13:44:21
channel. 13:44:24
Is that your testimony? 13:44:25
A. My testimony is that it is trying to 13:44:29
make a voice channel call, but I think a person 13:44:31
reading the '585 patent would look at Figure 3 13:44:38
and Figure 4 and understand that there are 13:44:40
various steps involved in making that call. 13:44:42
Q. All right. In the context of this 13:44:52
description that we are looking at in the '585 13:45:07
patent, Column 7, when does the handset start 13:45:09
using a voice channel? 13:45:17
A. So, the, so, the, the paragraph we 13:45:20

are looking at right now is trying to make a, 13:45:27
make a point that it is not trying to make any 13:45:31
other type of tech connection. The handset is 13:45:34
trying to make a voice channel call. 13:45:39
So, that means a call to exchange 13:45:40
voice. So, it is trying to make a call, a voice 13:45:43
channel call over a voice channel. 13:45:47
But as I just said, a voice channel 13:45:54
that is, you know -- when delivering the voice 13:45:59
portion of a call, it is using a voice channel. 13:46:02
But the passage you asked me to read 13:46:08
is a handset trying to make a voice channel call. 13:46:11
Q. And my question is when does the 13:46:14
handset actually start using a voice channel? 13:46:16
MR. HERR: Objection, asked and 13:46:19
answered. 13:46:20
THE WITNESS: Yeah, so, I'm not sure 13:46:21
that -- yeah, maybe you have to ask your 13:46:29
question again. 13:46:35
But again, a -- the voice channel is 13:46:35
being used to carry the voice portion, right, 13:46:39
or deliver the voice portion of the 13:46:43

1 information. 13:46:45
2 So, the information that -- the 13:46:46
3 other information that is sent outside of the 13:46:51
4 voice would be considered to be data. 13:46:53
5 So, I think my answer is the same, 13:46:56
6 which is the voice channel is being used to 13:47:01
7 carry the portion of information -- it is 13:47:04
8 being used to carry the voice portion of the 13:47:08
9 call. 13:47:11
10 And in the paragraph you are asking 13:47:11
11 me to -- that you asked me to read, is the 13:47:13
12 handset trying to make a voice channel call 13:47:17
13 as opposed to some other type of connection. 13:47:19
14 BY MR. MCCULLOUGH: 13:47:25
15 Q. Which step number does the handset 13:47:25
16 actually start using a voice call -- sorry, 13:47:28
17 strike that. 13:47:33
18 MR. HERR: Objection, asked and 13:47:33
19 answered. 13:47:34
20 BY MR. MCCULLOUGH: 13:47:35
21 Q. Let me rephrase that question. 13:47:35
22 Which step number does the handset 13:47:36

1 actually start using a voice channel? 13:47:38
2 A. I think maybe the distinction that 13:47:44
3 we should make here is the voice portion of the 13:47:48
4 call is using a data channel -- I'm sorry. 13:47:56
5 The voice portion of the call is 13:47:59
6 using a voice channel. 13:48:01
7 The other information of the call 13:48:02
8 that is being exchanged is data. And so, I think 13:48:09
9 the question is -- my answer to your question is 13:48:15
10 that the voice channel is used to carry the voice 13:48:19
11 portion of the call. 13:48:21
12 Now, when you are making a voice, a 13:48:23
13 voice channel call, voice channels are involved. 13:48:26
14 The question isn't about -- you 13:48:30
15 know, I think the information that is sent 13:48:35
16 outside of voice would not be considered to be 13:48:37
17 over the voice channel. 13:48:41
18 Q. Can you identify the number of the 13:48:44
19 step where the handset actually starts using a 13:48:48
20 voice channel? 13:48:51
21 A. So, again, I think in the paragraph 13:57:41
22 you asked me to read, I think that handset is 13:57:43

1 trying to make a voice channel call from the 13:57:46
2 handset to the bridge number. And, that is the 13:57:49
3 first part. 13:57:53
4 The second part is the voice 13:57:54
5 channel, you know, the information -- the voice 13:58:00
6 information portion would be a carried over a 13:58:02
7 voice channel and so that is still my answer. 13:58:08
8 I think the -- if you look at 13:58:14
9 Column 5 of the '585 patent, it, in Lines 29 13:58:16
10 through 32, it supports the opinions that I just 13:58:19
11 offered right now which is -- it talks about 13:58:24
12 making incoming and outgoing channel calls -- 13:58:27
13 voice channel calls to and from the handset. 13:58:31
14 So, I think, consistent with what I 13:58:33
15 said earlier, which is when a handset is trying 13:58:38
16 to make a voice channel call to the handset -- I 13:58:40
17 mean when the handset is trying to make a voice 13:58:46
18 channel call to a bridge number, then the 13:58:48
19 portion, the voice portion would be carried over 13:58:51
20 a voice channel. 13:58:54
21 And any other information or data 13:58:55
22 would be, would not be sent over a voice channel. 13:58:56

1 Q. Dr. Lin, my question was, can you 13:59:01
2 identify the number of the step in Column 7 where 13:59:04
3 the handset starts actually using a voice 13:59:08
4 channel. 13:59:12
5 MR. HERR: Objection, asked and 13:59:14
6 answered. 13:59:15
7 THE WITNESS: So, the steps in, to 13:59:16
8 your question, what I just said is, the 13:59:22
9 channel that is carrying the voice portion of 13:59:26
10 the call is over a voice channel. 13:59:29
11 And so, wherever in the figure, the 13:59:32
12 flow chart, when voice is being carried is 13:59:37
13 when voice channel is being used. 13:59:40
14 BY MR. MCCULLOUGH: 13:59:41
15 Q. What number step is that? 13:59:42
16 MR. HERR: Objection, same 13:59:45
17 objection. 13:59:46
18 THE WITNESS: Yeah, so I think 13:59:46
19 the -- again, voice channel would be 13:59:52
20 something that is carrying the voice portion, 13:59:54
21 the voice portion of a call. 13:59:56
22 And so the voice would be exchanged 13:59:58

1 between two parties when they are talking to 14:00:03
2 each other. 14:00:06
3 BY MR. MCCULLOUGH: 14:00:06
4 Q. What is the number of the step that 14:00:07
5 you are talking about? 14:00:09
6 MR. HERR: Same objection. 14:00:15
7 THE WITNESS: Well, I think this 14:00:16
8 chart has several scenarios, but I repeat my 14:00:18
9 answer which is the voice channel is used 14:00:22
10 when there is, when the two part -- you know, 14:00:25
11 when the voice goes through that channel. 14:00:30
12 So, when there is actually talking 14:00:32
13 happening, then that is when the voice 14:00:35
14 channel is used. 14:00:38
15 BY MR. MCCULLOUGH: 14:00:39
16 Q. So, you cannot tell me the number of 14:00:39
17 the step when the handset begins actually using a 14:00:41
18 voice channel? 14:00:44
19 MR. HERR: Objection, form. 14:00:45
20 Objection, out of scope. 14:01:03
21 THE WITNESS: Yeah, again, so I 14:01:04
22 think there are many steps involved here. 14:01:06

1 I think the question that you asked 14:01:08
2 earlier about, you know, what does it mean 14:01:10
3 for a handset to make a call to a bridge 14:01:13
4 number over a voice channel, and I tried to 14:01:16
5 explain that in Column 5, the '585 patent 14:01:20
6 talks about handling voice channel calls to 14:01:24
7 and from the handset. 14:01:28
8 So, in order to make a voice channel 14:01:29
9 call, it has to be over a network that is 14:01:31
10 capable of a voice channel. 14:01:33
11 BY MR. MCCULLOUGH: 14:01:41
12 Q. Can you or can you not tell me the 14:01:41
13 number of the step where the handset begins 14:01:43
14 actually using a voice channel? 14:01:45
15 MR. HERR: Same objections. 14:02:11
16 THE WITNESS: Yeah, so I think 14:04:40
17 the -- going back to the same paragraph, it 14:04:41
18 talks about a handset trying to make a 14:04:47
19 call -- trying to make a voice channel call 14:04:50
20 to a bridge number. 14:04:57
21 And the same paragraph talks about, 14:04:58
22 talks about the switch may bridge the 14:05:07

1 incoming voice channel call to the bridge 14:05:10
2 number with the incoming voice channel call 14:05:12
3 to the secondary phone number. 14:05:15
4 And then it talks about thereby 14:05:17
5 connecting an incoming call from the calling 14:05:19
6 party to the handset via voice channel. 14:05:21
7 So, I think that is consistent with 14:05:24
8 what I said earlier about Column 5 referring 14:05:26
9 to handset making outgoing and receiving 14:05:33
10 incoming voice channel calls which is the 14:05:36
11 same language that has been used in this 14:05:38
12 paragraph via a voice channel. 14:05:40
13 So, what this paragraph is talking 14:05:44
14 about is making -- the handset trying to make 14:05:46
15 a call to the bridge number, a voice channel 14:05:51
16 call. And then the other leg, it is also a 14:05:54
17 voice channel call. 14:05:57
18 And the step that bridges the 14:05:58
19 incoming voice channel to the bridge 14:06:00
20 telephone number with the incoming voice 14:06:03
21 channel call to the secondary telephone 14:06:05
22 number would then thereby connect incoming 14:06:08

1 call from the calling party of the handset 14:06:13
2 via a voice channel. 14:06:15
3 So, when the call is connected, then 14:06:16
4 they can talk to each other via a voice 14:06:19
5 channel. That is what the paragraph is 14:06:22
6 saying. 14:06:23
7 BY MR. MCCULLOUGH: 14:06:27
8 Q. And that is step 424? 14:06:27
9 MR. HERR: Objection, outside the 14:06:33
10 scope. Asked and answered. 14:06:35
11 THE WITNESS: So, as written in this 14:06:37
12 paragraph, there is a bridging of the 14:06:38
13 incoming voice channel call to the bridge 14:06:45
14 telephone number with the incoming voice 14:06:49
15 channel call to the secondary number. 14:06:51
16 And this bridging is what is 14:06:53
17 connecting incoming call from the calling 14:06:55
18 party to the handset via a voice channel. 14:06:57
19 So, this connection provides a way 14:07:01
20 for the calling party in the handset to 14:07:04
21 exchange voice. And that voice exchange is 14:07:07
22 carried over a voice channel. 14:07:13

1 So, that would be at step 424. 14:07:15
2 BY MR. MCCULLOUGH: 14:07:18
3 Q. Thank you. All right. Let's turn 14:07:19
4 back to Backhaus, Exhibit 1005. 14:07:22
5 A. I'm sorry. I'm sorry, 1005. Thank 14:07:26
6 you. Go ahead. 14:07:32
7 Q. All right. Turn to Paragraph 35. 14:07:52
8 A. Okay. I am there. 14:08:20
9 Q. And if you look at the last sentence 14:08:23
10 of this paragraph, starting three lines up from 14:08:30
11 the bottom of Page 3, it says, "The SLS module 14:08:32
12 105." 14:08:36
13 And then if you look on the next 14:08:37
14 page, one of the things it can do is, "provide 14:08:39
15 services uniquely associated with the second line 14:08:42
16 number such as, but not limited to, dedicated 14:08:45
17 voicemail, ring tones, caller ID, and automated 14:08:49
18 responses." 14:08:53
19 Do you see that? 14:08:53
20 A. Yes. 14:08:54
21 Q. All right. And those services are 14:08:56
22 provided by the SLS module 105 which is operating 14:08:57

on the subscriber's mobile device. 14:09:01
Correct? 14:09:03
A. So, the Paragraph 35 talks about the 14:09:07
role of the handset in these services that you 14:11:08
have just mentioned. 14:11:13
MR. HERR: Also, just sorry to 14:11:17
interject. We have been going a little bit 14:11:18
over an hour. 14:11:21
So, when you find, when you find a 14:11:21
point where, you know, in the next ten 14:11:24
minutes, if we can take a break, we will 14:11:26
appreciate that. 14:11:29
MR. MCCULLOUGH: Okay. 14:11:31
MR. HERR: Thank you. 14:11:32
BY MR. MCCULLOUGH: 14:11:32
Q. So, the, Backhaus never describes 14:11:33
providing voicemail for the user's primary 14:11:40
number. Correct? 14:11:43
A. So, in Paragraph 68 of Backhaus, and 14:11:44
in another place, but specifically it talks about 14:13:59
similar features and services associated with the 14:14:02
subscriber's primary number. 14:14:07

1 So, Backhaus explains that similar 14:14:09
2 features and services associated with the 14:14:11
3 subscriber primary number may be provided. 14:14:14
4 So, that is one place where that 14:14:17
5 support is provided. Let me find you another 14:14:21
6 place. 14:14:25
7 Q. So, Paragraph 68 does not say that 14:14:25
8 the SLS platform provides those services for the 14:14:29
9 subscriber's primary number. Correct? 14:14:33
10 A. Well, it clearly says that "it is 14:14:35
11 envisioned that an SLS service may provide 14:14:42
12 features and services dedicated to the SLS 14:14:46
13 subscriber," and -- well, I mean I think it talks 14:14:49
14 about that similar features can be, and services 14:14:52
15 can be associated with the subscriber's primary 14:14:54
16 number. 14:14:57
17 And, give me a moment. 14:14:58
18 So, I cannot remember if I have 14:17:21
19 offered that opinion or not. Can you show me 14:17:24
20 where I have made that opinion in my declaration? 14:17:26
21 Q. Backhaus Paragraph 68 says the 14:17:29
22 features that it provides are, "separate from 14:17:31

1 similar features and services associated with the 14:17:35
2 subscriber's primary number." 14:17:37
3 Correct? 14:17:38
4 A. That is what is written. 14:17:39
5 Q. And Backhaus never describes 14:17:43
6 providing a voicemail or any other service for 14:17:47
7 the subscriber's primary number. Correct? 14:17:50
8 MR. HERR: Objection, asked and 14:17:53
9 answered. 14:17:54
10 THE WITNESS: So, this is not a 14:17:54
11 memory test. So, I don't readily recall 14:17:59
12 right now whether or not I have offered an 14:18:03
13 opinion. 14:18:05
14 So, if you can point me to any 14:18:06
15 opinions I have made to that effect. 14:18:08
16 BY MR. MCCULLOUGH: 14:18:16
17 Q. You understand that in Backhaus, 14:18:17
18 calls to the primary number are not routed to the 14:18:18
19 SLS platform, correct? 14:18:20
20 A. I believe that is correct. But my 14:18:22
21 question to you remains -- 14:18:30
22 Q. It would be impossible for the SLS 14:18:31

platform to provide voicemail for a call to the 14:18:32
primary number because the primary number is 14:18:35
never routed to the SLS platform. Correct? 14:18:39
MR. HERR: Objection, form. 14:18:42
THE WITNESS: So, can you, can you 14:18:44
point me to where in any of the declarations 14:18:47
that I offer such an opinion? 14:18:52
BY MR. MCCULLOUGH: 14:18:55
Q. I didn't say you offered an opinion. 14:18:55
I'm asking a question about your understanding of 14:18:57
Backhaus. 14:19:00
In Backhaus, it is impossible for 14:19:00
the SLS platform to provide voicemail for a call 14:19:02
to the primary number because the primary number 14:19:05
is never routed to the SLS platform, correct? 14:19:09
MR. HERR: Objection, asked and 14:19:11
answered. 14:19:12
THE WITNESS: Yeah, so I don't 14:19:12
recall offering such an opinion in my 14:19:16
declaration. Again, if I did, I would 14:19:17
appreciate if you can point me to it, so I 14:19:21
can remind myself what I said. 14:19:24

1 But, normally, in Backhaus when you 14:19:26
2 call an SLS number, it goes through SLS 14:19:30
3 platform. 14:19:34
4 But I don't recall whether I made an 14:19:35
5 opinion whether Backhaus alone teaches that 14:19:37
6 the SLS platform would be intercepting calls 14:19:41
7 for a primary number. 14:19:46
8 MR. MCCULLOUGH: Okay. We can take 14:19:47
9 a break now. 14:19:48
10 (Recess taken -- 2:19 p.m.) 14:34:44
11 (After recess -- 2:35 p.m.) 14:35:02
12 BY MR. MCCULLOUGH: 14:35:02
13 Q. All right. Let's turn to your 14:35:07
14 declaration relating to the '585 patent, so this 14:35:09
15 is Case Number 357, Exhibit 1002. 14:35:12
16 Do you have it, Dr. Lin? You are 14:36:39
17 muted or something has gone wrong. 14:36:42
18 A. Oh my apologies. I'm sorry. I said 14:36:45
19 I was there already. 14:36:48
20 Q. Okay. Turn to Paragraph 61, which 14:36:55
21 is on Page 44. 14:36:58
22 A. 61, okay. 14:37:09

Q. And about halfway down this 14:37:11
paragraph you say, "Such a storing process is 14:37:15
performed automatically" -- 14:37:18
A. Sorry. One -- I want to do one more 14:37:21
thing. 14:37:24
Thank you. Go ahead. Paragraph 61. 14:37:36
Q. Do you see the sentence that begins, 14:37:36
"Such a storing process is performed 14:37:38
automatically"? 14:37:41
A. Such a process. I'm looking for the 14:37:51
words, such a process. 14:37:51
Q. Such a storing process. 14:37:52
A. "Such a storing process." Okay. 14:37:52
Q. Okay. Go ahead and read that 14:37:53
sentence to yourself. 14:37:55
Have you read the sentence, Dr. Lin? 14:39:43
A. I have, yes. 14:39:46
Q. Okay. Is it your opinion that the 14:39:47
storing you are referencing here is automatic 14:39:52
because of who is performing it, the service 14:39:54
providers and platform versus a user, or is there 14:39:57
something else to your opinion that I am missing? 14:40:03

MR. HERR: Objection, form. 14:40:05
THE WITNESS: Okay. Can you ask 14:40:06
your question one more time, please? 14:43:12
BY MR. MCCULLOUGH: 14:43:15
Q. Is it your opinion that the storing 14:43:16
you are referencing here is automatic because of 14:43:20
who is performing it, the service providers and 14:43:22
platforms versus a user? 14:43:26
Or is there something else to your 14:43:28
opinion that I am missing? 14:43:29
MR. HERR: Same objection. 14:43:30
THE WITNESS: So, my first answer is 14:43:31
yes, it is being automatically stored. 14:43:35
BY MR. MCCULLOUGH: 14:43:45
Q. And is the basis of your saying that 14:43:46
it's automatic who is performing the storing? 14:43:48
A. So, first of all, it is clear from 14:44:04
the disclosure that the primary number and the 14:44:11
secondary number are both automatically assigned. 14:44:13
And they are both automatically 14:44:18
assigned and performed by the service provider 14:44:20
and the SLS platform. 14:44:22

1 Q. Dr. Lin, my question was, is the 14:44:33
2 basis for why you claim this is automatic, is 14:44:37
3 your basis who is performing the storing? 14:44:40
4 MR. HERR: Objection, asked and 14:44:47
5 answered. 14:44:48
6 THE WITNESS: Can you ask your 14:44:48
7 question one more time? 14:44:49
8 BY MR. MCCULLOUGH: 14:44:50
9 Q. Is the basis for why you claim this 14:44:52
10 is automatic, is your basis who is performing the 14:44:54
11 act of storing the data? 14:44:59
12 MR. HERR: Same objection. 14:45:03
13 THE WITNESS: Is the basis for the 14:45:04
14 automatic storing about who is? 14:45:07
15 BY MR. MCCULLOUGH: 14:45:12
16 Q. Yes. 14:45:12
17 A. I don't understand the question. 14:45:13
18 Sorry. 14:45:14
19 Q. Is that your basis for saying it is 14:45:14
20 automatic? 14:45:16
21 A. I don't understand the question. 14:45:17
22 So, maybe I can ask you to repeat it one more 14:45:20

1 time. 14:45:23
2 Q. What is your basis for saying that 14:45:23
3 this storing occurs automatically? 14:45:25
4 A. So, the -- as I said in my 14:45:28
5 declaration, the primary number and the SLS 14:45:34
6 numbers are automatically generated by the 14:45:39
7 provider and the SLS service provider. 14:45:41
8 So, this part is automatic. 14:45:44
9 And I think it is clear in 14:45:49
10 Backhaus's disclosure that the primary number and 14:46:24
11 the SLS numbers are both automatically provided 14:46:27
12 by the service provider and by the SLS provider. 14:46:30
13 I think it is clear from the 14:46:35
14 disclosure that this information is stored in 14:46:36
15 this database Table 305. 14:46:39
16 And I think there is -- I think the, 14:46:43
17 the storing of this table is done by a computer 14:46:46
18 program at the SLS platform. 14:46:49
19 And, I think the SLS platform is 14:46:51
20 the -- is the entity that is providing that entry 14:46:55
21 to the -- or storing that association in the 14:46:59
22 database table. 14:47:03

1 Q. So, is it your understanding that if 14:47:08
2 an action is performed by a computer program, it 14:47:12
3 is automatic? 14:47:14
4 MR. HERR: Objection, outside of 14:47:19
5 scope. 14:47:21
6 THE WITNESS: Yes. So, I think it 14:47:25
7 is my opinion that a person of ordinary skill 14:47:27
8 in the art reading Backhaus would have 14:47:31
9 understood that the primary number is 14:47:33
10 automatically generated or automatically 14:47:37
11 provided. 14:47:39
12 The secondary number, the SLS number 14:47:40
13 is also automatically provided. 14:47:42
14 And this association is stored in 14:47:44
15 the SLS database and this association is 14:47:47
16 stored automatically. That is my opinion. 14:47:51
17 I think further support is, if you 14:47:56
18 looked at Paragraph 44, which I cited to in 14:47:59
19 the declaration, it talks about the, one of 14:48:03
20 ordinary skill in the art would recognize 14:48:07
21 that the SLS numbers may be random and 14:48:09
22 generate unrelated to each other. And there 14:48:11

1 is some examples shown. 14:48:14
2 And I think because the numbers are 14:48:16
3 being automatically generated, I think a 14:48:17
4 person of skill in the art would have read 14:48:20
5 this disclosure as teaching that the 14:48:22
6 association, which is automatic, would also 14:48:25
7 be automatically stored in the SLS database. 14:48:28
8 BY MR. MCCULLOUGH: 14:48:45
9 Q. All right. Turn to Page 46. 14:48:45
10 A. Page 46 of what? 14:48:49
11 Q. Of your declaration. 14:48:51
12 A. Of my declaration? 14:48:52
13 Q. Yes. 14:48:54
14 A. Thank you. I am there. Thank you. 14:48:55
15 Q. Okay. So, Limitation 1B requires 14:49:03
16 "Automatically transmitting information that 14:49:06
17 indicates an access telephone number to the 14:49:10
18 mobile device via a data channel." 14:49:12
19 Correct? 14:49:15
20 A. That is what is written, yes. 14:49:16
21 Q. And for the transmitting via the 14:49:21
22 data channel, you have two theories of how this 14:49:29

1 limitation is met. Correct? 14:49:32
2 A. I described the first way and the 14:49:35
3 second way, that's correct. 14:49:38
4 Q. Okay. So let's turn to 14:49:39
5 Paragraph 68, which is your first way. 14:49:42
6 A. Go ahead. 14:49:50
7 Q. So, in your first way you were 14:49:51
8 relying on a third party making a call to the 14:49:55
9 subscriber -- to the subscriber's SLS number. 14:49:57
10 And then the relationship number is 14:50:04
11 provided in the calling party field of the call 14:50:06
12 that is transmitted to the handset. Is that 14:50:09
13 correct? 14:50:12
14 A. So, when a caller is calling an SLS 14:50:12
15 subscriber, to the SLS number, the call would go 14:50:39
16 to the SLS platform. 14:50:46
17 And in the SLS platform, there would 14:50:49
18 be a relationship number associated with this 14:50:53
19 calling third party. 14:50:58
20 And Backhaus teaches that the -- 14:51:01
21 from the SLS platform to the subscriber, it will 14:51:04
22 send a specially encoded message that contains 14:51:09

1 both the relationship number as well as the 14:51:12
2 actual primary number of the calling third party. 14:51:15
3 So, it is sending a message that 14:51:17
4 contains this combination of information. 14:51:21
5 The Backhaus teaches this 14:51:27
6 relationship number, which is the claim access 14:51:30
7 telephone number, and to the mobile device is the 14:51:33
8 subscriber. 14:51:38
9 And the SLS platform will send this 14:51:40
10 encoded message that contains both the 14:51:44
11 relationship number and the actual primary number 14:51:50
12 of the calling third party. 14:51:52
13 And as I further explain in later 14:51:53
14 paragraphs that Backhaus teaches that this can be 14:51:59
15 sent over a data channel, for example, an 14:52:04
16 IP-based data channel. 14:52:08
17 Q. So, if you look at what you have 14:52:10
18 bolded in Paragraph 68, the relationship number 14:52:17
19 will be put in what Backhaus describes as, 14:52:21
20 "calling party field of the call." Correct? 14:52:24
21 A. Well, I think specifically what I 14:52:30
22 wrote here is that the, the SLS platform will 14:52:32

1 send a specially encoded message for the SLS 14:52:40
2 phone app running on SLS module 105. 14:52:43
3 I am specifically talking about 14:52:47
4 specifically -- especially encoded message from 14:52:49
5 the SLS platform to the SLS subscriber, which is 14:52:52
6 the claim mobile device. 14:52:56
7 And this information that is being 14:52:58
8 sent, or this data that is being sent, contains 14:53:00
9 both the relationship number as well as the 14:53:02
10 actual primary number of the calling third party. 14:53:06
11 Q. And what Backhaus states about this 14:53:10
12 specially encoded message is that it is included 14:53:12
13 in the calling party field of the call. Correct? 14:53:15
14 A. So, I think first I want to repeat 14:53:17
15 the answer, which is Backhaus clearly teaches 14:53:24
16 that the specially encoded message contains both 14:53:28
17 the relationship number and the actual primary 14:53:31
18 number of the calling third party. 14:53:34
19 And so as I said the Backhaus notion 14:53:36
20 of a call is a bit broader. And so in this 14:53:40
21 calling party field, which is in, again, this 14:53:47
22 specially encoded message, it contains the two 14:53:49

1 pieces of data. 14:53:52
2 Q. So, you agree that the specially 14:53:55
3 encoded message you are relying on is in the 14:53:57
4 calling party field of the call. Correct? 14:54:00
5 MR. HERR: Objection, asked and 14:54:01
6 answered. 14:54:02
7 THE WITNESS: So, I think if you 14:54:55
8 look at my Paragraphs 68 through 70, I think 14:54:56
9 I explained my opinion. 14:55:00
10 And my opinion, again, is that there 14:55:01
11 is this specially encoded message that 14:55:04
12 contains the relationship number as well as 14:55:06
13 the actual telephone number of the calling 14:55:08
14 third party. 14:55:10
15 And I think later on I explain in, 14:55:10
16 in Paragraph 69 that Backhaus discloses 14:55:16
17 communication protocols, including IP-based 14:55:20
18 communications, which may be used for 14:55:23
19 communicating this kind of information. 14:55:25
20 So, in my opinion, the Backhaus 14:55:27
21 disclosures teaches this limitation with the 14:55:32
22 mobile device being the subscriber, with the 14:55:36

1 access number being the relationship number. 14:55:38
2 And with the, with the, with the 14:55:40
3 information transmitted containing the 14:55:44
4 relationship number and the actual third 14:55:46
5 party through something like an IP-based 14:55:50
6 communication which is a data channel. 14:55:52
7 BY MR. MCCULLOUGH: 14:55:57
8 Q. The phrase that Backhaus uses in 14:55:58
9 Paragraph 55, which you quote in Paragraph 68 of 14:56:01
10 your declaration, is calling party field of the 14:56:03
11 call. Correct? 14:56:05
12 A. Paragraph 55, did you say? 14:56:08
13 Q. Yes. Which you have quoted in 14:56:11
14 Paragraph 68 of your declaration. 14:56:17
15 A. Yeah, so again, let me see which -- 14:56:21
16 where my cite is. 14:56:24
17 Okay. So, what is your question? 14:56:45
18 Q. The specially encoded message that 14:56:48
19 you are relying on is part of what Backhaus 14:56:51
20 describes as the calling party field of the call. 14:56:55
21 Correct? 14:56:57
22 A. So, first of all, again as I said 14:56:58

1 earlier, I think Backhaus's notion of a call is 14:57:01
2 broader. That is my first point. 14:57:04
3 The second point is that I think the 14:57:06
4 paragraph is very clear in explaining that the 14:57:09
5 encoded message contains quite a bit of 14:57:13
6 information. 14:57:17
7 It contains the relationship number. 14:57:17
8 It contains the actual telephone number of the 14:57:20
9 calling third party. 14:57:24
10 And, so, I think this kind of 14:57:25
11 communication Backhaus has taught -- or Backhaus 14:57:29
12 teaches that this kind of communication can 14:57:33
13 occur, can be an IP-based communication. 14:57:36
14 So, therefore, I think a person of 14:57:40
15 ordinary skill in the art would understand that 14:57:42
16 this data would be transmitted over a data 14:57:43
17 channel. 14:57:47
18 Q. If the subscriber's phone is using a 14:57:50
19 CDMA network, the calling party field of the call 14:57:54
20 would be transmitted over CDMA, correct? 14:57:58
21 MR. HERR: Objection, outside of 14:58:03
22 scope. 14:58:06

1 THE WITNESS: Again, the passage 14:58:06
2 here is very clear that the specially encoded 14:58:09
3 message contains a relationship number and 14:58:14
4 the actual third party calling number. 14:58:15
5 And so, that is the information that 14:58:18
6 is being transmitted. 14:58:20
7 BY MR. MCCULLOUGH: 14:58:25
8 Q. Dr. Lin, my question was 14:58:25
9 specifically about when the subscriber is using a 14:58:26
10 CDMA network, is the calling party field of the 14:58:29
11 call, referenced in Backhaus, is that transmitted 14:58:32
12 over a CDMA network? 14:58:36
13 MR. HERR: Objection. Outside of 14:58:39
14 scope. Asked and answered. 14:58:41
15 THE WITNESS: Can you repeat that 14:58:42
16 question one more time? 14:58:44
17 BY MR. MCCULLOUGH: 14:58:45
18 Q. If the subscriber is using a CDMA 14:58:46
19 network for their mobile phone, is the calling 14:58:49
20 party field of the call, referenced in Backhaus, 14:58:52
21 will that be transmitted to the subscriber's 14:58:56
22 phone over CDMA? 14:58:59

1 MR. HERR: Objection, outside of 14:59:04
2 scope. Asked and answered. 14:59:05
3 THE WITNESS: So, like I said, 14:59:06
4 the Backhaus, and I assume that he was 14:59:11
5 careful when he chose his words, in this 14:59:12
6 paragraph specifically talks about this 14:59:15
7 specially encoded message containing two 14:59:17
8 pieces of data. One is the relationship 14:59:20
9 number and the other one is the third party 14:59:21
10 calling number. 14:59:24
11 And so, that is data that, that 14:59:25
12 Backhaus say that can be done over an 14:59:31
13 IP-based communication. 14:59:34
14 MR. MCCULLOUGH: Objection, 14:59:36
15 nonresponsive. 14:59:37
16 BY MR. MCCULLOUGH: 14:59:37
17 Q. Dr. Lin, my question was about when 14:59:38
18 the subscriber is using a CDMA network. Do you 14:59:41
19 understand that? 14:59:44
20 MR. HERR: Objection, outside of 14:59:44
21 scope. Asked and answered. 14:59:46
22 THE WITNESS: Yeah, so I think, I 14:59:47

1 think I analyze certain embodiments in my, in 14:59:49
2 my declarations. I apply certain teachings 14:59:55
3 from Backhaus to disclosure. 15:00:00
4 I suppose in this situation you 15:00:05
5 describe, you know, I would need to think 15:00:07
6 about it and analyze it more. 15:00:10
7 I didn't, I didn't provide an 15:00:11
8 opinion about CDMA. And I can certainly do 15:00:13
9 that, but not within the, you know, the 15:00:16
10 window of this call. 15:00:21
11 BY MR. MCCULLOUGH: 15:00:25
12 Q. Backhaus never describes using both 15:00:25
13 IP and CDMA for transmission of a single call. 15:00:29
14 Correct? 15:00:34
15 MR. HERR: Objection, outside of 15:00:35
16 scope. Objection, form. 15:00:37
17 THE WITNESS: Again, I don't 15:00:39
18 understand the question. I have already said 15:00:42
19 that the specially encoded message here 15:00:46
20 contains several pieces of information. 15:00:50
21 And I have already said that 15:00:53
22 Backhaus clearly teaches that transmission of 15:00:55

1 information like this, as well as other data 15:00:58
2 items that are covered in other limitations, 15:01:02
3 that it can be sent over an IP-based channel, 15:01:05
4 among other data channels. 15:01:10
5 So, I don't see where the issue is. 15:01:11
6 BY MR. MCCULLOUGH: 15:01:16
7 Q. Does Backhaus ever describe using 15:01:16
8 both IP and CDMA for transmission of a single 15:01:18
9 call? 15:01:22
10 MR. HERR: Same objections. 15:01:24
11 THE WITNESS: So, the, again, I 15:01:25
12 think -- give me a moment, please. 15:01:28
13 So, again, I want to repeat that, 15:02:43
14 you know, there is a specially encoded 15:02:45
15 message that gets sent that contains certain 15:02:48
16 pieces of information. 15:02:51
17 Backhaus, for example, in the 15:02:52
18 abstract and in Paragraph 30 talk about the 15:02:55
19 terms, call and communication, in a way 15:02:58
20 that -- in a way that is not limited to a 15:03:01
21 voice transmission, a text message, a video 15:03:09
22 message, a page. 15:03:13

1 So, what Backhaus refers to as a 15:03:14
2 call is broader than just a voice part of the 15:03:18
3 call. 15:03:21
4 And, and I don't see any 15:03:21
5 contradiction in my opinion that says that 15:03:25
6 Backhaus contemplates that the call can be 15:03:26
7 broad, including sending messages. 15:03:32
8 And the specially encoded message, 15:03:33
9 again, contains several fields, several 15:03:36
10 pieces of information. And Backhaus 15:03:40
11 elsewhere talks about transmission of this 15:03:41
12 information over IP-based communications. 15:03:47
13 And so my opinion is that a person 15:03:49
14 of skill in the art would have understood 15:03:51
15 that that is a data channel. 15:03:53
16 MR. MCCULLOUGH: Objection, 15:03:58
17 nonresponsive. 15:03:58
18 BY MR. MCCULLOUGH: 15:04:00
19 Q. You agree that Backhaus never 15:04:00
20 describes a specific example of using both IP and 15:04:02
21 CDMA for transmission of a single call. Correct? 15:04:05
22 MR. HERR: Objection, asked and 15:04:11

1 answered. Outside of scope. 15:04:13
2 THE WITNESS: So, I think the 15:04:22
3 Backhaus clearly, when it describes 15:04:24
4 communication 125, lists the number of 15:04:26
5 networks that can be used. 15:04:29
6 BY MR. MCCULLOUGH: 15:04:31
7 Q. Does Backhaus ever describe the 15:04:31
8 specific example of using both IP and CDMA for 15:04:34
9 transmission of a single call, yes or no? 15:04:37
10 MR. HERR: Objection, asked and 15:04:42
11 answered. 15:04:43
12 THE WITNESS: So, I think I want to 15:04:43
13 go back to what I said earlier, I did 15:04:47
14 not perform any analysis -- 15:04:49
15 BY MR. MCCULLOUGH: 15:04:51
16 Q. Dr. Lin, it is a yes or no question. 15:04:52
17 Does Backhaus ever describe a 15:04:53
18 specific example of using both IP and CDMA for 15:04:56
19 transmission of a single call, yes or no? 15:05:01
20 MR. HERR: Objection, form. Asked 15:05:04
21 and answered. 15:05:05
22 THE WITNESS: Yeah, so I think I 15:05:05

1 repeat my answer which is -- 15:05:08
2 BY MR. MCCULLOUGH: 15:05:09
3 Q. Dr. Lin, please answer the question 15:05:10
4 yes or no. This is not a difficult question. 15:05:11
5 You do not get to answer whatever 15:05:14
6 you want. You have to answer the question that 15:05:16
7 I'm actually asking. 15:05:18
8 Does Backhaus ever describe a 15:05:19
9 specific example of a -- 15:05:23
10 MR. HERR: You have to let him 15:05:24
11 finish his answer. 15:05:26
12 MR. MCCULLOUGH: He is not answering 15:05:28
13 the question. He is not answering the 15:05:30
14 question. 15:05:31
15 MR. HERR: He was trying. 15:05:32
16 MR. MCCULLOUGH: No, he wasn't. 15:05:33
17 MR. HERR: You keep interrupting 15:05:34
18 him. 15:05:35
19 MR. MCCULLOUGH: Counsel -- 15:05:36
20 MR. HERR: You keep interrupting 15:05:37
21 him. 15:05:38
22 MR. MCCULLOUGH: Counsel, that is 15:05:38

1 not appropriate. Let me ask my question. 15:05:39
2 Dr. Lin needs to answer the question that I 15:05:39
3 asked. 15:05:39
4 BY MR. MCCULLOUGH: 15:05:39
5 Q. Dr. Lin, does Backhaus ever describe 15:05:46
6 a specific example of using both IP and CDMA for 15:05:47
7 transmission of a single call? Yes or no? 15:05:51
8 MR. HERR: Objection, outside of 15:05:55
9 scope. And asked and answered. 15:05:57
10 THE WITNESS: So again, I provide a 15:05:59
11 disclosure -- 15:06:11
12 BY MR. MCCULLOUGH: 15:06:11
13 Q. No, Dr. Lin, I'm not going to let 15:06:12
14 you filibuster and say whatever you want at this 15:06:14
15 deposition. I have asked you a yes or no 15:06:17
16 question. You need to answer the question. 15:06:19
17 MR. HERR: Counsel, you just 15:06:20
18 interrupted him. 15:06:22
19 MR. MCCULLOUGH: He is not answering 15:06:23
20 the question. I have asked a yes or no 15:06:24
21 question. He can answer yes or no. 15:06:26
22 He is not entitled to provide his 15:06:27

1 opinion on whatever he feels like. 15:06:29
2 The question is a yes or no 15:06:31
3 question. He can answer it. 15:06:32
4 MR. HERR: He was providing his 15:06:35
5 answer -- his responses, his answer. And you 15:06:37
6 can keep asking him the same questions. 15:06:40
7 MR. MCCULLOUGH: His answer is 15:06:43
8 either yes or no, and he won't say yes or no. 15:06:44
9 I am entitled to a yes or no answer. 15:06:46
10 MR. HERR: I don't think you are 15:06:49
11 entitled to anything. 15:06:50
12 MR. MCCULLOUGH: Well, I disagree. 15:06:51
13 And I think this conduct by Dr. Lin in this 15:06:53
14 deposition is entirely inappropriate. 15:06:56
15 MR. HERR: I disagree. I disagree. 15:06:59
16 BY MR. MCCULLOUGH: 15:07:02
17 Q. Dr. Lin -- 15:07:02
18 MR. HERR: You keep, you keep 15:07:03
19 cutting him off. 15:07:05
20 MR. MCCULLOUGH: My question is a 15:07:06
21 yes or no question. There is nothing more to 15:07:07
22 my question. If I want an explanation, I 15:07:10

will ask him for an explanation after he says yes or no. 15:07:12 15:07:14

But he can't refuse to answer the question. He has to give me the yes or no. 15:07:14 15:07:17

MR. HERR: He did not refuse to answer the question. He did try to answer the question but you keep cutting him off. 15:07:19 15:07:22 15:07:23

MR. MCCULLOUGH: Where did he say yes or no? Can you point me anywhere in this transcript where he said yes or no to that question? No. 15:07:24 15:07:25 15:07:28 15:07:32

BY MR. MCCULLOUGH: 15:07:33

Q. Dr. Lin, does Backhaus ever describe a specific example of using both IP and CDMA for the transmission of a single call? Yes or no? 15:07:33 15:07:37 15:07:42

MR. HERR: Objection. Same objections. Asked and answered. 15:07:44 15:07:45

THE WITNESS: So, first of all, I don't think your question can be answered with a yes or no. So I am entitled to answer the question -- I'm entitled to give you an answer. 15:07:47 15:07:48 15:07:51 15:07:53 15:07:53

BY MR. MCCULLOUGH: 15:07:55
Q. Okay. Why can't the question be 15:07:55
answered yes or no? 15:07:57
A. Well -- 15:07:58
MR. HERR: Objection, form. 15:07:59
THE WITNESS: I believe I have 15:08:01
already answered your question. So, Backhaus 15:08:03
already talked about using IP-based 15:08:07
communication. 15:08:10
Let me finish my answer before you 15:08:11
jump in. 15:08:13
Backhaus teaches or discloses using 15:08:13
IP-based communications which is clearly a 15:08:17
data channel for using the IP network to pass 15:08:20
data. 15:08:24
I think, I didn't analyze 15:08:25
specifically CDMA. As I said earlier, I did 15:08:28
not. 15:08:31
If you would like me to analyze it, 15:08:31
I can do it afterwards, but not within the 15:08:35
window of this call. 15:08:37
So, I think Backhaus clearly talks 15:08:38

1 about using IP as communication. I think 15:08:44
2 Backhaus clearly talks about a call being 15:08:48
3 broader including sending messages in 15:08:50
4 addition to sending voice. 15:08:53
5 And I think the passage that I 15:08:54
6 quoted is very clear that there is a 15:08:56
7 specially encoded message that contains 15:08:58
8 several pieces of information. 15:09:01
9 BY MR. MCCULLOUGH: 15:09:05
10 Q. You cannot identify a single example 15:09:05
11 in Backhaus that uses IP and CDMA for the 15:09:08
12 transmission of a single call, correct? 15:09:14
13 MR. HERR: Objection, outside of 15:09:15
14 scope. 15:09:16
15 THE WITNESS: Again, I don't 15:09:17
16 believe, unless you can show me otherwise, I 15:10:39
17 don't believe I have offered an opinion about 15:10:42
18 Backhaus with respect to CDMA. 15:10:44
19 BY MR. MCCULLOUGH: 15:10:53
20 Q. So, you cannot identify a single 15:10:54
21 example of Backhaus that uses IP and CDMA for the 15:10:56
22 transmission of a single call, correct? 15:11:01

1 MR. HERR: Objection, asked and 15:11:03
2 answered. Outside the scope. 15:11:05
3 THE WITNESS: I have not analyzed 15:11:06
4 CDMA in my opinion. It is not an example, an 15:11:07
5 embodiment that I explained. 15:11:08
6 I applied the teaching of Backhaus 15:11:09
7 to explain the limitation. And I don't 15:11:12
8 believe that I have offered an opinion about 15:11:15
9 IP and CDMA. 15:11:17
10 Please point out to me if I did 15:11:19
11 otherwise. 15:11:22
12 BY MR. MCCULLOUGH: 15:11:22
13 Q. You cannot identify a single example 15:11:22
14 in Backhaus that uses IP and GSM for the 15:11:24
15 transmission of a single call, correct? 15:11:27
16 MR. HERR: Objection, outside of 15:11:30
17 scope. 15:11:31
18 THE WITNESS: Again, I don't believe 15:11:34
19 that I have offered opinions in '585 with 15:11:41
20 respect to a CDMA or GSM. 15:11:44
21 BY MR. MCCULLOUGH: 15:11:47
22 Q. Not specific to the '585, correct? 15:11:47

1 All of the patents, you have not offered any 15:11:50
2 example in Backhaus that uses IP and GSM for a 15:11:53
3 single -- for transmission of a single call, 15:11:56
4 correct? 15:12:00
5 A. You would have to give me a moment 15:12:01
6 to look through. I think there are certain 15:12:04
7 limitations that recite specifically CDMA and 15:12:06
8 GSM. And I -- it is not in the '585. 15:12:10
9 I am happy to go to the patent and 15:12:12
10 to the limitations that recites specifically GSM 15:12:15
11 and CDMA, and I would be happy to answer your 15:12:18
12 questions there. 15:12:21
13 Q. Dr. Lin, I'm asking you about the 15:12:21
14 disclosure of Backhaus. I'm not asking you about 15:12:23
15 the claims that are being challenged. 15:12:25
16 My question is, can you identify an 15:12:27
17 example in Backhaus that uses IP and GSM for 15:12:30
18 transmission of a single call, yes or no? 15:12:34
19 MR. HERR: Objection. Outside of 15:12:38
20 scope. Asked and answered. 15:12:40
21 THE WITNESS: So, sitting here right 15:12:42
22 now, I don't recall whether Backhaus has a 15:12:44

1 discussion of IP and CDMA. 15:12:48
2 I am looking through it right now 15:12:50
3 and I don't see it. 15:12:53
4 BY MR. MCCULLOUGH: 15:12:54
5 Q. Okay. 15:12:54
6 A. But again, I didn't analyze the -- 15:12:55
7 with respect to the '585, GSM or CDMA. 15:12:57
8 And for the limitations in the 15:13:01
9 patents that involve limitations that recite GSM 15:13:03
10 and CDMA, I would be happy to talk about them. 15:13:07
11 Q. Can you identify a single example in 15:13:09
12 Backhaus that uses IP and 3G for transmission of 15:13:12
13 a single call? Yes or no? 15:13:15
14 MR. HERR: Objection, outside of 15:13:18
15 scope. 15:13:20
16 THE WITNESS: So, again as I 15:13:21
17 explained in my declaration, in Backhaus, the 15:13:23
18 notion of a call is broader. And the 15:13:27
19 Backhaus clearly explains that IP can be used 15:13:30
20 as a data channel. 15:13:35
21 And the example that I explained to 15:13:37
22 you is that there is a specially encoded 15:13:40

1 message that contains several pieces of 15:13:42
2 information. 15:13:45
3 And it is my opinion that a person 15:13:46
4 of ordinary skill in the art reading Backhaus 15:13:51
5 would have understood that, you know, certain 15:13:54
6 information like this specially encoded 15:13:56
7 message would be sent over a data channel. 15:13:59
8 BY MR. MCCULLOUGH: 15:14:03
9 Q. Can you identify any specific 15:14:03
10 example in Backhaus where Backhaus describes 15:14:06
11 using both IP and another protocol for 15:14:09
12 transmission of a single call? Yes or no? 15:14:12
13 A. Yeah, so I mean, I think -- let's go 15:14:17
14 to Paragraph 69 and let's read what I said. 15:14:24
15 In Paragraph 69 of my declaration, I 15:14:28
16 said, "Backhaus discloses that communication 15:14:32
17 protocols, including IP-based communications, 15:14:35
18 ('data channel') may be used for establishing the 15:14:41
19 relationship between various numbers and 15:14:46
20 associated databases as described above." 15:14:47
21 And I cite to Paragraph 73 that 15:14:50
22 says, "Such channels can be used in setting up 15:14:53

1 the relationship databases sharing information 15:14:55
2 between the SLS module, which is on the phone, 15:14:58
3 and the SLS platform initiating voice 15:15:01
4 communication from the subscriber TD to the SLS 15:15:03
5 platform." 15:15:08
6 So, Backhaus in totality talks about 15:15:08
7 all of these things. 15:15:11
8 And it is all in the context of 15:15:12
9 making calls. 15:15:14
10 So, a person of skill in the art 15:15:15
11 would understand that the, that the transmission 15:15:16
12 of this specially encoded message is -- Backhaus 15:15:21
13 teaches that IP-based communications is a way for 15:15:26
14 passing this encoded message. 15:15:30
15 MR. MCCULLOUGH: Objection, 15:15:33
16 nonresponsive. 15:15:34
17 BY MR. MCCULLOUGH: 15:15:35
18 Q. My question is about whether 15:15:35
19 Backhaus, for a single call, ever described using 15:15:37
20 both IP and any other protocol. For a single 15:15:40
21 call. 15:15:43
22 MR. HERR: Objection. Asked and 15:15:45

1 answered. 15:15:47
2 THE WITNESS: So, my answer is the 15:15:47
3 same. My answer is the concept of a call in 15:15:51
4 Backhaus includes the exchange of this type 15:15:56
5 of information, like the specially encoded 15:16:01
6 message, like the data communications for the 15:16:05
7 SLS platform to get a relationship number. 15:16:07
8 And we can talk about the second way 15:16:10
9 which is the same -- I mean which is another 15:16:13
10 way. 15:16:15
11 But Backhaus clearly talks about 15:16:15
12 using data communications, both in the first 15:16:17
13 way and the second way. And it clearly talks 15:16:20
14 about that, that it can be using various 15:16:23
15 protocols including IP-based communications 15:16:30
16 as a data channel. 15:16:33
17 And so, I think a person of skill in 15:16:34
18 the art would understand that that is what is 15:16:37
19 being taught. 15:16:40
20 I think you are asking me whether 15:16:40
21 there is a single sentence with those two 15:16:42
22 words together. 15:16:44

1 MR. MCCULLOUGH: Objection. 15:16:48
2 Nonresponsive. 15:16:48
3 BY MR. MCCULLOUGH: 15:16:49
4 Q. Can you answer this question yes or 15:16:50
5 no; does Backhaus ever describe a specific 15:16:51
6 example of using both IP and any other protocol 15:16:55
7 for transmission of a single call? 15:17:00
8 MR. HERR: Objection, form. 15:17:04
9 Objection, asked and answered. 15:17:06
10 THE WITNESS: In my opinion, the two 15:17:07
11 ways that I have described, describes this 15:17:09
12 data communications. 15:17:13
13 My opinion is expressed in my 15:17:14
14 declaration. It is my opinion that for these 15:17:16
15 calls in the first way and second way that I 15:17:19
16 describe, data communications occur. 15:17:23
17 And the data communications as 15:17:25
18 Backhaus describes, IP-based is one of the 15:17:27
19 methods that can be used. So, that is my 15:17:30
20 answer. 15:17:32
21 BY MR. MCCULLOUGH: 15:17:34
22 Q. Are you unable to answer the 15:17:35

1 question yes or no of whether Backhaus describes 15:17:36
2 a specific example of using both IP and any other 15:17:39
3 protocol for transmission of a single call? 15:17:43
4 MR. HERR: Objection, form. 15:17:47
5 Objection, asked and answered. 15:17:48
6 THE WITNESS: So, I believe in my 15:17:53
7 declaration I provided two ways of how 15:17:54
8 Backhaus teaches this. 15:17:57
9 I can repeat the answer. But if you 15:17:58
10 look at my declaration, you look at the 15:18:01
11 paragraphs, I have explained how Backhaus 15:18:03
12 teaches these concepts. 15:18:05
13 And it is very clear to me, and it 15:18:06
14 is my opinion, that in reading Backhaus in 15:18:10
15 both ways there is a data communication that 15:18:13
16 occurs. 15:18:16
17 And it is very clear that a person 15:18:17
18 of ordinary skill in the art reading Backhaus 15:18:19
19 would have understood that IP-based 15:18:22
20 communication is one of the ways to implement 15:18:23
21 those data communications. 15:18:26
22 BY MR. MCCULLOUGH: 15:18:27

1 Q. So, you are not able to answer that 15:18:27
2 question yes or no. Is that your testimony? 15:18:29
3 MR. HERR: Objection, form. 15:18:31
4 THE WITNESS: That is not my 15:18:33
5 testimony. 15:18:34
6 MR. HERR: Objection to form. 15:18:35
7 BY MR. MCCULLOUGH: 15:18:35
8 Q. Then what is the answer, yes or no? 15:18:36
9 A. It is not a yes or no question. I 15:18:37
10 gave you the answer over and over again. 15:18:40
11 Q. So, you are not able to answer yes 15:18:42
12 or no. That is your testimony? 15:18:43
13 MR. HERR: Objection, form. 15:18:45
14 Objection, asked and answered. 15:18:47
15 THE WITNESS: Yeah, I think -- 15:18:49
16 BY MR. MCCULLOUGH: 15:18:51
17 Q. Okay, let's move on. 15:18:51
18 A. I'm sorry? 15:18:54
19 Q. We are going to move on then. 15:18:55
20 Paragraph 69 of your report. This 15:18:57
21 is where you are claiming Backhaus discloses 15:19:04
22 using IP, correct? 15:19:10

A. I think this is one of the places where I explain it, yes. 15:19:15 15:19:17

Q. And the only cite that you provide for that is Paragraph 74 of Backhaus, correct? 15:19:21 15:19:30

MR. HERR: Objection, form. 15:19:38

BY MR. MCCULLOUGH: 15:19:58

Q. Strike that. 15:19:59

The only cite that you provide for supporting your opinion that Backhaus can use IP is Paragraph 72 and 73 of Backhaus, correct? 15:20:00 15:20:02 15:20:07

MR. HERR: Same objections. 15:20:11

THE WITNESS: I think in looking at Paragraphs 69 and 70, it cites to 72, 73, and it also cites to 74. 15:20:34 15:20:36 15:20:46

Give me a moment. 15:20:48

BY MR. MCCULLOUGH: 15:20:59

Q. Where do you cite 74 as showing that Backhaus can use IP? 15:20:59 15:21:02

A. Give me a moment. So, I cited to 72, 73, which is quoted in my -- with quotes in my -- in cites in my declaration. 15:21:05 15:21:33 15:21:35

Paragraphs 73 -- 72 and 73 of 15:21:40

1 Backhaus talks about different forms of data 15:21:43
2 communications. And it talks about the, for 15:21:46
3 example, in 73, "It is envisioned that an 15:21:50
4 IP-based interaction over the TD's data service 15:21:52
5 may be used for some embodiments." 15:21:57
6 So, yes, I cited it in these two 15:21:59
7 paragraphs. 15:22:01
8 Q. Okay. So Paragraph 72 is about 15:22:11
9 transmissions from the SLS module on the terminal 15:22:20
10 to the SLS platform. Correct? 15:22:23
11 A. I think that cite 73 is the one that 15:22:25
12 I -- is the one that I cited to in both 15:23:06
13 Paragraphs 60 and 70, and it clearly talks about 15:23:15
14 transmission of messages. 15:23:18
15 And it says that it is -- you know, 15:23:20
16 that something is not meant to be limited to the 15:23:23
17 type of communication protocol. And then it 15:23:27
18 lists examples of several of them, including SMS 15:23:30
19 and MMS, as different ways of communicating data 15:23:34
20 messages. 15:23:38
21 And then it says, "It is envisioned 15:23:38
22 that an IP-based interaction over the TD's data 15:23:41

service may be used by some embodiments." 15:23:44

Q. Okay. My question, Dr. Lin, was 15:23:50
about Paragraph 72. Paragraph 72 describes 15:23:52
communications from the module to the platform. 15:23:55
Correct? 15:23:58

A. The -- it talks about the certain 15:23:59
embodiments of an SLS module may communicate with 15:24:19
an SLS platform. 15:24:23

Q. Paragraph 72 never describes 15:24:24
communications from the platform to the module, 15:24:27
correct? 15:24:29

A. No. I think I read it as -- I think 15:24:31
I read Paragraph 72 as talking about SLS module 15:26:27
may communicate with -- it is about communication 15:26:32
with the SLS platform with two directions. 15:26:35

Q. Where are you reading that in 15:26:40
Paragraph 72? 15:26:42

A. It is beginning -- well, actually 15:26:44
several places. In the first sentence it talks 15:26:46
about that is envisioned that the SLS module 15:26:49
communicate with the SLS platform. That is sort 15:26:52
of one instance. 15:26:55

1 Q. All right. Let's look at 15:27:04
2 Paragraph 73 now. This is the other paragraph 15:27:05
3 you rely on. 15:27:07
4 And there are -- at the end there 15:27:13
5 are some examples of what IP can be used for. 15:27:14
6 Correct? 15:27:18
7 A. I'm sorry. So, we went over just 15:27:21
8 now that in the top third of the Paragraph 73, it 15:27:24
9 is envisioned that an IP-based interaction over 15:27:29
10 TD data services may be used by some embodiment. 15:27:32
11 So, what are you asking me about 15:27:36
12 now? 15:27:37
13 Q. At the end of Paragraph 73, there 15:27:38
14 are examples of the types of information that can 15:27:40
15 be transmitted over IP. Correct? 15:27:44
16 A. You are referring to the sentence 15:27:47
17 starting with, "Such channels can be used"? 15:27:51
18 Q. Yes. 15:27:53
19 A. Okay. I have read the sentence. 15:27:54
20 What is your question? 15:28:37
21 Q. None of those examples -- none of 15:28:41
22 the examples in Paragraph 73 relate to a call 15:28:47

from a third party to a subscriber's SLS number. 15:28:52
Correct? 15:28:58
A. Again, I think the -- if you look 15:28:59
at 73 in isolation, I think it is consistent with 15:29:08
the earlier sentence that says communication SLS 15:29:12
module with the SLS platform. 15:29:19
And I think here he uses such words 15:29:22
about sharing information between the SLS module 15:29:26
and the SLS platform. 15:29:28
So, again, when you share 15:29:30
information between, it implies both directions 15:29:31
are possible. 15:29:34
Q. Nowhere in Paragraph 72 or 73, does 15:29:43
it say that IP can be used for a call from the 15:29:58
SLS platform to the subscriber's device. 15:30:01
Correct? 15:30:05
A. So, in looking at the first way that 15:30:06
I described, which is what Paragraphs 69 and 70 15:30:12
are about, it is clear that the first way is 15:30:17
about sending a specially encoded message. 15:30:21
And 73, Paragraph 73 is teaching 15:30:23
that such messages can be sent using an IP-based 15:30:27

1 communication mechanism. 15:30:32
2 Q. Dr. Lin, my question was, does 15:30:38
3 Backhaus 72 or Paragraph 73 ever say that IP can 15:30:43
4 be used for placing a call from the SLS platform 15:30:48
5 to the subscriber's device? 15:30:52
6 MR. HERR: Objection, asked and 15:30:56
7 answered. 15:30:57
8 THE WITNESS: So, again, in my 15:30:57
9 opinion, my analysis is based on what 15:31:04
10 Backhaus teaches in the entirety of -- what 15:31:09
11 Backhaus teaches in his patent. 15:31:14
12 And these paragraphs clearly talk 15:31:16
13 about data communication between an SLS 15:31:21
14 module and an SLS platform allowing IP being 15:31:23
15 one of the mechanisms to use to communicate 15:31:28
16 this data. 15:31:31
17 So, my opinion is that that is what 15:31:32
18 these paragraphs teaches. 15:31:34
19 BY MR. MCCULLOUGH: 15:31:50
20 Q. Turn to page -- one second. 15:32:04
21 THE WITNESS: I think we have gone 15:32:17
22 about another hour, so if you would have an 15:32:19

upcoming break, that would be great. 15:32:21
MR. MCCULLOUGH: That's fine. We 15:32:28
can take a break now. 15:32:28
(Recess taken -- 3:32 p.m.) 15:39:45
(After recess -- 3:48 p.m.) 15:39:45
BY MR. MCCULLOUGH: 15:48:28
Q. All right. Dr. Lin, turn to 15:48:28
Paragraph 76 of your declaration. 15:48:31
A. Okay. 15:49:00
Q. All right. So, this is addressing 15:49:00
claim Limitation 1D, correct? 15:49:02
A. Yes. 15:49:04
Q. And Limitation 1D requires receiving 15:49:06
at a switch an outgoing call via a second 15:49:09
channel. Correct? 15:49:13
A. From the mobile device to an access 15:49:16
number via a second channel. 15:49:19
Q. Okay. And the second channel in the 15:49:21
claims here has to be a different channel than 15:49:23
the data channel mentioned earlier. Correct? 15:49:26
A. Yes. 15:49:31
Q. And the second channel that you are 15:49:33

1 relying on is you claim that Backhaus's SLS 15:49:36
2 platform receives a call over a voice channel. 15:49:40
3 Correct? 15:49:43
4 A. And your question is whether I 15:49:59
5 considered the second channel to be a voice 15:50:42
6 channel? 15:50:43
7 Q. Yes. 15:50:44
8 A. Yes. 15:50:49
9 Q. Okay. And the call that you are 15:50:50
10 claiming is received in this step is when the 15:50:54
11 subscriber's SLS app calls the relationship 15:50:59
12 number. Correct? 15:51:04
13 A. So, I think in my analysis -- we can 15:52:12
14 definitely go through the whole section. 15:52:15
15 But I think I -- one place where I 15:52:17
16 have explained this is in the end of 15:52:20
17 Paragraph 80. 15:52:23
18 And in Paragraph 80, I wrote that at 15:52:23
19 such, if such calls are routed through 15:52:27
20 network 125 -- where in the earlier paragraph, I 15:52:32
21 talk about the PSTN being part of this 15:52:35
22 network 125. 15:52:39

1 So, what I said here is that where 15:52:41
2 the disclosed switch establishes voice channel, 15:52:46
3 which I just answered that it is the second 15:52:49
4 channel I am referring to, through the disclosed 15:52:51
5 PSTN network to facilitate voice communication in 15:52:54
6 a connected call, and as such the, the Backhaus 15:52:58
7 discloses receiving at the switch associated with 15:53:04
8 the server an outgoing call from the mobile 15:53:07
9 device to the access number via a second channel. 15:53:10
10 Q. Let's break this down. 15:53:16
11 So, in Paragraph 76, what you are 15:53:18
12 pointing to is the call from the SLS module on 15:53:20
13 the subscriber's terminal device to the 15:53:22
14 relationship number. 15:53:24
15 Correct? 15:53:25
16 A. I am referring an outgoing call from 15:53:27
17 the mobile device to the access telephone number, 15:53:35
18 yes. 15:53:39
19 Q. And what you are calling the access 15:53:39
20 telephone number is what Backhaus calls the 15:53:42
21 relationship number. Correct? 15:53:43
22 A. I'm sorry, what I call what, the? 15:53:47

1 Q. The access telephone number in the 15:53:50
2 claims, what you are reading that on is what 15:53:52
3 Backhaus calls the relationship number. Correct? 15:53:54
4 A. Correct. Yes. 15:53:57
5 Q. Okay. So, the call to the 15:53:59
6 relationship number goes through network 125 and 15:54:01
7 gets routed to the SLS platform. Correct? 15:54:05
8 A. Yes. 15:54:10
9 Q. And you are contending that that 15:54:15
10 call is received over a voice channel? 15:54:29
11 MR. HERR: Objection, form. 15:54:34
12 THE WITNESS: I think more 15:54:35
13 precisely, if you look at the end of 15:54:37
14 Paragraph 80 in my declaration, I talk about 15:54:40
15 once the circuit is set up between the two 15:54:43
16 subscribers, the connection remains for the 15:54:45
17 duration of the call. I quoted that part. 15:54:47
18 So, as such, as I just said because 15:54:53
19 the calls are routed through the network 15:54:56
20 through PSTN to facilitate voice 15:54:58
21 communication in the connector call, this is 15:55:02
22 how Backhaus discloses receiving at the 15:55:04

1 switch associated with the server, an 15:55:06
2 outgoing call from the mobile device to 15:55:08
3 access the telephone number via a second 15:55:09
4 channel. 15:55:13
5 So, it is the case that the, the 15:55:13
6 call -- the relationship number that you 15:55:18
7 refer to is what I am reading the access 15:55:22
8 number, the telephone number. 15:55:25
9 And it is the case that as we 15:55:26
10 discussed before, the local switch that is 15:55:27
11 connected to the SLS platform is the, is the, 15:55:30
12 is the switch. 15:55:33
13 And when, when the connection -- 15:55:35
14 when the switch establishes voice channel, 15:55:41
15 then the outgoing call is from -- the voice 15:55:45
16 part of the call is going from the mobile 15:55:50
17 device to that, from the mobile device and is 15:55:52
18 using the voice channel that is established. 15:55:57
19 BY MR. MCCULLOUGH: 15:56:01
20 Q. Limitation 1D is before the call is 15:56:01
21 connected to the third party. Correct? 15:56:07
22 MR. HERR: Objection, outside of 15:56:31

1 scope. 15:56:33
2 THE WITNESS: So, I think we have 15:56:33
3 already established that what I am reading -- 15:59:17
4 I am reading the relationship number as the 15:59:19
5 access telephone number. I am reading the 15:59:21
6 second channel as the voice channel. 15:59:23
7 And I am reading associate -- I am 15:59:26
8 reading the SLS platform as the server. 15:59:28
9 And I am reading the local switch 15:59:30
10 connected to the server as the switch 15:59:33
11 associated with the server. 15:59:34
12 At the bottom of Page 66 and then 15:59:35
13 continuing on in Paragraph 80, I said, 15:59:42
14 "Moreover, as a person of skill in the art 15:59:44
15 would have understood, the disclosed switch 15:59:46
16 is responsible for connecting a voice channel 15:59:48
17 to create a conversation path between the 15:59:50
18 calling and the called parties." 15:59:53
19 And I provided some citations. 15:59:54
20 So, as such, because calls are 15:59:56
21 routed through network 125 where in the -- 15:59:59
22 where the disclosed switch establishes a 16:00:01

1 voice channel, what I refer to as the second 16:00:04
2 channel, through the PSTN network to 16:00:06
3 facilitate voice communication in a connected 16:00:10
4 call. 16:00:12
5 And I gave, in doing all of these 16:00:12
6 steps, Backhaus discloses receiving at the 16:00:15
7 switch associated with a server an outgoing 16:00:18
8 call from a remote device to the access 16:00:21
9 telephone number via a second channel. 16:00:24
10 BY MR. MCCULLOUGH: 16:00:27
11 Q. You understand that connecting the 16:00:27
12 outgoing call is recited as a separate step of 16:00:29
13 Claim 1 of the '585 patent. Correct? 16:00:33
14 MR. HERR: Objection, form. 16:00:39
15 THE WITNESS: So, I think to cover 16:00:45
16 this Limitation 1D, I think what I have 16:00:47
17 explained here is sufficient to show that 16:00:50
18 Backhaus teaches this limitation. 16:00:55
19 MR. MCCULLOUGH: Objection. 16:00:57
20 Nonresponsive. 16:00:58
21 BY MR. MCCULLOUGH: 16:00:59
22 Q. Dr. Lin, did you hear my question? 16:00:59

1 MR. HERR: Objection, form. 16:01:09
2 BY MR. MCCULLOUGH: 16:01:19
3 Q. Did you hear my question, Dr. Lin? 16:01:19
4 A. I believe so. Can you repeat it one 16:01:21
5 more time? 16:01:23
6 Q. You understand that connecting the 16:01:23
7 outgoing call is recited as a separate step of 16:01:26
8 Claim 1 of the '585 patent. Correct? 16:01:30
9 MR. HERR: Objection, outside of 16:01:34
10 scope. 16:01:35
11 THE WITNESS: Are you referring to 16:01:36
12 Limitation 1F? 16:01:38
13 BY MR. MCCULLOUGH: 16:01:48
14 Q. Yes. 16:01:51
15 A. So, I provide further explanation 16:01:54
16 when I offer my opinions about 1F. So, with 16:01:56
17 respect to 1D, the opinion is what I just 16:02:01
18 explained. 16:02:05
19 Q. So, when you were applying the 16:02:07
20 claims in your invalidity analysis, did you 16:02:09
21 understand the claim to require that 1D is 16:02:13
22 occurring before 1F? Yes or no? 16:02:17

1 MR. HERR: Objection, form. 16:02:20
2 THE WITNESS: I think what I have 16:02:26
3 said here is self-explanatory. 16:03:23
4 I think -- I will repeat, what I 16:03:25
5 wrote is, "Moreover, as a person of ordinary 16:03:28
6 skill in the art would have understood the 16:03:31
7 disclosed switch is responsible for 16:03:33
8 connecting a voice call to create a 16:03:34
9 conversation path between the calling and the 16:03:36
10 called parties." 16:03:38
11 And, "As such because the calls are 16:03:40
12 routed through the network where the 16:03:42
13 disclosed switch establishes a second 16:03:44
14 channel, the voice channel, through the PSTN 16:03:46
15 network to facilitate voice communication in 16:03:51
16 the connected call." 16:03:54
17 And my opinion is that this, these 16:03:55
18 disclosures teach, teach this limitation. 16:03:57
19 BY MR. MCCULLOUGH: 16:04:01
20 Q. Dr. Lin, I need you to listen to my 16:04:03
21 question. My question was not about the opinions 16:04:06
22 that you offered. 16:04:08

1 My question is about your 16:04:09
2 understanding of what the claim requires. 16:04:11
3 When you were forming your 16:04:12
4 invalidity opinions, did you understand the claim 16:04:14
5 to require that Limitation 1D occur before 1F? 16:04:19
6 Yes or no? 16:04:21
7 MR. HERR: Objection, form. 16:04:22
8 Objection, asked and answered. 16:04:24
9 THE WITNESS: Yeah, I think my 16:04:25
10 explanation here applies either way. 16:04:46
11 MR. MCCULLOUGH: Objection, 16:04:53
12 nonresponsive. 16:04:54
13 BY MR. MCCULLOUGH: 16:04:56
14 Q. What is your understanding of the 16:04:57
15 claim? Does Limitation 1D occur before 16:04:58
16 Limitation 1F? Yes or no? 16:05:01
17 MR. HERR: Objection, form. 16:05:03
18 Objection, asked and answered. 16:05:05
19 THE WITNESS: So, I think the -- it 16:08:29
20 is clear that from the same limitation that 16:08:33
21 the outgoing call is an outgoing voice call. 16:08:35
22 And I think the outgoing voice call 16:08:38

1 would require a voice channel. 16:08:40
2 And the -- this outgoing voice call 16:08:43
3 would require a voice channel. 16:08:51
4 And I think the -- and I think the 16:08:52
5 switch that I talk about, the closed switch 16:09:02
6 is responsible for connecting this voice 16:09:07
7 channel to create the conversation path 16:09:09
8 between the calling parties. 16:09:11
9 And I think this is sufficient, you 16:09:12
10 know, together with the, you know, the call 16:09:16
11 being routed through a network to facilitate 16:09:21
12 voice communicate a connected call. 16:09:25
13 I think this is enough to meet the 16:09:26
14 limitation that the, this is an outgoing 16:09:28
15 voice call from the mobile device to the 16:09:32
16 access telephone number via a voice channel. 16:09:34
17 BY MR. MCCULLOUGH: 16:09:40
18 Q. At the moment that the call is 16:09:40
19 received from subscriber's device, so before the 16:09:42
20 second leg of the call has been connected, at 16:09:47
21 that moment that it is received, is it received 16:09:50
22 via a voice channel? 16:09:55

A. Well, I think the language is via a 16:09:56
second channel. And I think my opinion is what 16:09:59
I -- the teaching that I have explained in my 16:10:04
paragraph I think is sufficient to explain the 16:10:07
limitation. 16:10:09
Q. The only channel you are relying on 16:10:11
for the second channel is a voice channel, 16:10:13
correct? You are not relying on any other 16:10:15
channel? 16:10:17
A. That's correct. I -- 16:10:20
MR. HERR: Objection, form. 16:10:22
THE WITNESS: So, so yes. In my 16:10:23
paragraph in this section, I explain that the 16:10:27
second, the second channel is the voice 16:10:30
channel. 16:10:32
BY MR. MCCULLOUGH: 16:10:32
Q. Okay. So, at the moment that the 16:10:33
call is received from the handset to Backhaus's 16:10:34
relationship number, at the moment that call is 16:10:39
received by the SLS platform, is it being 16:10:41
received via a voice channel? Yes or no? 16:10:44
MR. HERR: Objection, form. 16:11:27

1 THE WITNESS: So again, I think the 16:11:29
2 limitation reads via a second channel. 16:11:46
3 So, when someone wants to make an 16:11:49
4 outgoing voice call from the mobile device to 16:11:52
5 the bridge number, the outgoing voice call is 16:11:55
6 a voice call that will go over a voice 16:11:59
7 channel. 16:12:02
8 So, I think that second part of the 16:12:03
9 limitation, an outgoing call from a mobile 16:12:05
10 device to access telephone number by a second 16:12:07
11 channel is, is same as an outgoing voice call 16:12:09
12 from the mobile device to the access 16:12:14
13 telephone number will occur over a second 16:12:15
14 channel. 16:12:18
15 And, I think, I think the switch is 16:12:18
16 involved in connecting that voice call and 16:12:22
17 also is involved in establishing that 16:12:25
18 communication. 16:12:29
19 So, I think it is receiving as a 16:12:30
20 switch this outgoing voice call. 16:12:32
21 BY MR. MCCULLOUGH: 16:12:36
22 Q. So, was that a yes? At the moment 16:12:41

1 that the call is received by the SLS platform, it 16:12:43
2 is being received via a voice channel? 16:12:46
3 MR. HERR: Objection. Asked and 16:12:49
4 answered. 16:12:50
5 THE WITNESS: Yes. That means there 16:12:50
6 is a, there is an outgoing voice call from 16:12:56
7 the mobile device to the access telephone 16:12:59
8 number. And being a voice call is the voice 16:13:01
9 call that requires a voice channel. 16:13:05
10 And the switch is responsible for 16:13:10
11 connecting that voice channel. 16:13:14
12 And so, in order for the switch to 16:13:15
13 be able to connect that voice channel, it has 16:13:18
14 to be receiving some information that said 16:13:21
15 that has to connect that voice channel. 16:13:26
16 BY MR. MCCULLOUGH: 16:13:34
17 Q. What information does a switch have 16:13:37
18 to receive to connect the voice channel? 16:13:39
19 MR. HERR: Objection, outside of 16:13:44
20 scope. 16:13:45
21 THE WITNESS: So, I think my answer 16:13:46
22 is the same. I think that because there is 16:15:41

1 an outgoing voice call from the mobile device 16:15:43
2 to the SLS platform, the local switch to the 16:15:46
3 server would have been aware of this call. 16:15:52
4 And it would have been aware that this call 16:15:56
5 is a voice call via a, via a voice channel. 16:15:59
6 And I think the claim just requires 16:16:05
7 the switch to -- I think the claim just 16:16:08
8 requires the switch to be able to know that 16:16:13
9 it needs to connect a voice channel to create 16:16:17
10 a conversation path between the calling and 16:16:19
11 called parties. 16:16:24
12 So, I think from that perspective it 16:16:25
13 has to be receiving the information at the 16:16:28
14 switch associated with the server. 16:16:30
15 BY MR. MCCULLOUGH: 16:16:35
16 Q. Claim 1D requires the switch to 16:16:35
17 actually receive the call on the second channel. 16:16:37
18 Correct? 16:16:40
19 A. Again, I think the, the local switch 16:18:25
20 is a voice switch, is a phone switch, part of the 16:18:31
21 phone network. 16:18:34
22 And the second part of the 16:18:35

limitation is about an outgoing voice call from 16:18:36
the mobile device to access number and is an 16:18:39
outgoing voice call that would go over a voice 16:18:41
channel. 16:18:44
And I think the switch, in my 16:18:44
explanation, is that it would be, it would know 16:18:50
about -- it would know about this outgoing call. 16:18:53
And this outgoing call -- it would 16:18:56
also know that the switch will be responsible for 16:18:59
connecting a voice channel to create this 16:19:02
communication -- conversation path between the 16:19:05
calling and the called parties. 16:19:08
So, I think my opinion is that this 16:19:10
is enough to meet the limitation. 16:19:12
Q. At the moment the switch receives 16:19:18
the call to the relationship number, the second 16:19:22
leg of the call has not been established yet. 16:19:25
Correct? 16:19:28
A. At the moment that it receives the 16:19:31
call to relationship number, the second leg of 16:19:33
the call has not been established yet. I can 16:19:35
agree with that. 16:19:38

1 Q. Okay. And so at the moment that the 16:19:38
2 switch receives the call to the relationship 16:19:40
3 number, there is no voice path between the 16:19:42
4 subscriber and the third party. Correct? 16:19:45
5 A. At the -- repeat one more time, 16:19:47
6 please? 16:19:54
7 Q. At the moment the switch receives 16:19:55
8 the call to the relationship number, there is no 16:19:57
9 voice path between the subscriber and the third 16:19:59
10 party. Correct? 16:20:02
11 A. I think I can agree with that. 16:20:03
12 Q. And at the moment that the switch 16:20:08
13 receives the call to the relationship number, the 16:20:11
14 only thing it is receiving is the called party 16:20:14
15 and calling party fields that says I am making a 16:20:20
16 call from the primary number to the relationship 16:20:24
17 number. Correct? 16:20:27
18 MR. HERR: Objection, form. 16:20:31
19 Objection, outside of scope. 16:20:33
20 THE WITNESS: One more time, please. 16:20:35
21 BY MR. MCCULLOUGH: 16:20:36
22 Q. At the moment the switch receives 16:20:37

1 the call to the relationship number, the only 16:20:39
2 thing it is receiving is a call that will have 16:20:41
3 the calling party field set to the user's primary 16:20:44
4 number and the called party field set to the 16:20:48
5 relationship number. 16:20:51
6 Correct? 16:20:52
7 MR. HERR: Same objections. 16:20:56
8 THE WITNESS: Well, I think -- 16:20:57
9 again, I think the second part of the 16:25:57
10 limitation talks about an outgoing voice call 16:25:59
11 that would occur over a second channel, over 16:26:01
12 a voice channel. 16:26:04
13 Because the voice switch, the local 16:26:05
14 switch is responsible for establishing -- for 16:26:11
15 establishing this voice connection to 16:26:15
16 facilitate the connected call, I believe this 16:26:21
17 is sufficient to say that Backhaus discloses 16:26:25
18 this receiving at the switch limitation. 16:26:26
19 BY MR. MCCULLOUGH: 16:26:35
20 Q. Do you agree that Backhaus, when at 16:26:35
21 the moment it receives a call to the relationship 16:26:38
22 number, it will receive a call that has the 16:26:41

1 calling party field set to the user's primary 16:26:44
2 number and the called party field set to the 16:26:46
3 relationship number. Yes? 16:26:49
4 MR. HERR: Objection, form. 16:26:52
5 Objection, asked and answered. 16:26:53
6 THE WITNESS: Again, I read the 16:26:54
7 limitation as saying that there is an 16:26:58
8 outgoing voice call that will go over a voice 16:27:01
9 channel from the mobile device to the access 16:27:05
10 telephone number. 16:27:08
11 And I think the switch that I refer 16:27:09
12 to has to be involved in establishing this 16:27:14
13 connection to facilitate this connection 16:27:17
14 path. 16:27:23
15 And so it is receiving at this, at 16:27:23
16 this switch, this outgoing call indication. 16:27:26
17 BY MR. MCCULLOUGH: 16:27:33
18 Q. Turn to Paragraph 60 of Backhaus, 16:27:33
19 Exhibit 1005. 16:27:36
20 A. Paragraph 60? 16:27:39
21 Q. 60, yes. 16:27:40
22 A. I am there. 16:28:10

Q. The first sentence says, "When the SLS platform 115 processes this first leg of the call, it may recognize that the calling number is the subscriber's primary number" -- 16:28:11 16:28:14 16:28:17 16:28:21

A. Wait. So, go ahead, one more time, please. When the SLS platform -- 16:28:25 16:28:27

Q. Yes. The first sentence of this paragraph. You see that, right? 16:28:31 16:28:33

A. Yes. 16:28:34

Q. And the first sentence states that the call that is being received by the SLS platform has a calling number field set to the subscriber's primary number and a called number field set to the relationship number. Correct? 16:28:35 16:28:37 16:28:40 16:28:45 16:28:48

A. Correct. That is what is written. 16:28:54

Q. What is the difference between the call from the user's terminal to the relationship number that you contend is received on a voice channel for Limitation 1D, and the call that you discussed in your first way in Paragraph 68, which is from the platform to the subscriber's device that you contended was a data channel? 16:29:09 16:29:19 16:29:25 16:29:30 16:29:35 16:29:38 16:29:42

1 MR. HERR: Objection, form. 16:29:49
2 Objection, outside the scope. 16:29:51
3 THE WITNESS: So, the scenario that 16:29:53
4 is depicted in the first way, I believe you 16:29:59
5 are referring to the first way in reference 16:30:01
6 to Limitation 1B? 16:30:02
7 BY MR. MCCULLOUGH: 16:30:08
8 Q. Paragraph 68, yes. 16:30:09
9 A. I think that scenario is when a 16:30:10
10 third party is calling -- let me just make sure I 16:30:19
11 re-read again. 16:30:25
12 Okay. So, the, this scenario that I 16:30:27
13 have described in Paragraph 68 is the situation 16:31:32
14 in which a, somebody is trying to call a 16:31:34
15 subscriber. 16:31:40
16 And in that case, the -- when 16:31:41
17 somebody is trying to call an SLS number, it goes 16:31:44
18 to the SLS platform. 16:31:49
19 And in Backhaus, it discloses that 16:31:51
20 when -- it discloses that the SLS platform may 16:31:55
21 proceed to establish the second half of the call, 16:32:00
22 the call from the SLS platform to the subscriber. 16:32:03

1 And in that scenario the specially 16:32:07
2 encoded message that we described before is 16:32:12
3 something that contains several pieces of 16:32:15
4 information, the relationship number and the 16:32:18
5 actual party number of the -- the actual primary 16:32:22
6 number of the calling party. 16:32:27
7 So, this is, this is different than 16:32:28
8 the other scenario that you are pointing me to. 16:32:31
9 Q. The call that you reference in 16:32:34
10 Paragraph 68 and the call that you reference for 16:32:40
11 Limitation 1D, in both circumstances is a call 16:32:42
12 between the subscriber's terminal device and the 16:32:46
13 SLS platform. Correct? 16:32:50
14 MR. HERR: Objection, form. 16:32:53
15 Objection, outside the scope. 16:32:54
16 THE WITNESS: So, the Limitation 1B 16:32:56
17 is talking about the situation where a third 16:34:20
18 party is trying to call a subscriber. 16:34:26
19 And in Backhaus, the first way that 16:34:28
20 I explained, is a third party is trying to 16:34:31
21 call a subscriber by their SLS number and -- 16:34:34
22 BY MR. MCCULLOUGH: 16:34:51

1 Q. I -- go ahead. 16:34:52
2 MR. HERR: Sorry, counsel. Did you 16:34:54
3 say something? 16:34:55
4 MR. MCCULLOUGH: Yes, but it sounded 16:34:56
5 like he wasn't done so I told him to go 16:34:58
6 ahead. 16:35:00
7 MR. HERR: Okay. Appreciate that. 16:35:01
8 BY MR. MCCULLOUGH: 16:35:16
9 Q. Dr. Lin, are you done with that 16:35:17
10 answer? 16:35:18
11 A. Not yet. Give me a moment. 16:35:18
12 So, in the first way I describe a 16:36:09
13 scenario where a third party is trying to call a 16:36:11
14 subscriber. And that call goes to an 16:36:14
15 intermediate SLS platform. 16:36:18
16 And the SLS platform will then 16:36:20
17 establish a second half of the call. And when it 16:36:25
18 does that, when it is trying to set up a second 16:36:31
19 half of the call, it sends a specially encoded 16:36:33
20 message that we discussed before which contains 16:36:36
21 several pieces of information. 16:36:38
22 Q. In Paragraph 68, what you are 16:36:39

1 relying on is the SLS platform making a call to 16:36:49
2 the subscriber's device. Correct? 16:36:53
3 A. To establish the second half of the 16:36:56
4 call, yes. 16:36:59
5 Q. Okay. And in paragraph -- or in 16:36:59
6 Limitation 1D, what you are relying on is the 16:37:02
7 subscriber's device making a call to the 16:37:04
8 relationship number which gets routed to the SLS 16:37:07
9 platform. 16:37:09
10 Correct? 16:37:10
11 A. Say that one more time, please. 16:37:11
12 Q. In Limitation 1D, what you are 16:37:15
13 relying on is the subscriber's device making a 16:37:18
14 call to the relationship number which gets routed 16:37:21
15 to the SLS platform. Correct? 16:37:23
16 A. So, I think in 1B, in the first way 16:37:25
17 that I have described is the third party calling 16:39:12
18 a subscriber. There is nothing precluding that 16:39:14
19 third party itself being another SLS subscriber. 16:39:20
20 So, same, 1D just requires that the 16:39:23
21 access telephone number information is 16:39:32
22 automatically transmitted to the mobile device. 16:39:35

1 And the first way that it is 16:39:38
2 described provides this way where if there is a 16:39:39
3 third party, which could itself be another 16:39:42
4 subscriber, is calling the subscriber which goes 16:39:44
5 through the SLS platform, and when the SLS 16:39:49
6 platform creates the second half of the call, it 16:39:51
7 would pass this specially coded message. 16:39:58
8 So, I believe that meets the claim 16:40:00
9 Limitation 1B. 16:40:02
10 And your question about 1D is 16:40:02
11 whether that call is about a call originating 16:40:06
12 from the mobile device to the SLS platform. 16:40:10
13 And I think the scenarios that I am 16:40:12
14 describing is that case. 16:40:17
15 Q. So, the calls that you are relying 16:40:32
16 on in Paragraph 68 and for Limitation 1D, both of 16:40:33
17 those calls have a calling party field. Correct? 16:40:37
18 A. So, the Backhaus describes -- well, 16:40:43
19 so again, I think when I was describing the first 16:40:48
20 way and second way for 1D, I was being quite 16:40:54
21 specific in what is the teaching I am relying 16:40:57
22 upon. 16:40:59

1 So, the very specific teachings I am 16:40:59
2 relying upon is that the specially encoded 16:41:02
3 message contains several pieces of information 16:41:05
4 and that is the information being passed. 16:41:09
5 Q. Let's break it down in pieces. The 16:41:23
6 call that you are relying on in Paragraph 68 for 16:41:25
7 your first way has a calling party field. 16:41:27
8 Correct? 16:41:30
9 A. Well, more importantly, I am citing 16:41:32
10 to the passage that talks about the specially 16:41:37
11 encoded message. 16:41:39
12 Q. And the specially encoded message is 16:41:40
13 part of the calling party field. Correct? 16:41:43
14 MR. HERR: Objection, asked and 16:41:50
15 answered. 16:41:51
16 THE WITNESS: Yeah, so, again as I 16:41:52
17 explained earlier, I think the specially 16:41:54
18 encoded message would have been understood by 16:41:56
19 the, by a person of ordinary skill in the art 16:41:58
20 that Backhaus teaches using something like 16:42:01
21 the IP to transmit this encoded message. 16:42:06
22 There is no, there is no calling 16:42:09

1 party -- there is no such information -- yes, 16:42:13
2 so, I think my Paragraph 68 is 16:42:21
3 self-explanatory. 16:42:26
4 BY MR. MCCULLOUGH: 16:42:27
5 Q. The call that you are relying on for 16:42:27
6 Limitation 1D from the subscriber to the 16:42:29
7 relationship number also has a calling party 16:42:32
8 field as we looked at in Paragraph 60 of 16:42:34
9 Backhaus. Correct? 16:42:38
10 A. Well, Paragraph 60 talks about 16:42:46
11 calling numbers. I'm not sure it talks about -- 16:42:55
12 I don't know if it specifically refers to calling 16:42:58
13 party fields. 16:43:00
14 Q. Do you think the calling number 16:43:01
15 field is different than the calling party field? 16:43:03
16 MR. HERR: Objection, outside the 16:43:06
17 scope. 16:43:07
18 THE WITNESS: Well, I think that 16:43:09
19 when Backhaus talked about the calling party 16:43:11
20 field, using those words, it specifically 16:43:15
21 talks about using a specially encoded message 16:43:19
22 that contains information that is different 16:43:22

1 than Paragraph 60. 16:43:25
2 It has to contain the relationship 16:43:29
3 number and the calling, the calling party -- 16:43:31
4 the actual number of the calling third party. 16:43:37
5 And this information is not the same as the 16:43:40
6 information in Paragraph 60. 16:43:42
7 BY MR. MCCULLOUGH: 16:43:45
8 Q. The call that you are relying on for 16:43:46
9 Paragraph 68, at the moment that call is 16:43:49
10 received, the voice path has not been connected 16:43:52
11 yet. Correct? 16:43:55
12 MR. HERR: Objection, asked and 16:43:59
13 answered. 16:44:00
14 THE WITNESS: Well, like I said, 16:44:00
15 the -- this specially encoded message is 16:44:03
16 sent, in my analysis for 1B, before the voice 16:44:08
17 path is established. 16:44:14
18 So, this specially encoded message 16:44:15
19 is sent from the SLS platform to the 16:44:19
20 subscriber. 16:44:22
21 BY MR. MCCULLOUGH: 16:44:23
22 Q. And the call that you are relying on 16:44:24

1 for Limitation 1D as being received by the SLS 16:44:25
2 platform, at the moment that call is received, 16:44:29
3 the voice path has not been established yet. 16:44:32
4 Correct? 16:44:34
5 MR. HERR: Objection, asked and 16:44:36
6 answered. 16:44:37
7 THE WITNESS: So, like I said, in 1D 16:44:37
8 we are referring to an outgoing voice call. 16:44:44
9 And it is an outgoing voice call from the 16:44:47
10 mobile device to the access telephone number 16:44:50
11 via a second channel. 16:44:55
12 And, but, you know, this outgoing 16:44:56
13 call, the switch has to play the role of 16:44:59
14 connecting the call. And that is why I 16:45:05
15 believe that this switch is receiving this 16:45:09
16 outgoing call. 16:45:14
17 Again, I, I said in my Paragraph 80 16:45:16
18 that a person of skill in the art would have 16:45:21
19 understood that this local switch is 16:45:25
20 responsible for connecting the voice channel 16:45:27
21 to create this conversation path. And in my 16:45:29
22 opinion, this is sufficient to -- this 16:45:33

1 teaches the Limitation 1B. 16:45:37
2 BY MR. MCCULLOUGH: 16:45:42
3 Q. And the call that you are relying on 16:45:42
4 in Paragraph 68, that is also a call to the 16:45:44
5 subscriber that the subscriber can accept in 16:45:47
6 which case the switch will connect the voice 16:45:49
7 path. Correct? 16:45:52
8 MR. HERR: Objection, form. 16:45:53
9 THE WITNESS: The, but the scenario 16:45:54
10 depicted in 1B involves a number of things, 16:46:07
11 including the, this additional specially 16:46:11
12 encoded message that gets sent from the SLS 16:46:15
13 platform to a subscriber. 16:46:18
14 BY MR. MCCULLOUGH: 16:46:26
15 Q. Okay. So the calls that you are 16:46:26
16 relying on in Paragraph 68 and for 1D, they are 16:46:27
17 both calls between a subscriber and the SLS 16:46:32
18 platform. They both have a calling party field. 16:46:36
19 In both circumstances they are received before 16:46:43
20 the voice path is connected. 16:46:44
21 So, why do you say the call in 68 is 16:46:47
22 a data path but the call in 1D is a voice 16:46:51

channel? 16:46:54
MR. HERR: Objection, form. 16:46:56
THE WITNESS: Can you repeat that 16:47:02
question one more time? 16:47:04
BY MR. MCCULLOUGH: 16:47:05
Q. Sure. So, I'm asking about the two 16:47:05
different calls you rely on. First in 16:47:07
Paragraph 68, what you call the first way. 16:47:10
And then the call from the 16:47:12
subscriber's device to the relationship number 16:47:14
that you are relying on for Limitation 1D. 16:47:16
And, both of those calls are between 16:47:18
a subscriber's terminal device and the SLS 16:47:21
platform. They both have a calling party field. 16:47:25
They are both received before the voice path is 16:47:27
connected. 16:47:30
So, why do you conclude that the 16:47:30
call in Paragraph 68 is a voice -- or is a data 16:47:34
channel but the call in Limitation 1D is a voice 16:47:37
channel? 16:47:41
MR. HERR: Objection, form. 16:47:48
THE WITNESS: So, going back to 1B, 16:47:49

1 the limitation just requires transferring 16:47:51
2 information that indicates an access 16:47:54
3 telephone number to the mobile device by data 16:47:56
4 channel. 16:48:00
5 So, the first way that I explain is 16:48:00
6 in that scenario, the SLS platform is, is 16:48:04
7 providing information that are not just for 16:48:09
8 that second half of the call. 16:48:15
9 It is providing information about 16:48:17
10 the relationship number and the actual number 16:48:20
11 of the actual calling party. 16:48:23
12 And so, that information, as I 16:48:25
13 discussed, Backhaus teaches that it -- the IP 16:48:29
14 can be used for that communication. And so 16:48:34
15 that would be the channel. 16:48:37
16 So, I think the issue is that 16:48:39
17 Limitation 1B, I am showing how Backhaus 16:48:44
18 describes how this information is sent over 16:48:48
19 data channel. And this information is the 16:48:54
20 specially encoded message. 16:48:57
21 MR. HERR: Sorry. Let me interject. 16:49:00
22 I think that when, when you mention -- there 16:49:02

1 is a mix-up between Limitation 1B and 1D. 16:49:11
2 Can you clarify what you just said 16:49:15
3 about which limitation? 16:49:17
4 THE WITNESS: You mean I wasn't 16:49:19
5 clear which -- the recording is not clear? 16:49:21
6 MR. HERR: Yes. 16:49:24
7 THE WITNESS: So, I am referring to 16:49:25
8 1B, as in Bob. 1B is the Paragraph 68, where 16:49:26
9 I describe about this specially encoded 16:49:33
10 message. 16:49:36
11 MR. HERR: Thank you. 16:49:37
12 MR. MCCULLOUGH: Okay, counsel, that 16:49:40
13 was entirely inappropriate. If you think 16:49:41
14 that you need to correct something on the 16:49:43
15 record, you will get a chance to ask 16:49:44
16 questions at the end. But you cannot 16:49:46
17 interrupt my examination to ask a question. 16:49:48
18 Don't do that again. 16:49:50
19 MR. HERR: I just thought the audio 16:49:52
20 and the transcript, they were not clear, that 16:49:56
21 is all. 16:49:58
22 THE WITNESS: Sir, would you mind 16:49:59

1 again, I think we are approaching another 16:50:00
2 hour. 16:50:03
3 MR. MCCULLOUGH: Yes, we can take a 16:50:03
4 break. That is fine. 16:50:04
5 (Recess taken -- 4:50 p.m.) 16:50:04
6 (After recess -- 5:01 p.m.) 16:54:34
7 BY MR. MCCULLOUGH: 16:54:34
8 Q. Dr. Lin, turn to Page 80 of your 17:01:06
9 declaration. 17:01:09
10 A. Page 80? 17:01:09
11 Q. Yes. 17:01:11
12 A. Yes, I am there. 17:01:12
13 Q. Okay. So, when you are discussing 17:01:32
14 Taylor, the feature of Taylor that you are 17:01:34
15 relying on is the PSTN interface, which is 17:01:37
16 Item 52 in Figure 1A. Correct? 17:01:42
17 A. Yes. 17:01:44
18 Q. And that PSTN interface is part of 17:01:48
19 the server in Taylor, correct? 17:01:51
20 A. So, in my declaration, I cite to 17:01:55
21 Paragraph 8. And it talks about the CT server 50 17:06:30
22 can be configured to interface via a PSTN 17:06:37

1 interface 52. 17:06:42
2 So, I think one could read that as 17:06:43
3 either being part of a server or can be 17:06:46
4 configured to be in addition to the server. 17:06:49
5 I think both are reasonable 17:06:52
6 interpretations. 17:06:54
7 Q. The PSTN interface 52 is not itself 17:06:54
8 a switch. Correct? 17:07:00
9 A. That is not my opinion. My opinion 17:07:05
10 in, starting at Paragraph 94, onwards, is that 17:07:09
11 the PS interface is the claim switch. 17:07:16
12 Q. All right. Backhaus describes 17:07:22
13 routing calls via the PSTN. Correct? 17:07:30
14 A. Backhaus, yes. 17:07:35
15 Q. So, Backhaus must already have its 17:07:37
16 own interface for interacting with the PSTN, 17:07:41
17 correct? 17:07:43
18 MR. HERR: Objection, outside of 17:07:45
19 scope. 17:07:46
20 THE WITNESS: So, if you look at 17:08:02
21 Paragraph 94 in my declaration, I have been 17:08:05
22 asked to consider a scenario where the claim 17:08:08

1 switch is interpreted as requiring it to -- 17:08:10
2 requiring it to be a device separate from 17:08:14
3 PSTN. 17:08:17
4 And, so, I think under this 17:08:17
5 scenario, I am offering the opinion that the 17:08:22
6 claim switch can be -- the claim switch in 17:08:25
7 light of Taylor can be the PSTN interface. 17:08:32
8 BY MR. MCCULLOUGH: 17:08:43
9 Q. Are you still on Page 80 of your 17:08:43
10 declaration? 17:08:45
11 A. Yes, I am. 17:08:46
12 Q. So, in Figure 1A of Taylor, there 17:08:47
13 are several circles labeled 12. 17:08:49
14 Do you see those? 17:08:53
15 A. Yes, but only one of them that is 17:08:56
16 connected to, to the box labeled 50. 17:08:58
17 Q. And in Taylor, the circles, 12, are 17:09:04
18 the switches. Correct? 17:09:09
19 A. So, as I have explained in my 17:09:13
20 Background section, and also as I explained in my 17:09:17
21 analysis of Backhaus, I think a person of skill 17:09:22
22 in the art would know what a PSTN is, and would 17:09:26

1 know that if you connect to a PSTN, you would 17:09:31
2 necessarily connect to a local switch. 17:09:34
3 And corresponding to this figure, 17:09:37
4 the switch would be the circle labeled 12 that is 17:09:40
5 connected to this box called 50. 17:09:46
6 So, I think I have been -- so, I 17:09:50
7 think Backhaus by itself sufficiently teaches the 17:09:54
8 claim switch. But like I said, I have been asked 17:09:58
9 to -- I have been asked to consider a scenario 17:10:02
10 where the claim switch is interpreted as 17:10:11
11 requiring it to be a device separate from the 17:10:14
12 PSTN. 17:10:17
13 So then I think a person of skill in 17:10:17
14 the art would be motivated to implement this 17:10:19
15 claim switch in light of Taylor. 17:10:22
16 Q. And you are contending that the PSTN 17:10:26
17 interface in Taylor is a switch? 17:10:31
18 A. Yes. 17:10:35
19 Q. All right. Turn to Paragraph 96 of 17:10:38
20 your declaration. 17:10:40
21 A. I am there. 17:10:44
22 Q. About halfway down you see the 17:10:45

1 sentence beginning, "A person of ordinary skill 17:10:50
2 in the art would have understood"? 17:10:52
3 A. Yes. 17:10:55
4 Q. Okay. And here you say, "A person 17:10:56
5 of ordinary skill in the art would have 17:10:59
6 understood that PSTN interface 52 disclosed in 17:11:01
7 Taylor is similar to the switch described in the 17:11:04
8 '585 patent's examples." Correct? 17:11:07
9 A. That is what is written, yes. 17:11:11
10 Q. So is the PSTN interface a switch or 17:11:13
11 is it just similar to a switch? 17:11:17
12 A. I think the -- so, again, I have 17:11:21
13 been asked to consider a scenario in which the 17:11:26
14 claim switch is not part of the PSTN. 17:11:27
15 And I think in light of, in light of 17:11:30
16 Taylor, a person of skill in the art would have 17:11:33
17 been motivated to implement this PSTN interface. 17:11:36
18 And this PSTN interface is acting as 17:11:39
19 the claim switch. 17:11:43
20 Q. All right. And when you say you 17:11:45
21 were asked to consider this scenario, you were 17:11:49
22 asked to do that by Google's counsel? 17:11:52

1 MR. HERR: Objection. I caution the 17:11:55
2 witness not to answer the question to the 17:11:59
3 extent that it reveals any attorney/client 17:12:01
4 privileged communications. 17:12:05
5 Otherwise, you may proceed. 17:12:06
6 THE WITNESS: So, this is a scenario 17:12:07
7 that I have been asked to consider. 17:12:09
8 BY MR. MCCULLOUGH: 17:12:12
9 Q. Asked by whom? 17:12:12
10 MR. HERR: Same caution. 17:12:16
11 THE WITNESS: So, I was asked to 17:12:19
12 consider -- I was asked to consider this 17:12:21
13 scenario. So, I don't know what is the -- 17:12:25
14 yeah. 17:12:31
15 So, I think the counsel asked me to 17:12:31
16 consider this scenario. 17:12:34
17 BY MR. MCCULLOUGH: 17:12:36
18 Q. All right. Let's go to your '094 17:12:40
19 patent declaration, which is Case Number 358, 17:12:45
20 Exhibit 1002. 17:12:50
21 A. You want to go to my declaration, 17:12:58
22 right? 17:13:00

Q. Yes. 17:13:01
A. Yes. Okay. I have them both. I 17:13:01
have it up. 17:13:16
Q. Sorry, just give me a second. 17:13:18
Sorry, I meant the '554 declaration. So, I sent 17:13:43
you to the wrong one. 17:13:48
A. Thank you. Give me a moment, 17:13:50
please. 17:13:52
Q. Just for the record, this is 17:13:55
Case 359, Exhibit 1002. 17:13:57
A. Okay, I have it up. 17:13:58
Q. Okay. Turn to Page 63. 17:14:11
A. Okay, I am there. 17:14:57
Q. All right. You say, about halfway 17:14:59
down, there is a sentence beginning, "As to the 17:15:04
second leg of the call." 17:15:07
Do you see that, in Paragraph 80? 17:15:08
A. Yes. 17:15:10
Q. Okay. You see, "The SLS 17:15:13
platform 115 completes the subscriber's outgoing 17:15:16
call by calling the third party's number based on 17:15:19
the stored relationship information." 17:15:22

Correct? 17:15:23
A. I see that, yes. 17:15:24
Q. And the stored relationship 17:15:28
information that you are talking about there is 17:15:30
stored in the database on the SLS platform 17:15:33
server. Correct? 17:15:36
A. So you are asking me about whether 17:15:43
this sentence is in my thing. 17:16:58
So, could you just repeat what you 17:17:00
just said and then ask the question you want to 17:17:02
ask afterward? 17:17:04
Q. The stored information that you 17:17:05
reference in Paragraph 80 is stored in the 17:17:08
database on the SLS platform server. Correct? 17:17:10
A. I believe the information here about 17:17:13
calling third party number based on the storage 17:19:29
information, I believe that this is referring to 17:19:33
the information being stored on the SLS platform. 17:19:35
So, let me confirm that on Paragraph 60 of 17:19:38
Backhaus. 17:19:43
So, this information about the 17:20:58
relationship number is both available at the SLS 17:20:59

1 platform as well as on the subscriber handset. 17:21:02
2 And what I am describing here in 17:21:05
3 Paragraph 80 is when the subscriber wants to call 17:21:08
4 a third party, it also has this information about 17:21:12
5 what relationship number to call instead. 17:21:15
6 So, that is what I wrote in the 17:21:17
7 first part of Paragraph 80 which is that, as I -- 17:21:19
8 as discussed in Limitation 1C, Backhaus discloses 17:21:25
9 that the SLS platform process the first leg 17:21:28
10 between the subscriber and the SLS platform, of 17:21:33
11 the outgoing core directed to the third party. 17:21:36
12 So, even though the subscriber dials 17:21:40
13 a third party number, the subscriber handset 17:21:41
14 calls the relationship number instead. 17:21:47
15 And that is because it has that 17:21:49
16 information at the handset as well. 17:21:52
17 Q. The -- where did this go? 17:22:04
18 The information that -- so, in 17:22:13
19 Paragraph 80, you said the SLS platform completes 17:22:25
20 the call based on the stored relationship 17:22:27
21 information. 17:22:29
22 So, in that sentence you are talking 17:22:30

about what the SLS platform is doing. Correct? 17:22:34

A. I see. So, yeah, right. So, yeah, 17:22:37
so my answer was that the relationship 17:22:41
information is available at both the handset and 17:22:42
the SLS platform. 17:22:46

But I agree that in this sentence, I 17:22:47
am talking about the second leg of the call. And 17:22:51
in the second leg of the call the, the SLS 17:22:53
platform also has this relationship number 17:22:59
information. 17:23:01

Q. All right. So, now I want to ask 17:23:06
you about the Logan reference, which you rely on, 17:23:09
in the connection with the '770 patent. 17:23:14

So, you can pull up that declaration 17:23:16
if you want. 17:23:18

A. Give me a moment please. Thank you. 17:23:26

Okay, I have that declaration open 17:23:42
for '770. 17:23:44

Q. So, I am trying to understand how 17:23:46
you are proposing that Logan and Backhaus would 17:23:53
operate together. 17:23:56

So, what aspects of Logan are you 17:23:57

1 relying on? 17:24:05
2 MR. HERR: Objection, form. 17:24:05
3 THE WITNESS: I think the more 17:24:06
4 precise answer is in each of the limitations 17:24:09
5 I analyzed, how I applied the teachings of 17:24:12
6 Backhaus and Logan. 17:24:19
7 But generally speaking, generally 17:24:21
8 speaking, Logan teaches how the user can 17:24:25
9 express user preferences. And it is the user 17:24:32
10 that is using -- that is expressing these 17:24:38
11 user preferences. 17:24:40
12 So, there is an idea that the user 17:24:41
13 preferences may be associated with some 17:24:44
14 primary number or may be associated with some 17:24:46
15 secondary number. 17:24:50
16 I believe there -- and so from that 17:24:51
17 perspective, these user preferences that are 17:24:56
18 associated with the primary number would be 17:24:57
19 what the claims recite as the primary call 17:24:59
20 processing rules. 17:25:03
21 And user preferences expressed by 17:25:04
22 the user associated with the secondary number 17:25:06

1 would be what the limitations recite as the 17:25:09
2 second call processing rules. 17:25:12
3 So, what, what a person of ordinary 17:25:13
4 skill in the art would understand when 17:25:16
5 reading Backhaus in view of Logan is that 17:25:18
6 this -- these call processing information can 17:25:21
7 be acquired -- the server or an SLS platform 17:25:26
8 can acquire this information from the user or 17:25:29
9 from the subscriber. 17:25:32
10 BY MR. MCCULLOUGH: 17:25:34
11 Q. Okay. So, turn to Page 50 of your 17:25:34
12 declaration. 17:25:36
13 A. Okay. 17:26:00
14 Q. And Limitation 1B requires that you 17:26:00
15 acquire information about primary call processing 17:26:03
16 rules for handling calls directed to the primary 17:26:06
17 telephone number. Correct? 17:26:09
18 A. Yes. 17:26:11
19 Q. All right. Now, I believe you 17:26:14
20 previously testified that in Backhaus, calls to 17:26:16
21 the primary number are not routed through the SLS 17:26:20
22 platform. Correct? 17:26:23

1 A. So, again, I think this claim, when 17:26:28
2 it is referred to acquiring this digital 17:26:37
3 information, it is a -- call processing rules 17:26:42
4 apply to the first number and for handling calls 17:26:44
5 directly to this primary phone number. 17:26:51
6 Give me a moment. 17:26:56
7 So, I read Backhaus -- we discussed 17:28:51
8 a little bit earlier. I cite to Paragraph 68 of 17:28:53
9 Backhaus. 17:28:57
10 And on Page 51, somewhere in the, in 17:29:00
11 the Paragraph 67, on the top half of 51, I cite 17:29:07
12 to Paragraph 68, where it says, "An SLS service 17:29:12
13 may provide features and services dedicated to 17:29:15
14 the SLS subscriber and separate from similar 17:29:18
15 features and services associated with the 17:29:21
16 subscriber's primary number." 17:29:23
17 So, I read that to mean that 17:29:25
18 Backhaus is suggesting that similar services 17:29:27
19 could be provided to both the secondary number 17:29:32
20 and the primary number. 17:29:33
21 Q. But in Backhaus the SLS platform 17:29:38
22 never receives calls to the primary number. 17:29:43

1 Correct? 17:29:45
2 A. Well, like I said, I think Backhaus 17:29:49
3 suggests that this could be a possibility. And 17:29:51
4 the passage I just read suggests that similar 17:29:55
5 features could also -- similar features and 17:29:59
6 services could also be associated with the 17:30:01
7 primary number. 17:30:03
8 So, it at least suggests that. And 17:30:04
9 so that is the reason why I stated the opinion 17:30:09
10 that I stated. 17:30:14
11 Q. What you are quoting here in 17:30:15
12 Backhaus Paragraph 68 says features may be 17:30:17
13 provided separate from similar features and 17:30:19
14 services associated with the subscriber's primary 17:30:21
15 number. Correct? 17:30:25
16 A. Yes. And I read that to mean that 17:30:27
17 you could provide features and services dedicated 17:30:29
18 to the SLS number. And you can also provide 17:30:33
19 similar services and features with the primary 17:30:37
20 numbers. And those are separate things. 17:30:41
21 One is for the SLS number and the 17:30:43
22 other is for the primary number. 17:30:45

1 Q. This paragraph that you have quoted 17:30:48
2 here, this Paragraph 68 doesn't say the SLS 17:30:50
3 service provides those features to the primary 17:30:52
4 number. It just says that they are separate from 17:30:55
5 those features for the primary number. 17:30:57
6 Correct? 17:30:59
7 A. Well, like I said in my declaration, 17:31:01
8 I think, in my opinion, Backhaus at least 17:31:03
9 suggests features associated with these kind of 17:31:06
10 services. And these features and services are 17:31:09
11 also available for calls directed to the 17:31:13
12 subscriber's primary number. 17:31:15
13 So, I am saying that Backhaus 17:31:17
14 suggests that such similar services and features 17:31:19
15 can also be offered to the subscriber's primary 17:31:22
16 number. 17:31:26
17 Q. If I have a primary cell phone 17:31:27
18 number from Verizon, and someone calls that 17:31:30
19 number, how would it ever be able to get routed 17:31:35
20 to Backhaus's SLS platform? 17:31:38
21 MR. HERR: Objection, outside of 17:31:40
22 scope. 17:31:42

1 THE WITNESS: Yeah. So, again, I 17:31:42
2 think I am saying that Backhaus suggests that 17:31:45
3 this is a possibility. 17:31:49
4 So, but in my analysis of this 1B, I 17:31:52
5 am not just talking about the Backhaus 17:31:56
6 teaching, but I am also talking about Logan. 17:31:58
7 But, I, I, the way I wrote this 17:32:01
8 sentence, is to say that Backhaus at least 17:32:04
9 suggests its features. 17:32:07
10 And in my opinion, because Backhaus 17:32:08
11 describes similar features and services to be 17:32:11
12 also be available to primary numbers. 17:32:14
13 So, that is the basis for why I 17:32:17
14 believe Backhaus at least suggests this to be 17:32:19
15 the case. 17:32:23
16 BY MR. MCCULLOUGH: 17:32:24
17 Q. How would you have to change 17:32:24
18 Backhaus in order to make it capable of receiving 17:32:26
19 calls to a primary number? 17:32:29
20 MR. HERR: Objection, form. 17:32:34
21 THE WITNESS: So, like I said -- I 17:32:35
22 mean, like I said, Backhaus at least suggests 17:35:15

that features like voicemail and message 17:35:18
services, automated response can also be 17:35:21
available for calls directed to the 17:35:26
subscriber's primary number. 17:35:28
And I think Logan -- because 17:35:31
Backhaus already suggests that such services 17:35:34
could be offered, or similar services and 17:35:37
features could also be provided to the 17:35:42
primary number -- I think a person of skill 17:35:44
in the art reading Backhaus, in view of 17:35:46
Logan, would understand in Logan, these call 17:35:48
processing rules can apply to both primary 17:35:53
numbers and secondary numbers. 17:35:56
So, I think a person of skill in the 17:36:02
art would be motivated to implement this 17:36:04
because of the benefit that you get from 17:36:06
allowing the user to express user 17:36:10
preferences. 17:36:13
BY MR. MCCULLOUGH: 17:36:16
Q. You are not relying upon Logan for 17:36:16
actually routing calls, correct? 17:36:20
MR. HERR: Objection, form. 17:36:26

1 THE WITNESS: So, I think my answer 17:36:27
2 is the same, which is Backhaus already 17:36:33
3 suggests that these services and features can 17:36:35
4 also be offered to the primary number. 17:36:38
5 So, in view -- a person of ordinary 17:36:41
6 skill in the art reading Backhaus, in view of 17:36:44
7 Logan, would be motivated to apply -- to 17:36:47
8 modify Backhaus with the teachings of Logan. 17:36:51
9 And specifically in Logan, there is 17:36:56
10 an idea that user can provide user 17:36:58
11 preferences to these type of features and 17:37:02
12 services. 17:37:04
13 And these user preferences can be, 17:37:05
14 can be provided from -- by the user for both 17:37:08
15 primary numbers as well as secondary numbers. 17:37:13
16 So, in Logan, it talks about the 17:37:17
17 ability for the user to express first call 17:37:19
18 processing rules associated with the -- or 17:37:24
19 the primary call processing rules associated 17:37:28
20 with the primary telephone number and also be 17:37:31
21 able to express secondary call processing 17:37:34
22 rules associated with the second number. 17:37:37

1 So, and, and the benefit is to be 17:37:39
2 able to -- for the server to be able to 17:37:42
3 acquire this use of the preferences of user. 17:37:46
4 So, I think a person of ordinary 17:37:49
5 skill in the art reading Backhaus, in view of 17:37:51
6 Logan, would be motivated to modify the SLS 17:37:55
7 platform to do the same thing, to offer the 17:37:57
8 same capabilities. 17:38:00
9 BY MR. MCCULLOUGH: 17:38:05
10 Q. Turn to Page 79 of your declaration. 17:38:05
11 A. Go ahead, please. 17:38:23
12 Q. All right. So, you see 17:38:24
13 Limitation 1G of the '770 patent here? 17:38:26
14 A. Yes. 17:38:29
15 Q. Okay. And I want to ask you about 17:38:33
16 the very last clause of this which is, "Accepting 17:38:34
17 the incoming call by connecting with the switch 17:38:37
18 over the at least one voice channel using the 17:38:40
19 bridge telephone number." Correct? 17:38:43
20 A. Give me a moment. 17:38:45
21 Q. Dr. Lin? 17:43:13
22 A. Yes. Yes. So, I went through my 17:43:14

1 paragraphs. Can you ask your question? 17:43:21
2 You are asking about the last part 17:43:24
3 about connecting -- accepting an incoming call by 17:43:25
4 connecting with the switch over at least one 17:43:29
5 voice channel using the bridge telephone number. 17:43:32
6 So, what is the question? 17:43:34
7 Q. Right. So, the claim Limitation 1G 17:43:36
8 requires accepting the incoming call by 17:43:39
9 connecting with the switch over the at least one 17:43:41
10 voice channel using the bridge telephone number. 17:43:44
11 Correct? 17:43:48
12 A. Yes. 17:43:48
13 Q. Okay. And so the connection with 17:43:49
14 the switch has to be made over the at least one 17:43:58
15 voice channel. Correct? 17:44:01
16 A. That the claim -- that is what the 17:44:04
17 claim recites. 17:44:07
18 Q. Okay. Now, you, starting in 17:44:09
19 Paragraph 93, you identify what you called the 17:44:13
20 first way that this claim is met. Correct? 17:44:16
21 A. Well, I think the -- like you said 17:44:21
22 earlier, this claim limitation contains many 17:44:24

1 parts. And I think I am trying to answer one 17:44:27
2 step at a time. 17:44:30
3 Q. Okay. Let's turn to Paragraph 95 of 17:44:38
4 your -- actually, sorry. Give me a second. 17:44:53
5 A. Please take your time. 17:45:06
6 Q. Okay. So, Paragraph 103. Let me 17:45:43
7 know when you are there. 17:45:47
8 A. Yes. 17:45:47
9 Q. Okay. So this is where you discuss 17:45:48
10 how the incoming call is accepted. Correct? 17:45:58
11 A. How the incoming call is accepted, 17:46:05
12 yes. That is, that is one of the paragraphs that 17:46:08
13 addresses this point. 17:46:12
14 Q. And you rely on the call from the 17:46:13
15 SLS platform to the subscriber's device. 17:46:17
16 Correct? 17:46:23
17 A. I believe that this is what -- I 17:46:26
18 believe this is what the paragraph is referring 17:46:28
19 to, is the, is the second leg where the SLS 17:46:30
20 platform calls the subscriber using the 17:46:35
21 relationship number. 17:46:38
22 Q. And the way that the relationship 17:46:41

number is used in your analysis is that it is 17:46:44
part of the specially encoded data in the calling 17:46:50
party field. Correct? 17:46:54
A. So, I think your question is the 17:49:34
same, similar to the questions you asked earlier. 17:49:36
Again, I think in the limitation, 17:49:38
the incoming call is clearly referring to an 17:49:41
incoming voice call. 17:49:44
And the incoming voice call is, is 17:49:45
passed over the voice channel in order to carry 17:49:53
voice. 17:49:56
And the switch is, the switch is the 17:49:57
thing that is connecting, making the connection. 17:50:01
So, in Paragraph 104, I talk about, 17:50:04
based on the user input, accepting incoming call 17:50:09
by connecting with the switch over at least one 17:50:12
voice channel. 17:50:14
And so I think the Backhaus 17:50:15
disclosure meets this limitation. 17:50:23
Q. So, the part of the claim that I am 17:50:26
asking about now is the phrase, using the bridge 17:50:28
telephone number. 17:50:30

1 In your analysis, the only way that 17:50:33
2 you are contending the bridge telephone number is 17:50:34
3 used is that it is part of the specially encoded 17:50:37
4 data in the calling party field of the call from 17:50:39
5 the SLS platform to the subscriber. 17:50:43
6 Correct? 17:50:45
7 MR. HERR: Objection, asked and 17:50:49
8 answered. 17:50:50
9 THE WITNESS: Yeah. So, I think my 17:50:51
10 answer is the same as before. 17:52:11
11 In Paragraph 104, I explain that the 17:52:13
12 Backhaus discloses that the subscriber is 17:52:21
13 alerted to the incoming call and that call 17:52:23
14 would have been coming from a relationship 17:52:26
15 number. 17:52:28
16 And then the call is connected to 17:52:28
17 the subscriber by the SLS platform when the 17:52:32
18 subscriber answers the call. 17:52:36
19 And Backhaus discloses accepting the 17:52:38
20 incoming call. And as such, the incoming 17:52:50
21 call is connected by a local switch over at 17:52:52
22 least one voice channel. 17:52:56

1 So, that is my opinion. 17:52:57
2 BY MR. MCCULLOUGH: 17:53:36
3 Q. So, in your opinion of this claim 17:53:36
4 term, who is connecting with the switch over the 17:53:38
5 at least one voice channel using the bridge 17:53:41
6 telephone number? 17:53:43
7 Is it the SLS platform or is it the 17:53:44
8 subscriber's terminal device? 17:53:46
9 MR. HERR: Objection, form. 17:53:52
10 THE WITNESS: Well, it is based on 17:53:55
11 the user input. So, based on the user input, 17:53:57
12 accepting the call by -- so, the full phrase 17:54:00
13 is based on user input accepting incoming 17:54:05
14 call by connecting with the switch over at 17:54:10
15 least one voice channel using the 17:54:13
16 relationship number. 17:54:16
17 So, I think it is clear that this 17:54:16
18 leg of the call is coming from relationship 17:54:20
19 number. 17:54:23
20 So, Backhaus discloses the -- this 17:54:24
21 subscriber is alerted to the incoming call. 17:54:29
22 And the call is connected to the subscriber 17:54:32

1 by the SLS platform when the subscriber 17:54:34
2 answers the call. 17:54:37
3 So, this is the user input to the 17:54:38
4 subscriber. Based on input, the call is 17:54:43
5 accepted. And, and, this is, this is the 17:54:46
6 user -- this is accepting incoming call based 17:54:49
7 on user input. 17:54:52
8 And so, my opinion is that the 17:54:53
9 incoming call is connected by a local switch 17:54:57
10 in the PSTN network over at least one voice 17:55:01
11 channel. 17:55:06
12 Because, in order to, in order to 17:55:06
13 accept any incoming call by connecting with 17:55:11
14 the switch, you need to be connecting with 17:55:13
15 the switch to -- in order to connect the 17:55:15
16 numbers -- I mean in order to connect the 17:55:18
17 call. 17:55:20
18 So, that seems clear to me. 17:55:20
19 BY MR. MCCULLOUGH: 17:55:30
20 Q. So, the user can accept the call by 17:55:31
21 pressing a button on their phone, for example. 17:55:33
22 Correct? 17:55:36

1 MR. HERR: Objection, outside the 17:55:36
2 scope. 17:55:37
3 THE WITNESS: So, I think more 17:55:38
4 precisely is, is, I think Backhaus teaches 17:55:42
5 the idea of accepting incoming calls based on 17:55:48
6 user input. 17:55:51
7 And, and I think the key is in order 17:55:52
8 to, you know, to connect the incoming call, 17:55:56
9 the local switch has to play the role of 17:56:01
10 making that connection. 17:56:03
11 BY MR. MCCULLOUGH: 17:56:09
12 Q. The user, when they accept the call, 17:56:10
13 that does not -- accepting the call, the act of 17:56:14
14 accepting the call does not use the bridge 17:56:18
15 telephone number or the relationship number in 17:56:20
16 Backhaus. Correct? 17:56:22
17 MR. HERR: Objection, form. 17:56:25
18 THE WITNESS: So, I think it is 17:56:26
19 clear that Backhaus describes the local voice 17:57:05
20 switch is connecting a call from the 17:57:11
21 relationship number to the subscriber. 17:57:13
22 So, in my opinion, the switch is 17:57:17

1 satisfying this limitation. 17:57:23
2 And again, the incoming call is 17:57:29
3 being connected by this local switch, and 17:57:31
4 connecting this -- it is making a connection 17:57:36
5 from this relationship number to a 17:57:38
6 subscriber. 17:57:40
7 So, I think it teaches the, the 17:57:40
8 limitation that we are talking about right 17:57:43
9 now. 17:57:45
10 If you come to another natural 17:57:54
11 break, I think we are approaching another 17:57:55
12 hour. 17:57:57
13 MR. MCCULLOUGH: Okay, that is fine. 17:58:09
14 Let's take a break. 17:58:10
15 (Recess taken -- 5:58 p.m.) 18:07:36
16 (After recess -- 6:07 p.m.) 18:07:36
17 BY MR. MCCULLOUGH: 18:07:48
18 Q. All right. So, Dr. Lin, looking at 18:07:48
19 Limitation 1G of the '770 patent, this limitation 18:07:53
20 references something called pre-call information. 18:08:02
21 Do you see that? 18:08:04
22 A. Yes. 18:08:05

1 Q. Okay. And you agree that the 18:08:10
2 pre-call information has to relate to the 18:08:13
3 specific call that was received in a previous 18:08:16
4 limitation, 1F. Correct? 18:08:19
5 MR. HERR: Objection, form. 18:08:27
6 THE WITNESS: Give me a moment. 18:08:28
7 Okay. So, you are asking me about my 18:15:23
8 analysis of the pre-call information. 18:15:25
9 BY MR. MCCULLOUGH: 18:15:28
10 Q. My question was, you agree that the 18:15:28
11 pre-call information in Limitation 1G must relate 18:15:30
12 to the specific call that was received in 18:15:36
13 Limitation 1F. Correct? 18:15:39
14 MR. HERR: Objection, form. 18:15:44
15 THE WITNESS: So, I'm not sure why 18:15:45
16 you would read it that way. 18:16:08
17 But I think the two ways I explain 18:16:09
18 in 1G of this pre-call information, at least 18:16:13
19 the first way we discussed extensively 18:16:17
20 previously. 18:16:20
21 And then the second way we have not 18:16:20
22 discussed extensively, but I have also 18:16:23

1 described how it works. 18:16:28
2 And so I think the claim just 18:16:29
3 requires this pre-call information to be, to 18:16:32
4 be -- what is the language here? 18:16:38
5 Yeah, to be transmitted to the 18:16:39
6 handset over at least one data channel. 18:16:42
7 BY MR. MCCULLOUGH: 18:16:47
8 Q. So you think the pre-call 18:16:48
9 information can relate to a different call than 18:16:49
10 the incoming call recited in Limitation 1F? 18:16:52
11 MR. HERR: Objection, form. 18:16:56
12 Objection, outside of scope. 18:16:58
13 THE WITNESS: Yeah. So, generally 18:16:59
14 speaking, generally speaking, Claim 1 is 18:17:03
15 about a third party calling a subscriber. 18:17:08
16 And in the first way that I 18:17:15
17 describe, before the voice paths are 18:17:17
18 connected, is the specially encoded message 18:17:21
19 that we discussed extensively. 18:17:24
20 So, the first way has to do with 18:17:26
21 this specially encoded message which contains 18:17:29
22 the relationship number, among other things. 18:17:31

1 The second way, which is described 18:17:33
2 in Figure 4D, is if I am a subscriber and I 18:17:35
3 don't have a relationship number set up, I 18:17:40
4 can request a relationship number through the 18:17:44
5 data communications to get that relationship 18:17:49
6 number. 18:17:54
7 And this can occur before a call, 18:17:55
8 another call. 18:17:57
9 And so, I think relative to this 18:17:57
10 other call, it is a pre-call information. 18:18:00
11 So, that is generally how I describe 18:18:02
12 the second way in, in my declaration. 18:18:06
13 I think particularly Paragraph 100 18:18:13
14 is where I talk about the second way where 18:18:16
15 the subscriber requests the relationship 18:18:19
16 information. 18:18:22
17 And that, that information is, is 18:18:27
18 transmitted before the, a call is considered 18:18:30
19 between a third party and a subscriber. 18:18:37
20 So, I think that is why I think the 18:18:39
21 second way also teaches the pre-call 18:18:41
22 information in Claim 1G. 18:18:43

BY MR. MCCULLOUGH: 18:18:45

Q. The pre-call information in 18:18:54
Limitation 1G has to include a bridge telephone 18:18:57
number such that the handset can accept the 18:19:06
incoming call by connecting with a switch over 18:19:10
the at least one voice channel using the bridge 18:19:14
telephone number. 18:19:17

Correct? 18:19:17

A. If you are reading what is in the -- 18:19:20
what is recited in the limitation, I didn't catch 18:19:22
every word. But, if you represent to me that you 18:19:25
are just reading the limitation, then, then you 18:19:27
are reading the limitation. 18:19:30

Q. So, the reference to the incoming 18:19:32
call in Limitation 1G, that reference must be the 18:19:34
same call as Limitation 1F. 18:19:40

Correct? 18:19:43

A. I think, I think regardless, 18:19:44
regardless -- I think in both ways, they are at 18:20:18
least before -- in both ways I think you can 18:20:23
think of them as being before a call is 18:20:25
connected. 18:20:29

1 So, I think the second way, as I 18:20:29
2 described a, a, a subscriber that doesn't have a 18:20:31
3 relationship number can request one from the SLS 18:20:38
4 platform. 18:20:41
5 And that data transmission can occur 18:20:42
6 in several -- certain moment in time before 18:20:45
7 another call. And that information is certainly 18:20:48
8 before the, the other call in question. 18:20:51
9 So, that is what I wrote in 18:20:55
10 Paragraph 100 of my declaration. That a person 18:20:58
11 of ordinary skill in the art would have 18:21:00
12 understood that the transmitted information, 18:21:01
13 which includes the relationship number, would 18:21:03
14 correspond to the claim pre-call information, 18:21:07
15 because this information is transmitted before 18:21:10
16 the call is connected between a third party and a 18:21:12
17 subscriber. 18:21:15
18 So, I think that is one. 18:21:16
19 I think the second -- the first way, 18:21:17
20 again, is the specially encoded message that gets 18:21:19
21 sent before, before the voice path are set up. 18:21:23
22 And so I think from that 18:21:27

1 perspective, the information is -- the pre-call 18:21:29
2 information is also transmitted. 18:21:33
3 Q. All right. Let's look at the '105 18:21:41
4 patent now. 18:21:43
5 A. Give me one moment, please. I have 18:21:54
6 it open. 18:22:19
7 Q. All right. And looking at Claim 1 18:22:20
8 of the '105 patent, the term pre-call information 18:22:24
9 is used again. 18:22:30
10 Do you see that? 18:22:32
11 A. Which, which claim limitation are we 18:22:33
12 referring to? 18:22:36
13 Q. 1G. 18:22:37
14 A. 1G? 18:22:40
15 Q. Yes. 18:22:42
16 A. I am there. Go ahead. 18:23:10
17 Q. Pre-call information in 18:23:12
18 Limitation 1G of the '105 patent, is that 18:23:16
19 required to relate to the incoming call received 18:23:21
20 in Limitation 1D? 18:23:25
21 MR. HERR: Objection, form. 18:23:31
22 Objection, outside of scope. 18:23:32

1 THE WITNESS: And you are asking me 18:23:35
2 to compare 1G with 1D, like David? 18:24:32
3 BY MR. MCCULLOUGH: 18:24:36
4 Q. I'm asking if the pre-call 18:24:36
5 information in 1G is required to relate to the 18:24:38
6 incoming call in 1D. 18:24:42
7 MR. HERR: Objection, form. 18:24:46
8 Objection, outside of scope. 18:24:47
9 THE WITNESS: Okay. So, I think 1D 18:24:49
10 is about a scenario in which the call is 18:25:50
11 being made to a secondary number which would 18:25:56
12 then go to the SLS platform. 18:25:59
13 And I believe that -- I think 1G is 18:26:00
14 also about the same. It is about the 18:26:09
15 scenario in which the call is being made to 18:26:12
16 an SLS number that would go to a platform -- 18:26:15
17 I mean go through the SLS platform before 18:26:18
18 going to the subscriber. 18:26:22
19 So, I think they both talk about 18:26:24
20 this scenario. 18:26:29
21 BY MR. MCCULLOUGH: 18:26:30
22 Q. Just to be clear, are you saying the 18:26:37

1 pre-call information in 1G and the incoming call 18:26:38
2 in 1D are both for the second call? 18:26:41
3 MR. HERR: Objection, form. 18:26:48
4 Objection, outside the scope. Asked and 18:26:49
5 answered. 18:26:53
6 THE WITNESS: So, like I said, I 18:26:53
7 think the call is being made to the 18:26:54
8 subscriber. And the -- if the call is being 18:26:58
9 made to the subscriber's SLS number, it would 18:27:02
10 be -- it would go through the SLS platform, 18:27:09
11 first -- with the first leg going from the 18:27:12
12 caller to the SLS platform by calling the 18:27:14
13 relationship number. 18:27:18
14 And that the second part from the, 18:27:19
15 from the server to the, to the, to the 18:27:22
16 subscriber. 18:27:28
17 So, from that perspective I think 18:27:28
18 they are both describing a similar scenario 18:27:34
19 or the same scenario. 18:27:36
20 And in 1G, the questions you were 18:27:37
21 asking me earlier is what is the pre-call 18:27:40
22 information and how is that pre-call 18:27:41

1 information being transmitted. 18:27:43
2 And again, I described two ways. 18:27:45
3 One is by use of a specially encoded message. 18:27:47
4 And the other way is, you know, before the 18:27:52
5 actual call, some time before, the, the -- a 18:27:54
6 client can ask for relationship number from 18:28:03
7 the server using the process of Figure 4D. 18:28:07
8 BY MR. MCCULLOUGH: 18:28:11
9 Q. Doctor, my question is not about 18:28:11
10 Backhaus. It is about the '105 patent. 18:28:13
11 And when you were forming your 18:28:16
12 invalidity opinions, did you understand that the 18:28:18
13 pre-call information in 1G was required to relate 18:28:20
14 to the incoming call in 1D, yes or no? 18:28:24
15 MR. HERR: Objection, form. 18:28:29
16 Objection, outside the scope. Asked and 18:28:30
17 answered. 18:28:32
18 THE WITNESS: Yeah. So, I think the 18:28:32
19 analysis I have done, I treat them the same. 18:28:35
20 They are being -- both calls are to 18:28:39
21 some secondary number that would go through 18:28:42
22 some intermediate server. 18:28:44

BY MR. MCCULLOUGH: 18:28:47
Q. In Claim 2 of the '105 patent, in 18:28:47
your analysis, did you understand that the 18:28:50
pre-call information in limitation 2B was 18:28:53
required to relate in -- all right. Let me just 18:28:58
ask the question again. 18:29:04
In Claim, in Claim 2 of the '105 18:29:05
patent, in your analysis, did you understand that 18:29:08
the pre-call information in limitation 2B was 18:29:13
required to relate to the incoming call in 18:29:20
limitation 2A? 18:29:22
MR. HERR: Objection, form. 18:29:26
Objection, outside of scope. 18:29:27
THE WITNESS: So, at the high level 18:29:29
what is going on here or what the claim 18:30:34
requires is that there is a call to a 18:30:37
secondary number. 18:30:39
And, that secondary number would 18:30:41
then map to in the intermediate bridge 18:30:44
number, as referred to in the first bridge 18:30:49
number in the limitation. 18:30:51
And the call would first go to the 18:30:53

server which would be received by the switch. 18:30:56
And the server would then, would 18:30:59
then provide this first bridge number -- 18:31:03
would then use this first bridge number to 18:31:14
complete the incoming call to the secondary 18:31:17
telephone number. 18:31:19
And, again, in Backhaus, that bridge 18:31:22
number is the relationship number associated 18:31:27
with the switch and associated with the 18:31:28
server. 18:31:30
And then in part B, in the second 18:31:34
limitation or 2B limitation, the server would 18:31:36
transmit this information, this 18:31:43
preconfirmation, including this first bridge 18:31:45
number. 18:31:48
And the, the telephone handset can 18:31:49
then accept the call by essentially making a 18:31:53
call back to this bridge number to connect 18:31:57
incoming call to the telephone handset. 18:32:00
So, that is what is happening. 18:32:13
BY MR. MCCULLOUGH: 18:32:14
Q. All right. I want to go back to 18:32:15

1 Backhaus. And I believe you testified earlier 18:32:16
2 that you believed the same relationship number 18:32:17
3 can be used for different contacts of the same 18:32:21
4 subscriber. Is that correct? 18:32:25
5 A. I didn't say that. I think, I think 18:32:26
6 Backhaus somewhere -- I would have to look up my 18:32:32
7 declaration. But, I cited a reference where 18:32:34
8 Backhaus says I believe -- let me look. 18:32:38
9 Unfortunately the patents are not 18:32:42
10 searchable, so it would take me quite some time 18:32:44
11 to look. 18:32:47
12 But, there is a disclosure in 18:32:48
13 Backhaus that says that the relationship number 18:32:49
14 is not unique to third party numbers. 18:32:52
15 But, if you give me some time, I can 18:32:59
16 look that up. Would you like me to look it up? 18:33:01
17 Q. No. Just give me a second. 18:33:14
18 THE WITNESS: Sir, sir? 18:33:44
19 MR. MCCULLOUGH: Yes? 18:33:52
20 THE WITNESS: So, I don't need a 18:33:53
21 break just yet, but if you intend to go for 18:33:56
22 much longer, then I will probably want 18:33:58

1 another break. 18:34:00
2 MR. MCCULLOUGH: Why don't we take a 18:34:01
3 break and I will find what I am looking for, 18:34:02
4 so that is fine. 18:34:04
5 THE WITNESS: I don't want to take a 18:34:07
6 break yet. I want to maybe just take a 18:34:08
7 break -- I don't know how much time you are 18:34:09
8 looking for. 18:34:10
9 So, maybe I am happy with another 18:34:11
10 ten minutes. 18:34:13
11 MR. MCCULLOUGH: Okay. Fine. 18:34:21
12 Sorry, I am just not finding -- 18:34:22
13 THE WITNESS: 10, 15 minutes. 18:34:26
14 MR. MCCULLOUGH: Yes, just let me 18:34:28
15 know when you need it. 18:34:29
16 THE WITNESS: Thank you. 18:34:31
17 BY MR. MCCULLOUGH: 18:34:31
18 Q. Okay. So, go to -- okay. Go to 18:35:01
19 your '094 declaration, Paragraph 67. 18:35:32
20 A. Give me a moment please, thank you. 18:35:36
21 Q. Okay. 18:35:38
22 A. I'm sorry. You want me to go to 18:36:11

'094, Paragraph Number 57? 18:36:13
Q. Yes. 18:36:16
A. That is the preamble. 18:36:16
Q. No, sorry. 67. 18:36:22
A. 67. Okay. I am happy to answer a 18:36:24
question about the preamble if you like. 18:36:29
Q. I don't think that will be 18:36:31
necessary. Are you at 67? 18:36:33
A. I am, yes. 18:36:45
Q. Okay. So, here you are quoting 18:36:50
Backhaus, Paragraph 47, that says, "Relationship 18:36:52
numbers may be used for a plurality of subscriber 18:36:54
number and third party number combinations." 18:36:57
Is this the quote that you were 18:37:00
looking for earlier? 18:37:02
A. It is possible. Let me pull up 18:37:04
Backhaus and I will let you know. Thank you. 18:37:07
Yes, I think in this Paragraph 67. 18:38:03
I also cite to Paragraph 46, that also talks 18:38:05
about the description in this disclosure of 18:38:08
exemplary embodiments that include individual 18:38:11
subscriber relationship ID tables are offered for 18:38:16

1 illustrative purposes only and will not be -- and 18:38:21
2 will not limit the scope of disclosure. 18:38:23
3 So, yes, I am citing these two 18:38:26
4 paragraphs. 18:38:33
5 Q. Okay. And what Backhaus says here 18:38:33
6 is that the relationship number may be used for 18:38:35
7 different subscriber and third party number 18:38:37
8 combinations, correct? 18:38:39
9 A. What you read is what is written. 18:38:46
10 Q. And in Paragraph 47, Backhaus gives 18:38:48
11 examples of using a relationship number X for 18:38:50
12 mapping to four different subscriber third party 18:38:54
13 relationships, correct? 18:38:58
14 A. That is -- what is written is 18:39:00
15 exactly that. For example, in an illustrative 18:39:24
16 embodiment, Subscribers D, E, F, and G, may all 18:39:27
17 have database records that map relationship 18:39:31
18 number X to third party numbers J, K, L, and E, 18:39:33
19 respectively, respectively. 18:39:38
20 Q. Okay. And none of the examples in 18:39:43
21 Paragraph 47 are using the same relationship 18:39:46
22 number for two different contacts of the same 18:39:47

subscriber. Correct? 18:39:50

MR. HERR: Objection, form. 18:39:54

THE WITNESS: I am sorry. None of these examples to do what? 18:39:56 18:39:58

BY MR. MCCULLOUGH: 18:40:00

Q. None of these examples use the same relationship number for two different contacts of the same subscriber, correct? 18:40:00 18:40:02 18:40:05

A. Well, like I said, in Paragraph 46, Backhaus was very careful in writing that the description in this disclosure are of exemplary embodiments. 18:40:07 18:40:14 18:40:19 18:40:23

And they are offered for illustrative purposes only and will not limit the scope of the disclosure. 18:40:24 18:40:26 18:40:30

So, I think he is providing examples, but he is clear in informing the reader that these are examples and will not limit the scope of this disclosure. 18:40:31 18:40:34 18:40:38 18:40:45

They are -- therefore, for illustrative purposes only. That is what he wrote. 18:40:46 18:40:48 18:40:50

Q. The way the subscriber makes an 18:40:51
outgoing call in Backhaus is by dialing the 18:40:54
relationship number for that third party contact. 18:40:56
Correct? 18:40:59
A. By the way, can you remind me -- 18:41:08
never mind. I can remind myself. Give me a 18:41:12
moment, please. 18:41:16
Q. So, let me point you to Paragraph 75 18:42:48
of Backhaus. 18:42:50
A. 75, okay. I am getting there. 18:43:02
Okay. I am there. 18:43:07
Q. Okay. So, if you look at the -- 18:43:08
this is talking about the subscriber making the 18:43:13
outgoing call. Correct? 18:43:16
A. I believe 75 is referring to 18:43:32
outgoing call. Yes, I believe that Figure 5 is 18:43:35
talking about outgoing call. 18:43:38
Q. Okay. And so, in Paragraph 75, if 18:43:40
you look at the bottom of the left column, it 18:43:42
says, "if the third party number is recognized." 18:43:45
And then if you follow it to the -- 18:43:47
A. I'm sorry. In the bottom of the 18:43:49

first column? 18:43:52
Q. Yes. At the very end of the first 18:43:54
column it says, "If the third party number is 18:43:57
recognized." 18:43:59
Do you see that? 18:43:59
A. Hang on. Let me look for that. Not 18:44:01
yet. If -- okay. If the third party. 18:44:03
Give me a moment. Let me read 18:44:07
through this whole paragraph. 18:44:09
Yes. So, your question about 18:48:57
Paragraph 75? 18:49:00
Q. In Backhaus, the way the subscriber 18:49:05
makes an outgoing call is by the SLS module on 18:49:10
their phone dialing the relationship number. 18:49:14
Correct? 18:49:16
A. Correct. 18:49:18
Q. And then at the server, the SLS 18:49:20
platform receives that call. It looks up the 18:49:23
actual third party contact number, and it creates 18:49:26
the second leg by calling the third party. 18:49:29
Correct? 18:49:32
A. Correct. 18:49:34

Q. Okay. So now I'm going to show, I'm 18:49:35
going to share Exhibit 8 -- or Exhibit 2008 in 18:49:39
the chat. So, open that up when it comes 18:49:46
through, please. 18:49:50
MR. MCCULLOUGH: And I will just 18:49:52
note for the record, this is a new one. 18:49:53
And I will just -- 18:50:00
THE WITNESS: I did not rely upon 18:50:02
it. 18:50:03
BY MR. MCCULLOUGH: 18:50:04
Q. Correct. It is new. You haven't 18:50:04
seen it before. 18:50:05
MR. MCCULLOUGH: This exhibit, 18:50:06
Exhibit 2008 should be included with the 18:50:08
deposition transcript. I will just note that 18:50:09
for the court reporter. 18:50:11
(Exhibit 2008 marked for 18:50:11
identification.) 18:50:11
THE WITNESS: And what do you want? 18:50:16
Do I need to do anything right now? 18:50:17
BY MR. MCCULLOUGH: 18:50:20
Q. Yes, open up the exhibit. Let me 18:50:20

1 know when you have it. 18:50:22
2 A. Okay. So you want me to -- you want 18:50:23
3 me to download it and open it up. 18:50:25
4 Q. Yes. 18:50:28
5 A. I have to first download it. Give 18:50:29
6 me a moment. 18:50:31
7 I am downloading this to the desktop 18:50:34
8 so that you know what I am doing. 18:50:40
9 Okay. I have the -- I have your 18:50:43
10 exhibit up. 18:50:47
11 Q. All right. So, Exhibit 2008 is a 18:50:48
12 table that I made up that is designed to -- 18:50:50
13 MR. HERR: One second. Objection. 18:50:55
14 I just want to enter my objection regarding 18:50:59
15 the Exhibit 2008. It is hearsay and out of 18:51:01
16 the scope and -- 18:51:11
17 MR. MCCULLOUGH: Okay. All right. 18:51:12
18 Are you finished? 18:51:16
19 MR. HERR: Sorry. And foundation. 18:51:19
20 And also includes -- my objection also 18:51:22
21 includes foundation, authentication and 18:51:26
22 relevance. 18:51:29

BY MR. MCCULLOUGH: 18:51:32
Q. Okay. So, Dr. Lin, Exhibit 2008 is 18:51:33
a table that I made up that is designed to look 18:51:35
like Table 310, which is part of Figure 3A in 18:51:38
Backhaus. 18:51:42
So, do you see my table in 18:51:44
Exhibit 2008? 18:51:47
A. Yes. But this is the first time I 18:51:49
am seeing it. I don't feel comfortable offering 18:51:52
opinions about this thing that I have not seen 18:51:55
before. 18:51:58
MR. HERR: Yes. Same objections. 18:51:58
BY MR. MCCULLOUGH: 18:52:00
Q. So, in the table in Exhibit 2008, 18:52:00
the relationship number for Contacts 1 and 3 is 18:52:04
the same. Correct? 18:52:08
MR. HERR: Same objections. 18:52:09
THE WITNESS: Again, I have not seen 18:52:11
this before. And I, you know, I am a 18:52:13
methodical person. I don't feel comfortable 18:52:15
offering opinions about something I have 18:52:18
never seen before. 18:52:20

1 BY MR. MCCULLOUGH: 18:52:21
2 Q. The relationship number for 18:52:25
3 Contacts 1 and 3 is the same number. Correct? 18:52:28
4 A. Yeah, I guess I'm not entirely clear 18:52:33
5 what you are trying to convey in this table. 18:52:36
6 There are numbers on this exhibit. And, yeah, 18:52:39
7 there are numbers on this exhibit. 18:52:43
8 Q. Dr. Lin, just answer the question 18:52:45
9 that I am asking, please. The relationship 18:52:48
10 number for Contacts 1 and 3 is the same. 18:52:50
11 Correct? 18:52:52
12 MR. HERR: Objection, form. 18:52:54
13 THE WITNESS: Well, I see there is a 18:52:55
14 relationship column in your exhibit. And 18:53:00
15 there is a telephone Number 16782220001. And 18:53:02
16 I see that on the second row is 16782220002. 18:53:10
17 And I see that you have in your third row 18:53:17
18 6782220001. 18:53:20
19 BY MR. MCCULLOUGH: 18:53:24
20 Q. So, the relationship number for the 18:53:25
21 first and third row is the same. Correct? 18:53:26
22 A. Yes, the digits appear to be the 18:53:32

same. 18:53:34
Q. Okay. And the third party number 18:53:34
for Rows 1 and 3 is different. Correct? 18:53:37
A. You have a column here labeled Third 18:53:41
Party Number. And the first row shows 18:53:46
3052299999. The second row shows 2127778888. 18:53:54
And the third row shows 4083332222. 18:54:01
Q. So, the first and the third rows for 18:54:09
the third party number are different. Correct? 18:54:12
A. Yes, they don't, they don't appear 18:54:14
to have the same digits. 18:54:19
Q. So, if this were a subscriber 18:54:21
contact table used in Backhaus, and the 18:54:25
subscriber's phone made a call to the 18:54:29
relationship number 16782220001, the Backhaus 18:54:31
system would have no way of knowing whether to 18:54:41
route this call to the third party number in the 18:54:43
first row or the third party number in the third 18:54:46
row. 18:54:48
Correct? 18:54:49
MR. HERR: Objection, form. 18:54:51
Objection, outside the scope. 18:54:52

1 THE WITNESS: Yeah. So, I think I 18:54:54
2 want to go back to the portion of Backhaus 18:54:57
3 that I cited to. And, again, Backhaus talks 18:55:03
4 about -- let's go back to, I am -- I have 18:55:09
5 lost my train of thought. 18:55:16
6 But at least I will address the 18:55:18
7 point about in Paragraph 67, which is 18:55:20
8 Backhaus discloses that relationship number 18:55:24
9 may be used for plurality of subscriber 18:55:27
10 numbers and third party numbers. 18:55:30
11 And, Backhaus further teaches that 18:55:32
12 the description in his disclosure are of 18:55:36
13 exemplary embodiments, and they are offered 18:55:39
14 for illustrative purposes only. 18:55:43
15 And he is instructing us that this 18:55:45
16 will not limit the scope of his disclosure. 18:55:48
17 And so, I think, I think that 18:55:51
18 Backhaus is explaining that you can have more 18:55:58
19 than one contact number associated with the 18:56:00
20 relationship number. 18:56:02
21 BY MR. MCCULLOUGH: 18:56:06
22 Q. If you can have more than one 18:56:06

1 contact number, or -- sorry. I think you said 18:56:07
2 that backwards so let me strike that. 18:56:11
3 If you can have more than one 18:56:13
4 relationship number -- no, strike that. 18:56:15
5 If you can use the same relationship 18:56:19
6 number for multiple contacts of the same 18:56:24
7 subscriber in Backhaus, how would Backhaus's SLS 18:56:28
8 platform know which of those contacts to route an 18:56:32
9 outgoing call to? 18:56:35
10 MR. HERR: Objection, outside the 18:56:38
11 scope of the witness's direct testimony. 18:56:40
12 THE WITNESS: So, I think as I 19:01:00
13 explained in Paragraph 67, Backhaus clearly 19:01:02
14 said that relationships may be used for 19:01:05
15 plurality of subscriber numbers and third 19:01:10
16 party numbers. 19:01:13
17 So, I think in that case a person of 19:01:14
18 skill in the art reading Backhaus would 19:01:18
19 understand that that is the possibility. 19:01:21
20 In terms of -- yes, that is a 19:01:24
21 possibility that you can associate the same 19:01:27
22 relationship number with more than one third 19:01:29

1 party. 19:01:31
2 BY MR. MCCULLOUGH: 19:01:33
3 Q. My question was how would Backhaus 19:01:33
4 know which contact to route a call to if the same 19:01:36
5 relationship number is used for multiple contacts 19:01:42
6 of the same subscriber? 19:01:44
7 MR. HERR: Objection, outside the 19:01:47
8 scope. And asked and answered. 19:01:48
9 THE WITNESS: So, I think it is just 19:01:53
10 my opinion that I think this disclosure is 19:01:59
11 enough to meet the claim Limitation 1B. 19:02:01
12 BY MR. MCCULLOUGH: 19:02:06
13 Q. Dr. Lin, that is not my question. 19:02:06
14 My question is, if you use the same 19:02:08
15 relationship number for multiple contacts of the 19:02:11
16 same subscriber, which you contend is possible, 19:02:13
17 how would Backhaus know how to route that call? 19:02:17
18 MR. HERR: Objection, form. 19:02:22
19 Objection, outside the scope. 19:02:24
20 THE WITNESS: It can route the call 19:02:26
21 in a number of ways, including routing to one 19:02:30
22 of the contact numbers. 19:02:33

BY MR. MCCULLOUGH: 19:02:36
Q. It just picks one at random? 19:02:36
MR. HERR: Objection, form. 19:02:44
THE WITNESS: Yeah. So again, I 19:02:45
think my answer remains the same. I think 19:02:46
the disclosure that I cited from Backhaus is 19:02:48
enough to meet the limitation. 19:02:50
BY MR. MCCULLOUGH: 19:02:52
Q. But you can't explain to me how 19:02:54
Backhaus would know how to correctly route a call 19:02:56
if the same relationship number is used for 19:02:59
multiple contacts of the same subscriber? 19:03:01
MR. HERR: Objection, form. 19:03:06
Objection, outside of scope. Objection, 19:03:07
asked and answered. 19:03:09
THE WITNESS: Again, I think my 19:03:14
answer remains the same which is I think 19:07:18
Backhaus discloses this as a possibility. 19:07:20
And I think it -- you know, I think it is 19:07:25
fine. 19:07:31
And I think the same, you know, 19:07:31
applies to the, to the '094 patent. 19:07:36

1 So, I think the claim could be read 19:07:41
2 that you have a bridge number associated with 19:07:44
3 more than one contact number. 19:07:49
4 But, I think the stuff showed in the 19:07:53
5 claims just refers to calling a bridge or 19:07:56
6 access number. And so I don't think I am 19:07:59
7 offering an opinion of whether I think that 19:08:05
8 is a good idea or not. 19:08:07
9 But Backhaus certainly explains that 19:08:08
10 as a possibility. 19:08:10
11 BY MR. MCCULLOUGH: 19:08:21
12 Q. But Backhaus never describes how it 19:08:23
13 would route a call if the same relationship 19:08:25
14 number is used for multiple contacts of the same 19:08:27
15 subscriber, correct? 19:08:34
16 MR. HERR: Objection, form. 19:08:35
17 Objection, asked and answered. 19:08:36
18 THE WITNESS: Yeah, I think the 19:08:37
19 claim just requires that it is a -- that 19:08:38
20 Backhaus teaches that you can associate a, a 19:08:41
21 relationship number with each of the 19:08:44
22 plurality of a contact number. 19:08:48

1 I think the subsequent numbers are 19:08:49
2 not -- the subsequent elements, E, F, G, are 19:08:51
3 not referring to this plurality. 19:08:57
4 So, I think it is Backhaus that I 19:08:59
5 cited talks about the, that relationship 19:09:02
6 number doesn't have to be unique and so it 19:09:05
7 can be associated and it can be stored. 19:09:08
8 BY MR. MCCULLOUGH: 19:09:12
9 Q. Dr. Lin, I did not ask you about the 19:09:12
10 claims. I asked you, does Backhaus ever describe 19:09:15
11 how it would route a call if the same 19:09:18
12 relationship number is used for multiple contacts 19:09:21
13 of the same subscriber? 19:09:22
14 MR. HERR: Objection, form. 19:09:26
15 Objection, asked and answered. 19:09:29
16 THE WITNESS: Yeah, so I think I 19:09:30
17 have answered your question. 19:09:31
18 I know we have very little time 19:09:33
19 left. Could I take a, just a two-minute 19:09:35
20 break just to go to the bathroom one more 19:09:38
21 time? 19:09:40
22 MR. MCCULLOUGH: No -- 19:09:44

1 THE WITNESS: You can keep going. I 19:09:45
2 think I gave an answer. So, do you want me 19:09:46
3 to -- 19:09:46
4 BY MR. MCCULLOUGH: 19:09:50
5 Q. What is your answer to this 19:09:50
6 question, does Backhaus ever describe how it 19:09:54
7 would route a call if the same relationship 19:09:57
8 number is used for multiple contacts of the same 19:09:59
9 subscriber? 19:10:02
10 MR. HERR: Objection, form. 19:10:03
11 Objection, asked and answered. 19:10:04
12 THE WITNESS: Yeah. So, I think the 19:10:29
13 Backhaus discloses this idea of relationship 19:10:31
14 number may not be used -- I'm sorry. 19:10:34
15 Backhaus discloses that relationship 19:10:37
16 numbers may be used for plurality of 19:10:40
17 subscriber numbers and third party numbers. 19:10:42
18 And I think this is sufficient to 19:10:44
19 meet the claim limitation. 19:10:46
20 The remaining limitations are not 19:10:48
21 about making calls to each of plurality of 19:10:50
22 contact numbers. 19:10:53

BY MR. MCCULLOUGH: 19:10:56
Q. That wasn't my question, Dr. Lin. 19:10:57
My question is, does Backhaus ever describe how 19:10:58
it would route an outgoing call if the same 19:11:01
relationship number is used for multiple contacts 19:11:04
of the same subscriber? 19:11:08
MR. HERR: Objection, form. 19:11:11
Objection, asked and answered. 19:11:13
THE WITNESS: Yeah, I'm sorry. I 19:11:14
didn't mean to say yeah. I mean to say let 19:11:19
me continue. 19:11:22
I just want to continue by saying 19:11:23
that the -- in this section, I describe how, 19:11:26
I describe how relationship numbers -- you 19:11:32
know, how relationship numbers are 19:11:39
automatically generated, how they are 19:11:41
associated with contact numbers, how to store 19:11:46
in computer memory or associated memory. 19:11:52
And so, I address all of those 19:11:55
aspects of the limitation. 19:11:57
And then for this last part, I cite 19:11:59
to the paragraphs we have been discussing. 19:12:02

1 And I think Backhaus describes that 19:12:06
2 relationship numbers do not have to be 19:12:13
3 unique. 19:12:16
4 And so from that perspective I think 19:12:16
5 it can be associated with a plurality of 19:12:18
6 contact numbers. 19:12:21
7 And I think my analysis is just 19:12:21
8 whether or not Backhaus teaches the 19:12:24
9 possibility of associating a bridge number 19:12:25
10 with each of the plurality of contact 19:12:30
11 numbers, and I think it does. 19:12:33
12 BY MR. MCCULLOUGH: 19:12:38
13 Q. So, you agree that Backhaus never 19:12:38
14 describes how to route an outgoing call if the 19:12:40
15 same relationship number is used for multiple 19:12:42
16 contacts of the same subscriber? 19:12:45
17 MR. HERR: Objection, form. 19:12:49
18 Objection, asked and answered. 19:12:50
19 THE WITNESS: So, I think the 19:12:51
20 description that I cited to, again, said it 19:17:42
21 allows for it. 19:17:45
22 And I think Backhaus talks about -- 19:17:46

1 it is a little bit more in another part of my 19:17:51
2 disclosure that talks about the, when the 19:17:53
3 caller is making the outgoing call. As an 19:17:58
4 example, it could be calling from his primary 19:18:02
5 number. It could be calling from his 19:18:05
6 secondary number. 19:18:07
7 And I think when it is calling, the 19:18:07
8 routing of the call could go to different 19:18:14
9 parties depending on which number is used. 19:18:16
10 But again in my description, or in 19:18:18
11 my declaration, I didn't go into this level 19:18:20
12 of detail. But, I did cite to Backhaus 19:18:23
13 saying that, you know, those specific 19:18:27
14 examples. And it is not limited to, to those 19:18:32
15 examples. 19:18:39
16 And let me go back to the 19:18:39
17 Paragraph 67. And I can refer you back to 19:18:41
18 the language that I cite it from 67. 19:18:43
19 But again, I think Backhaus 19:18:50
20 certainly describes -- discloses this idea 19:18:54
21 that the relationship doesn't have to be 19:18:59
22 unique. The claims I analyzed in 1B, 1C, I 19:19:00

1 talk about this plurality of contact numbers. 19:19:10
2 And my analysis for the subsequent 19:19:13
3 limitations are about making calls to the 19:19:17
4 third party. 19:19:21
5 So, I don't have more to offer you 19:19:23
6 at this time. But, my opinion is that 19:19:26
7 Backhaus discloses this limitation. 19:19:30
8 MR. HERR: I am sorry. Let me 19:19:35
9 interject. 19:19:36
10 Counsel, Dr. Lin asked about ten 19:19:37
11 minutes ago whether he could use the 19:19:39
12 restroom. And, would you be -- 19:19:41
13 THE WITNESS: Well, it depends. I 19:19:44
14 think, I think another 15, 20 minutes have 19:19:46
15 elapsed. So, what is the time -- how much 19:19:49
16 time do you have? If it is not much longer, 19:19:52
17 I can complete the process. 19:19:58
18 MR. ZEILBERGER: There are about 19:20:02
19 four minutes left on the record, if that is 19:20:03
20 right. 19:20:06
21 MR. HERR: Lori, can you please 19:20:07
22 confirm. 19:20:09

1 MR. MCCULLOUGH: I don't have 19:20:09
2 anything further. That is fine. We don't 19:20:10
3 need to confirm a time. 19:20:12
4 MR. HERR: So, we will discuss off 19:20:17
5 the record and we will get back to you. 19:20:19
6 MR. MCCULLOUGH: So, are we taking a 19:20:22
7 break, is what you are saying? 19:20:24
8 MR. ZEILBERGER: Yes, five minutes. 19:20:26
9 MR. MCCULLOUGH: Okay. 19:20:27
10 (Recess taken -- 7:20 p.m.) 19:20:27
11 (After recess -- 7:26 p.m.) 19:26:32
12 MR. HERR: So, on our end, on the 19:26:32
13 petitioner's side, we don't have any 19:26:35
14 questions for Dr. Lin. So, that will be all 19:26:38
15 for us today. 19:26:39
16 MR. MCCULLOUGH: All right. 19:26:42
17 (Whereupon, signature not having been waived, 19:26:43
18 the deposition suspended at 7:26 p.m.)
19 * * *
20
21
22

DECLARATION UNDER PENALTY OF PERJURY

I, BILL LIN, PH.D. do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition taken on October 12, 2023; that I have made such corrections as appear noted herein in ink, initialed by me; that my testimony as contained herein, as corrected, is true and correct.

Dated this ____ day of _____, 2023

BILL LIN, PH.D.

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BILL LIN, PH.D.

CERTIFICATE OF NOTARY

I, LORI J. GOODIN, RPR, CLR, CRR, CA CSR # 13959 the Notary for this deposition, do hereby certify that the witness whose testimony appears in the foregoing deposition was sworn by me; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, or financially or otherwise interested in the outcome of this action.

Lori J. Goodin

LORI J. GOODIN, RPR, CLR, CRR
Notary Public in and for:

STATE OF FLORIDA, COUNTY OF SARASOTA
Notary Commission Number: GG987804
My Commission expires: May 12, 2024

STATE OF CALIFORNIA, CA CSR# 13959
My Commission expires: February 22, 2024

STATE OF MARYLAND, COUNTY OF ANNE ARUNDEL
My Commission expires: August 2, 2025

DISTRICT OF COLUMBIA, WASHINGTON DC
My Commission expires: June 1, 2026

STATE OF DELAWARE: COUNTY OF KENT
My Commission expires: September 9, 2025

STATE OF PENNSYLVANIA, COUNTY OF LEHIGH
My Commission expires: April 5, 2025