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

800.211.DEPO (3376)
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ESQUIRE
DEPOSITION SOLUTIONS

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1 INDEX TO EXAMINATION

2 WITNESS: BILL LIN, PH.D.

3

EXAMINATION BY PAGE

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MR. MCCULLOUGH 5

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1 INDEX TO EXHIBITS
BILL LIN, PH.D.
2 GOOGLE LLC V FLYPSI, INC.
Thursday, October 12, 2023
3 Lori J. Goodin, RPR, CLR, CRR,
RSA, California CSR #13959
4
5


| EXHIBIT | DESCRIPTION | PAGE |
|---|---|---|
| Exhibit 2008 | Mr. McCullough's table | 230 |


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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: 11:02:08
17 Q. Good morning, Dr. Lin. Can you 11:02:10
18 state your name for the record? 11:02:12
19 A. My name is Bill Lin. 11:02:19
20 Q. All right. And you have been hired 11:02:20
21 as Google's expert witness in the five IPRs that 11:02:26
22 we are here discussing today. Correct?

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

1 it. 11:19:31
2 So, it is up to him, right. It is 11:19:31
3 just a caution. 11:19:35
4 We did not instruct him not to 11:19:35
5 answer. It is merely a caution. 11:19:37
6 MR. MCCULLOUGH: Are you contending 11:19:39
7 that instructions from Google's counsel 11:19:41
8 regarding the standards for invalidity that 11:19:43
9 he relied on in his declaration are 11:19:45
10 privileged? 11:19:47
11 MR. HERR: No. 11:19:47
12 BY MR. MCCULLOUGH: 11:19:50
13 Q. Dr. Lin, did you rely on any 11:19:50
14 instructions from Google's counsel relating to 11:19:51
15 the standards for invalidity in forming your 11:19:54
16 opinions? 11:19:58
17 A. So, again, my analysis in my 11:19:59
18 declaration, I did not offer legal opinions. 11:20:03
19 My analysis, whenever I refer to a 11:20:08
20 person of ordinary skill in the art, I described 11:20:10
21 in my declaration, and that is the basis that 11:20:12
22 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

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

1 specification. 11:27:53
2 Q. Did Google counsel give you any 11:27:59
3 instruction on what anticipation means that you 11:28:01
4 applied in forming your opinions in your 11:28:03
5 declaration? 11:28:05
6 MR. HERR: I caution the witness not 11:28:06
7 to answer the question to the extent that the 11:28:08
8 answer will reveal any attorney/client 11:28:10
9 privileged communications. 11:28:12
10 Otherwise, you may answer. 11:28:13
11 THE WITNESS: Again, I did not offer 11:28:14
12 any legal opinions. 11:28:16
13 So my declarations were about how 11:28:17
14 the prior art teaches the limitations. 11:28:21
15 BY MR. MCCULLOUGH: 11:28:25
16 Q. Are you excluding anything from that 11:28:25
17 answer based on your counsel's privileged 11:28:27
18 caution? 11:28:29
19 And I just want a yes or no. I 11:28:30
20 don't want to know what you are excluding. 11:28:32
21 A. So, my answer is respect to what I 11:28:35
22 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

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

1 A. No, I think everything that I relied 11:38:31
2 upon or given are cited in my declarations. 11:38:33
3 Q. Okay. And, you are not relying on 11:38:39
4 any, anything from the pending District Court 11:38:41
5 litigation, correct? 11:38:52
6 A. No, I actually don't know anything 11:38:53
7 about what you just mentioned. 11:38:55
8 Q. Okay. Let's look at Figure 1 of 11:38:56
9 Backhaus. 11:38:59
10 A. Yes, go ahead. 11:39:10
11 Q. Okay. So, you agree that there is 11:39:11
12 no switch shown on Figure 1 of Backhaus, correct? 11:39:13
13 A. I -- well, I don't know if I agree 11:39:22
14 with that. 11:39:24
15 But, in any case, in my 11:39:25
16 declarations, I applied the prior art, you know, 11:39:29
17 Backhaus in this case to the limitations. 11:39:31
18 So, I would be happy to go to one of 11:39:34
19 the limitations to explain to you how Backhaus 11:39:38
20 discloses the switch in the certain limitation. 11:39:44
21 Q. Is there a switch shown in Figure 1 11:39:47
22 of Backhaus? 11:39:49

1 A. So, again, I would be happy to go to 11:39:50
2 one of the claim limitations to explain to you 11:39:55
3 how that applies to Backhaus. 11:39:59
4 But certainly Backhaus discloses, 11:40:02
5 Backhaus discloses something called communication 11:40:07
6 network 125, and it clearly teaches that this 11:40:10
7 communication network can include something 11:40:15
8 called PSTN. 11:40:18
9 And so, we can go to my analysis 11:40:20
10 that I methodically spent a lot of time preparing 11:40:26
11 to explain to you how I -- why I have the opinion 11:40:29
12 that Backhaus teaches the switch in these 11:40:34
13 limitations. 11:40:37
14 Q. Okay. So, your opinion is that 11:40:38
15 there are switches that are part of 11:40:40
16 communications network 125 shown in Figure 1, 11:40:42
17 correct? 11:40:45
18 A. So, my opinion is that in the claim 11:40:52
19 limitations they refer to a claim switch. 11:40:54
20 And it is my opinion that Backhaus 11:40:58
21 teaches this claim switch. 11:41:01
22 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

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

say Virginia, then now all of the calls to and from the SLS platform would go through a local switch in Virginia. Correct? 11:44:58 11:45:03 11:45:06

A. So again -- 11:45:09

MR. HERR: Objection. Outside the scope. 11:45:10 11:45:12

THE WITNESS: Yeah, so my opinion is about how Backhaus disclosures apply to the limitations. 11:45:14 11:45:17 11:45:24

And so the, the analysis I have done is a, it is a -- the SLS platform is a server that is at one location. And it is connected to the PSTN. 11:45:24 11:45:27 11:45:32 11:45:36

And in that location, when it is connected to the PSTN, it will always be connected to the same local switch. 11:45:38 11:45:40 11:45:43 11:45:50

BY MR. MCCULLOUGH: 11:45:50

Q. All right. Turn to Figure 3 of Backhaus. 11:45:52 11:45:59

A. Give me one moment, please. 11:46:02

Q. Uh-huh. 11:46:08

A. 3A, I assume you mean?

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

1 Correct? 11:47:13
2 A. One moment, please. 11:47:15
3 Q. Uh-huh. 11:47:21
4 A. Okay. Can you ask the question one 11:47:24
5 more time, please. 11:49:43
6 Q. Table 310 is storing relationship 11:49:45
7 numbers of contacts of Subscriber 1. Correct? 11:49:48
8 A. Yes. 11:49:51
9 Q. And each of the relationship numbers 11:49:56
10 in Table 310 is different. Correct? 11:49:58
11 A. Well, I think I described in my, I 11:50:02
12 described in my declaration, and I can look up 11:50:07
13 the place where I described it, is that Backhaus 11:50:10
14 discloses that the relationship numbers do not 11:50:14
15 have to be unique to third party numbers or 11:50:16
16 unique to the subscriber. 11:50:20
17 Q. So, is it your understanding that in 11:50:27
18 Backhaus you can use the same relationship number 11:50:29
19 for two different third party contacts of the 11:50:32
20 same subscriber? 11:50:36
21 A. And I can go to the paragraph where 11:50:36
22 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

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

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

1 A. Yes. 11:55:45
2 Q. And what do you mean by voice path? 11:55:47
3 A. Well, I think in the patent, the 11:55:51
4 person of ordinary skill in the art, when reading 11:55:53
5 those patents, for example '585, would have 11:55:58
6 understood that a call is a, you know, the voice 11:56:01
7 telephone call where the voice path has been 11:56:06
8 established where we can actually exchange audio. 11:56:09
9 Q. So, if I call someone and their 11:56:19
10 phone is ringing, in your opinion it is not a 11:56:21
11 call until the other person picks up. Is that 11:56:24
12 correct? 11:56:27
13 A. It is my opinion that in the patent 11:56:28
14 a person of ordinary skill in the art reading it 11:56:35
15 would have understood a call to be the voice call 11:56:38
16 when the voice path has been established. 11:56:41
17 Q. So, what is it before the person you 11:56:46
18 are calling picks up, when it is ringing? 11:56:50
19 What is it at that point? 11:56:52
20 A. It is something before the call. 11:56:58
21 Q. Is it using a data channel, as that 11:57:03
22 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

1 a voice channel and a data channel is in relation 11:58:15
2 to a conventional call using landline telephones? 11:58:18
3 A. Yeah, so I think again, we can -- I 11:58:24
4 can go to one of the claim elements, limitations 11:58:29
5 and then explain to you. Because there is 11:58:32
6 something more concrete of how, how I have 11:58:35
7 interpreted the patents and the application of 11:58:38
8 the Backhaus reference. 11:58:41
9 Q. Well, Dr. Lin, you have all of your 11:58:42
10 materials in front of you. So, you can look at 11:58:44
11 whatever you want. 11:58:46
12 But my question is, in a 11:58:47
13 conventional call from one landline to another, 11:58:49
14 when the call is ringing, before it has been 11:58:52
15 picked up, what channel is it using? 11:58:55
16 MR. HERR: Objection, form. 11:59:00
17 Objection, asked and answered. 11:59:01
18 THE WITNESS: Yeah, so I can, for 11:59:03
19 example, explain my opinion with respect to 11:59:04
20 Claim 1B in '585. And, in my opinion, a 11:59:10
21 person of ordinary skill in the art reading 11:59:19
22 '585 would have understood the call to be a 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

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

1 BY MR. MCCULLOUGH: 12:02:24
2 Q. Can you not answer my question? 12:02:25
3 When the phone is ringing in a landline to 12:02:27
4 landline call, the channel is not carrying voice, 12:02:29
5 correct? 12:02:32
6 MR. HERR: Objection, form. And 12:02:33
7 asked and answered. 12:02:34
8 THE WITNESS: Yeah, so again, I 12:02:38
9 think it is clear that when the channel -- 12:02:41
10 when a voice path is established and we are 12:02:45
11 exchanging audio, I think the channel is 12:02:48
12 acting as a voice channel. 12:02:50
13 And I think when the channel is 12:02:52
14 transmitting non-voice data, it is acting as 12:02:56
15 a data channel. 12:03:00
16 BY MR. MCCULLOUGH: 12:03:01
17 Q. So, when a landline to landline call 12:03:02
18 is ringing before it has been answered, that is 12:03:04
19 not using a voice channel in your opinion. 12:03:07
20 Correct? 12:03:10
21 MR. HERR: Same objections. 12:03:14
22 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

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

1 A. Yes. 12:06:35
2 Q. Okay. And this discussion is still 12:06:39
3 talking about routing phone calls across -- or, 12:06:41
4 sorry. Strike that. 12:06:45
5 This sentence is still talking about 12:06:45
6 routing phone calls as is understood in the art. 12:06:48
7 This is not about Backhaus's SLS 12:06:51
8 platform, correct? 12:06:54
9 A. So your question again, please? 12:06:54
10 Q. The sentence that I just read is 12:08:24
11 still talking about conventional telephone calls. 12:08:27
12 It is not talking about Backhaus's SLS platform. 12:08:34
13 Correct? 12:08:37
14 A. It is talking about a call in 12:08:38
15 general, yes. 12:08:42
16 Q. Okay. So, for a call that is made 12:08:42
17 over the PSTN, is the CLID transmitted over the 12:08:49
18 PSTN as well? 12:08:54
19 A. It can be. 12:08:56
20 Q. And when that CLID is being 12:09:02
21 transmitted, is that being transmitted on a voice 12:09:04
22 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 12:10:05
22 the calling line identification is transmitted

1 for general phone calls in the art prior to 12:10:09
2 Backhaus? 12:10:12
3 A. Yes. 12:10:15
4 Q. What is that understanding? 12:10:16
5 A. So, I think, I think it is a data 12:10:17
6 that gets sent over the network. 12:10:24
7 Q. When you say the network, that can 12:10:29
8 be the PSTN, correct? 12:10:31
9 A. Yes. 12:10:34
10 Q. And when you say data, what format 12:10:37
11 is the CLID sent in conventional phone calls? 12:10:39
12 A. I think the, I think the -- just the 12:10:44
13 specifics depend on the implementation. 12:10:49
14 But I think going back to my earlier 12:10:52
15 answer, I think a person of ordinary skill in the 12:10:55
16 art reading the '585 patent, for example, would 12:10:57
17 have understood the call to mean the voice path 12:11:02
18 where it is connected and would have understood 12:11:08
19 that a voice channel is the channel that is 12:11:10
20 carrying voice. 12:11:12
21 And would have understood that a 12:11:14
22 channel that is carrying non-voice would be 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

1 and answered. 12:19:30
2 THE WITNESS: Can you ask the 12:19:31
3 question one more time, please? 12:21:27
4 BY MR. MCCULLOUGH: 12:21:28
5 Q. At the moment the SLS platform 12:21:28
6 receives an incoming call from a third party to 12:21:31
7 an SLS number, at that moment is it receiving the 12:21:34
8 call on a voice channel? 12:21:37
9 A. At the moment that the SLS platform 12:21:40
10 is receiving a call -- 12:21:42
11 MR. HERR: Sorry. Same objections. 12:21:47
12 Please wait for me. Thank you. 12:21:48
13 THE WITNESS: Yeah, so in Backhaus, 12:22:01
14 again the notion of a call is broader. 12:22:14
15 In Backhaus when calls occur, there 12:22:19
16 are additional data exchanges that occur. 12:22:23
17 So, it depends on this scenario but 12:22:25
18 sometimes the call involves also a exchange 12:22:31
19 of data where a data channel would be 12:22:33
20 involved. 12:22:35
21 BY MR. MCCULLOUGH: 12:22:40
22 Q. So, you said sometimes the call also 12:22:50

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

1 that. And when I read it, that is how I -- when 12:29:59
2 I read it putting myself at the time, that is how 12:30:05
3 I would have understood it myself. 12:30:11
4 Q. Okay. Turn to the '585 patent, 12:30:17
5 which is, for the record, that is Exhibit 1001 in 12:30:21
6 Petition Number 357. 12:30:31
7 A. Give me one moment, please. 12:30:42
8 Q. Uh-huh. 12:30:44
9 A. Yes. Which paragraph would you like 12:30:54
10 me to go to? 12:30:56
11 Q. Column 1, Lines 62 to 64. 12:30:58
12 A. Sorry. Do you want me to look at my 12:31:13
13 declaration? What do you want me to look at? 12:31:16
14 Q. No, the '585 patent. 12:31:19
15 A. One moment. Thank you. Which line 12:31:30
16 number? Which column and line? 12:31:33
17 Q. Column 1, Line 60. 12:31:34
18 A. Under the Summary section? 12:31:47
19 Q. Yes. Okay. And here the patent 12:31:50
20 references, "Using a voice channel provided in 12:31:59
21 accordance with a voice channel protocol, e.g., 12:32:02
22 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 of the patents, CDMA, GSM, 3G, 4G, and LTE are all examples of voice channels. Correct? 12:32:21 12:32:23 12:32:29

A. I don't think a person of ordinary skill in the art reading this would make that conclusion. 12:32:33 12:32:36 12:32:38

Q. Why not? 12:32:40

A. Well, I think at the time already with these standards, many of us, including a person of ordinary skill in the art, would have something like an iPhone or an Android phone that is connected to one of these protocols. 12:32:41 12:32:45 12:32:51 12:32:53 12:32:56 12:32:58

And certainly, we have all used these protocols to exchange data. 12:33:00 12:33:09

Q. So, why does that mean these protocols do not represent a voice channel? 12:33:11 12:33:15

A. Well, like I said -- well, two things. 12:33:18 12:33:18

One is that, you know, a person of

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

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

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

1 connected yet. Correct? 13:04:54
2 MR. HERR: Same objection. 13:04:55
3 THE WITNESS: So, yeah, so the text 13:04:59
4 does not indicate whether it is talking about 13:06:26
5 a voice path or not. It just talks about 13:06:31
6 trying to make a call over a voice channel. 13:06:35
7 BY MR. MCCULLOUGH: 13:06:37
8 Q. The voice path is not connected 13:06:38
9 until step 424 at Lines 15 through 17, which is 13:06:39
10 where the calls are bridged, correct? 13:06:43
11 A. Well, I think 424 is trying to 13:06:45
12 bridge the two calls. 13:07:02
13 Q. Right. And before the calls are 13:07:05
14 bridged together, the voice path is not 13:07:06
15 connected. Correct? 13:07:09
16 A. Yeah, so can you repeat the question 13:07:09
17 one more time? 13:14:29
18 Q. Before the calls are bridged 13:14:30
19 together, the voice path is not connected. 13:14:32
20 Correct? 13:14:34
21 A. So, before the voice path is -- one 13:14:35
22 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 13:15:29
19 until the calls are bridged as described in 13:15:33
20 Column 7, Lines 15 through 21. Correct? 13:15:41
21 MR. HERR: Objection, asked and 13:15:42
22 answered.

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

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

1 a call. 13:25:09
2 So, I'm okay with the idea that the 13:25:09
3 call here is a voice call. 13:25:12
4 Q. So, you think step 422 is a voice 13:25:17
5 call? 13:25:20
6 A. The handset is trying to make a 13:25:34
7 voice call. Yes. 13:25:36
8 Q. Even though the voice path has not 13:25:37
9 been connected yet? 13:25:40
10 A. So, I think it is making a voice 13:26:09
11 call, and the voice call is established when the 13:26:11
12 voice path is established. 13:26:14
13 Q. Is it using a voice channel before 13:26:20
14 the voice path is established? 13:26:23
15 A. It is making a voice call -- it is 13:26:48
16 making a voice call when it is making the call. 13:26:50
17 That is correct. 13:26:57
18 MR. MCCULLOUGH: Objection, 13:26:58
19 nonresponsive. 13:26:59
20 BY MR. MCCULLOUGH: 13:27:00
21 Q. Is it using a voice channel before 13:27:00
22 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

1 A. So, I think the voice channels are 13:29:47
2 still there. The voice channel is still there. 13:29:50
3 They are just not yet acting. They are just not 13:29:53
4 yet carrying voice. They are just not acting as 13:29:56
5 voice channels. 13:29:59
6 Q. You used the phrase that the voice 13:30:04
7 channel becomes active when the call is fully 13:30:16
8 established. 13:30:19
9 When you said fully established, are 13:30:21
10 you referring to the bridging that happens in 13:30:23
11 step 424 or something else? 13:30:25
12 A. So, I think in these steps 422 and 13:30:27
13 so forth in Figure 4, I think the diagram shows 13:33:27
14 information being exchanged. 13:33:32
15 And those informations are being 13:33:36
16 exchanged that are data. That are not part of 13:33:40
17 the voice channel. 13:33:44
18 So, I think the path that is shared 13:33:44
19 is just trying to make a call over a voice 13:33:47
20 channel. I think it is what is stated which is 13:33:49
21 the handset is trying to make a call over a voice 13:33:52
22 channel. 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

1 on the subscriber's mobile device. 14:09:01
2 Correct? 14:09:03
3 A. So, the Paragraph 35 talks about the 14:09:07
4 role of the handset in these services that you 14:11:08
5 have just mentioned. 14:11:13
6 MR. HERR: Also, just sorry to 14:11:17
7 interject. We have been going a little bit 14:11:18
8 over an hour. 14:11:21
9 So, when you find, when you find a 14:11:21
10 point where, you know, in the next ten 14:11:24
11 minutes, if we can take a break, we will 14:11:26
12 appreciate that. 14:11:29
13 MR. MCCULLOUGH: Okay. 14:11:31
14 MR. HERR: Thank you. 14:11:32
15 BY MR. MCCULLOUGH: 14:11:32
16 Q. So, the, Backhaus never describes 14:11:33
17 providing voicemail for the user's primary 14:11:40
18 number. Correct? 14:11:43
19 A. So, in Paragraph 68 of Backhaus, and 14:11:44
20 in another place, but specifically it talks about 14:13:59
21 similar features and services associated with the 14:14:02
22 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

1 platform to provide voicemail for a call to the 14:18:32
2 primary number because the primary number is 14:18:35
3 never routed to the SLS platform. Correct? 14:18:39
4 MR. HERR: Objection, form. 14:18:42
5 THE WITNESS: So, can you, can you 14:18:44
6 point me to where in any of the declarations 14:18:47
7 that I offer such an opinion? 14:18:52
8 BY MR. MCCULLOUGH: 14:18:55
9 Q. I didn't say you offered an opinion. 14:18:55
10 I'm asking a question about your understanding of 14:18:57
11 Backhaus. 14:19:00
12 In Backhaus, it is impossible for 14:19:00
13 the SLS platform to provide voicemail for a call 14:19:02
14 to the primary number because the primary number 14:19:05
15 is never routed to the SLS platform, correct? 14:19:09
16 MR. HERR: Objection, asked and 14:19:11
17 answered. 14:19:12
18 THE WITNESS: Yeah, so I don't 14:19:12
19 recall offering such an opinion in my 14:19:16
20 declaration. Again, if I did, I would 14:19:17
21 appreciate if you can point me to it, so I 14:19:21
22 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 paragraph you say, "Such a storing process is performed automatically" -- 14:37:11 14:37:15 14:37:18

A. Sorry. One -- I want to do one more thing. 14:37:21 14:37:24

Thank you. Go ahead. Paragraph 61. 14:37:36

Q. Do you see the sentence that begins, "Such a storing process is performed automatically"? 14:37:36 14:37:38 14:37:41

A. Such a process. I'm looking for the words, such a process. 14:37:51 14:37:51

Q. Such a storing process. 14:37:52

A. "Such a storing process." Okay. 14:37:52 14:37:53

Q. Okay. Go ahead and read that sentence to yourself. 14:37:55 14:39:43

Have you read the sentence, Dr. Lin? 14:39:46

A. I have, yes. 14:39:47

Q. Okay. Is it your opinion that the storing you are referencing here is automatic because of who is performing it, the service providers and platform versus a user, or is there something else to your opinion that I am missing? 14:39:52 14:39:54 14:39:57 14:40:03

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

1 will ask him for an explanation after he says 15:07:12
2 yes or no. 15:07:14
3 But he can't refuse to answer the 15:07:14
4 question. He has to give me the yes or no. 15:07:17
5 MR. HERR: He did not refuse to 15:07:19
6 answer the question. He did try to answer 15:07:22
7 the question but you keep cutting him off. 15:07:23
8 MR. MCCULLOUGH: Where did he say 15:07:24
9 yes or no? Can you point me anywhere in this 15:07:25
10 transcript where he said yes or no to that 15:07:28
11 question? No. 15:07:32
12 BY MR. MCCULLOUGH: 15:07:33
13 Q. Dr. Lin, does Backhaus ever describe 15:07:33
14 a specific example of using both IP and CDMA for 15:07:37
15 the transmission of a single call? Yes or no? 15:07:42
16 MR. HERR: Objection. Same 15:07:44
17 objections. Asked and answered. 15:07:45
18 THE WITNESS: So, first of all, I 15:07:47
19 don't think your question can be answered 15:07:48
20 with a yes or no. So I am entitled to answer 15:07:51
21 the question -- I'm entitled to give you an 15:07:53
22 answer. 15:07:53

1 BY MR. MCCULLOUGH: 15:07:55
2 Q. Okay. Why can't the question be 15:07:55
3 answered yes or no? 15:07:57
4 A. Well -- 15:07:58
5 MR. HERR: Objection, form. 15:07:59
6 THE WITNESS: I believe I have 15:08:01
7 already answered your question. So, Backhaus 15:08:03
8 already talked about using IP-based 15:08:07
9 communication. 15:08:10
10 Let me finish my answer before you 15:08:11
11 jump in. 15:08:13
12 Backhaus teaches or discloses using 15:08:13
13 IP-based communications which is clearly a 15:08:17
14 data channel for using the IP network to pass 15:08:20
15 data. 15:08:24
16 I think, I didn't analyze 15:08:25
17 specifically CDMA. As I said earlier, I did 15:08:28
18 not. 15:08:31
19 If you would like me to analyze it, 15:08:31
20 I can do it afterwards, but not within the 15:08:35
21 window of this call. 15:08:37
22 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

1 A. I think this is one of the places 15:19:15
2 where I explain it, yes. 15:19:17
3 Q. And the only cite that you provide 15:19:21
4 for that is Paragraph 74 of Backhaus, correct? 15:19:30
5 MR. HERR: Objection, form. 15:19:38
6 BY MR. MCCULLOUGH: 15:19:58
7 Q. Strike that. 15:19:59
8 The only cite that you provide for 15:20:00
9 supporting your opinion that Backhaus can use IP 15:20:02
10 is Paragraph 72 and 73 of Backhaus, correct? 15:20:07
11 MR. HERR: Same objections. 15:20:11
12 THE WITNESS: I think in looking at 15:20:34
13 Paragraphs 69 and 70, it cites to 72, 73, and 15:20:36
14 it also cites to 74. 15:20:46
15 Give me a moment. 15:20:48
16 BY MR. MCCULLOUGH: 15:20:59
17 Q. Where do you cite 74 as showing that 15:20:59
18 Backhaus can use IP? 15:21:02
19 A. Give me a moment. So, I cited to 15:21:05
20 72, 73, which is quoted in my -- with quotes in 15:21:33
21 my -- in cites in my declaration. 15:21:35
22 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

1 service may be used by some embodiments." 15:23:44
2 Q. Okay. My question, Dr. Lin, was 15:23:50
3 about Paragraph 72. Paragraph 72 describes 15:23:52
4 communications from the module to the platform. 15:23:55
5 Correct? 15:23:58
6 A. The -- it talks about the certain 15:23:59
7 embodiments of an SLS module may communicate with 15:24:19
8 an SLS platform. 15:24:23
9 Q. Paragraph 72 never describes 15:24:24
10 communications from the platform to the module, 15:24:27
11 correct? 15:24:29
12 A. No. I think I read it as -- I think 15:24:31
13 I read Paragraph 72 as talking about SLS module 15:26:27
14 may communicate with -- it is about communication 15:26:32
15 with the SLS platform with two directions. 15:26:35
16 Q. Where are you reading that in 15:26:40
17 Paragraph 72? 15:26:42
18 A. It is beginning -- well, actually 15:26:44
19 several places. In the first sentence it talks 15:26:46
20 about that is envisioned that the SLS module 15:26:49
21 communicate with the SLS platform. That is sort 15:26:52
22 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

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

1 upcoming break, that would be great. 15:32:21
2 MR. MCCULLOUGH: That's fine. We 15:32:28
3 can take a break now. 15:32:28
4 (Recess taken -- 3:32 p.m.) 15:39:45
5 (After recess -- 3:48 p.m.) 15:39:45
6 BY MR. MCCULLOUGH: 15:48:28
7 Q. All right. Dr. Lin, turn to 15:48:28
8 Paragraph 76 of your declaration. 15:48:31
9 A. Okay. 15:49:00
10 Q. All right. So, this is addressing 15:49:00
11 claim Limitation 1D, correct? 15:49:02
12 A. Yes. 15:49:04
13 Q. And Limitation 1D requires receiving 15:49:06
14 at a switch an outgoing call via a second 15:49:09
15 channel. Correct? 15:49:13
16 A. From the mobile device to an access 15:49:16
17 number via a second channel. 15:49:19
18 Q. Okay. And the second channel in the 15:49:21
19 claims here has to be a different channel than 15:49:23
20 the data channel mentioned earlier. Correct? 15:49:26
21 A. Yes. 15:49:31
22 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

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

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

1 Q. The first sentence says, "When the 16:28:11
2 SLS platform 115 processes this first leg of the 16:28:14
3 call, it may recognize that the calling number is 16:28:17
4 the subscriber's primary number" -- 16:28:21
5 A. Wait. So, go ahead, one more time, 16:28:25
6 please. When the SLS platform -- 16:28:27
7 Q. Yes. The first sentence of this 16:28:31
8 paragraph. You see that, right? 16:28:33
9 A. Yes. 16:28:34
10 Q. And the first sentence states that 16:28:35
11 the call that is being received by the SLS 16:28:37
12 platform has a calling number field set to the 16:28:40
13 subscriber's primary number and a called number 16:28:45
14 field set to the relationship number. Correct? 16:28:48
15 A. Correct. That is what is written. 16:28:54
16 Q. What is the difference between the 16:29:09
17 call from the user's terminal to the relationship 16:29:19
18 number that you contend is received on a voice 16:29:25
19 channel for Limitation 1D, and the call that you 16:29:30
20 discussed in your first way in Paragraph 68, 16:29:35
21 which is from the platform to the subscriber's 16:29:38
22 device that you contended was a data channel? 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

1 channel? 16:46:54
2 MR. HERR: Objection, form. 16:46:56
3 THE WITNESS: Can you repeat that 16:47:02
4 question one more time? 16:47:04
5 BY MR. MCCULLOUGH: 16:47:05
6 Q. Sure. So, I'm asking about the two 16:47:05
7 different calls you rely on. First in 16:47:07
8 Paragraph 68, what you call the first way. 16:47:10
9 And then the call from the 16:47:12
10 subscriber's device to the relationship number 16:47:14
11 that you are relying on for Limitation 1D. 16:47:16
12 And, both of those calls are between 16:47:18
13 a subscriber's terminal device and the SLS 16:47:21
14 platform. They both have a calling party field. 16:47:25
15 They are both received before the voice path is 16:47:27
16 connected. 16:47:30
17 So, why do you conclude that the 16:47:30
18 call in Paragraph 68 is a voice -- or is a data 16:47:34
19 channel but the call in Limitation 1D is a voice 16:47:37
20 channel? 16:47:41
21 MR. HERR: Objection, form. 16:47:48
22 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

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

1 Correct? 17:15:23
2 A. I see that, yes. 17:15:24
3 Q. And the stored relationship 17:15:28
4 information that you are talking about there is 17:15:30
5 stored in the database on the SLS platform 17:15:33
6 server. Correct? 17:15:36
7 A. So you are asking me about whether 17:15:43
8 this sentence is in my thing. 17:16:58
9 So, could you just repeat what you 17:17:00
10 just said and then ask the question you want to 17:17:02
11 ask afterward? 17:17:04
12 Q. The stored information that you 17:17:05
13 reference in Paragraph 80 is stored in the 17:17:08
14 database on the SLS platform server. Correct? 17:17:10
15 A. I believe the information here about 17:17:13
16 calling third party number based on the storage 17:19:29
17 information, I believe that this is referring to 17:19:33
18 the information being stored on the SLS platform. 17:19:35
19 So, let me confirm that on Paragraph 60 of 17:19:38
20 Backhaus. 17:19:43
21 So, this information about the 17:20:58
22 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

1 about what the SLS platform is doing. Correct? 17:22:34
2 A. I see. So, yeah, right. So, yeah, 17:22:37
3 so my answer was that the relationship 17:22:41
4 information is available at both the handset and 17:22:42
5 the SLS platform. 17:22:46
6 But I agree that in this sentence, I 17:22:47
7 am talking about the second leg of the call. And 17:22:51
8 in the second leg of the call the, the SLS 17:22:53
9 platform also has this relationship number 17:22:59
10 information. 17:23:01
11 Q. All right. So, now I want to ask 17:23:06
12 you about the Logan reference, which you rely on, 17:23:09
13 in the connection with the '770 patent. 17:23:14
14 So, you can pull up that declaration 17:23:16
15 if you want. 17:23:18
16 A. Give me a moment please. Thank you. 17:23:26
17 Okay, I have that declaration open 17:23:42
18 for '770. 17:23:44
19 Q. So, I am trying to understand how 17:23:46
20 you are proposing that Logan and Backhaus would 17:23:53
21 operate together. 17:23:56
22 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

1 that features like voicemail and message 17:35:18
2 services, automated response can also be 17:35:21
3 available for calls directed to the 17:35:26
4 subscriber's primary number. 17:35:28
5 And I think Logan -- because 17:35:31
6 Backhaus already suggests that such services 17:35:34
7 could be offered, or similar services and 17:35:37
8 features could also be provided to the 17:35:42
9 primary number -- I think a person of skill 17:35:44
10 in the art reading Backhaus, in view of 17:35:46
11 Logan, would understand in Logan, these call 17:35:48
12 processing rules can apply to both primary 17:35:53
13 numbers and secondary numbers. 17:35:56
14 So, I think a person of skill in the 17:36:02
15 art would be motivated to implement this 17:36:04
16 because of the benefit that you get from 17:36:06
17 allowing the user to express user 17:36:10
18 preferences. 17:36:13
19 BY MR. MCCULLOUGH: 17:36:16
20 Q. You are not relying upon Logan for 17:36:16
21 actually routing calls, correct? 17:36:20
22 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

1 number is used in your analysis is that it is 17:46:44
2 part of the specially encoded data in the calling 17:46:50
3 party field. Correct? 17:46:54
4 A. So, I think your question is the 17:49:34
5 same, similar to the questions you asked earlier. 17:49:36
6 Again, I think in the limitation, 17:49:38
7 the incoming call is clearly referring to an 17:49:41
8 incoming voice call. 17:49:44
9 And the incoming voice call is, is 17:49:45
10 passed over the voice channel in order to carry 17:49:53
11 voice. 17:49:56
12 And the switch is, the switch is the 17:49:57
13 thing that is connecting, making the connection. 17:50:01
14 So, in Paragraph 104, I talk about, 17:50:04
15 based on the user input, accepting incoming call 17:50:09
16 by connecting with the switch over at least one 17:50:12
17 voice channel. 17:50:14
18 And so I think the Backhaus 17:50:15
19 disclosure meets this limitation. 17:50:23
20 Q. So, the part of the claim that I am 17:50:26
21 asking about now is the phrase, using the bridge 17:50:28
22 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

1 BY MR. MCCULLOUGH: 18:18:45
2 Q. The pre-call information in 18:18:54
3 Limitation 1G has to include a bridge telephone 18:18:57
4 number such that the handset can accept the 18:19:06
5 incoming call by connecting with a switch over 18:19:10
6 the at least one voice channel using the bridge 18:19:14
7 telephone number. 18:19:17
8 Correct? 18:19:17
9 A. If you are reading what is in the -- 18:19:20
10 what is recited in the limitation, I didn't catch 18:19:22
11 every word. But, if you represent to me that you 18:19:25
12 are just reading the limitation, then, then you 18:19:27
13 are reading the limitation. 18:19:30
14 Q. So, the reference to the incoming 18:19:32
15 call in Limitation 1G, that reference must be the 18:19:34
16 same call as Limitation 1F. 18:19:40
17 Correct? 18:19:43
18 A. I think, I think regardless, 18:19:44
19 regardless -- I think in both ways, they are at 18:20:18
20 least before -- in both ways I think you can 18:20:23
21 think of them as being before a call is 18:20:25
22 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

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

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

1 '094, Paragraph Number 57? 18:36:13
2 Q. Yes. 18:36:16
3 A. That is the preamble. 18:36:16
4 Q. No, sorry. 67. 18:36:22
5 A. 67. Okay. I am happy to answer a 18:36:24
6 question about the preamble if you like. 18:36:29
7 Q. I don't think that will be 18:36:31
8 necessary. Are you at 67? 18:36:33
9 A. I am, yes. 18:36:45
10 Q. Okay. So, here you are quoting 18:36:50
11 Backhaus, Paragraph 47, that says, "Relationship 18:36:52
12 numbers may be used for a plurality of subscriber 18:36:54
13 number and third party number combinations." 18:36:57
14 Is this the quote that you were 18:37:00
15 looking for earlier? 18:37:02
16 A. It is possible. Let me pull up 18:37:04
17 Backhaus and I will let you know. Thank you. 18:37:07
18 Yes, I think in this Paragraph 67. 18:38:03
19 I also cite to Paragraph 46, that also talks 18:38:05
20 about the description in this disclosure of 18:38:08
21 exemplary embodiments that include individual 18:38:11
22 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

1 subscriber. Correct? 18:39:50
2 MR. HERR: Objection, form. 18:39:54
3 THE WITNESS: I am sorry. None of 18:39:56
4 these examples to do what? 18:39:58
5 BY MR. MCCULLOUGH: 18:40:00
6 Q. None of these examples use the same 18:40:00
7 relationship number for two different contacts of 18:40:02
8 the same subscriber, correct? 18:40:05
9 A. Well, like I said, in Paragraph 46, 18:40:07
10 Backhaus was very careful in writing that the 18:40:14
11 description in this disclosure are of exemplary 18:40:19
12 embodiments. 18:40:23
13 And they are offered for 18:40:24
14 illustrative purposes only and will not limit the 18:40:26
15 scope of the disclosure. 18:40:30
16 So, I think he is providing 18:40:31
17 examples, but he is clear in informing the reader 18:40:34
18 that these are examples and will not limit the 18:40:38
19 scope of this disclosure. 18:40:45
20 They are -- therefore, for 18:40:46
21 illustrative purposes only. That is what he 18:40:48
22 wrote. 18:40:50

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

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

1 Q. Okay. So now I'm going to show, I'm 18:49:35
2 going to share Exhibit 8 -- or Exhibit 2008 in 18:49:39
3 the chat. So, open that up when it comes 18:49:46
4 through, please. 18:49:50
5 MR. MCCULLOUGH: And I will just 18:49:52
6 note for the record, this is a new one. 18:49:53
7 And I will just -- 18:50:00
8 THE WITNESS: I did not rely upon 18:50:02
9 it. 18:50:03
10 BY MR. MCCULLOUGH: 18:50:04
11 Q. Correct. It is new. You haven't 18:50:04
12 seen it before. 18:50:05
13 MR. MCCULLOUGH: This exhibit, 18:50:06
14 Exhibit 2008 should be included with the 18:50:08
15 deposition transcript. I will just note that 18:50:09
16 for the court reporter. 18:50:11
17 (Exhibit 2008 marked for 18:50:11
18 identification.) 18:50:11
19 THE WITNESS: And what do you want? 18:50:16
20 Do I need to do anything right now? 18:50:17
21 BY MR. MCCULLOUGH: 18:50:20
22 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

1 BY MR. MCCULLOUGH: 18:51:32
2 Q. Okay. So, Dr. Lin, Exhibit 2008 is 18:51:33
3 a table that I made up that is designed to look 18:51:35
4 like Table 310, which is part of Figure 3A in 18:51:38
5 Backhaus. 18:51:42
6 So, do you see my table in 18:51:44
7 Exhibit 2008? 18:51:47
8 A. Yes. But this is the first time I 18:51:49
9 am seeing it. I don't feel comfortable offering 18:51:52
10 opinions about this thing that I have not seen 18:51:55
11 before. 18:51:58
12 MR. HERR: Yes. Same objections. 18:51:58
13 BY MR. MCCULLOUGH: 18:52:00
14 Q. So, in the table in Exhibit 2008, 18:52:00
15 the relationship number for Contacts 1 and 3 is 18:52:04
16 the same. Correct? 18:52:08
17 MR. HERR: Same objections. 18:52:09
18 THE WITNESS: Again, I have not seen 18:52:11
19 this before. And I, you know, I am a 18:52:13
20 methodical person. I don't feel comfortable 18:52:15
21 offering opinions about something I have 18:52:18
22 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

1 same. 18:53:34
2 Q. Okay. And the third party number 18:53:34
3 for Rows 1 and 3 is different. Correct? 18:53:37
4 A. You have a column here labeled Third 18:53:41
5 Party Number. And the first row shows 18:53:46
6 3052299999. The second row shows 2127778888. 18:53:54
7 And the third row shows 4083332222. 18:54:01
8 Q. So, the first and the third rows for 18:54:09
9 the third party number are different. Correct? 18:54:12
10 A. Yes, they don't, they don't appear 18:54:14
11 to have the same digits. 18:54:19
12 Q. So, if this were a subscriber 18:54:21
13 contact table used in Backhaus, and the 18:54:25
14 subscriber's phone made a call to the 18:54:29
15 relationship number 16782220001, the Backhaus 18:54:31
16 system would have no way of knowing whether to 18:54:41
17 route this call to the third party number in the 18:54:43
18 first row or the third party number in the third 18:54:46
19 row. 18:54:48
20 Correct? 18:54:49
21 MR. HERR: Objection, form. 18:54:51
22 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

1 BY MR. MCCULLOUGH: 19:02:36
2 Q. It just picks one at random? 19:02:36
3 MR. HERR: Objection, form. 19:02:44
4 THE WITNESS: Yeah. So again, I 19:02:45
5 think my answer remains the same. I think 19:02:46
6 the disclosure that I cited from Backhaus is 19:02:48
7 enough to meet the limitation. 19:02:50
8 BY MR. MCCULLOUGH: 19:02:52
9 Q. But you can't explain to me how 19:02:54
10 Backhaus would know how to correctly route a call 19:02:56
11 if the same relationship number is used for 19:02:59
12 multiple contacts of the same subscriber? 19:03:01
13 MR. HERR: Objection, form. 19:03:06
14 Objection, outside of scope. Objection, 19:03:07
15 asked and answered. 19:03:09
16 THE WITNESS: Again, I think my 19:03:14
17 answer remains the same which is I think 19:07:18
18 Backhaus discloses this as a possibility. 19:07:20
19 And I think it -- you know, I think it is 19:07:25
20 fine. 19:07:31
21 And I think the same, you know, 19:07:31
22 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

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3 I, BILL LIN, PH.D. do hereby certify under
4 penalty of perjury that I have read the foregoing
5 transcript of my deposition taken on
6 October 12, 2023; that I have made such
7 corrections as appear noted herein in ink,
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9 herein, as corrected, is true and correct.
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