

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD

3 -----
4 ROKU, INC.,

5 Petitioner,

6 v.

7 ECOLINK INTELLIGENT TECHNOLOGY, INC.,

8 Patent Owner.

9 Case IPR2023-00792

10 U.S. Patent No. 10,692,340

11 -----
12 Deposition of BRUCE McNAIR

13 Conducted virtually via Zoom

14 Thursday, January 25, 2024

15 8:57 a.m. CST
16
17

18 Job No.: 518728

19 Pages: 1 - 190

20 Reported by: THERESA A. VORKAPIC,

21 CSR, RMR, CRR, RPR
22

1
2 Deposition of Bruce McNair, conducted
3 virtually via Zoom, pursuant to notice before
4 Theresa A. Vorkapic, a Certified Shorthand
5 Reporter, Registered Merit Reporter, Certified
6 Realtime Reporter, Registered Professional
7 Reporter and a Notary Public in and for the State
8 of Illinois.
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1 A P P E A R A N C E S

2 ON BEHALF OF THE PETITIONER:

3 SCOTT A. MCKEOWN, ESQUIRE
4 WOLF GREENFIELD & SACKS PC
5 601 Massachusetts Avenue, NW
6 Washington, DC 20001
7 202-389-6025
8 smckeown-ptab@wolfgreenfield.com
9

10 ON BEHALF OF THE PATENT OWNER:

11 JAMES J. LUKAS JR., ESQUIRE
12 GREENBERG TRAURIG LLP
13 77 West Wacker Drive
14 Suite 3100
15 Chicago, Illinois 60601
16 312-456-1038
17 lukasj@gtlaw.com
18

19 ALSO PRESENT:

20 Greer McKee, Audiovisual Technician,
21 Planet Depos
22

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E X H I B I T S

(Attached to transcript.)

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P R O C E E D I N G S

THE REPORTER: Would you raise your right hand, please.

(The witness was duly sworn.)

MR. LUKAS: Let's introduce ourselves for the record. My name is James Lukas. I'm with the law firm of Greenberg Traurig, and I represent the patent owner, Ecolink Intelligent Technology, Inc.

MR. McKEOWN: And this is Scott McKeown of Wolf Greenfield & Sacks representing petitioner Roku, Incorporated.

BRUCE McNAIR,
called as a witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. LUKAS:

Q Good morning, Mr. McNair. Nice to meet you.

A Good morning.

Q I know you've done in this a lot so I'm not going to waste your time with lots of instructions or anything like that. We'll just

1 kind of get into it.

2 This involves an IPR 2023-792, US Patent
3 No. 10,692,340. When I refer to the patent, I'll
4 probably refer to the '340 patent.

5 Is that okay?

6 A Sure.

7 Q Mr. McNair, how many the times have you
8 been deposed?

9 A Oh, I don't remember exactly. In the 30s
10 or 40s I think.

11 Q How did you prepare for your deposition
12 today?

13 A I reviewed the materials in the case, the
14 petition, my declaration, the '340 patent, the
15 cited prior art patents, the institute decision,
16 and I had a discussion with Mr. McKeown.

17 Q How long was that discussion with
18 Mr. McKeown?

19 A I think it was about an hour or two.

20 Q Was anyone else present for that
21 discussion?

22 A No.

1 Q Did you have any discussions with Roku,
2 Incorporated?

3 A No.

4 Q Let's pull up the petition that you
5 mentioned.

6 MR. LUKAS: Greer, if you could just pull
7 up -- it should say "Petition," and that's
8 Paper 2.

9 AV TECH McKEE: I'm pulling that up right
10 now. I believe this is the one that didn't have
11 the premarking.

12 How would you like this marked?

13 MR. LUKAS: I'm fine not -- do you need to
14 mark it? I mean, we're going to refer to it as
15 Paper 2.

16 AV TECH McKEE: No problem.

17 MR. LUKAS: Is that okay, Scott?

18 MR. McKEOWN: Yes. Yeah, we don't need to
19 mark that.

20 MR. LUKAS: Okay.

21 BY MR. LUKAS:

22 Q Mr. McNair, have you seen this petition

1 before?

2 A Yes.

3 Q Is this the petition you reviewed in
4 preparation for your deposition?

5 A Yes.

6 MR. LUKAS: Greer, is it set up where he
7 can sort through it, or is it easier if I just
8 point you to a spot?

9 AV TECH McKEE: Either way. I can give --

10 All right. Mr. McNair, you now have
11 control of the document. You will just first need
12 to click in order to take it from me.

13 THE WITNESS: Okay.

14 BY MR. LUKAS:

15 Q Mr. McNair, did you -- did you review this
16 petition prior to signing your declaration in this
17 IPR?

18 A Yes.

19 Q Did you provide comments regarding the
20 petition to counsel?

21 A I believe I did.

22 Q Okay. Did you -- were you involved in

1 creating the claim charts at Pages 19 through 56
2 and 59 through 79? If you can just glance at
3 those.

4 A Let me get to them and just refresh.

5 Q Sure.

6 A So I certainly saw them and had input to
7 them. If there was anything I didn't understand,
8 if there was any concern that I had, or if I --
9 anything that I wanted to expand on, I had the
10 opportunity to do that.

11 Q Do you agree with all the statements
12 included in this petition?

13 A I don't know of anything that I disagree
14 with, you know, without going through it line by
15 line and reading it in detail. I don't believe
16 there's anything I disagree with.

17 Q So sitting here today, you have no reason
18 to disagree with any statements included in the
19 Roku petition?

20 A I don't know of any reason to disagree
21 with anything as I sit here.

22 Q I wanted to direct your attention --

1 MR. McKEOWN: Sorry to interrupt. Is the
2 realtime working? I'm having a technical issue
3 here.

4 MR. LUKAS: It is working for me.

5 MR. McKEOWN: Let me disconnect and
6 connect again.

7 MR. LUKAS: Do you want us to take a
8 break?

9 THE REPORTER: Do you want all this on the
10 record, counsel?

11 MR. LUKAS: We can go off the record.

12 (Discussion was had off the record.)

13 BY MR. LUKAS:

14 Q Mr. McNair, picking back up at the
15 petition, if you could -- Paper 2, if you could
16 look at Page 4.

17 A Okay. Page 4.

18 Q Keep going down. Right in that little box
19 at the end of 4, you can see the specific art on
20 which the challenge is based.

21 Do you see that?

22 A Yes.

1 Q Okay. When you prepared for your
2 deposition, did you review each of Lamb, Williams,
3 and Sharma?

4 A Yes.

5 Q Are you okay if you refer to the prior art
6 as Lamb, Williams, and Sharma today?

7 A Yes.

8 Q And if you could go to Page 9. Right at
9 the top of Page 9, you can see that Ground 1 of
10 the petition is an obviousness ground.

11 Do you agree with that?

12 A Yes.

13 Q And the ground -- Ground 1 relates to
14 Claims 1 and 2, 6, 11 and 12 and 16?

15 A Correct.

16 Q And it's your opinion that Lamb in view of
17 Williams renders those claims invalid as obvious?

18 A That's correct.

19 Q And if you look to Ground 2, that's also
20 an obviousness ground?

21 A Right.

22 Q It's your opinion that Sharma alone

1 renders obvious Claims 1 and 11?

2 A Correct.

3 Q If you can go to Page 15, at the end of
4 15, please.

5 A All right.

6 Q I'm just going to read right below the
7 overview of Williams where it says: "Williams is
8 in the same field of endeavor as the '340 and Lamb
9 (e.g. security and alarm systems)."

10 Do you see that?

11 A Yes.

12 Q Do you agree with that statement?

13 A Yes.

14 Q Okay. So you agree that the '340 patent
15 is in the field of security and alarm systems?

16 A Yes.

17 Q Okay. And what's your understanding of a
18 security system?

19 A Well, a security system is a system that's
20 intended to secure an object or premises.

21 Q Okay. What about an alarm system?

22 A An alarm system is a system intended to

1 give an indication, in the form of alarm, in the
2 case of a violation of the security of a protected
3 object or premises. I'm not -- you know, I'm just
4 referring -- this is my general understanding
5 without, you know, having consulted any references
6 about this. But this is my general understanding
7 of what these would mean as I think they're
8 ordinary terms in the art.

9 Q Okay. But you would agree with me that
10 alarm system or security system is limited to
11 securing premises or objects?

12 MR. McKEOWN: Objection.

13 BY THE WITNESS:

14 A That's what occurs to me. Vehicles could
15 be considered objects, so a security system or
16 alarm system would be used with that. As I sit
17 here, there may very well be other things that are
18 secured or alarmed that I haven't stated, but if
19 you give me an example of something, I could tell
20 you whether I agree or disagree that that would be
21 something that could be secured or alarmed.

22 BY MR. LUKAS:

1 Q I can't think of anything right now, but
2 it doesn't really -- it doesn't matter. I guess I
3 was just curious.

4 And can you tell me what you think the
5 differences are between a security system and
6 alarm system?

7 A Well, the suggestion is that an alarm
8 system is raising alarm under a condition where a
9 security system may be not raising any alarms but
10 in some manner securing something. So for
11 instance I could imagine a bank vault might have a
12 security system that doesn't raise an alarm but,
13 for instance, may close a door or, you know, put
14 dead bolts in place to prevent someone from
15 accessing something on the premises.

16 Q Okay. So it's your opinion that a
17 security system doesn't necessarily need to have
18 an alarm?

19 A I don't know whether it would be useful if
20 it didn't have an alarm. You know, I'm really
21 thinking of this as the overall concept of a
22 security plus alarm system. It provides security

1 and it sounds an alarm. If you do one without the
2 other, I can have an alarm system that doesn't
3 provide any securing, but in the fact that it's
4 raised an alarm, you know, that does provide
5 security. You know, it's like the joke about a
6 guard dog versus a watchdog. I have watchdogs but
7 they're not guard dogs, but they alarm but they
8 don't really do anything, you know. A guard dog
9 might not make any sound but it would secure a
10 premises.

11 Q Okay. So I just want to wrap this up.
12 But a security system can operate without an
13 alarm?

14 A Well, as I mentioned, in the case of the
15 bank vault, I could imagine a security system that
16 locks a deadbolt, perhaps, you know, trapping a
17 burglar inside a vault if they've walked into it,
18 or trapped inside of a building without sounding
19 an alarm.

20 Q Okay.

21 A I don't know if, practically, anybody
22 would do that, but I could certainly conceive of

1 such a system.

2 Q In our discussions about the differences
3 between security and alarm systems, we talked
4 about an alarm. What's your understanding of the
5 meaning of an alarm?

6 A Well, I think an alarm is some sort of
7 indicator; it might be visual, it might be
8 audible. I don't know what else it might be, but
9 certainly two options are for it to be visible or
10 audible.

11 Q What creates the alarm situation?

12 A What creates the alarm situation would be
13 violation of some conditions that the system is
14 intended to protect.

15 Q So in an alarm system, an alarm occurs
16 when there's a violation of a condition that the
17 system is intended to protect?

18 A Yeah, I think that's -- I'm just trying to
19 think of systems that I've used. I have a siren
20 mounted outside my house and a bell mounted inside
21 my house, and if one of the perimeter alarms would
22 be breached, the bell would ring and the siren

1 would sound. And I also had a strobe, a flashing
2 light. So, you know, those would be indications
3 that somebody breached the perimeter.

4 Q So I was going to ask you, what is your --
5 what do you mean when you say "a condition that
6 the system is intended to protect"?

7 A Well, if the system has sensors on a door
8 or a window, or motion sensors or perhaps other
9 events like a sump pump that failed to actuate
10 or -- you know, one thing, I have a septic system,
11 and I need to pump my septic system into a lateral
12 field. I have an alarm that will go off if the
13 level of the -- I forget what it's called -- the
14 waste water tank. If the waste water tank level
15 rises too high because the pump isn't pumping it
16 into the lateral field, it will sound an audible
17 alarm and flash a light to tell me that, you know,
18 one of the conditions that the system is supposed
19 to perform is keeping the drain tank empty or from
20 overflowing and something has gone wrong. So it
21 alerts me to that.

22 Q In that example, the septic system

1 example, you would call that an alarm system, not
2 a security system?

3 A Well, I've spent a lot of time working in
4 the field of security, and I'll just tell you the
5 operative definition I use for security versus
6 quality. The quality is meeting customers'
7 expectations; security is meeting customers'
8 expectations in the actions of some adversary or
9 undesirable condition. So I'm securing my
10 premises against the damage caused by an
11 overflowing septic system. It's not security in
12 the sense that I'm dealing with some misbehaving
13 person, but just a failure of a system that, if I
14 don't correct that failure, then, you know, I will
15 suffer some damage. So it is an alarm system, in
16 some sense that's securing some aspect of my
17 premises.

18 Q So just to be clear, you're saying the
19 septic system alarm system, let's call it that,
20 you would also call that a security system?

21 A I would think of a security system more in
22 terms of protecting against the actions of some

1 perpetrator engaging in some activity that's going
2 to harm me, but I could imagine that somebody
3 might consider it to be providing security. It's
4 a fine line, you know, in terms of where I draw
5 the line in terms of whether it's a security
6 system or not. And in general -- in the general
7 use, I think most people might say that it's
8 probably not a security system. Although I could
9 imagine some people would say, yeah, it's part of
10 the entire system.

11 There are a series of alarms which may
12 occur either because of a forced entry or some
13 system failure. If I have a sump pump, I might
14 tie my sump pump into the same alarm system of my
15 security system. I think it's a gray area where I
16 draw the distinction, where a security system
17 might end. But there are certain things that are
18 clearly -- a security system is clearly preventing
19 actions of -- illegal actions of some individuals,
20 but they might protect against other things as
21 well.

22 Q Would you say the septic system example

1 you just gave is in the same field of endeavor as
2 the '340 patent?

3 A Probably not.

4 Q Okay. We discussed an alarm, and I
5 believe you said it's something -- well, let's go
6 back to that.

7 Tell me again how you define an alarm, and
8 I had a couple of follow-up questions about that
9 definition.

10 A Well, I don't remember exactly what I
11 said, but if I recreate what I'm thinking, an
12 alarm is an indicator -- visual, audible or some
13 other appropriate mechanism that I can't think of
14 offhand what other options might be, but certainly
15 visual or audio, audible -- which gives an
16 indication of some changing condition of the
17 system.

18 Q What does it mean to give a visual
19 indication of a change in condition?

20 A A flag or a flashing light or something a
21 human being or a camera might be able to see.

22 Q When you say "flag," what do you mean by

1 flag?

2 A Well, if you have a simple mechanical
3 thing that raises or lowers an indicator. That
4 would be a visual indication.

5 Q Can you think of any other visual
6 indications of a changing condition?

7 A Offhand, no.

8 Q I just want to wrap this up. The two
9 types of -- can we call them "visual alarms" would
10 be a flag or flashing light?

11 A Well, a light, a constant light on or off.
12 I might have a light that lights up and says some
13 condition exists, or it might flash to get my
14 attention. But I think as I sit here right now,
15 you know, those are two types of visual
16 indications that I can think of that I've seen.

17 Q So I just want to -- so the two visual
18 alarms or indications would be lights or flags?

19 A Those are the ones that I've indicated,
20 but if I thought about it I might come up with
21 others. But those are the two obvious ones.

22 Q But you can't think of any other visual

1 alarms or indications at this moment?

2 A At this moment, no.

3 Q You talked about audible indications or
4 alarms.

5 Can you give me -- can you tell me what
6 you mean by an "audible indication" or alarm?

7 A Well, again, something that you can hear.
8 It might be a bell, it might be a siren, it might
9 be some other type of sounder. Like there are --
10 like there is piezoelectric indicators that I've
11 seen used as audible alarms.

12 (Reporter clarification.)

13 BY MR. LUKAS:

14 Q Other than a bell, a siren or
15 piezoelectric indicator, can you think of any
16 other audible alarms or indicators?

17 A Offhand I can't, but there may very well
18 be others.

19 Q What do you mean by a "bell"?

20 A Well, if you think of a school bell, you
21 have an object that has a resident sound when you
22 hit it, and there's a clopper that hits it which

1 is driven by, typically, an electromagnetic
2 vibrator.

3 Q Okay. What about a siren? What do you
4 mean by a "siren"?

5 A Well, sirens come in different forms. The
6 oldest form of a siren, you take a drum with some
7 slits in it and you spin it around with an
8 electric motor or mechanical device. Like you can
9 imagine a crank-up type of siren that was used
10 probably during World War I or World War II, but
11 nowadays you're likely to see an electronic device
12 that generates a warbling sound, like a police
13 siren. Or a horn is another example, like a car
14 horn, that would be another example of an audible
15 alarm.

16 Q Okay. What's a "piezoelectric audible
17 alarm"?

18 A Well, the piezoelectric effect is a
19 crystal -- a crystalline substance, will either
20 generate a voltage if you deform it, or if you
21 apply a voltage to it it will deform. So there
22 are small devices that will generate audible

1 frequency tones if you apply an alternating
2 voltage to it. So it's sort of like a loudspeaker
3 except it doesn't use magnetics like the
4 loudspeaker does. It uses the electric field and
5 the deformation of the crystal, usually a quartz
6 crystal or a ceramic crystal will demonstrate a
7 piezoelectric effect.

8 Q You call the piezoelectric effect an
9 audible alarm?

10 A No, the piezoelectric effect is what
11 causes an electrical voltage to deform a crystal,
12 but we refer to a device that uses the
13 piezoelectric effect to make an audible sound as a
14 piezoelectric alarm.

15 Q Okay. So I just want to summarize. The
16 two visual alarms are a light and a flag, right?

17 A Those are the two that I thought about.

18 (Reporter clarification.)

19 BY MR. LUKAS:

20 Q And the four, let's call them four audible
21 alarms are a bell, siren, a piezoelectric alarm
22 and a horn?

1 A Those are the four that I've mentioned.
2 Give me enough time and I may think of some
3 others.

4 Q Okay. Can you think of any other types of
5 alarms as we're sitting here right now?

6 A Other than audible or visual? Well, I
7 would fall back to the human senses, you know,
8 what are the human senses? Because ultimately we
9 want to convey this to a person that there is an
10 alarm condition. Or, you know, I could generalize
11 and say an alarm signal might not be interpreted
12 by a person. It might be interpreted by some
13 other electronic device, in which case now I'm
14 open up to voltage levels or contact closures or a
15 wide variety of other things. So, you know, it
16 depends on who the intended destination of the
17 alarm signal is. If it's a person, then it's got
18 to apply to human senses. If it's being sent to
19 another system, then it could be any type of
20 electronic or electromagnetic signal.

21 Q Okay. No, that's helpful. In the context
22 of, let's call it, home and residential and

1 commercial security in alarm systems, you would
2 agree with me that those are geared towards a
3 person?

4 A Well, I could imagine there is the
5 immediate need to alert the person who is in the
6 vicinity of the protected premises that a security
7 breach has occurred. So for that the intended
8 audience would be an individual. But I might have
9 remote reporting; I might be sending this alarm
10 condition to some headquarters location where,
11 again, the intended recipient is a person or the
12 police, and the form of the alerting of the alarm
13 might be a message. You know, a perimeter has
14 been breached at a particular address.

15 The police don't need to hear a siren or a
16 bell or a whistle or anything like that, they just
17 need to be dispatched to respond to that address.
18 Or, for instance, an alarm service company like
19 ADT, they just need the indication that one of
20 their subscribers has had a condition that needs
21 to be addressed.

22 Q Okay. But in that example, the audience

1 is still a human, correct?

2 A Right. But now that broadens -- that's
3 true, the end audience today, you know, maybe
4 someday we'll have robots coming out and servicing
5 alarm conditions, but today, yes, a human is the
6 ultimate destination.

7 But, you know, my point is it broadens the
8 definition of what the alarm indicator could be.
9 Because if you're sending a message to a police
10 officer in their vehicle, a radio call, a teletype
11 type message on a display in their vehicle, you
12 know, might be what they need to get to be
13 dispatched.

14 So it broadens it. It's still intended
15 for a person, but the means of communications
16 could be different than it would be if I'm just
17 alerting to somebody immediately at my premises.

18 Q Understood. I think you're adding
19 essentially -- you're saying that a written or
20 verbal message could also be an alarm; is that
21 right?

22 A It depends on the context.

1 Q Well, we talked about audible -- would you
2 say a written message is a visual alarm?

3 A It would serve the purpose of a visual
4 alarm to the person receiving it.

5 Q Would you say, let's call it, a verbal
6 message is another type of audible alarm?

7 A Well, yes. As a matter of fact, I can
8 think of a specific example. I have -- I have a
9 Ring camera at my front door -- and I have to be
10 careful when I say it because I have one in the
11 room and I don't want it to respond to me -- but
12 the voice assistant that Amazon sells which has a
13 woman's name will give me an audible indication
14 there's somebody at the front door. It speaks out
15 the message, someone has been detected at your
16 front door.

17 So that is an audible alarm to give me an
18 indication that something is going on. And I
19 could imagine having other alerting systems that
20 say, you know, I don't use this, but, you know,
21 the front door has been opened. I've got the
22 capability of programming my system to give that

1 alarm.

2 Q Okay. But in the context of, let's call
3 them, security alarm systems where the human is
4 the audience, an alarm must convey information or
5 an alert to the human?

6 A Where the audience is a human being, the
7 system must convey some indication that is
8 interpretable by that human.

9 Q Okay. And the two examples we discussed
10 generally are audible alarms and visual alarms?

11 A Yes.

12 Q Okay. I don't want to -- there was a
13 discussion about -- you had mentioned that you
14 have to assess -- I think you used the words "a
15 condition" that the system is intended to protect,
16 and I wanted to talk about that.

17 What are the different ways, I guess, you
18 came up with that you can assess the condition
19 that the system is intended to protect?

20 A I'm not sure I understand your question.
21 Could you ask it in a different way.

22 Q Yeah, no. I didn't understand it very

1 well, either.

2 So we were talking about when you raise an
3 alarm. And I think we discussed that you raise an
4 alarm when a certain condition that the security
5 or alarm system is intended to protect I guess
6 changes. And I wanted -- my question is what are
7 the ways you are able to determine that the
8 condition that the system is intended to protect
9 changes?

10 A I have to have some measurement of what's
11 happening. It's typically done by some type of
12 sensor. So I have a sensor that is measuring some
13 aspect of the system that's being protected, and
14 it's indicating that there are acceptable --
15 acceptable ranges of that sensor indication and
16 there are unacceptable ranges. And the simplest
17 is a door is open or closed, a window is open or
18 closed; there is or there is not motion.

19 But it could also be -- I'm giving binary
20 examples -- but there might be situations where I
21 want to alarm if a temperature is out of range.
22 So if I have a furnace controlling the temperature

1 in my house and I'm away on a vacation, I might
2 have an indicator that says the temperature in the
3 house is supposed to be 70 degrees but it's
4 dropped to 40; the outside temperature is below
5 freezing so there's a risk that the pipes in the
6 house will freeze. So that's giving the
7 indication that there is some condition that we're
8 protecting and it's now moving out of range.

9 Q What does the word "sensor" mean?

10 A A sensor is a device that senses some
11 condition.

12 Q What are different types of -- give me
13 some examples of a sensor?

14 A Well, I taught a course, a sophomore-level
15 course at Stevens where we dealt with sensors.
16 And there's all kinds of sensors. There's
17 vibration sensors, motion sensors, temperature
18 sensors, position sensors. Any aspect of a system
19 that you can measure you can have a sensor to deal
20 with that.

21 Q You said giving an indication that there
22 is some condition that we're protecting.

1 What do you mean by "a condition that
2 we're protecting"?

3 A Well, in the simple case, the condition
4 that's being protected by a security or alarm
5 system is the physical envelope, the perimeter of
6 my house or a building. Is it impenetrable? Has
7 some penetrated it? Has somebody opened a window
8 or opened a door or climbed through a vent that
9 they shouldn't be in? So whatever it is, whatever
10 assets that I've got, I have some means of
11 detecting whether or not those assets are subject
12 to some sort of risk.

13 Q In the context of -- in the situation
14 where you have a sensor on a door and you're
15 sensing whether the door is open or closed, what
16 type of sensor is used there?

17 A The simplest is just a simple magnetic
18 read switch. I have a magnet mounted on a door,
19 and I have a read switch mounted on the door
20 frame. If the magnet moves away from the read
21 switch, it causes that read switch to open or
22 close depending on whether it's a normally open or

1 normally closed switch.

2 I could similarly have a light beam, and
3 if that light beam is interrupted, that means that
4 the door has been opened. I might have something
5 on the hinge that indicates the angle of the
6 hinge. If it's 180 degrees the door is closed; if
7 it's anything other than 180 degrees, then the
8 hinge has been moved because the door has been
9 opened. There's a variety of different ways that
10 I could sense a door.

11 Q You agree in, like, commercial and
12 residential alarm and security systems, the most
13 common door sensor is a magnetic read switch?

14 A Probably.

15 MR. McKEOWN: Objection. Calls for
16 speculation.

17 BY THE WITNESS:

18 A In my experience where I have used and
19 installed alarm systems, it's certainly the
20 cheapest and most readily available. It depends
21 on how the door is set up or how the system is set
22 up.

1 BY MR. LUKAS:

2 Q What type of sensor do you use to
3 determine whether a person is inside a building?

4 A Well, I've seen capacitive sensors. When
5 a person moves near the sensor, it disturbs the
6 electric field around the sensor and the sensor
7 can detect their presence.

8 I've seen motion sensors where you
9 basically have a Fresnel lens and a light beam.
10 If there is a motion by the person, they move
11 through various lobes of the light sensor, and,
12 you know, the motion of the person is detected.

13 I've seen photoelectric sensors where a
14 person breaks a beam of light moving around a
15 room. I'm sure there's many, many other types of
16 sensors that I haven't personally encountered,
17 many other ways to sense. Weight sensors if
18 somebody steps on a mat on your doorway, they can
19 detect that they're there.

20 Microwave reflection sensors, like when
21 you have door openers, you've got a microwave
22 signal being sent out and it's reflected back with

1 a doppler shift, and the microwave sensor senses
2 the doppler shift if there's something moving in
3 the environment. You know, there are many, many
4 different types of ways of detecting whether a
5 person is in a controlled area.

6 Q If you could turn back to Paper 2.

7 A Okay.

8 Q Paper 2, Page 12, the bottom of Page 2.

9 A Okay.

10 Q This is a paragraph talking about level of
11 ordinary skill in the art. And if you could just
12 read that while I have you here and let me know
13 when you're done.

14 A Okay. I've read it.

15 Q This uses the words "sensor systems." And
16 what is your understanding of the meaning of the
17 words "sensor systems"?

18 A We talked about what a sensor might be. I
19 believe someone who is experienced with a variety
20 of sensors that we've talked about would be a
21 person who has experience in sensor systems.

22 Q That doesn't really answer the question.

1 You were able to tell me what a security
2 and alarm system is. What's a sensor system?

3 A It's a system that uses sensors.

4 Q Okay. Are there many different types of
5 sensor systems?

6 A Yes.

7 Q What are the different types of sensor
8 systems?

9 A Well, there are sensor systems that detect
10 physical presence; door, window conditions; liquid
11 levels; motion. You know, essentially any
12 physical property of something that we may
13 encounter can be measured and a sensor can be used
14 to measure it.

15 Q Can you have a sensor system that's not an
16 alarm system?

17 A Yeah, you could.

18 Q Can you have a sensor system that's not a
19 security system?

20 A Yes.

21 Q Can you give me an example of a sensor
22 system that is not a security or alarm system?

1 A Well, in a manufacturing process, I may
2 have material that is being machined. So I may
3 have a sensor system that's measuring the weight
4 of materials or measuring the movement of
5 materials.

6 Q What is the -- in a sensor system --
7 strike that.

8 In that example that you just came up
9 with, what is the sensor doing?

10 A It may be measuring the mass of the
11 material being processed. Let me think -- let me
12 give you a specific example of a case that I was
13 involved with where a company was manufacturing
14 extruders to make plastics. So they had sensors
15 that were indicating the temperature of the
16 plastics, the viscosity, movement, whether there
17 were any operators in the vicinity of the system
18 being operated for safety purposes. So that was a
19 manufacturing system that was using sensors.

20 Q So in -- you could have sensor systems
21 that don't involve residences or commercial
22 buildings, right?

1 A You could.

2 Q You could have sensor systems that don't
3 involve objects, personal objects?

4 A Correct.

5 Q What's the difference between a sensor
6 system and an alarm system?

7 A Well, an alarm system uses sensors. It
8 uses very rudimentary sensors, sensors that could
9 be used for other purposes, but it uses it for the
10 specific example of detecting whether, for
11 instance, a door is open or closed, whether a
12 person is present or not. But the same sensor --
13 you know, take the example of the manufacturing
14 system, the same sensor that is used to sense
15 whether a person is near the manufacturing
16 machines and would, therefore, be in danger. But
17 the same sensor could be used in a home to
18 indicate whether somebody is approaching a door
19 and whether or not they're trying to open that
20 door.

21 So its application, the security or alarm
22 system is an application of the same sensor that

1 could be used for a variety of things.

2 You know, you asked about the use of a
3 read switch. Read switches have been around a
4 very, very long time, and they can be used for a
5 lot of different things. They're probably used --
6 my speculation is they're used in alarm systems
7 because they're very cheap.

8 It's a very cheap and easy way to protect
9 a door or a window because they are so easy to
10 manufacture and they've been used for so many
11 different things in many other sensor
12 applications. So somebody familiar with the
13 general use of sensors would certainly understand
14 how they could be used in an alarm system.

15 Q Yeah. I understand what you just said but
16 that wasn't really my question.

17 My question is what's the difference
18 between a sensor system generally and an alarm
19 system generally? I don't think you really
20 answered that, and I guess I'll follow up with
21 your earlier response.

22 Doesn't an alarm system have to, I guess,

1 generate an alarm?

2 MR. McKEOWN: Objection. Asked and
3 answered, mischaracterizes testimony.

4 BY THE WITNESS:

5 A What I said before, I'll try to reword it.

6 BY MR. LUKAS:

7 Q Sure.

8 A The alarm or the security system is the
9 specific application of a sensor system to
10 providing security for a premises or an object or
11 creating an alarm condition if that security is
12 violated.

13 So it's -- security and alarm is the
14 application. Sensor is the technology that
15 provides it.

16 Q But you could have a sensor system that
17 doesn't provide security for a premises or an
18 object?

19 A Oh, you can use sensors for all kinds of
20 different things.

21 Q And then you could have a sensor system
22 that doesn't create an alarm condition that

1 security is violated?

2 A Let me think. Let me parse your question.

3 Q Sure.

4 A You can have a sensor system that doesn't
5 provide security, doesn't create an alarm
6 condition when security is violated.

7 I'm just thinking about -- you hear
8 discussions of silent alarms, a silent alarm has
9 been triggered. If a silent alarm has been
10 triggered, then has an alarm been triggered or has
11 an indication been sent that signals the fact that
12 a security violation has occurred? There was a
13 sensor system that detected the condition and
14 identified that there was a security violation,
15 but if it was a silent alarm that was sent through
16 some other means other than ringing a bell or
17 sounding a siren or just alerting, it was alerting
18 somebody. I think generally if you've got a
19 security violation, you want to alert somebody to
20 it, and that alert, in whatever form it takes, I
21 would think I would consider to be an alarm
22 condition.

1 Q I guess all I really wanted you to tell me
2 was -- let me ask it this way and maybe you
3 already answered.

4 All sensor systems are not alarm systems?

5 A I'll say what I've said earlier. A
6 security or an alarm system is an application of a
7 sensor system. Alarm and security systems, I
8 believe, are proper subsets of sensor systems.

9 Q Okay. But sensor system is broader than
10 alarm and security systems?

11 A That's what I said. It's a proper subset.

12 Q The question that I've been trying to get
13 answered is you can have a sensor system that is
14 not an alarm and security system?

15 MR. McKEOWN: Objection. Asked and
16 answered.

17 BY THE WITNESS:

18 A Yeah. As I said, if I draw a Venn diagram
19 with security and alarm systems in the center of
20 it, the bigger set, the proper superset is a
21 sensor system. I don't believe you can create a
22 security or alarm system that doesn't have any

1 sensors. I'll say it that way.

2 BY MR. LUKAS:

3 Q I like that answer, okay. You said
4 something earlier and I wanted to follow up on it.

5 If a silent alarm is triggered, then has
6 an alarm or sensor been triggered that signals the
7 fact that a security violation has occurred? What
8 do you mean when you say has an alarm been
9 "triggered"?

10 A We're trying to shave a very thin hair in
11 half. Is a silent alarm an alarm? I think it is.
12 It would probably have to be in the form of a
13 message to some monitoring agency, for instance.
14 I may find it desirable to detect an intruder in
15 the premises, but I don't want to alert them to
16 the fact that they've been detected because then
17 they'll just run away. I'd like to capture them,
18 and the way to do that is to silently alert some
19 enforcement organization to that fact.

20 If I say an alarm must be audible or
21 visual, well, is it visual when it's displayed on
22 the police officer's display in his vehicle that

1 says please respond to this particular address?
2 It's probably a visual alarm but it might not be
3 considered by somebody to be an alarm. It's an
4 indication.

5 So there's a fine line between just
6 general indications and alarms. Alarms -- if you
7 say to a person on the street, did an alarm go
8 off, if they didn't hear it? Then there was no
9 alarm if I didn't see a light flashing. But I
10 think we're probably shaving the hair.

11 Q But in the case of a silent alarm, you're
12 still -- in the case of a silent alarm in, let's
13 say, a residence or commercial building, you're
14 still notifying someone that an alarm has been
15 triggered, correct?

16 A Yeah, I think that's generally correct.

17 Q And then you -- you also said "or has an
18 indication been sent that signals the fact that a
19 security violation has occurred."

20 What did you mean by that?

21 A Well, for instance, the control system
22 that's managing the alarm signals may not sound an

1 audible alarm on the premises or may not make any
2 visual indication on premises, but it may send a
3 message, a text message, for instance, to the
4 alarm service company that says the front door
5 alarm has been triggered at this particular
6 address.

7 Q Okay. But in that example where you say
8 an indication that signals the fact that a
9 security violation has occurred, you're still
10 referring to sending an alarm?

11 A Yeah, I think so.

12 Q Paper 2, the petition, at that level of
13 skill in the art, why did you use sensor systems
14 and not security and alarm systems that you
15 described as the field of endeavor of the '340
16 patent?

17 A Well, as I said earlier, I think security
18 and alarm systems are proper subsets of sensor
19 systems, and the types of sensors that are used in
20 the security and alarm system is a trivial example
21 of a sensor. So if you're familiar with the field
22 of sensors, then certainly you would understand

1 contact closure, you know, lead-type sensors, and
2 you would understand motion sensors and things
3 like that. That would necessarily be something
4 that you would understand, but you have a broader
5 understanding of how sensors can be used in other
6 applications as well because, again, I think
7 security and alarm systems are a specific
8 application of a broad field of sensor systems.
9 There's nothing sophisticated about an on/off
10 switch.

11 Q So you agree with me that the field of
12 security -- excuse me, sensor systems is very
13 broad?

14 MR. McKEOWN: Objection. Asked and
15 answered.

16 BY THE WITNESS:

17 A I'll say it again the same way. A
18 security system is a -- a security or alarm system
19 is a proper subset, a small proper subset of
20 sensor systems.

21 BY MR. LUKAS:

22 Q Okay. But I think what you're saying is

1 there's a lot -- a lot of sensor systems out there
2 that are not security and alarm systems. You
3 would agree with me?

4 MR. McKEOWN: Objection. Mischaracterizes
5 testimony.

6 BY THE WITNESS:

7 A I'll say it again the same way. The
8 security and alarm systems are a small proper
9 subset of sensor systems.

10 BY MR. LUKAS:

11 Q I like that answer. If you could turn
12 back to the paper petition that you have in front
13 of you, Items 4 through 7 of the petition.

14 A Items 4 through 7?

15 Q Pages 4 through 7.

16 A Oh, Pages 4 through 7.

17 Q If you could just glance through them and
18 let me know when you're done.

19 A Okay.

20 Q You didn't do any analysis in your
21 declaration regarding whether the subject matter
22 of the '340 patent was not included in Lamb, did

1 you?

2 (Reporter clarification.)

3 BY THE WITNESS:

4 A I don't remember that I did any analysis
5 of that.

6 Q Just to kind of say a little more about
7 that, you didn't do any analysis as to whether the
8 subject matter of the '340 patent was described or
9 disclosed in Lamb?

10 A Well, I know that I looked at the
11 similarity of the specifications.

12 Q Okay. Did you provide opinions stating
13 what you thought from the '340 patent was not in
14 Lamb -- was not disclosed or described in Lamb?

15 A Well, Lamb doesn't describe the timer
16 that's described in the '340 patent. I think I
17 pointed that out.

18 Q Beyond pointing out that Lamb does not
19 disclose the timer from the '340 patent, did you
20 do any other -- did you render any other opinions
21 on what in the '340 patent is not disclosed or
22 described in Lamb?

1 A I don't think I identified anything else
2 in the '340 patent that wasn't described in Lamb
3 other than the timer.

4 Q Let's talk about that. You say Lamb
5 doesn't describe the timer that's described in the
6 '340 patent.

7 What do you mean by "the timer that's
8 described in the '340 patent"?

9 A What is it? It's Claim 1, Section G, I
10 think, is what the '340 patent describes the use
11 of the timer. I don't have the patent in front of
12 me so I can't point to it. If you want to bring
13 that up, I could highlight that section.

14 Q We'll get to that. You said it in
15 response to my question.

16 I just want to know what you mean by a
17 "timer" -- that's all I'm asking -- in your
18 sentence?

19 MR. McKEOWN: Objection. Asked and
20 answered.

21 (Reporter clarification.)

22 BY MR. LUKAS:

1 Q Yeah. So you just said -- where did you
2 say it? Lamb doesn't -- let me find the exact --
3 doesn't describe the timer that's described in the
4 '340 patent. My question is just limited to your
5 response.

6 What do you mean by "the timer that's
7 described in the '340 patent"?

8 MR. McKEOWN: Same objection.

9 BY THE WITNESS:

10 A Again, to make sure that I answer
11 precisely, you know, I'd like to refer to the
12 patent, the '340 patent. And I can highlight the
13 fact -- the fact that I rely on Williams for the
14 timer is because it wasn't -- I didn't see what I
15 needed to describe that timer. I believe it's
16 Claim Element G of the Claim 1. But I'm relying
17 on my memory, and I'd like to just refer to the
18 patent to see that.

19 BY MR. LUKAS:

20 Q You know what you can do, just so it's
21 easier, why don't we go to the petition at 39,
22 that's 1.g. scroll to that. Maybe that will help

1 you out.

2 A I'll have to look for that.

3 Q Yes. So Page 39.

4 A Oh, Page 39.

5 Q Yes. I'm only directing you to that
6 because you said 1.g. I'm not sure that's
7 correct, but you take a look.

8 A Okay. I thought it was 1.g. Okay. Alarm
9 signal.

10 Right. So I added Williams, which does
11 teach a timer. So this is when the human
12 detection device indicates that a human being is
13 inside the premises in proximity to the barrier,
14 so Lamb detects that but doesn't use a timer as I
15 understand it. Williams provides the timer that
16 is referred to in the claim as the timed alarm
17 signal.

18 Q So when you said Lamb does not disclose
19 the timer of the '340 patent, you're referring to
20 the timed alarm signal?

21 A That's correct.

22 Q Is that the only thing you believe Lamb

1 does not disclose or describe that's in the '340
2 patent?

3 A I believe that's the only thing missing
4 from Lamb.

5 Q What is a "timed alarm signal"?

6 MR. McKEOWN: Objection. Calls for legal
7 conclusion.

8 BY THE WITNESS:

9 A Well, I understand that there is some
10 discussion about the claim construction, but it's
11 my belief, my understanding that the idea of the
12 timed alarm signal is to provide the timing
13 indication that there is a -- essentially a grace
14 period; that if a perimeter alarm is triggered,
15 that, in this case, if there's a person inside the
16 premises that's causing it to be triggering that
17 alarm, that there is a certain amount of time
18 before an alarm would be sounded because it's an
19 authorized person, for instance, exiting a portal.

20 BY MR. LUKAS:

21 Q Okay. So in order to get a timed alarm
22 signal, you must trigger an alarm?

1 MR. McKEOWN: Objection. Mischaracterizes
2 the testimony.

3 BY THE WITNESS:

4 A As I understand the '340 patent, there are
5 immediate events. So, for instance, a door is
6 opened, you know, that would be an immediate
7 event. But the fact that there is a person moving
8 inside the barrier within the controlled perimeter
9 that allows -- as I said, a grace period that
10 allows one to exit the premises without sounding
11 an alarm, essentially overriding the fact that
12 there will be an alarm. Whereas I might have
13 other barriers that have no timed alarm signal,
14 and any time that they're actuated they'll
15 immediately alarm.

16 BY MR. LUKAS:

17 Q But in cases where you have a timed alarm
18 signal, and I think you said immediate alarm
19 signal, in both cases you're triggering an alarm,
20 right?

21 A Well, you know, it depends on whether
22 you're considering the alarmed event to be the

1 first action, or whether an audible or a visual
2 alarm indication is given. I'm not going to
3 sound -- I'm not going to ring a siren or ring a
4 bell if it's a valid person exiting the premises.
5 So the alarm, the audible alarm would not be
6 sounded, but the fact that there has been somebody
7 actuating the alarm, actuating the perimeter --
8 let's say actuating the perimeter sensor indicates
9 that there may be an alarm condition but it's
10 delayed, it's bypassed because it's not an actual
11 violation of the perimeter.

12 Q Is it delayed or is it bypassed?

13 A It's my understanding that it would be
14 temporarily bypassed. The sounding of the audible
15 alarm would be delayed. Or if the alarm condition
16 were cleared because the person exited the
17 premises and closed the door, then it would be
18 completely bypassed.

19 Q What's the difference between delaying and
20 bypassing?

21 A Well, strictly in terms of bypassing an
22 alarm, I'll give you an example. I've used read

1 switches where I put a toggle switch right next to
2 it, and I can switch the toggle switch and
3 basically bypass the alarm. And say I will be
4 actuating -- I will be opening this door and the
5 read switch would indicate an alarm condition, but
6 the switch, the toggle switch that I've put next
7 to it will disable that, it will bypass the alarm.

8 You know, bypass would suggest that it's a
9 permanent, not necessarily permanent but an
10 overriding deactivation of the alarm. Where in
11 the case of a delayed alarm or timed alarm, I'm
12 indicating that I am not disabling the sensor, but
13 I am temporarily choosing to ignore it.

14 Q Why did you say -- when discussing bypass,
15 you talked about bypassing the alarm, but when you
16 talked about delaying, you talked about delaying
17 the sensor. Why did you do that?

18 A Maybe I misspoke. What you're delaying is
19 you're delaying the sounding of the alarm or
20 you're temporarily forgoing the sounding of the
21 alarm. Because it may very well be that the
22 controller gets an indication that would normally

1 indicate that it should immediately sound an
2 alarm, but there is an overriding factor that
3 says, well, yes, the door opened. And normally
4 you would indicate -- you would normally indicate
5 that alarm should sound; but under these
6 circumstances, there is an authorized person
7 exiting the premises; delay that order, we'll see
8 what happens later, and if the door remains open
9 and the person is no longer inside, well, now,
10 that probably needs to be an alerted condition.

11 Q What's you're understanding -- and we'll
12 wrap this up, but what's your understanding of the
13 word -- words "alarm signal" and the limitation,
14 the timed alarm signal?

15 MR. McKEOWN: Objection. Calls for a
16 legal conclusion.

17 BY THE WITNESS:

18 A Let me look in the context of the rest of
19 the patent wording. Unfortunately, this is not a
20 convenient way for me to look at it because I can
21 only see one piece at a time. If I could see
22 the -- if I could see the patent --

1 BY MR. LUKAS:

2 Q Sure. Let's see that.

3 MR. LUKAS: Could we pull up -- it should
4 say -- Greer, could we put up the '340 patent? I
5 think it's Exhibit 1001.

6 AV TECH McKEE: Yes. Please stand by. I
7 have two of those documents. I have one that says
8 '340 patent and then one that saying '340 patent
9 PH. Which one would you like?

10 MR. LUKAS: The patent. The other one is
11 the prosecution history. Thanks.

12 AV TECH McKEE: No problem. And for the
13 record, this will be Exhibit 1001.

14 BY MR. LUKAS:

15 Q Mr. McNair, you've been provided with the
16 '340 patent. Go ahead and scroll through, and
17 once you're done finding the spot, I'll just reask
18 my question.

19 A I want to get down to see the entire
20 claim.

21 Q Let me know you're ready.

22 A Yes. Go ahead.

1 Q My question was what is your understanding
2 the of the meaning of the words "alarm signal" in
3 the limitation the timed alarm signal? Timed,
4 excuse me.

5 MR. McKEOWN: Same objection.

6 BY THE WITNESS:

7 A Okay. So looking in the context of the
8 claim, I see that the timed alarm signal is
9 transmitted to the receiver associated with the
10 security panel and it initiates a timer, and
11 transmitting that timed alarm signal only when
12 it's determined the human detection device is
13 indicating that a human is inside the premises in
14 proximity of the barrier.

15 What that means to me is according to the
16 normal meaning of what these signals seem to
17 indicate, this timed alarm signal is a signal
18 that's transmitted to the control panel or the
19 receiver associated with the control panel when a
20 human being is detected inside the premises in
21 proximity to the barrier. So there's a user, a
22 person standing at the door. That person standing

1 at the door causes the detection device to send or
2 to cause the transmission of this timed alarm
3 signal to the panel. It basically says if
4 somebody opens this door, it's because they're
5 standing next to it, and they're inside so they're
6 a valid user. It's not somebody entering from
7 outside, unauthorized opening this door. That's
8 my understanding of what it means.

9 Q Okay. I'm not sure of that. What's your
10 understanding of the word "alarm" in the
11 limitation the timed alarm signal?

12 MR. McKEOWN: Objection. Calls for legal
13 conclusion.

14 BY THE WITNESS:

15 A I know that these terms have not been
16 legally construed, so I'm just trying to use the
17 plain language meaning of what they might be.
18 What it means to me is that this is an alarm
19 system. So the signals that are sent will be --
20 I'll call them alarm system signals and shorten
21 that to alarm signal. So alarm means a signal
22 used with the adjective alarm means that it's a

1 signal used within the alarm system.

2 BY MR. LUKAS:

3 Q Do you believe that all signals in an
4 alarm system are alarm signals?

5 A Well, I'd have to look at the alarm
6 signal -- I'd have to look at the alarm system to
7 see if there are signals that exist within that
8 alarm system that I would not call alarm systems.
9 As I sit here, you know, I can't envision every
10 possible signal that might exist within the alarm
11 system.

12 Q It's basically-- I'm going to paraphrase,
13 but you're saying your meaning of alarm in the
14 timed alarm signal is that it's a signal sent in
15 the alarm system?

16 MR. McKEOWN: Objection. Mischaracterizes
17 testimony.

18 BY THE WITNESS:

19 A Well, this is clearly a signal sent from a
20 sensor in an alarm system to the control panel of
21 the alarm system. So I'm not sure what other
22 types of signals -- again, without looking at the

1 complete system and identifying what all the
2 signals are, I'm not sure which ones I would call
3 alarm signals and which ones I would not.

4 BY MR. LUKAS:

5 Q But are all signals sent from a sensor in
6 an alarm system alarm signals?

7 A Well, it depends on their state.

8 Q What do you mean by "it depends on their
9 state"?

10 A Well, let's say we have a normally open
11 switch on a door. It only closes -- the switch
12 only closes when the door is operated or opened.
13 I'm trying not to use the word open and closed in
14 two different senses. Let me say it this way.

15 A normally open switch is one that is not
16 actuated in its steady state. So the steady state
17 of the door is closed. When the door is opened,
18 the switch is actuated or contact is made. When
19 that door is closed, it's not causing the sensor
20 to send signals that would indicate an alarm
21 condition. When the door is opened and the switch
22 is actuated, it is sending an alarm indication.

1 So that's why I'm saying it depends on the state.
2 In its steady state, the open circuit condition of
3 the switch is not indicating an alarm.

4 Q Okay. When you say -- what do you mean
5 when you say "when the door is closed it's not
6 closing the sensor to send signals" that would
7 indicate alarm condition?

8 A So in a simple sensor, an alarm condition
9 would indicate the door has been breached. There
10 is no indication that the door is breached -- if
11 the door is closed there is no alarm condition.
12 When I'm saying alarm condition, I'm saying a
13 condition which might lead to an alarm indicator
14 being actuated.

15 Q When you said a signal that indicates an
16 alarm condition, is that an alarm signal?

17 A Unfortunately the English language is
18 imprecise, so I would have to indicate in my
19 system which case I was suggesting. I'll tell
20 you, when I design logic circuits, we make it very
21 simple. Signals are given a name which is
22 preceded by a zero or a one. So I might say

1 0-alarm -- or let me not use "alarm." 0-door
2 state, and what that means is the signal is active
3 when it's in the 0 state. If it's in a 1 state
4 it's inactive.

5 Q I'm really interested in your answer to
6 this question.

7 Is a signal that indicates an alarm
8 condition an alarm signal?

9 MR. McKEOWN: Asked and answered.

10 BY THE WITNESS:

11 A Certainly a signal that indicates an alarm
12 condition is an alarm signal. If it's a signal
13 that is capable of indicating an alarm condition,
14 I could -- I could imagine that somebody would
15 consider that to be an alarm signal also, even if
16 it was not currently indicating an alarm signal.
17 Not necessarily.

18 BY MR. LUKAS:

19 Q I want to take a break because we've been
20 going a long time. I just want to end this
21 questioning, so I apologize to everyone.

22 It's your opinion if a signal is capable

1 of indicating an alarm condition, that means it's
2 an alarm signal?

3 A Well, as I said earlier, and I'm not sure
4 I can reproduce my previous statement, if it's in
5 its active state indicating, for instance, that a
6 perimeter has been breached, then it is clearly an
7 alarm signal. If it is not currently indicating
8 that a perimeter has been breached but it is a
9 signal that would normally be capable of
10 indicating if that perimeter was breached, I could
11 imagine that somebody might call that an alarm
12 signal.

13 An alarm signal in its inactive state,
14 unless somebody construes this, there's some legal
15 construction of what that term is going to mean,
16 then we have to use the plain English definition.
17 And it depends on, you know, whether a person
18 would consider an inactive from a sensor to be
19 construed to be an alarm signal. Is it a signal
20 from an alarm -- is it a signal capable of
21 indicating an alarm? Yes, it is. Is it
22 indicating an alarm? No, it's not. Is it an

1 alarm signal?

2 Q All right. So I just want to wrap this
3 up.

4 It's your opinion that an alarm signal
5 does not have to indicate an alarm condition to be
6 an alarm signal if it is capable -- excuse me.
7 Let me strike that.

8 A signal -- it's your opinion that a
9 signal does not have to indicate an alarm
10 condition to be an alarm signal if it is capable
11 of indicating an alarm condition?

12 MR. McKEOWN: Objection. Form.

13 BY THE WITNESS:

14 A What I'm saying is I could understand if
15 someone were to use that definition. I am not --
16 it depends on context whether or not I would use
17 that definition myself. I would certainly say a
18 sensor signalling a violation of a perimeter is an
19 alarm signal, but depending on the context,
20 depending on how it's used, I'd have to see
21 whether or not I would agree with attributing the
22 term alarm signal to a signal capable of

1 indicating an alarm when it's in its inactive
2 state.

3 BY MR. LUKAS:

4 Q Okay. In the context of the '340 patent
5 and its claims, does a signal have to indicate an
6 alarm condition to be an alarm signal?

7 MR. McKEOWN: Objection. Asked and
8 answered, legal conclusion -- calls for a legal
9 conclusion.

10 BY THE WITNESS:

11 A Well, in the last element of the claim, we
12 have -- I'll read the words: "Transmit via the
13 transmitter the timed alarm signal to the receiver
14 only when it is determined that the human
15 detection device indicates that the human being is
16 inside the premises in proximity to the barrier."

17 So that's the case where there is a human
18 being inside the premises in proximity to the
19 barrier, and it is within the context of the
20 patent this is a person who is authorized to be
21 there. We don't want to ring the alarm because
22 the person is authorized to be there, so the timed

1 alarm signal is being transmitted. It's not
2 indicating that the alarm should be actuated, yet
3 the patent is calling it an alarm signal. It's a
4 timed alarm signal. You know, there's another
5 condition on it, but it is -- a timed alarm signal
6 is an alarm signal. That's a further refinement
7 of what an alarm signal is. So, to me, what this
8 is saying is the signal it is transmitted is
9 capable of indicating that an alarm should be
10 sounded, but right now it's saying hold off, this
11 is a timed alarm signal. There is somebody here.
12 Don't sound the alarm yet.

13 Q So I'm looking at exhibit -- I think
14 you're looking at -- what are we at, Exhibit 1001?

15 A I'm looking at the '340 patent.

16 Q You're pointing at Claim 1 of
17 Exhibit 1001, and I think you're talking about the
18 last limitation transmit.

19 Where do you find -- you kept saying
20 "capable." Where is the capable? Where are you
21 getting that from?

22 A Did I say capable? I don't remember

1 saying capable?

2 Q Yes, you said it. You said if the signal
3 is transmitted, it is capable of indicating that
4 alarm. So I'm just trying to figure out where in
5 that limitation you're getting this capable point.

6 A I don't remember specifically what I said
7 but I'll go through it again.

8 The claim element is saying that we're
9 transmitting via the transmitter this thing called
10 a timed alarm signal, and it's being transmitted
11 to the receiver only when it's determined that the
12 human detection device indicates that the human
13 being is inside the premises in proximity to the
14 barrier.

15 Now, my understanding of what that means
16 is the person -- the human being is inside the
17 premises, and, therefore, that means in the
18 context of the patent specification that the
19 person is somebody who is an authorized person,
20 they should be there, it's okay. There's not a
21 security violation by the fact that they're inside
22 the building or inside the barrier. They're near

1 it, they're in proximity to it, so a signal is
2 being transmitted via the transmitter to the
3 receiver, and the signal that is being transmitted
4 is a -- is called a timed alarm signal.

5 So, again, as I said before, it's a signal
6 which happens to be an alarm signal, and is
7 specifically a timed alarm signal, and the meaning
8 of that timed alarm signal is that although there
9 might be elsewhere an indication that the person
10 might be opening this barrier and causing an alarm
11 signal to be sent, this timed alarm signal is
12 saying, wait, the person is inside. They're
13 authorized. They're allowed to open this door to
14 exit. We're not going to sound the alarm because,
15 for instance, they may have time to exit the door.
16 The door will open, the door will close, and we
17 will no longer be indicating that there is a
18 barrier open condition.

19 That's -- just using the plain language
20 understanding, again, there might be some legal
21 construction to these terms that was arrived at
22 later on, but as far as I can read it, that's what

1 the claim limitation is saying to me.

2 Q Okay. So the timed alarm signal in Claim
3 1 in Exhibit 1001, it's your opinion it's not
4 indicating an alarm condition?

5 MR. McKEOWN: Objection. Mischaracterizes
6 testimony.

7 BY THE WITNESS:

8 A In this last element, the timed alarm
9 signal is indicating that there is a reason not to
10 sound an alarm because there is a user in
11 proximity, a human being in proximity inside the
12 premises, in proximity to the barrier and inside
13 the premises. So they appear to be an authorized
14 person.

15 BY MR. LUKAS:

16 Q So I don't think you -- I just want you to
17 answer my question.

18 The timed alarm signal in Claim 1, it's
19 your opinion it's not indicating an alarm
20 condition?

21 MR. McKEOWN: Same objection.

22 BY THE WITNESS:

1 A The timed alarm signal of Claim 1 -- well,
2 if you go up a little ways, it's going to initiate
3 a timer associated with the security panel. It is
4 not causing an alarm bell or other indicator,
5 alarm indicator to be actuated. It is not
6 causing -- if we say an alarm is when an alarm
7 indicator is actuated, no, it's not causing an
8 alarm.

9 BY MR. LUKAS:

10 Q What is an alarm condition?

11 A I'm thinking of an alarm condition as a
12 condition under which I want to actuate an alarm
13 indicator to alert somebody to the fact that
14 there's something going on that they need to be
15 aware of.

16 Q What's an alarm indicator in that answer?

17 A It would be a bell, a whistle, a flashing
18 light or whatever other type of alarm indicator
19 that we've identified. I've identified several
20 audible and visual alarm indicators, and, again,
21 as I said, if the intent is that the human being
22 is being alerted by this alarm, then it must be

1 some sense that a human being is capable of
2 sensing. I think we can leave that smell and
3 things like that.

4 MR. LUKAS: All right. Let's take a
5 break. I apologize for going so long. What do
6 you want to take, 10 or 15? What do you guys
7 want?

8 MR. MCKEOWN: It's up to you Bruce.

9 THE WITNESS: Well, as a matter of fact,
10 I've just finished my second bottle of water, and
11 typically I do about a bottle an hour. So I just
12 need enough time to get some more water. How long
13 do you think we'll be going so I bring back one or
14 two bottles?

15 MR. LUKAS: Let's go off the record.
16 We'll take a break.

17 (A recess was had.)

18 BY MR. LUKAS:

19 Q Hi, Mr. McNair.

20 A Hi.

21 MR. LUKAS: Can we put back up the claim
22 that we had at Exhibit 1001.

1 AV TECH McKEE: Please stand by.

2 BY MR. LUKAS:

3 Q So I have one question, a couple of
4 questions, actually, about -- if you can scroll
5 up -- we're back at Exhibit 1001, '340 patent,
6 Claim 1. And on like the third limitation, it
7 says: "A transmitter for transmitting a timed
8 alarm signal to a receiver associated with a
9 security panel, the timed alarm signal for
10 initiating a timer associated with the security
11 panel."

12 Do you see that?

13 A Yes.

14 Q I think you said -- correct me if I'm
15 wrong, I think you said the timed alarm signal of
16 Claim 1 of the '340 patent does not indicate an
17 alarm condition; is that right?

18 MR. McKEOWN: Objection. Mischaracterizes
19 testimony.

20 BY THE WITNESS:

21 A Well, again, with an alarm condition
22 indicating -- if an alarm condition indicates that

1 an alarm should be -- an audible or visual alarm
2 signal should be sounded. We've got to be careful
3 with the term -- let me back up.

4 If the alarm condition is the event that
5 someone was breaching the alarm, breaching the
6 barrier, and we should actuate the alarm indicator
7 like a siren or a flashing light or whatever, then
8 this timed alarm signal would not be an alarm
9 condition because it's starting the timer that
10 says don't sound the audible indicator or flash
11 the light. It's just indicating that the human
12 being is present at the inside of the barrier.

13 BY MR. LUKAS:

14 Q Okay. Well, in the context of the claim
15 and the limitation that I just mentioned about the
16 timer, what happens when the timer expires?

17 A Then we move down to the element that the
18 processor executable instructions responds to the
19 barrier status detection indicator, indicating the
20 barrier has been opened. So if the timer -- my
21 understanding is, and, again, looking back at the
22 specification, this is what I understand the

1 specification was telling me to do, is if the
2 timer expires and the barrier is still open, then
3 that would indicate that the -- we should sound
4 the alarm -- sound the alarm indicator and flash
5 the lights or whatever it takes because time's up.
6 You didn't get out the door or you exited the door
7 and closed the door and somebody else opened the
8 door after the timer expired. So there's a
9 limited amount of time that the human being can go
10 through the barrier after they have been detected
11 inside the premises.

12 Q So is it your testimony that the point --
13 that after the timer expires then the timed alarm
14 signal indicates an alarm condition?

15 A It's not the timed alarm signal. It's
16 indicating the sound should be generated or the
17 alarm -- the lights should be flashed. It's the
18 barrier status device that indicates that the
19 barrier has been opened.

20 Q So is it your testimony that the barrier
21 status device now indicates an alarm condition?

22 MR. McKEOWN: Objection. Mischaracterizes

1 testimony.

2 BY THE WITNESS:

3 A I believe that's the case, that the device
4 that detects the human being inside the premises
5 starts an alarm, starts a timer that is basically
6 saying ignore the barrier status detection device.

7 You asked the question what happens when
8 the timer expires. I'm not actually sure that
9 the -- does the claim actually address what
10 happens when the timer expires? Let me read
11 through this.

12 Q Sure. Go ahead.

13 (Reporter clarification.)

14 BY THE WITNESS:

15 A I'm just trying to collect my thoughts.
16 So I'm not sure that the claim actually addresses
17 the time out, what happens when the timer expires.
18 I see that it responds to the barrier detection --
19 barrier status detection device indicating that
20 it's been opened, but I'm not sure what step
21 indicates that the indicator should be sounded
22 indicating that the barrier has been breached.

1 Q So what I'm asking you as one of skill in
2 the art, what happens in the context of this claim
3 when the timer expires to the timed alarm signal
4 that converts it into indicating an alarm
5 condition?

6 MR. McKEOWN: Objection. Asked and
7 answered.

8 BY THE WITNESS:

9 A Well, the last claim element says that the
10 timed alarm signal is transmitted to the receiver
11 only when it's determined that the human being --
12 the human detection device indicates a person is
13 inside the premises. So it's describing this is
14 how we hold the alarm off, hold the indicator off
15 when a person is detected. And earlier it
16 indicates that the timed alarm signal is
17 transmitted to the receiver that initiates a
18 timer. It indicates that there's a program
19 running in the processor executable instructions
20 in the processor, executes the instructions and
21 responds to the barrier status detection device
22 indicating that the barrier has been opened and

1 determining whether the human detection device
2 indicates the human being is inside the premises.

3 I see that it's describing the condition
4 where a person is present and we hold off sounding
5 an alarm -- sounding a -- actuating an audible or
6 visual indicator while the timer is running, but I
7 don't see that it addresses what happens when the
8 timer expires. Is it the status indicator -- if
9 the barrier status indicator still is open.

10 Let me just expand on one thing. I'm
11 thinking of the response to the barrier status
12 indicator device indicating that the barrier has
13 been opened by determining whether the human
14 detection device indicates the human is inside the
15 premises in proximity.

16 All right. So I think the actuation
17 happens at this response step. To me, what this
18 is -- what I think the meaning -- the plain
19 meaning of this is respond to the barrier
20 detection device by determining whether there's a
21 person present. If the timer has expired and
22 there is no person present, and the barrier

1 detection device says the door is open, then it's
2 time to sound an alarm, to actuate a sound or
3 flashing light.

4 Q How does the timed alarm signal hold the
5 alarm off?

6 A It's my understanding that the step, the
7 transmitter for transmitting a timed alarm signal
8 causes the initiation of a timer associated with
9 the security panel. So as long as the human
10 detection is actuated and there is a person near
11 the barrier inside the premises, that kicks off a
12 timer.

13 Q So you would agree with me the security
14 panel holds the alarm off?

15 A Excuse me?

16 Q The security panel holds the alarm off?

17 A The security panel is where the processor
18 that is executing the instructions that are
19 processing the status indicators or timed alarm
20 signals, that's what's doing the processing to
21 make the determinations as to whether to give an
22 audible or visual indication that there's

1 something wrong.

2 Q When you say "make the determinations,"
3 isn't really the determination when the timer runs
4 out?

5 A If there is no human present and the
6 barrier is opened, then there would be no time
7 delay. If a person is present, then a timer is
8 started, and if the barrier is opened and
9 apparently closed before the timer expires, then
10 there would be no alerting. Then it's the
11 processor -- my understanding, the processor in
12 the alarm panel in the control panel, security
13 panel that's going through the steps to execute
14 the instructions that cause this to happen.

15 Q But if a person is present, the timer
16 started, and the barrier remains open and the
17 timer expires, then the alarm goes off, right?

18 A Well, what I don't see specified, and this
19 might be a disarm decision on the part of a person
20 of ordinary skill in the art or just a reasonable
21 interpretation of what the intent is, if the human
22 detection device continues to indicate that a

1 person is present inside the premises in
2 proximity, then is there the option of renewing
3 the timer? Does the timer keep getting started
4 and never expires if a person is standing at the
5 doorway and the doorway is open? I'm not sure
6 that that's addressed. I'd have to go back to the
7 specification to see if there is a loop that says
8 keep testing the present -- keep testing for the
9 presence of a human being inside the perimeter,
10 and if there is, keep initiating the timer.

11 You know, sometimes when you design a
12 timer like this, the condition that initiated the
13 timer can keep initiating the timer repetitively
14 until the condition that initiated the timer
15 stops, the person walks away and then the timer
16 expires. So I'd have to look to the specification
17 to see if that clarifies that as to is it a
18 one-time-only event initiating the timer, or is
19 this something that is repetitively done. It's
20 not clear here.

21 Q Right. But I'm just asking in my
22 hypothetical if the timer expires, does the alarm

1 go off?

2 A Well, my reading of this is if the door is
3 open and the timer expires, then the alert is
4 sounded or signaled, you get an alarm bell, the
5 siren, whatever it happens to be.

6 Q Okay. Thank you.

7 MR. LUKAS: Could we pull up Mr. McNair's
8 declaration, Exhibit 1003.

9 AV TECH McKEE: Yes. Please stand by.

10 You have control of the document,
11 Mr. McNair.

12 BY MR. LUKAS:

13 Q Mr. McNair, can you go to Page 139 --
14 well, first, tell me is this your declaration
15 submitted in this IPR? Take a quick look.

16 A It appears to be. I'll go to Page 139,
17 but unless I see that my signature is missing then
18 I would say yes. It is, but I'm not going to
19 scroll down to my signature.

20 Q Right, around there, 139, sometimes the
21 PDF is --

22 A Yes. Okay, yes. That's my signature and

1 that's when I signed it, so yes. That's my
2 declaration.

3 Q So I was going to ask you, that's your
4 signature at Page 139?

5 A Yes.

6 Q You signed this certifying that all
7 statements are true and accurate?

8 A Yes.

9 Q Do you still believe that to be the case?

10 A Yes.

11 Q Is there anything you -- are there any
12 errors in this declaration that you noticed after
13 submitting it?

14 A I'm not aware of any. I don't remember
15 seeing any.

16 Q How did you go about preparing this
17 declaration?

18 A Well, I interacted with the attorneys and
19 we went back and forth. They asked me to prepare
20 sections. They suggested sections that I reviewed
21 and edited and commented on. So it was an
22 interactive process that led to this document, and

1 I've reviewed everything in here. I was satisfied
2 that I believed it and didn't see any issues with
3 it before I signed it.

4 Q Okay. If you would just turn to Page 6 of
5 your declaration.

6 A Okay.

7 Q If you can look at Paragraph 14 where it
8 says. "I reviewed, had input into, and endorse as
9 set forth fully herein the discussions in the
10 accompanying petition."

11 Do you see that?

12 A Yes.

13 Q Do you still agree with that statement?

14 A Yes.

15 Q If you could turn to Paragraph 22 at
16 Page 10. I'm just looking at the claim
17 construction paragraph. If you could look at the
18 first line: "I've been informed that patent
19 claims are construed from the viewpoint of a
20 person of ordinary skill at the time of the
21 alleged invention."

22 Do you see that?

1 A Yes.

2 Q And the next line, it says: "I have been
3 informed that patent claims generally should be
4 interpreted consistent with their plain and
5 ordinary meaning as understood by a person of
6 ordinary skill in the relevant time period (i.e.,
7 at the time of the purported invention, or the
8 so-called effective filing date of the patent
9 application), after reviewing the patent claim
10 language, the specification and the prosecution
11 history (i.e., the intrinsic record)."

12 Do you see that?

13 A Yes.

14 Q Do you agree with that statement?

15 A Yes.

16 Q Did you apply -- in rendering your
17 opinions, did you apply the plain and ordinary
18 meaning as understood by one of skill in the
19 art --

20 A Yes.

21 Q Okay. Did you apply the plain and
22 ordinary meaning of the patent claims to one of

1 ordinary skill in the art in the field of sensor
2 systems?

3 A Yes.

4 Q If you could turn to Paragraph 25. The
5 first sentence discusses the invention of the '340
6 patent, and you mention it's used in home and
7 business security applications.

8 Do you see that?

9 A Yes.

10 Q What do you mean by "home and business
11 security applications"?

12 A Well, home and business, a person's
13 residence or, you know, a commercial
14 establishment. And security meaning the
15 protection of those premises as home or business
16 premises against threats against them, generally
17 intrusions.

18 Q If you can look at Paragraph 32, at the
19 end of 32 -- excuse me, at the end of Page 15, and
20 read on through Page 16. I'm looking at basically
21 the last line of Page 15, starting at: "To
22 initiate a timed alarm signal, this signal starts

1 with a countdown timer, and upon the expiration of
2 the timer, the system will trigger a security
3 response."

4 Do you see that?

5 A Yes.

6 Q What is your understanding of the meaning
7 of "a security response"?

8 A Well, I would expect that, as we've
9 discussed before, if there was some local alerting
10 mechanism, a horn, a siren, a bell, a flashing
11 light, or perhaps in the case of a monitored home
12 security system or business security system where
13 a message would be sent to, for instance, ADT
14 indicating that somebody should come out to see
15 what's going on with the premises or the police.
16 So a security response would be the indicator or
17 the request for assistance.

18 Q Is that another word for an alarm?

19 A Yeah. The problem is the term alarm is,
20 as we've seen, it's an overloaded term. So a
21 security response would include an alarm device
22 actuating, creating an alarm indication, but it

1 would also include a request for assistance.

2 Q Yeah. So that confuses me. What's the
3 difference between as an alarm and security
4 response?

5 A Well, an alarm is generally -- a plain and
6 ordinary definition of an alarm is the sound or
7 light that is indicated, but there might be a --
8 as I described, a silent alarm earlier where it's
9 just a request for assistance without any local
10 indication of the fact that an incident has been
11 detected.

12 Q Just to be clear, the plain and ordinary
13 meaning of alarm, I think you're saying, is a
14 visual or audible indication of, let's call it, an
15 alarm condition?

16 A Yeah. The problem is -- using the word to
17 define the word is problematic. So the plain and
18 ordinary meaning of the word "alarm" is generally,
19 I would think, a visual or audio indication of an
20 alerting signal to avoid using the same word to
21 define the word.

22 Q I agree with that. I agree with not using

1 the word to define the word.

2 An alerting signal -- just to clarify
3 that, an alerting signal in the context of an
4 alarm or security system that is directed to a
5 human audience, an alerting signal that a human
6 would be able to interpret?

7 A That's correct. If I hear -- well,
8 earlier today for some reason the car alarm in a
9 vehicle that I no longer use was sounding for some
10 reason. It was beeping the horn and flashing the
11 lights. So to me that indicated that there was
12 something wrong. Anybody would hear it and they
13 would say, oh, that repetitive horn beeping is
14 indicative of the fact that there is some unusual
15 condition that we need to respond to.

16 Q Okay. Let's go down -- I am still at
17 Paragraph 32 on Page 16. You write: "The timed
18 alarm signal is designed to give the authorized
19 user time to cancel the security response, thus
20 reducing the number of false alarms raised by the
21 barrier alarm system."

22 Do you see that?

1 A Yes.

2 Q What do you mean by "cancel the security
3 response"?

4 A Well, very often I will have at a primary
5 entrance a primary barrier. I might have a keypad
6 that would allow me to enter a code to indicate
7 this alarm should not be sent to generate a
8 security response. I don't want to have a false
9 alarm. So I've got a limited amount of time that
10 I could enter a code that says ignore this for the
11 time being.

12 Q Okay. And I wasn't sure what we came to
13 on if we agreed or not. Are we saying this -- is
14 it your understanding that the security response
15 is the alert or alarm that visually or audibly
16 alerts a human in the context of a residential
17 home security system?

18 A It could be, or it could be the message
19 that's sent to the security monitoring service,
20 like ADT, that indicates that some responder
21 should be dispatched. So it could be either. It
22 could be something local that makes noise and

1 alerts people, or it could be something that
2 requests assistance.

3 Q I want to just get your understanding of
4 the meaning of the words "security response." Can
5 you tell me what that meaning is?

6 A Well, I'll use the terms. A security
7 response is a response or an action initiated
8 because of some security concern.

9 So in this case it's an indicator or a
10 reaction by personnel to the fact that some event
11 has occurred that's compromising the integrity of
12 the facility being monitored or protected.

13 Q Is that indicator a reaction by personnel
14 an alert?

15 A Is the indicator a reaction -- are you
16 saying is the indicator by personnel an alert?
17 It's not an indicator by -- it's not an
18 indicator -- it is not the reaction by personnel.
19 The indicator is what causes the reaction by the
20 personnel. And it's -- I'm just trying to parse
21 your question.

22 Q So is the indicator an alert or alarm?

1 A I've got to go back and think which
2 indicator are we talking about.

3 Q Well, when you defined what a security
4 response is, you mentioned an indicator, and I'm
5 just asking is that the same thing as alert or
6 alarm?

7 A Yeah. The indicator -- I was avoiding the
8 use of the word "alarm." The indicator is the
9 thing that generates a sound or gives some visual
10 indication that something has happened, so the
11 indicator is the alerting mechanism.

12 Q I understood why you didn't define alarm
13 in the alarm word, but I'm just asking for
14 security response. Isn't that -- isn't the
15 indicator an alarm?

16 A In the common usage of the word "alarm,"
17 the indicator is the alarm. The alarm bell, the
18 alarm siren, the alarm flashing light.

19 Q Thank you. We have like ten minutes so
20 I'm going to make sure I don't keep us.

21 If you could turn to Paragraph 37.

22 A Okay.

1 Q You didn't do any analysis or render any
2 opinions on what the correct priority date of the
3 '340 patent is?

4 A That's correct. Because I understand that
5 would be a legal issue and I was just provided the
6 fact that I should assume what the priority date
7 was.

8 Q And then level of ordinary skill in the
9 art in Paragraph 38, if you already answered this,
10 when you say "field of the art," about four lines
11 down in Paragraph 38, that would be for your
12 analysis and opinions would be sensor systems?

13 A Yes.

14 Q If you could turn to page 22. It's
15 Paragraph 45 of Exhibit 1003.

16 A Okay.

17 Q When you say: "Williams affirmatively
18 discloses such a timed alarm signal within which
19 an authorized user may disable an alarm that would
20 otherwise triggered," what do you mean by
21 disabling an alarm "that would otherwise be
22 triggered"?

1 A Well, Williams describes that we can hold
2 off the alarm because there's an authorized user
3 near the barrier that would otherwise, if they
4 open the door, trigger an alarm.

5 Q But how do you disable -- how is Williams
6 disabling an alarm?

7 A Well, that's the specifics of what
8 Williams is doing. I'm not relying on how
9 Williams disables an alarm. I am looking to the
10 fact that Williams provides a timer. I'm relying
11 on the mechanisms of Lamb to actually hold off the
12 alarm, but it's Williams is providing the timer
13 that allows me to use that because that's what's
14 missing from Lamb. I'm using the mechanisms of
15 Lamb. I'm not using the mechanisms of Williams.
16 It's really not part of my analysis to consider
17 what Williams actually does to disable an alarm.

18 Q So you're not using Williams in your
19 proposed combination of Lamb and Williams to teach
20 holding off the alarm?

21 A I'm relying on Williams to give me a timer
22 which will be holding off the alarm, but the

1 mechanisms of Lamb are the ones that are actually
2 actuating that.

3 Q How does Lamb -- we're going to get into
4 more detail on this, but how does Lamb hold off
5 the alarm?

6 A I'll have to go back and look at my
7 analysis and see for this step -- I'll have to go
8 to my analysis in 1.g to see where this is.

9 Let's see. I'll go back to the table of
10 contents to see what page that's on.

11 Q That will be my last question, I promise.

12 A Right. So we're in the Paragraph 79 of my
13 declaration. I'm describing how Lamb has a
14 barrier alarm detection device that detects if the
15 door or window has been opened, but also indicates
16 that there's a human being inside the premises
17 that's being monitored in proximity to the
18 barrier. So that the person is an authorized
19 person inside and thereby we shouldn't be
20 alarming. What's missing from Lamb is the, you
21 know, the timed element for how long do we hold
22 off this alerting.

1 And this is -- to answer your question,
2 this is the embodiment of Lamb that addresses the
3 limitation, the timed alarm signal limitation of
4 the claim.

5 Q I said this would be my last question but
6 it's not. I lied. One more question.

7 Are you still saying that you're using
8 Lamb to hold off the alert or alarm and that
9 you're just using Williams for the timer?

10 A Yes.

11 Q Are you saying that Lamb has a timer?

12 A No, it doesn't. Lamb doesn't have a
13 timer. Williams has a timer. The only thing
14 missing from Lamb in terms of the '340 patent is
15 the timer. How long do you hold off this, and
16 it's Williams that indicates that you can use a
17 timer.

18 You know, the concept of a timer in any
19 type of a system, it's a trivial idea. You know,
20 I have a Schlage door lock and a controller for
21 that Schlage lock that gives me the capability of
22 turning things on and off. I don't know whether

1 you just noticed, but the brightness of my room
2 changed because I've got my Schlage system turning
3 the lights on and off in this room because I don't
4 want to leave them on forever. This has been
5 around for a long time. I had this system in
6 2008.

7 But the idea of the timer when applied to
8 a barrier, you know, that's disclosed in Williams.
9 And that's why I included Williams specifically
10 because it was a patent that the Patent and
11 Trademark Office would be comfortable with rather
12 than some user documentation on my particular
13 system. You know, it's incorporating that timer
14 which is necessary to add to Lamb so that we've
15 got all of the claim elements of the '340 patent.

16 Q How does Lamb -- last question.

17 How does Lamb hold off the alert or alarm
18 without a timer?

19 A Well, it appears that it would hold it off
20 indefinitely if the person were standing near the
21 exit, and unfortunately the difficulty with that
22 is if they walk out the door, there might be some

1 period of time that they're no longer being
2 detected inside but the door is still open. So
3 that's the shortcoming of Lamb by itself, and
4 that's why it's a useful capability to have
5 because you can't instantaneously get out the
6 door. So Williams is necessary to provide that.

7 As I read it, Lamb just says don't send an
8 alarm indication, don't ring the bell when
9 somebody is inside the premises and opening the
10 door to exit because that wasn't a penetration of
11 the barrier by an unauthorized person.

12 MR. LUKAS: Okay. Let's take a lunch
13 break. Let's go off the record.

14 (A lunch recess was had from 12:07 p.m. to
15 1:07 p.m. CST)

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22

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

2 BRUCE McNAIR,

3 called as a witness herein, having been previously
4 duly sworn and having testified, was examined and
5 testified further as follows:

6 EXAMINATION (Resumed)

7 BY MR. LUKAS:

8 Q Welcome back, Mr. McNair. I'm going to
9 start back with your declaration, which is
10 Exhibit 1003.

11 Can you take a look at Page 23, the end of
12 Paragraph 47. I'm interested in that last
13 sentence, part of a sentence where it says: "I
14 conclude that Lamb discloses many of the same core
15 features described and claimed in the '340 patent
16 except for the timing-related disclosures."

17 Do you see that?

18 A Yes.

19 Q What are the timing-related disclosures of
20 the '340 patent?

21 A Specifically in Claim 1 where the timed
22 alarm signal which holds off the alarm while the

1 person is present -- holds off the alarm
2 indication for a period after the person has been
3 detected inside the barrier.

4 Q I just want to make sure. You're not
5 relying on Lamb for disclosing or describing the
6 timed alarm signal in the combination of Lamb and
7 Williams?

8 A I'm relying on Williams for the timing of
9 the -- the time delay processing. I'm relying on
10 Lamb for the disabling or holding off the alarm
11 while a person is present inside the barrier.

12 Q I don't know if that answers the question.
13 In the combination, which reference, Lamb
14 or Williams, discloses, teaches or suggests a
15 timed alarm signal?

16 A Well, without the timer that's proposed by
17 Williams, we have a human detection signal which
18 is provided by Lamb, but it does not have a time
19 element to it in Lamb. So it's the combination of
20 Lamb and Williams that gives us what is ultimately
21 the timed alarm signal. Neither one of them
22 completes it. Lamb provides the essential

1 detection of the person and the conveyance of that
2 to the central alarm panel, which it's Williams
3 that provides the fact that there is a timer
4 associated with it, that after that indication is
5 received by the alarm panel there's a time needs
6 to be established for which the alarm will be
7 disabled.

8 Q Is it your opinion that Lamb discloses a
9 timed alarm signal?

10 A There is no time element to Lamb. The
11 time element is provided by the timer of Williams,
12 but an untimed alarm signal indicating the
13 presence of a human being on the inside of the
14 perimeter by the barrier is provided by Lamb.
15 It's the two in combination that are a timed alarm
16 signal in my reading.

17 Q I apologize because I just want -- so
18 you're not saying that Lamb alone discloses a
19 timed alarm signal, agreed?

20 MR. McKEOWN: Objection. Asked and
21 answered.

22 BY THE WITNESS:

1 A I believe Lamb alone does not disclose
2 everything necessary to construct a timed alarm
3 signal. It's only the combination of Lamb plus
4 Williams where we have a timed alarm signal.

5 BY MR. LUKAS:

6 Q Okay. And to just wrap that up, you're
7 relying on Williams to disclose, teach or suggest
8 the timer and the timing -- the timed part of the
9 alarm signal and the timed alarm signal?

10 MR. McKEOWN: Objection. Mischaracterizes
11 his testimony.

12 BY THE WITNESS:

13 A I'm relying on Williams to provide the
14 time element of the timed alarm signal.

15 BY MR. LUKAS:

16 Q What if you don't have -- what type of
17 signal do you have -- excuse me. Strike that.

18 What type of alarm signal do you have if
19 you don't have a timed alarm signal?

20 A Well, with Lamb, you have a signal which
21 is indicating the presence of a human being next
22 to the barrier inside the perimeter. So it is

1 a -- I don't know what you want to call it. It's
2 not a -- it's an alarm signal indicates that an
3 alarm should be indicated in the absence of
4 anything else, but this is -- this is an
5 indication to hold off the alarm signal. There's
6 really no -- I'm not sure if -- I don't remember
7 if Lamb gives that signal a name.

8 Q So the signal in Lamb, you're saying, is a
9 signal to hold off an alarm signal?

10 A In the presence of a person, a human being
11 near the barrier inside the perimeter to prevent
12 false alarms, that's what Lamb is doing. Lamb is
13 not sounding an alert when a person is inside the
14 perimeter near the barrier and opens the door
15 setting off the -- which would otherwise set off
16 the alarm.

17 Q Let's look at Lamb.

18 MR. LUKAS: Can we pull up -- it should
19 say -- I think it's the '370, Lamb '370,
20 Exhibit 1009.

21 AV TECH McKEE: Please stand by. I'm
22 sorry. I have one that just says Lamb '370 and

1 one that says "Original Claims." Which would you
2 prefer?

3 MR. LUKAS: The '370, please. Thanks.

4 AV TECH McKEE: For the record, this is
5 Exhibit 1009.

6 MR. LUKAS: Great. Thank you.

7 BY MR. LUKAS:

8 Q Mr. McNair, please -- we've placed
9 Exhibit 1009. I've been referring to as Lamb.
10 It's the '370 published patent application.

11 Do you recognize that?

12 A Yes.

13 Q When we've been talking about Lamb, we've
14 been referring to this Exhibit 1009?

15 A Yes.

16 Q I want to take you to -- it looks like
17 Page 8. Page 8 of the PDF, but it's actually
18 Page 1 of the published application. That's it,
19 yes. You got it.

20 A Okay.

21 Q If you could just read over what we'll
22 call Paragraph 8 of Exhibit 1009 at Page 8, and

1 let me know when you're done.

2 A Yes.

3 Q Okay. I'm going to be asking you
4 questions about, it looks like, the last two lines
5 of Paragraph 8 where it discusses a barrier status
6 signal and a human status signal.

7 Do you see that?

8 A Yes.

9 Q I'm going to read along.

10 "The receiver receives the barrier status
11 signal and the human is status signal and for
12 generating an alarm signal if the receiver
13 determines that the barrier has been opened from
14 the barrier status signal, and a human being is
15 not in proximity to the barrier from the human
16 status signal."

17 Did I read that correctly?

18 A Yes.

19 Q My first question is what is your
20 understanding of the meaning of a "status signal"
21 according to Lamb Exhibit 1009?

22 A Well, there's two types of status signals

1 described here, one for the barrier and one for
2 the human. So my understanding is the status
3 signal is indicating the condition of the sensor,
4 either the barrier sensor, which would be the --
5 as an example, the magnetic read switch on the
6 door, or the human status signal which would be
7 some type of a proximity sensor detecting the fact
8 that there is a human in the vicinity of the door.

9 Q Understood. Did I cut you off? Sorry
10 about that.

11 A Previously what we were discussing, what
12 do you call this thing? And Lamb is calling it
13 the human status signal is what we were is
14 describing before that's describing the fact that
15 there's a human being present in the vicinity of
16 the door.

17 Q So you said the status signal indicates
18 the condition of the sensor.

19 What do you mean by "the condition of the
20 sensor"?

21 A Well, let's just take the case of the
22 barrier status signal that's indicating, as I

1 said, if we take the example where the sensor is a
2 magnetic read switch, the barrier status signal is
3 indicating that the barrier -- the read switch is
4 in its inactive position. That means that the
5 door is closed. If it's the human status signal,
6 then it's indicating that the -- there is no human
7 being present or there is a human being present,
8 depending on whether it's indicating the status
9 yes or no.

10 Q Would you say a status signal indicates
11 the state of the sensor?

12 A You could use that description.

13 Q What generates -- because we've been
14 talking about two different types of status
15 signals. In Lamb Exhibit 1009, what generates the
16 barrier status signal?

17 A Well, ultimately it is generated by
18 whatever it is that's indicating the status of the
19 door. It might be a magnetic sensor, for
20 instance, or a physical switch, whatever it is
21 that's indicating the status whether the door is
22 open or closed. That's ultimately what's

1 generating that signal.

2 Q And then in the case of the -- I think
3 they call it the human status signal, what's
4 generating the human status signal in Lamb?

5 A What's generating that is the presence or
6 absence of a person.

7 Q Where are the status signals sent?

8 A The status signals are sent to the control
9 panel.

10 Q According to this paragraph of Lamb, is
11 the purpose -- well, strike that.

12 What's the difference -- well, first of
13 all, you agree with me that according to Lamb, a
14 status signal is different than an alarm signal?

15 A Let me see. Where does Lamb first talk
16 about an alarm signal? Well, here, let's just
17 look here. The receiver receives the barrier
18 status signal and the human status signal, and for
19 generating an alarm signal, if the receiver
20 determines that the barrier has been opened from
21 the barrier status symbol and a human being is not
22 present.

1 So what this seems to be referring to,
2 what this is calling an alarm signal is the
3 result. And reading just this section here, it
4 looks to me like it's referring to an alarm signal
5 as the sounding of an alarm.

6 Q So you're saying it's the -- that they're
7 referring to an alarm signal is not a signal here,
8 it's just an alarm?

9 A Well, as it's described here, I read it as
10 the receiver receives the barrier status signal
11 and the human status signal, and it generates an
12 alarm signal if the receiver determines that the
13 barrier's been opened but there's no human being
14 in proximity to the barrier, meaning that there
15 must be somebody outside the barrier that opened
16 it. In which case, it's time to signal a warning.

17 So in this reading, what I see right here
18 just by itself, it sounds like it's saying the
19 alarm signal is the sounding of an alerting
20 mechanism. Now, I'll have to see if there's
21 somewhere else that it gives me a different
22 meaning to this term "an alarm signal," but what

1 it sounds like here is the sounding of an alerting
2 event.

3 Q So I just want to kind of summarize that.

4 Your understanding of the meaning of
5 "alarm signal" is the sounding of an alerting
6 event in Lamb?

7 A Well, with the plain and ordinary meaning
8 reading this right here, that's what it sounds
9 like. I'll have to see -- if you want, I'll
10 search for the first occurrence of alarm signal to
11 see if there's anything that I don't remember
12 from --

13 Q I'm actually going to point you to places
14 where alarm signal is mentioned, so we can wait on
15 that.

16 A Okay.

17 Q But I just want to make sure that you
18 are -- that I've got your testimony correct.

19 Based on this paragraph, and at the very
20 least in Lamb, a human status signal and a barrier
21 status signal is different than an alarm signal.

22 Do you agree with that?

1 MR. McKEOWN: Objection. Mischaracterizes
2 testimony.

3 BY THE WITNESS:

4 A What this sentence says is that an alarm
5 signal is generated under the condition that a
6 barrier status signal says the door is open, and
7 the human status symbol indicates that no human
8 being is present. So the alarm signal is
9 conditioned on two events happening.

10 So it's different, obviously. It's not --
11 an alarm signal here is different than a barrier
12 status signal, and it's different than a human
13 status signal. I don't know whether that will be
14 the case everywhere until I look elsewhere to see
15 if there's other places where it says that. For
16 instance, if some paragraph says that a barrier
17 signal becomes an alarm signal, well, that's a
18 different meaning. That's a different attribution
19 of what the term could be, but right here it says
20 that they are different.

21 Q So if you go to Page 12 of Exhibit 1009.
22 I'm about halfway down the right column. This is

1 in paragraph -- it looks like 43.

2 A Okay.

3 Q Could you just read -- just read at least
4 the beginning of Paragraph 43.

5 A Okay.

6 Q My question is going to be about the
7 first -- I think it's two sentences of 43 in
8 Exhibit 1009. And specifically this sentence:
9 "Another embodiment, barrier alarm device does not
10 make determinations as to when to transmit an
11 alarm signal and/or a bypass signal. Instead,
12 processor 300 monitors barrier status
13 determination device 306 and human detection
14 device 304 and transmits a barrier status signal
15 and a human signal, respectively, to gateway 402,
16 central security panel 116, or both, when a change
17 in state of one or both devices occurs."

18 Did I read that correctly?

19 A Yes.

20 Q Again, when Lamb refers to barrier status
21 signal and human status signal, those are the
22 status signals we discussed -- the same status

1 signals we discussed earlier in Lamb?

2 A They are.

3 Q And those signals are different than
4 Lamb's discussion of an alarm signal?

5 A Yes.

6 Q It discusses the barrier alarm device not
7 making a determination as to when to transmit an
8 alarm signal. What is your understanding of the
9 meaning of that statement?

10 A Well, what I see reading the rest of that
11 paragraph is it is deferring the responsibility to
12 make the determination whether to transmit an
13 alarm signal further up the chain. So the barrier
14 alarm device 106 isn't making the decision. It's
15 passing that responsibility to the gateway and the
16 security panel or both.

17 Q When it says later on: "Remote server 400
18 and/or central security panel 116 receives these
19 status signals and determinates whether a local
20 alarm condition exists and whether it should
21 transmit an alarm signal to one or more remote
22 devices 406 of interested parties and/or to a

1 remote monitoring station 124," what is your
2 understanding of the meaning of a "local alarm
3 condition"?

4 A I believe that's local to the premises
5 being monitored because they're talking about
6 remote monitoring facilities. So the alarm
7 condition exists, for instance, in my home, but
8 the central monitoring station might be -- for
9 instance, if I were contracting with ADT to
10 provide security services for my home, then the
11 information would be conveyed there.

12 As an example, some personnel at the
13 remote facility might say, oh, we're getting false
14 alarms all day, there must be something defective.
15 So the remote facility is deciding whether or not
16 my local home is actually being broken into or
17 whether something else is going on that's falsely
18 indicating, you know, an alarm condition or
19 falsely indicating -- yeah, they use the term
20 local alarm conditions.

21 Is a condition in existence that truly is
22 worthy of dispatching somebody, or is it just

1 something -- perhaps some false alarm? But the
2 determination for that is made remotely, not by
3 the devices on premises.

4 Q Okay. Let's go to Page 13 of
5 Exhibit 1009. I'm looking at Paragraph 60.

6 A Okay.

7 Q About halfway down where it says:
8 "Additionally or alternatively, processor 300
9 generates a bypass signal and provides the bypass
10 signal to transmitter 308 where it is transmitted
11 to central security device 116 and/or gateway 402.
12 The bypass signal is an instruction to central
13 security panel 116 to ignore future alarm signals
14 generated by the barrier alarm device."

15 Did I read that correctly?

16 A Yes.

17 Q What's your understanding of the meaning
18 of a "bypass signal"?

19 A A bypass signal -- I hate to do this, but
20 a bypass signal bypasses the intended effect. In
21 this case, the barrier status indicator might be
22 the door is open and the bypass signal is saying

1 no, ignore that. It's not -- maybe it is open but
2 I don't care that it's open, or no, it's not
3 really open.

4 So the bypass signal is basically
5 instructing the security -- central security panel
6 to ignore the alarm, perhaps because I am going in
7 and out of this door and I want it to be left open
8 for a while and I know that it's generating false
9 alarms or for whatever. I'm inside the facility.
10 And I know there's a reason to ignore alarm
11 conditions that may exist and I'm signaling that.

12 Q Just to be clear, I want to make sure. Is
13 a bypass signal an instruction to ignore alarm
14 signals generated by the barrier alarm device?

15 A I think properly the way to say it is a
16 bypass signal is an instruction to ignore barrier
17 status signals sent from the barrier device.

18 Q But I'm actually -- I'm reading right here
19 from Lamb 13, Paragraph 60: "The bypass signal is
20 an instruction to central security panel 116 to
21 ignore future alarm signals generated by the
22 barrier alarm device."

1 Do you disagree with that definition?

2 A No, no. That's the terms that are being
3 used. But there's the problem that we've hit
4 upon, the ambiguity in the '340 patent, and it's
5 here as well because they're sharing the same
6 specification. Alarm signals have been given
7 meanings that depend on their context.

8 Is an alarm signal an indication of a
9 status of a barrier device, for instance, or is it
10 an alert that a condition exists that people are
11 being informed of? The term "alarm signal" has
12 been used in various ways in different places. So
13 I was trying to avoid the use of the alarm signal
14 by defining it in terms of the barrier status
15 signal coming from the barrier device.

16 Q Okay. But to be clear, a bypass signal is
17 different -- strike that.

18 According to Lamb, Exhibit 1009, a bypass
19 signal is different than an alarm signal; you
20 agree with that?

21 A Yes.

22 Q You would agree that a bypass signal is

1 different than a status signal?

2 A Yes.

3 Q According to Lamb, what generates the
4 bypass signal?

5 A Well, for one instance, it says the
6 processor 300 could have generated a bypass
7 signal. Let's see. I think there were -- I
8 thought I saw some other places where a bypass
9 signal was generated. But as a minimum, it's
10 processor 300 may send a bypass signal.

11 Q But where is -- what receives -- strike
12 that.

13 According to Lamb, what receives the
14 bypass signal?

15 A Well, as described here in Paragraph 59,
16 processor 300 generates it and provides it to the
17 transmitter 308 where it's transmitted or conveyed
18 to the central security device 116. So it's
19 generated by 300 and transmitted by 308.

20 Q I want to just talk about Lamb -- let's
21 get into that. Let's get into the patent.

22 MR. LUKAS: Greer, could you pull up -- it

1 should be the '797 patent, Exhibit 1007.

2 AV TECH McKEE: Yes. Please stand by.

3 MR. LUKAS: Sure.

4 BY MR. LUKAS:

5 Q Mr. McNair, we're looking at Exhibit 1007.

6 This is the '797 patent. You can look at 21. You
7 can see that this is the patent that resulted from
8 the -- from Lamb, the published application.

9 Do you see that?

10 A Right, from the '370 application.

11 Q Correct.

12 A Yes.

13 Q Have you seen this before?

14 A Yes.

15 Q I just want to look at the claims on that.

16 If you can look at Claim 1 for me, you can
17 see it's kind of at the end of Claim 1. There's a
18 discussion of the bypass signal for instructing
19 the receiver to ignore future alarm signals from
20 the barrier alarm device.

21 Do you see that?

22 A Yes.

1 Q Is that consistent with our discussion
2 earlier about Lamb and what the meaning of a
3 bypass signal is?

4 A Yes.

5 Q What was that?

6 And then if you can look at claim -- I
7 think it's 7 at Page 15 of Exhibit 792. Excuse
8 me, not 792. Exhibit 1007.

9 A The current exhibit?

10 Q Yes.

11 A Yeah, okay.

12 Q I'm just looking at the claims. At the
13 end there's two limitations that starts with
14 determine at Claim 7. One says: "Determine a
15 barrier status as being open or closed using
16 signals provided by the barrier status detection
17 device."

18 Do you see that?

19 A Yes.

20 Q That's, again, reference to the status
21 signals we talked about when we were discussing
22 Lamb?

1 A Yes.

2 Q Let's go on to --

3 MR. LUKAS: Can we pull up the '230
4 patent, Exhibit 1005.

5 AV TECH McKEE: Yes. Please stand by.

6 MR. LUKAS: Okay.

7 BY MR. LUKAS:

8 Q Mr. McNair, I've shown you what's been
9 marked as Exhibit 1005. This is the '230 patent.
10 This is a patent that's a continuation in part --
11 excuse me.

12 The '340 patent, the patent in the IPR is
13 a continuation in part of the '230 patent.

14 Have you seen this before?

15 A I don't remember if I've seen this. I'd
16 have to look at my declaration to see if I
17 considered this. I don't know that I did.

18 Q Actually, we can just pull up and I can
19 ask you some questions because it is -- let's pull
20 up the '340 again, the '340 patent. You can go to
21 the front, the top page. You can see right there
22 at 60, the patent is -- the '340 is a continuation

1 part of the '230, which I've put in front of you.

2 I want to ask you some questions about it.

3 MR. McKEOWN: I object to the extent that
4 the witness has not previously seen the document.

5 MR. LUKAS: Okay. If we can just pull
6 back up Exhibit 1005, that would be great. The
7 '230.

8 BY THE WITNESS:

9 A Okay.

10 BY MR. LUKAS:

11 Q If you can just look at Claim 8. Take
12 your time just to look, and I'm going to ask you a
13 couple of questions.

14 A Okay.

15 Q And my question about the '230 patent,
16 Exhibit 1005, is -- if you need to read more of
17 the '230 patent, please go ahead and do. But my
18 question is in Claim 8 of Exhibit 1005, when
19 there's a discussion of barrier status signal and
20 human status signal, is your understanding that
21 those signals mean the same as in Lamb?

22 A Well, I haven't examined this patent.

1 This is the first -- I believe this is the first
2 I've of seen it. So I can't offer you an opinion
3 whether it's the same, or they use similar words.
4 Let me just go back and look.

5 Q Sure.

6 A I see a lot of the same types of figures
7 as I've seen on all of these patents. I haven't
8 done a comparison of what the -- is this the same
9 specification as the other '230 patent -- the '340
10 patent has used?

11 Q I'm not sure of that.

12 A I don't know. So the words are the same.
13 Do they have the same meaning? You know, I've got
14 to look to see do the claims inform me, do the
15 specifications inform me anything different? You
16 know, as I sit here right now, I can't really give
17 you an opinion on something that I haven't really
18 thought about.

19 Q Okay.

20 A If you want me to spend a few hours
21 looking at it, I can.

22 MR. LUKAS: No, actually, the more I think

1 about it, we can move on. Why don't we take a
2 quick break and then we'll move on. Make it like
3 five to ten.

4 (A recess was had.)

5 MR. LUKAS: Greer, can we pull up the '340
6 patent, Exhibit 1001.

7 AV TECH McKEE: Please stand by.

8 BY MR. LUKAS:

9 Q Mr. McNair, this is the '340 patent. This
10 is the patent in the IPR that you have opined
11 certain claims are invalid as unpatentable.

12 Have you seen this before?

13 A Yes.

14 Q If you look on Page 24, Column 11. Yeah,
15 if you go further down. Stop right there.
16 Halfway down there's a paragraph that starts: "In
17 another embodiment, barrier alarm device 106..."

18 Do you see that?

19 A Yes.

20 Q If you can just read -- I think you're
21 going to tell me it's the same as in Lamb, but I
22 wanted to make sure.

1 A Yeah. I don't see them side by side, but
2 it sounds like what Lamb is describing.

3 Q Let's -- just for record let's just -- I'd
4 like you to tell me what you think -- what your
5 understanding is as to the meaning of a "status
6 signal" in the '340 patent Exhibit 1001.

7 A Well, there's a couple of references to
8 status; there is a barrier status signal in
9 Line 37, and there's a human status symbol in 37
10 and 38, and there's reference to, in Line 41, that
11 the control panel is receiving them. So it's my
12 understanding that these are -- the status signals
13 are conveying the state of the associated sensor.
14 So the barrier status -- the barrier status signal
15 conveying whether or not the various -- barrier
16 sensor is in an open or closed state, door open or
17 closed, and the human status signal is conveying
18 whether or not a human being has been detected in
19 proximity to the barrier.

20 Q Okay. I'm going to ask you a couple of
21 other questions that we talked about when we
22 discussed Lamb.

1 Is it your understanding that in
2 accordance with the '340 patent, Exhibit 1001,
3 that a barrier status signal and a human status
4 signal is different than an alarm signal?

5 A Well, they're different terms, and they
6 appear to have different meanings.

7 Q Okay. Is it your understanding in
8 accordance with the '340 patent that the barrier
9 status signal and human status signal has a
10 different meaning than the bypass signal?

11 A Yes.

12 Q Is it your understanding that in
13 accordance with the '340 patent, the alarm signal
14 has a different meaning than a bypass signal?

15 A Yes.

16 Q And we didn't ask it for the '340. What's
17 your understand of the meaning of a bypass signal
18 in the '340 patent?

19 A What I would do is look to see where it's
20 first used and see -- just so I'm making sure it's
21 correct.

22 Do I have the ability to search here? Oh,

1 there it is.

2 Yeah. So I refer here to Column 8. This
3 is one embodiment, so there may be other
4 embodiments where it has different meanings. But
5 in this embodiment, the one described in Column 8:
6 "A bypass signal is sent to the central security
7 panel when it is determined that an authorized
8 person has opened a door or a window. The bypass
9 signal is an instruction to" -- it looks like a
10 typo. "The bypass signal is an instruction to
11 central the remote location." I think somebody is
12 dyslexic. I think it's the central remote
13 location to ignore future alarm signals generated
14 by the barrier alarm device or disarm the system.

15 So what it's saying here, in this
16 embodiment, the bypass signal is an instruction to
17 ignore future alarm signals or disarm the system.

18 Q Okay. Gotcha. What does it mean to
19 "disarm" a security system?

20 A Well, in the common usage it means to turn
21 it off, to basically put it into a state where it
22 doesn't process any status indications that would

1 indicate penetration of a barrier.

2 Q Is disarming the alarm system different
3 than setting a timer that delays the alarm?

4 A Well, as described here, disarming the
5 system doesn't say anything about time. I can
6 imagine a master on/off switch, system is armed,
7 system is disarmed; whereas a timer says it is
8 temporarily, at least for certain sensors, placed
9 into an inactive state. So I see the difference
10 as if I disarm my alarm system, I'm shutting the
11 whole system down and it's not going to respond to
12 any barrier penetrations. Whereas if I bypass
13 either temporarily or permanently, I am bypassing
14 one of the barrier sensors.

15 So, for instance, I might have a patio
16 door and I know that I'm going and coming from
17 that patio door for this afternoon and I bypass
18 it, but the overall system is turned on. So if
19 somebody comes in the back door, I'll know that.
20 Or if I disarmed, everything would be off.

21 Q Okay. But to be -- and maybe this kind
22 of -- I get your point. You couldn't issue a

1 signal -- you couldn't send a signal that holds
2 off the alarm response if it's disarmed, right, if
3 the alarm system is disarmed?

4 A Well, you know, it's a matter of where the
5 processing is occurring. I can bypass -- I can
6 cause one of the sensors to be temporarily
7 disarmed or bypassed. I can have one of the
8 sensors be temporarily bypassed because that's
9 something that is occurring locally to that
10 sensor, but it may be a moot point if the overall
11 system is disarmed.

12 So I don't see that I -- I would not say
13 that it is the case that it's impossible to bypass
14 a sensor when the overall system is disarmed.
15 It's just the fact that it won't make any
16 difference. It's a moot point.

17 Q Okay. Let's open the '340 patent. And if
18 you could turn to Figure 5A.

19 Do you see the mention of alarm signal in
20 the '340 patent?

21 A Yes.

22 Q If you can turn to Figure 10, it mentions

1 a timed alarm signal and an immediate alarm
2 signal.

3 Do you see that? Timed at 1014 and then
4 immediate at 1022 and 1024?

5 A Yes.

6 Q What's your understanding of the meaning
7 of an immediate alarm signal according to the '340
8 patent?

9 A Well, in the context of a -- in comparison
10 to a timed alarm signal, the timed alarm signal
11 indicates that there is a timer running that will
12 ignore the alarm for some period of time, but an
13 immediate alarm signal is one that is not ignored.
14 And you can see in block 1024, if an immediate
15 alarm signal is received, then initiate security
16 responses. So you'll act -- the system will act
17 on the reception of the immediate alarm right
18 away.

19 Q In 1024, what does it mean to initiate a
20 security response?

21 A Well, one example of that, I would
22 imagine, would be at a central monitoring

1 facility. Again, using the example of if ADT is
2 monitoring my alarm system, that's an indication
3 that they should send somebody out to respond and
4 see what the problem is, what the source of the
5 alert is.

6 Q And then if you go back to Figure 5A of
7 the '340 patent, what's your understanding as to
8 the meaning of an alarm signal as implied there?

9 A That is a signal indicating that an
10 actionable event has occurred. If you look at
11 what precedes it, there's an indication in 502
12 that the barrier was opened, 502 and 504. 502 is
13 the opening of the barrier, 504 is the
14 determination that the barrier has been opened.
15 When the barrier sensor signal indicates that and
16 506 is a determination that there's no human being
17 in proximity to the barrier, and then the alarm
18 signal is ending of the condition, door's open,
19 nobody's home.

20 Q If you can turn to Column 11 of the '340
21 patent. I think we discussed this passage.

22 But in this embodiment, and it's my

1 understanding and it starts with another
2 embodiment if you just go down a little further.
3 We mentioned this earlier.

4 A You're at Column 33 -- Line 33?

5 Q Yes. 11, Line 33. Yeah, you're right,
6 Line 33. When I read this -- and tell me if I'm
7 wrong. When I read this passage, it's talking
8 about an embodiment where the barrier detection --
9 what is it?

10 The barrier status determination device or
11 human detection device transmits status signals
12 and doesn't transmit an alarm signal.

13 Is that the way you read that?

14 A Yes. So it's my understanding of this
15 that multiple embodiments are describing different
16 design approaches, and it's a matter of where you
17 put intelligence in a very -- a more sophisticated
18 system, the intelligence could be pushed out
19 closer to the sensors. In an alternate
20 embodiment, the intelligence could be pulled back
21 to the central security panel. In each embodiment
22 where you've decided to incorporate the

1 intelligence, it's saying the barrier sensor is
2 indicating a door open, but I'm too dumb to know
3 whether that's a problem because I don't know --
4 I'm not coordinating with the human detection
5 sensor wherein another embodiment I've got an
6 intelligent sensor that says, I know about door
7 status and human presence so I can make a
8 determination by myself and offload the central
9 server panel from making the determination. It's
10 a typical engineering trade off of centralized
11 versus distributed control.

12 Q Okay. So in this embodiment, Column 11 --
13 what did I say? -- Line 33 of the '340 patent,
14 Exhibit 1001, the determination of whether to send
15 an alarm signal is sent -- is done by the central
16 security panel. Is that how you interpret that?

17 A Right, or the gateway.

18 Q Or the gateway.

19 A It says it sends it to the gateway or the
20 security panel or both, and where things go from
21 there -- basically it's saying there that it's
22 not -- the alarm condition is not being determined

1 by the -- by processor 300. It's being determined
2 by somebody at a higher level in the hierarchy.

3 Q Gotcha.

4 So in this embodiment that we're talking
5 about in Column 11, lines -- 33 down, the barrier
6 alarm device is not making the determination as to
7 whether to send an alarm signal and it's not
8 sending an alarm signal. Agreed?

9 A That's correct.

10 Q Let's go back to this. You kind of opened
11 my eyes. I appreciate it. Let's go back to the
12 claims on Page 33.

13 Claim 1 of the '340 patent, you would
14 agree that has the barrier alarm device
15 determining that an alarm condition exists and
16 sending the alarm signal?

17 Do you agree with that?

18 A Well, I don't see anything that tells me
19 that the barrier status detection device is
20 receiving the human detection device signal,
21 because if the barrier -- if the battery status
22 detection device is making an alarm determination,

1 then it has to know whether or not a human being
2 is present. But I see that the -- where is the
3 transmission of the -- I see there's a processor
4 coupled to the barrier status detection device and
5 the human detection device and the transmitter and
6 the memory that executes the processor executable
7 instructions. So I'm not sure that this deals
8 with one or both embodiments, the centralized or
9 the distributed embodiment.

10 Q Well, I mean, in Claim 1, it says the
11 barrier alarm device comprising, so everything
12 that's happening is underneath the umbrella of a
13 barrier alarm device, no?

14 A Yes, that's it true. Okay. So yes. I
15 missed the comprising, that's right. So, yes, the
16 human detection device is in the -- under the
17 umbrella of the barrier alarm device, but it's
18 separate from the barrier detection device.

19 So I don't know where you draw the
20 boundary. Do I consider the barrier alarm device
21 to be co-located with the barrier status detection
22 device and the human detection device, or is this

1 part of the central panel?

2 Q While you're thinking, I'm just going to
3 ask the question again.

4 Does Claim 1 of the '340 patent have the
5 barrier alarm device determining that an alarm
6 condition exists and sending the alarm signal?

7 A Yes. Whatever the barrier alarm device
8 is, it is determining whether an alarm condition
9 exists and it's sending that.

10 Q And then I'm going to ask you the same
11 question about Claim 6. Does Claim 6 of the '340
12 patent have the barrier alarm device determining
13 whether an alarm condition exists and sending the
14 alarm signal?

15 A Well, Claim 6 has the central security
16 panel, which is receiving the barrier alarm
17 device's signal.

18 Q I read this, but if you go further down,
19 it receives signals from a barrier alarm device
20 and it receives the first alarm signal from a
21 barrier alarm device. My question is based on
22 those, at least those limitations. Does Claim 6

1 have the barrier alarm device determining where
2 there's an alarm condition and sending the alarm
3 signal?

4 A Well, the security -- the central security
5 panel is getting an indication from the barrier
6 alarm device, but Claim 6 doesn't mention the --
7 there is a quote in Claim 1, the human section
8 device. It doesn't separately indicate -- it
9 doesn't speak about the human detection device,
10 but it is detecting a human. But it's determined
11 whether a human being is indicated to be inside
12 the premises and in proximity to the barrier. So
13 it's speaking to the human detection device, but
14 it's not indicating that it is receiving that from
15 the barrier alarm device.

16 So because we need the presence of a
17 barrier alarm signal in combination with the
18 absence of a human to signal an alarm, this sounds
19 to me like what is coming from the barrier alarm
20 device is not an alarm indication but a potential
21 alarm indication. It's only the central security
22 panel that can be sure whether or not it needs to

1 generate a security response.

2 Q And even though your position is that it
3 doesn't -- it doesn't have the barrier alarm
4 device making the determination that an alarm
5 condition exists and sending an alarm signal,
6 notwithstanding the limitation received a first
7 alarm signal from a barrier alarm device?

8 MR. McKEOWN: Objection. Mischaracterizes
9 testimony.

10 BY THE WITNESS:

11 A Well, I think the end of that claim
12 element really says it all. The first alarm
13 signal indicative of the barrier being opened. So
14 it's a signal is indicating that the barrier is
15 opened, but that's not sufficient -- that's
16 necessary for an alarm event to occur, but that's
17 not sufficient because it depends on whether
18 there's a human present. And I don't see anything
19 here that says that the barrier alarm device has
20 made a determination whether a human being is
21 present. It's the job of the central security
22 panel to do that.

1 Q What about Claim 11 of the '340? Is it
2 your opinion that Claim 11 has the barrier alarm
3 device determining whether an alarm condition
4 exists and sending an alarm signal?

5 A Well, here, the barrier alarm device is
6 transmitting a time signal to initiate a timer
7 only when it's determined that the human detection
8 device indicates that a human being is inside the
9 premises in proximity to the barrier.

10 So in this particular case for this claim,
11 it sounds like the barrier alarm device is aware
12 of the human presence.

13 Q Okay. So let me ask it again.

14 So it's your opinion that in Claim 11 of
15 the '340 patent, it's the barrier alarm device
16 that is making a determination about whether an
17 alarm condition exists and sending the alarm
18 signal?

19 A Yes.

20 Q Let's go back to Claim 6.

21 In your opinion in Claim 6 of the '340
22 patent, what is making the determination about

1 whether an alarm condition exists? That's my
2 first question.

3 A I believe it's the central security panel
4 that's making the determination in Claim 6.

5 Q What in Claim 6, in your opinion, is
6 sending the alarm signal?

7 A Well, there is something called a "first
8 alarm signal" from the barrier alarm device, so,
9 strictly speaking, the first alarm signal is sent
10 by the barrier alarm device. That is not
11 necessarily going to lead to an alert because the
12 central security panel must respond to the first
13 alarm signal by determining whether a human being
14 is inside the premises and in proximity and if a
15 timer hasn't expired. So it's only when the first
16 alarm signal from the barrier alarm device has
17 been received and there is no person present or
18 there is a person present and the time has expired
19 that an alarm indication can be generated.

20 Q I think I understand your point. You're
21 saying in Claim 6 of the '340 patent, when the
22 barrier 1 device sends a first alarm signal,

1 there's been no determination made that an alarm
2 condition exists?

3 A That's correct.

4 Q What is that first alarm signal sent from
5 the barrier alarm device indicating?

6 A It's indicating there was a potential
7 penetration of the barrier, potential because it's
8 only a penetration of the barrier if the door was
9 opened by somebody outside. If the door was
10 opened by somebody inside, then there was no
11 penetration, there's just somebody exiting the
12 facility. And as long as they get the door closed
13 before the timer expires, there will be no reason
14 to sound an alarm.

15 Q Do you have another name for what you'd
16 call what that barrier alarm device is sending
17 besides a first alarm signal?

18 A Well, that's the term that's used. But
19 the meaning, to me, of a first alarm signal is a
20 potential -- a potential intrusion alert.

21 Q I'm just trying to figure it out. So
22 you're saying that the first alarm signal in

1 Claim 6 and intellectual property -- and I
2 apologize for the way I state it -- it's not
3 really an alarm, it's a potential alarm signal?

4 A The term used is first alarm signal, but
5 it's certainly not something that needs to be
6 responded to at this stage. It's not known, you
7 know, at the point in the claim receive a first
8 alarm signal from the barrier device. All it is
9 is an indication that the barrier has been opened.
10 That's really all it is.

11 It's an indication -- the first alarm
12 signal is an indication that the barrier has been
13 opened, but whether or not that is an alertable
14 event depends on other conditions. First
15 condition, is there a human being inside opening
16 the barrier; and, second, even if there is a
17 person inside opening the barrier, have they done
18 so within the time period that they're allowed to
19 exit the facility.

20 If they're out of the facility before the
21 timer expires, then there's no event. If they
22 dawdle going out the door, then they might set off

1 the alarm.

2 Q Based on what you just said, what's the
3 difference between the first alarm signal of
4 Claim 6 and a status signal?

5 A Well, again, let's go back and see. Has
6 status signal been used -- I want to use the --
7 whatever terminology may have been used in the
8 patent if they define status. Barrier status
9 detection device.

10 Q I think your best place -- well, for me,
11 the best place is Column 11, but I'll let you look
12 at it.

13 A So far what I'm seeing and I'm looking at
14 the bottom of Column 9, when the term "status" is
15 used it might be something like open/closed for a
16 door movement detected for a human status
17 indicator. I'm dealing with the lag of the
18 communications. Barrier status signal, human
19 status signal.

20 So the status signals are state of the
21 sensor information. What is really being conveyed
22 in the claim is the status of the barrier status

1 sensor. It is not an indication that an alarm
2 exists, an alarm condition exists, it's an
3 indication of the status that the door is open and
4 potentially might be an alarm condition, but based
5 on the other necessary conditions -- and just
6 excuse me one second. I have to turn my lights
7 back on.

8 Q Did you finish?

9 A I had to remotely turn them on. They're
10 back on.

11 Q I want to wrap that up. In Claim 6, I
12 think you just said the first alarm signal in
13 Claim 6, the '340 patent is a status signal?

14 A Yes.

15 Q Let's finish up with claim -- let's finish
16 up with the last independent claim. And I think
17 that it's 16 of the '340 patent. And my question
18 is the one I've been asking for all the other
19 independent claims. Is it your opinion that in
20 Claim 16 of the '340 patent the barrier alarm
21 device is making the determination about whether
22 an alarm condition exists and sending an alarm

1 signal?

2 A Well, it's the central security panel that
3 is determining whether or not an alarm condition
4 exists. So a first alarm signal sent by the
5 barrier alarm device is only monitoring the
6 barrier. The barrier alarm device does not know
7 the status of the human detector. It's the
8 central control panel that's responding to the
9 first alarm panel by determining whether a human
10 being is being indicated as being inside the
11 premises in proximity to the barrier.

12 Q In Claim 16 of the '340 patent, it's your
13 opinion that the central control panel or security
14 panel is the device that is sending the alarm
15 signal?

16 MR. McKEOWN: Objection. Mischaracterizes
17 testimony.

18 BY THE WITNESS:

19 A The thing that is called the first alarm
20 signal is sent by the barrier alarm device, but
21 the indication that generates the alarm alert is
22 the central security panel.

1 BY MR. LUKAS:

2 Q And then just to wrap up, is it your
3 opinion that Claim 16 of the '340 patent that the
4 first alarm signal is a status signal?

5 A Yes. As the last part of the claim
6 element says the first alarm signal is indicative
7 of the barrier being open, so all it's saying is
8 it's reflecting the status of the barrier
9 detection device.

10 Q And, again, it -- in Claim 16, the '340
11 patent, the central security panel is the device
12 that's making a determination as to whether an
13 alarm condition exists?

14 A That's correct.

15 Q How long have we been going since the last
16 break?

17 A A bottle of water worth.

18 MR. LUKAS: Okay. Would you like to take
19 a break?

20 THE WITNESS: Yes. I'll need to get more
21 water.

22 MR. LUKAS: Okay. We'll take a 10-minute

1 break. Thanks.

2 (A recess was had.)

3 BY MR. LUKAS:

4 Q Mr. McNair, let's go back to Claim 1 and
5 Claim 2.

6 I'm going to ask you this. There's two
7 terms. Claim 1 has the term "timed alarm signal,"
8 and Claim 2 has the term "immediate alarm signal."
9 And I wanted to discuss those.

10 What's your understanding of the word
11 "timed" in the term timed alarm signal in Claim 1
12 of the '340 patent.

13 A It's my understanding that the timed alarm
14 signal is the alarm signal that has been processed
15 using the timer. So, in other words, it's an
16 indication that there's an -- I'll describe it as
17 a pending alarm, conditioned on whether or not
18 there is a human being present within the time
19 period that the time out has been set to. So it's
20 essentially the exit delay timer, whereas an
21 immediate timer -- an immediate alarm is one
22 that's acted on right away.

1 Q Okay. I was going to get to that. Let's
2 talk about timed first.

3 MR. LUKAS: Maybe the best way to do this
4 is can we pull up the petition, which is Paper 2,
5 Greer?

6 AV TECH McKEE: I believe it's that first
7 tab. You've got it.

8 MR. LUKAS: Thank you.

9 BY MR. LUKAS:

10 Q If you can go to Page 29, right at the
11 bottom of 29. So I'm going to read along with
12 that last sentence of 29: "Accordingly, Williams
13 discloses that in response to receiving a signal
14 that a human has been detected, control panel
15 initializes a timer. And Williams' signal is,
16 therefore, a timed alarm signal associated with
17 the control panel. The claimed timed alarm signal
18 is only for initiating a timer associated with the
19 security panel."

20 Do you agree with that statement?

21 A Yes.

22 Q So it's your opinion that in order to have

1 the claim timed alarm signal, you have to be able
2 to initiate a timer. Do you agree with that?

3 A Yes.

4 Q Okay. Just a follow up. In order to have
5 the claimed timed alarm signal of -- I think it's
6 Claim 1 of the '340 patent, you have to have a
7 timer?

8 A Yes.

9 Q Let's go on to immediate. And I know you
10 started talking about immediate, and I had a -- an
11 immediate alarm is one that's acted on right away.

12 What do you mean by "acted on right away"?

13 A So in Claim 2 back in the '340 patent. So
14 the barrier alarm of Claim 1 wherein the processor
15 executable instructions comprise instructions that
16 cause the barrier alarm device to transmit via the
17 transmitter an immediate alarm signal to the
18 receiver for causing a security response to be
19 initiated when it's determined that the human
20 detection device does not indicate that the human
21 being is inside the premises in proximity.

22 So what this means is Claim 2 is saying no

1 human being has been detected, and when the
2 barrier alarm device sends an indication that the
3 barrier has been opened, there's nobody present so
4 there's no delay, you know, nothing putting off
5 the need to respond to this alarm. So it's an
6 immediate alarm.

7 Q So just to be clear, Claim 2 of the '340
8 patent when it refers to immediate alarm signal,
9 the "immediate" portion is causing a security
10 response to be initiated immediately?

11 A If there is no person present, because
12 it's conditioned on the fact that it's been
13 determined that there is no human detection being
14 made by the human detection device. So Claim 1 is
15 including when there is a person present a timer
16 starts and says that we don't initiate a -- we
17 don't initiate a response to the alarm. But
18 Claim 2 is saying if there is a barrier detection
19 status that indicates that the barrier has been
20 opened and there's no person present, then there's
21 an immediate response to that because it must mean
22 that somebody opened the door from the outside,

1 somebody from the outside.

2 Q So assuming the conditions are met for
3 Claim 2, when we refer to -- it's your opinion
4 when we refer to an immediate alarm signal, that
5 immediate alarm signal causes a security response
6 to be initiated immediately?

7 A That's my understanding.

8 Q Let's go back to your declaration. That's
9 Exhibit 1003. I'm just going to go through and I
10 want to just kind of -- hopefully this goes fast,
11 but I just want your -- I'm at Page 32 of
12 Exhibit 1003 which is the McNair declaration.

13 Actually, I apologize, about back to 30,
14 Page 30. So starting at 30, it looks like it's --
15 it's your analysis and opinions regarding the
16 invalidity of Claims 1, 2, 6, 11, 12 and 16 over
17 Lamb and in view of Williams.

18 Do you agree with that?

19 A Yes.

20 Q For the preamble of Claim 1, it's your
21 opinion that Lamb discloses the preamble?

22 A Yes.

1 Q If you fast forward to Page 32, it's your
2 opinion that Lamb discloses Element 1.a?

3 A Yes is.

4 Q If you go to Element 1.b at Page 34, it's
5 your opinion that Lamb discloses Element 1.b?

6 A Yes.

7 Q And if you go to 36, Element 1.c, it says
8 for Element 1.c, the element is met by Lamb in
9 view of Williams.

10 Do you see that in Paragraph 64?

11 A Yes.

12 Q And it's your opinion that Lamb discloses
13 a transmitter for transmitting an alarm signal to
14 a receiver associated with a security panel; is
15 that right?

16 A Yes.

17 Q And if you fast forward to Page 39,
18 Paragraph 66, it's your opinion that Williams
19 discloses a transmitter for transmitting a timed
20 alarm signal to a receiver associated with a
21 security panel. The timed alarm signal for
22 initiating a timer associated with the security

1 panel?

2 A Yes.

3 Q It's not your opinion that Lamb discloses
4 a transmitter for transmitting a timed alarm
5 signal to a receiver associated with a security
6 panel, the timed alarm signal for initiating a
7 timer associated with the security panel?

8 A That's correct.

9 Q If you turn to 42, it says -- well, it
10 doesn't say this. But if you look at
11 Paragraph 68, I think it's implied that Lamb
12 doesn't expressly disclose the central security
13 panel 116 includes an associated receiver for
14 receiving alarm signals from the barrier alarm
15 device. Central security panel 116 -- excuse me,
16 for the barrier alarm device; is that correct?

17 A I was looking for the page that you're on.

18 Q I'm sorry, 42, at the bottom of 42. If
19 you could just read 68.

20 A Right.

21 Q Okay. So it's my understanding that what
22 you're saying in 68 is that Lamb doesn't expressly

1 disclose that its central security panel 116 has a
2 receiver for receiving alarm signals. Is that
3 what you're saying there?

4 A Yes.

5 Q But then you're saying -- you say it must
6 necessarily include a receiver?

7 A Right.

8 Q So that's -- you're saying it
9 inherently -- that Lamb inherently discloses a
10 receiver?

11 MR. McKEOWN: Objection. Mischaracterizes
12 testimony.

13 BY THE WITNESS:

14 A Well, it's obvious a person of ordinary
15 skill in the art would recognize that signals are
16 being sent, and that means that those signals must
17 be received and something must receive them. So
18 we have to identify where those signals are
19 arriving, and that would normally be called a
20 receiver.

21 Q Right. I'm just asking are you saying
22 that -- are you trying to say here that you would

1 have just looked at the disclosure of Lamb and
2 determined it inherently discloses a receiver?

3 MR. McKEOWN: Objection. Mischaracterizes
4 testimony.

5 BY THE WITNESS:

6 A What I'm saying is a person of ordinary
7 skill in the art would recognize anytime that
8 there is signals being transmitted to a device
9 they must be received. And they would understand
10 that a receiver of some type -- and as I mention,
11 it might be Wi-Fi, RF, telephone wiring, whatever
12 mechanism is used -- that Lamb would provide
13 something to receive the signals that are being
14 transmitted to it.

15 Q Okay. But are you saying Lamb by itself
16 tells you that, or do you mean to your knowledge?

17 A I think the knowledge of a person of
18 ordinary skill in the art would recognize that
19 even if an alarm doesn't specifically point out a
20 receiver, if signals are being transmitted, they
21 must be received by something, and what they are
22 received by is commonly called a receiver.

1 Q Okay. Going down further, Page 43, 69,
2 through 71, are those paragraphs that -- are those
3 the paragraphs that talk about modifying Lamb to
4 include a timed alarm signal for initiating a
5 timer associated with the security panel?

6 A Yes.

7 Q If you could go to 1.d, Element 1.d,
8 Page 45, it's your opinion that Lamb discloses
9 Element 1.d?

10 A Yes.

11 Q If you can look at Footnote 3, I just want
12 to ask you a question about the second line. "I
13 understand that alerts and security responses are
14 separate responses in other claims of the '340
15 patent."

16 Do you see that?

17 A Yes.

18 Q What's your understanding as to the
19 meaning of an alert in the '340 patent?

20 A Well, again, I'll have to go back and look
21 at the '340 patent to see specifically where
22 alerts are mentioned to be sure I get the --

1 Q Yeah, go ahead.

2 A Let me just go back.

3 So there are certainly the alerts. And
4 I'm looking first in Column 5, down around 63,
5 referring to audible alerts. So these would be
6 the sounds made by an alerting device, like a horn
7 or a siren or a bell. And then there is -- in
8 Column 11 there is the server transmitting alert
9 to one or more remote devices alerting interested
10 parties to the opening that might not necessarily
11 be an audible alert. It could be, for instance,
12 to an alarm monitoring company, an alert telling
13 them that a penetration of a security perimeter
14 has been detected at this location. It might be a
15 text message. Let's see, where else is alert
16 mentioned. 17, Line 2, mentions a visual alert to
17 a person, so a flashing light, steady blinking
18 light, audible alerts, beeps, chirps.

19 Q Okay.

20 A I'm just verifying when I think of an
21 alert, I think of something to get somebody's
22 attention in some manner, audible, visual,

1 textual. That seems consistent with the way the
2 patent is using the word "alert."

3 The other thing that you said was a
4 security response, I believe.

5 Q Yeah, but that was -- I'm not going to ask
6 you about that. I think you've already told me
7 what that is.

8 Let's go to 46 of your declaration,
9 Exhibit 1003. You would agree with me that it's
10 your opinion that Lamb discloses Element 1.e?

11 A Yes.

12 Q Let's go to 39, Element 1.f. It's your
13 opinion that Lamb discloses Element 1.f?

14 A Yes.

15 Q Then let's go to Element 1.g. I just want
16 to see -- okay. So at 52, it's your opinion that
17 at Paragraph 82 that Lamb discloses the processor
18 executing the processor executable instructions to
19 cause the barrier alarm device to transmit via the
20 transmitter a signal to the receiver only when it
21 is determined that the human detection device
22 indicates that the human being is inside the

1 premises in proximity to the barrier of Element
2 1.g?

3 A Yes.

4 Q And if we go on to Page 54, Paragraph 83
5 of your declaration, you say -- well, strike that.

6 It's your opinion that Williams discloses
7 transmitting the timed alarm signal to the
8 receiver when it is determined that the human
9 detection device indicates that the human being is
10 inside the premises in proximity to the barrier;
11 is that right?

12 A Yes.

13 Q And it's not your opinion that Lamb
14 discloses transmitting the timed alarm signal to
15 the receiver when it is determined that the human
16 detection device indicates that the human being is
17 inside the premises in proximity to the barrier?

18 MR. McKEOWN: Objection. Mischaracterizes
19 testimony.

20 BY MR. LUKAS:

21 Q You can answer.

22 A As I've said earlier, Lamb discloses the

1 fact that we're transmitting a signal that
2 indicates that a human being is in range of the
3 proximity to the barrier, and Williams is
4 indicating that we're transmitting this timed
5 alarm signal because it's initiating the timer.

6 So the fact that the timed alarm signal is
7 initiating a timer requires a timer, and Lamb
8 doesn't disclose a timer but Williams does. Lamb
9 is transmitting the signal when a human detection
10 device indicates the human being is inside the
11 premises in proximity to the barrier, but we need
12 Williams because it's a timed alarm signal.

13 Q Okay. I got it. It's all about -- I just
14 want to make sure that it's not your opinion that
15 Lamb discloses transmitting the timed alarm signal
16 to the receiver. Let's stop there.

17 A That's correct.

18 Q Let's go to Claim 2 at 59.

19 A Okay.

20 Q You can see at Paragraph 86 you write:
21 "This claim is met by Lamb."

22 So it's your opinion that Claim 2 is

1 disclosed by Lamb?

2 A Yes.

3 Q And so to further drill down on that, it's
4 your opinion that Lamb discloses an immediate
5 alarm signal?

6 A Yes.

7 Q Let's go on to 6, Element 6 of the '340
8 patent. It's your testimony that Page 62 that
9 Lamb discloses 6 -- the preamble of Claim 6?

10 A Yes.

11 Q It's your opinion at Page 63 that Lamb
12 discloses Element 6.a?

13 A Yes.

14 Q If we go further on, Paragraph 6 of your
15 declaration, it's your opinion that Lamb discloses
16 6.b?

17 A Yes.

18 Q If we go further down, Page 68, it's your
19 opinion that Lamb discloses Element 6.c?

20 A Yes.

21 Q And Page 69 of your declaration,
22 Exhibit 1003, it's your opinion that Lamb

1 discloses Element 6.d?

2 A Yes.

3 Q And if you go to 7.d, it's your opinion
4 that it's your opinion that Lamb discloses
5 Element 7.e?

6 A Yes.

7 Q If you go to 71, Element 6.f, you say this
8 element is met by Lamb in view of Williams.

9 Do you see that?

10 A Yes.

11 Q So for Element 6.f, it's your opinion that
12 Lamb discloses responding to a determination that
13 the human being has been indicated to be inside
14 the premises in proximity to the barrier of
15 Element 6?

16 A Yes.

17 Q It's your opinion that Williams discloses
18 beginning a measuring of an elapsed time from when
19 the first alarm signal was received when it is
20 determined that the human being has been indicated
21 to be inside the premises in proximity to the
22 barrier of Element 6.f?

1 MR. McKEOWN: Objection. Mischaracterizes
2 testimony.

3 BY THE WITNESS:

4 A Again, measuring the elapsed time is a
5 requirement met by Williams, but it's the fact
6 that a human being has been indicated inside the
7 premises in proximity to the barrier is met by
8 Lamb. So Lamb in view of Williams meets the
9 entire element.

10 BY MR. LUKAS:

11 Q To be clear, it's not your opinion that
12 Lamb discloses beginning a measuring of an elapsed
13 time from when the first alarm signal was
14 received?

15 A No, there's no element of time in Lamb.
16 So that's not disclosed by Lamb.

17 Q If you go down to pages 75 to 76 at
18 paragraphs 113 and 114, you were discussing why
19 you would have modified Lamb to incorporate
20 Williams' teachings?

21 A Yes.

22 Q Let's turn to Page 79 of your declaration.

1 And this is Element 6.g. You say it's met by Lamb
2 in view of Williams.

3 Do you see that? So it's saying: Lamb in
4 view of Williams renders obvious the processor
5 processing the processor-executable instructions
6 to cause the central security panel to determine
7 whether the elapsed time has exceeded a
8 predetermined time, (e.g., determine a time-out of
9 the timer)."

10 Do you see that?

11 A Yes.

12 Q But in that Paragraph 118, you're only
13 citing to Williams, right?

14 MR. McKEOWN: Objection. Mischaracterizes
15 testimony.

16 BY THE WITNESS:

17 A At this point I'm only citing to Williams
18 because of the timer, but Lamb has described the
19 processor that processes processor-executable
20 instructions. So it's Lamb in view of Williams
21 that executes -- Williams describes the timer
22 requirement required, and Lamb provides the

1 processor to execute it in a way that everything
2 else that has been executed in Lamb has been done.

3 BY MR. LUKAS:

4 Q But just to be clear, it's not your
5 opinion that Lamb determines whether the elapsed
6 time has exceeded a predetermined time?

7 MR. McKEOWN: Objection. Mischaracterizes
8 testimony.

9 BY THE WITNESS:

10 A The way I view it, a person of ordinary
11 skill in the art in possession of Lamb and
12 Williams would see that Williams is providing a
13 suggestion for an algorithm to enhance the
14 functionality of Lamb by describing in some code
15 that could be -- some code functions that could be
16 added to Lamb, but Lamb has already provided the
17 foundation, the processor, the structure to
18 support it. So that's why I think it's Lamb in
19 view of Williams.

20 BY MR. LUKAS:

21 Q Okay. So I think -- are you only
22 relying -- I'm only doing this because I don't --

1 I want to make sure I understand.

2 Are you only using Lamb to teach the
3 processor that does processing?

4 MR. McKEOWN: Objection. Mischaracterizes
5 testimony.

6 BY THE WITNESS:

7 A Well, Lamb is present for everything else
8 except the timer, and Williams is disclosing that
9 there is a timer and the timer will ultimately
10 time out. So it's the -- it's the fact that we
11 have Lamb, we're building on Lamb and we're using
12 Williams to give us the timer functionality. So
13 I'm not relying on Lamb for anything timer
14 related, but everything else is provided by Lamb.
15 It's the timer-related stuff that I'm relying on
16 Williams for.

17 BY MR. LUKAS:

18 Q I guess, can you just tell me, are you
19 relying on Lamb -- well, strike that.

20 Of Element 6.g, what are you relying on
21 Lamb for? It's recited in 117. Can you just tell
22 me what out of that -- what out of that limitation

1 or element?

2 MR. McKEOWN: Objection. Asked and
3 answered.

4 BY THE WITNESS:

5 A Lamb is providing the structure that
6 everything rides on, and Williams is providing the
7 concept of a timer that times out under certain
8 conditions.

9 BY MR. LUKAS:

10 Q Okay. Does Lamb alone disclose whether
11 the elapsed time has exceeded a predetermined
12 amount of time?

13 MR. McKEOWN: Objection. Asked and
14 answered.

15 BY THE WITNESS:

16 A As I said, Williams provides any time
17 elements. Lamb provides the structure that
18 everything is built on, so the disclosure is Lamb
19 in view of Williams. My declaration says Lamb in
20 view of Williams. Williams is providing the
21 time-related elements built on Lamb's structure.
22 You know, in a vacuum it will determine whether

1 the elapsed time has exceeded a predetermined
2 time. Without Lamb, you know, it's meaningless.
3 There has to be a structure on which it's done.
4 Lamb is providing that structure, and Williams is
5 providing the idea of the need for a timer.

6 BY MR. LUKAS:

7 Q Does Williams already have a structure
8 that can determine whether the elapsed time has
9 exceeded a predetermined time?

10 A Yeah, but I'm not relying on it.

11 Q Why not?

12 A Well, because Lamb has everything else.

13 Q Let's go to Page 81.

14 What are you trying to say in
15 Paragraph 119?

16 A 119? I thought we were at 6.h. We
17 haven't gone to 6.h.

18 Q Yeah, no. There's one last paragraph.

19 A What I'm saying in 119 is Lamb renders
20 obvious the concept that the central security
21 panel that Lamb discloses as instructed by
22 Williams initializes a timer that sets an alarm

1 once it elapses, and Williams discloses that the
2 time out of the timer is determined after which
3 the system sets the alarm latch in Lamb.

4 Q Just to be clear, for Element 6.g, it's
5 your opinion that Lamb doesn't disclose, teach or
6 suggest any of the, I think you said, time-related
7 features of Element 6.g?

8 A Lamb provides the structure upon which the
9 time elements are provided as suggested by
10 Williams. It doesn't provide -- Lamb doesn't
11 provide any of the time-related functionality.

12 Q Let's go on to 81, 6.h. Your opinion is
13 that Lamb in view of Williams meets element 6.h?

14 A Yes.

15 Q Okay. Is it your opinion -- is it the
16 same for 6.g, for 6.h that any time-related
17 features of element 6.h are not disclosed, taught
18 or suggested by Lamb?

19 MR. McKEOWN: Objection, mischaracterizes
20 testimony.

21 BY THE WITNESS:

22 A Well, generating a security response is

1 provided by Lamb. Determining an elapsed time has
2 exceeded the predetermined time, which is what the
3 reason for the security response. That's provided
4 by Williams.

5 BY MR. LUKAS:

6 Q So let's go to 82. You say at
7 Paragraph 125: "Lamb and Williams each disclose
8 that an alarm condition is a security response."

9 Do you see that?

10 A Yes.

11 Q What is an "alarm condition"?

12 A An alarm condition is a circumstance under
13 which alert needs to be made to a human or another
14 system.

15 Q Thank you. Let's go to 6.i, it's at 82.
16 You say it's your opinion that 6.i is met by Lamb
17 in view of Williams.

18 Do you see that?

19 A Yes.

20 Q So earlier you said at 6.h that Lamb is
21 being relied on to generate a security response.
22 Element 6.i talks about provide the generated

1 security response to receiver via the
2 communication interface.

3 So I guess what are you relying on for
4 Williams in 6.i?

5 A As I sit here, I don't remember what
6 prompted me to include Williams.

7 Q Now that you're looking at this, you think
8 Lamb discloses everything in Element 6.i?

9 MR. McKEOWN: Objection. Mischaracterizes
10 testimony.

11 BY THE WITNESS:

12 A As I sit here, I don't remember the
13 rationale why I included Williams in support of
14 this element.

15 BY MR. LUKAS:

16 Q Do you think it was a mistake?

17 A If I remembered then I could tell you
18 whether it was a mistake, but I don't remember. I
19 am -- I can't recreate my thought process at the
20 time. So sitting here, I don't recognize what is
21 necessary from Williams to augment Lamb for this
22 element because, as you said, from what I said

1 earlier, from reading it I believe Lamb provided
2 everything other than a timer in terms of the
3 security response.

4 Q We can move on. I don't want to hold you
5 up here. 128 at 83, I just have a question
6 because I'm confused. "As I discussed for Element
7 6.f, Lamb in view of Williams renders obvious that
8 the central security panel initializes a timer
9 that sets an alarm if it is allowed to expire.
10 Lamb discloses setting such an alarm by
11 transmitting signals to remote devices and
12 notifying others of the alarm condition."

13 What confuses me here is you've been very
14 adamant that Lamb doesn't talk about a timer,
15 doesn't have a timer. So I'm confused because you
16 have that first sentence in 128, and then you have
17 the second sentence which the first sentence talks
18 about a timer and setting an alarm if it's allowed
19 to expire. And then you say Lamb discloses
20 setting such an alarm.

21 Is that a mistake? It's not your opinion
22 that Lamb discloses setting an alarm if a timer is

1 allowed to expire?

2 MR. McKEOWN: Objection. Asked and
3 answered.

4 BY THE WITNESS:

5 A Lamb discloses generally setting alarms by
6 transmitting signals to remote devices and
7 generally notifying them of alarm conditions.
8 Williams is adding the fact that that condition
9 may be time sensitive. So an alarm -- Williams
10 will suggest that the alarm needs to be sent if a
11 timer expires, but Lamb already said that if there
12 is an alarm, it will transmit the signals to
13 remote devices and notify them of whatever alarm
14 condition exists, including alarm conditions that
15 were created by the expiration of a timer set by
16 Williams.

17 Q But, again, to avoid any uncertainty, it's
18 your opinion that Lamb on its own does not
19 disclose initializing a timer that sets an alarm
20 if it is allowed to expire?

21 A That's correct.

22 Q Let's go on to 11. I think we're getting

1 close here. 11 pre at 83, the preamble, it's your
2 opinion that Lamb discloses the preamble at Claim
3 11?

4 A Yes.

5 Q And it's your opinion, if you look at 84,
6 that Lamb discloses Element 11.a?

7 A Yes.

8 Q Let's go on to 87, Element 11.b. It's
9 your opinion that 11.b is met by Lamb in view of
10 Williams?

11 A Yes.

12 Q So this is where I need your help because
13 it seems a little inconsistent with everything
14 you've told me and everything I've read before.

15 137: "Lamb discloses transmitting by the
16 barrier alarm device a timed alarm signal to the
17 central security panel for the purpose of
18 initiating a timer associated with the central
19 security panel only when it is determined that the
20 human detection device indicates the human being
21 is inside the premises and in proximity to the
22 barrier."

1 Is it your opinion that Lamb discloses all
2 of that in 11.b?

3 MR. McKEOWN: Objection. Mischaracterizes
4 testimony.

5 BY THE WITNESS:

6 A So what Lamb is transmitting is a signal
7 from the barrier device to the central security
8 panel.

9 BY MR. LUKAS:

10 Q I think I can clear this up. Let's call
11 it a typo. In 137, you would agree with me it's
12 not your opinion that Lamb discloses a timed alarm
13 signal to the central security panel for the
14 purposes of initiating a timer associated with the
15 security panel? It might be easier to look at
16 138. That might clear it up.

17 A I was just looking at 138.

18 Q Okay.

19 A Williams is transmitting the timed signal
20 or Williams is what's giving us the timed alarm
21 signal to initiate a timer. Lamb is giving us the
22 fact that it's transmitted to the central security

1 panel only when it's determined that a human
2 detection device indicates a human being is inside
3 the premises. So Lamb doesn't cause the
4 initiation of the timer.

5 Q So you would agree there is a typo at 137,
6 Paragraph 137?

7 A Yeah. The emphasis of the timed alarm
8 signal initiating a timer, that text that's bolded
9 I can't attribute to Lamb. That is strictly
10 something that Williams is doing.

11 Q Okay. And just to be clear, you're
12 talking about the text that says: "A timed alarm
13 signal to the central security panel for the
14 purpose of initiating a timer associated with the
15 central security panel," in Paragraph 137?

16 A Yes. I can't attribute that to Lamb.

17 Q Let's go to Paragraph 138. It's your
18 opinion that: "Williams discloses transmitting by
19 the barrier alarm device a timed alarm signal to
20 the central security panel for the purpose of
21 initiating a timer associated with the central
22 security panel only when it is determined that the

1 human detection device indicates that the human
2 being is inside the premises in proximity to the
3 barrier"?

4 A Yes.

5 Q And for Element 11.b, it's not your
6 opinion that Lamb discloses transmitting by the
7 barrier alarm device a timed alarm signal to the
8 central security panel for the purposes -- purpose
9 of initiating a timer associated with the central
10 security panel?

11 A Lamb does not. It's Lamb in view of
12 Williams.

13 Q Okay. Thank you. Let's go on to Claim 12
14 at Page 93. It's your position that Lamb
15 discloses Claim 12?

16 A Yes.

17 Q Let's go on to Claim 16 at Page 96.
18 It's your position that -- it's your
19 opinion that Lamb discloses the preamble of
20 Claim 16 it?

21 A Yes.

22 Q It's your understanding that at Page 97

1 Lamb discloses Element 16.a?

2 A Yes.

3 Q It's your opinion at Page 98 that Lamb
4 discloses Element 16.b?

5 A Yes.

6 Q And then if you go to Page 100, it's your
7 opinion that Lamb in view of Williams meets
8 Element 16.c?

9 A Yes.

10 Q And for Element 16.c, Lamb discloses
11 responding after it is determined that the human
12 being has been indicated to be inside the premises
13 in proximity to the barrier?

14 A Correct.

15 Q It's your opinion that for Element 16.c,
16 Williams discloses starting a countdown timer when
17 it is determined that a human being is determined
18 to be inside the premises in proximity to the
19 barrier?

20 MR. McKEOWN: Objection. Mischaracterizes
21 testimony.

22 BY THE WITNESS:

1 A Yes. Lamb provides everything other than
2 starting the countdown timer. I'm relying on
3 Williams for the countdown timer used with the
4 determination that the human being has been
5 indicated to be inside of the premises in
6 proximity to the barrier that's provided by Lamb.

7 BY MR. LUKAS:

8 Q Understood. It's not your opinion that
9 for Element 16.c that Lamb discloses starting a
10 countdown timer?

11 A Correct.

12 Q Let's go to 104. For Element 16.d, it's
13 your opinion that this element is met by Lamb in
14 view of Williams?

15 A Yes.

16 Q I assume you're going to give me the same
17 answer. The part about when the countdown timer
18 has expired, you're relying on Williams for that?

19 A Yes.

20 Q And to be clear, for Element 16.d, you're
21 not relying on Lamb for whether the countdown
22 timer has expired?

1 A That's right.

2 Q Let's go on to 106, 16.e element. Your
3 opinion is that it's met by Lamb in view of
4 Williams?

5 A That's correct.

6 Q I think your answer is going to be same,
7 but the part of Element 16.e that states that the
8 countdown timer has expired, you're relying on
9 Williams for that?

10 A Correct.

11 Q You are not relying on Lamb to disclose or
12 suggest the part of Element 16.e that says that
13 the countdown timer has expired?

14 A Correct.

15 Q 16.f, at Page 107, you're relying on Lamb
16 in view of Williams?

17 A That's correct, but talking about the same
18 issue of the contribution of Williams to this.

19 Q Yeah, I was going to ask you that
20 question.

21 What are you relying on -- yes. For
22 Element 16.f, what are you relying on Williams

1 for?

2 A My feeling is that Lamb says it all. I'm
3 not sure that I can remember why Williams might
4 have been included here. I don't -- I don't see
5 any necessary functionality that Williams provides
6 here that Lamb doesn't already.

7 Q I have a couple of questions and we can
8 take a quick break. But a couple of questions
9 about Ground 2. And that relates to Sharma, and
10 that starts at Page 108 of your declaration, which
11 is Exhibit 1003.

12 Is it your opinion that Sharma alone
13 renders Claims 1 and 11?

14 A Yes.

15 Q For that ground, are you relying on Sharma
16 along with the knowledge of a person of ordinary
17 skill in the art?

18 A Yes. Otherwise I think it would be
19 anticipation.

20 MR. LUKAS: Do you want me to try to just
21 wrap it up? I probably have like five minutes
22 left.

1 MR. McKEOWN: Sure.

2 MR. LUKAS: Does that work for everybody?

3 THE WITNESS: If it's five minutes it's
4 okay with me, but if it goes much longer than five
5 minutes I'm out of water. Then I'm going to start
6 getting dry.

7 BY MR. LUKAS:

8 Q So I wanted to go back to your declaration
9 and your background. And I wanted to ask you do
10 you have any experience in residential or
11 commercial security systems?

12 A Yes.

13 Q What experience is that?

14 A Well, if you look at the very last
15 sentence of my background, I mention that I've
16 designed and installed security systems and alarm
17 systems for my own home, and as a matter of fact,
18 for my parents' home as well. I installed wired
19 alarm systems for my father in the 1970s. In the
20 early 1980s I installed wired systems in my home,
21 and I augmented those systems with wireless
22 systems. And then about the 2008 to 2009 time

1 frame, I currently use that system. It's evolved.
2 So, yes, I've -- I've worked quite a bit with
3 residential alarm systems.

4 Q Okay. So other than designing -- well,
5 designing residential security or alarm systems
6 for you and your family, do you have any other
7 business experience in designing, developing
8 security or alarm systems for commercial sale?

9 A No.

10 Q Do you have any education, specific
11 education in home and business security and alarm
12 systems?

13 A I have education and experience in the
14 underlying technology, the sensors, the components
15 that make them work.

16 Q But no education specifically catered to
17 home and business security and alarm systems?

18 A No.

19 Q Have you done any research in home and
20 business security and alarm systems?

21 A Well, I have worked -- let me just by way
22 of background, from 2002 until 2017, I was a

1 full-time faculty member at Stevens Institute of
2 Technology. I'm now teaching online courses as a
3 part-time adjunct, but during that 15-year period,
4 I was the course instructor for the senior design
5 course at Stevens, the Capstone design project,
6 and I advised multiple groups, many of which built
7 technologies that were relevant to security and
8 alarm systems. So I was guiding their research in
9 such technologies.

10 Q Have you ever worked for a company that
11 sells security and alarm systems?

12 A No.

13 Q Have you ever consulted for a company that
14 sells security and alarm systems?

15 A No.

16 Q Have you ever testified in an IPR on
17 behalf of a company that sells security and alarm
18 systems?

19 A No.

20 Q Have you ever testified in a District
21 Court litigation on behalf of a company that sells
22 security and alarm systems?

1 A No.

2 Q Have you ever issued an opinion, an expert
3 opinion on a security or alarm system?

4 A No.

5 MR. LUKAS: I have no other questions.
6 Thank you, Bruce, appreciate it. Thank you,
7 everyone.

8 MR. McKEOWN: I have a couple of quick
9 ones.

10 EXAMINATION

11 BY MR. McKEOWN:

12 Q Mr. McNair, can you go back to your
13 declaration at Page 82?

14 A Okay.

15 Q So you testified earlier on your reliance
16 relative to the prior art for Element 6.i.

17 Do you remember that?

18 A Yes.

19 Q You were just looking at this element in
20 isolation; is that correct?

21 A That's correct.

22 Q Why don't you pull up the full claim.

1 Maybe you can hit Exhibit 1001 to get the full
2 view of Claim 6. So above Element 6.i, there is
3 an Element 6.h. Do you see it there, which begins
4 "generate a security response"?

5 A Yes.

6 Q And that security response is determined
7 based upon an elapsed time that has exceeded a
8 predetermined time; is that right?

9 A Yes.

10 Q In 6.i, the provision of security response
11 would be that security response that's based on
12 that elapsed time, correct?

13 A That's correct.

14 Q So does that refresh your memory at all?

15 A Yes. So I see that the "and" ties these
16 two clauses together. So I'm depending on
17 Williams for determining whether this elapsed time
18 has exceeded the time threshold, and then as a
19 result providing a generated security response via
20 the communication interface is predicated upon it
21 being an elapsed time has exceeded a threshold.
22 So that refreshes my memory as to the connection

1 to Williams. Williams is necessary for the
2 previous element, so, therefore, needs to be
3 provided to support the next claim element.

4 Q I believe you made a similar statement
5 with respect to Claim 16 for Element 16.f. Would
6 your rationale be the same for that now?

7 A 16.f, yes. Again, it's the dependence of
8 the -- providing the security response predicated
9 to that security response being generated by a
10 countdown timer. So, yes, that clarifies my
11 understanding of why I said the second element
12 depends on Williams because the first does.

13 Q Yes. Understandable. It's been a long
14 day.

15 I just have one other question. If you
16 can go to Page 22 of your declaration.

17 A Okay.

18 Q Do you see the grounds there that
19 enumerate certain claims as Ground 1 Lamb in view
20 of Williams?

21 A Yes.

22 Q When asked about Claim 12, you had said

1 that Lamb meets all of the features of Claim 12.

2 And this was at Page 93 of your declaration.

3 Do you recall that?

4 A Yes.

5 Q You aren't changing your argument that
6 Claim 12 is based on the combination, were you?

7 A No.

8 Q And would that be the same answer for
9 similar claims where the dependent claims were
10 depending on a different independent claim?

11 A That's correct.

12 MR. McKEOWN: That's all I have.

13 MR. LUKAS: No further questions. Thank
14 you, Bruce. Thanks everyone.

15 (Deposition concluded at 4:38 p.m. CST.)

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1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2 I, Theresa A. Vorkapic, Certified
3 Reporter and Notary Public within and for the
4 State of Illinois do hereby certify:

5 That Bruce McNair, the witness whose
6 deposition is hereinbefore set forth,

7 Was duly sworn by me before the
8 commencement of such deposition and that such
9 deposition was taken before me and is a true
10 record of the testimony given by such witness.

11 I further certify that the adverse
12 party, petitioner, was represented by counsel at
13 the deposition.

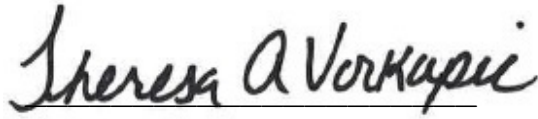
14 I further certify that the deposition of
15 Bruce McNair, occurred at the offices of ^ or
16 virtually on Thursday 1/25/24, commencing at 8:57
17 a.m. to 4:38 p.m.

18 I further certify the inspection,
19 reading and signing of said deposition was
20 waived on the record by agreement of all parties.

21 I further certify that I am not related
22 to any of the parties to this action by blood

1 or marriage, I am not employed by or an attorney
2 to any of the parties to this action, and that I
3 am in no way interested, financially or otherwise,
4 in the outcome of this matter.

5 IN WITNESS WHEREOF, I have hereunto set
6 my hand this 29th day of January, 2024.

7
8 
9

10 Theresa A. Vorkapic

11 My commission expires November 6, 2027.

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Transcript of Bruce McNair
Conducted on January 25, 2024

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