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Transcript of Kevin Almeroth, Ph.D.

Date: April 12, 2024

Case: Cellco Partnership -v- General Access Solutions, Ltd. (PTAB)

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

Conducted on April 12, 2024

1	1	1	3
2	UNITED STATES PATENT AND TRADEMARK OFFICE	1	REMOTE APPEARANCES
3	-----	2	ON BEHALF OF THE PETITIONER
4	BEFORE THE PATENT TRIAL AND APPEAL BOARD	3	CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS:
5	-----	4	Stephen K. Yam
6	CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS,	5	VENABLE LLP
7	Petitioner	6	600 Massachusetts Avenue, NW
8	v.	7	Washington, D.C. 20001
9	GENERAL ACCESS SOLUTIONS, LTD.,	8	(202) 721-5429
10	Patent Owner	9	syam@venable.com
11	-----	10	ON BEHALF OF THE PATENT OWNER
12	Case IPR2023-01147	11	GENERAL ACCESS SOLUTIONS, LTD.:
13	U.S. Patent No. 9,426,794	12	Sarah E. Spires
14	-----	13	SKIERMONT DERBY LLP
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16	KEVIN ALMEROTH, Ph.D.	15	Dallas, Texas 75201
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18	April 12, 2024 - 7:31 a.m. PDT	17	sspires@skiermontderby.com
19		18	
20	Reported by:	19	ALSO PRESENT:
21	Micheal A. Johnson, RDR, CRR	20	
22	Job No. 532874	21	Travis Perry, Document Tech
		22	
1	2	1	4
2	REMOTE DEPOSITION OF KEVIN ALMEROTH,	2	INDEX
3	Ph.D., produced at the instance of the Patent	3	KEVIN ALMEROTH, Ph.D.
4	Owner, in the above-styled and numbered cause	4	April 12, 2024
5	on the 12th day of April, 2024, at 7:31 a.m. PDT,	5	APPEARANCES 3
6	before Micheal A. Johnson, RDR, CRR, reported by	6	PROCEEDINGS 6
7	realtime stenographic means via Zoom pursuant to	7	
8	Notice of Oral Deposition.	8	EXAMINATION OF KEVIN ALMEROTH, Ph.D.:
9		9	BY MS. SPIRES 6
10		10	
11		11	CERTIFICATE OF SHORTHAND REPORTER 104
12		12	
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1	DEPOSITION EXHIBITS	5	1	Q. Verbal answers are ideal since it's hard	7
2	KEVIN ALMEROOTH, Ph.D.		2	for the court reporter to transcribe head shakes,	
3	April 12, 2024		3	head nods, things like that.	
4	NUMBER	DESCRIPTION	4	A. Understood.	
5	Exhibit 1002	Declaration of Dr. Kevin C. Almeroth in Support of Petition for Inter Partes Review of U.S. Patent 9,426,794	5	Q. If you don't understand a question I ask,	
6			6	I ask that you please ask for clarification,	
7			7	because if you don't ask me to clarify my	
8	Exhibit 1004	United States Patent 6,556,553	8	question, then I will assume you understand it; is	
9	Exhibit 1005	United States Patent 6,816,706	9	that fair?	
10			10	A. Yes.	
11	Exhibit 1006	United States Patent 5,790,536	11	Q. I'll try to take a break every hour or so,	
12			12	but if you need to take a break at any other time,	
13	Exhibit 2006	Claim Construction Order	13	please feel free to ask. I just ask that if	
14			14	there's a question pending, that you go ahead and	
15			15	answer the question and then ask for a break	
16			16	unless there's an emergency.	
17			17	A. Understood.	
18			18	Q. Is there any reason that you cannot	
19			19	testify truthfully today?	
20			20	A. No reason.	
21			21	Q. Do you have any notes in front of you	
22			22	today?	
1	PROCEEDINGS	6	1	A. No notes. Some paper copies of the	8
2	KEVIN ALMEROOTH, Ph.D.,		2	relevant documents.	
3	called as a witness, having been duly sworn, was		3	Q. Are there any notes or annotations on the	
4	examined and testified as follows:		4	paper copies of the documents you have in front of	
5	EXAMINATION		5	you?	
6	BY MS. SPIRES:		6	A. No.	
7	Q. Good morning, Dr. Almeroth.		7	Q. Same as last week, there will be some	
8	A. Morning.		8	exhibits and I don't care what form you are	
9	Q. Good to see you again.		9	reviewing them in. So they can drop them into the	
10	A. Likewise.		10	chat and you can review the documents	
11	Q. So I know we just saw each other a week		11	electronically, give you control so that you can	
12	ago, so the ground rules are all going to be the		12	search the documents or you can look at paper	
13	same. I'll just go over them very briefly so that		13	copies in front of you. Whatever works best for	
14	we're on the same page.		14	you.	
15	So first is, as you just heard, if we can		15	A. Sounds good.	
16	try not to talk over each other. I think we did a		16	Q. Did you do anything to prepare for today's	
17	decent job of that last week, but it's much easier		17	deposition?	
18	for the court reporter if I'll try my best to let		18	A. I did.	
19	you finish your answers and if you try your best		19	Q. What did you do?	
20	to let me finish my question, that will help		20	MR. YAM: I just caution the witness not	
21	things go smoothly today.		21	to reveal the substance of any attorney-client	
22	A. Okay.		22	communication, but to the extent you can answer,	

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9 1 Dr. Almeroth, you may do so. 2 A. Sure. So basically started with my 3 declaration, reviewed my declaration. It cites 4 to, for example, some of the materials in the 5 grounds for the IPR. So I looked at some of those 6 as well. And then also met with counsel. 7 BY MS. SPIRES: 8 Q. When you mentioned the declaration, I know 9 we were here last week on a different declaration. 10 That's the declaration in IPR2023-01147; is that 11 right? 12 A. Yes. 13 Q. Okay. And that's related to US patent 14 number 9,426,794; is that right? 15 A. Yes. 16 Q. And are you comfortable if I call that the 17 '794 patent today? 18 A. Yes. 19 Q. You said that you met with counsel. About 20 how long did you meet with counsel? 21 A. Maybe three to four hours across two 22 meetings.	11 1 MR. YAM: Same caution to the witness. 2 A. I don't recall selecting the particular 3 references, though I think as the IPR progressed, 4 I believe I had input on what the grounds were. 5 BY MS. SPIRES: 6 Q. When you say you had input on what the 7 grounds were, did you put together the 8 combinations of prior art yourself for the 9 grounds? 10 MR. YAM: Same caution for the witness. 11 A. It is not my recollection that I put the 12 grounds together by myself. 13 BY MS. SPIRES: 14 Q. What is your recollection of how the 15 grounds are put together? 16 MR. YAM: Same caution for the witness. 17 A. That I had input into what the grounds 18 would be. 19 BY MS. SPIRES: 20 Q. And what was that input? 21 MR. YAM: Again, I caution the witness not 22 to reveal the substance of any attorney-client
10 1 Q. Other than counsel, is there anyone that 2 you have spoken with about your deposition today? 3 A. No, not the substance of my depo. 4 Q. For the declaration that you submitted in 5 this IPR related to the '794 patent, how did you 6 go about preparing your declaration? 7 MR. YAM: Again, I caution the witness not 8 to reveal the substance of any attorney-client 9 communication, but to the extent, Dr. Almeroth, 10 you may answer without revealing such information, 11 you may respond. 12 A. Yes. So I think I started with the '794 13 patent, generally reviewed it to understand the 14 substance and the claims that were expected to be 15 at issue and then identified prior art and then 16 basically worked on the declaration to form 17 grounds and offer opinions about whether or not 18 those grounds disclosed limitations of the claims 19 at issue from the '794 patent. 20 BY MS. SPIRES: 21 Q. Did you identify the prior art that you've 22 identified in your declaration yourself?	12 1 communication. To the extent you can answer 2 without doing so, you may respond. 3 A. As to what my input was, I think that 4 would get into the substance of my conversations 5 with counsel. 6 BY MS. SPIRES: 7 Q. Did you draft your declaration yourself? 8 MR. YAM: Objection, form. 9 A. The declaration ultimately represents my 10 opinions. I suspect that there were portions of 11 the declaration that I had help from counsel in 12 incorporating, things like understanding of the 13 legal principle. 14 BY MS. SPIRES: 15 Q. Are there any portions of your declaration 16 that you drafted yourself? 17 MR. YAM: Objection, form. 18 A. Most of it. And ultimately it represents 19 the opinions that I formed in this IPR. 20 BY MS. SPIRES: 21 Q. About how long did you spend working on 22 your declaration?

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13 1 A. I would say in the neighborhood of about 2 35 hours. 3 Q. Have you had discussions with anyone other 4 than counsel relating to the declaration you 5 submitted in this IPR? 6 A. I don't believe so. 7 Q. Last week I asked you about a district 8 court litigation that is ongoing between the 9 patent owner and petitioner. Do you recall that? 10 A. Yes. 11 Q. I believe that last week you said that you 12 have not been working on the underlying district 13 court litigation related to the '794 patent and 14 the '931 patent; is that correct? 15 MR. YAM: Objection, form. 16 A. I don't recall what I specifically said. 17 As I sit here right now, I don't think I have any 18 tasks associated with the underlying district 19 court case. 20 BY MS. SPIRES: 21 Q. And last week we looked at a claim 22 construction ruling from the district court that	15 1 MR. YAM: Objection, form. 2 A. No. Certainly – certainly not changed 3 any opinions. I think to the extent I were to 4 apply the constructions from that order 5 specifically for the '794 patent, it wouldn't 6 change any of my conclusions or analysis as it 7 relates to the '794 patent. 8 BY MS. SPIRES: 9 Q. I'd like to go ahead and pull up that 10 claim construction order. It will have a 11 different exhibit number in this matter. In this 12 matter we'll label it Exhibit 2006, which I 13 believe is the next exhibit in line in this case. 14 A. Okay. 15 MR. PERRY: One moment. 16 A. And I think like last week, if you could 17 drop those into the chat, that would be helpful. 18 MR. PERRY: Yes. 19 (Deposition Exhibit 2006 marked for 20 identification.) 21 A. Okay. I've got it downloaded and open. 22
14 1 came out in January of this year from that 2 underlying litigation. Do you recall that? 3 A. Yes. 4 MR. YAM: Objection, form, scope. 5 BY MS. SPIRES: 6 Q. I know that last week you reviewed that 7 claim construction ruling in your other 8 deposition. Other than the deposition last week, 9 have you reviewed that underlying district court 10 claim construction ruling? 11 MR. YAM: Objection, form. 12 A. I have seen it. I have seen what the 13 constructions are now. I don't think I've spent 14 any time with it in the last week, so it might 15 have been just in the context of that deposition 16 that I saw the claim construction order, and when 17 I was looking at it, obviously saw terms construed 18 for both the '931 and the '794 patent. 19 BY MS. SPIRES: 20 Q. Has anything you saw in that claim 21 construction order changed any of your opinions in 22 the declaration you submitted in this case?	16 1 BY MS. SPIRES: 2 Q. Perfect. So I have marked this document 3 as Exhibit 2006, and this is a document entitled 4 Claim Construction Order in case number 5 2:22-CV-00394-JRG in the Eastern District of Texas 6 and is dated January 12th, 2024; is that right? 7 A. Yes. 8 Q. And this is the claim construction order 9 that you have reviewed in this -- strike that. 10 This is the claim construction order that 11 you reviewed last week, correct? 12 A. It does look -- 13 MR. YAM: Objection, form. 14 THE WITNESS: Sorry, Stephen. I'll slow 15 down. 16 BY MS. SPIRES: 17 Q. What was your answer? I couldn't hear it. 18 I'm sorry. 19 A. Yes, it does look to be the same. 20 Q. If I can have you go to page 21 of this 21 document. That's where we start on terms related 22 to the '794 patent, as opposed to the '913 that we

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17 1 looked at last week. Or there may be one above. 2 But this is the one I'll ask you about. 3 Have you reviewed the court's construction 4 under G of routes/routing information to the first 5 mobile station and the second mobile station, 6 respectively? 7 MR. YAM: Objection, form. 8 A. I have seen this portion of Exhibit 2006. 9 I can't say that I've spent any real time looking 10 at it. 11 BY MS. SPIRES: 12 Q. Feel free to review any portion of this 13 document that you need to. I'm going to go ahead 14 and show you the court's construction of that 15 term, which is on page 24 right above the 16 conclusion. 17 A. Okay. 18 Q. And in the last sentence it says that: 19 The Court construes "routes information to the 20 first mobile station and the second mobile 21 station, respectively" as "directs information 22 through a specified path to the first mobile	19 1 it says -- I just applied the plain and ordinary 2 meaning for the terms recited in the claims. So 3 it would be the plain and ordinary meaning. 4 BY MS. SPIRES: 5 Q. At least according to the district court, 6 the term "routing information to the first mobile 7 station and the second mobile station, 8 respectively" does not have a construction that is 9 its plain and ordinary meaning. Do you agree with 10 that? 11 MR. YAM: Objection, form, foundation and 12 scope. 13 MS. SPIRES: I'll remind counsel that the 14 board's rules only allow objections to form. 15 MR. YAM: Sarah, that is not the case. In 16 fact, the PTAB Trial Practice Guide envisions 17 additional objections beyond form as long as they 18 do not guide the witness, which is -- and these 19 are all valid objections. 20 MS. SPIRES: We are going to agree to 21 disagree on that one, but it's not worth fighting 22 about right now.
18 1 station and the second mobile station, 2 respectively." 3 Do you see that? 4 A. I do see that. 5 Q. Since this claim construction came out in 6 January, is it fair to say that you did not apply 7 this claim construction when you formed your 8 opinions in this case? 9 MR. YAM: Objection, form, foundation. 10 A. When I filed my declaration, which I think 11 is dated June 28th, 2023, this order had not come 12 out yet. So I didn't have the benefit of the 13 order, though I think the opinions in the 14 declaration are consistent with that construction. 15 BY MS. SPIRES: 16 Q. What construction did you use for the term 17 "routes information to the first mobile station 18 and the second mobile station, respectively," when 19 forming your opinions in this matter? 20 MR. YAM: Objection, form. 21 A. My recollection is, and I will just 22 confirm, I think it's page 28 of Exhibit 1002, and	20 1 A. I don't recall the court saying that the 2 definition that it provided was not consistent 3 with the plain and ordinary meaning. 4 BY MS. SPIRES: 5 Q. And you -- 6 A. Sorry. And I think as I testified to, the 7 opinions in the declaration are consistent with 8 the court's construction, Exhibit 2006. 9 Q. So is your opinion that the term -- strike 10 that. 11 It's your opinion that directs information 12 through a specified path to the first mobile 13 station and the second mobile station, 14 respectively, is the plain and ordinary meaning of 15 routes information to the first mobile station and 16 the second mobile station, respectively? 17 MR. YAM: Objection, form, foundation, 18 scope. 19 A. I don't believe I've offered that opinion. 20 BY MS. SPIRES: 21 Q. Then what is your opinion as to what the 22 plain and ordinary meaning of the term "routes

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1 information to the first mobile station and the 2 second mobile station, respectively," is? 3 MR. YAM: Objection, form, foundation. 4 A. At least as I applied it in the 5 declaration, it was the plain and ordinary 6 meaning. I don't think that those words require 7 any more explanation or different words, 8 especially when looking for whether or not that 9 limitation appears in the prior art grounds. 10 As to whether or not Judge Gilstrap's 11 claim construction is the plain and ordinary 12 meaning, I don't have an opinion. But ultimately 13 I think that the construction that he identified 14 is consistent with what the references disclose. 15 BY MS. SPIRES: 16 Q. And is Judge Gilstrap's construction that 17 we've been discussing consistent with the 18 construction that you applied when forming your 19 opinions in this case? 20 MR. YAM: Objection, form, foundation, 21 scope. 22 A. I'm not sure exactly what that is asking,	23 1 A. I am there. 2 Q. This says: Access point -- about two 3 lines down. It says: Access point 22 may be in 4 contact with one or more radio access distribution 5 points 40 over radio link 42, may be wired or 6 cabled to distribution point 40 through wire link 7 44 or may be packaged with distribution point 40. 8 Do you see that? 9 A. I do. 10 Q. In your opinion, can the connection from a 11 distribution point 40 to an access point 22 in 12 Hohnstein be a wire line communication? 13 MR. YAM: Objection, form. 14 A. Based on what this sentence says, and I'm 15 going to cut out some of the words of what you 16 read, it looks like it says that access point 22 17 may be in contact with one or more radio access 18 distribution points 40 and it may be wired to 19 distribution point 40 through wireline link 44. 20 BY MS. SPIRES: 21 Q. So is that a yes, then, that the 22 connection from a distribution point 40 to an
22 1 but I don't -- I don't think that applying his 2 construction changes the opinions that are in the 3 declaration. 4 BY MS. SPIRES: 5 Q. I'd like to look at Exhibit 1005, which is 6 the Hohnstein reference. If you pronounce it 7 differently, please let me know. 8 A. That's fine. 9 (Deposition Exhibit 1005 marked for 10 identification.) 11 A. Okay. So that happens to be one that I 12 have a paper copy of, and I'm waiting for it to 13 show up in the chat. 14 MR. PERRY: I believe it's in there now. 15 A. Okay. And I have downloaded it and also 16 have it open. 17 BY MS. SPIRES: 18 Q. If I can have you turn to column 5. 19 A. Okay. I'm there. 20 Q. And I'd like to look at the paragraph that 21 begins around line 42 or so with: Each access 22 point 22.	24 1 access point 22 may be a wireline connection? 2 MR. YAM: Objection, form. 3 A. Based on the part that I read in the "or" 4 statement, it looks like one of the configurations 5 that Hohnstein contemplates is that there is a 6 wired connection. 7 BY MS. SPIRES: 8 Q. Can the connection from a distribution 9 point 40 to an access point 22 be a wireless 10 connection? 11 MR. YAM: Objection, form. 12 A. In the portion you read, one of the 13 options that is listed is that there can be a 14 connection between access point 22 and 40 via a 15 radio link, so the radio link would be wireless. 16 BY MS. SPIRES: 17 Q. Would a wireline connection 44 from a 18 distribution point 40 to an access point 22 use a 19 wide-area wireless communication protocol? 20 MR. YAM: Objection, form, foundation. 21 A. I think the answer is it would depend. 22

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25 1 BY MS. SPIRES: 2 Q. What would it depend on? 3 A. I think your question -- 4 MR. YAM: Objection, form. 5 A. -- said would it use. And so it would 6 depend on what the system was that you're asking 7 about. 8 BY MS. SPIRES: 9 Q. In Hohnstein's system described in 10 column 5 that we've just been looking at, would a 11 wireline connection 44 from a distribution point 12 40 to an access point 22 use a wide-area wireless 13 communication protocol? 14 MR. YAM: Objection, form, foundation. 15 A. I don't recall -- I don't recall offering 16 that opinion about this portion of Hohnstein that 17 it -- that that's what this disclosure would mean. 18 BY MS. SPIRES: 19 Q. Sitting here today, do you have an opinion 20 as to whether, in Hohnstein, a wireline connection 21 44 from a distribution point 40 to an access point 22 22 would use a wide-area wireless communication	27 1 comfortable rendering today if I give you the time 2 to do so? 3 MR. YAM: Objection, form, foundation. 4 A. No. I'd need more time than just sitting 5 here trying to answer that question off the top of 6 my head. 7 BY MS. SPIRES: 8 Q. I'd like you to look at Figure 2 of 9 Hohnstein. 10 A. Okay. 11 Q. What is Figure 2 a diagram of? 12 A. Block diagram of a distribution point 13 according to an embodiment of the present 14 invention. 15 Q. Is it a block diagram of distribution 16 point 40? 17 MR. YAM: Objection, form, foundation. 18 A. I don't see where it says that, but I can 19 keep looking. I would think it would say 20 something about Figure 2 and whether it's showing 21 distribution point 40. I've not seen anything 22 yet.
26 1 protocol? 2 MR. YAM: Objection, form, foundation. 3 A. I don't believe I've relied on the 4 wireline connection there. So sitting here right 5 now, I don't have an opinion. I would have to 6 give it some thought. I don't think there's one 7 in the declaration, but if I'm misremembering, I'd 8 defer to what the declaration says. 9 BY MS. SPIRES: 10 Q. When you said you don't think there's one 11 in the declaration, what are you referring to when 12 you're talking about "one"? 13 A. An opinion that Hohnstein teaches using a 14 wide-area wireless protocol over the configuration 15 where there is a wired connection between 22 and 16 40. 17 Q. Is -- let's see. Strike that. 18 You said you would have to give it some 19 thought as to whether Hohnstein teaches using a 20 wide-area wireless protocol over the configuration 21 where there is a wired connection between 22 and 22 40. Is that an opinion that you would feel	28 1 BY MS. SPIRES: 2 Q. If it's helpful, in Figure 2 I'm seeing a 3 number 40 on the left with an arrow pointing in. 4 A. That would get you most of the way there, 5 if not all the way there. Actually, it's not 6 until about column 8, the first couple of 7 sentences around line 32 seem to be suggesting 8 that same point. 9 Q. So you agree that Figure 2 is a block 10 diagram of distribution point 40? 11 MR. YAM: Objection, form. 12 A. That's what it seems to show. 13 BY MS. SPIRES: 14 Q. Still looking at Figure 2, what are the 15 six BE blocks 106 that are in a horizontal row? 16 A. Those are back-end interfaces. 17 Q. Do you know what the six BE blocks 106 are 18 back-end interfaces to? 19 MR. YAM: Objection, form. 20 A. Let me see if I discuss those in the 21 declaration. 22 (Witness reviews document.)

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29 1 A. They're referenced in a couple of places 2 around paragraph 118, but it doesn't say 3 they're -- let's see. It refers to 849 through 4 55. It says: In one configuration of the present 5 invention back end interface 106 connects to 6 antenna 108 for establishing radio link 46 with 7 another distribution point. 8 And it says: In another configuration 9 back end interface accepts wireline link 44 10 connecting distribution point 40. 11 And then I believe page 73 through 74 12 points to further up in that paragraph -- sorry. 13 I should have just started with the whole first 14 paragraph. 15 Distribution point 40 also includes back 16 end communication interface 106 for connecting 17 distribution point 40 with additional distribution 18 point 40 with supervisor 56 and if distribution 19 point 40 is a gateway, then with telecommunication 20 systems, private network systems, video 21 distribution systems, the Internet or the like, 22 this may typically -- referred to as backhaul	31 1 MR. YAM: Objection, form, foundation. 2 A. I don't believe I have offered an opinion 3 that they would all use the same protocol. 4 BY MS. SPIRES: 5 Q. Is it your opinion, then, that all BE 6 blocks in Hohnstein do not utilize the same 7 wide-area communication protocol? 8 MR. YAM: Objection, form, foundation. 9 A. I don't think that is a consequence of the 10 way that I answered the previous question. I 11 don't think Hohnstein is limited in that way. 12 BY MS. SPIRES: 13 Q. Do you have an opinion sitting here today 14 one way or the other as to whether all BE blocks 15 in Hohnstein utilize the same wide-area 16 communication protocol? 17 MR. YAM: Objection, form, foundation. 18 A. It would depend on the configuration. So 19 Hohnstein contemplates different configurations 20 with different back-end communication interfaces. 21 I think a person of skill in the art would have 22 the expectation that if they are different kinds
30 1 communication. 2 BY MS. SPIRES: 3 Q. Where did -- 4 A. Can -- sorry. Can connect to several 5 different things. 6 Q. Can you just identify where you were 7 reading from just now? 8 A. Yes. Column 8, starting at line 49 9 through 55. It's the cite that is in 10 paragraph 118 of Exhibit 1002 and it is the second 11 cut-and-pasted citation. 12 Q. Does a BE block utilize a wide-area 13 communication protocol in Hohnstein? 14 MR. YAM: Objection, form, foundation. 15 A. I believe that's addressed in Exhibit 1002 16 starting about paragraph 137, but I believe that 17 there are configurations where, because it's 18 acting as a backhaul network, that it would use a 19 wide-area wireless communication protocol. 20 BY MS. SPIRES: 21 Q. Do all BE blocks in Hohnstein utilize the 22 same wide-area communication protocol?	32 1 of interfaces, they're very likely to use 2 different kinds of protocols. So, for example, if 3 you had OC3, that would include a particular kind 4 of framing structure and a protocol, and that 5 might be different than some other kind of 6 backhaul wide-area network wireless protocol. So 7 it really depends on what kinds of back-end 8 interfaces there are. So if they're different, 9 they're likely to use different protocols; if 10 they're the same, they could potentially use the 11 same protocol, but not necessarily. I think 12 Hohnstein describes the flexibility of those 13 interfaces and the different kinds of protocols 14 that they would support. 15 BY MS. SPIRES: 16 Q. Still looking at Hohnstein's Figure 2, 17 what are the six FE blocks 100 that are in a 18 horizontal row near the top of the figure? 19 MR. YAM: Objection, form. 20 A. FE, those would be front-end interfaces. 21 BY MS. SPIRES: 22 Q. Do you know what the front-end interfaces

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33 1 are connections to in Hohnstein's Figure 2? 2 A. Give me a second. It might take a second 3 to... 4 (Witness reviews document.) 5 A. One of the cites that's included in 6 paragraph 157 cites to front-end interface 104 at 7 1637 through 46. I didn't see anything else in 8 the declaration that talks about the front-end 9 interfaces, so I'll have to go hunt through 10 Hohnstein to see what it says because I don't 11 recall what it says. And I'm assuming you want me 12 to go look. 13 BY MS. SPIRES: 14 Q. Sure. Take your time. 15 A. One place that seems to jump out from 16 Hohnstein is at column 8 about line 34. And it 17 goes on to at least the end of that paragraph, 18 which ends at about line 48. 19 Q. I think the question was, do you know what 20 the front-end interfaces are connections to in 21 Hohnstein's Figure 2? 22 MR. YAM: Objection, form.	35 1 BY MS. SPIRES: 2 Q. Would you like to take a chance to look? 3 A. I mean, that's the answer to your 4 question. I'm not sure what else to say at this 5 point. 6 Q. In Hohnstein's Figure 2, does each 7 receiving access point 22 connect to its own FE 8 block? 9 MR. YAM: Objection, form. 10 A. I don't recall if there is a teaching to 11 that effect in Hohnstein. 12 BY MS. SPIRES: 13 Q. Can you review Hohnstein's Figure 2 and 14 see if that refreshes your recollection? 15 A. Sure. Figure 2 doesn't say one way or 16 another. 17 Q. If you look at Hohnstein's column 8, lines 18 34 to 36, it says: Distribution point 40 includes 19 one or more front end communication interfaces 20 100, each front end interface communicating with 21 one access point 22. 22 A. I see that.
34 1 A. And I pointed you to that paragraph. I 2 mean, I can read the paragraph into the record for 3 you. I think it says in there, for different 4 configurations, what those interfaces could 5 connect to. 6 BY MS. SPIRES: 7 Q. Do you agree that the FE blocks connect to 8 the access point 22? 9 MR. YAM: Objection, form. 10 A. One of the options listed in the paragraph 11 column 8, line 32 through 48, says: Each 12 front end interface communicating with one access 13 point 22, that the distribution point 40 includes 14 one or more front-end communication interfaces of 15 that type, and then it goes on to list other 16 configuration. 17 BY MS. SPIRES: 18 Q. Do the FE blocks in Hohnstein's Figure 2 19 utilize a wide-area communication protocol? 20 MR. YAM: Objection, form. 21 A. I don't recall. 22	36 1 Q. In light of that passage from Hohnstein, 2 do you believe that in Hohnstein's Figure 2 each 3 receiving access point 22 connects to its own FE? 4 MR. YAM: Objection, form. 5 A. Figure 2 shows different kinds of 6 connections or interfaces between FE 100 and the 7 access points 22 that are labeled in Figure 2 as 8 LRAP. I saw where you were reading in 8, 34 9 through 36. The figure shows different kinds of 10 connections between those front-end interfaces and 11 access points. I don't think 22 has said that 12 it's limited to a one-to-one correspondence. 13 Maybe it does somewhere else in the specification, 14 but with respect to any characterization as to a 15 one-to-one mapping or a requirement that each 16 front-end interface is limited to communicating 17 with one access point, for that kind of 18 characterization I don't recall if Hohnstein says 19 that or not. 20 BY MS. SPIRES: 21 Q. You agree that Hohnstein's column 8, lines 22 35 to 36 says: Each front end interface

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37 1 communicating with one access point 22, right? 2 A. I agree that the sentence says what it 3 says in the context of a paragraph describing 4 multiple configurations and without looking at the 5 rest of the specification. 6 Q. That paragraph we just looked at in 7 column 8 says that it's referring to Figure 2, 8 correct? 9 A. It starts now with -- referring now to 10 Figure 2 according to an embodiment of the present 11 invention. 12 Q. But you disagree that in Hohnstein's 13 Figure 2 each front-end interface communicates 14 with one access point 22? 15 MR. YAM: Objection, form. 16 A. I'm disagreeing with an interpretation 17 based solely on Figure 2 that Hohnstein is limited 18 to one-to-one communication between back-end 19 communication interfaces and access points. It 20 doesn't say in Figure 2 that there is that kind of 21 requirement or limitation, that there is only a 22 one-to-one mapping, and it doesn't say that in	39 1 communication. Again, Figure 2 doesn't say one 2 way or another whether or not communication, 3 especially in a wireless context, is limited to a 4 single access point or not. For purposes of -- 5 BY MS. SPIRES: 6 Q. So -- 7 A. Sorry, one last thing. For purposes of 8 that particular embodiment in what Figure 2 shows, 9 I don't think that there -- a person of skill in 10 the art reading this would understand just based 11 on Figure 2 that there is a constraint one way or 12 another. 13 Q. So it's your opinion that when Hohnstein 14 says that referring now to Figure 2 each front-end 15 interface communicating with one access point 22 16 does not mean that each LRAP 22 connects to one 17 FE? 18 MR. YAM: Objection, form. 19 A. I'm not sure how your characterization is 20 different than the words in Hohnstein itself. 21 Those words say what they say. What implication 22 that has would depend on what the surrounding text
38 1 column 8 around line 35. It contemplates multiple 2 configurations. So to the extent that Figure 2 3 shows one embodiment, the text describes one 4 configuration in those two or three lines. It 5 doesn't say one way or another, at least not yet, 6 whether or not Hohnstein teaches a configuration 7 for an invention that's limited to a one-to-one 8 correspondence. 9 There might be some other portion. I'd 10 have to look at the rest of Hohnstein to really 11 see if there's any teaching one way or another. 12 BY MS. SPIRES: 13 Q. For now my question is limited just to 14 Hohnstein's Figure 2. And you would agree that in 15 Hohnstein's Figure 2 each LRAP 22 connects to its 16 own FE, correct? 17 MR. YAM: Objection, form. 18 A. I think that is beyond what Figure 2 19 shows. When you say it connects to its own FE, I 20 don't see that to be the case. It connects to an 21 FE, in the case of wireless communication multiple 22 access points would potentially receive that	40 1 would say and what the entire reference would say. 2 I think I've made clear that drawing the kinds of 3 characterizations that you've identified from 4 these limited sentences to create constraints on 5 what Hohnstein's configurations would allow for is 6 not something that I see described in Figure 2 or 7 in this one sentence. 8 BY MS. SPIRES: 9 Q. I think you're extrapolating on my 10 questions more than intended. I'm not talking 11 about what Hohnstein's configurations would allow 12 for or would not allow for. My question is 13 limited to the embodiment shown in Figure 2 of 14 Hohnstein. 15 And I'm just asking, in Figure 2 of 16 Hohnstein you would agree that each LRAP 22 17 connects to its own FE, correct? 18 MR. YAM: Objection, form. 19 A. So I'm not sure I understand how your 20 characterization that you're not describing 21 Hohnstein and its limitations. In your questions 22 that seems to be what you're asking. Focused

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41 1 solely on Figure 2, I think your characterization 2 of that figure is wrong for the reasons I provided 3 before, including when you use language like its 4 own back-end interface. And then I explained why 5 that was the case in the broader teaching of what 6 Hohnstein describes. 7 The fact that there is a line shown in 8 Figure 2 does not mean even in Figure 2 that there 9 is a one-to-one correspondence between an access 10 point and the back-end interface. It shows what 11 it shows for that particular example, and 12 characterizations about Figure 2 that put 13 limitations on what Figure 2 is showing I don't 14 think are accurate. 15 BY MS. SPIRES: 16 Q. I'm struggling to see the difference 17 between Hohnstein's statement that in Figure 2 18 each front-end interface communicates with one 19 access point 22 and a one-to-one correspondence 20 between the access point and the front-end 21 interface. Is there a difference there that you 22 see?	43 1 point 22 does not mean that there is a one-to-one 2 correspondence between Figure 2's front-end 3 interfaces and access point 22? 4 MR. YAM: Objection, form. 5 A. Sure. I think the short answer is I think 6 you're reading a negative limitation into this 7 description. I think you're reading only a 8 portion of the specification and trying to reach a 9 conclusion that Hohnstein doesn't allow for 10 flexibility beyond the one sentence that you've 11 read. All I can say is you've pointed to one 12 sentence about Figure 2 and you've pointed to 13 Figure 2 and attempted to draw characterizations 14 about Hohnstein generally just based on those 15 isolated disclosures. I don't recall Hohnstein 16 being -- saying something like it's limited to a 17 one-to-one correspondence. There's other portions 18 of the specification that could potentially bear 19 on that question that you haven't pointed me to. 20 BY MS. SPIRES: 21 Q. Can you show me where in Hohnstein it 22 shows that there is not a one-to-one
42 1 A. I don't understand the question. 2 Q. It seemed to me that you were making a 3 distinction -- and I may have misunderstood and 4 please tell me if I did. But it seemed like you 5 were making a distinction between Hohnstein's 6 statement that in Figure 2 each front-end 7 interface communicates with one access point 22, 8 but saying that that does not mean that there is a 9 one-to-one correspondence between the access point 10 and the front-end interface; is that right? 11 MR. YAM: Objection, form. 12 A. I think you've mischaracterized what I've 13 said. 14 BY MS. SPIRES: 15 Q. I'm just trying to understand what you 16 said because I don't -- I just don't understand 17 your answer at all. Can you recharacterize what 18 you've said to make -- to explain why you 19 believe -- or I think you said you believe that 20 Hohnstein's Figure 2's statement that -- 21 Hohnstein's statement that Figure 2 shows each 22 front-end interface communicating with one access	44 1 correspondence between the front-end interfaces 2 and the access point 22? 3 MR. YAM: Objection, form. 4 A. I don't recall. I don't recall addressing 5 this question in the declaration, so I'd have to 6 look through Hohnstein to see. My point in 7 answering your question previously was, just 8 looking at isolated portions of Hohnstein doesn't 9 lead to -- doesn't necessarily lead to an accurate 10 conclusion unless you've looked at the entire 11 reference. 12 BY MS. SPIRES: 13 Q. In forming your opinions in this case, did 14 you look at the entire reference of Hohnstein? 15 A. I did. 16 Q. And so based on your review of Hohnstein, 17 can you point me to any disclosure indicating that 18 there is not a one-to-one correspondence between 19 the front-end interfaces and the access points 22? 20 MR. YAM: Objection, form. 21 A. I don't recall what Hohnstein says about 22 that. I'd have to go and look.

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45 1 BY MS. SPIRES: 2 Q. Go ahead. 3 A. I'm not prepared to look through all of 4 Hohnstein right now and see what it says on that 5 particular question. The only point is looking at 6 the limited disclosures you have identified, I 7 don't agree that you can draw a characterization 8 from those disclosures that Hohnstein is limited 9 in the way that you've suggested. 10 Q. So you agree that column 8 around lines 11 35, 36 or so of Hohnstein state that in Figure 2 12 each front-end interface communicates with one 13 access point 22 and you cannot, sitting here 14 today, point me to anyplace in Hohnstein that 15 changes this one-to-one correspondence disclosed 16 in Hohnstein between the front-end interface and 17 access point 22, correct? 18 MR. YAM: Objection, form, foundation. 19 A. I haven't had a chance to look at 20 Hohnstein to see if the statement that you've 21 identified from column 8 is the only description 22 of the relationship between an access point and a	47 1 disclosure. I don't have Hohnstein memorized. 2 BY MS. SPIRES: 3 Q. Feel free to take a look. 4 A. I'm not prepared to review Hohnstein now 5 to see if it has those kinds of disclosures. I 6 would need some time to look through the reference 7 to see. 8 Q. Looking at Hohnstein's Figure 2, do you 9 see any one of the FE blocks connected to more 10 than one LRAP 22? 11 A. I don't think you can see that level of 12 detail from Figure 2. 13 Q. Why not? 14 A. Because in at least some instances there 15 are wireless connections, radio-based connections, 16 between the access points and the front-end 17 interfaces. And so it's unclear if those 18 communications are limited to a particular FE or 19 not and vice versa in the other direction. 20 Q. Do you believe that Figure 2 does not 21 indicate when there are wireless connections or 22 radio-based connections between the access points
46 1 front-end interface. 2 BY MS. SPIRES: 3 Q. You can do it now. I'm giving you that 4 chance. 5 A. I'm not prepared to do that in the context 6 of this deposition. I need some time to review 7 the reference. 8 Q. Did you review Hohnstein in preparing for 9 your declaration -- strike that. 10 Did you review Hohnstein in preparing for 11 your deposition today? 12 A. I did. 13 Q. But that review that you did is not 14 sufficient to answer my question today? 15 A. It's not. I didn't have your specific 16 question in mind when I was reviewing Hohnstein, 17 so my review doesn't provide the detail necessary 18 to answer your particular question. 19 Q. Are you aware of any disclosure in 20 Hohnstein where two LRAP 22s share an FE? 21 MR. YAM: Objection, form, foundation. 22 A. I don't recall if there is such a	48 1 and the front-end interfaces? 2 MR. YAM: Objection, form. 3 A. That was not my testimony. 4 BY MS. SPIRES: 5 Q. What was your testimony? Because I was 6 trying to read it back word for word. You said 7 you can't see the level of detail from Figure 2 as 8 to whether in Figure 2 any one of the FE blocks 9 are connected to more than one LRAP 22. And you 10 said that was because there could be wireless 11 connections, radio-based connections, between the 12 access point and the front-end interfaces, 13 correct? 14 MR. YAM: Objection, form. 15 A. If you're accurately reading back the 16 transcript, then I would agree that's what I said. 17 BY MS. SPIRES: 18 Q. So, then, my question is, are you saying 19 that you believe that Figure 2 does not indicate 20 when there are wireless connections or radio-based 21 connections between the access point 22 and the 22 front-end interfaces?

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49 1 MR. YAM: Objection, form. 2 A. I don't think that's what I said. 3 BY MS. SPIRES: 4 Q. Why is it that the potential for wireless 5 connections or radio-based connections between the 6 access point and the front-end interfaces makes it 7 so that you cannot tell whether any one of the FE 8 blocks in Figure 2 is connected to more than one 9 LRAP 22? 10 MR. YAM: Objection, form. 11 A. What front-end interfaces are connected to 12 what access points in Figure 2 can vary or there 13 can be more than a one-to-one correspondence based 14 on the nature of radio communication, and Figure 2 15 doesn't say one way or another whether the 16 relationship has to be one-to-one or could be 17 something else. 18 BY MS. SPIRES: 19 Q. Can you point to anything in Hohnstein 20 showing that the -- what front-end interfaces are 21 connected to access points in Figure 2 can vary? 22 MR. YAM: Objection, form.	51 1 Do you see the LRAP 22 that is furthest to the 2 right near the top? 3 A. I believe -- 4 Q. Right here if you see my mouse. 5 A. -- I see -- hold on. I see a mouse that's 6 on the right side of the page, like on the border. 7 Q. Okay. I think you can't see my mouse, 8 then. So I'm -- oh, wait. Click to start the 9 mouse, keyboard control of the shared screen. 10 Okay. Do you see now the -- my -- hand 11 over this top-right LRAP 22? 12 A. Yes. 13 Q. Do you see that this top-right LRAP 22 is 14 directly touching its FE 100? 15 A. I see that box -- 16 MR. YAM: Objection, form. 17 A. I see the two boxes share a line. 18 BY MS. SPIRES: 19 Q. In your opinion, is the fact that this 20 top-right LRAP 22 is connect -- is directly 21 touching the FE 100 below it meant to signify 22 anything?
50 1 A. If I understand your question correctly, 2 at least one paragraph that bears on that question 3 is column 8, line 32 through 48. 4 BY MS. SPIRES: 5 Q. And how does column 8, lines 32 through 48 6 show that the front-end interfaces -- strike that. 7 How does column 8, lines 32 through 48 8 show that what front-end interfaces are connected 9 to access points in Figure 2 can vary? 10 A. It talks about different configurations 11 and what those configurations consist of. Again, 12 it's not clear to me that your characterization is 13 either what I said or the point I'm trying to make 14 by pointing to the entirety of the paragraph. 15 Q. What characterization are you trying to 16 make by pointing to the entirety of the paragraph? 17 A. That there -- 18 MR. YAM: Objection, form. 19 A. That there are different configurations 20 contemplated within Hohnstein. 21 BY MS. SPIRES: 22 Q. Let's look back at Figure 2 of Hohnstein.	52 1 MR. YAM: Objection, form. 2 A. I don't recall looking at this figure and 3 trying to answer that question. So at this point 4 I don't think I have offered an opinion as to what 5 the implication is of that shared line between 6 those two boxes means. 7 BY MS. SPIRES: 8 Q. Let me ask another way. In this 9 particular LRAP 22 that's at the top right, does 10 the fact that it is directly touching its FE 100 11 mean that it is part of the same device that is 12 distribution point 40? 13 MR. YAM: Objection, form, foundation. 14 A. I think as I said in the last answer, I 15 hadn't looked at that figure and taken any 16 particular meaning from the fact that they shared 17 a common line. I would have to go back and check 18 the declaration to see if I had offered an opinion 19 one way or another or whether the fact that they 20 shared a line would have meant something to a 21 person of skill in the art or not. 22

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53 1 BY MS. SPIRES: 2 Q. Go ahead and look. 3 A. I don't know where I would even look to 4 see if I had offered that kind of an opinion in 5 the declaration. 6 Q. Do you want to try to search it? 7 A. I'm not sure how to answer that question. 8 Q. Sitting here today, do you have an opinion 9 one way or the other as to whether this top-right 10 LRAP 22 is directly mounted to distribution point 11 40 with no wire or radio between them? 12 MR. YAM: Objection, form. 13 A. Sitting here today, I don't recall that I 14 formed an opinion. If there isn't one in the 15 declaration, then it would be a new opinion. I 16 would have to give it some thought. So I would 17 defer to what the declaration says because sitting 18 here right now I don't have an opinion off the top 19 of my head one way or another. 20 BY MS. SPIRES: 21 Q. Sitting here today, do you have an opinion 22 as to whether this top-right LRAP 22 has a	55 1 other sitting here today as to whether the 2 connection from the top-right LRAP 22 to 3 distribution point 40 uses a wireless wide-area 4 network protocol? 5 MR. YAM: Objection, form. 6 A. Generally for -- actually for that 7 specific question, if it's not what I specifically 8 relied on in the declaration, and so it's not an 9 opinion that's in the declaration, sitting here 10 right now, I don't have any additional thoughts as 11 to whether or not that example would use a 12 wireless wide-area network protocol or not. 13 MS. SPIRES: I think this is a good time 14 for a break if y'all want to take a few minutes. 15 MR. YAM: Sure. 16 MS. SPIRES: How much time people want? 17 MR. YAM: Ten minutes is fine. 18 MS. SPIRES: All right. See y'all in ten 19 minutes or so. 20 (Recess taken from 8:45 a.m. to 8:55 a.m.) 21 BY MS. SPIRES: 22 Q. Dr. Almeroth, I'd like to have you turn to
54 1 wireless connection to the distribution point 40? 2 MR. YAM: Objection, form. 3 A. It would be a similar answer. Sitting 4 here right now, I don't have an opinion one way or 5 another. To the extent I addressed that 6 particular question in the declaration, I would 7 defer to what the declaration says. 8 BY MS. SPIRES: 9 Q. Sitting here today, do you have an opinion 10 as to whether the connection between this 11 top-right LRAP 22 to the distribution point 40 12 uses a wireless wide-area network protocol? 13 MR. YAM: Objection, form. 14 A. For that particular configuration, I don't 15 recall that that's what I relied on in the 16 declaration. Sitting here now, I don't think 17 that's what I relied on in the declaration, but I 18 defer to what the declaration actually says. 19 BY MS. SPIRES: 20 Q. So when you're saying you don't think it's 21 what you relied on in the declaration, are you 22 saying you don't have an opinion one way or the	56 1 Exhibit 1004, which is Palmer. 2 A. Okay. I've got it. 3 (Deposition Exhibit 1004 marked for 4 identification.) 5 BY MS. SPIRES: 6 Q. Do you need that in electronic form too? 7 A. Depends on your questions. 8 MS. SPIRES: Go ahead and throw it in 9 there just so it's there. 10 MR. PERRY: All right. 11 BY MS. SPIRES: 12 Q. I like to -- 13 A. I have downloaded it. 14 Q. I'd like to start by looking at Palmer's 15 Figure 1. 16 A. Okay. 17 Q. I assume you reviewed the figures in 18 Palmer in forming your opinions in this matter? 19 A. Yes. 20 Q. Looking at Palmer Figure 1, is block 16 an 21 access point? 22 A. In Figure 1, 16 is an access point.

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57 1 Q. If you can flip over to Figure 2. 2 A. Okay. 3 Q. In that figure, is block 40 an access 4 point? 5 A. I believe that's what it says it is, yes. 6 Q. So block 16 in Figure 1 and block 40 in 7 Figure 2 refer to the same thing; is that right? 8 MR. YAM: Objection, form. 9 A. I don't know that that is an accurate 10 characterization. I don't recall Palmer saying 11 that those two things point to the same thing. 12 BY MS. SPIRES: 13 Q. You just recall Palmer saying that block 14 16 in Figure 1 and block 40 in Figure 2 both are 15 access points; is that fair? 16 MR. YAM: Objection, form. 17 A. I believe there's portions of Palmer, for 18 example, column 1 around line 36 that says 19 Figure 1, what's identified as 16 are access 20 points. And then for Figure 2 I think there is a 21 similar description, but those are two different 22 communication systems. So I would be careful to	59 1 access point 40 as the access point in Figure 1 2 would consist of a transmitter/receiver defining a 3 cell that provides RF coverage for the wireless 4 communication devices 20. 5 It then goes on to describe the -- some 6 additional details about the access point 40. 7 BY MS. SPIRES: 8 Q. The lines that we just read at the end of 9 column 4, beginning of column 5, discuss a central 10 host processor in Figure 1? 11 MR. YAM: Objection, form. 12 A. In those lines I don't see a reference. 13 BY MS. SPIRES: 14 Q. Do you see any reference to a central host 15 processor in Figure 1 in Palmer? 16 A. Let me try and look. Central. Around 17 column 4, line 26 it's describing Figure 1 and it 18 describes a central host processor, at least 19 starting at that point. 20 Q. And in that description, the Figure 1 21 central host processor is labeled as 12, right? 22 A. That's what it says around line 27 or 28
58 1 draw any conclusions that descriptions of 16 apply 2 equally to 40 and vice versa. 3 BY MS. SPIRES: 4 Q. So where you were just pointing to the 5 description of access point 40 at the end of 6 column 4, there it says: The access point 40, as 7 in Figure 1, would consist of a 8 transmitter/receiver defining a cell 18 that 9 provides RF coverage for the wireless 10 communication devices 20. 11 A. I'm sorry, I didn't see where you were 12 reading. 13 Q. That's the bottom of column 4. I thought 14 I was where you were, but maybe not. I was 15 starting at line 65 and went through the first 16 line of column 5. 17 A. Okay. I see where you're at. 18 Q. So it said: The access point 40 as in 19 Figure 1. I don't see an access point 40 in 20 Figure 1. Are you able to clarify? 21 MR. YAM: Objection, form. 22 A. I think that statement is saying that the	60 1 of column 4. 2 Q. And for Figure 1, the column 4, lines 27 3 or 28 that you just referred to, say that this 4 host processor 12 is connected to a wired network 5 14 in Figure 1; is that right? 6 A. I see where you're reading. 7 Q. Do you see the network 14 in Figure 1? 8 A. I do. 9 Q. Looking at Figure 1, are any of blocks 12, 10 14 and 16 shown as overlapping any of the others? 11 MR. YAM: Objection, form. 12 A. I'm not sure what you mean by overlapping. 13 BY MS. SPIRES: 14 Q. Are any of blocks 12, 14 or 16 shown as 15 being a part of one of the others in Figure 1? 16 MR. YAM: Objection, form. 17 A. I don't think Figure 1 is attempting to 18 communicate a relationship like being a part of or 19 overlapping. 20 BY MS. SPIRES: 21 Q. Why is that? 22 A. Because that's not what Figure 1 shows.

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61 1 Q. What does Figure 1 show? 2 A. A system diagram illustrating a 3 communications system within a facility. 4 Q. Do you believe that Figure 1 shows whether 5 blocks 12, 14 and 16 are separate and distinct 6 from each other? 7 MR. YAM: Objection, form. 8 A. I don't think that's the point of 9 Figure 1. So looking at Figure 1 and drawing 10 conclusions about how those aspects of Figure 1 11 would relate to each other from a physical 12 perspective is not something I believe a person of 13 skill in the art would draw from looking at 14 Figure 1. 15 (Deposition Exhibit 1002 marked for 16 identification.) 17 BY MS. SPIRES: 18 Q. I'd like to look at your declaration. 19 A. Okay. 20 Q. Paragraph -- turn to page 38. And just 21 for the record, your declaration is marked as 22 Exhibit 1002. But if you look to page 38 around	63 1 right? 2 MR. YAM: Objection, form. 3 A. I mean, I think it shows what I circled. 4 I circled the wireless LAN that access point 40 on 5 the left is communicating to. 6 BY MS. SPIRES: 7 Q. Would the access point 40 on the right of 8 Figure 2 be part of a different wireless LAN from 9 the one you circled in blue? 10 MR. YAM: Objection, form. 11 A. Not necessarily. 12 BY MS. SPIRES: 13 Q. Why not? 14 A. Because they could be the same wireless 15 LAN, they could be separate wireless LANs. Palmer 16 I don't recall going -- goes into the detail about 17 whether or not they could be the same LAN or not. 18 Q. Could the wireless LAN on the right 19 connecting to access point 40 be the same as the 20 wireless LAN that you circled in blue on the left? 21 A. So I'm not sure I understand the question. 22 The "could" implies could you have a system like
62 1 paragraph 68. 2 A. I see that. 3 Q. There you reproduce Exhibit -- or 4 Exhibit 1004, Palmer Figure 2, right? 5 A. I do. 6 Q. And you annotated the figure with a blue 7 circle around access point 40; is that right? Or 8 I guess, strike that. 9 You annotated the figure with the blue 10 circle around, I guess, access point 40 and two 11 portable terminal/computer devices 20; is that 12 right? 13 MR. YAM: Objection, form. 14 A. The circling in blue was intended to 15 indicate the wireless local area network. 16 BY MS. SPIRES: 17 Q. Okay. So there are two access point 40s 18 in Figure 2 that you reproduced in paragraph 68, 19 right? 20 A. There are two boxes labeled 40. 21 Q. And you circled the wireless LAN 22 accompanying the access point 40 on the left,	64 1 what's shown in Figure 2 and it have -- it be the 2 same wireless LANs. If you mean something else 3 other than that, you'd have to clarify your 4 question. But I could envision lots of scenarios 5 where you could implement something like Figure 2 6 where the two access point 40s are located far 7 enough apart from each other so that you could use 8 the same wireless LAN -- the same wireless LAN 9 being described based on the same identifier. 10 They could use the same, for example, 802.11 11 channel depending on what version of 802.11 you 12 were running or some other protocol. I could 13 envision scenarios where access point 40, the two 14 of them are part of the same device. And so it's 15 a multichannel access point. They could still be 16 communicating on the same LAN. It might make more 17 sense that they would communicate on different 18 LANs, different being based on nonoverlapping 19 channels or whatever wireless protocol they're 20 using. So I think it could be any of those 21 potential implementation scenarios. 22 Q. And similarly, could the access point 40

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65 1 on the right be part of a different wireless LAN 2 from the access point 40 on the left? 3 MR. YAM: Objection, form. 4 A. To be technically precise, I think that 5 was close to one of the configurations I described 6 in the previous answer where they could -- those 7 access points could operate on different channels. 8 And so they would potentially be considered part 9 of different LANs if that was the criteria that 10 you were using to determine whether or not they 11 were on the same LAN or not. 12 BY MS. SPIRES: 13 Q. Is that the criteria you used to determine 14 whether or not they're on the same LAN? 15 MR. YAM: Objection, form. 16 A. I didn't use a criteria one way or another 17 in my previous answers. I think I qualified it by 18 saying that's one of the ways that you could use, 19 but it would depend. 20 BY MS. SPIRES: 21 Q. If access point 40 on the left and access 22 point 40 on the right are part of different	67 1 terms in particular ways. 2 BY MS. SPIRES: 3 Q. So this roam, as it's used in Palmer, if a 4 portable terminal/computer 20 moves from one 5 wireless access point 40 to another wireless 6 access point 40, would this roam be from one cell 7 to another in the context of Palmer? 8 A. So Palmer's description of roaming in 9 column 5 is between different networks. I think 10 sometimes it uses the term "cell," sometimes it's 11 just the network, but I think its description of a 12 portable computer 20 moving to a different access 13 point 40 or 42 is described in Palmer using the 14 term "roaming." 15 Q. So looking back at the blue circle that 16 you've annotated in paragraph thirty -- I left the 17 paragraph. Looking -- strike that. 18 Looking back at the blue cell you circled 19 in paragraph 68 of your declaration, page 38, 20 would access point 40 connected to the wireless 21 LAN that you circled measure a signal-to-noise 22 ratio of a downlink signal to its connected
66 1 wireless LANs and one of the portable 2 terminal/computers 20 moved from the left to the 3 right and this resulted in the wireless LAN 4 connection changing from access point 40 on the 5 left to access point 40 on the right, would a POSA 6 consider this to be a roam? 7 MR. YAM: Objection, form. 8 (Witness reviews document.) 9 A. So Palmer, around column 5, around 10 line 26, talks about the concept of roaming. And 11 it's talking about communication devices 20 12 roaming to another cell offering a higher quality 13 RF connection, and that's around lines 28 or 29. 14 So the idea of a communication device 15 moving from an association with one access point 16 40 to another access point 40 in the context of 17 how Palmer describes both the access points and 18 what roaming is in the context of Palmer, I think 19 that's what it's describing. But I would take 20 some care to not equate Palmer's description of 21 roaming and cells and access points beyond the 22 scope of what Palmer describes since it uses those	68 1 portable terminal/computer 20? 2 MR. YAM: Objection, form. 3 A. Palmer actually discloses multiple ways of 4 doing measurements and multiple types of 5 measurements. I think in the context of the 6 variations that you've identified -- or sorry, in 7 the context of the variations that are identified 8 by Palmer, if your question is asking about a 9 technique where the personal -- sorry, the 10 portable computer makes the actual measurement and 11 provides that information to the access point, 12 that is something that Palmer teaches. 13 BY MS. SPIRES: 14 Q. Is it your opinion that access point 40 15 monitors a signal-to-noise ratio related to a 16 downlink signal to its connected portable 17 terminal/computer 20? 18 A. If that question includes receiving 19 information from the portable computer or terminal 20 about its downlink measurements, then yes. 21 Q. Does the access point 40 in Figure 2 22 measure a received signal strength indicator

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69 1 relating to a downlink signal to its connected 2 portable terminal/computer 20? 3 MR. YAM: Objection, form. 4 (Witness reviews document.) 5 A. If that question includes the portable 6 computer measuring either the SNR or the RSSI and 7 then providing that information to the access 8 points, that is one of the different types of 9 measurements and use of that measurement data 10 that's described within Palmer. If your question 11 is about whether or not the access point is taking 12 the actual measurement itself, that is also 13 disclosed in Palmer. 14 BY MS. SPIRES: 15 Q. Is it your opinion that access point 40 in 16 Figure 2 of Palmer monitors an RSSI related to a 17 downlink signal to its connected portable 18 terminal/computer 20? 19 A. I'm not sure how that question is 20 different than the previous one. I think my 21 answer, regardless of whether it's the same or 22 different, the answer would be the same that I	71 1 point 40 on the right side of the figure, not the 2 one around your blue circle, monitor an SNR of the 3 downlink signal from the access point 40 on the 4 left to a portable terminal/computer 20 on the 5 left? 6 MR. YAM: Objection, form. 7 A. Could you repeat the question? 8 BY MS. SPIRES: 9 Q. Sure. Looking at Figure 2 of Palmer, 10 would an access point -- would the access point 40 11 on the right side of the figure monitor an SNR of 12 the downlink signal from the access point 40 on 13 the left side of the figure to a portable 14 terminal/computer 20 on the left side of the 15 figure? 16 A. You might have to show me in that figure 17 which ones you're asking about. Because I'm not 18 sure when you say on the left side, you mean all 19 the way on the left side or the left side of -- 20 Q. Sure. Let's see. 21 MS. SPIRES: Can we pull up Exhibit 1002 22 so that I can move the mouse around on it.
70 1 just gave. 2 Q. The only difference in the question was 3 measures or it monitors. To you, are they the 4 same in the context of Palmer? 5 MR. YAM: Objection, form. 6 A. I don't have an answer to that question. 7 Whether or not they're the same or not is not a 8 claim construction position that I have taken. 9 BY MS. SPIRES: 10 Q. In Figure 2 of Palmer, does the access 11 point 40 measure a bit energy-to-noise density for 12 a downlink signal to its connected portable 13 terminal/computer 20? 14 A. I don't recall if it does or not. 15 Generally if you're asking about measurements that 16 are taken in the downlink direction and you're 17 interested in the impact of the environment in the 18 downlink direction, those measurements would have 19 to be taken after transmission, unless you have 20 some sort of other mechanism in mind for doing the 21 particular measurement. 22 Q. In Figure 2 of Palmer, would the access	72 1 A. You've also got Figure 2 up there. 2 BY MS. SPIRES: 3 Q. Let's see. Okay. This will work. We 4 don't need the annotated. So in the -- my 5 question is, you -- sorry, I'll start with this. 6 Can you see the mouse moving around now on 7 the screen? 8 A. Yes. Yes. 9 Q. So I'm asking that -- would access point 10 40 on the right where I have my mouse here, the 11 one -- strike that. I guess I'll make -- I'll try 12 to make this clearer because the -- okay. 13 So in this figure there are two access 14 point 40s that I see, this one that's near my 15 mouse on the right and this one that's near my 16 mouse on the left. Do you agree with that? 17 A. Yes. 18 Q. Okay. So if I'm talking about the access 19 point on the right, I'm talking about this one on 20 the right of the figure and if I'm talking about 21 the access point 40 on the left, I'm talking about 22 this access point 40 on the left of the figure; is

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1 that fair? 2 A. Yes. 3 Q. And same as if I'm talking about a 4 portable terminal/computer 20, if I'm talking 5 about it on the right, I mean one that's under 6 this access point 40 on the right, so one of these 7 three and if I'm talking about a portable 8 terminal/computer on the left, I'm talking about 9 one of the two on the left under this access point 10 40; is that fair? 11 A. Yes. The challenge for the three on the 12 right is there's one that's directly connected or 13 has an association with access point 40 and then 14 there's two others that have associations with 15 access point 42 that itself has an association 16 with access point 40. 17 Q. Okay. 18 A. Your question may have a different answer 19 depending on which portable computer you're asking 20 about, even among the three on the right. 21 Q. Fair. And I wanted to make sure we're all 22 on the same page. I'll label this clearer. So if	1 Q. Yes. 2 A. Okay. 3 Q. I think we're on the same page. I love 4 remote depositions, but this is where they're a 5 little harder than in person. 6 So my question is, would the access point 7 40 on the right where my cursor is right now 8 monitor an SNR of the downlink signal from the 9 access point 40 on the left where my cursor is now 10 to a portable terminal/computer 20 on the left 11 where my cursor is now? 12 A. So as I mentioned earlier, the thing 13 that's measuring the reserved -- received signal 14 strength indicator is the thing that's going to be 15 doing the reception. And so typically for 16 downstream communications that will be the 17 portable terminal/computers themselves. The 18 access points can do -- or can measure received 19 signal strength indicators for signals that they 20 receive, and that's typically for communication in 21 the upstream direction. 22 Depending on how the system is implemented
1 I'm talking about a portable terminal/computer on 2 the right, I'm talking about this one on the far 3 right that's directly under access point 40 on the 4 right. 5 A. Okay. 6 Q. And if I'm talking about a portable 7 terminal/computer on the left, I'm talking about 8 one of these two that's under the access point 40 9 on the left. And I'll say a portable 10 terminal/computer in the middle if I'm talking 11 about one of these two portable terminal/computers 12 that's under access point 42; is that fair? 13 A. Can you say that again? No, I'm just 14 kidding. I got it. Sorry. 15 Q. Okay. 16 A. So you have the left access point, the 17 right access point, the two left portable 18 computers connected to the left access point, the 19 one portable computer connected or associated with 20 the access point on the right, and then the two in 21 the middle which are associated with access point 22 42?	1 and depending on the environment, the access point 2 on the right may be receiving transmissions from 3 the portable computers on the left if those 4 transmit ranges of the devices are such that they 5 can be received. So you could imagine those 6 devices being in close proximity to each other and 7 those communications are actually received. 8 It depends on the hardware too of those 9 particular access points, whether they're 10 listening on all frequencies at the same time. In 11 some cases the monitoring that can be done is 12 across all of the frequencies of the particular 13 data link layer protocol. And so I can envision a 14 scenario where for communications that the access 15 point receives, which could be for any potential 16 portable terminals, it would be able to measure a 17 received signal strength indicator. 18 Again, the access -- that would be for 19 communications from the portable computer, so more 20 in the upstream direction. Because in order for 21 it to be the received signal strength indicator, 22 it has to be measured at the receiver. So at the

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77 1 APs in the upstream direction or at the portable 2 computers in the downstream direction. 3 Q. Are you aware of anywhere in Palmer that 4 describes that a portable terminal/computer 20 5 reports measurements to an access point that it's 6 not connected to? 7 MR. YAM: Objection, form. 8 (Witness reviews document.) 9 A. I did not have a specific recollection of 10 a passage. However, I believe the declaration is 11 citing in a number of places to various parts of 12 column 5. I believe that there is a portion 13 around lines 30 to 36 that might bear on that 14 question. It describes there that the 15 determination as to when roaming to another cell 16 would take place can be done by the wireless 17 communication device 20 or alternatively the 18 method steps may be performed centrally, for 19 example, by the network or a host -- or a central 20 host processor. 21 What that teaches is that there are 22 different places or different components of the	79 1 BY MS. SPIRES: 2 Q. Does Palmer disclose the roaming decision 3 being made by the access points? 4 A. When it says that those steps, those 5 roaming decision steps, can be performed centrally 6 and, for example, by the network or the host 7 central processor, by the network is by elements 8 within the network. Those are the access points. 9 Q. I want to look at your declaration -- 10 let's see. If we look at paragraph 98 which spans 11 multiple pages, but the one on page 62. 12 A. Okay. I'm there. 13 Q. Do you see where you wrote at the bottom 14 of paragraph 98: Once a mobile station has been 15 handed off to a new access point based on the 16 signal monitoring, the original access point no 17 longer routes downtown [sic] signals to the mobile 18 station to which it is no longer connected? 19 A. I see that. 20 Q. When you say that the original access 21 point no longer routes downlink signals to the 22 mobile station, is no longer routes a form of
78 1 architecture that can perform the roaming 2 determination. In order to perform that roaming 3 determination, the thing that's performing that 4 determination would need information about the 5 wireless communication device 20 and its received 6 signal strength or other kinds of measurements 7 contemplated by Palmer taken at different access 8 points or communications to or from different 9 access points. In other words, if I'm going to 10 roam, where should I roam to. 11 Having all of that information to make the 12 roaming decision would be needed by whatever is 13 making the roaming decision, and that's either the 14 portable computer 20, it's done by the network, so 15 that would be at the access points, or it could be 16 done at a central host processor. So Palmer kind 17 of teaches all three of those. And if it's going 18 to be done by an access point, the access point 19 would have to have information about the portable 20 computer's quality of communication to another 21 access point. 22	80 1 routing? 2 MR. YAM: Objection, form. 3 A. That question is a little bit vague. I 4 mean, in the context of Palmer there is a routing 5 decision made. So based on the specified access 6 point or the specified path that's being used to 7 reach the portable terminal, there would be a 8 check of -- at the access point whether or not it 9 had that portable terminal connected to it. 10 And so in that sense and in combination 11 with the other access point making the 12 determination that there was an associated 13 portable computer, and then specifying the one 14 access point to use versus the other would be, in 15 Palmer, what would have constituted routing. 16 BY MS. SPIRES: 17 Q. So if the original access point no longer 18 routes downlink signals to the mobile station, is 19 the original access point still directing 20 information through a specified path to that 21 mobile station? 22 A. So you -- you mentioned routing. The word

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81 1 I would use would be "forwarding." If it's no 2 longer forwarding traffic to that mobile 3 station -- maybe the right way to answer the 4 question, as I can't answer it as you framed 5 because you're using the term "routing" when I 6 think you mean "forwarding." And then there's a 7 distinction between those two in that context. 8 So -- kind of a roundabout way, I don't think I 9 can answer the question as you've phrased it. 10 Q. So I only used the term "route" by reading 11 what you wrote in your declaration. So do you 12 believe that the term "route" in your declaration 13 should be "forwarding," not "route"? 14 A. I think to be completely clear it's no 15 longer forwarding signals to the particular 16 device, the particular mobile station. It's still 17 performing route updates generally. It's still 18 performing a routing functionality. So that's 19 really what I'm referring to. 20 Q. So would it be more accurate if I changed 21 the word "route" in the next-to-last line of 22 paragraph 98 of your declaration to the word	83 1 assumption you're asking me to make in order to 2 answer the question. 3 Q. The assumption is exactly what you wrote 4 in your declaration. So you wrote: Once a mobile 5 station has been handed off to a new access point 6 based on the signal monitoring, the original 7 access point no longer routes downlink signals to 8 the mobile station to which it is no longer 9 connected. 10 And my question is, if this is the case, 11 what you've written in the last three lines of 12 paragraph 98, is the original access point still 13 directing information through a specified path to 14 the mobile station to which it is no longer 15 connected? 16 MR. YAM: Objection, form. 17 A. I think that would go to a question in a 18 claim as to whether or not it was a method step or 19 a capability. If the claim requires that you 20 actually forward traffic in order to meet the 21 limitation, then you could only be meeting the 22 limitation if you were actually forwarding the
82 1 "forwarding" or "forwards"? 2 A. I mean, I don't know that you would need 3 to change it. To the extent you're asking for 4 more specific details, I would just be careful not 5 to misinterpret what it says. And I think what 6 it's saying is you're not forwarding downlink 7 signals to the mobile station that's connected -- 8 that's not connected to a particular access point. 9 That access point would still be performing 10 routing, say, for a different portable terminal. 11 Q. Okay. So let's see if I can rephrase. If 12 the access -- if the original access point as 13 you've written in your declaration no longer 14 routes downlink signals to the mobile station to 15 which it is no longer connected, is the original 16 access point still forwarding information through 17 a specified path to that mobile station? 18 MR. YAM: Objection, form. 19 A. I don't understand the question. 20 BY MS. SPIRES: 21 Q. Okay. So -- 22 A. I don't -- sorry. I don't understand the	84 1 traffic. If the claim requirement was about the 2 capability to perform routing and whether or not 3 you were -- so then if you were performing routing 4 but weren't actually using that routing 5 information because data wasn't being transmitted 6 in that instance, then you might still possibly 7 meet the limitation of the claim. 8 So I don't really understand what you're 9 asking. 10 BY MS. SPIRES: 11 Q. So I'm not asking about the context of any 12 claim. I'm talking -- this part of your 13 declaration, you're writing about Palmer's 14 disclosure. And so I'm asking about the context 15 of Palmer and what Palmer discloses. 16 This paragraph 98 starts: Palmer's access 17 point 40 routes information to the first mobile 18 station and the second mobile station, 19 respectively, and goes on for over a page. So all 20 of paragraph 98, to my understanding, is about 21 Palmer's disclosures; is that right? 22 A. It's about Palmer's -- Palmer's

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85 1 disclosures and how they relate to the 2 requirements of limitation 1d. And so I don't -- 3 that's why I don't understand the question if 4 you're just asking about Palmer in a scenario 5 where it's no longer doing something when, if I'm 6 relying on what it was doing to meet the 7 limitation. 8 It seems like you're asking what happens 9 when it's no longer doing the something that I've 10 relied on to meet the limitation, and I'm not sure 11 how to answer a question characterizing what it's 12 doing when it's no longer doing something. 13 Q. Do you have an understanding of whether in 14 Palmer, as you've written in paragraph 98 of your 15 declaration: Once a mobile station has been 16 handed off to a new access point based on the 17 signal monitoring, the original access point no 18 longer routes downlink signals to the mobile 19 station to which it is no longer connected, do you 20 have an understanding as to whether Palmer 21 discloses if the original access point is still 22 directing information through a specified path to	87 1 break. 2 MR. YAM: Sure. 3 THE WITNESS: Okay. 4 MS. SPIRES: How long do you want? 5 THE WITNESS: Nine minutes at this point. 6 MS. SPIRES: Sure. 7 MR. YAM: Can we go off the record and 8 talk about, like, the timing-wise, how we want to 9 go forward with the rest of the day? 10 MS. SPIRES: Uh-huh. 11 MR. YAM: Thanks. 12 (Recess taken from 9:56 a.m. to 10:05 a.m.) 13 BY MS. SPIRES: 14 Q. I am now going to be turning to Mahany, 15 which I understand is a large reference. I'm 16 going to try to direct you to relevant points of 17 your declaration to speed things along. So if we 18 turn in your declaration to paragraph 181, which 19 spans from pages 120 to 122. 20 A. I just -- I don't have Mahany printed out, 21 but I do have -- 22 Q. Sure. Let's pull --
86 1 the mobile station to which it is no longer 2 connected? 3 MR. YAM: Objection, form. 4 A. If I understand the scenario, the part 5 I've relied on is when the portable computer or 6 the mobile station was associated with the access 7 point, then traffic was being routed to that 8 particular mobile station through the access 9 point. You're asking about if that mobile station 10 moves, what does that old access point do? 11 BY MS. SPIRES: 12 Q. Correct. 13 A. It would depend on whether or not that 14 access point was still receiving traffic for that 15 mobile station or whether it was not. If it 16 doesn't receive any traffic for the mobile 17 station, then it doesn't have to do anything at 18 that point. If it is receiving traffic for the 19 mobile station, then it depends on how the access 20 point is configured and what it's supposed to do. 21 MS. SPIRES: I think we've been going 22 about an hour, if y'all would like to take another	88 1 A. -- the exhibit, the exhibit number. 2 Q. -- it up there if you need it. Mahany is 3 Exhibit 1006. 4 MS. SPIRES: If you throw that into the 5 chat. 6 A. I've got a version that's marked from the 7 petition, so I think it's kind of the official 8 version. It might take a while to load into the 9 chat, so while it's loading, can you tell me the 10 declaration? 11 BY MS. SPIRES: 12 Q. Yes. The declaration, if you're on 13 paragraph 181 which starts at page 120. 14 (Deposition Exhibit 1006 marked for 15 identification.) 16 A. 181, I'm ready to go. 17 BY MS. SPIRES: 18 Q. You may be able to answer the questions 19 from your declaration, but who knows. You may 20 need to refer to Mahany. 21 A. Okay. 22 Q. So in paragraph 181 you are describing

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89 1 Mahany's invention, correct? 2 MR. YAM: Objection, form. 3 A. Looks like I'm describing 46b in what's 4 there. Maybe it's part of Mahany's invention or 5 not. I don't recall. 6 BY MS. SPIRES: 7 Q. Okay. You're describing Mahany's 8 Figure 46b in paragraph 181; is that fair? 9 A. I believe I am. 10 Q. And you see where you have reproduced 11 Mahany's Figure 45 -- Figure 46b in paragraph 181 12 of your declaration? 13 A. Yes. 14 Q. And you have put a red box around 4655 and 15 4659. Do you see that? 16 A. I don't know what color they are. My 17 version is black and white. But then I was going 18 to go to the electronic version, but if they're 19 red -- I see the boxes you're pointing to are red. 20 Q. Okay. They're red in my version, but I 21 think they're the only boxes on there, I believe. 22 There we go, on screen now. You can see the red	91 1 radio and associated antenna, e.g., wireless 2 access network, paging, cellular, et cetera? 3 A. I don't recall. 4 Q. If you look at the bottom of page 121 of 5 your declaration, see if that refreshes your 6 memory. 7 A. Okay. So if you were reading from there, 8 then that's what Mahany should say. 9 Q. Do you agree with the statement that 10 you've written at the bottom of paragraph 121 that 11 access device -- or access server 4665 has a 12 second higher power radio and associated antenna, 13 e.g., wireless access network, paging, cellular, 14 et cetera, correct? 15 MR. YAM: Objection, form. 16 A. Yeah, what you're reading from is a quote 17 from Mahany. I think your question was do I agree 18 with what I wrote. 19 BY MS. SPIRES: 20 Q. You agree that this is what Mahany says, 21 correct? 22 A. It should be what Mahany says, unless I've
90 1 boxes. 2 A. Okay. 3 Q. Do you see -- 4 A. Okay. 5 Q. -- Box 4655 and 4659 in Mahany's 46b are 6 access devices; is that right? 7 A. Yes. 8 Q. In Mahany is access device 4655 shown as 9 being in the truck in Figure 46b? 10 A. What -- did you say 4655? 11 Q. Yes. 12 A. Graphically it shows it's inside of the 13 truck. 14 Q. Is access device 4665 in Mahany's Figure 15 46b a mobile device? 16 A. I don't recall offering an opinion one way 17 or another. I probably -- if it's not 18 specifically -- if that opinion's not specifically 19 in the declaration, I'd probably have to look 20 through Mahany and see whether it is or not. 21 Q. How about -- I'll change it. Does access 22 device 4665 in Mahany have a second higher power	92 1 mis copied it, but I don't think I have. 2 Q. Is it your opinion that this connection 3 described for the access devices 4655 and 4659 -- 4 strike that. 5 Do you agree that this access -- strike 6 that again. 7 Do you agree that this connection to 8 access device 4655, or at least the protocol it 9 uses, would satisfy the wide-area wireless 10 communication protocol term in challenged claim 1? 11 A. I would have to look and see. I don't 12 recall that I was offering the opinion that 13 Mahany's disclosures would be sufficient to meet 14 that requirement of the claims. Where you are 15 reading from was in the background of Mahany. I 16 think I have not yet taken the position whether or 17 not that would be sufficient to meet that 18 particular limitation. I don't see that in the 19 declaration. 20 Q. Do you have an opinion on that sitting 21 here today? 22 A. I don't believe I have an opinion sitting

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93 1 here today. At least one that I recall with the 2 declaration mentions it. I would defer to what it 3 says, but I don't have Mahany well enough in mind 4 to say one way or another sitting here right now. 5 Q. Do you see where at the bottom of 121, top 6 of page 122 of your declaration where you say that 7 in access device 4655, that it has a first radio 8 and associated antenna that are used for 9 relatively lower power premises network 10 communication? 11 A. I see that. 12 Q. Would this be a wireless local area 13 network transceiver? 14 A. Similar to your last set of questions, I 15 don't think I've looked at Mahany to determine 16 whether or not these disclosures were sufficient 17 for the underlying portions of claim 1. I think I 18 relied on Palmer for that. Sitting here today, 19 whether or not it would be sufficient, it might 20 be. I'd probably have to look in more detail and 21 think about it. It's probably pretty close, at 22 least from the perspective of meeting the	95 1 A. I do. 2 Q. Does Mahany's Figure 48 depict two radios 3 in access server 4665? 4 MR. YAM: Objection, form. 5 BY MS. SPIRES: 6 Q. Strike that. 7 Does Mahany's Figure 48 depict two radios 8 in access server 4801? 9 A. You asked if it depicted two radios? 10 Q. Yes. 11 (Witness reviews document.) 12 A. It's got transceiver circuitry and 13 associated antenna that it's labeled as 4803 and 14 4805 for a first transceiver, and then 4807 and 15 4809. Whether or not those two components 16 respectively form a radio or not, I don't see 17 where there's any discussion of those being a 18 radio. I guess it depends on how you define what 19 a radio would be. 20 BY MS. SPIRES: 21 Q. Would a POSA interpret Figures 46b and 48 22 of Mahany and its related discussions that you've
94 1 requirements of the claims, but I'd have to go 2 through the requirements of the claims and sort of 3 do the mapping, not only with this disclosure of 4 Mahany, but with the rest of them. 5 Q. Do you agree that access server 4665 in 6 the truck has two radios? 7 MR. YAM: Objection, form. 8 A. I'd probably have to look into Mahany. I 9 don't see enough information here that I can say 10 with any confidence one way or another. 11 BY MS. SPIRES: 12 Q. In paragraph 181 you quote from Mahany 13 talking about access server 4665 having a second 14 higher power radio, and then in the next sentence 15 talking about a corresponding first radio. Do you 16 agree? 17 A. I see what it says. I don't know if that 18 second sentence is talking about as part of 4665. 19 I just don't remember the detail, so I would be 20 careful to double-check. 21 Q. In paragraph 182 you reproduce Mahany's 22 Figure 48, correct?	96 1 included in your declaration to mean that the 2 truck uses the LAN if it is close enough to 3 establish a LAN connection; otherwise it uses the 4 WAN connection? 5 MR. YAM: Objection, form. 6 A. I don't recall if that is an understanding 7 or the only understanding or a understanding a 8 person of skill in the art would have based on 9 reading Mahany. 10 BY MS. SPIRES: 11 Q. Do you recall one way or the other whether 12 this is an understanding that a POSA would have? 13 A. I don't recall. Sitting here right now, I 14 don't recall. 15 Q. Does Mahany describe that the WAN radio is 16 used instead of the LAN radio when the LAN radio 17 provides insufficient connectivity? 18 MR. YAM: Objection, form. 19 A. I don't recall. 20 BY MS. SPIRES: 21 Q. I'm going to have you look, if you go to 22 Mahany, column 3. Again, that's Exhibit 1006.

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97 1 A. Okay. I'm there. 2 Q. Okay. And I'm going -- I'm looking at 3 lines about 12 or so to 20 that starts: While 4 permitting such transmissions, wide-area networks. 5 Do you see that? 6 A. I see that. 7 Q. Could you just read from there to the end 8 of the paragraph, either out loud or to yourself. 9 (Witness reviews document.) 10 A. Okay. 11 BY MS. SPIRES: 12 Q. In your opinion, does Mahany's description 13 of wide-area networks in this passage apply to the 14 wide-area wireless communication protocol and the 15 devices implementing it of challenged claim 1? 16 MR. YAM: Objection, form. 17 A. Could you repeat the question? 18 BY MS. SPIRES: 19 Q. Sure. In this passage of Mahany, column 20 3, lines about 12 to 20, does this passage's 21 description of a wide-area network apply to the 22 wide-area wireless communications protocol and the	99 1 That's not necessarily true. Use a narrow 2 bandwidth. That's not necessarily true. And even 3 exhibit heavy communication traffic. That's 4 also -- I mean, whether it's often or not, 5 Mahany's a 1995 reference, I think. So even by 6 the time you get to whatever date you want to use 7 for the '794 patent, it would be years later. So 8 whether or not you have congestion -- or sorry. 9 Whether or not they have heavy communication 10 traffic would depend. Not always true. WANs 11 require relatively high transmission power. It's 12 not clear what it's relative to. It says it's a 13 negative factor, an ever-increasing need for power 14 savings associated with portable transceiving 15 devices. Also not necessarily true. As a result 16 WANs are generally slow and expensive. Not 17 necessarily true. And don't provide an effective 18 overall solution, not necessarily true. 19 Certainly I think by the time of the '794 20 patent -- and let me see. Assuming the earliest 21 priority date of 2001, there's certainly a lot 22 more protocols that work in the wide-area network
98 1 devices implementing it of challenged claim 1? 2 MR. YAM: Same objection. 3 A. It's unclear what you mean by "apply." 4 For example, whether or not you're suggesting that 5 claim 1 is trying to overcome the same limitations 6 as what you asked me to read from Mahany or that 7 claim 1 and the alleged invention that it 8 describes would be subject to the same 9 constraints. So I'm not sure exactly what you're 10 asking, if it's one of those two options or 11 something else altogether. 12 BY MS. SPIRES: 13 Q. Let's start with the second, whether the 14 wide-area wireless communication protocol and the 15 devices implementing it of the challenged claim 1 16 would be subject to the same constraints described 17 in column 3, lines 12 or so to 20 of Mahany's 18 description of a wide-area network. 19 A. So -- 20 MR. YAM: Objection, form. 21 A. -- Mahany says there wide-area networks 22 only provide point-to-point communications.	100 1 that don't have those kinds of constraints. As to 2 the -- tying those statements to the claims of the 3 '794 patent, I'm not sure what the question is 4 asking, then. 5 BY MS. SPIRES: 6 Q. I think you answered it. 7 A. Okay. 8 Q. Similar question with respect to Palmer. 9 Does Mahany's description of the limitations of 10 wide-area networks from column 3, lines 12 to 20, 11 apply to the wide-area wireless communications 12 protocol and devices implementing it that you cite 13 in Palmer? 14 MR. YAM: Objection, form. 15 A. Again, I'm not sure exactly what that 16 means. I mean, I understand the portion of Mahany 17 you're pointing to. The reality is I've relied on 18 Mahany to demonstrate that Palmer's architecture 19 has things like base stations in them and that the 20 kinds of monitoring contemplated by Mahany are 21 things that Palmer describes with respect to 22 monitoring but go into a bit more detail.

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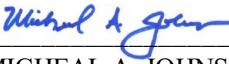
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101 1 So some of the aspects of what Mahany was 2 trying to solve at the time may or may not have 3 been true in the context of looking at Palmer, but 4 whether or not they were doesn't suggest a reason 5 that a person of skill in the art wouldn't combine 6 the references in the manner I have identified. 7 BY MS. SPIRES: 8 Q. Did you consider the constraints of 9 wide-area networks described in Mahany's column 3, 10 lines 12 to 20, when -- for planning on a 11 combination of Mahany and Palmer? 12 A. Certainly -- 13 MR. YAM: Objection, form. 14 THE WITNESS: Sorry. 15 A. Certainly I've considered Mahany and the 16 disclosures you have identified. They don't rise 17 to the level of suggesting or providing a 18 disincentive for a person of skill in the art to 19 look at aspects of Mahany that I've relied on. So 20 even to the extent that those were considerations 21 or concerns or challenges in Mahany, even assuming 22 those were true, it doesn't detract from a person	103 1 have relied on Mahany in the context of looking at 2 Hohnstein. 3 BY MS. SPIRES: 4 Q. And why is that? 5 A. Because I think similar to Palmer, 6 Hohnstein discloses the details of different kinds 7 of monitoring techniques and handover techniques, 8 and understanding the ways in which, in the 9 context of those networks, measurements can be 10 taken in the local area network. The constraints 11 that Mahany was trying to solve in the context of 12 its overall invention would not have led a person 13 of skill in the art to ignore the teachings of 14 Mahany as it relates to ways in which you can do 15 measurements in local area networks. 16 Q. During any break today, did you talk to 17 your counsel about the substance of your 18 testimony? 19 A. No communication with counsel at all. 20 MS. SPIRES: Thank you so much for your 21 time, Dr. Almeroth. I do not have any additional 22 questions.
102 1 of skill in the art relying on the kinds of 2 monitoring, for example, that are disclosed in 3 Mahany as additional detail to what's described in 4 Palmer. 5 BY MS. SPIRES: 6 Q. Are the constraints of a wireless -- 7 wide -- strike that. 8 Are the constraints of wide-area networks 9 described in Mahany's column 3, lines 12 to 20, 10 applicable to the wide-area wireless 11 communications protocol and the devices 12 implementing it that you cite in Hohnstein? 13 MR. YAM: Objection, form. 14 A. You used that same word, "applicable." I 15 struggle to understand what that means. Again, 16 I'm not really sure what that means. I don't 17 think that the same kinds of technical limitations 18 that existed in 1995 that Mahany is describing 19 would have existed by 2001. And even assuming 20 that there were limitations for what you could do 21 with a wide-area network, it doesn't affect the 22 way I believe a person of skill in the art would	104 1 MR. YAM: I do not have any redirect. 2 Thank you. 3 THE REPORTER: We off? 4 MS. SPIRES: We are. 5 (Deposition concluded at 10:34 a.m.) 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22

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105 1 CERTIFICATE OF SHORTHAND REPORTER 2 3 I, Micheal A. Johnson, Certified Reporter 4 and Notary Public within and for the State of 5 Texas do hereby certify: 6 That KEVIN ALMEROTH, Ph.D., with witness 7 whose deposition is hereinbefore set forth, was 8 duly sworn by me before the commencement of such 9 deposition and that such deposition was taken 10 before me and is a true record of the testimony 11 given by such witness. 12 I further certify that the adverse party, 13 Petitioner, was represented by counsel at the 14 deposition. 15 I further certify that the deposition of 16 KEVIN ALMEROTH, Ph.D. occurred remotely via Zoom 17 on Friday, April 12, 2024, commencing at 7:31 a.m. 18 to 10:34 a.m. 19 I further certify that I am not related to 20 any of the parties to this action by blood or 21 marriage, I am not employed by or an attorney to 22 any of the parties to this action, and that I am	
106 1 in no way interested, financially or otherwise, in 2 the outcome of this matter. 3 IN WITNESS WHEREOF, I have hereunto set my 4 hand this 15th day of April, 2024. 5 6 7  8 MICHEAL A. JOHNSON, RDR, CRR 9 NOTARY PUBLIC IN AND FOR 10 THE STATE OF TEXAS 11 12 13 14 15 16 17 18 19 20 21 22	

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Transcript of Kevin Almeroth, Ph.D.
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