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

WALTER KIDDE PORTABLE EQUIPMENT, INC.,	)	
Plaintiff,	)	
vs.	)	CASE NUMBER
FIRST ALERT, INC. and BRK BRANDS, INC.,	)	6:22-cv-00566-ADA
Defendants.	)	VOLUME 2

- - - - -

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.

- - - - -

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

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

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

BY MR. HALVERSON: 10:48:31

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

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

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

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

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

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

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

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

(Witness reviewing document.) 10:49:36

BY MR. HALVERSON:

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

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

be in my materials cited, if I looked at it. It 10:49:59
looks familiar, but I don't have a clear memory of 10:50:03
when I reviewed it. 10:50:06
Q Go ahead and look at your materials cited. 10:50:06
Let me know if you think it is in there. Dr. 10:50:14
Reinholtz, your materials cited are tabbed in your 10:50:39
binder. 10:50:41
A Sure. I am just looking at the document to 10:50:42
see the date it was served, and so now I have that 10:50:46
in mind. I think that probably affects my belief 10:50:49
whether I actually reviewed it or not. 10:50:54
It was served on September 15th, so pretty 10:50:56
recently. So I will go to tab, Materials 10:50:59
Considered. Let's see how would this be listed. 10:51:09
(Pause.) 10:51:44
A On first scan, I don't see this listed, but 10:51:44
I either may be missing it or I guess it is possible 10:51:49
that it could be a production document that I just 10:51:53
haven't numbered, so I have no way of correlating. 10:51:57
I don't see any production number on the 10:51:59
document you just handed me, Exhibit 14. So I can't 10:52:03
cross-check those. 10:52:08
It looks familiar, but I may not have seen 10:52:09
it. I am just not certain. 10:52:12
Q Do me a favor, can you go to Page 17 for me? 10:52:14

[redacted]

A Of Exhibit 14? 10:52:18
Q Yes. 10:52:20
A Okay, I am on 17. 10:52:29
Q Halfway down there is a sentence that 10:52:31
begins, "However, because the claim," do you see 10:52:33
that? 10:52:36
A I do. 10:52:36
Q Read that sentence for me. You don't have 10:52:38
to read it out loud, but just read that sentence for 10:52:41
me, let me know when you are done. 10:52:44
(Pause.)
A Okay, I've read it. 10:52:46
Q Do you agree that the claim requires the 10:52:58
permanent deactivation mechanism and the 10:53:00
reattachment prevention mechanism to be two separate 10:53:03
elements? 10:53:07
A I think so, but what claim are we talking 10:53:07
about? It just says here, "the claim." So I don't 10:53:13
have it in context. 10:53:18
Q Look at claim, so if you see on 17, you see 10:53:19
up at the top there is an italicized heading? 10:53:26
A I do see it, okay, yes. 10:53:31
Q At the end of the italicized heading it says 10:53:33
12E? 10:53:37
A Correct. 10:53:38

Q If you go to the '158 patent and you look at 10:53:38
Claim 12 for me, '158 patent was Exhibit 5. 10:53:41
A I have it. 10:53:50
Q Look at the last claim element of Claim 12 10:53:51
of the '158. It says, "A reattachment prevention 10:53:55
mechanism," and goes on, right? 10:53:59
A It does, yes. 10:54:00
Q So again, my question is: Do you agree that 10:54:02
the claimed permanent deactivation mechanism must be 10:54:06
a different mechanism than the claimed reattachment 10:54:10
prevention mechanism? 10:54:15
MR. AUTUORO: Objection, form. 10:54:17
A I don't see a requirement for that. I think 10:54:20
they could be separate or they could share common 10:54:21
elements. 10:54:27
BY MR. HALVERSON: 10:54:28
Q So you disagree with the statement in 10:54:28
Exhibit 14? 10:54:30
A Yes, Exhibit 14, the sentence says, "Because 10:54:38
the claim recites separate mechanisms for permanent 10:54:42
deactivation and reattachment prevention," and I 10:54:47
don't see that in the claim, so I think I disagree 10:54:52
with that. 10:54:55
Q When you say that, you are talking about the 10:54:56
sentence in Exhibit 14, right? 10:54:58

[redacted]

A Correct, the text I just read, I don't agree 10:55:00
with. 10:55:04
Q Can you go to page 36 of Exhibit 14 for me, 10:55:21
please. 10:55:25
A Okay, I am on 36. 10:55:34
Q I am sorry, I read this wrong. Can you go 10:55:53
to Page 43 for me. Let me know when you are on 43. 10:55:56
A Okay. 10:56:16
Q Do you see some bolded text on the left-hand 10:56:17
side, First, Second, Third? 10:56:21
A I do, yes. 10:56:23
Q Within the paragraph beginning First, the 10:56:28
last sentence there says, "DeLuca's device, at best, 10:56:31
is temporarily deactivated and can be subsequently 10:56:37
reactivated, i.e., no permanent deactivation in 10:56:41
DeLuca." 10:56:46
Do you see that? 10:56:47
A I do, yes. 10:56:48
Q Do you agree that a device that is able to 10:56:49
be temporarily deactivated and then reactivated does 10:56:53
not have permanent deactivation? 10:56:58
A No. A device may have activation, 10:57:00
deactivation multiple times. The key, of course, to 10:57:09
the claims is that it has to have a case where the 10:57:12
deactivation is permanent. So I don't think 10:57:17

reactivation is excluded by the claims as long as 10:57:20
permanent deactivation is designed into the device. 10:57:23
Q So do you disagree with that sentence in 10:57:28
Exhibit 14? 10:57:31
MR. AUTUORO: Objection to form, misstates 10:57:33
the testimony, lack of foundation. 10:57:35
A In parens at the end of the sentence you 10:58:09
read it says, "i.e., meaning," so when the 10:58:11
discussion here -- of course, we have to be careful 10:58:15
because deactivated, a device can be deactivated 10:58:17
without being permanently deactivated -- here it 10:58:22
seems the discussion is about permanent 10:58:26
deactivation.
So DeLuca's device doesn't have permanent 10:58:30
deactivation, I think is what this sentence says. 10:58:36
So I agree with that. 10:58:39
BY MR. HALVERSON: 10:58:43
Q Have you looked at the DeLuca '487 patent? 10:58:43
A I have. I don't have it clearly in my 10:58:47
memory. If you would like to talk about it, it 10:58:50
would be nice to have a copy. 10:58:53
Q Is that a reference that is described in any 10:58:54
sort of detail in your report? 10:58:58
A Yes, I do think I talk about DeLuca '487. 10:59:00
Q Is it a battery powered device? 10:59:04