

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

3 Verizon Connect Inc.,

4 Petitioner,

5 v.

6 Omega Patents, LLC,

7 Patent Owner.

8  
9 IPR2023-01162

10 Patent No.: 8,032,278 B2  
11

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13  
14 VIRTUAL VIDEOCONFERENCE VIDEO-RECORDED DEPOSITION OF  
15 JOSEPH C. MCALEXANDER, III, P.E.

16 TUESDAY, JULY 23, 2024

17 Remotely testifying from Anna, Texas  
18

19 Stenographically Reported by Ashala Tylor, CRR, RPR  
20 California CSR 2436, Oregon CSR 22-0118,  
21 Washington CSR 23032768  
22

23 JOB NO. 6787871  
24

25 PAGES 1 - 62

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10 Patent No.: 8,032,278 B2  
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16 Remote videotaped deposition of JOSEPH C.  
17 MCALEXANDER, III, P.E., taken via virtual Zoom,  
18 commencing at 10:06 a.m. (CDT) and ending at 12:16  
19 p.m., on Tuesday, July 23, 2024, before Ashala Tylor,  
20 Certified Shorthand Reporter.  
21  
22  
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25

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18  
19       Also Present:

20                   Chris Regan  
21                   Dave Carus  
22                   Jill Warren, Videographer

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I N D E X

| WITNESS                          | EXAMINATION BY | PAGE |
|----------------------------------|----------------|------|
| JOSEPH C. MCALEXANDER, III, P.E. | Mr. Puri       | 8    |

E X H I B I T S

| NO.       | DESCRIPTION                                                       | PAGE |
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| Exhibit 1 | Notice of Deposition of Joseph C. McAlexander, III                | 10   |
| Exhibit 2 | Deposition Transcript of Joseph C. McAlexander, III, P.E., 1-5-24 | 15   |
| Exhibit 3 | Errata Sheet from Joseph C. McAlexander, III Deposition           | 15   |
| Exhibit 4 | Declaration of Joseph C. McAlexander, III                         | 16   |

|    |                             |                                       |      |
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| 1  | E X H I B I T S (continued) |                                       |      |
| 2  | NO.                         | DESCRIPTION                           | PAGE |
| 3  | Exhibit 5                   |                                       | 17   |
| 4  |                             | Supplemental Declaration of           |      |
| 5  |                             | Joseph C. McAlexander, III            |      |
| 6  |                             |                                       |      |
| 7  | Exhibit 6                   |                                       | 21   |
| 8  |                             | Deposition of Gallin Chen             |      |
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| 13 | Exhibit 8                   |                                       | 29   |
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| 15 |                             |                                       |      |
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| 18 |                             |                                       |      |
| 19 | Exhibit 10                  |                                       | 46   |
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| 21 |                             |                                       |      |
| 22 | Exhibit 11                  |                                       | 54   |
| 23 |                             | Declaration of Joseph C. McAlexander, |      |
| 24 |                             | III, 90/013,851                       |      |
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E X H I B I T S (continued)

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|            |  |    |
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| Exhibit 12 |  | 55 |
|------------|--|----|

|                                                          |
|----------------------------------------------------------|
| Declaration of Joseph C. McAlexander,<br>III, 90/014,675 |
|----------------------------------------------------------|

QUESTIONS INSTRUCTED NOT TO ANSWER

(None.)

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Tuesday, July 23, 2024

10:06 a.m. (CDT)

--o0o--

THE VIDEOGRAPHER: Good morning. 10:05

We are on the record at 10:06 a.m. Central  
Time on Tuesday, July 23, 2024.

Please note this deposition is being  
conduct remotely using virtual technology. Quality  
of recording depends on the participants' quality of 10:06  
equipment and internet connections. The deponent  
and what is heard on screen will be recorded. Audio  
and video recording will continue to take place  
until all parties agree to go off the record.

This is the beginning of media number 1 of 10:06  
the video-recorded deposition of Joseph McAlexander  
taken by counsel for petitioner in the matter of  
Verizon Connect, Inc., Petitioner, versus Omega  
Patents, LLC, Patent Owner, filed in the  
United States Patent and Trademark Office before the 10:06  
Patent Trial and Appeal Board. IPR2023-01162,  
Patent No. 8,032,278 B2.

My name is Jill Warren and I am the  
videographer. The court reporter is Ashala Tylor.  
We are representing Veritext Legal Solutions. 10:07

1                   If there are any objections to proceeding,                   10:07  
2                   please state them at the time of your appearance.  
3                   Beginning with the noticing attorney, please state  
4                   your appearance.

5                   MR. PURI: Good morning. This is Ashe                   10:07  
6                   Puri. I represent the petitioner, Verizon Connect,  
7                   here.

8                   MR. SANTURRI: This is Ryan Santurri. I  
9                   represent the patent owner, Omega Patents, LLC.

10                  Also attending on behalf the patent owner                   10:07  
11                  are Chris Regan and Dave Carus.

12                  THE VIDEOGRAPHER: Thank you.

13                  The court reporter will administer the  
14                  oath and counsel may proceed.

15                  JOSEPH C. MCALEXANDER, III                   10:08  
16                  being first duly sworn or affirmed to testify  
17                  to the truth, the whole truth, and nothing but  
18                  the truth, was examined and testified as follows:

19                  EXAMINATION

20                  BY MR. PURI:                   10:08

21                  Q. Good morning, Mr. McAlexander. My name is  
22                  Ashe Puri. As I mentioned, I'm an attorney for the  
23                  petitioner, Verizon.

24                  You understand that you're testifying  
25                  under oath and as if you are testifying in a court                   10:08

Page 8

1 of law; is that correct? 10:08

2 A. Yes, I have that understanding.

3 Q. Okay. And are you being represented today

4 by Omega Patents' counsel?

5 A. That is correct. 10:08

6 Q. Okay. I'll be asking you a series of

7 questions. Since there is no judge here, if your

8 counsel objects to a question, you will still need

9 to provide an answer unless he instructs you not to

10 answer and you decide to follow that instruction. 10:08

11 Do you understand?

12 A. Yes.

13 Q. Is there any reason you cannot testify

14 fully and accurately today?

15 A. No, no reason. 10:08

16 Q. Okay. To help the court reporter and

17 videographer, I ask that you please wait until I

18 finish with my question and your counsel finishes

19 any objections before you respond so we don't talk

20 over each other. Do you understand? 10:09

21 A. Yes.

22 Q. And as you likely understand, you'll need

23 to answer verbally, since the transcript won't pick

24 up any head gestures. Do you understand?

25 A. Yes, I do. 10:09

1 Q. You understand that unless you're 10:09  
2 instructed not to answer, you'll still need to  
3 answer the question after the objection, correct?  
4 A. Yes, I have that understanding.  
5 Q. And if you don't understand my questions, 10:09  
6 please feel free to ask me for clarification. Does  
7 that make sense?  
8 A. Certainly.  
9 Q. I will be referring to exhibits in this  
10 matter, and we're going to be publishing the 10:09  
11 exhibits electronically on -- I'm sorry -- on  
12 Exhibit Share. Is that okay with you?  
13 A. Yes. And if it's permitted when they are  
14 shared, I will probably, with your permission,  
15 download them so I can look at them locally. 10:10  
16 Q. Okay. So you have Exhibit Share open on  
17 the computer in front of you, correct?  
18 A. That is correct.  
19 Q. Okay. I'm going to start off by  
20 publishing your notice of deposition. If you can 10:10  
21 just give me a second so I can set this up.  
22 (Exhibit 1 was marked for  
23 identification and attached  
24 hereto.)  
25 BY MR. PURI: 10:12

1 Q. Please let me know when you see the 10:12  
2 exhibit.  
3 A. I see the exhibit.  
4 Q. Okay. Have you seen this --  
5 MR. PURI: And this exhibit, which is 10:12  
6 marked as Exhibit 1, refers to a Notice of  
7 Deposition of Joseph C. McAlexander, III, for the  
8 record.  
9 THE WITNESS: Yes.  
10 BY MR. PURI: 10:12  
11 Q. Have you seen this notice of deposition  
12 before?  
13 A. Yes, I have.  
14 Q. And do you understand that you are  
15 appearing today for a deposition pursuant to this 10:12  
16 notice?  
17 A. That is my understanding, yes.  
18 Q. Okay.  
19 MR. PURI: Let me just ask the court  
20 reporter for a second, the exhibit tag, is it 10:12  
21 showing up on this particular notice?  
22 THE REPORTER: No, it is not.  
23 MR. PURI: Now is it?  
24 THE REPORTER: Yes.  
25 BY MR. PURI: 10:13

1 Q. Okay. Thank you, Mr. McAlexander. 10:13  
2 Do you understand that in IPR depositions,  
3 once my examination has commenced and until we  
4 finish the examination, you are not permitted to  
5 consult or confer with your counsel regarding the 10:13  
6 substance of your testimony already given or  
7 anticipated to be given, except for the purpose of  
8 conferring on whether to assert a privilege against  
9 testifying or on how to comply with a board order or  
10 how any question should be answered? 10:13  
11 Do you understand that?  
12 A. Yes, I do.  
13 Q. Okay. And you understand that this  
14 restriction applies during any breaks, correct?  
15 A. Yes, I have that understanding. 10:14  
16 Q. Okay. When did you receive this notice of  
17 deposition?  
18 A. As I recall, certainly over the weekend,  
19 maybe a little bit earlier than that.  
20 Q. And when you say "over the weekend," 10:14  
21 you're referring to this past weekend?  
22 A. Yes, sir.  
23 Q. What have you done to prepare for this  
24 deposition?  
25 A. I have -- I've spent time looking at the 10:14

1 '278 Patent at issue in this matter. I've looked 10:14  
2 at, reviewed my -- my declarations, including my  
3 supplemental declaration. I've looked at the art  
4 that has been cited.

5 I reviewed the decision made by the PTAB, 10:15  
6 as well as the patent owner's initial petition. And  
7 I have reviewed some of the declarations,  
8 declaration of Mr. Eskandarian, if I pronounced his  
9 name correctly, I hope, and several other -- I've  
10 also reviewed my previous depositions in this type 10:15  
11 of matter, such as the one with Geotab.

12 Q. Okay. And just to clarify a few items,  
13 you said you reviewed the PTAB decision. Are you  
14 referring to the board's decision in the Geotab IPR  
15 proceeding? 10:15

16 A. Yes. And I also reviewed the decision by  
17 the PTAB institute of this particular matter.

18 Q. And when you said you also reviewed  
19 previous depositions in Geotab, you are again  
20 referring to the Geotab IPR proceeding where you 10:16  
21 were deposed?

22 A. Yes, that's correct.

23 Q. So in this particular proceeding that  
24 Verizon has initiated, you submitted a declaration  
25 and a supplemental declaration, correct? 10:16

|   |                          |       |
|---|--------------------------|-------|
| 1 | A. Yes, that is correct. | 10:16 |
|---|--------------------------|-------|

2 Q. And how much time approximately did you  
3 spend preparing those declarations?

4      A.    Give or take, maybe about 20 hours total.

5 Q. And have you had any meetings with your 10:17  
6 counsel in preparation for today's deposition?

7           A.    A brief meeting for less than an hour  
8    yesterday.

9 Q. And was that the only meeting you had with  
10 counsel? 10:17

|    |         |
|----|---------|
| 11 | A. Yes. |
|----|---------|

12 Q. So I just want to go back to the Geotab  
13 proceeding. So we understand you were an expert for  
14 Omega Patents in the IPR proceeding that Geotab had  
15 filed involving U.S. Patent Number 8,032,278. And 10:17  
16 the petitioners in that proceeding are Geotab USA,  
17 Inc. and Geotab, Inc.; is that correct?

|    |                     |
|----|---------------------|
| 18 | A. That is correct. |
|----|---------------------|

19 Q. And you indicated you were deposed in that  
20 proceeding, correct? 10:18

|    |         |
|----|---------|
| 21 | A. Yes. |
|----|---------|

22 MR. PURI: Okay. I would like to  
23 introduce as Exhibit 2 the deposition transcript of  
24 Mr. McAlexander.

1 (Exhibit 2 was marked for 10:18  
2 identification and attached  
3 hereto.)

4 BY MR. PURI:

5 Q. So rather than me, you know, repeating or 10:18  
6 overlapping with some of the questions that Geotab  
7 may have asked you in that proceeding, I'm going to  
8 introduce to you this transcript and ask that you  
9 verify that this is a true and correct copy of your  
10 transcript from that particular proceeding. So if 10:19  
11 you could please take a look at what I just  
12 uploaded.

13 MR. PURI: And I'm also going to upload an  
14 errata as Exhibit 3.

15 (Exhibit 3 was marked for 10:19  
16 identification and attached  
17 hereto.)

18 THE WITNESS: As to your first question,  
19 this appears to be a complete copy of that  
20 deposition in the Geotab matter that you've listed 10:20  
21 as Exhibit 2.

22 BY MR. PURI:

23 Q. Thank you. And was your testimony  
24 truthful and accurate?

25 A. Yes. And that includes with the errata. 10:20

1                   And I'm just now reviewing the errata, and                   10:20  
2                   that appears to be a correct copy of the errata that  
3                   I submitted in that matter.

4                   Q.     Thank you.

5                   MR. PURI: I'm now going to introduce a                   10:21  
6                   copy of the declaration that you submitted in the  
7                   Verizon IPR proceeding.

8                                   (Exhibit 4 was marked for  
9                                   identification and attached  
10                                  hereto.)                                  10:21

11                  BY MR. PURI:

12                  Q.     I would like for you to take a look at  
13                  that and also let me know if this is a true and  
14                  accurate copy of the declaration you submitted in  
15                  the Verizon IPR proceeding.                                  10:22

16                  A.     Yes, Exhibit 4 is a copy of the  
17                  declaration that I submitted in this IPR.

18                  Q.     Thank you. And is that your signature on  
19                  the last page?

20                  A.     That is my signature on the last page                   10:23  
21                  dated the 8th of December 2023.

22                  Q.     I'm going to introduce one more exhibit  
23                  right now, which is your supplemental declaration.  
24                  If you could also similarly verify that this is  
25                  your -- the supplemental declaration that you                   10:23

1 submitted. 10:23

2 (Exhibit 5 was marked for

3 identification and attached

4 hereto.)

5 THE WITNESS: Yes, Exhibit 5 is a copy of 10:24

6 my supplemental declaration.

7 BY MR. PURI:

8 Q. And similarly, is that your signature on

9 the last page?

10 A. Yes, dated the 14th day of May 2024. 10:24

11 Q. Do these declarations include all the

12 opinions you intend to offer?

13 A. Other than answering your questions, yes.

14 Q. Okay. I'd like to turn to your original

15 declaration that you submitted, Exhibit 4. 10:24

16 A. Okay.

17 Q. And if you could turn to paragraph 35.

18 Let me know when you're at that.

19 A. All right, I'm at paragraph 35.

20 Q. Okay. In paragraph 35, you say that: 10:25

21 (As read):

22 "Flick561 is the same art that has

23 been considered many times by

24 examiners, juries and judges alike.

25 This is the same art that has been of 10:25

1 record since the filing of the 10:25  
2 '278 Patent."  
3 When you say "of record," what do you  
4 mean?  
5 A. That means that if you go back and look at 10:25  
6 the references cited, the documents that are listed  
7 in the patent prosecution, that's what I mean by  
8 being "of record."  
9 Q. And when you say this is the same art, are  
10 you saying that the -- has the '561 ever been cited 10:25  
11 as prior art?  
12 A. I don't have in front of me all of the  
13 parent history of the patents, each one of the  
14 patents. So as I sit here, I can't -- I can't  
15 respond to that. I'd have to go back and look at 10:27  
16 each one of these to see where it would have been  
17 cited.  
18 Q. So to be clear, I'm not referring to  
19 whether the '561 was submitted or cited as prior art  
20 in any of the parents. My question was, was the 10:27  
21 '561 Patent ever cited as prior art in the  
22 '278 Patent preceding prosecution?  
23 A. Well, if I look at just the '278 itself, I  
24 do not see it in the references cited that are  
25 listed on the face and second page of the '278. 10:28

1 That's what I have in front of me at the moment. 10:28

2 Q. So is it fair to say the examiner did not

3 consider the '561 Patent as prior art?

4 A. Well, I'm just looking at '278. I see the

5 6,606,561 identified in the related applications in 10:29

6 column 1 on the '278 Patent. It says:

7 (As read):

8 "The present application is a CIP of

9 the '597, which is a continuation of

10 the '623 Patent, which is a 10:29

11 continuation of the '561 Patent."

12 So yes, it is referenced.

13 Q. So to be clear, it's referenced in the

14 related applications, correct?

15 A. Right. So therefore it's identified in 10:29

16 the '278 Patent.

17 Q. Is it identified as a prior art reference?

18 A. Well, it's identified as a reference. And

19 it's impossible to put a -- I'm not aware of any way

20 you can put a patent number in a particular patent 10:29

21 filing if it did not already preexist. By

22 definition it's art that preexisted.

23 Q. So just to be clear, you're pointing to

24 the reference of the '561 in the related

25 applications, correct? 10:30

1           A.    It's -- it's identified by the '278 Patent           10:30  
2    in the related applications, correct.

3           Q.    Thank you.

4                    So turning to paragraph 38 of your  
5    declaration. You say that:                                   10:30  
6                    (As read):

7                            "I understand that evidence of  
8                            secondary consideration weighs  
9                            heavily in favor of patentability,  
10                           and that petitioner's                                   10:30  
11                           characterization of the patent  
12                           owner's evidence of secondary  
13                           considerations of non-obviousness as  
14                           'inadequate' is flawed for the  
15                           reasons discussed therein {sic}."                   10:31  
16                   Do you see that?

17           A.    Yes, except the word is "reasons discussed  
18    herein," not "therein."

19           Q.    "Herein," apologies.

20                   And you cite to Gallin Chen's testimony in           10:31  
21    the following paragraph 39 by docket entry number  
22    297-1. Do you see that?

23           A.    Yes, I do.

24           Q.    Okay.

25                   MR. PURI: I'd like to introduce the                   10:31

1 transcript of Gallin Chen. 10:31  
2 (Exhibit 6 was marked for  
3 identification and attached  
4 hereto.)  
5 MR. PURI: I've marked it as Exhibit 6. 10:32  
6 Q. And specifically I'd like you to turn to  
7 page 26, lines 11 through 20, which is referenced in  
8 your declaration.  
9 A. Give me a second. This is one I am going  
10 to download because of the size of it. 10:33  
11 Q. Okay.  
12 A. All right. You want me to turn to which  
13 page?  
14 Q. In your declaration, paragraph 39, you  
15 cite to -- you cite to page 26, lines 11 through 20. 10:33  
16 If you could review that.  
17 In paragraph 39 you say:  
18 (As read):  
19 "Relevant here is that significant  
20 parts of this evidence of secondary 10:34  
21 considerations was elicited from an  
22 infringer's employees in litigation  
23 involving the '278 Patent who  
24 described the '278 Patent as  
25 providing important features sought 10:34

1 by its customers and increasing the 10:34  
2 value of their product - technology  
3 they could not design around."

4 Q. So as to that statement, what are the  
5 features discussed in this passage 26, 11 through 10:34  
6 20, that you are referring to as the evidence of  
7 secondary considerations?

8 A. Okay. Let me read this, please.

9 Q. Let me know when you've read it.

10 A. Sure. 10:38

11 This passage that I've identified here is  
12 one of several that I have looked at. I think I  
13 quoted from two other employees at CalAmp as well.

14 This one is highlighting the basic pricing  
15 that was done for the product. It's showing that -- 10:39  
16 that this product, which is defined as the LMU-3000,  
17 is one of which they -- once they put in place the  
18 embedded software that was proprietary, that they  
19 did -- that they did not have the ability to change  
20 it. And so they had to employ it the way it was. 10:40

21 And that was based upon written agreements  
22 between CalAmp and BB -- B&B, which were the owners,  
23 proud equity stake owners.

24 Q. You're talking about B&B?

25 A. Yes, B&B. And that's a stakeholder. 10:40

|   |                                                      |       |
|---|------------------------------------------------------|-------|
| 1 | And then when I look at that in light of             | 10:40 |
| 2 | Allan {sic} Hergesheimer's testimony as well, that   |       |
| 3 | just corroborates the fact that this was a product   |       |
| 4 | that was designed specifically for the market. And   |       |
| 5 | as testified by Hergesheimer, this is a product that | 10:40 |
| 6 | would have had limited value that wasn't for this    |       |
| 7 | multi-vehicle compatibility.                         |       |

8 And that I explored at paragraph 88 on  
9 page 39 of my report, of my declaration.

|    |               |       |
|----|---------------|-------|
| 10 | Q. Thank you. | 10:41 |
|----|---------------|-------|

|    |                    |
|----|--------------------|
| 11 | A. You're welcome. |
|----|--------------------|

12 Q. And did you consider how much revenue this  
13 particular product generated for CalAmp?

14           A. At one time years ago, yes. I don't  
15 recall the number now. 10:41

16 Q. So in your declaration, you haven't  
17 considered how much revenue this particular product  
18 generated for CalAmp; is that correct?

19 A. I in part relied on Tregillis' evaluation  
20 during the case in his testimony. And I know that 10:42  
21 as a part of the damage expert on the case, he made  
22 those considerations. So to the extent I relied on  
23 it, yes, based upon his evaluation.

|    |                                                   |       |
|----|---------------------------------------------------|-------|
| 24 | Q. Have you reviewed Tregillis' declaration       |       |
| 25 | that was submitted in the Verizon IPR proceeding? | 10:42 |



1 about how the witness's testimony corroborates the 10:44  
2 fact that this product was designed specifically for  
3 the market. What market are you referring to?

4 A. Well, in part the market is -- it has  
5 evolved into a more widespread market. But 10:44  
6 specifically, the market there was specifically  
7 designed to was allow -- allowing distributors of  
8 these products, third-party products -- "aftermarket  
9 products" is another name for it. It allowed the  
10 aftermarket companies to basically control better 10:45  
11 their inventory because the SKU, they could use a  
12 common SKU number to -- for their products, and  
13 basically be able to install them in any one of a  
14 number of different vehicles based on the  
15 manufacturers' differentiations, the feature 10:45  
16 differentiations, the model differentiations.

17 So it allowed them, because it's a  
18 multi-vehicle type of product, they can then take  
19 the same product off the shelf and instantiate that  
20 in any of a number of different vehicles. 10:45

21 And this has gone into where it has  
22 allowed the manufacturers to also have something  
23 similar to that because they can reduce the number  
24 of SKU numbers that they have to coordinate in  
25 inventory. So it goes into both markets. 10:46

1 Q. Okay. So I think my question may have 10:46  
2 been slightly different, but let me -- let me ask  
3 you this way. When you were considering evidence of  
4 secondary considerations, did you ever consider the  
5 relevant market in which the patented technology is 10:46  
6 sold in?

7 A. I believe I had in part answered that  
8 question with my previous answer. We're talking  
9 about in the automotive market. And that can be in  
10 land-based vehicles specifically. It can go beyond 10:46  
11 that.

12 But the markets would involve the standard  
13 commercial products that go into individuals, fleets  
14 for companies. It can be heavy equipment as well.  
15 All of those markets were available for the 10:47  
16 implementation of a standard product that can be  
17 programmed and arranged according to the particular  
18 vehicle and model.

19 MR. PURI: So let me introduce  
20 Exhibit 2011 from your declaration. This is the 10:48  
21 deposition of Peter Hergesheimer.

22 (Exhibit 7 was marked for  
23 identification and attached  
24 hereto.)

25 BY MR. PURI: 10:48

1 Q. This is Exhibit 7? 10:48  
2 A. Correct.  
3 Q. I'd like to turn your attention to  
4 page 46, line 25, through page 47, line 19, which  
5 was you cited in your declaration. 10:48  
6 A. All right. I have it downloaded. Which  
7 page again?  
8 Q. Page 46 starting at line 25, and ending at  
9 page 47 through 19.  
10 Please let me know when you have a chance 10:50  
11 to review that.  
12 A. Okay.  
13 All right. I have read that.  
14 And by the way, I just noticed in my  
15 declaration at paragraph 88 where I addressed 10:50  
16 Hergesheimer, I wrote "46:25 through 47:169." That  
17 should be "19."  
18 Q. Okay.  
19 A. Okay. I read it.  
20 Q. Can you explain for this particular 10:51  
21 passage, what you're relying on here as evidence of  
22 secondary considerations?  
23 A. Here Hergesheimer is discussing the fact  
24 that there were certain design options that they  
25 began considering in terms of avoiding infringement. 10:51

Page 27

1 They looked at various ones, but they chose not to 10:51  
2 provide any effort at all in terms of coming up with  
3 something to implement that would avoid it because  
4 in his last statement paragraph on page 45, line 18  
5 to 19, he concludes this by saying: 10:51

|   |            |
|---|------------|
| 6 | (As read): |
|---|------------|

7 "I don't think we came up with any  
8 alternate -- alternative designs."

|    |                                   |       |
|----|-----------------------------------|-------|
| 9  | So that was -- that's kind of the |       |
| 10 | conclusion of his statement.      | 10:52 |

11 Q. And he also testified here:

|    |            |
|----|------------|
| 12 | (As read): |
|----|------------|

|    |                                   |       |
|----|-----------------------------------|-------|
| 13 | "Do you know whether the LMU-3000 |       |
| 14 | would have any value if it didn't |       |
| 15 | work on multiple vehicles?        | 10:52 |

|    |                                  |
|----|----------------------------------|
| 16 | "It would have a limited value." |
|----|----------------------------------|

|    |             |
|----|-------------|
| 17 | Q. Correct? |
|----|-------------|

18           A.   That is correct.  I stated that in my  
19   report, in my declaration.

|    |                                     |       |
|----|-------------------------------------|-------|
| 20 | Q. As further evidence of secondary | 10:52 |
| 21 | considerations?                     |       |

A. Yes. Design alternatives were considered,  
but they could not find -- determine any that they  
felt would operate and meet what they needed to do,  
and that the product allowing the multi-vehicle

10:52

1 compatibility is something that was highly valuable, 10:52  
2 and it would have limited value if they did not  
3 provide that aspect.

4 Q. Thank you.

5 MR. PURI: Okay. I'd like to introduce 10:53  
6 Exhibit 2012 {sic}. This is the deposition of  
7 Stephen Hall.

8 (Exhibit 8 was marked for  
9 identification and attached  
10 hereto.) 10:53

11 BY MR. PURI:

12 Q. Let me know when you have the -- have it  
13 open.

14 A. Okay. Exhibit 2012, and that is  
15 Exhibit 8. 10:55

16 Okay. I have it open.

17 Q. Okay. Great. Can you turn to page 102,  
18 starting at line 16, and continuing to 103 --  
19 page 103, line 13.

20 Let me know when you have that. 10:55

21 A. I've just opened it up.

22 I'm looking at it now.

23 Q. And this particular passage you also cite  
24 to as evidence of secondary considerations in your  
25 declaration. 10:56

1                   And so in this particular passage it says:                   10:56  
2                   (As read):  
3                   "It is an important feature to have a  
4                   device like the LMU-3000 or 3030 is  
5                   the ability to automatically detect                   10:56  
6                   what type of protocol and vehicle  
7                   it's installed in."  
8           Q.    That relates to the multi-vehicle  
9   compatibility, correct?  
10          A.   Yes, sir, it does.                                           10:56  
11          Q.   And you're relying on that, those  
12   features, as evidence of secondary consideration?  
13          A.   Yes, it's one of the areas that I relied  
14   on, yes.  
15          Q.   Can you turn to page 155, lines 4 through                   10:57  
16   13.  
17          A.   One moment, please. This is Exhibit 8  
18   again? Which page, please?  
19          Q.   Page 155 --  
20          A.   Thank you.                                                   10:58  
21          Q.   -- of Mr. Hall's transcript.  
22          A.   Okay. I have page 155 up.  
23          Q.   Okay. So in this particular passage, you  
24   talk about -- I'm sorry, Mr. Hall discusses the  
25   LMU-3050. And he goes on to say that:                                   10:58

Page 30

1 (As read): 10:58

2 "It's a branded European version of

3 the 3030, but it's essentially the

4 same product."

5 Q. What is the significance of this to the 10:58

6 secondary considerations of the '278 Patent?

7 A. It just continued. It basically just

8 describes the fact that there are different models,

9 or versions if you will, revisions of products, and

10 just identifies different versions, but they are 10:59

11 base -- but they still have the same predicate in

12 terms of the way they operate and the instantiation

13 of the multi-vehicle type of coding.

14 Q. Okay. Thank you.

15 I'd like to turn back to your 10:59

16 declaration -- your original declaration, not

17 supplemental -- and specifically to paragraph 66.

18 Let me know when you have that up.

19 A. Okay.

20 All right. I have paragraph 56 up. 11:00

21 Q. 66, two 6s.

22 A. Oh, excuse me, 66.

23 Q. So I'll read this for the record.

24 You say that:

25 (As read): 11:00

1                   "Petitioner also contends that a                   11:00  
2                   POSA" -- person of skill in the art,  
3                   the abbreviation you've used --  
4                   "would add the vehicle tracker from  
5                   Flick561 because an objective of                   11:00  
6                   Flick885 is to add devices to an  
7                   existing system, such as, for  
8                   example, a vehicle security system."  
9                   You cite to Petition, page 22.  
10                  And then you go on to say that:                   11:01  
11                  (As read):  
12                   "However, a POSA at the time viewed  
13                   vehicle security and vehicle tracking  
14                   as two different problems, as  
15                   described in Flick885 and Flick561."               11:01  
16                  You then further state that:  
17                  (As read):  
18                   "Vehicle tracking in the technology  
19                   development world occurred later in  
20                   time and involved reporting                   11:01  
21                   geographic location of a vehicle to a  
22                   separate monitoring station or  
23                   device. Only through impermissible  
24                   hindsight would one suggest combining  
25                   these patents."                   11:01

1 Q. Do you see that? 11:01  
2 A. Yes, I do.  
3 Q. Okay. I'd like to break that down a  
4 little bit.  
5 So first question, what do you mean by 11:01  
6 "technology development world"?  
7 A. Well, I'm referring here to -- again, the  
8 broad category of vehicle tracking and GPS  
9 technology had its genesis back in the late '90s,  
10 early 2000 time frame. By the time it got up into 11:03  
11 tracking vehicles for the purpose of security,  
12 it's -- it's really coming later in time in terms of  
13 actually implementation.  
14 I was -- I was working with fleet -- fleet  
15 trucks for GPS tracking circa 2004-2005 time frame, 11:03  
16 and they were just then considering putting that  
17 type of thing in place. So I'm looking at that  
18 development world in terms of instantiation in  
19 vehicles.  
20 Q. In terms of what was the word you used? 11:03  
21 Ins-?  
22 A. Instantiation. Implementation in the  
23 vehicle.  
24 Q. So when you say "later in time," what  
25 actual time frame are you referring to? The 11:04

1 2004-2005 time frame where tracking vehicles was 11:04  
2 being implemented for security?

3 A. Yes. Because you see with the '885, we're  
4 talking 2004, 2005, 2003, I think, maybe for the  
5 '561. But we're basically in that time frame. 11:04

6 And as I said, when I started working with  
7 some of the fleet industry, they were just  
8 considering how to put this in place and looking at  
9 different options around that time. But the actual  
10 implementation did not occur until later. 11:04

11 Q. When you say "later," what time frame did  
12 it occur?

13 A. Well, it began -- I was working on it. It  
14 began probably around 2006-2007 time frame, began in  
15 terms of tracking. But even in the ones that I was 11:05  
16 working with, as I stated here in paragraph 66, that  
17 involved reporting to some separate monitoring  
18 station or device.

19 And at that time, even when I was working  
20 with that in terms of tracking, the focus -- the 11:05  
21 organizations I was working with, there was a  
22 differentiation between tracking and security. They  
23 would look at how do I secure the vehicle while it  
24 is in place. And the tracking was more for  
25 dispatchers wanting to ensure that they knew where 11:05

1 the vehicles were so that they could respond in 11:05  
2 terms of some emergency condition. But that was  
3 different than security.

4 Q. What do you consider to be security then?

5 A. Well, at that time, as I said, the 11:05  
6 security was how to secure the vehicle or the cargo  
7 while it's in place and in a particular location  
8 involving different types of cameras and sensors and  
9 that type of thing, proximity detectors.

10 Different than while something is on the 11:06  
11 move, just being able to make sure that you had a  
12 location to it. They were just viewed as separate  
13 ideas, separate concepts.

14 Q. Just to be clear, when you say, "Vehicle  
15 tracking in the technology development world 11:06  
16 occurred later in time and involved reporting  
17 geographic location of a vehicle to a separate  
18 monitoring station or device," what specific time  
19 are you referring to?

20 A. I believe I answered that in the previous 11:06  
21 answer, that sometime in the 2006-'07 time frame I  
22 began in terms of that level of fleet tracking, as I  
23 recall.

24 Q. And are you basing that on your own  
25 personal experience or, you know, what was known in 11:07

1 the industry at that time? 11:07

2 A. Well, it's -- I don't have recollection of

3 everything I looked at in the past three or four

4 years, but I do recall, in preparation for the

5 trials, reviewing certain documents. But it's also 11:07

6 based on my experience.

7 Q. Do you recall what documents you reviewed?

8 A. I'd have to go back. They would be part

9 of the trial.

10 Q. So I'd like to -- can you turn to 11:07

11 paragraph 12 of your supplemental declaration?

12 A. Just so it's clear, I did print out a hard

13 copy of the declaration, so I've got that in front

14 of me as well.

15 Q. Okay. Great. If you could turn to 11:08

16 paragraph 12. Let me just pull that up, too.

17 So you state in the first sentence of

18 paragraph 12 that:

19 (As read):

20 "At the time of the invention of the 11:08

21 '278, GPS in vehicles was relatively

22 new."

23 Q. So if I understood you correctly just a

24 short time ago, you were saying -- referring to the

25 broad category of vehicle tracking and GPS 11:09

1 technology had its genesis in late '90s, correct? 11:09

2 A. The statement was GPS, in terms of being

3 able to monitor through satellites, was in the late

4 '90s, early 2000s, is what I stated. But I said in

5 terms of the actual implementation, it was new 11:09

6 sometime around circa 2006 or 2007, which is

7 consistent with paragraph 12 of the supplemental

8 declaration.

9 Q. Well, to be clear, I think you were

10 referring to it in the context of security. Are you 11:09

11 also saying that GPS, as a general matter in

12 vehicles, was also not implemented until the 2006

13 through 2007 time frame?

14 A. My statement is that it was relatively

15 new, which -- which was GPS as well as 11:10

16 multi-vehicle. '278, of course, provides a

17 combination of those together.

18 But yes, if you look at the -- the -- even

19 the cited patents that are a part of the '278, there

20 is -- there is a use of GPS in terms of tracking at 11:10

21 that time. There's also multi-vehicle

22 compatibility.

23 But again, these were two totally separate

24 prongs in the industry. Generally it was relatively

25 new. Now, the combination of that, of course, is 11:11

1 what the '278 Patent put together for its invention. 11:11

2 Q. So let me break that up a little bit. So  
3 first -- when you say "at the time of the invention  
4 of the '278 Patent," what is the time that you are  
5 referring to? 11:11

|   |          |
|---|----------|
| 6 | A. 2007. |
|---|----------|

7 Q. So when you spoke about the cited patents  
8 that are part of the '278 and there was a use of GPS  
9 in terms of tracking at that time, those predate the  
10 '278 Patent, correct? 11:11

11           A.    As I stated before, you cannot identify a  
12   patent that does not predate if you're actually  
13   referring to that patent.  It predates by  
14   definition.

|    |                                                      |       |
|----|------------------------------------------------------|-------|
| 15 | Q. Correct. So I think where I'm a little            | 11:12 |
| 16 | bit confused, if you're acknowledging that they      |       |
| 17 | exist in the patents that are cited in the priority  |       |
| 18 | chain of the '278 Patent, wouldn't by definition GPS |       |
| 19 | have existed before 2007 in vehicles?                |       |

|    |                                  |       |
|----|----------------------------------|-------|
| 20 | A. GPS existed before 2007, yes. | 11:12 |
|----|----------------------------------|-------|

21 Q. My question was if GPS in vehicles existed  
22 before 2007.

23           A.    In -- in -- there were way -- there were  
24    some instances in which it was there.

|    |                                         |       |
|----|-----------------------------------------|-------|
| 25 | As I said, I began working with certain | 11:12 |
|----|-----------------------------------------|-------|

1 fleet managers circa 2004-2005. Again, that was 11:12  
2 just for tracking. So tracking exists. It's a  
3 combination of the '278 of the multi-vehicle aspect  
4 with the downloading capability in combination with  
5 the tracking that the '278 purports as new. 11:13

6 Q. But your statement at the beginning of  
7 paragraph 12 doesn't say what you just said. Your  
8 statement said:

9 (As read):

10 "At the time of the invention of the 11:13  
11 '278 Patent, GPS in vehicles was  
12 relatively new."

13 Q. Is that statement inaccurate?

14 A. Everything that I have said in responding  
15 to your questions is consistent with that statement. 11:13

16 Q. But to be clear, you said that even in  
17 2004-2005, you were working with GPS in vehicles for  
18 tracking vehicles.

19 A. I was working with G- -- with fleet  
20 companies for the purpose of putting in place GPS 11:13  
21 tracking. There were ideas that were being  
22 explored. But in terms of actually putting them in  
23 place to where it was a productization, that was  
24 relatively new circa 2007.

25 Q. Okay. 11:14

1 MR. PURI: So I'd like to introduce the 11:14  
2 '278 Patent as an exhibit.  
3 (Exhibit 9 was marked for  
4 identification and attached  
5 hereto.) 11:14  
6 BY MR. PURI:  
7 Q. I believe you have a copy of this, right,  
8 in front of you?  
9 A. Yes, sir, I do.  
10 Okay. '278 Patent. You're putting this 11:15  
11 up as Exhibit 9?  
12 Q. Correct.  
13 A. Okay.  
14 Q. So if you could turn to column 1, lines 47  
15 through 53. Lines 47 through 53. 11:15  
16 So at the start of line 47, it states:  
17 (As read):  
18 "A number of patents disclose various  
19 systems and approaches to tracking  
20 vehicles. For example, U.S. Patent 11:15  
21 Number 5,223,844 discloses a tracking  
22 system including a control center and  
23 a mobile unit installed in the  
24 vehicle. The mobile unit may send  
25 security warnings to the command 11:16

1 center via a wireless transceiver. 11:16  
2 Position information for the vehicle  
3 is determined using a GPS receiver at  
4 the vehicle."  
5 Q. So doesn't this -- do you see that? 11:16  
6 A. Yes, I do.  
7 Q. So doesn't the '844 Patent involve a  
8 vehicle tracking system where geographic location is  
9 reported to a monitoring station?  
10 A. Yes, that's what it states. 11:16  
11 Q. Have you reviewed the '844 Patent before?  
12 A. In the past, yes. Not recently.  
13 Q. So doesn't the '844 Patent show the use of  
14 GPS in vehicles?  
15 A. As I recall, yes, it does. It's 11:16  
16 consistent with what's stated here.  
17 Q. Okay. So does this change your opinion  
18 that GPS was relatively new at the time of the  
19 '278 Patent in vehicles?  
20 A. No. I've seen -- I've seen inventions 11:17  
21 described in patents that never found a genesis  
22 until 18 years later in terms of actual use. So  
23 yes, it's consistent with what I stated.  
24 Q. So is your statement based on use of the  
25 system that GPS was relatively new at the time of 11:17

1 the -- in vehicles at the time of the '278 Patent? 11:17

2 A. I believe that's what I stated.

3 I stated several times that I certainly

4 was working in that area for its implementation

5 before that, that GPS in terms of tracking with 11:17

6 satellites was known.

7 But in terms of the technology developed

8 to a point where you could put it in place

9 dependably and have the appropriate dispatch and all

10 of that, it was relatively new. That doesn't change 11:18

11 the fact that the ideas or the statements such as

12 comes out of the patents occurred earlier. That's

13 represented and recognized in the '278 in the

14 background.

15 Q. So similarly, the '278 Patent, if you go 11:18

16 further on, cites to U.S. Patent Number 5,515,043.

17 And it -- this particular patent is entitled, I can

18 represent, "Cellular GPS System for Vehicle

19 Tracking," and was filed August 17, 1994.

20 So the '278 Patent describes this patent 11:18

21 as:

22 (As read):

23 "Discloses a similar system which may

24 send one or more preprogrammed

25 telephone messages to a user when 11:19

1 away from the vehicle. The user may 11:19  
2 remotely access location information  
3 or cause certain commands to be  
4 carried out by entering a personal  
5 identification number." 11:19

6 Q. So is your answer the same here, that  
7 while this may disclose the use of GPS in vehicles,  
8 it's your position that the implementation occurred  
9 much later?

10 A. Well, if you look at this particular 11:19  
11 aspect of this particular patent, this is one in  
12 which it's basically identifying message traffic.  
13 And then if -- if there is a desire to find the  
14 location, then the user can, from a user's remote  
15 location, activate and request the information. 11:19

16 So that ability to connect to a particular  
17 unit that's remote such as a vehicle and have  
18 communications could be through cellar technology,  
19 to get a message trafficked and get a response.  
20 Yes, that type of thing was known. That was 11:20  
21 identified many years ago.

22 Q. But as part of the communications, doesn't  
23 it also track where the vehicle is located? In  
24 other words, isn't this a vehicle tracking system?

25 A. Well, in terms of being able to track 11:20

1 position, that is what is identified here in the 11:20  
2 '043 Patent. The communication of that is basically  
3 via telephone messages, and then you can locate that  
4 information and get a response.

5 So yeah, I mean, there is tracking that's 11:21  
6 going on, yes, but it's in a different way because  
7 it's not something that's being provided or  
8 broadcast, it's something that you can get access to  
9 and then get a, for instance, a text message or  
10 something like that that gives the coordinates of 11:21  
11 the location.

12 Q. To get a what? Sorry, say that last part.

13 A. The last part, a text message such that  
14 you can get the coordinates of the location.

15 MR. PURI: I see it's 9:22. I know it's 11:22  
16 been over an hour now. Do you want to take a break  
17 and we can circle back?

18 THE WITNESS: It's your call. We can  
19 continue or take a break. Either way.

20 MR. PURI: No, I'm fine with continuing. 11:22

21 THE WITNESS: I'm fine with it as well.

22 Do you need a break, Court Reporter?

23 THE REPORTER: Yes, please.

24 THE WITNESS: Let's take a 10-minute  
25 break. 11:22

1 MR. PURI: Okay. Let's take a break. 11:22

2 THE VIDEOGRAPHER: This is the end of

3 media number 1. Off the record at 11:23 a.m.

4 (Recess.)

5 THE VIDEOGRAPHER: We are back on the 11:38

6 record at 11:39 a.m. This is the beginning of media

7 number 2.

8 MR. PURI: Thank you.

9 Q. So I just want to go back to your

10 statement again in paragraph 65 {sic} where you say 11:39

11 a person of skill in the art:

12 (As read):

13 "A POSA at the time viewed vehicle

14 security and vehicle tracking as two

15 different problems." 11:39

16 Q. Now we were discussing the '844 Patent,

17 which is directed to a vehicle tracking and security

18 system. So would this particular patent, you know,

19 refute the statement -- wouldn't this particular

20 patent be inconsistent with your statement that 11:39

21 vehicle security and vehicle tracking are two

22 different problems?

23 A. And let's register me again on which

24 paragraph we're talking about, which exhibit?

25 Q. So in paragraph 66, you state: 11:39

1 (As read): 11:40  
2 "However, a POSA at the time viewed  
3 vehicle security and vehicle tracking  
4 as two different problems, as  
5 described in Flick885 and Flick561." 11:40  
6 Q. If it helps, let me introduce the  
7 '844 Patent so you can see exactly what I'm  
8 referring to.  
9 (Exhibit 10 was marked for  
10 identification and attached 11:41  
11 hereto.)  
12 BY MR. PURI:  
13 Q. So just stating it differently again.  
14 In paragraph 66 you said:  
15 (As read): 11:42  
16 "A POSA at the time viewed vehicle  
17 security and vehicle tracking as two  
18 different problems."  
19 The '844 Patent, which is entitled  
20 "Vehicle Tracking and Security System," seems to 11:42  
21 consider it as the same problem.  
22 So what is the basis for your statement  
23 that it would be two different problems in light of  
24 the '844 Patent?  
25 A. Give me a few seconds to review the '844 11:42

1       here. 11:43

2               All right. So I'll address the '844 as a

3       part of my answer. In paragraph 66 of my

4       declaration, you had read, and I'll just reread:

5               (As read): 11:44

6               "Petitioner also contends that a POSA

7               would add the vehicle tracker from

8               Flick561 because an object of

9               Flick885 is to add devices to an

10              existing system, such as, for 11:44

11              example, a vehicle security system."

12              Now, the Flick88 -- so the context here is

13       with regard to what the petitioner's position is in

14       terms of the combination of '561 and '885.

15              Now, when you look at the '885 Patent 11:45

16       itself, which is the subject matter of this

17       contention, this particular patent is directed to a

18       security system, talking about the '885 Flick

19       patent, and it's directed to looking at different

20       devices on a particular node or a particular bus, 11:45

21       being able to read from those and communicate, write

22       and read to those particular nodes on a bus.

23              And when it comes to the idea of, in

24       quotes, tracking, the '885 addresses, for instance,

25       in column 1, line 32 to 33: 11:45

1 (As read): 11:45  
2 "Radar sensors to monitor the area  
3 proximate to the vehicle,"  
4 It also identifies other ways in which  
5 that can be done. 11:46  
6 This is all about reading sensors in the  
7 device that go to looking at various features in and  
8 around that local area.  
9 A radar sensor is something that can  
10 either be remote, looking at an area and see if the 11:46  
11 vehicle passes through, but that has nothing to do  
12 with the vehicle. Or, even if one was to put a  
13 radar sensor on a vehicle, which would be not  
14 something one would normally do in a -- in a  
15 commercial vehicle, even if one did that, you'd be 11:46  
16 using that by generating a beam out and seeing what  
17 is in the area so that you can basically get a  
18 picture of what's in your proximate area. It has  
19 nothing to do with tracking a vehicle, nothing at  
20 all to do with tracking a vehicle. 11:46  
21 And so when we look at the '885, it really  
22 is addressing this concept of the signal enabling,  
23 which determines exactly what you do in terms of  
24 being able to get codes established for a particular  
25 vehicle. But it has nothing to do with tracking the 11:47

1 vehicle. 11:47

2 And so the comment that I had here was the

3 petitioner would add that the vehicle tracking from

4 Flick, well, the reckonization almost would be an

5 object of '885. Well, no, the object of '885 has 11:47

6 nothing to do with tracking the vehicle. It's

7 basically looking at detecting areas in the

8 proximate area but not tracking the vehicle.

9 And so this is a -- what I consider to be

10 a mistake in collaboration between two patents for 11:47

11 the petitioners, basically making a statement about

12 '885 addressing tracking, which it does not. So

13 that's the context of that.

14 Now, when I then look at the

15 representation about the '278 Patent, and in 11:48

16 particular addressing the '844, this is an entirely

17 different venue. Here the '844 is -- is about how

18 to get information in terms of the location of a

19 particular vehicle for specifically addressing theft

20 prevention. 11:48

21 Now, the '844 recognizes that there are

22 other things out there in terms of being able to set

23 off alarms in cars and all of that, and that's

24 something it recognizes as already present. But

25 this particular patent is directed to how can I 11:48

1 improve the ability to track. So it's not trying to 11:48  
2 address or change or modify or do anything to  
3 enhance these other features that go more towards  
4 securing of the vehicle. It's, in terms of the  
5 other factors, it's literally directed to tracking. 11:49

6 So I do say that the two are different in  
7 terms of the way they have been addressed. And here  
8 there's a recognition that in the '844, the '844,  
9 that there are -- the ability to sense information  
10 that is vehicle oriented. But there's also the 11:49  
11 primary motivating factor here is how to improve the  
12 tracking or traceability of something that may or  
13 may not be stolen. So it's still consistent with my  
14 statement.

15 Q. So let's break that up a little bit. So 11:49  
16 the point you made about radar and some of the  
17 indications that are in the '278 Patent is a  
18 separate point -- I'm sorry, in the '885 is separate  
19 from the issue over whether one would look to when  
20 addressing vehicle security systems. It's two 11:50  
21 separate points.

22 The statement that you made in your  
23 declaration in this regard had to do with the  
24 combination of turning to two references that are  
25 addressing vehicle security systems. 11:50



1 section C(1)(a), there's no paragraphs here, 11:52  
2 page 20.

3 (As read):

4 "The '885 patent discusses the use of  
5 sensors to detect movement of the 11:52  
6 vehicle."

7 Well, that's movement in the proximity  
8 area. That's not where -- that's movement right in  
9 that local area in terms of proximity stuff, and  
10 that's using radar sensors. 11:52

11 That has nothing to do with tracking a  
12 vehicle, and yet this is the position the petitioner  
13 is taking, that that's the foundation upon which you  
14 can then add a tracking pattern.

15 And I'm just saying that's a 11:52  
16 misrepresentation because detecting and monitoring  
17 the area proximate to the vehicle has nothing to do  
18 with tracking the vehicle.

19 So then when I come back to paragraph 66:

20 (As read): 11:52

21 "The petitioner contends that you can  
22 add the vehicle tracker from '561  
23 because an objective of Flick885 is  
24 to add devices such as a vehicle  
25 security system." 11:53

1                   Again, there's a mix and match between                   11:53  
2       these two. The way in which he's doing this, the  
3       petitioner is doing this, is based upon Flick  
4       talking about radar for proximity detection. I'm  
5       just saying that's different than tracking. That's                   11:53  
6       not a basis upon which you can add the two. The two  
7       are separate in terms of the concepts, based upon  
8       the Flick885 and the Flick561.

9                   So now to add the next step to qualify.  
10      When you get up the '844 patent if you put in here                   11:53  
11      that's representative of the '278, there again,  
12      there's a recognition that you have two -- two areas  
13      of -- one is reading sensors that are giving you  
14      information about the vehicle itself, and then  
15      there's also the aspect of tracking the vehicle.                   11:53

16                  And I'm just saying those are two  
17      different concepts, that at least in the '228 --  
18      '278 patent has brought together for the purposes of  
19      a different new approach.

20                  I apologize if I'm not answering your                   11:54  
21      question, but that's the qualification. That's the  
22      rationale behind my answer.

23                  MR. PURI: So let me introduce a  
24      declaration that you submitted in reexamination  
25      proceeding number 90/013,851.                                       11:54

1 (Exhibit 11 was marked for 11:55  
2 identification and attached  
3 hereto.)

4 BY MR. PURI:

5 Q. Let me know when you have it open. 11:55

6 A. I have it open. I'm downloading it now.

7 Q. Okay.

8 A. All right, sir, I have Exhibit 11 in front  
9 of me.

10 Q. Okay. Is this a true and correct copy of 11:56  
11 your declaration that you submitted in connection  
12 with reexamination 90/013,851?

13 A. It appears to be. I signed it on page 10  
14 and dated it June 12th of 2017.

15 Q. Okay. And is that your signature at the 11:56  
16 end?

17 A. Yes, it is.

18 Q. And were your statements in this  
19 declaration truthful and accurate?

20 A. Yes. 11:56

21 Q. And do you still agree with the points  
22 that you made in this declaration?

23 A. I'm going to read it, but as far as I  
24 recall, I still agree with it, yes. I haven't  
25 looked at it in several years. 11:57

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1 Q. Do you want to take time to read it? 11:57  
2 A. If you don't mind.  
3 Q. Sure.  
4 A. I have finished reading.  
5 Yes, I still concur with the statements 11:59  
6 made.  
7 Q. Okay. Thank you.  
8 MR. PURI: I'm also going to introduce a  
9 declaration you submitted in reexamination  
10 application number 90/014,675. 12:00  
11 My questions are going to be the same.  
12 (Exhibit 12 was marked for  
13 identification and attached  
14 hereto.)  
15 THE WITNESS: I still don't see it posted. 12:01  
16 It would be Exhibit 12, wouldn't it?  
17 BY MR. PURI:  
18 Q. Yes. It should be up now.  
19 A. Now it is.  
20 Okay. I have Exhibit 12 up. 12:02  
21 Q. I will ask you the same questions, but  
22 I'll wait until you have a chance to review it.  
23 A. Thank you.  
24 Okay. I've finished reviewing it.  
25 Q. Okay. Is this a true and correct copy of 12:05

1 the declaration that you submitted in reexam number 12:05  
2 90/014,675?

3 A. Yes, it is.

4 Q. Okay. Were your statements in this  
5 declaration truthful and accurate? 12:06

6 A. Yes.

7 Q. And do you agree with all of the points  
8 that were made in your declaration?

9 A. Yes.

10 MR. PURI: If possible, I'd just like to 12:06  
11 take five minutes. I should be close to being done  
12 with the deposition, but I just want to make sure  
13 I'm not missing anything.

14 THE VIDEOGRAPHER: This is the end of  
15 media number 2. Off the record at 12:07 p.m. 12:06  
16 (Recess.)

17 THE VIDEOGRAPHER: We are back on the  
18 record at 12:15 p.m. This is the beginning of media  
19 number 3.

20 MR. PURI: Thank you, Mr. McAlexander. I 12:15  
21 have no further questions for today.

22 Ryan, do you have anything further?

23 MR. SANTURRI: No questions from patent  
24 owner.

25 THE REPORTER: Mr. Santurri, did you want 12:15

1 a copy of this? 12:15

2 MR. PURI: Yes, I would.

3 THE REPORTER: Mr. Santurri?

4 MR. SANTURRI: No, I don't think I need a  
5 copy at this time. 12:15

6 Do you want to send the transcript  
7 directly to the witness or do you want to send -- do  
8 you want me to have it forwarded on to him for the  
9 errata?

10 THE REPORTER: Can we go off the record to 12:15  
11 discuss that?

12 MR. SANTURRI: Sure.

13 THE VIDEOGRAPHER: This concludes today's  
14 testimony given by Joseph McAlexander. Three media  
15 were recorded and will be retained by Veritext Legal 12:16  
16 Solutions. We are off the record at 12:16 p.m.

17 (At the time of 12:16 p.m., (CDT) the  
18 deposition was concluded.)

19

20

21

22

23

24

25

DECLARATION

I hereby declare I am the deponent in the within matter; that I have read the foregoing transcript and know the contents thereof; and I declare that the same is true of my knowledge except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe them to be true.

I declare under the penalties of perjury under the laws of the United States that the foregoing is true and correct.

This declaration is executed this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_, at

CITY

STATE

\_\_\_\_\_  
JOSEPH C. MCALEXANDER, III, P.E.

C E R T I F I C A T E

I, the undersigned, a Certified Shorthand Reporter for the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that a verbatim record of the proceedings was made by me using machine shorthand, which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS THEREOF, I have this date subscribed my name this 30th day of July 2024.



ASHALA TYLOR, CLR, RPR, CRR, CSR #2436

1 Joseph C. McAlexander , III, P.E.

2 joe@mcalexander.com

3 JULY 30, 2024

4 RE: Verizon Connect, Inc. v. Omega Patents, LLC

5 7/23/2024, Joseph C. McAlexander , III, P.E., (#6787871).

6 The above-referenced transcript has been

7 completed by Veritext Legal Solutions and

8 review of the transcript is being handled as follows:

9 \_\_\_ Per CA State Code (CCP 2025.520 (a)-(e)) - Contact Veritext  
10 to schedule a time to review the original transcript at  
11 a Veritext office.

12 \_\_\_ Per CA State Code (CCP 2025.520 (a)-(e)) - Locked .PDF  
13 Transcript - The witness should review the transcript and  
14 make any necessary corrections on the errata pages included  
15 below, notating the page and line number of the corrections.  
16 The witness should then sign and date the errata and penalty  
17 of perjury pages and return the completed pages to all  
18 appearing counsel within the period of time determined at  
19 the deposition or provided by the Code of Civil Procedure.  
20 Contact Veritext when the sealed original is required.

21 \_\_\_ Waiving the CA Code of Civil Procedure per Stipulation of  
22 Counsel - Original transcript to be released for signature  
23 as determined at the deposition.

24 \_\_\_ Signature Waived - Reading & Signature was waived at the  
25 time of the deposition.

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1    \_X\_ Federal R&S Requested (FRCP 30(e)(1)(B)) - Locked .PDF  
2       Transcript - The witness should review the transcript and  
3       make any necessary corrections on the errata pages included  
4       below, notating the page and line number of the corrections.  
5       The witness should then sign and date the errata and penalty  
6       of perjury pages and return the completed pages to all  
7       appearing counsel within the period of time determined at  
8       the deposition or provided by the Federal Rules.  
9    \_\_\_ Federal R&S Not Requested - Reading & Signature was not  
10       requested before the completion of the deposition.

1 Verizon Connect, Inc. v. Omega Patents, LLC  
2 Joseph C. McAlexander , III, P.E. (#6787871)  
3 E R R A T A S H E E T  
4 PAGE\_\_\_\_\_ LINE\_\_\_\_\_ CHANGE\_\_\_\_\_  
5 \_\_\_\_\_  
6 REASON\_\_\_\_\_  
7 PAGE\_\_\_\_\_ LINE\_\_\_\_\_ CHANGE\_\_\_\_\_  
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9 REASON\_\_\_\_\_  
10 PAGE\_\_\_\_\_ LINE\_\_\_\_\_ CHANGE\_\_\_\_\_  
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21 REASON\_\_\_\_\_  
22 \_\_\_\_\_  
23 \_\_\_\_\_  
24 (Joseph C. McAlexander , III, P.E.) Date  
25

|                         |                        |                        |                        |
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[561 - answered]

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[answered - brought]

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[return - software]

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[understand - witness]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

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

(A) to review the transcript or recording; and

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

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

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