

1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2 PATENT TRIAL AND APPEAL BOARD

3 CERTIFIED COPY

4 In re:) U.S. PATENT NO.
5 UNITED SERVICES AUTOMOBILE) 9,311,271
6 ASSOCIATION (USAA),) PROCEEDING NO.
7 PETITIONER,) IPR2023-00911
8 V.) U.S. PATENT NO.
9 AUTO TELEMATICS, LTD.,) 9,633,487
10 PATENT OWNER.) IPR2023-00518
11) U.S. PATENT NO.
12) 10,192,369
13) PROCEEDING NO.
14) IPR2023-00768
15) U.S. PATENT NO.
16) 10,198,879
17) IPR2023-00857

18 VOLUME II

19 CONTINUED ORAL DEPOSITION OF CHRISTOPHER K. WILSON

20 Wednesday, March 27, 2024

21 Reported by:

22 SUSAN ASHE, CCR, RMR, CRR

23 Ref. 36137-0024IP1, 36137-0025IP1, 36137-0026IP1 and 36137-0027IP1
24 Job No.: 24-135183
25

Exhibit 1085

USAA v. Auto Telematics
IPR2023-00518

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	)	10,198,879
	)	IPR2023-00857

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16 **Oral deposition of CHRISTOPHER K. WILSON,**

17 **taken on behalf of the Petitioner, continuing at**

18 **9:39 a.m., on Wednesday, March 27, 2024, at the law**

19 **offices of Whiteford, Taylor & Preston, 1800**

20 **M Street, Northwest, Washington, D.C., before Susan**

21 **Ashe, CCR, RMR, CRR, and Notary Public of the**

22 **District of Columbia.**

23

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THE WITNESS

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EXHIBITS

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PREVIOUSLY MARKED EXHIBITS

PETITIONER

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WEDNESDAY, MARCH 27, 2024;

9:39 A.M. EASTERN DAYLIGHT TIME

--o0o--

Whereupon,

CHRISTOPHER K. WILSON

having been previously duly sworn, continued to be
examined and testified as follows:

EXAMINATION (Continued)

BY MR. CHAKKALAKAL:

Q. Good morning, Mr. Wilson.

A. Good morning.

Q. I'd like to --

MR. TILLER: Did you have
something you wanted to say?

THE WITNESS: Yeah, I do.

A. I don't know where you are, but yesterday
you asked if I, you know, had any second thoughts or
had thought about stuff. And a couple of things
came to mind I wanted to clear up from yesterday.

One was, we were talking about sensors and
sensor data, what raw data was.

Q. Um-hum.

A. And for purposes of the '271 patent, you
know, raw data is the data that comes out of the
sensor set, chipsets that would have been purchased

1 by Apple or whomever.

2 And so, that would be, you know,
3 machine-readable data. You know, it is not voltages
4 and stuff. That was a rathole I went down and
5 irrelevant to the Wright patent.

6 Q. Okay. And was that in response to a
7 particular question, do you remember, or just a
8 general statement that you're making?

9 A. No. I believe there was a question along
10 the lines of, you know, what constituted raw sensor
11 data.

12 And I went down a rathole of looking at
13 the data within the sensor rather than the data from
14 the sensor as it would be perceived by the phone.

15 So I went into the -- you know, into the
16 sensors more than, certainly, Wright does.

17 Q. Okay.

18 A. Yep.

19 Q. Okay. And was there something else?

20 A. The other thing was: I woke up at 4 this
21 morning and realized I may have made an error
22 yesterday when we were talking about what is driver
23 information.

24 I was fixated for a while on -- while we
25 were having that conversation, on the acceleration,

1 and thinking at the time that acceleration was both
2 driver information and raw data. And it's not.

3 And so, I may have said that raw data
4 could be driver -- or driver information itself.

5 But to be clear and consistent with the
6 claims, driver information is derived from the raw
7 data. It is not the raw data itself.

8 I can't remember exactly what I said, but
9 I just want to be clear: Driver information is
10 derived from the raw data. It is not raw data.

11 Q. Okay. And so just following up on that,
12 if you have raw data, as you are describing it, and
13 you -- and that in and of itself is not the driver
14 information?

15 A. Yes. Driver information is derived from
16 that.

17 Q. Okay. And the....

18 We discussed in the patent yesterday the
19 speed and location are considered driver
20 information. Correct?

21 A. Yes, I remember some discussion of that.

22 Q. All right. And that was disclosed in the
23 patent: speed and location information being driver
24 information. Correct?

25 A. I remember some citation to that.

1 I don't remember the details at this
2 point.

3 Q. Okay. And just to be clear, if we can go
4 to Exhibit No. --

5 A. Is this Curry?

6 Q. No; this is the '271 patent.

7 A. '271, okay.

8 Q. It should be Exhibit No. 2.

9 A. Exhibit 2.

10 (Whereupon, Petitioner Exhibit 2,
11 previously marked, was presented to the witness.)

12 Q. And we went down to Column 4, line 26 to
13 27 -- sorry, 27, actually.

14 And so:

15 ...the "driver"
16 information -- for example, the
17 speed and location of the
18 vehicle.

19 A. I see that.

20 Q. Okay. So you agree with me that speed and
21 location are driver information. Correct?

22 A. Yes.

23 Q. Okay.

24 (Pause.)

25 Q. Sorry. I'm just reviewing the statement

1 you made. So give me just a second.

2 (Pause.)

3 Q. Okay. So I did want to follow up on one
4 of the things from our....

5 There was a question I asked you yesterday
6 about whether the -- Curry discloses a downloaded
7 application.

8 Do you remember that?

9 A. Vaguely, yes.

10 Q. And I believe you answered you weren't
11 certain.

12 And to the extent, I just wanted to point
13 you to --

14 MR. TILLER: So we're now on
15 Curry?

16 Q. Yes. So if we go to the Curry reference.

17 MR. TILLER: Just give me a
18 little warning.

19 MR. CHAKKALAKAL: Oh, I'm sorry
20 about that.

21 A. Curry is 3.

22 Q. Yep. Thank you.

23 So for -- looking at Exhibit 3, and then
24 we go to the page 3 -- with the caveat that this is
25 the lower numbers -- and we go to line 14 --

1 A. I'll grab glasses.

2 Q. -- 13.

3 No problem take your time.

4 A. I don't remember where I put them last
5 night -- I put them somewhere it would be easy to
6 find in the morning. All right.

7 (Discussion off the record.)

8 (Whereupon, Petitioner Exhibit 3,
9 previously marked, was presented to the witness.)

10 A. Okay. Where are we?

11 Q. The Curry reference, Exhibit 3, page 3,
12 line 13.

13 A. Okay.

14 Q. It says:

15 The mobile device control
16 module can be download and
17 operated on the wireless
18 device....

19 Do you see that?

20 A. I do.

21 Q. When you're "down-signing" -- when you
22 download an application onto a mobile device, do you
23 have to essentially set it up and configure it?

24 A. That is correct.

25 Q. So just to be clear -- so -- and what I'm

1 getting at is: You have to some sort of interaction
2 with your phone in order to download an application
3 and have it actually run on your phone. Right?

4 A. It seems to me I have downloaded apps from
5 my computer and said, you know, download this to my
6 phone.

7 So I don't know that that's necessarily
8 true.

9 Q. Okay.

10 A. I can't remember what it would have been
11 like in 2010, either.

12 Q. Okay. So since Curry discloses an iPhone
13 3G, do you understand that -- generally, how a
14 downloaded application would work on an iPhone?

15 A. Generally. But relevant to this, I don't
16 know if it could be downloaded from your computer,
17 say, you know, download this and --

18 (Simultaneous speaking.)

19 Q. If you're operating the mobile device,
20 would you have to -- like, if you're on your mobile
21 device and you download an application.

22 A. That would involve interacting with -- I
23 guess it's the Play Store or the Apple Store, and
24 the user interface to download it from -- if you
25 were downloading it from your phone on your mobile

1 device.

2 Q. Let's see. So I want to take you to -- we
3 can stick on the Curry reference, and let's go
4 to....

5 (Pause.)

6 Q. If you could take a look at Figure 1 of
7 Curry.

8 A. I'm there.

9 Q. Okay. And....

10 (Pause.)

11 Q. In Figure 1 of Curry, you have the motion
12 data cache that's illustrated as No. 118. Right?

13 A. Correct.

14 Q. Okay. Well, actually, let me ask you
15 this: Curry makes reference to "safety data."

16 Would you agree with me that the safety
17 data is -- includes the driver safety statistic?

18 (Witness reading.)

19 A. Can you point me to where Curry refers to
20 "safety data."

21 I don't recall that and don't recall
22 opining on that.

23 Q. Sure. It is on the -- if you look
24 under -- if you look at page 7 and go to line 8:

25 In one embodiment, the

1 driving safety data can be
2 recorded in mobile phones and
3 then transmitted to a centrally
4 managed data server through
5 wireless communication
6 links....

7 MR. TILLER: And again, Noel,
8 the question is that the safety data
9 includes -- does the safety data include
10 the safety statistic.

11 MR. CHAKKALAKAL: Yes.

12 MR. TILLER: Okay.

13 A. So....

14 So the driving safety data of line 8 of
15 page 7 of Curry would not include the safety
16 statistics, because the safety statistic doesn't
17 exist on the phone. And this is referring to stuff
18 being sent from the phone.

19 So that would be the raw sensor data.

20 Q. Does the raw sensor data include a phone
21 usage data?

22 A. I would assume -- but by "phone usage
23 data," do you -- well, what do you mean by "phone
24 usage data"?

25 Q. I guess my question to you is: What would

1 you understand "phone usage data" to be after
2 reviewing the Curry patent?

3 (Witness reading.)

4 A. I don't see a specific reference to it
5 here.

6 But in general, I would consider "phone
7 usage data" to be whether the phone was being --
8 there was interaction between the phone and the
9 driver at the time.

10 Q. And is that -- would that be raw sensor
11 data?

12 A. Not according to Wright, it wouldn't be.

13 I mean, he has specifically excluded --
14 or, you know, listed the sensors that would provide
15 that data. And the phone is, you know, noticeably
16 absent from that list of sensors that provide raw
17 sensor data.

18 Q. Okay. And in the -- from your review of
19 the Curry reference, do you understand phone usage
20 to be raw sensor data?

21 A. Can you....

22 Phone data....

23 I don't -- I mean, if you want to point to
24 me to something, I can go there.

25 But I don't recall having an opinion on,

1 you know, the phone usage as sensor data within
2 Curry.

3 Q. Well, Mr. Wilson, you've reviewed the
4 Curry reference. Right?

5 A. Correct.

6 Q. And you made a statement earlier today
7 about what constitutes raw sensor data. Right?

8 A. Correct.

9 Q. Okay. So I'm asking you: Is phone usage
10 part of the raw sensor data in the Curry reference?

11 A. Well, according to Wright, phone usage
12 data is not raw sensor data.

13 Q. Okay. That's according to Wright.

14 And I just want to make sure that when
15 your -- does your opinion change if -- in the
16 context of Curry?

17 A. Again, I don't believe I have formed an
18 opinion on this. So I would say no.

19 Q. And just to be clear, I understand -- you
20 know, I understand your opinions. But I'm also
21 exploring the basis for your opinions. Right?

22 A. Um-hum.

23 Q. So I'm trying to understand the context of
24 what you've talked about with regards -- with
25 respect to raw sensor data. So that's what I'm

1 trying to understand.

2 Is phone usage considered raw sensor data
3 with respect to the Curry reference?

4 MR. TILLER: Objection; seeks
5 irrelevant information.

6 The issue is: What is sensor
7 set data, as defined by the Wright patent?

8 That's what we're talking about
9 here.

10 Q. Mr. Wilson, please, answer the question.

11 A. Yeah, I'm....

12 I mean, if you want to point me to
13 somewhere in here where he is defining "phone usage
14 data," I can look at that.

15 But, you know, sitting here today, I don't
16 believe -- I don't -- yeah, I don't -- I don't have
17 an opinion on whether phone usage is sensor data in
18 Curry or not.

19 Q. What sensors would you understand Curry to
20 disclose?

21 A. I see in, you know, page 7, line 5, he
22 discloses an accelerometer sensor.

23 He discloses a GPS sensor.

24 You know, looking at line -- or page 3,
25 line 6, it seems to be that the sensors he is

1 disclosing is an embedded accelerometer and a GPS
2 receiver.

3 And that's all I see, just looking at this
4 right now.

5 Q. Okay. So now if I take you to page 18,
6 line 1.

7 And it says there:

8 The driver safety data
9 includes the acceleration data,
10 speed data, and phone usage
11 data to enable a usage of the
12 mobile device to be monitored.

13 Do you see that?

14 A. I do.

15 Q. Okay. So the safety data includes more
16 than just raw sensor data. Right?

17 A. Well, Curry here seems to -- or does
18 define "safety data" as acceleration data, speed
19 data, and phone usage data.

20 So that's what it includes for Curry.

21 Q. Okay. And that is more than just raw
22 sensor data. Correct?

23 A. That would be more than raw sensor data,
24 according to the Wright patent, yes.

25 Q. And according to your review of --

1 according to what you've reviewed in the Curry
2 reference. Right?

3 A. Again, I don't really have an opinion on
4 whether phone usage data is safety data or not -- or
5 is raw sensor data or not.

6 So it's not inconsistent with that.

7 Q. Now, if you could turn to....

8 Well, let's look at -- let's look at
9 Figure 1.

10 A. Figure 1 of Curry?

11 Q. Yes, sorry. Figure 1 of Curry, Exhibit 3.

12 And you see there...let me pull it up.

13 You see in Figure 1 a user permission
14 database. Right?

15 It's inside the mobile phone client.

16 A. Yes, I see it. No. 112?

17 Q. Yeah. What is your general understanding
18 of what a database does?

19 A. A database generally organizes information
20 into a structured format.

21 Q. Okay. Would you agree or disagree that a
22 database stores information?

23 A. Yeah, a database utilizes stored
24 information.

25 Q. Okay. And if you look -- so in this --

1 and the cache also stores information. Correct?

2 A. Yes. A "cache" generally refers to
3 something temporarily storing information.

4 Q. Okay. And if you look here, the data from
5 the cache and -- is sent to a wireless
6 communications link. And then that is sent -- at
7 least has the ability to send information to the
8 driving safety data server.

9 Is that correct?

10 A. That is correct.

11 Q. Okay. And the activity mode recognition
12 that is at 120, that is -- would you agree with me
13 that that is the module that makes a determination
14 whether the context is, for example, driving,
15 walking, or running?

16 A. Yes, I agree.

17 Q. And if I take you down to Figure 3 on
18 page 26.

19 A. Okay.

20 Q. You see that same activity mode
21 recognition in Step 306. Correct?

22 A. Yes.

23 Q. Okay. And so, that activity mode
24 recognition would take the data from the motion data
25 cache and determine a context, such as walking,

1 running, or driving. Correct?

2 A. Yes. That is the role of the activity
3 mode recognition module is to determine the context.

4 Q. And that recognition -- activity mode
5 recognition sends data to a database on the wireless
6 device. Correct?

7 A. Yes.

8 Q. Okay. Now, if we turn to page....

9 Now, if you turn to page...13, there's a
10 discussion of Figure 3 starting at line 20.
11 Correct?

12 A. Yes.

13 Q. All right. And it....

14 And starting at line 21, it talks about
15 the monitoring mode. So it says:

16 If the mobile "device" is
17 not in monitoring mode, the
18 motion recording process can be
19 activated 302 on the phone.

20 And then it goes on to say:

21 This may be accomplished
22 by the user of the phone, or
23 through an automated process by
24 the mobile phone client when a
25 selected type of motion is

1 detected.

2 Correct?

3 A. I see that, yes.

4 Q. Now, I want to take you to page 15.

5 And this is still under the discussion of
6 Figure 3.

7 And you can recognize that by the numerals
8 of the figures are that referenced on page 15.

9 But I'm at line 24 of line [sic] 15.

10 A. Okay, I'm there.

11 Q. It says:

12 To detect the complexity
13 of a driving situation/context,
14 the activity mode recognition
15 module 306 can use a number of
16 data sources, such as the
17 motion data cache...traffic
18 "incidents" reports from public
19 or private traffic information
20 providers, real-time traffic
21 information from roadside
22 sensors, and local traffic data
23 exchanges through
24 vehicle-to-vehicle
25 communications.

1 Do you see that?

2 A. I do.

3 Q. And it says:

4 A statistical model can be
5 used to estimate and classify
6 the complexity of the
7 driving -- of driving
8 situations and driving
9 attention needs, and then
10 accordingly prevent the cell
11 phone use under
12 complex/critical driving
13 contexts.

14 A. I see that.

15 Q. Okay. So the....

16 As described here, you can have the
17 context and you can compare it to a model to
18 determine driving situations and context. Correct?

19 A. Run that by me again, here.

20 Q. Sure. You have the context -- well,
21 the -- let me put it this way: The activity mode
22 recognition module that determines context --

23 A. Um-hum.

24 Q. -- can also use a number of data sources
25 to detect the complexity of a driving

1 situation/context?

2 A. Correct.

3 Q. Correct?

4 And it can be compared to a statistical
5 model to further estimate and classify the
6 complexity of the driving situations?

7 A. Yes.

8 Q. Okay. And as we previously discussed,
9 the -- in the context of Figure 3 -- and if you'd
10 like to go back to it, the data from the activity
11 recognition module is sent to a database.

12 A. Yes.

13 Q. Okay. All right. So I would like to take
14 you now to page -- well, let me go on to -- let's
15 see here....

16 All right. So let's go to your
17 declaration. This is Exhibit 1, page -- sorry,
18 paragraph 54.

19 (Whereupon, Petitioner Exhibit 1,
20 previously marked, was presented to the witness.)

21 A. I'm there.

22 Q. And in particular, I wanted to ask you
23 about the concept of geofencing.

24 Your opinion here is that a geofence may
25 be excluded from the -- the time it -- the portion

1 of the driving period during -- that it takes to
2 leave the geofence may be excluded from the -- from
3 the driving period.

4 Is that correct?

5 A. That is correct.

6 Q. Okay. Now, the concept of a geofence is
7 not disclosed in the patent specifications, is it?

8 A. To the best of my recollection, that's
9 correct.

10 Q. And the....

11 And geofence isn't a property of the
12 vehicle. It's a function performed by the phone.

13 Is that correct?

14 A. I mean, a geofence is a boundary or a
15 fence generally set up as an administration tool
16 that something is triggered when one crosses the
17 fence or goes from -- is inside or is outside.

18 The fence could be implemented, you know,
19 on many different systems, many different
20 processors.

21 Q. In the context of your declaration here,
22 you're referring to the geofence functionality of
23 the phone that the app may be downloaded to.

24 A. Here, I am referring to a driving period
25 as a POSITA would understand it.

1 And a POSITA would understand that one way
2 to trigger a driving period, especially for
3 commercial vehicles, is when they leave a -- cross a
4 geofence and leave a docking site or a customer or
5 something like that.

6 So that's fairly common.

7 Q. Right. So I'm trying to understand how
8 the -- how it would know it has crossed the
9 geofence.

10 And that's because the geofence's
11 functionality is implemented on a phone that has
12 GPS.

13 Is that correct?

14 A. It could be implemented on the phone. It
15 could be implemented on a server if the GPS data --
16 I mean, it's basically a comparison of a position to
17 a region.

18 And that comparison could be done in the
19 case of Wright or somebody on the phone itself or on
20 the server -- theoretically could be done, either
21 one.

22 Q. But it would have to -- when you say a
23 "server," that is a server in communication with the
24 phone. Correct?

25 A. It would have to know the location of the

1 phone in order to compare that to the fenced area.

2 Q. Right. So the location of the phone is
3 the location of the vehicle, so to speak?

4 A. Yes.

5 Q. Okay.

6 A. Location of the phone is a surrogate for
7 the location of the vehicle.

8 Q. Okay. So then when you know that the
9 phone has left the geofence, you know the vehicle
10 has left the geofence -- assuming that you've made a
11 determination that the owner of the phone is
12 driving. Correct?

13 A. I guess that's correct.

14 And again, this is addressed to driving
15 periods in general, and not specifically to Curry or
16 Wright or any of the other prior art references.

17 Q. And I -- well, I'm trying to understand
18 your -- where you're going with the geofence part of
19 it.

20 A. I'm not particularly going anywhere with
21 that.

22 I'm just pointing out that that is a --
23 another fairly typical way to start a driving period
24 that it -- a POSITA would understand.

25 Q. Well, I just....

1 (Pause.)

2 Q. Just so I'm clear, going to your opinions
3 expressed in paragraph 54, in order for a geofence
4 to work you have to know that the -- the -- or you
5 would have to know that the person is driving and
6 you'd have to be able to use the phone's GPS to
7 determine the location. Correct?

8 A. Well, the geofence -- I guess it depends
9 on what you're geofencing.

10 To the extent you're geofencing the phone,
11 you just need to know the phone's location and
12 compare it to the area, the region of the fence.

13 If you want to geofence the person or the
14 vehicle, you have to make that association either
15 implicitly or explicitly.

16 But, again, this is just a generic, fairly
17 standard way of implementing a driving period in the
18 industry.

19 Q. I understand. And so that's what I'm
20 saying: In the context of driving period -- because
21 that's what your geofence opinion here is related to
22 here. Right?

23 A. Yes.

24 Q. In the context of driving period, you
25 would have to know -- in order for a geofence to be

1 effective, you'd have to know the -- that the person
2 is driving and the location of the phone.

3 A. The geofence is based on a GPS unit.
4 Whether that's on the phone, the vehicle, the
5 person, doesn't really matter. It's: Is that GPS
6 unit within the fence?

7 Now, in certain contexts, the GPS unit is
8 just a GPS unit. In others, it's a person. In
9 others, it can be a vehicle.

10 That's all secondary to the geofence
11 process.

12 Q. So in paragraph 54, you are talking about
13 "driving period" in the context of the asserted
14 patents. Correct?

15 A. Paragraph 54 is talking about "driving
16 period" in the context of monitoring people for
17 insurance types of reasons in the context in which
18 the patent is also working.

19 Q. Okay. And in the context of the patent,
20 it would use the GPS from the mobile device?

21 A. Correct.

22 Q. Okay. And Curry discloses the use of a
23 phone with a GPS. Correct?

24 A. Yes, he does.

25 Q. Okay. And Curry also discloses a -- the

1 ability for the activity recognition program of
2 Curry to be in an "always-on" state. Correct?

3 A. Yes.

4 Q. Okay. And in an "always-on" state, the
5 system of Curry would be able to recognize when a
6 user is driving -- that's the purpose of the
7 activity recognition program. Correct?

8 A. When the activity mode recognition program
9 does its stuff, the output is a flag or an
10 indication of whether the vehicle is driving,
11 walking -- whatever the activity mode is at that
12 time.

13 Q. So for the same reasons....

14 Well...so Curry is able to determine
15 whether a user is driving. Correct?

16 A. Curry has this activity identification
17 module, which determines whether a user is driving
18 or in some other -- one of a limited number of other
19 states.

20 Q. And Curry is able to know the location of
21 a vehicle based on the location of the GPS in the
22 phone. Correct?

23 A. That's correct.

24 Q. Okay. Now, is there any description in
25 the specification how the -- and the specification

1 of the asserted patents -- of how to exclude the
2 geofence portion?

3 A. I do not recall any discussion of
4 geofences in the Wright patents.

5 Q. Okay. Is there any discussion in....

6 Is there any discussion in the asserted
7 patents of how to exclude either of the other two
8 criteria you listed in your parenthetical, which is
9 absent short periods related to getting up to speed
10 or backing out of the driveway?

11 A. Well, Wright does indicate one of the
12 criteria can be, you know, a certain speed
13 threshold.

14 Q. Okay.

15 A. For both -- for starting the driving
16 period as well as a certain stationery threshold of
17 time for ending a driving period.

18 Q. And just to be clear, so your testimony
19 here today is that setting a threshold and starting
20 the driving period is the same as excluding a
21 portion of what would otherwise be considered the
22 driving period?

23 MR. TILLER: Objection.

24 A. Setting the threshold is -- you know, by
25 definition, the time before the vehicle achieves

1 that threshold is not going to be included in the
2 analyzed driving period.

3 Q. So what I'm trying to understand is,
4 is....

5 Let's put it this way: You have -- you
6 start driving at Time A. You get up to speed at
7 Time B, and you drive at Time C.

8 Is the driving period A to C, and then the
9 system then excludes A through B? Or is the driving
10 period B to C?

11 A. The driving period of Wright would be B to
12 C.

13 Q. Okay. And there's no discussion in
14 your -- sorry, there's no discussion in the asserted
15 patents of how to exclude backing out of a driveway.
16 Correct?

17 A. Again, the....

18 I don't recall any discussion of backing
19 out of a driveway in the patents.

20 Q. And just going back to that A to B to C
21 hypothetical -- so it's B to C, because of the
22 threshold that's set. Right?

23 A. B is the trigger -- or the threshold is
24 the trigger that starts the driving period or an
25 example of a trigger that starts the driving period,

1 according to Wright.

2 Q. Okay. But that threshold that's in
3 Claim 1 of the '271 patent is the --

4 A. Hang on a second.

5 Q. Sure.

6 A. Claim 1 of the '271 patent.

7 (Witness reading.)

8 A. Okay. I see "threshold" at line 56 of
9 Column 31 of the '271 patent.

10 Is that what we're referring to?

11 Q. Yeah. And that is the example that you're
12 giving of support for your opinion in paragraph 54,
13 that you can exclude a portion of the driving period
14 for the time that it takes the vehicle to get up to
15 speed. Correct?

16 A. I would say no to that.

17 My opinion in paragraph 54 is based on my
18 experience working with these systems to determine
19 insurance premium, modify driving behavior, or to
20 determine the cause of an event such as an accident.

21 And that's mostly the basis for
22 paragraph~54, which I believe is consistent with
23 Wright.

24 Q. So...and that's -- that's your
25 experience -- that's your experience at the....

1 Sorry, I'm trying to phrase this
2 correctly.

3 When you talk about your experience,
4 you're applying it at the time of the patent.
5 Right?

6 A. Yes.

7 Q. 2009, 2010 time frame.

8 A. Yes.

9 Q. So in your opinion, it would have -- like
10 a person of ordinary skill in the art would have
11 known to include something like a driving up to --
12 include driving up to speed as part of a -- to
13 exclude that from a driving period.

14 A. A person of skill in the art would have
15 understood that the driving period missing that
16 relatively short period of drive would not
17 significantly affect the analysis or the results
18 that one would obtain.

19 Q. And excluding that period of the drive is
20 functionally equivalent to setting a threshold?

21 A. That is how that is implemented in that
22 case.

23 Q. So if I....

24 So you would agree with me -- well, so
25 let's go back to the Curry reference, Exhibit 2 --

1 sorry, Exhibit 3.

2 And if you recall, we talked yesterday
3 about -- we briefly talked about Curry disclosing
4 unsafe driving -- or detecting unsafe driving, such
5 as abnormal acceleration.

6 Do you recall that?

7 A. I recall there was a discussion along
8 those lines, not the specifics of it right now.
9 But....

10 Q. Okay. And to the extent that -- so Curry
11 also discloses scoring the driving. Right?

12 A. Yes, he does.

13 Q. Okay. And the rationale that you
14 expressed with regard to driving period -- and I'm
15 going to paraphrase it, so correct me if I'm
16 wrong -- but the rationale that you expressed for
17 driving period for the asserted patents was that the
18 insurance companies would want to collect the entire
19 driving period so that they're missing as little
20 information as possible that would be relevant.

21 Is that correct?

22 A. Ideally, it's the entire driving period.

23 But it's sufficient to have a
24 representative sample or a fair sample that would
25 include most of the driving.

1 Q. And when we say "driving period" -- you
2 know, and they do that over the course of the
3 policy.

4 A. Can you rephrase the question.

5 Q. Sure. You're not limiting it to one
6 driving period, right -- it's multiple driving
7 periods?

8 A. Correct. So, you know, these sorts of
9 systems, you know, often are on a vehicle the entire
10 time the vehicle is insured.

11 Sometimes they're put on for three months
12 to sort of get an assessment and set a premium, and
13 then they're taken off.

14 Q. Okay. So if I took you to Exhibit 3,
15 Curry, the Curry reference, and --

16 A. Figure 3?

17 Q. Sorry -- Exhibit 3, Curry.

18 -- and took you to page 13, and then the
19 paragraph that starts, "The safety performance
20 data...."

21 Do you see that?

22 A. I do.

23 Q. So I am going to take you to line 11. And
24 it says:

25 In addition, unsafe

1 behaviors of
2 talking-while-driving and
3 texting-while-driving can be
4 accordingly associated with
5 driver point penalties.

6 Do you see that?

7 A. Yes, I do.

8 Q. And then it says:

9 The score over a selected
10 time period (e.g. 1 year or 2
11 years) can be compiled and
12 summarized to form a driving
13 safety score.

14 So that's expressing a similar rationale
15 to what you've expressed with respect to the driving
16 periods in the asserted patents. Correct?

17 A. Yes.

18 Q. Now, let's go to....

19 MR. CHAKKALAKAL: Well, we've
20 been going for just about an hour. So
21 let's take a 10-minute break.

22 (Whereupon, a recess was taken
23 from 10:38 a.m. until 10:48 a.m.)

24 BY MR. CHAKKALAKAL:

25 Q. Welcome back, Mr. Wilson.

1 Q. So I want to take you to Exhibit 1, which
2 is your declaration. And if you could go to
3 paragraph 123.

4 A. I'm there.

5 Q. And in the middle of that paragraph, you
6 express the opinion that:

7 At no point does Curry
8 disclose or suggest the
9 determination of "a start of a
10 driving period."

11 Do you see that?

12 A. I do.

13 Q. Okay. The....

14 You did not use the PTAB's preliminary
15 construction for "driving period," correct? -- in
16 making this opinion.

17 A. I used the plain and ordinary meaning of
18 "driving period," as informed by the specification
19 and my knowledge as a POSITA.

20 Q. I understand.

21 And I understand from our discussion
22 yesterday the PTAB construed "driving period" in
23 agreement with petitioner, which is it was
24 defined -- well, let's....

25 It's going to be in Exhibit 4.

1 (Whereupon, Petitioner Exhibit 4,
2 previously marked, was presented to the witness.)

3 Q. If you go to page -- give me a second,
4 here.

5 (Pause.)

6 Q. So if we go to page 23, the second full
7 paragraph -- the second paragraph that starts with,
8 "We agree...."

9 A. I'm there.

10 Q. Okay. So:

11 We agree with Petitioner's
12 construction, to the extent the
13 Determination Limitation
14 expressly defines the "driving
15 period" as corresponding to a
16 period "during which the mobile
17 device is removably attached to
18 the vehicle and the vehicle is
19 in use."

20 Do you see that?

21 A. I do.

22 Q. Okay. So you did not use the PTAB's
23 construction. You used what you're saying is the
24 plain and ordinary meaning. Correct?

25 MR. TILLER: Objection to the

1 characterization of PTAB's construction.

2 I don't think this construes the
3 term "driving period."

4 Q. And just to clarify, you agree with me
5 that here that the PTAB is saying that it agrees
6 with the petitioner's construction. Correct?

7 A. Yes.

8 Q. Okay. And it defines "driving period" as
9 a period "corresponding to a period 'during which
10 the mobile device is removably attached to the
11 vehicle and the vehicle is in use.'" Correct?

12 A. That is the identified petitioner's
13 construction here, yes.

14 Q. But that's not what you used in your
15 declaration.

16 A. That is correct.

17 Q. Okay. Do you concede that, under the
18 PTAB's construction, this limitation is disclosed in
19 Curry?

20 A. Which limitation are we --

21 MR. TILLER: The same objection.

22 A. Which limitation are we talking about?

23 Q. The driving period, start of a driving
24 period.

25 A. No, I do not.

1 Q. Okay. Does Curry disclose an electrical
2 or physical connection to the vehicle?

3 A. Not that I recall at this time.

4 Q. And in your opinion, that is required in
5 order for the limitation of -- or the portion of the
6 definition that says "removably attached" to be met?

7 MR. TILLER: Objection; beyond
8 the scope.

9 A. Yes.

10 Q. Okay. And I'm going to just clarify that
11 question a bit, because I asked that as a limitation
12 or as a portion of the definition. So let me ask it
13 both ways.

14 In your opinion, the electrical or
15 physical connection must be shown in order for the
16 "removably attached" limitation to be met. Correct?

17 A. Yes.

18 MR. TILLER: Objection; beyond
19 the scope.

20 Q. And it pretty much also disclosed an
21 electrical or physical connection --

22 COURT REPORTER: Could you
23 repeat the beginning of that question. I
24 didn't understand you.

25 MR. CHAKKALAKAL: Sure.

1 COURT REPORTER: What was your
2 objection, by the way?

3 MR. TILLER: "Beyond the scope."

4 COURT REPORTER: "Beyond the
5 scope," thanks.

6 Q. And under the PTAB's construction, an
7 electrical or physical connection must also be shown
8 in order for the "removably attached" portion of the
9 definition of "driving period" to be met. Correct?

10 MR. TILLER: Objection; beyond
11 the scope.

12 A. Can you repeat that. The PTAB
13 construction part --

14 Q. Sure.

15 A. -- threw me off a bit.

16 Q. Under the PTAB's -- sorry, under
17 petitioner's construction, which the PTAB has agreed
18 to, in order for the portion of the definition that
19 refers to "removably attached" -- in order for that
20 to be met, Curry must disclose an electrical or
21 physical connection to the vehicle. Correct?

22 MR. TILLER: The same objection.

23 A. First of all, I don't know that the PTAB
24 has agreed to that, other than tentatively for
25 purposes of that decision.

1 And I didn't opine on this.

2 But that's, you know, a quick reading of
3 stuff -- or my impression now, without having
4 thought about it fully, is, yes, that's the case.

5 MR. CHAKKALAKAL: All right.

6 Mark this Exhibit No. 9.

7 (Whereupon, Petitioner Exhibit 9 was
8 marked for identification.)

9 Q. Mr. Wilson, I'm handing you what's been
10 marked as Exhibit No. 9.

11 A. Thank you.

12 Q. Mr. Wilson, do you recognize Exhibit
13 No. 9?

14 A. I do.

15 Q. And what is it?

16 A. This is United States Patent No. 8,682,399
17 to Rabu.

18 Q. Dr. Wilson, would you agree with me
19 that -- well, you discuss the Rabu reference in your
20 declaration. Correct?

21 A. That is correct, and it's "Mr. Wilson."

22 Q. Sorry.

23 A. That's okay.

24 Q. Rabu discloses a "PMD" or "Personal
25 Mobile" -- sorry, "Personal Mobile Device."

1 Correct?

2 A. Yes, he does.

3 Q. And that could be a cell phone, to the
4 best of your knowledge?

5 A. Yes.

6 Q. So the system of Rabu is intended to work
7 on a mobile device. Correct?

8 A. That is correct.

9 Q. Okay. Similar to Curry?

10 A. Curry also makes use of a backend.
11 But they both do run on mobile devices,
12 yes.

13 Q. And Rabu discloses the use of
14 accelerometers.

15 Is that correct?

16 A. Yes.

17 Q. From your review of the Rabu reference,
18 does it require any kind of specialized
19 accelerometer or is it just a standard accelerometer
20 that would be on a mobile device?

21 MR. TILLER: Objection to the
22 characterization of a "standard"
23 accelerometer.

24 A. Yeah, to implement Rabu would require
25 certain specifications or capabilities of the

1 accelerometer that would need to be determined
2 during the development phase.

3 Whether those could be met by a standard
4 accelerometer or not, I don't have an opinion on at
5 this time.

6 Q. Do you have -- from your review of Rabu
7 and Curry, do you have any reason to believe -- so
8 if you remember, Curry discloses an iPhone 3G.
9 Correct?

10 A. Correct.

11 Q. Do you have any reason to believe that the
12 system disclosed in Curry -- sorry, in Rabu -- would
13 not work on the iPhone 3G that's disclosed in Curry?

14 A. I really have no opinion or idea, but
15 mostly because I don't understand how Rabu would
16 actually work in practice.

17 Q. Okay. So looking at Rabu, let me take you
18 to....

19 Let me take you to page -- sorry,
20 Column No. 2 of Rabu.

21 A. I'm there.

22 Q. Okay. In general, would you agree with me
23 that Rabu discloses an ability to determine when a
24 user is driving?

25 A. Are you looking at something specific in

1 Column 2?

2 Q. Well, I'm asking you, in general, based on
3 your review of Rabu, do you have an understanding
4 that Rabu discloses whether a user is driving?

5 A. It discloses an approach for determining
6 if a user is driving, yes.

7 Q. Okay. And if we look at the...Column 2
8 under the "DETAILED DESCRIPTION," starting at line
9 52, there's a description of "holder status." And
10 then at line 56, there's a description of "holder
11 motion status."

12 Do you see that?

13 A. I do.

14 Q. Do you have understanding of what "holder
15 status" and "holder motion status" are?

16 A. Yes, I do.

17 Q. Now, would it be fair to say that the
18 "holder status" is the orientation of the device?

19 A. I would say the "holder status" is more if
20 the device is mounted or, you know, physically
21 constrained in some way, which is, in part, based on
22 the orientation.

23 But the "holder status" itself is how it's
24 being held.

25 Q. So the idea for "holder status" -- the

1 idea for "holder status" is that you have a mobile
2 device and you can use an accelerometer to determine
3 its orientation.

4 And if, for example, it is at an
5 orientation of, let's say, 45 degrees, then that may
6 be indicative of the fact that it's in a dock.
7 Correct?

8 A. That's the general idea, yes.

9 Q. And the....

10 And in general, the idea of "holder motion
11 status" is to determine what -- you know, whether
12 the device is moving. Correct?

13 A. Correct, and, you know, whether it's
14 moving in a car or pedestrian or those sorts of
15 things.

16 Q. Right. So the idea is that the -- you can
17 use -- if you have the orientation of the device and
18 you know that it's in the dock, and then you use the
19 motion status and determine that it's moving and
20 that it has kept the same orientation, that tells
21 you that it's in a dock in a car?

22 A. If the motion status is driving, yes, that
23 would be the point of Rabu.

24 Q. Right. But you can use both of those
25 together, right? -- the "holder status" and the

1 "holder motion status" -- to make the determination?

2 A. Yes.

3 Q. Okay. And all you need to implement the
4 teachings of Rabu is an accelerometer. Correct?

5 MR. TILLER: Objection.

6 A. That is the only sensor that you need to
7 implement Rabu, yes.

8 Q. And based on the fact that Rabu can
9 determine if a person is driving, in part, based on
10 whether the phone is in a dock and whether it's
11 moving, would you agree with me that Rabu discloses
12 a -- at least a physical attachment to the vehicle?

13 A. When the vehicle [sic] is docked, there is
14 a physical attachment.

15 Rabu also addresses situations where it's
16 not docked -- in which case, it would not be
17 attached to the vehicle -- or would not be removably
18 attached to the vehicle.

19 Q. Okay. So to be clear, Rabu addresses the
20 situation where it's docked while driving. Correct?

21 A. Yes.

22 Q. And Rabu also discloses a situation where
23 it's docked but not driving. Correct?

24 A. Yes.

25 (Pause.)

1 Q. And, I'm sorry, I just want to get a
2 clarification.

3 So the question I previously asked you
4 was:

5 And based on the fact that
6 Rabu can determine if a person
7 is driving, in part, based on
8 whether the phone is in a dock
9 and whether it's moving, would
10 you agree with me that Rabu
11 discloses at least a physical
12 attachment to the vehicle?

13 The answer, as written here, says:

14 When the vehicle is
15 docked, there is a physical
16 attachment.

17 Did you mean to say when the phone or
18 mobile device is docked?

19 A. Yes, I did.

20 Q. Okay. Thank you.

21 Now, for "holder motion status," that
22 relies on a comparison of frequency spectrum.

23 Is that correct?

24 A. That is correct.

25 Q. So the device determines a frequency

1 spectrum, and at least in one embodiment compares it
2 to a saved list of frequency spectrums. Correct?

3 COURT REPORTER: Did you say
4 "safe" list?

5 MR. CHAKKALAKAL: "Saved" list.

6 COURT REPORTER: Oh, "saved"
7 list.

8 A. That is correct.

9 Q. Okay. And from that comparison, it
10 matches up a frequency spectrum to make a
11 determination as to motion status.

12 A. The system proposes to bind a
13 corresponding frequency spectrum in the reference
14 set to determine the motion status.

15 Q. And that spectrum set is stored on the
16 mobile device. Right?

17 A. That is the proposal of Rabu, yes.

18 Q. At least in one embodiment. Correct?

19 A. At least in one embodiment, yes.

20 Q. Curry discloses the ability to store
21 information on the mobile device. Right?

22 A. In general, yes.

23 Q. And Curry also discloses using sensor data
24 to determine a context. Correct?

25 A. Yes.

1 Q. And I want to take you to Column 12 of
2 Rabu -- That's Exhibit 9 -- line 37 -- sorry, 38.

3 It says there:

4 For example, if the PMD
5 determines that "it" is being
6 held by the driver, the PMD can
7 disable...text messaging
8 feature of the PMD to prevent
9 the driver from sending or
10 receiving text messages while
11 driving.

12 Do you see that?

13 A. I do.

14 Q. So one of the disclosures of Rabu is to
15 prevent cell phone usage while driving. Right?

16 (Witness reading.)

17 A. Yes.

18 Q. And one of the...one of the....

19 Let me phrase it this way: Curry also
20 discloses the ability to prevent drivers from using
21 their phones while driving. Correct?

22 A. Yes.

23 Q. Curry and Rabu both disclose determining
24 when a person is driving. Right?

25 A. Yes.

1 Q. And in Curry, it talks about making that
2 determination based on data from an accelerometer
3 and a GPS receiver. Correct?

4 A. That is correct.

5 Q. So if I go back to Curry and I'm
6 looking -- so it's Exhibit 3. And I'm looking at
7 page 17.

8 A. Okay.

9 Q. And it talks about Figure 5. And it says:
10 ...how to combine
11 information from GPS and
12 accelerometer sensors --

13 MR. TILLER: Where are you
14 reading from?

15 MR. CHAKKALAKAL: The first
16 line.

17 MR. TILLER: Okay.

18 Q. (Reading:)

19 FIG. 5 illustrates how to
20 combine information from GPS
21 and accelerometer sensors to
22 precisely identify the type of
23 activity.

24 Do you see that?

25 A. I do.

1 Q. Okay. So in general, this paragraph is
2 talking about how, in Curry, you would identify the
3 type of activity. Right?

4 (Witness reading.)

5 A. Yes.

6 Q. And Rabu discloses another way to identify
7 the type of activity by just using an accelerometer.
8 Correct?

9 MR. TILLER: Objection.

10 A. Yes.

11 Q. Okay. So would you agree with me that one
12 of the goals of Curry is to precisely identify the
13 type of activity?

14 A. I would say that the goal of Curry is to
15 accurately identify the activity to driving or not
16 driving.

17 Q. Okay. And just to be clear, that's one of
18 the goals. Right?

19 A. Yes.

20 Q. Okay. In general, when you have -- when
21 you're trying to determine something, if you are
22 able to determine it using one method and then
23 you're able to perform a second method to make the
24 same determination and, if the two determinations
25 match up, would you agree with me that you have more

1 accurately identified the activity?

2 MR. TILLER: Objection; beyond
3 the scope, calls for hypotheticals.

4 A. I would agree with you.

5 But there also is a cost associated with
6 that; namely, one -- in this case, we don't know
7 that the accelerometer, Curry, can meet the demands
8 of the application of Rabu.

9 Secondly, there is, you know, significant
10 amount of processing that would be difficult to
11 perform in order to implement Rabu.

12 So if -- so I'd leave it at that.

13 (Pause.)

14 Q. So the...so when you talk about "holder
15 motion status" in your report on page 130 -- sorry,
16 paragraph 130 -- so it's Exhibit 1, paragraph 130.

17 A. Hang on a second.

18 Paragraph 130...okay, I'm there.

19 Q. And you....

20 If you look at the third full sentence
21 that begins with "Rather," it says:

22 Rather, Rabu determines a
23 holder status and a holder
24 motion status for a mobile
25 device, using the device's

1 orientation angle and frequency
2 spectrum while in a holder,
3 respectively, and from those
4 statuses, the mode the device
5 may be in (e.g., standing
6 still, walking, or driving).

7 Do you see that?

8 A. I do.

9 Q. And if we go to that -- and you cite to
10 Rabu at Column 7, 31 to 60.

11 Do you see that?

12 A. I do.

13 Q. Okay. And if we go to Columns -- that
14 column and the first line, would you agree with me
15 that it says there that:

16 In some embodiments, the
17 frequency spectrum for a holder
18 motion can be "defined" --
19 determined as described below.

20 A. Yes, it says that.

21 Q. Now, Rabu does disclose...so if I take you
22 to Figure 4 of Rabu.

23 A. Okay.

24 Q. The figure includes a GPS device. Right?

25 A. Yes.

1 Q. And an accelerometer. Correct?

2 A. Correct.

3 Q. Okay. And the....

4 And if we go to line -- to Column 4,
5 line~41, it talks about the use of the GPS device.
6 Right?

7 A. Yes, it does.

8 Q. Okay. And it can...it says that the:
9 GPS device...can be -- can
10 provide the location of "the"
11 PMD...in 3-dimensional
12 coordinates....

13 Do you see that?

14 A. I do.

15 COURT REPORTER:

16 Three-dimmensional what?

17 MR. CHAKKALAKAL: "Coordinates."

18 COURT REPORTER: Thank you.

19 A. I do.

20 Q. So the...so in Rabu, you have a holder
21 status that determines whether the phone is docked
22 or not, relying on the orientation. Correct?

23 A. Yes.

24 Q. Okay. And then you have a holder motion
25 status that determines whether the person is in

1 motion.

2 And that can be determined using frequency
3 spectrum comparison based on an output from -- well,
4 it can be based on frequency spectrum analysis.

5 Correct?

6 A. Yes, that is the general idea of Rabu.

7 Q. So another way of doing -- of analyzing
8 motion is Curry's methodology of using an
9 accelerometer and GPS. Correct?

10 A. That is -- and Curry's method also
11 determines motion status -- discriminates between
12 driving and nondriving.

13 Q. Right. So it's -- but it's determining
14 whether the person is driving, which means whether
15 the person is in motion in a vehicle. Correct?

16 A. Correct.

17 Q. Okay. And so, the same hardware that's
18 disclosed in Curry to determine motion is also
19 disclosed in Rabu. Correct?

20 A. The same generic hardware is disclosed.

21 As I tried to indicate earlier, the
22 requirements on the Curry hardware -- the technical
23 specifications are reasonably well predictable.

24 Depending on how this frequency
25 spectrum -- what it entails, the accelerometer of

1 Rabu may have completely different requirements or
2 much more stringent requirements than the
3 accelerometer of Curry.

4 And, you know, aside from that, you've
5 cited to the image -- or the spectra comparison
6 problem.

7 Q. Um-hum.

8 A. And I think that is, you know, even more
9 of an issue here of -- even given the spectra, it's
10 my opinion that comparing two spectra is, you know,
11 well beyond the skill level of the POSITA defined
12 here.

13 So, you know, even given the, you know,
14 proper hardware, the main problems lie in the
15 software, in the algorithms that Rabu would require.

16 (Pause.)

17 Q. So Mr. Wilson, earlier I asked you:

18 Do you have any reason to
19 believe that the system
20 disclosed in Curry --

21 Sorry -- yes:

22 Do you have any reason to
23 believe that the system
24 disclosed in Rabu would not
25 work on the iPhone 3G that's

1 disclosed in Curry?

2 Do you recall me asking you that question?

3 A. I don't, but I remember questions along
4 that line. I don't recall that specific question.

5 Q. And you responded:

6 I really have no opinion
7 or idea, because -- but mostly
8 because I don't understand how
9 Rabu would actually work in
10 practice.

11 Now, when you gave this -- well, do you
12 recall giving that answer?

13 A. I do.

14 Q. Okay. So I just want to ask you that
15 question again: Do you have any reason to...do you
16 have any reason to believe that the system disclosed
17 in Rabu would not work on the iPhone 3G that's
18 disclosed in Curry?

19 A. So I don't know the specs of the iPhone 3
20 at the time. So I can't speak to that.

21 I do know that, you know, even today I
22 think this problem of comparing spectra would be
23 difficult to do.

24 It would take me, as a POSITA, a
25 significant amount of time. And there have been a

1 lot of advances in this field since 2012.

2 So --

3 Q. And just --

4 Sorry. Go ahead.

5 A. -- given that, I would strongly suspect
6 that the iPhone 3 did not have sufficient processing
7 or probably memory to implement this.

8 But, you know, not knowing the specific
9 requirements that it would take to implement Rabu or
10 how to go about doing that, I can't -- I can't make
11 a strong -- a firm opinion on how that -- if it
12 could be implemented on the iPhone 3 or not.

13 Q. Now, you understand Rabu discloses not
14 just motion -- holder motion status but also holder
15 status. Correct?

16 A. Yes, I do.

17 Q. Okay. So is your opinion that the iPhone
18 3G, as disclosed in Rabu -- as disclosed in Curry --
19 could not perform the holder status function and the
20 holder motion status function?

21 A. I don't have an opinion on that.

22 Curry seems to -- or Rabu integrates the
23 two.

24 And again, I feel it's quite unlikely that
25 an iPhone 3 could support what would need to be done

1 to execute Rabu.

2 But without testing and so forth, I
3 couldn't -- I don't know that for certain.

4 Q. Mr. Wilson, does the Rabu reference
5 disclose how to determine a holder status?

6 MR. TILLER: Objection. We've
7 gone through this a lot already.

8 A. Yes, it does.

9 Q. Okay. Can the iPhone -- is it your
10 opinion that the iPhone 3G, as disclosed in Curry,
11 cannot perform that functionality?

12 A. I don't have an opinion on that.

13 MR. TILLER: Objection; asked
14 and answered.

15 Q. And is it your understanding that the
16 holder status of Rabu can be used in conjunction
17 with a determination of whether the phone is in
18 motion?

19 A. Rabu proposes that the holder status and
20 the motion status of the phone are used in
21 combination.

22 (Pause.)

23 MR. CHAKKALAKAL: Okay. We've
24 been going for about an hour. Let's take
25 a 10-minute break real quick.

1 THE WITNESS: Okay.

2 (Whereupon, a recess was taken
3 from 11:54 a.m. until 12:04 p.m.)

4 BY MR. CHAKKALAKAL:

5 Q. Are you all set, Mr. Wilson?

6 We've discussed numerous claim terms over
7 the last two days, such as "driving period,"
8 "removably attached," "vehicle in use," "user data"
9 -- "user inputs," "sensor set," "image sensor
10 audio," "sensor accelerometer," "position module,"
11 "user interface processor," "a mobile device
12 configured to start up a driving period,"
13 "processing sensor data," "deriving driving
14 information," "storing a downloaded application."

15 Do you recall discussing --

16 A. Certainly, many of those and -- yeah.

17 Q. Okay. We discussed these primarily in the
18 context of the -- well, to the extent we discussed
19 those in the context of the '271 patent and to the
20 extent that those terms are also present in the
21 claims of the other asserted patents, do the
22 opinions you expressed with respect to those terms
23 hold true for the other patents as well?

24 A. Yes. I'm not aware of any terms that
25 would be -- that have different meanings in the

1 different patents based on their claims.

2 Q. So you're not aware of any of your
3 analysis that would change for the other asserted
4 patents? -- with respect to those terms.

5 A. Correct.

6 Q. Okay. We also discussed certain prior art
7 references -- for example, Curry and Rabu.

8 Do your -- do opinions with respect to
9 those references also hold true -- sorry.

10 Do your opinions -- let me start that one
11 more time.

12 So we -- to the extent that we discussed
13 Curry and Rabu and other references in context with
14 your declaration in the -911 and -857 petitions,
15 would those opinions hold true for the other -- for
16 your declaration in the other two petitions?

17 A. Yes; as far as I can think right now, yes.

18 Q. Okay. Is there any analysis or testimony
19 that you've given over the last two days that you
20 believe would be different for the -- with respect
21 to your declaration in the other two petitions?

22 A. Of the matters we've discussed, I believe
23 my opinions are not -- are the same with, you know,
24 any of these four patents.

25 Q. Okay. And between your two declarations?

1 A. And between my two declarations, yes.

2 Q. Now, the....

3 (Pause.)

4 Q. Now, you mentioned, in your understanding
5 of legal principles, that you have an understanding
6 of claim construction.

7 Is that correct?

8 A. That's correct.

9 Q. Okay. And you also mentioned that you --
10 in your opinions, that you had been informed of the
11 district court claim construction. Correct?

12 A. That's correct.

13 Q. Okay. Do the same claim construction
14 standards apply to proceedings in the PTAB and the
15 district court?

16 A. I believe there was some change in the
17 standards some time ago. I can't remember exactly
18 what that all was. So, I don't think always.

19 But I believe, currently, they're the
20 same. But that -- yeah.

21 MR. CHAKKALAKAL: I will go
22 ahead and pass the witness.

23 MR. TILLER: Oh, you're done?

24 MR. CHAKKALAKAL: Yes, sir --
25 well, the one thing I wanted to put on the

1 record before is our agreement that the
2 testimony can be used in all proceedings.
3 Correct?

4 MR. TILLER: All right. Since
5 you caught me off guard a little bit by
6 passing to me now, why don't we take
7 lunch.

8 MR. CHAKKALAKAL: Okay.

9 (Whereupon, a recess was taken
10 from 12:10 p.m. until 12:52 p.m.)

11 EXAMINATION

12 BY MR. TILLER:

13 Q. Mr. Wilson, good afternoon.

14 A. Good afternoon.

15 Q. I'd like to have you take a look at
16 Exhibit 2 again, which is the Wright '271 patent.

17 A. Okay.

18 Q. Taking a look at Claim 1 -- so Column 31,
19 line 38.

20 A. Okay.

21 Q. Before we look at that, you had some
22 discussions with counsel, I think, yesterday, where
23 there was discussion about something being capable
24 of doing something.

25 Do you recall that discussion?

1 A. Generally, yes.

2 Q. What does it mean if, for example, a piece
3 of machinery or computer or anything is capable of
4 doing something?

5 A. To me that means that, you know, if it is
6 programmed or utilized in a certain way -- you know,
7 specifically programmed when it comes to
8 computer-type devices -- that it is -- if programmed
9 appropriately, it would be capable of performing
10 whatever action.

11 Q. Would a POSITA understand -- a POSITA in
12 this case understand it to be the same thing?

13 A. I believe so, yes.

14 Q. So here in Claim 1 -- specifically, line
15 38 -- the claim says the mobile device, or the
16 phone, is "configured to."

17 Is that the processing you were just
18 talking about, to configure something?

19 A. Yes. So "configured to" here, in my
20 opinion, requires not only -- it's a step beyond
21 capable.

22 "Capable" means, essentially, it could be
23 configured to do this thing; whereas, "configured
24 to" means it actually is ready to do it -- not that
25 it is doing it, but that it could without further

1 modification or programming.

2 Q. I'm going to have you take a look at --
3 strike that.

4 Before I switch -- and a POSITA would
5 understand it to -- that "configured to" would be --
6 would be met as well?

7 A. My opinion is that that is consistent with
8 what a POSITA would understand, yes.

9 Q. Okay. Take a look at Exhibit 3, which is
10 the Curry reference.

11 A. Okay.

12 Q. I'd like you to take a minute to read,
13 beginning on page 3 -- and again, I'll use the
14 bottom number -- the last paragraph of page 3,
15 beginning, "The motion data cache...", through that
16 paragraph that ends on page 4 -- if you could take a
17 second to just refresh your memory on that.

18 (Witness reading.)

19 A. Okay.

20 Q. Okay. So looking at page 3, line 26,
21 would you agree with me that Curry says:

22 The data in the motion
23 data cache can be transmitted
24 to and stored on the data
25 server.

1 A. Yes.

2 Q. Okay. And the motion data cache, I
3 believe you've testified to multiple times, is where
4 the raw sensor data is?

5 A. Where it is cached, correct.

6 Q. Okay. There is also discussion about user
7 permission data in this paragraph -- literally, the
8 next sentence, beginning on line 27 of page 3:

9 The data in the motion
10 data cache can be compared with
11 the user permission data....

12 What is the "user permission data"?

13 A. The "user permission data" is a set of
14 data indicating permissions that the user would
15 have.

16 Q. Permissions with regard to where, when it
17 can use a phone?

18 A. Yes; permission -- permissions about
19 spaces they may be able to drive and use a phone or
20 other conditions under which -- specifically,
21 conditions under which they may be able to use a
22 phone while driving.

23 Q. And here in this paragraph, that sentence
24 says:

25 The data in the motion

1 data cache can be compared with
2 the user permission data to
3 enable a driver safety
4 statistic....

5 Do you see that?

6 A. I do.

7 Q. So it is here where Curry is talking about
8 taking the motion data, or the raw GPS sensor data,
9 comparing it with the user permission data to
10 determine the driver safety statistic. Correct?

11 A. Correct.

12 Q. Okay. Going to the end of this paragraph,
13 which is on page 4, the last sentence says:

14 The safety statistic --

15 MR. TILLER: And I have to
16 admit, that's hard to say fast, "safety
17 statistic" -- I know you messed it up a
18 couple times.

19 BY MR. TILLER:

20 Q. Anyway, I'm sorry, let's get back.

21 The last sentence says:

22 The safety statistic can
23 be reported to or calculated at
24 the data server.

25 Correct?

1 A. Yes.

2 Q. Now, this sentence doesn't say from where
3 this reporting to the data server occurs, does it?

4 A. It does not. And I believe I pointed that
5 out in my testimony earlier.

6 Q. Correct.

7 Now, I'd look to have you take a look at
8 Figure 2 of Curry, which is on page 25.

9 A. Okay.

10 Q. So do you see -- would you agree with me
11 that sort of on the left-hand side of Figure 2 there
12 is a part of the figure that references the "Driving
13 Safety User Control and Monitoring Web Site."
14 Correct?

15 A. Yes.

16 Q. And looking -- and quickly looking at
17 Figure 1, the "Driving Safety User Control and
18 Monitoring Web Site" is in communication with the
19 data server. Correct?

20 A. Yes.

21 Q. Okay. And the....

22 Going back to Figure 2, would you agree
23 with me that element 206 of Figure 2 shows the user
24 permission or use permission database on the
25 "'Driver' Safety User Control and Monitoring Web

1 Site" -- correct?

2 A. Yes.

3 Q. And would you also agree with me that the
4 "Driving Safety User Control and Monitoring Web
5 Site" includes 208, which is called the "Driving
6 Safety Performance Database"?

7 A. Yes.

8 Q. Okay. I'd like you to take a look now at
9 page 13, lines 1 and 2.

10 Are you there?

11 A. Yes.

12 Q. That first sentence says:

13 The motion data from a
14 mobile phone can be transmitted
15 to the driving safety
16 performance database in the
17 data server....

18 A. I see --

19 Q. ...208.

20 A. Yes.

21 Q. Okay. So "208" again refers to the
22 website. Correct?

23 A. "208" is identified in Figure 2 as the
24 "Driving Safety Performance Database" on the
25 "Driving Safety User Control and Monitoring Web

1 Site".

2 Q. So would you agree with me, based on
3 page 13, lines 1 and 2, that the motion data --
4 which is stored in the motion data cache of the
5 phone, correct?

6 A. Correct.

7 Q. -- can be transmitted to the driving
8 safety performance database in 208?

9 A. Yes.

10 Q. Okay. So on the website, the "Driving
11 Safety User Control and Monitoring Web Site," there
12 is the user permission information. Correct?

13 A. Yes.

14 Q. And there is the motion data cache
15 information. Correct?

16 A. Yes.

17 Q. And both of these, as we already talked
18 about, are used to determine the -- I think they
19 call it the "safety statistic." Correct?

20 A. Yes.

21 Q. So that website could, consistent with
22 page 4, lines 5 and 6, where it says:

23 The "state" -- the safety
24 statistic can be reported to or
25 calculated at the data server.

1 Page 4, line 6 -- or, I'm sorry, lines 5
2 and 6.

3 A. Correct.

4 Q. The website could report this information
5 to the data server. Correct?

6 A. Yes; and I believe I said something to
7 that effect in my earlier testimony.

8 Q. Okay. Taking a look at Figure 4 -- of
9 Curry, sorry -- which is -- again, is Exhibit 3.

10 A. Okay.

11 Q. Are you there? Okay.

12 So would you agree with me that Figure 4
13 shows that the outgoing or incoming phone call
14 occurs and it's at that point that recording of GPS
15 data begins, according to Figure 4?

16 A. Yes.

17 Q. Okay. Are you aware of any other
18 disclosure within Curry that starts this recording
19 of GPS data?

20 A. Off the top of my head, no.

21 Q. Okay. And the recording that is going on,
22 according to Figure 4, is for some finite set of
23 time. Correct?

24 A. Yes, some -- yes.

25 Q. And here, the example is six minutes.

1 Right?

2 A. Correct.

3 Q. But it doesn't necessarily have to be six
4 minutes.

5 A. That is correct.

6 Q. But it is -- the only disclosure of
7 recording is during a finite period of time.

8 Correct?

9 A. Correct.

10 Q. Does that finite period of time have any
11 relationship to the period in which the vehicle is
12 being driven?

13 A. It is based on the start of an outgoing or
14 incoming phone call and on the predetermined "X"
15 minutes, and can occur independently of the driving
16 state or not driving state of the vehicle.

17 Q. So the driving period could end -- let's
18 use this example of six minutes.

19 A. Okay.

20 Q. Since it's here in Figure 4.

21 The driving period could end after two
22 minutes. Correct?

23 A person could end up home and park their
24 car. Correct?

25 A. Correct.

1 Q. They could end up at their work and park
2 their car?

3 A. Or it could start after two minutes, yes.

4 Q. And at six minutes, the car could still be
5 driving. Correct?

6 A. Correct.

7 Q. Okay. So there's no -- again, there's no
8 relationship -- or to say it another way, the period
9 of time when this recording is going on, according
10 to Figure 4, is not tethered in any way to when the
11 vehicle is being actually driven. Correct?

12 A. That is correct.

13 Q. Or in other words, it's not tethered in
14 any way to the driving period, as you've construed
15 it?

16 A. That is correct.

17 Q. And do you believe a POSITA would construe
18 it the same way?

19 A. I do.

20 Q. I'd like you to take look at Curry
21 page 15 -- specifically, line 24 to 31.

22 If you want to take a second to just
23 familiarize yourself with this -- although, there
24 was a long discussion about it earlier.

25 (Witness reading.)

1 A. Okay.

2 Q. Okay. You agree with me that this
3 discusses...a -- this proposes to discuss -- or this
4 proposes to disclose a means to detect the
5 complexity of the driving situation or the context
6 of the driving situation.

7 Do you agree with that?

8 A. This proposes a method to detect the
9 complexity of a driving situation or context.

10 Q. And what is that, "the complexity of the
11 driving situation or context"?

12 A. That would be -- specifically, here, the
13 complexity of the driving situation a driver is
14 encountering and would correlate -- hopefully,
15 correlate with the amount of attention or thought
16 the driver needs to deal with that situation or
17 context.

18 Q. So when you say "the complexity of the
19 driving situation," could that mean, for example,
20 there's a lot of traffic?

21 A. Yes.

22 Q. That maybe you're driving in a city versus
23 out on a highway somewhere?

24 A. Yes. I believe a POSITA would understand
25 this to be getting to the, you know, amount of

1 attention required, you know, in order to determine
2 if there was enough time left over for handling a
3 phone call or some other situation.

4 Q. Okay. And this -- this complexity, the
5 situation that's going on outside, is not a
6 determination of how the vehicle is being driven at
7 that time period, is it? -- or at that period of
8 time.

9 A. That is correct. It is not a
10 determination of how the vehicle is being driven.

11 MR. TILLER: Thank you,
12 Mr. Wilson. I have nothing further.

13 MR. CHAKKALAKAL: All right. I
14 need about five minutes.

15 MR. TILLER: Our lunch is here.
16 So why don't we....

17 Do you want to eat, or do you
18 want to try to just bang through?

19 MR. CHAKKALAKAL: Let's eat.

20 (Whereupon, the deposition recessed for
21 lunch at 1:10 p.m.)

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A F T E R N O O N S E S S I O N

(1:52 p.m.)

FURTHER EXAMINATION

BY MR. CHAKKALAKAL:

Q. Mr. Wilson, welcome back again.

A. Thank you.

Q. And before we broke for lunch, you answered some questions related to Figure 2, Figure 4 -- Figure 2 and Figure 4 of the Curry reference, which is Exhibit No. 3, and a number of questions on Curry related to -- and some other questions related to the Curry reference.

Do you recollect that?

A. Yes, I do.

Q. Okay. Let's first talk about....

If you could, turn to Figure 4 of Curry.

A. Okay.

Q. Figure 4 is an embodiment. Correct?

A. Yes.

Q. Okay. And if we look at the -- well, you would agree with me that the Curry reference discloses that you can collect data at all times. Correct?

A. Yes.

Q. Okay. And the Curry reference at page....

1 If you look at page 7.

2 A. I'm there.

3 MR. TILLER: Hang on, can you
4 give me a second -- all right.

5 Q. Page 7, line 8, says:

6 In one embodiment, the
7 driving safety data can be
8 recorded in mobile phones and
9 then transmitted to a centrally
10 managed...server through
11 wireless communication
12 links....

13 Right?

14 A. That's correct.

15 Q. And if you look at the description of
16 Figure 4 that's on page....

17 (Pause.)

18 Q. I apologize. I lost my spot here. Give
19 me one second.

20 (Pause.)

21 Q. When you look at "Motion data recording"
22 on page 8 -- and to be clear, this is still under
23 the heading of "EXAMPLE EMBODIMENTS." Correct?

24 A. Yes. As I said before, the whole rest of
25 the patent seems to be under "EXAMPLE EMBODIMENTS,"

1 but -- but, yes.

2 Q. So this talks about:

3 ...the...phone
4 client...can record location,
5 speed and acceleration data
6 from sensors embedded in the
7 wireless device, such as a GPS
8 sensor...and accelerometer....

9 And it says:

10 The data can be recorded
11 to a local motion data
12 cache...for further processing.

13 COURT REPORTER: Can you cite
14 that -- because, you know, I've had a lot
15 of background noise during that reading.
16 I don't know where to find that in the
17 document.

18 MR. CHAKKALAKAL: No problem.

19 It is going to be on page 8,
20 starting at line 30.

21 Q. And do you see that portion?

22 A. Yes, I do.

23 Q. Okay. So the recording includes -- it
24 refers to location, speed and acceleration data.
25 Correct?

1 A. Yes.

2 Q. And GPS data is part of the location data?

3 A. That is correct.

4 Q. Okay. So -- and this all gets stored into
5 a local motion data cache. Right?

6 A. Correct.

7 Q. So the motion data that's in the cache
8 consists of location, speed, and acceleration data,
9 and includes GPS data. Right?

10 A. Yes.

11 Q. Okay. And then if I can take you down to
12 page 13.

13 A. Okay.

14 Q. And there it says:

15 If the mobile phone --

16 Sorry. Page 13, line 21.

17 And there it says:

18 If the mobile phone is not
19 in monitoring mode, the motion
20 recording process can be
21 activated 302 on the phone.

22 A. Correct.

23 Q. (Continued reading:)

24 This may be accomplished
25 by the user of the phone, or

1 through an automated process by
2 the mobile phone client when a
3 selected type of motion is
4 detected.

5 So you would agree with me that motion
6 recording can be activated by the -- by a user of
7 the phone. Correct?

8 A. Yes.

9 Q. Okay. And you would agree with me that
10 motion recording can be activated by an automated
11 process by the mobile phone client when a selected
12 type of motion is detected.

13 Is that correct?

14 A. Yes; that's what Curry is saying here,
15 yes.

16 Q. Okay. And then if I look at Claim 1 of
17 the Curry reference -- that is on page 19.

18 A. Okay.

19 Q. And the claim consists of a data server
20 limitation, a mobile wireless computing device
21 limitation, a mobile device control module
22 limitation -- do you see those first three
23 limitations?

24 A. I do.

25 Q. And then underneath the mobile device

1 control module limitation, there are three more
2 limitations.

3 Do you see that? -- motion data cache --

4 A. Yes.

5 Q. -- activity mode, and a user permission
6 module?

7 A. Yes.

8 Q. Okay. And the first limitation says --
9 the first limitation under mobile device control
10 module limitation says:

11 ...a motion data cache
12 configured to record data from
13 the GPS receiver and the
14 accelerometer for a period of
15 greater than one minute....

16 Do you see that?

17 A. I do.

18 Q. And the next clause says -- the next
19 limitation says:

20 ...an activity mode
21 recognition module configured
22 to determine a type of activity
23 based on the motion data
24 cache....

25 Do you see that?

1 A. I do.

2 Q. And then the next limitation talks about:

3 ...a user permission

4 module in communication with

5 the data server --

6 MR. TILLER: "Use" permission

7 module.

8 Q. (Continued reading:)

9 -- a use permission module

10 in communication with the data

11 server, wherein the database

12 provides timing and location

13 information detailing when and

14 where the mobile wireless

15 computing device can be used

16 based on the timing

17 information, the location

18 information, and the type of

19 activity determined by the

20 activity mode recognition

21 module.

22 A. I see that.

23 Q. Okay. And here it has the mobile device
24 module is "configured to operate." Right?

25 A. Yes.

1 Q. So the "configured to operate" in this
2 claim is not limited by a phone call, is it?

3 A. It is. At least, around line 20, the
4 information is related to "when and where the mobile
5 wireless computing device can be used."

6 So presumably, if there's no interest in
7 using it or no indication that usage is required,
8 this wouldn't apply.

9 Q. So just so I'm clear on your -- on the way
10 you're interpreting this, "configured to" should be
11 limited by the....

12 Well, let me ask it to you this way: So
13 the way you just phrased your answer, my
14 understanding is the "configured to" -- when you
15 have something that's "configured to," it can be
16 further limited by elements not explicitly disclosed
17 in the claim?

18 A. To me, this claim explicitly discloses
19 that this is trying to figure out when and where the
20 mobile wireless computing device can be used.

21 And so, the only times where that is
22 relevant is when either a phone call is coming in or
23 there's some effort to place an outgoing call.

24 And so to me, the process here is limited
25 to those times or is focused -- is limited to the

1 times when there is an interest in using the phone,
2 i.e., a call coming in or a call going out.

3 Q. So did you apply that same "configured to"
4 rationale in your interpretation of Claim 1 of the
5 '271 patent?

6 A. I guess I'm confused in how this modifies
7 the "configured to."

8 As I'm reading this....

9 (Witness reading.)

10 A. Yeah, I don't see how this reflects on
11 "configured to," or I guess I don't understand the
12 question.

13 Q. Well, you remember that Claim 1 of the
14 '271 patent had the phrase "configured to." Right?

15 A. Correct.

16 Q. Okay. And earlier you said that:

17 ..."configured to" means,
18 actually, it's ready to do it,
19 not that it could, but that it
20 could do it without further
21 modification or programming.

22 A. That sounds correct.

23 Q. Okay. So based on your statement of
24 "configured to," would you agree that the motion
25 data cache configured to record, as described in --

1 sorry, as described in Claim 1 here, the motion data
2 cache is "configured to record data from the GPS
3 receiver and...accelerometer for a period of greater
4 than one minute" without further modification?

5 A. If there is a phone call initiated or
6 phone activity initiated, yes.

7 Q. Is "phone activity" listed anywhere in the
8 claim?

9 A. In this claim, it is in the form of "when
10 and where the mobile wireless computing device can
11 be used." To me, that represents, indicates, phone
12 usage.

13 Q. We're talking about phone calls, not phone
14 usage, specifically.

15 A. Phone calls, including texts and so
16 forth -- but, phone communications.

17 Q. So here it says the....

18 ...permission module in
19 communication with the data
20 server, wherein the database
21 provides timing and location --

22 (Court reporter admonition.)

23 Q. Starting at line 20 -- sorry, line 18 of
24 Claim -- of page -- of line -- of page 19:

25 ...a use permission module

1 in communication with the data
2 server, wherein the database
3 provides timing and location
4 information detailing when and
5 where the mobile wireless
6 computing device can be used
7 based on the timing
8 information, the location
9 information, and the type of
10 activity determined by the
11 activity mode recognition
12 module.

13 Did I read that correctly?

14 A. Yes.

15 Q. Okay. So what I'm asking you here is
16 that -- the two limitations above that, it says that
17 a motion data cache can be configured to record
18 GPS -- data from a GPS receiver. Right?

19 A. Yes.

20 Q. And what I'm asking you: Does this claim
21 disclose any limitation that the GPS recording is
22 limited to a phone call?

23 MR. TILLER: I object to the
24 relevancy of any of this.

25 A. I think my answer is still the same here,

1 in that, to me, the configuration is such that this
2 process is initiated -- or this claim becomes
3 relevant where there is an interest in using the
4 mobile wireless computing device, either indicated
5 by an incoming call or some activity by the user.

6 And that is what triggers the motion data
7 cache recording and the activity mode recognition
8 module.

9 Q. Okay.

10 (Pause.)

11 Q. And let's go to Figure 2, now, of the
12 Curry reference that's on page....

13 A. 25?

14 Q. Yes. Thank you.

15 A. I'm there.

16 Q. Okay. And again, Figure 2 is an
17 embodiment. Correct?

18 A. Yes, it is.

19 Q. Okay. Does Figure 2 show a server?

20 (Witness reading.)

21 A. It shows a "'Driver' Safety User Control
22 and Monitoring Web Site," which could be implemented
23 on a server, but it doesn't identify it as a server
24 by name.

25 Q. Okay. Does....

1 (Pause.)

2 Q. If I go to page 12.

3 A. Okay.

4 Q. And it says -- starting at line 19, it
5 says:

6 FIG. 2 illustrates a flow
7 chart depicting a user
8 permission management and
9 driving safety monitoring
10 system located on a web server.

11 Do you see that?

12 A. I do.

13 Q. Okay.

14 In one example embodiment,
15 a parent can use...use
16 permission input interface...to
17 input their "teen's" driver's
18 cell phone number and "their"
19 parent's phone number....

20 And the description goes on.

21 So first, would you agree with me that the
22 web server that's identified in the first sentence
23 is the website that you just identified in Figure 2?

24 A. Yes.

25 Q. Okay. Do you see an indication in

1 here....

2 (Pause.)

3 Q. So the description of Figure 2 appears to
4 start from line 19 of page 12 and proceed on to
5 approximately line 20 of -- sorry, line 19 of
6 page 13.

7 Do you see that?

8 A. It appears to be that way, with a quick
9 look, yes.

10 Q. Do you see....

11 One second here, sorry.

12 (Pause.)

13 Q. In the -- sorry, let's go back to Figure 2
14 itself on page 25.

15 A. Okay.

16 Q. Other than that web server that we've just
17 identified, do you see a -- any other server
18 identified in Figure 2?

19 A. I do not.

20 Q. Okay. Going back to page 12 of the Curry
21 reference.

22 A. I'm there.

23 Q. Do you see any indication that Figure 2 is
24 a continuation of Figure 1?

25 MR. TILLER: Objection.

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Let me be more specific:
Objection; unclear what is meant by
Figure 2 being a continuation of Figure 1.
(Witness reading.)
A. Again, I didn't opine on this.
But in reviewing the section related to
Figure 2, I don't find any specific references to
Figure 1, although the fact that Figure 2 follows
Figure 1 in this document indicates some association
between the two to me.
Q. Now, the....
(Pause.)
Q. If I look at page 13 of the Curry
reference -- so, Exhibit 3 -- and it identifies....
Sorry.
(Pause.)
Q. My apologies, just one second.
(Pause.)
Q. From line 29:
The activity mode
recognition module...can use
recorded time stamped data to
estimate the type of
activity....
A. I'm sorry --

1 MR. TILLER: Yeah, I'm sorry.

2 Where?

3 Q. Sorry. Line 29 of page 13 -- sorry --
4 line 31, not 29.

5 A. The activity -- okay.

6 Q. (Reading:)

7 The activity mode
8 recognition module 306 can use
9 recorded time stamped data to
10 estimate the type of activity:
11 driving, walking, running, or
12 remaining substantially still.

13 Do you see that?

14 A. I do.

15 Q. Okay. And so, those are all possible
16 activities of the user. Right?

17 A. Yes.

18 Q. Okay.

19 (Pause.)

20 Q. And then you had some -- so if I take you
21 to page 15 of the Curry reference, starting at
22 line~24.

23 A. Okay.

24 Q. And you talked about the complexity of the
25 driving situation/context.

1 Do you recall that?

2 A. I do.

3 Q. And specifically, you answered to the
4 question:

5 And what is that, the
6 complexity of the driving
7 situation or context?

8 That was specifically,
9 here, the complexity of the
10 driving situation a driver is
11 encountering.

12 And when you say "encountering" there,
13 that's based on the situation that the driver of the
14 vehicle is in?

15 A. Essentially, it's the external
16 environment. So, the presence -- number of other
17 cars. Possibly, weather conditions.

18 The types of elements that would make
19 driving more difficult or less difficult -- type of
20 environmental elements.

21 Q. Okay. So when you say "environmental
22 elements," you said weather, traffic, location.

23 A. Yes -- location in the sense of a weaving
24 zone or an on ramp or off ramp or something like
25 that.

1 Q. Where the vehicle's located, what kind of
2 road it's on?

3 A. Yeah, the kind of road that the situation
4 is on -- the vehicle is on -- type -- curvy roads
5 versus straight roads.

6 MR. CHAKKALAKAL: I have nothing
7 further for the witness.

8 MR. TILLER: Nothing from me.

9 MR. CHAKKALAKAL: And just
10 because somebody had pointed out to me,
11 before we go off the record -- I'm sorry I
12 have to ask you again -- but, do we have
13 agreement that the deposition testimony
14 can be used in all proceedings?

15 MR. TILLER: Yes.

16 MR. CHAKKALAKAL: Thank you.

17 MR. TILLER: He'll read.

18 (Time noted 2:32 p.m.)

19 - - -

20 (Witness excused.)

21 - - -

22 (Deposition concluded at 2:32 p.m.)

23 - - -

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DEPONENT'S SIGNATURE

Please be advised I have read the foregoing deposition, pages 235 through 330, inclusive. I hereby state there are:

(Check one)

_____ No corrections

_____ Corrections per attached

CHRISTOPHER K. WILSON

- (X) Reading and signing was requested.
() Reading and signing was waived.
() Reading and signing was not requested.

Should the signature of the witness not be affixed to the deposition, the witness shall not have availed himself of the opportunity to sign or the signature has been waived.

--oOo--

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ERRATA SHEET

NAME OF CASE: United States Automobile
Association (USAA) v. Auto
Telematics, LTD

DATE OF DEPOSITION: March 27, 2024

NAME OF WITNESS: CHRISTOPHER K. WILSON

Reason Codes:

- 1: To clarify the record.
2: To conform to the facts.
3: To correct transcription error.

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CHRISTOPHER K. WILSON

DATE

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CHRISTOPHER K. WILSON

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DECLARATION UNDER PENALTY OF PERJURY

I am the witness in the foregoing deposition.

I have read the foregoing deposition or have had read to me the foregoing deposition, and having made such changes and corrections as I desired, I certify that the same is true in my own knowledge.

I hereby declare under penalty of perjury that the foregoing is true and correct.

In witness whereof, I hereby subscribe my name this _____ day of _____, 2024.

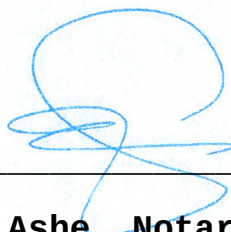
CHRISTOPHER K. WILSON

CERTIFICATE

I, SUSAN ASHE, a Registered Merit Reporter and Notary Public, hereby certify that the foregoing is a true and accurate transcript of the deposition of said witness, who was first duly sworn by me on the date and place hereinbefore set forth.

I FURTHER CERTIFY that I am neither attorney nor counsel, nor related to or employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed in this action, nor am I financially interested in this case.

Dated this 4th day of April 2024.



Susan Ashe, Notary Public
of the District of Columbia

My commission expires: May 14, 2028.

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