

1 UNITED STATES PATENT AND TRADEMARK OFFICE  
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD  
3  
4  
5

6 CISCO SYSTEMS, INC.

7 Petitioner

8 vs.

9 ZILKR CLOUD TECHNOLOGIES, LLC

10 Patent Owner  
11

12 Case

13 IPR2023-00822

14 Patent 9,883,047  
15

16 ALL PARTICIPANTS APPEARING VIA ZOOM  
17

18 VIDEO DEPOSITION of HENRY HOUEH, PhD

19 Thursday, February 22, 2024 - 1:14 p.m.  
20  
21

22 Reporter: Jill K. Ruggieri, RPR, RMR, FCRR, CRR  
23  
24  
25

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I N D E X

WITNESS:

HENRY HOUH, PhD

Examination by Mr. Stephens 6

E X H I B I T S

|              |                                                            |   |
|--------------|------------------------------------------------------------|---|
| Exhibit 1001 | US Patent No. 9,883,047                                    | 4 |
| Exhibit 1003 | Declaration of Henry Houh,<br>PhD                          | 4 |
| Exhibit 1005 | US Patent Application<br>Publication US 2013/0132854<br>A1 | 4 |

1 P R O C E E D I N G S

2  
3 (Exhibit 1001 marked for  
4 identification.)

5 (Exhibit 1003 marked for  
6 identification.)

7 (Exhibit 1005 marked for  
8 identification.)

9 THE VIDEOGRAPHER: Good  
10 afternoon, everyone. We are going on the  
11 record at 1:14 p.m. Eastern time on Thursday,  
12 February 22, 2024. Please note that the  
13 microphones are sensitive and may pick up  
14 whispering and private conversations.

15 Please mute your phones at this  
16 time. Audio and video recording will continue  
17 to take place unless all parties agree to go  
18 off the record.

19 This is Media Unit 1 of the  
20 video-recorded deposition of Dr. Henry Houh in  
21 the matter of Cisco Systems, Inc., v. Zilkr  
22 Cloud Technologies, LLC. This is filed in the  
23 United States Patent and Trademark Office  
24 before the Patent Trial and Appeal Board. The  
25 case number is IPR2023-00822.

1 My name is Cory Wainaina,  
2 representing Veritext Legal Solutions, and I'm  
3 the videographer. The court reporter is Jill  
4 Ruggieri, also from the firm Veritext Legal  
5 Solutions.

6 I'm not authorized to administer  
7 an oath. I'm not related to any party in this  
8 action, nor am I financially interested in the  
9 outcome.

10 If there are any objections to  
11 proceeding, please state them at the time of  
12 your appearance.

13 Counsel and all present,  
14 including remotely, will now state their  
15 appearances and affiliations for the record,  
16 beginning with the noticing attorney.

17 MR. STEPHENS: This is Jeffrey  
18 Stephens. I represent Zilkr Cloud Technologies  
19 in this case. I'm with the firm Carter Arnett.

20 MR. CLEMENTS: My name is  
21 Calmann Clements, representing petitioner here.

22 MR. BOSTROM: I'm Brett Bostrom,  
23 also representing petitioner, with the law firm  
24 Haynes and Boone.

25 THE DEPONENT: I'm Henry Houh,

1 the witness. I don't know if I'm supposed  
2 to --

3 THE VIDEOGRAPHER: If that's  
4 everyone, may the court reporter please swear  
5 in the witness.

6  
7 HENRY HOUH, PhD, a witness  
8 having been duly sworn, on oath deposes and  
9 says as follows:

10

11 EXAMINATION

12 BY MR. STEPHENS:

13 Q All right. Let us begin.

14 Please state your full name for  
15 the record.

16 A My name is Henry Houh, that's spelled  
17 H-O-U-H.

18 Q And I take it you've been deposed  
19 before, Dr. Houh; is that right?

20 A Yes.

21 Q So you understand you're testifying  
22 under oath today.

23 A Yes, I do.

24 Q Is there any reason that you can't  
25 give truthful and complete testimony?

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1           A     No.

2           Q     So, Dr. Houh, if you don't understand  
3 a question, please let me know. Otherwise,  
4 I'll assume you understand the question.

5                     Is that fair?

6           A     Sure, I'll do my best.

7           Q     And if you need to take a break,  
8 please let me know. But if there's a question  
9 pending, we'll need to go ahead and have you  
10 answer that question before taking the break.

11                    Is that understood?

12          A     Sure.

13          Q     And aside from the Zoom program and I  
14 understand you have exhibits pulled up in this  
15 case, do you have any other computer programs  
16 open on your computer?

17          A     I have an Acrobat Reader open. No  
18 documents in it now, though.

19          Q     Okay.

20          A     I have a browser, but I can close all  
21 the other windows on my desktop besides the  
22 ones for this deposition.

23          Q     And is Acrobat what you'll be using  
24 to pull up the exhibits, correct?

25          A     Yes.

1 Q Okay.

2 And do you have any information  
3 displayed in the room that you're in or on your  
4 computer relating to this IPR proceeding, other  
5 than the PDF viewer and Zoom?

6 A No. Well, I have printouts of two  
7 other documents in front of me.

8 Q And are those clean copies of those  
9 printouts or do they have any additional notes  
10 or annotations on them?

11 A They're clean copies of my  
12 declaration and the '047 patent.

13 Q Okay.

14 And is there anyone else in the  
15 room with you, Dr. Houh?

16 A No.No.

17 Q Okay.

18 And do you have a phone in the  
19 room with you?

20 A Yes, my phone is in the room. It's  
21 on silent mode.

22 Q Okay.

23 And I just want to let you know  
24 that communicating with anyone, including  
25 electronic messaging, with counsel or anyone

1 else regarding your testimony is not permitted  
2 during your deposition unless we're in a break  
3 or something where you're talking with them; is  
4 that understood?

5 A Yes.

6 Q And during today's deposition, you  
7 will answer questions regarding your  
8 declaration submitted in the IPR regarding US  
9 Patent No. 9,883,047.

10 If I refer to the patent as the  
11 '047 patent, does that make sense? Will you  
12 understand what I'm referring to?

13 A Yes, I will.

14 Q Okay.

15 And what did you do to prepare  
16 for your deposition today?

17 A I met with attorneys, and I reviewed  
18 some documents.

19 Q Okay.

20 And you met with your attorneys  
21 in person or via videoconference, telephone  
22 conference?

23 A Over videoconference.

24 Q Okay.

25 Do you recall when that was?

1           A     Yes.

2           Q     When did you meet with them in  
3 preparation for today's deposition?

4           A     It was yesterday.

5           Q     Okay.

6                     And how long did that meeting  
7 go, approximately?

8           A     I don't remember exactly. It was  
9 maybe two hours or around there.

10          Q     Okay.

11                     So let's look at our first  
12 exhibit. It's Exhibit 1001 in this proceeding,  
13 and also in this deposition. That's the '047  
14 patent.

15                     Are you able to pull up that  
16 patent, Dr. Houh?

17          A     Yes, I have it open now.

18          Q     Okay.

19                     And can you tell me which claims  
20 in the '047 patent are being challenged by  
21 Cisco in this proceeding?

22          A     Well, I don't have it from memory,  
23 but looking at my report table of contents,  
24 it's claims 1, 4, 5, 6 and 7.

25          Q     Okay.

1                   Let's pull up the next exhibit  
2           that we'll be referring to. It's Exhibit 1003.  
3           Should be your declaration in this matter.

4           A       Okay.

5           Q       And is that your signature on page 83  
6           of Exhibit 1003, Dr. Houh?

7           A       Yes, it is.

8           Q       And did you draft your declaration,  
9           Exhibit 1003?

10          A       These are my opinions. I may have  
11       generated the first draft. I just don't recall  
12       the details in this case.

13          Q       So who else may have aided in  
14       drafting the declaration?

15                   MR. CLEMENTS: Objection, form.

16          A       I think the attorneys, you know,  
17       following some discussions we had, may have  
18       aided.

19          Q       All right.

20                   And is there anything in your  
21       declaration that you wish to modify or clarify?

22          A       No. I mean, oftentimes there are  
23       little typos, but I don't even recall seeing  
24       any typos as I reviewed it recently.

25                   But there can still be some

1       typos. I don't think there's anything --  
2       there's nothing substantive.

3               Q       All right.

4                       So your substantive analysis has  
5       not changed in any way since you signed your  
6       declaration?

7               A       That's right.

8               Q       Paragraph 2 of your declaration,  
9       Exhibit 1003, states that you're being  
10      compensated at your -- "at my standard hourly  
11      rate."

12                      Can you tell us what that rate  
13      is, Dr. Houh?

14              A       I mean, it depends on what year and  
15      what client, but it could be 680 in this  
16      matter, around there.

17              Q       That's -- okay.

18                      Dr. Houh, what do you understand  
19      the term "POSITA" to mean as it's often used in  
20      patent proceedings?

21              A       I understand it to mean person of  
22      ordinary skill in the art or person having  
23      ordinary skill in the art, and it refers to a  
24      hypothetical person in the context of this  
25      case.

1           Q     And what is the skill level that you  
2 believe would apply to somebody having ordinary  
3 skill in the art in the context of this case?

4           A     So I address that in paragraph 21 of  
5 my declaration, Exhibit 1003, and I say here  
6 that a POSITA would have had a bachelor's  
7 degree or a graduate degree in computer  
8 science, computer engineering, or an  
9 equivalent, and two years of relevant  
10 experience in telecommunications and  
11 networking." And that "lack of professional  
12 experience can be remedied by additional  
13 education, and vice versa."

14          Q     And, Dr. Houh, are you qualified as a  
15 person of ordinary skill in this art? Does  
16 your education and experience meet or exceed  
17 those that you've proposed?

18          A     Yeah, at the time of the priority  
19 date, which I understand is around -- I think  
20 I've addressed that somewhere, but October 9,  
21 2013, I at least was at that level.

22          Q     Okay.

23                     Let's look at our third exhibit.  
24 That's Exhibit 1005.

25                     It's a patent publication

1       numbered US 2013/0132854. The parties have  
2       referred to this as the "Raleigh" reference.

3                       Do you have that in front of  
4       you, Dr. Houh?

5               A       I do.

6               Q       And so claims 1 and 4 through 7 of  
7       the '047 patent are asserted to be obvious over  
8       the Raleigh reference.

9                       Is that your understanding,  
10      Dr. Houh?

11              A       That's -- that's the challenge, is  
12      its obviousness over Raleigh.

13              Q       Okay.

14                      And is it your opinion as  
15      expressed in your declaration that Raleigh  
16      discloses the activation requests recited in  
17      claim 1 of the '047 patent?

18                      (The deponent read the  
19      document.)

20              A       My declaration at section --  
21      addressing element 1.4, it's starting at  
22      paragraph 89 and goes through paragraph 95.  
23      Sorry. 93.

24              Q       So can you tell me, Dr. Houh, where  
25      does Raleigh teach the activation request

1 recited in claim 1 of the '047 patent?

2 A Yeah. Sorry I paused, but I was just  
3 saying that that's where I'm discussing the  
4 element that includes the phrase "activation  
5 request."

6 But if you look at what I say in  
7 paragraph 91, that Raleigh teaches the third  
8 part -- "Raleigh teaches that 'the third party  
9 service partner system provides an activation  
10 request to the service provider system of the  
11 selected service provider.'"

12 And I cite Raleigh at  
13 paragraph 1840 for that. And that, "Thus, the  
14 third party service partner system," which I'm  
15 mapping to the unified services platform  
16 system, "sends 'an activation request to the  
17 service provider system,'" and that's the --  
18 "'an activation request to the third party  
19 application service provider system.'"

20 And that it would have been  
21 obvious to POSITA for the service selection  
22 procedures in the Figures 36A and B of the  
23 Raleigh reference to be for a service plan  
24 shared by the users associated with a master  
25 service account. And I discuss the reasons for

1       that above -- above in my declaration.

2           Q       So what does -- in Raleigh, in  
3       paragraph 92 of your declaration, it's quoting  
4       Raleigh. It says that the third-party service  
5       partner system, quote -- or sends "an  
6       activation request to the service provider  
7       system."

8                       What is that activation request  
9       for in Raleigh?

10          A       It's meeting the requirements for an  
11       activation request for the group plan, and  
12       that's what the language of 1.4 requires. And  
13       I think I just glossed by that, so I'll -- that  
14       it is for a group -- group plan, and Raleigh  
15       discloses that. I discuss my reasons kind of  
16       in different sections in my declaration.

17          Q       Can you show me where in Raleigh it  
18       says that the activation request relates to a  
19       group plan? Or what is -- what specifically is  
20       being requested to be activated?

21                       MR. CLEMENTS: Objection. Form.

22          A       So that's -- it's for a group plan.  
23       I discuss this in paragraph 93, and I'll -- it  
24       says -- you know, I did some more analysis of  
25       that in 1.1, so I'll take a look at that and

1 pull out the relevant sections if you give me a  
2 minute.

3 (The deponent read the  
4 document.)

5 A So if you look around paragraph 72 of  
6 my declaration, I talk about the group plan  
7 here, and then in the following paragraphs as  
8 well.

9 But I'm saying that the  
10 teachings relating to matching service plans on  
11 a master service account, it would have been  
12 obvious to a POSITA for the service plan  
13 selection to be for a group plan. The service  
14 plan selection procedures of Figures 36A and B  
15 are for a service account, and Raleigh explains  
16 that the service provider system adds and/or  
17 customizes one or more selected service plans  
18 to a service account associated with the mobile  
19 wireless communication device and/or the user  
20 thereof.

21 And then, although Raleigh does  
22 not explicitly refer to the service account  
23 discussed in Figures 36A and B as a master  
24 service account, Raleigh does describe that  
25 "after a subscriber has established a master

1 service account, the subscriber can create a  
2 device group by associating additional mobile  
3 wireless communication devices with the  
4 established master service account that is  
5 already with the master mobile wireless  
6 communication device." And that "service plans  
7 can be shared among multiple devices in a  
8 device group."

9 And I have a number of citations  
10 to passages in Raleigh for these.

11 And so, "For example, a parent  
12 might want to purchase a single service plan  
13 that is shared among all members of the  
14 family." And that Raleigh explains that "in  
15 some embodiments, an administrator," such as a  
16 parent, "manages service plans and/or  
17 permission capabilities for devices in the  
18 device group."

19 And there's -- again, there's  
20 citations to Raleigh.

21 And then the example plans I  
22 talk about, I think I give an example of a  
23 service plan for -- which shows a service plan  
24 referred to as iStoryBooks, and I talk about  
25 that in paragraphs 70 and 71, and the service

1 plans generally.

2 So that's how it relates --  
3 that's at least some of the support for the  
4 group plan as mentioned in element 1.4.

5 Q Okay.

6 Well, you recited to me  
7 paragraph 91 of your declaration as relating to  
8 the request -- the activation request, and that  
9 paragraph refers to paragraph 1840 of Raleigh.

10 And so my question is really in  
11 paragraph 1840 when it talks about an  
12 activation request, what is being requested to  
13 be activated?

14 A Well, I discuss -- if you look at  
15 paragraph 93 -- that it's obvious to a POSITA  
16 for the service selection parameters --  
17 procedures in Figures 36A and B to be for a  
18 service plan shared by the users associated  
19 with a master service account.

20 So this is for a group plan, and  
21 that's -- in Raleigh, the group plan is a  
22 service plan shared by users associated with  
23 the master service account.

24 And so the examples given, I was  
25 reciting -- if you look back around

1 paragraph 72 to seventy -- going through 79,  
2 really, I do cite to some portions of Raleigh  
3 that are close to -- what did I say -- yeah,  
4 72, and I think I went back to paragraph 70.

5 But, like, for example, in  
6 paragraph 72, I'm citing to paragraph 1852 of  
7 Raleigh, and that's -- that's pretty close to  
8 1840.

9 I think I saw another citation  
10 to 1850. I don't remember where I saw that  
11 now, but I thought I saw that as well.

12 But what I'm saying is that it  
13 would be obvious to a POSITA, you know, given  
14 the disclosures of Raleigh, which talk about  
15 how a user of a -- who controls a master  
16 account or master service account, Raleigh  
17 already discusses being able to add devices and  
18 then group them in these device groups and then  
19 have plans shared among the devices.

20 And I explain that back in --  
21 around paragraph 70 -- 72 to 79.

22 So that's what I'm saying is why  
23 the activation request is for a group plan, as  
24 I've laid out around the section that I'm  
25 discussing element 1.4.

1           Q       I'm not sure if my question is  
2       unclear or if I've misunderstood your answer,  
3       Dr. Houh.

4                       But I'm looking at  
5       paragraph 1840 of Raleigh, and I'm trying to  
6       understand, within the context of Raleigh,  
7       what's quoted in your declaration, it looks  
8       like it starts about -- it's -- it's like a  
9       third of the way down. There's a sentence that  
10      starts, "In some embodiments, the third party  
11      service partner system provides an activation  
12      request to the service provider system of the  
13      selected service provider."

14                    It appears, to me, that that's  
15      part of what's being quoted in your declaration  
16      paragraph 91.

17                    Is that -- does that look  
18      correct to you?

19           A       Yeah, I think I saw where you were  
20      reading, and that is -- that is the portion I  
21      was quoting in my -- in paragraph 91.

22                    But it's not just paragraph 91  
23      where I'm addressing the whole of the element  
24      1.4. It includes paragraphs 92 and 93.

25                    In 93 is where I'm addressing

1 the part of the claim element that the  
2 activation request is for the group plan or for  
3 a group plan. And because that's referring to  
4 a group plan, I think that initially comes up  
5 in claim 1.1, the analysis for the group plan  
6 in element 1.4 is -- is the -- is for a group  
7 plan, as I've initially addressed in 1.1.

8 Pointing to 1.1, which -- which  
9 starts at paragraph 64, which is "receiving, by  
10 a unified services platform system, a  
11 subscription request for a service for a group  
12 plan."

13 And so a group plan, as I  
14 discuss, I discuss later in that section of  
15 analysis for 1.1, and that's starting around 72  
16 or so, where I'm addressing for a group plan,  
17 that part in particular.

18 And that's because as I -- I can  
19 refer you to those sections, but if I -- as we  
20 were just discussing, there are -- there's a  
21 master service account. Service plans can be  
22 shared among multiple devices in a device  
23 group, and that -- that --

24 There's another figure, 15I,  
25 that illustrates a configuration for signing up

1 for services from different service operators  
2 with a master device or a secondary device, and  
3 that those -- those are associated with the  
4 master service account, and that it would have  
5 been obvious for the service plan selection to  
6 be sent from the master device or secondary  
7 device associated with a master service  
8 account. And this would allow a primary user  
9 or administrator to share service plans with  
10 other users associated with the same account.

11 And there are mult- -- there's a  
12 lot of discussion in Raleigh about that kind of  
13 scenario, which is sharing a service plan with  
14 other users associated with the same account.

15 So that's -- that's addressing  
16 for the group plan part of 1.4, by referring  
17 back to the original discussion of for a group  
18 plan in 1.1.

19 Q Okay.

20 I guess my question might be --  
21 I'm not sure what question you're addressing,  
22 Dr. Houh, but my question is, in paragraph 1840  
23 of Raleigh, when it refers to an activation  
24 request, I would like to know whether in that  
25 paragraph or where else in Raleigh it helps me

1 to understand what is requested to be  
2 activated.

3 The -- well, I'll leave it at  
4 that. I mean, it --

5 MR. CLEMENTS: Objection. Form.

6 A I mean, that sounded like a statement  
7 more than a question.

8 Q Well, I said what is being requested  
9 to be activated?

10 I mean, paragraph 1840 says, as  
11 quoted in your declaration, "The service  
12 provider system provides an activation response  
13 message" -- or earlier up in the paragraph it  
14 says, "The third party service partner system  
15 provides an activation request to the service  
16 provider system of the selected service  
17 provider."

18 And I'm asking you what that  
19 activation request relates to. What is being  
20 requested to be activated?

21 A Well, I mean, so I think maybe you're  
22 only -- well, you're saying what else in  
23 Raleigh would help me understand. Well, I do  
24 address that initial portion, the activation  
25 request, that I've highlighted in Figure 35A

1       that's discussed in 1840.

2                       But I go on to discuss, like,  
3       what are these -- what are these activation  
4       requests for. They're for a service plan  
5       shared by users associated with the master  
6       account. And this is for a group plan.

7                       And I -- and I -- if you look in  
8       paragraph 93, that's where I address the "for a  
9       group plan" -- "for the group plan," actually,  
10      that's what the language of 1.4 is -- but I'm  
11      referring back to the "for a group plan"  
12      analysis in 1.1 which is what I was directing  
13      you to earlier, starting around paragraph 72,  
14      which is where I address the "for a group  
15      plan," that's "the group plan" referred to in  
16      element 1.4.

17                      And so that -- so that these are  
18      the types of examples of the group plans being  
19      discussed in -- in Raleigh and why -- why  
20      they're group plans, is because they're plans  
21      for multiple devices.

22                      You know, there's device groups  
23      and that services can be assigned to all the  
24      phones in a master account, all the devices, or  
25      by device group.

1                   And that's why I was referring  
2                   back to 72, because I think 72, starting there,  
3                   is the portion of my declaration where I'm  
4                   talking about the -- the group plan, referring  
5                   back to "a group plan" in element 1.1.

6                   And so that's -- that's where  
7                   I'm discussing "a group plan" in element 1.1,  
8                   starting at paragraph 72, and that's what I was  
9                   talking about earlier.

10                  And I think that would help you  
11                  to understand what the activation request for  
12                  the group plan is, because that's referring to  
13                  a group plan as first recited in element 1.1.

14                  So that's what the activation  
15                  request would be for, and that's what I'm  
16                  laying out. And there's an example of one of  
17                  these plans for the iStoryBooks service plan  
18                  that I give in paragraph 71.

19                  So that's an example of one, but  
20                  there are other plans that can be shared among  
21                  all the devices in a master account or in a  
22                  device group, and that's for -- that's for the  
23                  group plan, as referred to in element -- those  
24                  are examples of things that are for the group  
25                  plan in 1.4.

1           Q     Those are examples of services,  
2     service providers?  What are they examples of?

3           A     They're examples of things that you  
4     can send in an activation request for the group  
5     plan.  So it's an activation request for the  
6     group plan.

7                     So we discuss -- in  
8     paragraph 91, I discuss the paragraph 1840 of  
9     Raleigh, which talks about sending activation  
10    requests to a service provider system; and that  
11    elsewhere in Raleigh, it's discussing these  
12    group plans, such as a service plan,  
13    iStoryBooks example, that can be shared among  
14    multiple devices.

15                    And Raleigh talks about how  
16    service plans can be shared among multiple  
17    devices in a device group.

18                    And so that's -- so that's what  
19    the activation request was referring to, is to  
20    a plan, like a service plan, as brought up in  
21    Raleigh, that can be shared among multiple  
22    devices.

23           Q     In your declaration, paragraph 91, it  
24    says that -- it's quoting Raleigh 1840.  It  
25    says that illustrating a process "to activate

1 an association between a service provider and a  
2 mobile wireless communication device," which is  
3 why I'm asking, you know, what the activation  
4 request in paragraph 1840 is referring to.

5 You've referred to a lot of  
6 other paragraphs in your declaration, but I'm  
7 trying to understand what Raleigh says.

8 Where does Raleigh say, you  
9 know, what that activation request in  
10 paragraph 1840 is.

11 It seems to say, as quoted in  
12 your declaration, that it's to activate an  
13 association between a service provider and a  
14 mobile wireless communication device.

15 Is that correct?

16 A If you're -- I mean, I say what I say  
17 in paragraph 91. I'm not denying that.

18 What I'm saying is that it  
19 further helps clarify because I address what  
20 the activation request is for in paragraph 93,  
21 which refers back to analysis in 1.1, and it's  
22 for the group plan, and that's -- that's the  
23 language of element 1.4.

24 So I already addressed for the  
25 group plan. Paragraph 1840 doesn't have to

1 include everything prior that was already  
2 discussed. That's why it's obvious to a person  
3 of ordinary skill when they're reading Raleigh  
4 that they're talking about these other plans  
5 they've already discussed.

6 If every paragraph had to, like,  
7 say in detail all the cases would cover, the  
8 paragraphs would grow exponentially as you got  
9 to the end.

10 And Raleigh, as you know, is  
11 already -- it's probably the biggest patent  
12 I've ever looked at, probably that ever used  
13 for prior -- one of -- one of them, anyway.  
14 Might not be at the top, actually, but it  
15 already is huge.

16 And, you know, you don't have to  
17 put everything in paragraph 1840. They don't  
18 have to say everything about the activation  
19 request, what it's for, because it talks about  
20 these other service plans elsewhere in Raleigh,  
21 and that's what -- that's what further analysis  
22 in 92, 93, referring back to analysis in 1.1,  
23 which is around 72 to the end of that section.

24 And that's why it's obvious to a  
25 person of ordinary skill that that's what

1 they're talking about in 1840, is one of the  
2 things an activation request would be for,  
3 would be for the group plan.

4 And I lay that out because --  
5 you know, I also refer back, because, you know,  
6 every time I talk about the -- there's an  
7 antecedent, and the proper analysis is that all  
8 the things that refer back to the antecedent, I  
9 wouldn't want to necessarily repeat all the  
10 underlying analysis, that I can just point you  
11 to where the antecedent first comes up in my  
12 analysis there. And that's what I'm doing in  
13 paragraph 93.

14 So what is it for? It's for the  
15 group plan. And I address that analysis as to  
16 why the activation request is for the group  
17 plan and why it would be obvious to a POSITA  
18 that that selection -- the selection procedures  
19 that are laid out in Figures 36A and B and in  
20 the description there is for a group plan, as  
21 I've laid out in 1.1.

22 So yes, I'm referring to  
23 something else, but it's obvious to a POSITA  
24 that it can -- that that's what the procedures  
25 are covering, that earlier example of a service

1 plan that can be shared among multiple -- by  
2 the owner of a master account to all the  
3 devices in a group or a device group.

4 And there's a lot of discussions  
5 about these device groups in assigning service  
6 plans to them. There's a lot of discussion,  
7 and I've cited to a few of that in my analysis,  
8 a few citations from Raleigh in my analysis if  
9 you look at the section in 1.1.

10 Q Well, you keep telling me about  
11 paragraph 93 of your declaration where it talks  
12 about -- it says the service selection  
13 procedures of Figures 36A to 36B to be for a  
14 service plan shared by the users associated  
15 with a master service account, and, you know,  
16 Figures 36A to B are about the service  
17 selection procedures in Raleigh.

18 Is that -- is that not correct?

19 MR. CLEMENTS: Objection. Form.

20 A Well, they're -- they're talking  
21 about -- I mean, the figure uses, you know, in  
22 the pink boxes I've highlighted on -- sorry.

23 Well, the pink highlight in  
24 paragraph 91 in the figure is -- it says  
25 literally "activation request."

1                   And then where that message is  
2     directed to, that request is directed to, is to  
3     the service provider system, which I've labeled  
4     as "third party application service provider  
5     system." And that's what I say here.

6                   And -- and that's -- that's what  
7     Figure 1840 is talking about, Figures 35A and  
8     35B, and that's what I'm referring to, the  
9     discussion.

10                  But it's obvious to a POSITA  
11     that things to be covered by this activation  
12     request include the things I talk about  
13     earlier, which is these service plans that can  
14     be assigned to devices in a group that I talked  
15     about way back.

16                  And so, you know, 1840, the  
17     figure doesn't now have to lay out every  
18     possible example that Raleigh has already  
19     talked about in a specification or might talk  
20     about later about what the possible -- the  
21     group plans could be.

22                  Again, that would cause -- if --  
23     if a patent owner had to write all that stuff  
24     into their specification in every paragraph,  
25     these paragraphs would start blowing up

1 exponentially. And, you know, I don't think  
2 the '047 specification does that either. It  
3 can just mention things and then you can go  
4 look -- a person of ordinary skill would look  
5 to see what those things that are mentioned are  
6 covering by looking elsewhere in the  
7 specification.

8 And I think that's what I'm  
9 saying here, is that -- you're asking where  
10 does it say in 1840, if that's what your  
11 question is, confined to 1840? Well, 1840 is a  
12 somewhat long paragraph, but it doesn't have to  
13 say everything, because a person of ordinary  
14 skill would look at that and say, oh, it's --  
15 it's an activation request sent to a  
16 third-party application servicer provider  
17 system. What could that possibly cover?

18 Well, a person of ordinary skill  
19 would look back in other parts of the  
20 specification where it's talking about service  
21 plans assigned to groups and how it can be just  
22 for a device, I could just set up a plan for a  
23 device, or I could set up a plan for a group.

24 Well, the applicable parts of  
25 the specification that I've cited to talk about

1       these device groups and how these service --  
2       how these service plans can be shared among  
3       multiple devices in a device group, and that's  
4       literally what Raleigh says in paragraph 818.

5               So 1840 doesn't have to say go  
6       see all these other paragraphs. You know,  
7       specs haven't really -- I don't see many that  
8       are written that way.

9               But the person of ordinary skill  
10      reading it can understand that, what is it  
11      covering? Here's some examples of things it's  
12      covering. There's a service plan that can be  
13      shared among multiple devices in a device  
14      group.

15              Well, how do you -- how do you  
16      activate that service plan for multiple devices  
17      in a device group that are shared?

18              Well, it's teaching here you  
19      send an activation request, and the activation  
20      request is for the group plan, just as I've  
21      laid out, and that's -- you know, that's what  
22      I'm saying in the section with respect to my  
23      1.4 analysis, which isn't just paragraph 91.  
24      It includes paragraphs, you know -- it goes  
25      from 89 through 93.

1                   And what other sections of  
2     Raleigh -- I think you asked that -- can help  
3     you understand that.

4                   Well, the sections that I'm  
5     citing to back in my analysis for 1.1 where I'm  
6     talking about for a group plan. So those  
7     sections in Raleigh can help, if you're trying  
8     to understand that, you can look at those  
9     sections, and that will help you understand  
10    what a POSITA would have been -- it would have  
11    been obvious to a POSITA that those service  
12    plans -- those service selection procedures can  
13    cover the service plan shared by users  
14    associated with the master service account, as  
15    I discuss in analysis for 1.1.

16           Q     But you're referring again, however,  
17    Dr. Houh, to the service selection procedures  
18    of Figures 36A to 36B.

19                   Now, my understanding, Raleigh  
20    does describe what Figures 35A and B describe  
21    and what Figures 36A and B illustrate, and you  
22    seem to be bouncing between the two, and I am  
23    trying to understand that when you refer to the  
24    activation request in paragraph 91, which  
25    relates to, as we've established,

1 paragraph 1840 of Raleigh, and Figures 35A and  
2 B, when I read paragraph 1840, I don't see  
3 anywhere where it says, you know, this  
4 activation request is for activating anything  
5 you want that we've discussed in this  
6 application.

7 It has a beginning sentence,  
8 which says, "Figures 35A and 35B illustrate  
9 representative processes to activate an  
10 association between a service provider and the  
11 mobile wireless communication device 105, e.g.,  
12 to establish a new service account or associate  
13 the mobile wireless communication device with  
14 an existing service account of the service  
15 provider." End of sentence.

16 So I -- that first sentence  
17 would seem to suggest what Figures 35A and B  
18 are about, and when they discuss an activation  
19 request in that same paragraph, is that not  
20 referring to activating an association between  
21 a service provider and the mobile wireless  
22 communication device, as is discussed in the  
23 first sentence of that paragraph?

24 (The deponent read the  
25 document.)

1           A       Well, I don't -- I don't see what the  
2       conflict is here. I don't see what the  
3       conflict -- you know, when you have a service  
4       plan, right, it's offered by a service  
5       provider. And when you -- you send an  
6       activation request, it would be to associate --  
7       activate an association between the service  
8       provider and the mobile wireless communication  
9       device, and that device could be one of many  
10      devices in a device group. But that's what the  
11      activation request is for.

12                   I'm not sure why there's this  
13      apparent conflict that you say it can't  
14      possibly -- I mean, I don't really understand  
15      the conflict that you're having a problem here  
16      with, because the service plan is offered by a  
17      service provider, and when it's attached to an  
18      account, it's attached to devices in an account  
19      which are -- which are mobile wireless  
20      communication devices. Those are examples of  
21      these -- of what the, you know, devices in a  
22      device group could be.

23                   And so I'm not sure why you  
24      think there's a conflict here, because I think  
25      this is all very consistent with prior

1 disclosures.

2 For example, the service plan  
3 that can be shared among multiple devices in a  
4 device group.

5 Q Well, does Raleigh disclose different  
6 processes for selecting a service provider as  
7 compared to selecting a service from a service  
8 provider?

9 (The deponent read the  
10 document.)

11 A I mean, I do say -- I mean, Raleigh  
12 does contemplate that a service provider may be  
13 a third-party service provider.

14 And if you look there, around  
15 paragraph 86, which is analysis, I think, for  
16 element 1.3, where this talks about the service  
17 is provided by a third-party application  
18 service provider system, that it would be --  
19 that that's what Raleigh discloses.

20 And furthermore, if you look at  
21 paragraph 87, to the extent that Raleigh does  
22 not explicitly teach that the service provider  
23 in Figure 36A is a third-party application  
24 service provider system, I think Raleigh still  
25 renders this limitation obvious, that is,

1 limitation 1.3.

2 And I -- I discuss why, so --  
3 I'm not -- I think there are these service  
4 providers, there are third-party application  
5 service providers. There -- I think it even  
6 talks about third-party service providers as  
7 well.

8 I recall seeing some cites to  
9 that. I can probably dig them out of my  
10 declaration or -- or -- yeah, I mean, I talked  
11 about third-party service providers in  
12 paragraph 87, 86, 115, you know. And so there  
13 is a lot of discussion in Raleigh about  
14 third-party application service providers,  
15 third-party service providers as well.

16 Q Do you understand there to be a  
17 difference between a user selecting a service  
18 provider and a user selecting a service?

19 (The deponent read the  
20 document.)

21 Q Do you understand the question,  
22 Dr. Houh?

23 A I believe so, yes. I'm still  
24 looking -- I'm still trying to give you an  
25 answer here.

1 (The deponent read the  
2 document.)

3 A So what I'm showing in my analysis  
4 is -- is -- I mean, there -- it uses the phrase  
5 "a service" in the preamble of 1. It's "a  
6 method of provisioning a servicer for use with  
7 a group plan," and so that's -- that's a  
8 service.

9 And then the first element talks  
10 about a subscription request for a service for  
11 a group plan. And then it goes on to use a  
12 slightly different phrase at the end of the  
13 first block element, which I split the first  
14 element there into three parts, really, 1.1,  
15 1.2 and 1.3.

16 I think 1.3 includes "wherein  
17 the service is provided by a third party  
18 application service provider system."

19 So what I'm showing in my  
20 analysis is where it talks about services and  
21 where it talks about third-party application  
22 service providers and how Raleigh meets the  
23 claims, and you're asking about selecting, is  
24 there a difference?

25 Well, my analysis -- I do -- I

1 do have a difference between the service -- a  
2 service and these third-party application  
3 service providers and their systems.

4 And I analyze them all in kind  
5 of the analysis -- if you look at the preamble  
6 for the pre -- sorry -- the analysis for the  
7 preamble 1.1, 1.2 and 1.3, I talk about those.

8 I don't -- I don't think the  
9 claim is requiring selecting -- any difference  
10 between what things are being selected.

11 But I'm talking about all of the  
12 things, and I think maybe -- does 1840 use that  
13 phrase?

14 (The deponent read the  
15 document.)

16 A I don't think 1840 uses -- at least  
17 the first sentence, I don't see the word  
18 "select."

19 I mean, what I analyzed with  
20 respect to Raleigh is how it renders obvious  
21 the claims, claim 1 and other challenged  
22 claims. And so that's the analysis that I  
23 performed and laid out in my declaration.

24 I think you're asking a slightly  
25 different question now, which I'm not sure I --

1 I addressed directly, because I don't see that  
2 language in the -- in the claim.

3 But, nevertheless, I talked  
4 about the services and how -- you know, there  
5 are in the charts of Raleigh, in the figures  
6 that I provide -- for example, in Figure 36A at  
7 the end of paragraph 68, that figure at the  
8 bottom, I am highlighting this arrow that is  
9 service selection. But now there's -- to a  
10 third-party service partner system. And then  
11 there is a -- you know, a generic service  
12 catalog request to a service system higher up,  
13 or there's a service selection going to a  
14 service provider system that includes  
15 credentials.

16 So, I mean -- so I'm discussing  
17 these in my analysis. I'm not sure I'm -- I'm  
18 addressing directly what you're asking, but I  
19 do talk about the various elements of the  
20 claims separately, and I don't think I've  
21 mapped them to the same thing, so I understand  
22 that.

23 You know, if I did that,  
24 maybe -- what would be the difference between  
25 the claim mappings for different claim terms?

1 But I don't think I'm doing that.

2 Q Well, let me ask it this way: You  
3 referred to paragraph 68 of your declaration.  
4 In that paragraph, you state, "Second, in the  
5 service plan selection process shown in  
6 Figure 36A," so you are stating that Figure 36A  
7 shows a service plan selection process; is that  
8 correct?

9 A Well, I mean, that's the -- the intro  
10 to the paragraph, I do use those words, "in the  
11 service plan selection process shown in  
12 Figure 36A."

13 Q And maybe it would help if we looked  
14 at Raleigh's description of figures. So if you  
15 look, for example, at paragraph 370 of Raleigh.  
16 This is referring to Figure 35A, which Raleigh  
17 states "illustrates a representative process to  
18 associate a mobile wireless communication  
19 device with a service account for a service  
20 provider in accordance with some embodiments."

21 Figure 35B in paragraph 371 of  
22 Raleigh "illustrates another representative  
23 process to associate a mobile wireless  
24 communication device with a service account for  
25 a service provider in accordance with some

1       embodiments."

2                   Paragraph 372, "Figure 36A  
3       illustrates a representative process to select  
4       a service offered by a service provider for a  
5       mobile wireless communication device in  
6       accordance with some embodiments."

7                   Paragraph 373, "Figure 36B  
8       illustrates another representative process to  
9       select a service offered by a service provider  
10      for a mobile wireless communication device in  
11      accordance with some embodiments."

12                  What I'm asking, Dr. Houh, is,  
13      what is the difference between Figures 35A and  
14      B, referring to associating a mobile wireless  
15      device with a service account for a service  
16      provider, as compared to Figure 36A, selecting  
17      a service offered by a service provider?

18                  (The deponent read the  
19      document.)

20                  A       So if you look at the description for  
21      Figure 36A, there's one in paragraph 1846. It  
22      talks about how "in some embodiments, selection  
23      of a service is conducted in conjunction with  
24      selection of a service provider as described  
25      above."

1                   And so it's talking about, you  
2                   know, the selection of a service differently  
3                   than the selection of a service provider in one  
4                   embodiment.

5                   But there's another embodiment,  
6                   if you look towards the bottom of that column,  
7                   "in some embodiments, the notification message  
8                   presents an option to explore a catalog of  
9                   services for a particular service provider,"  
10                  and there's a for example: "A service catalog  
11                  for the selected service provider with which  
12                  the mobile wireless communication device and/or  
13                  user thereof has an associated service  
14                  account."

15                  And so I think there could be a  
16                  number of other providers or -- and that's just  
17                  an example. It kind of implies that you could  
18                  even browse catalogs of service providers with  
19                  which you don't have an established account,  
20                  because, you know --

21                  You know, Raleigh talks about  
22                  this app store-like thing and, you know, if  
23                  you're browsing through an app store, you may  
24                  or may not have set up an account with whatever  
25                  provider, but you can still browse through

1 catalogs of various different apps.

2 And so I think there's some  
3 flexibility here with regard to Figure 36, that  
4 you can retrieve -- if -- you can retrieve  
5 service -- services in their catalog from a  
6 service provider system, and that's at the --  
7 at the top of Figure 36A, that's how it starts  
8 out, that there's a generic service catalog  
9 request sent to a service provider system.

10 And this is -- and this -- this  
11 paragraph is teaching that. It could be a  
12 service provider system from which you have an  
13 established account, but that's just an  
14 example. It could be any other service  
15 provider system. I think that would be obvious  
16 to a POSITA, especially in light of the other  
17 disclosures, that the goal in Raleigh is to  
18 have kind of like an app store, and so you  
19 could browse any service provider catalog of  
20 their services. And so I think that's what 36  
21 is teaching.

22 But 35 is talking about  
23 activating a service by sending an activation  
24 request.

25 So I think that's at least some

1 of the differences between those sets of  
2 figures.

3 Q Isn't Figure 35 about selecting a  
4 service provider, activating a service provider  
5 and not activating a service?

6 A Yeah, I mean, at the bottom of  
7 Figure 35 and -- 35A and B, there is -- there  
8 is a label that says, "Service provider  
9 activation process."

10 And that is -- that is the --  
11 36 -- 36 is talking about selecting a service  
12 from a catalog, that's one of the things it's  
13 talking about, how a user can select a service.  
14 And I think you asked me for differences.  
15 Those are the differences. You know, that's  
16 among the differences, what we're discussing  
17 right now.

18 Q So Raleigh Figures 35A and 35B are  
19 about service provider activation processes?  
20 Is that correct?

21 A I mean, the label at the bottom of  
22 each of those -- that's what it says.

23 Q Is that your answer or are you...

24 A Let me look at one more thing.

25 (The deponent read the

1 document.)

2 A I mean, that's what it says there.  
3 The paragraph describing 1840 says something  
4 slightly different, which is just -- is to  
5 activate an association between a service  
6 provider and the mobile wireless communication  
7 device.

8 And so -- so maybe that's a  
9 little more specific. But -- but this -- you  
10 know, the figure labels are sometimes -- you  
11 know, you look at the spec for more details  
12 about -- about the process.

13 I think paragraph 1840 and  
14 further down describes -- describes these  
15 figures in more detail.

16 MR. CLEMENTS: Jeff, we've been  
17 going for a little over an hour. We may want  
18 to consider a break when you finish your line  
19 of questioning.

20 MR. STEPHENS: All right. Thank  
21 you. We may have to -- to pick it up after the  
22 break. Doesn't seem to be going very far  
23 with -- with seven- to eight-minute review of  
24 documents with a question pending.

25 So let's -- let's go ahead and

1 take a break, if everyone's okay with that, and  
2 we can resume.

3 THE VIDEOGRAPHER: All right.  
4 We are off the record. The time is 2:32 p.m.  
5 Eastern time.

6 (Recess.)

7 THE VIDEOGRAPHER: We are back  
8 on the record. The time is 2:45 p.m. Eastern  
9 time.

10 BY MR. STEPHENS:

11 Q Welcome back, Dr. Houh.

12 May I ask, did you communicate  
13 with your attorneys over the break?

14 A No.

15 Q So looking at paragraph 94 of your  
16 declaration, the paragraph begins, "In the  
17 service provider selection process illustrated  
18 in Figure 35A." What I'd like to know,  
19 Dr. Houh, is do you agree that Figure 35A of  
20 Raleigh describes a service provider selection  
21 process?

22 A It's what I'm saying there. It --  
23 that's how I'm starting out the sentence.

24 Q Is that sentence correct? The  
25 portion that I read?

1           A       Well, I'm not sure I was looking at  
2       it when you read it, but it sounds  
3       approximately what you -- you said earlier  
4       is -- looks like what's here in my -- in the  
5       start of the paragraph.

6           Q       Is that a correct statement by you,  
7       Dr. Houh, that the service provider selection  
8       process is illustrated in Figure 35A? Is  
9       that -- is that correct?

10          A       I mean, I stand by what's written  
11       here. I don't -- I'm still not sure what --  
12       what's wrong with --

13          Q       That's -- that's all -- it's just a  
14       question I'm trying to establish so that we are  
15       on the same page.

16                       So in paragraph 93, you state  
17       that, "It would have been obvious to a POSITA  
18       for the service selection procedures of Figures  
19       36A to 36B to be for a service plan."

20                      I understand from that sentence  
21       that you are saying that Figures 36A to 36B  
22       illustrate a service selection procedure.

23                      Is that a fair understanding?

24          A       I wasn't -- I'm not sure what you're  
25       reading from.

1           Q     Paragraph 93 of your declaration.  
2                     (The deponent read the  
3 document.)

4           A     Yeah, I mean, I wasn't looking there  
5 when you read it, so I -- I --

6           Q     That's fine. I'll repeat the  
7 question. No worries.

8                     The paragraph states, "Second,  
9 it would have been obvious to a POSITA for the  
10 service selection procedures of Figures 36A to  
11 36B to be for a service plan shared by the  
12 users," et cetera.

13                    My question is, I understand  
14 from that sentence that -- for you to be saying  
15 that Figures 36A to 36B of Raleigh describe a  
16 service selection procedure. Is that a fair  
17 understanding of what you've written here?

18           A     Yeah, I mean it says what it says. I  
19 stand by these -- what it says.

20                    So I'm now talking about 36A and  
21 B. I mean, I stand by what I've written here  
22 in my declaration.

23           Q     Right.

24                    So my basic question is to  
25 understand, you know, if -- are Figures 35A and

1 B about a service provider selection process  
2 and are Figures 36A and B about a service  
3 selection process?

4 A I mean, you're talking about them  
5 like they have to be non-overlapping at all,  
6 which I don't think is necessarily the case,  
7 because what 36A and B show is that you're  
8 getting a catalog of -- you know, from a  
9 specific service provider.

10 So if you're now -- and it could  
11 be a service provider, as we saw earlier, that  
12 you've had an established account with. It  
13 might not be.

14 And -- and, you know, in the  
15 case where it might be, you could perform an  
16 association, as I've laid out in my  
17 declaration.

18 But I'm not sure what you're  
19 trying to say, if you're trying to say these  
20 things are -- I haven't addressed whether --  
21 which is maybe what you're suggesting, that  
22 these things have to be mutually exclusive  
23 because they use different words, but I  
24 don't -- I don't see --

25 I don't know. Is that what

1       you're asking me?

2               Q       I think I'm asking fairly simple  
3       questions, Dr. Houh.

4                       You refer in paragraph 93 to a  
5       service selection procedure or service  
6       selection procedures of Figures 36A to 36B.  
7       You refer in paragraph 94 to a service provider  
8       selection process illustrated in Figure 35A.

9                       What I'm trying to understand is  
10      just to confirm, from what I understand from  
11      how you've described those figures of Raleigh  
12      in these paragraphs of your declaration, as  
13      elsewhere, to be that Figures 35A and B  
14      describe a service provider selection process,  
15      and Figures 36A and B describe service  
16      selection procedures.

17                      Is that correct?

18                      (The deponent read the  
19      document.)

20               A       I mean, I'm not sure what words  
21      you're trying to read into my words on the  
22      paper as I've said it, but I'm not -- I stand  
23      by my opinions. I'm not sure why you think  
24      there's a conflict of some sort, which seems to  
25      be implied by your question.

1                   But I stand by all my opinions  
2     in my declaration. It says what it says. I'm  
3     not running away from any of my words. I'm  
4     describing at a high level. It doesn't mean  
5     that it's only necessarily about that and just  
6     because I use different words they can't  
7     overlap. I don't think that's the right way to  
8     look at my declaration.

9           Q     Okay.

10                   Well, Dr. Houh, I haven't said  
11     anything about a conflict or running away from  
12     your words.

13                   You know, the questions in a  
14     deposition typically proceed kind of one by  
15     one. I -- I ask to make sure we're on the same  
16     page about certain things, certain -- what  
17     appear to me to be very simple things about  
18     your declaration, you know, and then we can  
19     talk more specifically about those specific  
20     things.

21                   But it's hard to move on when I  
22     don't get a clear answer to my question, and so  
23     if you could try to listen to the question that  
24     I'm asking and answer it, I would appreciate  
25     that.

1 I'm simply trying to understand,  
2 which I have gathered from your declaration,  
3 that Figures 35A and B of Raleigh describe a  
4 service provider selection process, so  
5 selecting a service provider, and Figures 36A  
6 to 36B, provide a service selection procedure,  
7 so selecting a service.

8 The "provider" word being absent  
9 from, you know, the description of Figures 36A  
10 to 36B. We're talking about service selection  
11 on the one hand in 36A to 36B, and service  
12 provider selection on the other in Figures 35A  
13 to B.

14 Is that a fair understanding of  
15 your declaration?

16 A I don't think service providers are  
17 absent from 36A or B. I mean, there's --  
18 there's a -- there's an explicit reference to a  
19 service provider system in 36A. I wouldn't  
20 characterize that the way you've -- you've  
21 asked me your question.

22 Q Well, what I meant, Dr. Houh, was the  
23 term "provider" in your description of what is  
24 illustrated in these figures. Paragraph 93 of  
25 your declaration talks about service selection

1 procedures of Figures 36A to 36B. Paragraph 94  
2 talks about a service provider selection  
3 process illustrated in Figure 35A.

4 All I was pointing out is that  
5 the term "provider" is absent in service  
6 selection procedures, as stated in  
7 paragraph 93.

8 So what I would like to know is,  
9 you know, in general, whether you're getting  
10 this from Raleigh or elsewhere, you know, what  
11 would be the difference between selecting a  
12 service provider in a service provider  
13 selection process, which is the terms you've  
14 used to describe Figure 35A, and a service  
15 selection procedure, which is the term you've  
16 used to describe Figures 36A to 36B.

17 You know, what -- what is the  
18 difference between -- you know, what are you  
19 accomplishing in one versus the other?

20 A I mean, Raleigh discloses the  
21 difference and talks about the figures. Like,  
22 for example, Figure -- in 1846, I'm -- these  
23 are high-level statements I'm really  
24 summarizing, and Raleigh summarizes, too, but  
25 then provides more detail.

1                   So Raleigh says in 1846, Figures  
2     36A and 36B illustrate a representative process  
3     for selecting a service for a mobile wireless  
4     communication device 105.

5                   And I'm paraphrasing that a  
6     little bit, I suppose, into saying what I'm  
7     saying, to say it would have been obvious for a  
8     POSITA for the service selection procedures of  
9     Figures 36A and B to be for a service plan  
10    shared by the users.

11                  And I go on to explain why.

12                  And Figures 36A and B include  
13    the notion that there is a service provider  
14    system from which you're trying to generate or  
15    get a catalog of -- get their service catalog,  
16    make a request for their service catalog, so  
17    you can see what services are available from  
18    the service -- a particular service provider.

19                  And that's one way that it  
20    describes -- in 1846 I think it's describing  
21    that in a little more detail, and it's not the  
22    only way you can show a list of services.

23                  But it's one embodiment, one way  
24    you can do that. The spec gives examples.

25                  And I think for -- you know,

1 again, these are -- these are high-level  
2 statements, not necessarily designed to limit  
3 anything.

4 I'm just describing in some  
5 sense using some of the same words that are  
6 being used to describe Figure 36, for example,  
7 as Raleigh uses. And -- and with respect to  
8 paragraph 35, there is an activation process  
9 for a particular service provider, and it's  
10 describing an activation request.

11 I'm not sure it uses the word  
12 "select" in the intro in paragraph 1840, but  
13 the effect is activating a particular service  
14 provider for a particular mobile account or  
15 group of devices even. And so these are --  
16 these are what they're disclosing.

17 And, you know, you're focusing  
18 on the intro sentence or, you know, part of  
19 each sentence. Each sentence isn't -- like, I  
20 don't include all the detail in the intro  
21 sentence, necessarily. You have to look at the  
22 rest of the analysis and what I'm referring to,  
23 you know.

24 And if every sentence had to be  
25 fully qualified, we could -- my sentences would

1 be, you know, 30 times longer, probably. So  
2 I'm saying what I'm saying. I'm describing  
3 them the way I'm describing them. I stand by  
4 my opinions in this report.

5 Q Okay. Thank you.

6 What I'm trying to understand,  
7 going back really to my initial question, is  
8 paragraph 1840 has the term "activation  
9 request," which you have quoted in paragraph 91  
10 of your declaration.

11 And I would like to understand,  
12 you know, what that activation request is  
13 referring to. Activating what, is my question,  
14 in paragraph 1840 of Raleigh.

15 A So one thing I say it's obvious to a  
16 POSITA that it could be for is it could be for  
17 a service plan shared by users.

18 It would be an activation  
19 request for the group plan. That's what the  
20 language requires. That's what I've analyzed  
21 in my declaration. And it would be obvious to  
22 a POSITA for the service selection procedures  
23 in Figure 36A to be for a service plan shared  
24 by the users.

25 So that's what it would be

1 obvious for.

2 And if -- if you're going with a  
3 service plan that requires an association to be  
4 made -- and I think, you know, if you need to  
5 be associated with that service provider to set  
6 up your service plan, then the activation  
7 request would be for setting up a service plan  
8 with a service provider as I say here. That's  
9 what it would be obvious for.

10 It would be obvious that the  
11 selection procedures for the service plan would  
12 be for a group plan, and that in that sense,  
13 the activation request --

14 So it does say in 1846 about  
15 Figures 35 and 36, "In some embodiments" --  
16 this is the second full sentence -- "selection  
17 of a service is conducted in conjunction with  
18 selection of a service provider as described  
19 above."

20 And that's what I'm describing  
21 is Figure 35 -- whatever paragraph you're  
22 pointing to -- yeah, the service provider  
23 selection process illustrated in Figure 35A,  
24 it's referring to this, that in some  
25 embodiments you do these things in conjunction

1 with each other, right?

2 So to now -- selecting a service  
3 is conducted in conjunction with the selection  
4 of a service provider as described above, and  
5 that's with respect to 35A and its activation  
6 request.

7 So in this embodiment, it's  
8 teaching that this selection of a service is  
9 conducted in conjunction with the selection of  
10 a service provider as described above. And  
11 it's activating -- those requests -- activation  
12 requests from 35A, sent to a service provider  
13 system.

14 And the rest of this paragraph  
15 1846 talks about, you know, you might need to  
16 have an account or -- that it might be "a  
17 service catalog for a provider with which the  
18 mobile wireless" -- that's at the bottom of the  
19 column, that 1846, and it goes to the top --  
20 "communication device and/or user thereof has  
21 an associated service account."

22 So you might be able to do this  
23 with, you know -- get a catalog and select a  
24 service and plan for a group -- a group plan  
25 from that service provider.

1                   But in case if you don't have an  
2                   account, it can be used in conjunction with the  
3                   activation request, that you're activating a  
4                   new account, for example -- you're doing the  
5                   activation in 35 in conjunction with the  
6                   selection of a group plan or a service plan  
7                   that could be a group plan. And then, you  
8                   know, that's discussed elsewhere, in  
9                   conjunction with 35.

10                  So figure -- figure -- the  
11                  description for Figure 36 does state that it  
12                  can be used in conjunction with the previous  
13                  procedure, which is what is being described in  
14                  35.

15                  And so these things can be done  
16                  together, and that's why an activation request  
17                  could still be for a group plan -- for the  
18                  group plan, because these things can be done in  
19                  conjunction. And that's what Raleigh says in  
20                  1846.

21                  Q       So are you saying that in  
22                  paragraph 1840 when Raleigh talks about an  
23                  activation request, it's talking about in the  
24                  context of selecting a service provider, but  
25                  that later, when Raleigh says that, you know,

1 the service -- let's look at 1846.

2 In 1846, Raleigh says,  
3 "selection of a service" -- this is -- this is  
4 the second sentence in 1846. It starts out,  
5 "In some embodiments, selection of a service is  
6 conducted in conjunction with selection of a  
7 service provider as described above."

8 Are you saying that that  
9 sentence means that the activation requests in  
10 paragraph 1840 could be for activating a  
11 service and not selecting a service provider?

12 A It's used in conjunction, which means  
13 that if I'm now setting up a group plan that  
14 requires an activation with a service provider,  
15 then that activation, when I do it in  
16 conjunction, is for a group -- is -- is for the  
17 group plan, and that's what I lay out. That's  
18 what I say in 93.

19 I refer back to all the previous  
20 disclosures and my analysis in 1.1, which  
21 refers to elsewhere in Raleigh, that talks  
22 about service plans being -- you know, I'll  
23 just refer you back to what we were looking at  
24 earlier.

25 I don't remember the exact

1        wording, but paraphrasing, service plans can be  
2        for multiple devices or device groups.

3                You can -- you can activate a  
4        service plan or associate a service plan with a  
5        device group, which would be for a group,  
6        right?

7                And so this is talking about the  
8        service selection procedures of Figures 36A to  
9        be for a service plan and shared by the users  
10       that are associated with a master service  
11       account.

12               But -- but -- in figure -- in  
13       1846, it says that the service -- selection of  
14       a service is conducted in conjunction with the  
15       selection of a service provider.

16               So these things are done in  
17       conjunction. So if you're now activating this  
18       request for this group plan that you're --  
19       you're trying to set up, then it would be --  
20       the activation request would be for a group  
21       plan, because that's the whole purpose, you  
22       have to do this activation, if you have a -- if  
23       you're trying to set up a group plan, doing it  
24       in conjunction with the selection of a service  
25       provider that offers the group plan.

1                   So this is all done in  
2       conjunction with each other, and that's --  
3       that's -- that's what Raleigh says, and that's  
4       kind of -- that's what I'm laying out in my  
5       declaration.

6           Q       Well, I'm trying to understand, like,  
7       when I -- when I read that sentence, "selection  
8       of a service is conducted in conjunction with  
9       selection of a service provider," what does  
10      that look like? I mean, I -- if you look at  
11      the next sentence, it says, "In some  
12      embodiments, selection of a service is prompted  
13      by a notification trigger condition for the  
14      mobile wireless communication device."

15                   I guess I don't -- I don't see  
16      where you're reading in Raleigh that, you know,  
17      the service selection procedure could actually  
18      be used for service provider selection and vice  
19      versa as opposed to simply doing them, you  
20      know, together, in which case you're still  
21      following the same procedures as they're  
22      described, but you're doing them one after the  
23      other, at the same time? What does that look  
24      like?

25                   I don't see any kind of

1 description of -- of how doing them in  
2 conjunction changes the procedure for one or  
3 the other.

4 MR. CLEMENTS: Object to form.

5 A Well, I'm showing how -- I'm showing  
6 how --

7 Q Sorry. I'm wondering if you can  
8 explain that to me.

9 What does that mean when Raleigh  
10 says "conducted in conjunction"?

11 A So what I'm showing here is how the  
12 claim limitations are disclosed or rendered  
13 obvious by -- by Raleigh. And Raleigh does  
14 talk about an activation request. It does talk  
15 about that activation request that is done in  
16 conjunction with selection of a service.

17 And the -- the claim requires an  
18 activation request for the group plan to the  
19 third-party application service provider  
20 system. Elsewhere I showed where it's  
21 third-party, it could be third-party. Raleigh  
22 discloses that.

23 And this doesn't say activation  
24 request for the group plan that can -- has to  
25 be done in an atomic [sic] transaction or is,

1     you know, limited in scope somehow to one step  
2     or -- you know, there's no negative limitation  
3     here.

4                     What I'm showing is Raleigh  
5     talks about this. Raleigh talks about -- about  
6     a group plan. It talks about when you select a  
7     service -- a service and you -- and it talks  
8     about plans and things like that. There are  
9     plans that are data-limited, time,  
10    subscription-based. There's different forms of  
11    plans that Raleigh talks about. I think I  
12    discussed this in my declaration somewhere.

13                    And if you're selecting a  
14    service and you're -- a plan and you've got it  
15    from a specific service provider, through their  
16    catalog, then Raleigh describes if you have --  
17    if you have an existing account with that  
18    service provider, great. You just have to  
19    activate -- you have to enable the association.

20                    But if you didn't have a plan  
21    with a service provider and you -- you needed  
22    to set one up, then you can send an activation  
23    request, and that's all for the purpose of  
24    setting up this group plan, because that's how  
25    you selected it from the catalog.

1                   You selected a plan for a  
2                   specific service provider. That's, I think, at  
3                   the top of -- one of the 36 figures, talks  
4                   about getting a generic service catalog request  
5                   or making a generic service catalog request,  
6                   getting a reply, and that would be, for a  
7                   particular service provider, the services.

8                   And now if the user selects that  
9                   service -- this is what is obvious to a POSITA,  
10                  which is what I'm saying here in my  
11                  declaration, which is that Raleigh is teaching  
12                  that the steps in Figure 36 can be done in  
13                  conjunction with selection of a service  
14                  provider as described above.

15                  And I've described that in that  
16                  one sentence as -- as that's what a person of  
17                  ordinary skill would understand as -- is in  
18                  Figure 35, I think.

19                  Yeah, and that's what I say in  
20                  paragraph 90, and this is exactly what I'm  
21                  saying in paragraph 90. And that -- which is  
22                  "the service selection process in Figures 36A  
23                  to B may be 'conducted in conjunction with the  
24                  service -- selection of a service provider,'"  
25                  closed quote, "as described in Figures 35A and

1 B."

2 That's what it's describing. So  
3 it's done in conjunction. So if you need to  
4 activate this -- send an activation request,  
5 it's for the purposes of -- of setting up this  
6 group plan when done in conjunction.

7 So, you know, that's just one  
8 example. And, I mean, that's what I'm saying  
9 here in my declaration.

10 Q So you're not proposing to alter the  
11 activation request of Raleigh in any way? What  
12 you're saying is if you send an activation  
13 request for -- to, you know, activate a service  
14 provider, and if you're doing that for the  
15 purpose of selecting a service, then that's  
16 what would meet limitation 1.4 of the '047?

17 Is that correct?

18 A I mean, I'm summarizing that in 90,  
19 but it's the details. It's like all the steps,  
20 including what's described in Figure 35A of the  
21 activation request.

22 But when you're doing them in  
23 conjunction, it's because you've selected a  
24 service plan and now you're doing that in  
25 conjunction with what's described in Figure 35,

1       which is -- you know, at the bottom of those  
2       figures, it says service provider activation  
3       process.

4                       So that's -- that's for the  
5       group plan that you're selecting, and that's  
6       what's obvious to a POSITA, that that's what  
7       it's -- that's what Raleigh is -- is teaching.

8               Q       Can you show me where in your  
9       declaration you describe a process of  
10      selecting -- as part of, like, Figures 36A and  
11      B, you're looking at selecting a service and  
12      that you -- you select a particular service  
13      provider.

14                    Where in your declaration do you  
15      explain that that's how you're viewing  
16      limitation 1.4's activation request?

17                    MR. CLEMENTS:  Objection.  Form.

18               A       Well, I'm viewing it to include this  
19      example of where -- where Raleigh is teaching  
20      that this -- what's in Figure 36 can be done in  
21      conjunction with Figure -- what's in 35.

22                    And so what I say is,  
23      "Accordingly, the service selection process of  
24      Figures 35 -- 36A and B and the service  
25      provider selection process illustrated in

1 Figures 35 to -- 35A and B, will be discussed  
2 together for this limitation."

3 It's because Raleigh is teaching  
4 that -- that these two figures -- these  
5 processes can be done in conjunction with each  
6 other, and I think that would -- that does show  
7 why -- why the activation request for the group  
8 plan -- that it shows that. It's -- you know,  
9 it's showing element 1.4 because it uses --

10 Raleigh teaches that you can do  
11 these things in conjunction with each other.  
12 That means that you could just put them all on  
13 one chart appropriately. That's how they're  
14 done in conjunction with each other, in what  
15 would -- you know, the -- in the manner that  
16 would be obvious to a POSITA.

17 And that's -- Raleigh is  
18 teaching that. It says you can do these things  
19 in conjunction with each other.

20 So what I'm discussing in the  
21 rest of my analysis is -- is I'm discussing  
22 those things together, that is, the service  
23 selection process and the service provider  
24 selection process. I'm just going to address  
25 them together, because Raleigh already says

1       that they can be done together.

2                       And the claim doesn't require,  
3       you know, that there's some atomicity [sic]  
4       that's unbreakable in this activation request  
5       for a group plan, because together, that's what  
6       Raleigh is teaching. It's teaching element  
7       1.4, and it's rendering obvious to a POSITA  
8       that element. And that's what I'm saying if  
9       you look at 89 through 93.

10           Q       I'd like to understand, Dr. Houh,  
11       when you refer to an activation request in  
12       paragraph 91 of your declaration, you know,  
13       my -- you've described it in a few different  
14       ways in terms of, you know, your -- you've said  
15       that that's activating a service in Raleigh.  
16       You know, that's a request to activate a  
17       service, and I was -- I was -- you know, we  
18       were exploring -- I was trying to understand  
19       where in Raleigh, you know, it says that that's  
20       for activating a service.

21                       And now you're describing to me  
22       that in doing these in conjunction -- I'm  
23       trying to understand if what you're saying is  
24       the activation request is to activate an  
25       association with a service provider, but it

1 meets the elements of claim 1 -- limitation 1.4  
2 because it's for the purpose of, those were  
3 your words, it's for the purpose of selecting a  
4 service, you know --

5 So on one hand, I see -- I see  
6 you saying that, well, when you have an  
7 activation request relating to a service  
8 provider, if it's for the purpose of getting a  
9 service, then it's going to meet the limitation  
10 1.4 of the claim. But you've also -- I guess  
11 I'm trying to understand if that's all you're  
12 saying or are you saying to change the nature  
13 of the activation request in some way in what's  
14 described, that it would have been obvious to  
15 modify it in some way.

16 I don't understand for sure  
17 which kind of -- which of those paths you're  
18 following or a different one.

19 MR. CLEMENTS: Objection to  
20 form.

21 Q Can you clarify for me which of those  
22 theories you're talking about now and which is  
23 in your declaration?

24 A I think you're taking my --

25 MR. CLEMENTS: Objection to

1 form.

2 A I think you're kind of taking my  
3 words out of context.

4 I'm trying to explain to you,  
5 when you do these things in conjunction with  
6 each other, that's -- Raleigh teaches that you  
7 can do what's in Figure 35 in conjunction with  
8 what's in 36, and so the only purpose in 35 --  
9 in 35 isn't necessarily to be for a group plan.

10 But when you're doing these  
11 things in conjunction, that's -- you know, if  
12 you have to act -- if you have to send the  
13 activation request in conjunction with setting  
14 up a group plan and selecting a group plan,  
15 then all of that together discloses, you know,  
16 an activation request for the group plan.

17 And in that -- in that example  
18 where it's -- it's -- it's a -- you know, done  
19 in conjunction with each other --

20 I'm not saying that the only  
21 purpose is for whatever, whatever you asked in  
22 your question, for whatever the purpose of.  
23 I'm saying that that's what's disclosing --  
24 disclosing an activation request for a group  
25 plan, is when you do these things in

1 conjunction.

2 And because Raleigh is teaching  
3 that you can do these things in conjunction,  
4 I'm just going to discuss these things  
5 together, because they're done in conjunction.  
6 And the claim doesn't say that you can't  
7 somehow, you know -- there's no further  
8 negative limitation about how -- what can't be  
9 an activation request for the group plan. It's  
10 just -- it is what it is, and I don't think  
11 there's been an express construction.

12 I don't recall putting that  
13 forth. So I'm just interpreting how a person  
14 of ordinary skill would interpret this, and  
15 they would look at Raleigh and say, oh, you can  
16 do these things in conjunction.

17 This is an example of this --  
18 of -- of something that meets this claim  
19 element, and that's what I'm saying here.

20 So -- and that's what's being  
21 taught in Raleigh, is that these things are  
22 being done in conjunction. I'm going to  
23 discuss them together, and therefore, Raleigh  
24 does disclose or render obvious this claim  
25 element, because of this -- partly because, you

1 know, this disclosure that they can be done in  
2 conjunction with each other.

3 Q So if, for example, just following  
4 Raleigh Figures 35A and B about a service  
5 provider selection, if you go through that  
6 process and you send an activation request for  
7 a -- you know, to activate a servicer provider  
8 account, as described, you know, in  
9 paragraph 1840, does that alone --

10 I'd like to understand how  
11 you're interpreting "activation request." Is  
12 an activation request for a service provider  
13 only? Is -- would that fall within limitation  
14 1.4 of claim 1 in your opinion, or -- or is it  
15 only when you're looking at it in conjunction  
16 with activating a service?

17 MR. CLEMENTS: Objection. Form.

18 A So what I -- the analysis I did was  
19 saying Raleigh talks about Figure 36 and 35 as  
20 being done in conjunction with each other, and  
21 I want to discuss them together because they're  
22 done together in some embodiments, right?

23 Does it always have to be that  
24 way in Raleigh? No, but the situation I  
25 analyzed was in that embodiment that they are

1 done in conjunction with each other.

2 So I discuss the activation  
3 request with respect to one -- one -- done in  
4 conjunction with the service plan selection  
5 process, and that -- that discloses this  
6 element in my analysis. That's what I'm --  
7 that's what I'm saying.

8 So I'm not relying on any -- I'm  
9 relying on the -- what I -- what I'm saying is  
10 that Raleigh is teaching where these things are  
11 done in conjunction. That's how I did the  
12 mapping. They're done in conjunction with each  
13 other.

14 So there's no -- you know, a  
15 person of ordinary skill would understand that,  
16 you know, you may -- you may -- that -- that  
17 these things can be satisfied by things being  
18 done like this in Raleigh. That's what I'm  
19 saying, is they understand that the plain,  
20 ordinary meaning of this claim element, 1.4,  
21 includes the way I've analyzed it in my  
22 declaration, which is that they're done in  
23 conjunction with each other.

24 Now you're asking me for some  
25 hypothetical report, which I don't have, where

1     it -- I'm not relying -- where it's this other  
2     embodiment that is not the one I'm pointing to  
3     here.

4                     So the one I'm pointing to is  
5     because Raleigh says that what's described in  
6     Figures 36 and 35 can be done in conjunction  
7     with each other, I'm analyzing them together,  
8     even though the two figures are slightly --  
9     described in slightly different terms. And I  
10    address that in paragraph 90.

11                    But Raleigh is teaching this  
12    embodiment where those are done in conjunction  
13    with each other. And so -- and while I think  
14    Figure 36 doesn't specifically call out a group  
15    plan, I discuss elsewhere why it's obvious to a  
16    POSITA that the plan -- the service selected I  
17    think in 36 would apply to groups.

18                    And so that analysis is an  
19    analysis for 1.1. And so that's what I'm  
20    saying here. That's how Raleigh meets it.  
21    It's this one I did analyze, not your  
22    hypothetical in your question, which is not  
23    what I analyzed.

24                    I analyzed the one that's in  
25    conjunction.

1           Q       So you would agree, then, it sounds  
2       like, that in limitation 1.4, an activation  
3       request for the group plan refers back to the  
4       service for a group plan that's in limitation  
5       1.1? Is that correct?

6                       In other words, the activation  
7       request and the subscription request in the  
8       claim are for the same thing; is that -- is  
9       that how you analyzed it?

10                      MR. CLEMENTS: Objection. Form.  
11                      (The deponent read the  
12       document.)

13           A       Well, I mean, maybe you're pointing  
14       out that there are actually two instances of a  
15       group plan, one in the preamble and one in  
16       element 1.1.

17                      But what I'm referring back to  
18       is the one in 1.1. I know there are some other  
19       antecedents -- I know I dropped a footnote in  
20       some place in my declaration about -- about --  
21       maybe there was no antecedent for another term.  
22       Like it just used the term without previously a  
23       term showing up.

24                      In this case, in 1.4, I'm  
25       pointing back to the analysis on 1.1. And then

1 I guess there could be a question -- question  
2 that maybe -- I -- I understand that antecedent  
3 indefiniteness -- indefiniteness problems can't  
4 be addressed directly in an IPR -- in a  
5 petition.

6 So it's possible you're saying  
7 there's an antecedent problem here, too, but  
8 I'm pointing back to the 1.1 analysis that I  
9 did, which is for a service for a group plan.

10 But "a group plan" appears here  
11 and that's the analysis I'm referring to when  
12 it's for the group plan in 1.4.

13 Q Well, what I'm asking is just I'm  
14 trying to understand, when you look at an  
15 activation request for the group plan in 1.4,  
16 do you understand that to be referring back to  
17 the -- where it says in 1.1, "a subscription  
18 request for a service for a group plan"?

19 So the activation request is  
20 requesting activation of the same thing that  
21 was requested in the subscription request in  
22 1.1?

23 That's all I'm asking. Is that  
24 how you analyze the activation request? Or  
25 could it be any activation request?

1                   Is it any activation request or  
2                   is it for the service that's referred to in  
3                   1.1?

4                   A       So I'm referring to --

5                               MR. CLEMENTS:  Objection to  
6                   form.

7                   A       I think the antecedent issue is "the  
8                   group plan" should refer to "a group plan"  
9                   earlier.  It would be the same one.  It's not a  
10                  different group plan.

11                               So I'm saying it is -- it is for  
12                  the subscription request in the element 1.1.  
13                  And you're pointing out that I suppose there  
14                  could be an indefiniteness problem because what  
15                  if it's referring to "a group plan" in the  
16                  preamble of 1.

17                               But for the purposes of my  
18                  analysis I pointed back to the "a group plan"  
19                  in 1.1, and that's what I refer -- that's what  
20                  I'm referencing in paragraph 93, that analysis.

21                               So it would be for a group plan,  
22                  as set forth in 1.1.

23                  Q       I think maybe you're -- you're  
24                  misunderstanding my question.  I'm not pointing  
25                  to any sort of antecedent basis in terms of "a"

1 or "the" or any potential issues with the  
2 claim.

3 What I'm asking is, you know,  
4 are you including the service aspect?

5 In 1.4, it says "activation  
6 request for the group plan." Do you understand  
7 that term to include -- to be referring to  
8 activating -- an activation request for a  
9 service for the group plan as it was, you know,  
10 described in 1.1, "a subscription request for a  
11 service for a group plan," or do you understand  
12 that to be, you know, some other type of  
13 activation request, potentially?

14 That's -- that's -- what I'm  
15 trying to understand is, is the service  
16 included in how you're analyzing the activation  
17 request in 1.4?

18 MR. CLEMENTS: Objection to  
19 form.

20 A I mean, the antecedent's a group  
21 plan. It's not a service for a group plan.

22 Doesn't refer to the service for  
23 the group plan. It refers -- it's just an  
24 activation request for a group plan.

25 So it refers to the same -- the

1 group plan would refer -- I mean, it -- there  
2 are two "a group plans," right? There's one in  
3 the preamble. There's one in the element 1.1,  
4 as I -- as I've laid it out, as I've mapped out  
5 the numbering.

6 So, I mean, I suppose there  
7 could be an indefiniteness problem. That could  
8 be raised later, I understand, but not in an  
9 IPR petition.

10 But in my analysis, I referred  
11 back to the "a group plan" from 1.1. That's  
12 where I'm referring you to in paragraph 93.

13 And it's the same "a group plan"  
14 that there's a service for in 1.1.

15 Q All right.

16 Well, I understand the group  
17 plan aspect as you've described it, that when  
18 you -- you know, you're viewing "for the group  
19 plan" in 1.4 to refer back to "the group plan"  
20 in -- or "a group plan" in 1.1.

21 What I'm asking relates more  
22 specifically to the service in 1.1. So in 1.1,  
23 there's a subscription request for a service  
24 for a group plan.

25 In 1.4, it doesn't refer

1 specifically back to the service. It says  
2 "activation request for the group plan."

3 My question is, are you  
4 interpreting "activation request for the group  
5 plan" to be referring to the service for a  
6 group plan in 1.1, or are you interpreting it  
7 more broadly to be any potential activation  
8 request that's related to the group plan?

9 A You know, if -- if the claim read  
10 something like -- I'm going to make this up on  
11 the fly, maybe.

12 You know, it claimed an axle  
13 connected to a tire, right? If I refer to the  
14 tire later, right, the claimed tire -- and if I  
15 did the analysis properly -- I couldn't point  
16 to any tire, even -- even a later "the tire."

17 It's not any tire. It's a  
18 tire -- it's referring to the "a tire" --  
19 sorry, not "attire" but "a tire" in the earlier  
20 claim element for which there is an axle  
21 attached to.

22 So not any tire is the claim  
23 tire, right? Only tires that meet all the  
24 requirements of the claim are the claim tire.  
25 It's the same issue here. I'm not pointing to

1 any service. I'm pointing to a service --  
2 sorry, "a group plan."

3 I'm not pointing to any "the  
4 group plan" that can refer to any plan. I'm  
5 referring back to a group plan as analyzed in  
6 1.1, which meets the requirements as I've laid  
7 out in 1.1 of -- of all the elements that  
8 require something of a group plan, right?

9 So if a claim said an axle  
10 attached to a tire, and I'm referring later to  
11 a tire and I say, well, go look at an analysis  
12 that I did when I talked about an axle attached  
13 to a tire or -- I mean, if you include the rim  
14 and all that stuff, you know, then -- then if  
15 I'm analyzing "the tire" later, the proper  
16 analysis, as I would understand it, can't be to  
17 any tire. I can't point to a tire sitting on  
18 the road detached from an axle that came off a  
19 truck or a car. That's not the claim tire.

20 So I -- that's my understanding  
21 how to do proper antecedent analysis,  
22 antecedent basis analysis, so -- and that's  
23 what I referred you to in Figure -- in my  
24 paragraph 93, which is that the "for a group  
25 plan" or "for the group plan" of the element is

1 the group -- is a -- the "a group plan" in  
2 element 1.1.

3 That's where I referred you to.  
4 So in 1.1, I showed how the "a group plan"  
5 meets all the limitations of 1.1.

6 So I'm referring you to the same  
7 "a group plan" as I discussed in 1.1. So it's  
8 not -- it's not a different group plan. It's  
9 the same "a group plan." That's why I referred  
10 you back to 1.1.

11 Q I understand the group plan aspect.  
12 But what my question is -- and maybe I'll try  
13 it in a different way, is when you read 1.4,  
14 "activation request for the group plan," is  
15 that for the service, the same service in 1.1,  
16 or not?

17 A Well, it's like asking if the tire  
18 refers to the axle. It's not referring to the  
19 axle. It's referring -- it's not referring to  
20 an axle. It's referring to a tire.

21 One -- the other element does  
22 require that the axle is attached to the tire,  
23 but the tire simply refers to the earlier tire.

24 The previous element happens to  
25 require that the tire is attached to an axle or

1 a tire is attached to an axle.

2 So I refer to the tire later.

3 It doesn't necessarily mean that I'm referring  
4 to everything else that the requirements -- but  
5 in order to meet the claims, as I show in my  
6 analysis with Raleigh, I am referring to the  
7 analysis for "a group plan" that I did in 1.1,  
8 and it's that same group plan.

9 Q But what about the service? Is it  
10 the same service? That's my question, the  
11 service.

12 Are you interpreting "activation  
13 request" to refer to the same service in 1.1 or  
14 only to the same group plan?

15 A So, you know, if I said, you know, a  
16 tire -- if I refer to the tire, I am, in a  
17 proper antecedent analysis, and I believe I've  
18 done that correctly here, I'm -- it's simply  
19 referring back to a tire.

20 But the earlier element may  
21 place an additional requirement about the tire,  
22 that the tire is a size, certain size, or -- or  
23 it's attached to an axle.

24 But I don't have to say that.  
25 You don't have to say that.

1                   But the proper analysis would be  
2     that the -- the tire -- the claim tire has to  
3     meet all those requirements. And that's what  
4     I'm doing here, is I -- the claimed -- the  
5     claimed "a group plan" or -- that's referenced  
6     later by using the phrase "the group plan" is  
7     still the same group plan as I've analyzed in  
8     1.1.

9                   I'm not changing anything up on  
10    you. I'm not -- I'm not --

11           Q     Is it the same -- sorry.

12           A     I'm not pointing to a tire for this  
13    claim that's a tire sitting on the side of the  
14    road detached from anything. I did the  
15    analysis about the tire in the earlier element.  
16    But it's still referring to just a tire, not a  
17    tire connected to an axle that, you know, is no  
18    smaller than whatever the claim element  
19    requires.

20                   So I'm referring you back to the  
21    analysis in 1.1. I'm not trying to switch it  
22    up that now it's a totally different group  
23    plan. It's the same group plan as I analyzed  
24    which met the requirements -- further  
25    requirements required in element 1.1.

1           Q     Dr. Houh, you stated it's the same  
2 group plan.

3                     And my question is, is it also  
4 the same service or is it something else  
5 potentially related to the group plan?

6                     That is my question. So  
7 you've -- you go through your tire example, and  
8 then you come back to "a group plan" versus  
9 "the group plan."

10                    And I believe I understand your  
11 opinion with that. My question is, is it the  
12 same service in 1.4, you know -- is that  
13 service understood?

14                    Are you understanding, you know,  
15 that activation request to be referring to the  
16 same service in 1.1 or do you feel -- are you  
17 analyzing it such that in 1.4 it's broader,  
18 that you don't need a service?

19                    (The deponent read the  
20 document.)

21           A     Well, I mean, 1.4 doesn't use the  
22 word "service." Well, it uses it in a  
23 different context. It doesn't use -- it  
24 doesn't refer to "the service." It refers back  
25 to "a service" in 1.1, for example.

1                   But 1.4 is sending, by the  
2                   unified services platform system, an activation  
3                   for the group plan to the third-party  
4                   application service provider system.

5                   So it is using "service" as part  
6                   of third-party application service provider  
7                   system.

8                   And that goes back to there's --  
9                   at the end of 1.3, there's "by a third party  
10                  application service provider system."

11                  So -- so the service -- there's  
12                  no service in 1.4. There's just -- it's just  
13                  referring to "the group plan."

14                  So there's a group plan in 1.1,  
15                  and that's -- it's the same "a group plan."

16                  I referred you back to my  
17                  analysis of 1.1 for the purposes of the group  
18                  plan disclosure in 1.4. And so it's the same  
19                  "a group plan" as initially analyzed in 1.1.

20                  And it doesn't use the word  
21                  "service." It doesn't use the word "service"  
22                  in conjunction with the group plan.

23                  So it's just referring back to  
24                  "a group plan." But as I analyze in 1.1, the  
25                  "a group plan" as I analyzed it meets the

1 requirements as required by 1.1, and I lay that  
2 out in my analysis for 1.1.

3 Q Do you consider the group plan to be  
4 a service?

5 A Well, the claim uses "a service" and  
6 "a group plan" as different phrases, so I think  
7 that the -- you know, claim -- because they use  
8 the same words generally -- I'm not a lawyer,  
9 but this is my understanding -- is that they --  
10 they should -- they should not be -- they would  
11 not necessarily be referring to the same thing  
12 because they use different words.

13 Q Do you think it's implied in 1.4,  
14 "activation request for the group plan," that  
15 you -- the activation request is for the  
16 service for the group plan that was the  
17 subscription request in 1.1?

18 MR. CLEMENTS: Objection to  
19 form.

20 Q Or are you saying -- or are you  
21 saying it's -- I mean, I -- I heard you say  
22 there's -- the word "service" is not in 1.4.

23 My question is, do you think  
24 that is implied or that 1.4 is actually broader  
25 in that it need not relate to the service if it

1 relates to the group plan?

2 MR. CLEMENTS: Objection. Form.

3 A It has to relate to a group -- the  
4 same "a group plan" recited earlier, and that  
5 may -- that -- further elements may impose  
6 additional restrictions about what meets the  
7 qualifications for a group plan, as claimed,  
8 right?

9 I mean -- and so I show that in  
10 my analysis of 1.1.

11 And I'm referring you back to  
12 the same "a group plan" when -- in the analysis  
13 for "the group plan." And I'm saying that's  
14 the "a group plan." Go look at that analysis.

15 So the analysis there meets all  
16 the further requirements imposed by element  
17 1.1. So that's the analysis.

18 I'm not saying -- I'm not saying  
19 there's a totally new "the group plan" here and  
20 I'm pulling a switcheroo.

21 I'm saying go look at "a group  
22 plan," as I've disclosed in 1.1, and that's  
23 what the activation request is for in 1.4, and  
24 here's how it meets it, and that's what I'm  
25 saying.

1 (Pause.)

2 Q Let me ask you, Dr. Houh, on  
3 limitations -- I believe it's 1.10, would be  
4 "sending, by the unified services platform  
5 system, a second activation request for the  
6 service to the second third party application  
7 service provider system."

8 Does that help you to understand  
9 whether the activation request in 1.4 is also  
10 for a service or do you view those as  
11 different -- you know, have different meanings?

12 (The deponent read the  
13 document.)

14 A Well, so if you look at my analysis  
15 of 1.10, I'm not only referring back to 1.4.  
16 I'm referring to the analysis in 1.4, 1.8 and  
17 1.9. And in 1.8 I'm talking about the  
18 difference here from 1.8 as compared to  
19 earlier -- or really 1.8 through 1.13 as  
20 compared to 1.7, which is 1.8 recites that the  
21 subscription request is for a second service  
22 rather than the service, right? There's now a  
23 second service.

24 So if it was referring -- if it  
25 referred to "the service," it would be

1 referring to -- back to the "a service" in --  
2 in 1.1.

3 But now it's using a new term,  
4 for "a second service."

5 And so now when I refer to the  
6 second -- it's about -- about sending by the  
7 unified services platform system a second  
8 activation request for the service to the  
9 second third-party application service provider  
10 system.

11 So -- so it's that there's a --  
12 1.8 recites that the subscription request is  
13 from a subscriber associated with a first  
14 telephone number.

15 Then it goes on and there's more  
16 analysis with respect to 1.8, which is slightly  
17 different than the parallel one.

18 And then there's a 1.9 which  
19 talks about wherein the second service is  
20 provided by a second third-party application  
21 service provider system, and I talk about how  
22 there's that difference.

23 And then in 1.10, I'm referring  
24 back to 1.4 and 1.8 and 1.9.

25 (The deponent read the

1 document.)

2 Q All right.

3 I don't know if -- if -- my  
4 question was maybe unclear, but I'm talking now  
5 about the antecedent basis and just an  
6 understanding of the scope of element 1.10,  
7 where in 1.10, it says, "a second activation  
8 request for the service."

9 So that is referring back,  
10 right, to 1 -- to 1.8, the second service? Is  
11 that your understanding?

12 (The deponent read the  
13 document.)

14 A Well, I mean, perhaps there's an  
15 indefiniteness problem here, too, because --

16 Q Are you able to understand the -- the  
17 claim in performing an obviousness analysis in  
18 your declaration?

19 A I think for the purpose of my  
20 analysis, I'm -- I'm -- but it still may not  
21 express clearly to a POSITA what -- what the  
22 claim itself really means.

23 I think it's just referring to  
24 the service. The service to the second  
25 third-party application server --

1                   It's -- it's referring to "a  
2                   second activation request for the service to  
3                   the second third party application service  
4                   provider system."

5                   (The deponent read the  
6                   document.)

7                   A       Well, I think for the purposes of my  
8                   declaration, I think the analysis would be that  
9                   there's a -- the first section is talking about  
10                  "the service."

11                  The second section is talking  
12                  about -- you know, 1.8 to 1.13 is really  
13                  talking about the second service, and it  
14                  doesn't make sense to mix these back with the  
15                  first service.

16                  And -- and I think that there  
17                  may be an issue with, you know, conveying  
18                  clearly to a POSITA what the bounds of this  
19                  claim is because of that.

20                  But for the purpose of my  
21                  declaration, it's -- I've analyzed it with  
22                  respect to the second service.

23                  Q       So you in your analysis in 1.10,  
24                  where it says, "a second activation request for  
25                  the service," you analyzed that as referring

1 back to the second service from a subscriber in  
2 1.8? Is that correct?

3 A I think because of the context and  
4 the way the claims are laid out, for the  
5 purposes of this, I think that would -- that's  
6 analysis I did with respect to a POSITA.

7 But I think it's -- it's not  
8 clear what the bounds of this -- of this claim  
9 are, whether it was actually referring back to  
10 the first service, and then associating somehow  
11 this -- the response with a second service  
12 and -- you know -- you know, receiving a second  
13 activation response for the first service, the  
14 original service, and associating then a second  
15 service -- or associating the second service  
16 with the telephone number.

17 So -- so that -- that doesn't  
18 make as much sense. It seems like the -- but,  
19 again, it could -- it could lead a POSITA to --  
20 it could lead to an indefiniteness issue,  
21 which -- which I understand can't be challenged  
22 in an IPR petition.

23 Q But you understood the claim  
24 sufficiently to perform your obviousness  
25 analysis here; is that correct?

1           A       For the purposes of an IPR  
2       declaration, I think -- I -- I think a POSITA  
3       might look at it that way, but still wouldn't  
4       necessarily know the bounds of what the claimed  
5       scope is.

6           Q       So what you've analyzed is not  
7       necessarily the correct construction of the  
8       claim? Is that what you're saying?

9                   MR. CLEMENTS: Objection. Form.  
10                  (The deponent read the  
11       document.)

12          A       Well, I pointed back to 1.8 and 1.9  
13       in -- in the analysis for 1.10.

14                  So I am pointing back to the  
15       analysis for those sections, which does  
16       describe a service, but it's labeled as "a  
17       second" or "the second service."

18          Q       So in your analysis in 1.10, "a  
19       second activation request for the service," you  
20       interpreted "the service" to refer to "a second  
21       service" in 1.8? Is that -- is that fair?

22          A       I pointed back to 1.8 and not 1.1.

23          Q       So that's how you were interpreting  
24       the service --

25          A       Well, I am -- I am pointing back to

1 1.4. I mean, I'm pointing back to 1.4, 1.8 and  
2 1.9.

3 Q Okay.

4 But I'm not asking what -- what  
5 other limitations, you know, you're pointing  
6 back to for your analysis, so much as the  
7 claim -- you know, what does the claim mean, in  
8 your analysis, how did you interpret the claim.

9 So I've heard a few different  
10 things. I feel like I'm just trying to  
11 understand. You know, you've mentioned 1.8,  
12 1.4. I want to understand, in 1.10, "a second  
13 activation request for the service," in your  
14 analysis, are you interpreting "the service" in  
15 1.10 to refer to a second service from a  
16 subscriber in 1.8 or to something else?

17 (The deponent read the  
18 document.)

19 A So if you look back at analysis for  
20 1.8, paragraph 112, you know, I talk about  
21 how -- at the end of that paragraph, "For  
22 example, the service introduced at 1.1 may be a  
23 messaging service or a data service, and the  
24 second service introduced here at 1.8 may be a  
25 VoIP service." And I do discuss that

1 elsewhere.

2 Now, I think Raleigh does  
3 disclose that multiple providers can offer  
4 these services. So to the extent that it might  
5 be here in Raleigh, it might be -- it might  
6 be -- it's "the service," referring back to --  
7 in 1.10 referring back to 1.1, that Raleigh  
8 does disclose that these types of services can  
9 be offered by multiple --

10 And so this -- this -- you may  
11 actually be able to, you know -- it would be  
12 obvious that one could switch providers for the  
13 base messaging service, and then to have the  
14 activation for the service with a new service  
15 provider, another -- a second third-party  
16 service provider.

17 But I do discuss how, you know,  
18 the service introduced at one -- in an example  
19 might be that of a messaging service, and the  
20 second service introduced here at 1.8 may be  
21 like a VoIP service.

22 And I think I discuss that  
23 elsewhere, like, throughout the discussion of  
24 1.8 and 1.9.

25 And those are just examples from

1 Raleigh.

2 Q Okay.

3 But in 1.10, where it says, "the  
4 service," I can't tell from what -- from your  
5 answer if you're reading that to refer to the  
6 second service in 1.8 or to the service in 1.1.  
7 I -- I'm not sure from your answer.

8 Can you tell me how you  
9 interpreted it in your analysis?

10 (The deponent read the  
11 document.)

12 A So, I mean, to the extent that 1.10  
13 is actually referring to the service in 1.1, I  
14 mean, Raleigh is teaching that -- that all  
15 these services -- and they can be provided by  
16 different service providers, so it would be  
17 obvious that you could actually -- that would  
18 be -- 1.10 would also be satisfied to the  
19 extent that it is referring back to the service  
20 in 1.1 by simply switching service providers to  
21 a different third-party application service  
22 provider, switching the same service.

23 So I think it's obvious from  
24 Raleigh that that would be the case.

25 And then to the extent that

1 refers to the second service, a second service,  
2 then the analysis in 1.4, 1.8 and 1.9 apply.  
3 But I think that that -- that even if it  
4 referred to the first service or the original  
5 service in 1.1, that it's still obvious in  
6 Raleigh because Raleigh teaches that a person  
7 of ordinary skill would have found obvious  
8 that, like -- the type of -- of services  
9 disclosed, like in Raleigh paragraph 381, like  
10 text messages, multimedia messages, data  
11 services, hybrid services, for example, voice  
12 over IP, video chat, are provided by different  
13 third-party providers, that there are multiple  
14 options in the marketplace for those types of  
15 services offered by different providers.

16 So to the extent that it is  
17 referring to the original service, it would be  
18 obvious from Raleigh to a POSITA that a user  
19 could switch the provider of that service at  
20 their -- at their choosing.

21 And to the extent it refers to  
22 the second service -- second service, then the  
23 analysis for 1.4, 1.8 and 1.9 would apply.

24 Q Well, Dr. Houh, I feel like I've  
25 asked the same question twice now, and we

1 waited about five minutes each time for an  
2 answer, but I don't --

3 You've now told me to the extent  
4 it's one interpretation, it would be obvious,  
5 to the extent it's another.

6 My question is what  
7 interpretation you used in the analysis in your  
8 declaration.

9 I have not received an answer to  
10 that question.

11 A Well, some of the sections address  
12 the second -- the second service analysis and  
13 there are other parts of the declaration that  
14 address the availability of different services  
15 from different service providers, even the same  
16 service.

17 There's many -- many service  
18 providers that provide the same services.

19 So to the extent it refers to  
20 the first service in 1.1, then it still would  
21 be obvious in Raleigh that a user could switch  
22 providers at any given time, because Raleigh  
23 provides that as an option.

24 Q You're saying to the extent it says  
25 this, it's obvious, and I'd like to know where

1 in your declaration you tell us which -- which  
2 interpretation you're using for element 1.10 to  
3 "service."

4 How is that interpreted in your  
5 analysis in the declaration?

6 You know, it's -- to say that  
7 there are other parts of your declaration where  
8 you could -- could have done an analysis as it  
9 relates to 1.10 doesn't answer my question of  
10 what interpretation was -- were you using in  
11 1.10, or are you unable to determine which  
12 service it's referring to in 1.10?

13 A I mean, the language of 1.10 is  
14 "sending, by the unified services platform  
15 system, a second activation request for the  
16 service to the second third party application  
17 service provider system."

18 To the extent that the second --  
19 the first "second" applies as well to the  
20 service, then I think the 1.4, 1.8, 1.9  
21 analysis applies to 1.10. But to the extent it  
22 refers to the services -- and "second" doesn't  
23 apply to the service, then to the extent that  
24 if it's referring to actually a service in 1.1,  
25 it's still obvious based on the disclosures of

1 Raleigh that, you know, the same service is  
2 offered by multiple different service  
3 providers, and that any switch of selection of  
4 the service provider for a particular service  
5 would satisfy the read where a service actually  
6 refers just to a service in 1.1.

7 And the "second" that's nearby  
8 doesn't apply in this situation.

9 Q Do you provide that alternative  
10 analysis in your declaration somewhere for  
11 1.10?

12 (The deponent read the  
13 document.)

14 A Well, I don't -- I don't use those  
15 words here. I'm simply referring to 1.4, 1.8,  
16 1.9 in 1.10, but they all are in the context of  
17 the background of Raleigh as I've laid it out.

18 Q Okay.

19 But as -- as -- sitting here  
20 now, I hear you reading the claim to analyze it  
21 and telling me that to the extent it's  
22 interpreted one way, it would have been  
23 obvious. To the extent it's interpreted  
24 another way, it would have been obvious. How  
25 do I know which interpretation you used in your

1 declaration? Or where can you show me that  
2 both of them were presented? Or did you not  
3 previously analyze and determine which service  
4 it was referring to?

5 MR. CLEMENTS: Objection. Form.

6 A I mean, I did talk about the service,  
7 if you look at 1.8. I was just there. Let's  
8 see if I can find it again. Maybe it was 1.9.  
9 Both. Let me look.

10 (The deponent read the  
11 document.)

12 A So if you look at 119, 120 and 123,  
13 in those parts I focus on the -- I do discuss  
14 "the service" as contrasted with "the second  
15 service" or "second service," and I'm giving an  
16 example of a messaging service from -- or data  
17 service being "the service," and a VoIP service  
18 being "the second service" in -- in those --  
19 those three paragraphs.

20 And that focuses on the -- on --  
21 on the selection from a third-party application  
22 service of the VoIP service.

23 So I would say primarily, as  
24 analyzed in my declaration, it's focused on the  
25 second service requested from the second

1 third-party application service provider, but  
2 that it's still obvious based on other  
3 disclosures in my declaration about how -- I  
4 think paragraphs 47 and 67 that discuss how  
5 Raleigh is -- you know, allows the same app  
6 services across multiple carrier stores.

7 So it's clear that Raleigh is  
8 teaching that -- that there are different  
9 carriers and offer the same service.

10 And in 67, that Raleigh is  
11 teaching that third-party service partner  
12 system, that they provide a uniform service  
13 distribution platform by multiple users or  
14 administrators to select and manage services  
15 from multiple service providers.

16 So I think it's still obvious  
17 that -- that even the messaging service could  
18 be switched to a different carrier, a different  
19 service provider.

20 Q Dr. Houh, I have to ask, there was a  
21 more-than-15-minute pause there as you were  
22 answering your question.

23 Did you communicate with anyone  
24 else during that time via email, text, any  
25 other messaging services?

1           A       No.

2                       No, and I don't -- I wasn't  
3       timing it, so I have no idea how long that --  
4       that gap was.

5           Q       All right.

6                       Well, I thank you for your  
7       testimony thus far. I conclude this portion.  
8       We can go off the record and discuss whether  
9       Cisco has any questions or we can --

10                      THE VIDEOGRAPHER: We are -- I'm  
11       sorry.

12                      MR. STEPHENS: Does Cisco have  
13       a -- a preference?

14                      MR. CLEMENTS: Yeah, why don't  
15       we take a ten-minute break, and then we'll  
16       determine if we have any questions on redirect.

17                      MR. STEPHENS: Sounds good.  
18       Thank you.

19                      THE VIDEOGRAPHER: All right.  
20       We are off the record, the time is 4:38 p.m.  
21       Eastern time.

22                      (Recess.)

23                      THE VIDEOGRAPHER: We are off  
24       the record. The time is 4:44 p.m.

25                      MR. CLEMENTS: Do you mean we're

1 on the record?

2 THE VIDEOGRAPHER: Sorry. We  
3 are on the record. The time is 4:44 p.m.  
4 Thank you.

5 MR. CLEMENTS: We have no  
6 further questions for the witness.

7 THE VIDEOGRAPHER: All right.  
8 Everyone agrees to go off?

9 MR. STEPHENS: Yes.

10 MR. CLEMENTS: Yes.

11 THE VIDEOGRAPHER: All right.  
12 We are off the record. The time is 4:45 p.m.  
13 Eastern time, and this concludes today's  
14 testimony.

15 Thank you, everyone, and have a  
16 great rest of your day.

17 (Discussion off the record.)

18 MR. CLEMENTS: We don't need  
19 one.

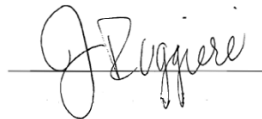
20 MR. STEPHENS: We'd like one for  
21 Zilkr on an expedited basis.

22 (Whereupon, the proceedings  
23 adjourned.)  
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C E R T I F I C A T E

I, Jill K. Ruggieri, Registered Merit Reporter and Certified Realtime Reporter, do certify that the deposition of HENRY HOUEH, PhD, in the above-captioned matter, on February 22, 2024, was stenographically recorded by me; that the witness provided satisfactory evidence of identification, as prescribed by Executive Order 455 (03-13) issued by the Governor of the Commonwealth of Massachusetts, before being sworn by me, a Notary Public in and for the Commonwealth of Massachusetts; that the transcript produced by me is a true record and accurate record of the proceedings to the best of my ability; that I am neither counsel for, related to, nor employed by any of the parties to the above action; and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.



Jill K. Ruggieri, RPR, RMR, FCRR, CRR

Transcript review was requested of the reporter.

1 WITNESS: HENRY HOUE, PhD

2  
3 SIGNATURE PAGE/ERRATA SHEET

4  
5 PAGE LINE CHANGE OR CORRECTION AND REASON

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I have read the transcript of my deposition taken  
on February 22, 2024. Except for any  
corrections or changes noted above, I hereby

subscribe to the transcript as an accurate record

113

of the statements made by me.

Signed under the pains and penalties of perjury.

Deponent: \_\_\_\_\_ /\_\_\_\_/2024

HENRY HOUH, PhD

On this \_\_\_\_ day of \_\_\_\_\_, 202\_\_, before me,

the undersigned notary public, personally appeared

HENRY HOUH, PhD, who presented satisfactory

evidence of identification, to wit,

\_\_\_\_\_, and signed this document in my

presence.

\_\_\_\_\_  
Notary Public in and for \_\_\_\_\_

My commission expires \_\_\_\_\_

1 calmann.clements@haynesboone.com

2 February 23, 2024

3 Cisco Systems, Inc. v. Zilkr Cloud Technologies, LLC  
4 DEPOSITION OF: Dr. Henry Hough , PhD (# 6476331)

5 The above-referenced witness transcript is  
6 available for read and sign.

7 Within the applicable timeframe, the witness  
8 should read the testimony to verify its accuracy. If  
9 there are any changes, the witness should note those  
10 on the attached Errata Sheet.

11 The witness should sign and notarize the  
12 attached Errata pages and return to Veritext at  
13 errata-tx@veritext.com.

14 According to applicable rules or agreements, if  
15 the witness fails to do so within the time allotted,  
16 a certified copy of the transcript may be used as if  
17 signed.

18 Yours,

19 Veritext Legal Solutions  
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[03-13 - 1:14]

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[94 - agree]

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[condition - deposed]

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[note - paragraph]

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**[plan - procedures]**

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[requesting - section]

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**[service - simply]**

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[single - switching]

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[sworn - think]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

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