

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

WALTER KIDDE PORTABLE)
EQUIPMENT, INC.,)

Plaintiff,)

vs.)

FIRST ALERT, INC. and)
BRK BRANDS, INC.,)

Defendants.)

CASE NUMBER

6:22-cv-00566-ADA

VOLUME 2

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VIDEOTAPED DEPOSITION OF CHARLES REINHOLTZ, Ph.D.
Taken by Counsel for the Defendants
Before Richard Bursky, RMR, CRR
Certified Court Reporter
At the Offices of Fish & Richardson
1180 Peachtree Street, NE, Atlanta, Georgia
On October 28, 2023, commencing at 9:07 a.m.

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1 Q So to see if it was working, you would need 10:48:11
2 to take it off of the bracket; is that right? 10:48:13

3 MR. AUTUORO: Objection, form. 10:48:16

4 A No, I don't think that's necessary. 10:48:18

5 BY MR. HALVERSON: 10:48:31

6 Q So I asked, why else would you have taken a 10:48:31
7 sealed battery alarm off the ceiling, and maybe 10:48:33
8 there was a mistranscription, but the answer here 10:48:37
9 is, "Maybe because I didn't think it was working and 10:48:39
10 I thought it needed to be replaced." 10:48:41

11 A That's an accurate answer. 10:48:44

12 Q So you would take it off to see if it was 10:48:48
13 working? 10:48:50

14 MR. AUTUORO: Objection, form. 10:48:51

15 A No, I don't think necessarily. 10:48:53

16 Q I will hand you another document. Bear with 10:49:05
17 me. 10:49:08

18 MR. HALVERSON: This is 14. 10:49:22

19 (Reinholtz Exhibit 14 was marked for 10:49:34
20 identification.) 10:49:36

21 (Witness reviewing document.) 10:49:36

22 BY MR. HALVERSON:

23 Q Have you ever seen Exhibit 14 before, Dr. 10:49:38
24 Reinholtz? 10:49:40

25 A I think that I have, and it probably would 10:49:40

1 be in my materials cited, if I looked at it. It 10:49:59
2 looks familiar, but I don't have a clear memory of 10:50:03
3 when I reviewed it. 10:50:06

4 Q Go ahead and look at your materials cited. 10:50:06
5 Let me know if you think it is in there. Dr. 10:50:14
6 Reinholtz, your materials cited are tabbed in your 10:50:39
7 binder. 10:50:41

8 A Sure. I am just looking at the document to 10:50:42
9 see the date it was served, and so now I have that 10:50:46
10 in mind. I think that probably affects my belief 10:50:49
11 whether I actually reviewed it or not. 10:50:54

12 It was served on September 15th, so pretty 10:50:56
13 recently. So I will go to tab, Materials 10:50:59
14 Considered. Let's see how would this be listed. 10:51:09

15 (Pause.) 10:51:44

16 A On first scan, I don't see this listed, but 10:51:44
17 I either may be missing it or I guess it is possible 10:51:49
18 that it could be a production document that I just 10:51:53
19 haven't numbered, so I have no way of correlating. 10:51:57

20 I don't see any production number on the 10:51:59
21 document you just handed me, Exhibit 14. So I can't 10:52:03
22 cross-check those. 10:52:08

23 It looks familiar, but I may not have seen 10:52:09
24 it. I am just not certain. 10:52:12

25 Q Do me a favor, can you go to Page 17 for me? 10:52:14

1 A Of Exhibit 14? 10:52:18

2 Q Yes. 10:52:20

3 A Okay, I am on 17. 10:52:29

4 Q Halfway down there is a sentence that 10:52:31

5 begins, "However, because the claim," do you see 10:52:33

6 that? 10:52:36

7 A I do. 10:52:36

8 Q Read that sentence for me. You don't have 10:52:38

9 to read it out loud, but just read that sentence for 10:52:41

10 me, let me know when you are done. 10:52:44

11 (Pause.)

12 A Okay, I've read it. 10:52:46

13 Q Do you agree that the claim requires the 10:52:58

14 permanent deactivation mechanism and the 10:53:00

15 reattachment prevention mechanism to be two separate 10:53:03

16 elements? 10:53:07

17 A I think so, but what claim are we talking 10:53:07

18 about? It just says here, "the claim." So I don't 10:53:13

19 have it in context. 10:53:18

20 Q Look at claim, so if you see on 17, you see 10:53:19

21 up at the top there is an italicized heading? 10:53:26

22 A I do see it, okay, yes. 10:53:31

23 Q At the end of the italicized heading it says 10:53:33

24 12E? 10:53:37

25 A Correct. 10:53:38

1 Q If you go to the '158 patent and you look at 10:53:38

2 Claim 12 for me, '158 patent was Exhibit 5. 10:53:41

3 A I have it. 10:53:50

4 Q Look at the last claim element of Claim 12 10:53:51

5 of the '158. It says, "A reattachment prevention 10:53:55

6 mechanism," and goes on, right? 10:53:59

7 A It does, yes. 10:54:00

8 Q So again, my question is: Do you agree that 10:54:02

9 the claimed permanent deactivation mechanism must be 10:54:06

10 a different mechanism than the claimed reattachment 10:54:10

11 prevention mechanism? 10:54:15

12 MR. AUTUORO: Objection, form. 10:54:17

13 A I don't see a requirement for that. I think 10:54:20

14 they could be separate or they could share common 10:54:21

15 elements. 10:54:27

16 BY MR. HALVERSON: 10:54:28

17 Q So you disagree with the statement in 10:54:28

18 Exhibit 14? 10:54:30

19 A Yes, Exhibit 14, the sentence says, "Because 10:54:38

20 the claim recites separate mechanisms for permanent 10:54:42

21 deactivation and reattachment prevention," and I 10:54:47

22 don't see that in the claim, so I think I disagree 10:54:52

23 with that. 10:54:55

24 Q When you say that, you are talking about the 10:54:56

25 sentence in Exhibit 14, right? 10:54:58

1 A Correct, the text I just read, I don't agree 10:55:00
2 with. 10:55:04

3 Q Can you go to page 36 of Exhibit 14 for me, 10:55:21
4 please. 10:55:25

5 A Okay, I am on 36. 10:55:34

6 Q I am sorry, I read this wrong. Can you go 10:55:53
7 to Page 43 for me. Let me know when you are on 43. 10:55:56

8 A Okay. 10:56:16

9 Q Do you see some bolded text on the left-hand 10:56:17
10 side, First, Second, Third? 10:56:21

11 A I do, yes. 10:56:23

12 Q Within the paragraph beginning First, the 10:56:28
13 last sentence there says, "DeLuca's device, at best, 10:56:31
14 is temporarily deactivated and can be subsequently 10:56:37
15 reactivated, i.e., no permanent deactivation in 10:56:41
16 DeLuca." 10:56:46

17 Do you see that? 10:56:47

18 A I do, yes. 10:56:48

19 Q Do you agree that a device that is able to 10:56:49
20 be temporarily deactivated and then reactivated does 10:56:53
21 not have permanent deactivation? 10:56:58

22 A No. A device may have activation, 10:57:00
23 deactivation multiple times. The key, of course, to 10:57:09
24 the claims is that it has to have a case where the 10:57:12
25 deactivation is permanent. So I don't think 10:57:17

1 reactivation is excluded by the claims as long as 10:57:20
2 permanent deactivation is designed into the device. 10:57:23

3 Q So do you disagree with that sentence in 10:57:28
4 Exhibit 14? 10:57:31

5 MR. AUTUORO: Objection to form, misstates 10:57:33
6 the testimony, lack of foundation. 10:57:35

7 A In parens at the end of the sentence you 10:58:09
8 read it says, "i.e., meaning," so when the 10:58:11
9 discussion here -- of course, we have to be careful 10:58:15
10 because deactivated, a device can be deactivated 10:58:17
11 without being permanently deactivated -- here it 10:58:22
12 seems the discussion is about permanent 10:58:26
13 deactivation.

14 So DeLuca's device doesn't have permanent 10:58:30
15 deactivation, I think is what this sentence says. 10:58:36
16 So I agree with that. 10:58:39

17 BY MR. HALVERSON: 10:58:43

18 Q Have you looked at the DeLuca '487 patent? 10:58:43

19 A I have. I don't have it clearly in my 10:58:47
20 memory. If you would like to talk about it, it 10:58:50
21 would be nice to have a copy. 10:58:53

22 Q Is that a reference that is described in any 10:58:54
23 sort of detail in your report? 10:58:58

24 A Yes, I do think I talk about DeLuca '487. 10:59:00

25 Q Is it a battery powered device? 10:59:04