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Transcript of R. Lee Rawls

Date: February 20, 2024

Case: Peloton Interactive, Inc. -v- Johnson Health Tech Co., Ltd. (PTAB)

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5 1 EXAMINATIONS 2 3 WITNESS PAGE 4 R. LEE RAWLS 5 By Mr. SCHELLER..... 6 6 7 8 EXHIBITS 9 EXHIBITS PAGE 10 No. 1 CV for R. Lee Rawls..... 7 11 No. 2 Declaration of R. Lee Rawls for 12 the '227 Patent..... 16 13 No. 3 Ray Patent..... 18 14 No. 4 Morris Patent..... 52 15 No. 5 Declaration of R. Lee Rawls for 16 the '340 Patent..... 62 17 No. 6 Daly Patent..... 84 18 No. 7 Yi Patent..... 90 19 No. 8 '227 Patent..... 96 20 21 22	7 1 in '77, and then I went on -- I think it was a 2 year or two off in there, and then I went to the 3 University of California Davis for my master's. 4 Graduated in '86. 5 Q Okay. 6 (WHEREUPON, discussion was had off the 7 record.) 8 BY MR. SCHELLER: 9 Q Mr. Rawls, what do you consider yourself 10 an expert in? 11 A That seems like a pretty strange question. 12 I haven't really considered that. 13 Q One second. 14 (WHEREUPON, discussion was had off the 15 record.) 16 (WHEREUPON, Rawls Exhibit No. 1 was 17 presented to the witness.) 18 BY MR. SCHELLER: 19 Q Mr. Rawls, I'm showing you what we'll mark 20 as Exhibit 1. 21 Is this a true and correct copy of your 22 CV?
6 1 PROCEEDINGS 2 (WHEREUPON, the witness was duly sworn.) 3 R. LEE RAWLS, 4 called as a witness herein, having been first duly 5 sworn, was examined and testified as follows: 6 EXAMINATION 7 BY MR. SCHELLER: 8 Q Good morning, Mr. Rawls. 9 A Good morning. 10 Q Could you please state your name for the 11 record, please. 12 A My full name is Robert Lee Rawls. 13 Q And I understand, Mr. Rawls, that you are 14 an expert and been retained for Peloton; is that 15 correct? 16 A Yes. 17 Q Okay. Can you tell me a little bit about 18 your educational background, please, starting with 19 college. 20 A Well, as you can see on my CV, I graduated 21 from the University of Massachusetts. That was 22 in -- I guess my undergraduate degree I graduated	8 1 A I believe it is, yes. 2 Q And I wanted to ask you about some of your 3 prior experience. So, now, you appeared in -- 4 you've given depositions three times before; is 5 that correct? 6 A I've been in more depositions than that. 7 Q And what in general -- have your 8 depositions all related to expert testimony? 9 A Yes, I think I have appeared as a fact 10 witness once, but I believe generally it's been as 11 an expert. 12 Q And how many times do you think you've 13 appeared as an expert witness in cases? 14 A I don't have a complete record of that. 15 Maybe 20, maybe a little more. 16 Q And how many of those have related to 17 exercise equipment? 18 A The majority of them would be related to 19 exercise equipment, but, again, I don't know 20 exactly how many. 21 Q Sure. On Page 2 of your CV, it shows some 22 recent depositions. Nautilus versus ICON Health

9 1 and Fitness, who were you working for in that 2 case? 3 A It would have been Nautilus. 4 Q And what was the subject matter of that 5 litigation? 6 A I don't recall, but it's fitness 7 equipment. 8 Q And then in the next two, VR Optics versus 9 Peloton Interactive, I assume you worked for 10 Peloton in that matter? 11 A Yes. 12 Q And what was the subject matter of that 13 case; do you know? 14 A I don't recall the details off the top of 15 my head. 16 Q How about the next case, Mad Dogg 17 Athletics versus Peloton Interactive; I assume you 18 worked for Peloton in that case as well? 19 A Yes. 20 Q And do you know what the technology was or 21 subject matter of that lawsuit? 22 A Again, it's -- not off the top of my head.	11 1 the '340 patent held by Johnson Health Tech; is 2 that your understanding? 3 A Yes. 4 Q And also the '375 patent; is that correct? 5 A Yes. 6 Q Okay. And also the '227 patent, correct? 7 A Yes. 8 Q So if I refer to those -- can I refer to 9 all three of those patents as either the JHT 10 patents or the patents-in-suit? Is that okay? 11 A That's okay. 12 Q And how much time do you think you spent 13 preparing your declarations in these three IPRs? 14 A I don't recall. 15 Q In preparing for your deposition today, 16 did you identify any errors or omissions in your 17 declarations? 18 A Yes. 19 Q And what were those? 20 A There's three. On Page 75 of the '375 21 patent where it's "operating element," it should 22 read "operating unit."
10 1 Q Do you know how much time did you spend -- 2 what did you, I guess, do to prepare for your 3 deposition today? 4 A In preparation, I reviewed all the 5 documents and went through my reports, the 6 patents, and -- let me just close something out 7 here so it stops bothering me. 8 Okay. Reviewed all the patents, the 9 documents to my reports, and had a number of 10 online meetings with the attorneys. 11 Q And approximately how much time do you 12 think you spent in preparing for your deposition 13 today? 14 A Probably scattered over a fair amount of 15 time 20-plus hours. 16 Q And how about your declaration? You 17 provided three declarations in these cases; do you 18 understand that? 19 A Yes. 20 Q And so today we're talking about all three 21 of the IPRs. Do you understand that we're talking 22 about the -- I'll give the last three numbers --	12 1 And on Page 122 of the same declaration, 2 the same change, "operating element" should be -- 3 wait a minute. Excuse me. It should say 4 "operating element" instead of "operating unit." 5 So I got that backwards. 6 Q Okay. 7 A But in both cases, we should be saying 8 "operating element" instead of "operating unit." 9 Q And then that was -- 10 A And then -- 11 Q I'm sorry, sir. The first one was on 12 Page 75 of the '375 declaration; is that correct? 13 A Yes. 14 Q And what was the second one? I'm sorry. 15 I missed that. 16 A Page 122 of the same declaration. 17 Q And that should say, I'm sorry, "operating 18 element"? 19 A "Operating element" instead of "operating 20 unit." It's under the element 1[g] of claim 1 in 21 both cases. 22 Q And then what is the third correction you

13 1 have? 2 A The '227 declaration, on Page 92, 3 Paragraph 184. 4 Q Yes. 5 A It should say, "See my discussion of 6 limitation 1[g] in Paragraphs 266 to 267 below." 7 Instead of, "See my discussion of limitation 1[g] 8 Section VI.C.1 below." 9 Q So it's the citation there; is that 10 correct? 11 A I believe so. 12 Q Mr. Rawls, if you could continue to speak 13 up, I think the court reporter would appreciate 14 that. 15 A I will try. 16 Q So just real quick. On, I'm sorry, you 17 said Page 75 of the -- was it the -- 18 A '375. 19 Q '375. Thank you. 20 So those changes on the '375 were to the 21 claim language itself, correct? 22 A Yes.	15 1 background, talking about the Johnson Health Tech 2 patents -- and I don't know if you want me to pull 3 one up or not -- but just in terms of the Johnson 4 Health Tech patents or the JHT patents, can we 5 just do some -- I want to get some background in 6 terms of your understanding. 7 So what is your understanding of exercise 8 use data in the JHT patents? 9 MR. HANEWICZ: Object to form. 10 BY MR. SCHELLER: 11 Q Mr. Rawls, if it helps you to answer the 12 question, I'll pull up a copy of one of the 13 patents. How does that sound? 14 A I'm pulling up the document that I believe 15 I need, which is -- I'd like to sort of contain 16 our discussions to one patent at a time, if 17 possible, but I think that in this case I'm 18 looking at the '227. 19 Q Okay. 20 A And since the specifications are the same 21 I'm (inaudible). 22 (Reporter clarification.)
14 1 Q Any other changes to your declaration 2 other than those three that you've identified in 3 your preparations or in your review for today's 4 deposition? 5 A Not that I'm aware of. 6 Q Just by way of -- I guess by way of 7 background, Mr. Rawls, I understand -- how many 8 depositions do you think you've given in your 9 expert testimony? 10 A As I said, somewhere 20 or -- 20-plus, 11 somewhere in there. I don't have an accurate 12 number. 13 Q So I don't think we need to go over the 14 rules of the deposition; I'll just -- the only 15 thing I ask is that if you want to take a break, 16 you can let me know. We'll take a break 17 periodically. The one thing I ask is if I have a 18 question pending, that you answer the question 19 before we go to break. 20 Is that fair? 21 A Sure. 22 Q Okay. So in the -- just kind of by way of	16 1 THE WITNESS: I'm just telling him I'm 2 looking at my report on the '227. 3 BY MR. SCHELLER: 4 Q Okay. I'll pull that up for you and mark 5 it as Exhibit Number 2. 6 (WHEREUPON, Rawls Exhibit No. 2 was 7 presented to the witness.) 8 BY MR. SCHELLER: 9 Q I have your declaration in the '227 up. 10 We'll mark that as Exhibit 2. 11 Is there a particular section you'd like 12 to look at, sir? 13 A I'm looking at the section where I'm 14 discussing claim 1. 15 Q So it looks like Page 71? 16 A At the present time, I'm on Page 87 17 looking at the section where we talk about 18 validated and nonvalidated exercise use data. 19 Q If we could go back up -- 20 A (Indiscernible.) 21 Q I'm sorry? Go ahead, sir. 22 A I was going to say, so I think examples of

17 1 exercise use data are things like distance and 2 time as called out in the patent, but it would be 3 data that's generated by the device. In this case 4 we're talking about a treadmill, but, you know, it 5 could be other devices. But exercise use data 6 would be data accumulated while the machine is 7 running. 8 Q Okay. And then what's your understanding 9 in the context of the JHT patents of validated 10 exercise use data? 11 MR. HANEWICZ: Object to the form. 12 BY THE WITNESS: 13 A Validated exercise use data would be data 14 that's generated where -- exercise use data 15 generated while the user is detected as being 16 present. 17 BY MR. SCHELLER: 18 Q And is that the same in the context of all 19 three patents? Is there any difference between 20 the three of them? 21 A In terms of -- some of the patents don't 22 cite all the differences, but I think generally	19 1 BY MR. SCHELLER: 2 Q Is there a particular page you'd like to 3 see, sir? 4 A I'm able to bring up the document on my 5 computer and look at it. That's what I'm doing. 6 Q Okay. If you could let me know, if you 7 can, if you're looking at a specific portion. 8 A I'm looking at Paragraph 251 at the 9 present time. 10 Q I assume you're looking at your 11 declaration then? 12 A Yes. 13 Q Is that the -- 14 A I'm looking at the '227 declaration on 15 Page -- I mean on Paragraph 251. 16 Q Okay. 17 A So Ray disclosed a treadmill that 18 validated exercise data when a user was exercising 19 on a treadmill and reported that exercise data to 20 a user or third party. 21 So I think generally that's what the 22 patent is about.
18 1 that would be the case. I'd have to look at 2 specific questions related to specific patents to 3 be clear on that. 4 Q And what's your understanding of what 5 nonvalidated exercise use data is? 6 A That would be exercise use data that's 7 collected or generated when the user is detect -- 8 is not present. 9 Q And let's talk about some of the prior art 10 here, sir. I want to move to the Ray patent, 11 which I've pulled up. We'll mark that as Exhibit 12 Number 3. 13 (WHEREUPON, Rawls Exhibit No. 3 was 14 presented to the witness.) 15 BY MR. SCHELLER: 16 Q This is U.S. Patent 9,785,827. 17 Do you see that in front of you, sir? 18 A Yes, I do. 19 Q Now, can you explain to me what's going on 20 with the Ray reference? What is Ray about? 21 MR. HANEWICZ: Object to the form. 22	20 1 Q And that was -- you were reading from your 2 declaration there, correct? 3 A I was. 4 Q So can you explain to me how the thinning 5 image in Ray, what does -- what is a thinning 6 image in Ray? Can you explain that to me? 7 A Ray describes a way of motivating a user 8 by showing the user getting thinner while they're 9 exercising. 10 Q And I'll show you -- again, I'll go back 11 to the Ray patent. So we're looking -- what 12 figure is that? We have Figure 2 here on the 13 screen. 14 Do you see that, sir? 15 A I see Figure 2, yes. 16 Q So the thinning image, is that depicted by 17 number 25 there on Figure 2? 18 A It could be. I don't know if that image 19 is thinner or what. The view would display an 20 image in front of the user that they could see. 21 Q And looking at Figure 2, the thinning 22 image, can you determine the amount of exercise

21 1 the person has performed by the thinning image? 2 MR. HANEWICZ: Object to form. 3 BY THE WITNESS: 4 A I think generally, perhaps. I'm not sure 5 that that's -- it's not a precise measurement, but 6 the more exercise the person is doing, the idea is 7 that they would get thinner based on the amount or 8 perhaps the intensity of the exercise. 9 BY MR. SCHELLER: 10 Q And what's the -- so what's the baseline 11 for that thinning image? What's the baseline for 12 that image that appears in Ray? 13 A What do you mean by "baseline"? 14 Q Well, I assume you have to have an initial 15 image, and then you've got to thin that, correct, 16 as a person works out? 17 A Right. You'd start with an image of the 18 person. If you're going to make it thinner, you'd 19 presumably start with the person as they appear, 20 but I don't think that's described in any 21 particular detail in Ray. 22 Q And so just looking at Figure 2 here,	23 1 well be proportional to the amount of exercise 2 you've completed. So a user would get some sense, 3 but whether -- how precise that sense, I don't 4 know. 5 Q Right. So I guess just -- I'm just trying 6 to understand the thinning image of Ray, which is 7 kind of odd to me, but I'm just trying to 8 understand the thinning image. 9 So it appears you can't get a specific 10 indication of how much exercise is performed, but 11 more of a general sense that you're working out; 12 is that fair to say? 13 MR. HANEWICZ: Object to form. 14 BY THE WITNESS: 15 A I think perhaps the general sense you're 16 working out, maybe the intensity of your workout, 17 and perhaps the duration of your workout. 18 BY MR. SCHELLER: 19 Q And how can you tell the duration of the 20 workout from the thinning image itself? 21 A As you yourself were describing, as you 22 get thinner, it -- the thinner you get, the more
22 1 could you say that this person, for instance, ran 2 one mile or ten miles? 3 MR. HANEWICZ: Object to form. 4 BY THE WITNESS: 5 A I believe I probably could based on other 6 information. I don't know that the image is going 7 to give me a precise of a piece of information. 8 BY MR. SCHELLER: 9 Q Okay. 10 A But the image is not the only information 11 available. 12 Q I understand that. I guess I'm asking in 13 terms of the thinning image itself as we were 14 looking at Figure 2 -- and we'll look at other 15 parts of this -- but looking at Figure 2, is it 16 fair to say then that this image alone does not 17 indicate the amount of exercise that's being 18 performed by the user? 19 A Well, I don't think that is fair. I mean, 20 this image is just an artist representation. I 21 don't know that it really depicts much of 22 anything, but I think that the image could very	24 1 work you've done. 2 Q Sure. 3 A I think that's the idea. It doesn't tell 4 you precisely how much you've done, but it tells 5 you you've done more, you keep getting thinner. 6 Q So it tells you that -- so you don't know 7 if you did 5 minutes or 30 minutes; is that 8 correct? 9 A I would assume that you could tell the 10 difference between 5 and 30, but perhaps not 11 between 25 and 30. But, again, the details of the 12 thinning image are somewhat vague; it's just a 13 matter of trying to figure out, you know, how you 14 could do it. 15 Q And Ray itself discusses validation of 16 user ID; is that correct? 17 A Yes. 18 Q And is it correct that really the focus of 19 Ray is validating the user's ID for purposes of 20 insurance or for wellness? 21 MR. HANEWICZ: Object to form. 22

25 1 BY THE WITNESS: 2 A I think that is a purpose of Ray. 3 BY MR. SCHELLER: 4 Q And after the user's identification is 5 validated, Ray talks about that the camera goes 6 off; is that correct? 7 A Could you repeat that? 8 Q Sure. After the user's ID is validated, 9 does Ray disclose the fact that the camera goes 10 off or turns off? 11 A That's not my understanding. 12 Q So what's your understanding of how the 13 camera in Ray works? 14 A That it continues to operate either 15 continuously or intermittently. 16 Q And intermittently can be as much as ten 17 minutes apart; is that correct? 18 A Yes. 19 Q Is that a camera sensor, or how would you 20 describe that sensor in Ray? 21 A I'm not sure, again, I understand the 22 question. Are you referring to the sensor of the	27 1 Q What happens to the machine in Ray when 2 the camera goes off? 3 A When the camera goes off? 4 Q Yes. I think you said, sir, that the 5 camera could go on intermittently? 6 A Yes, so the camera is not necessarily 7 running continuously. And you -- what are you 8 talking about -- 9 Q Sure. 10 A -- being off? 11 Q So when the camera is not on, I assume 12 it's off, correct? 13 A So in between a ten-minute segment, is 14 that what you're talking about? 15 Q Yes, sir. 16 A So -- okay. So what's the question again? 17 Q Sure. What happens to the machine when 18 the camera is not on? 19 A So the camera can take a picture, and the 20 machine could keep running, and the camera could 21 take another picture. So is that the sequence 22 you're talking about? Because I'm a little
26 1 claims, or what are you talking about? 2 Q I'm talking about the sensor that Ray 3 uses. How would you describe that sensor? 4 A The sensor that Ray uses to detect whether 5 the user is present; is that the question? 6 Q Yes, sir. 7 A I would say that would be the camera. 8 Q And have you worked before with sensors in 9 terms of exercise equipment? 10 A Yes. 11 Q What types of sensors have you worked with 12 in your career with? 13 A Different types of current sensors. And 14 they can apply to all sorts of different things, 15 whether it's a load sensor or speed, optical 16 sensors. I'm not sure that I can, you know, come 17 up with a list of all different types of sensors, 18 but sensors is fairly typical in most electronic 19 equipment. 20 Q And the camera in Ray, you would consider 21 that a sensor; is that right? 22 A He's using it as a sensor.	28 1 confused by what you're saying. 2 Q Yeah, I'm trying to understand how Ray -- 3 how the camera works with the machine. Does -- if 4 the belt is moving in Ray, does the -- if the belt 5 is moving on the treadmill, does Ray assume that 6 the user is exercising? 7 A No. 8 Q And why do you say that? 9 A Because the camera is what Ray uses to 10 determine if the user is exercising or not. 11 Q And the camera can validate identity if 12 the user is not on the treadmill; is that correct? 13 A I imagine it could validate your identity, 14 whether you're exercising or not from facial 15 recognition. 16 Q And Ray talks about validation of a 17 person's ID -- identification -- let me rephrase 18 that. 19 Ray talks about validation of a person's 20 identification when the person is in the exercise 21 area; is that your understanding? 22 A The camera could be used in any number of

29 1 different ways to validate. And you could -- when 2 they are exercising when they're off to the side. 3 I mean, you put your face in front of it and 4 validate yourself. 5 Q So you don't have to be on the treadmill 6 to have your ID validated in Ray; is that right? 7 MR. HANEWICZ: Object to form. 8 BY THE WITNESS: 9 A I don't see anything in Ray that would 10 limit it to that, but, I mean, I could easily 11 point the camera in any direction. But whether 12 Ray discusses that, I don't -- I don't recall. 13 BY MR. SCHELLER: 14 Q Let's take a look at Ray, which I have 15 here on the screen here. If we look at column 13, 16 at the very top, it says, "An adjustable mount 50 17 secures the electronic device 30 in such a way as 18 to orient the camera of the electronic device 30 19 towards the user in the exercise area 18." 20 Do you see that? 21 A Which lines was that? 22 Q Sure. It's 1 through 3 in column 13	31 1 Do you see that? 2 A Yes. 3 Q What's your understanding of -- what's the 4 exercise routine in Ray that he's referring to 5 there? 6 A Well, it would be presumably walking or 7 running on the treadmill. 8 Q It could be -- is your understanding it 9 could involve other machines as well? 10 A It could. 11 Q And, in fact, if we look to column 5 here, 12 lines 52 to 58, it talks about using various 13 exercise machines; do you see that? 14 A Yes. 15 Q Now, in terms of Ray, the -- the data in 16 Ray, is that being generated if the treadmill is 17 moving? 18 MR. HANEWICZ: Object to form. 19 BY THE WITNESS: 20 A What data are we talking about? 21 BY MR. SCHELLER: 22 Q I'm talking about the Ray patent, sir.
30 1 there. If you'd like to, I can highlight it right 2 here. 3 A I see it. 4 Yes. 5 Q So in your understanding, the exercise 6 area is 18. We can go back up to the figure here. 7 The exercise area is something broader than the 8 machine itself; is that your understanding? 9 A The exercise area, is that what you're 10 talking about? 11 Q Yes, sir. 12 A It could be. 13 Q In fact, Ray talks about an exercise 14 routine as well; is that right? 15 A I don't recall. 16 Q Why don't we look at column 6 here on 17 lines 49 to 51. I've got a sentence highlighted 18 here which I'll read to you, sir. 19 It says, "One example of using the camera 20 on the computer device to validate the user is to 21 take a still image or short video of the user 22 during their exercise routine."	32 1 A What data are we talking about? 2 Q Exercise data. 3 A So you're talking about exercise use data? 4 Q Yeah, does the exercise -- well, does the 5 exercise use data in Ray continue to accumulate if 6 the treadmill is moving? 7 A That's my understanding, yes. That's what 8 exercise use data is. 9 Q And how does Ray determine if a user is on 10 the treadmill? 11 A Ray uses the camera to determine that the 12 user's on the treadmill. 13 Q It uses the camera sensor; is that 14 correct? 15 A Yes. 16 Q And then this data, I understand -- why 17 don't we look at your declaration, the '227 case. 18 Let's see if I can pull it up here. 19 I have the '227 declaration here. If we 20 look to Paragraph 196, you say that, "Based upon 21 the teachings of Ray as described above, it would 22 have been obvious to a POSITA that the duration of

33 1 the exercise performed by the user was part of the 2 validated exercise use data because it was 3 detected while the user was engaged with the 4 treadmill as detected and confirmed via images of 5 the exercising user." 6 Do you see that, sir? 7 A Yes. 8 Q So I just want to talk to you about this 9 sentence about "it was confirmed via images of the 10 exercising user." Is that the thinning image that 11 you're referring to? 12 A Not necessarily, no. 13 Q What does that refer to? 14 A Images of the user. 15 Q So those are the images taken by the 16 camera; is that right? 17 A Yes. 18 Q So it's not necessarily the thinning 19 image, it could be just the image of the user 20 before they work out; is that right? 21 A No, it would be images taken of the user 22 while they are working out.	35 1 time, heart rate, and calories. And further 2 described that time was generated and reported as 3 a validated exercise use data to a third party." 4 Do you see that? 5 A Yes. 6 Q And so Ray then is taking the data from 7 when the camera determines that the person is on 8 the machine; is that right? 9 A Yes. 10 Q And then it sends -- that data is then 11 reported, is that correct, to a third party? 12 A It can be sent to a third party. 13 Q And that data then is validated -- you 14 have it as validated exercise use data that's 15 reported to a third party; is that right? 16 A When the user is exercising -- 17 Q Okay. 18 A -- it would be validated. 19 Q And does Ray make a distinction between 20 data that is collected when the user is on the 21 machine versus data when the user is not on the 22 machine?
34 1 Q And that is confirmed -- if we go to 2 Paragraph 194, this talks about Ray talking about 3 distance. And you say in second -- the last 4 sentence says, "It thus would have been obvious to 5 a POSITA that distance listed alongside time would 6 also be exercise data that was collected during 7 the user's exercise and reported to a third party 8 (e.g., a doctor)." 9 Do you see that? 10 A Yes. 11 Q And that exercise data that's collected is 12 being reported to a third party, is that -- and 13 that's the confirming we were looking at before 14 that's being confirmed by a third party? 15 A I'm not following about being confirmed by 16 a third party. What is that about? 17 Q Sure. I'm trying to understand when 18 you're talking about here in terms of Ray and the 19 data that's being generated in Paragraph 194, you 20 say, "Ray described that distance was one of 21 several exercise data that was displayed on the 22 screen when the user was exercising, along with	36 1 A Yes. 2 Q And where does Ray do that? 3 A Ray takes images of the user. So when the 4 user is not included in the image, that data would 5 be validated. 6 Q How does that work if the user, for 7 instance, steps off the treadmill to get a glass 8 of water or something and the camera is not taking 9 pictures? 10 MR. HANEWICZ: Object to form. 11 BY THE WITNESS: 12 A If the user -- if the camera is not taking 13 pictures, I really -- the camera takes pictures, 14 so I'm not sure what you mean by that. 15 BY MR. SCHELLER: 16 Q Well, we talked about how the camera takes 17 pictures intermittently, correct? 18 A Yes. 19 Q And Ray talks about having the camera take 20 images every ten minutes or so; is that correct? 21 A He mentions ten minutes, yes. 22 Q Is there any --

37 1 A Not the only number that could be used. 2 Q I'm sorry, what was that? 3 A It's not the only number that could be 4 used. Yes, he mentions ten minutes. 5 Q What other time periods does he mention; 6 do you recall? 7 A He mentions ten minutes. 8 Q And so I'm wondering, minute one, the 9 person is on the treadmill and the picture is 10 taken, okay? And then in minute five, the person 11 decides to step off for ten seconds while the 12 treadmill is running to do whatever, and then gets 13 back on. Does Ray -- and the camera doesn't take 14 another picture until minute ten, correct? 15 A That's one possibility, yes. 16 Q Okay. And during that time frame when the 17 user is off the treadmill, what happens -- what 18 does Ray do with that exercise data? The 19 treadmill is running, what does Ray do with that 20 data when the person's not on the treadmill? 21 MR. HANEWICZ: Object to form. 22	39 1 that the data is all just accumulated together in 2 Ray; is that correct? 3 A Yes. 4 Q Okay. And then is the -- is it fair to 5 say that in Ray, someone could step off the 6 treadmill even for a longer period of time and 7 still be in their exercise routine? 8 A Still be in their exercise routine? I'm 9 confused again by the terms you're using. 10 Q Sure. We looked at exercise routine 11 before in terms of Ray; do you recall that, sir? 12 A Yes. 13 Q And exercise routine I think -- and you 14 tell me if I'm wrong -- exercise routine I think 15 refers to the fact that you could be moving 16 between many machines or multiple machines, 17 correct? 18 A I don't understand it that way. I mean, 19 other than -- exercise routine, it could be 20 running on the treadmill. 21 Q Could an exercise routine in Ray include 22 running on a treadmill and getting on a bicycle,
38 1 BY THE WITNESS: 2 A The data would continue to be accumulated. 3 BY MR. SCHELLER: 4 Q And then what happens to that data at the 5 end of the workout in Ray? 6 A If what happens -- what are we... 7 Q Sure. What happens -- what happens to 8 that data, it's all accumulated together, both 9 the -- in Ray both the time the person is on the 10 exercise machine and the time the person is off 11 the exercise machine; is that right? 12 A Not necessarily. So far you've presented 13 me with a situation where the person is on the 14 exercise machine and then they get off to get some 15 water. And we need -- I don't know what 16 happens -- if that's the end, then the machine 17 recognizes that there -- it keeps taking pictures 18 and doesn't see anybody. 19 Q And what I'm asking you is, so when we 20 have this ten-minute time frame and we have 21 someone who steps off the side of a treadmill for 22 ten seconds and then gets back on, I understand	40 1 for instance? 2 A You could have -- I suppose you could have 3 an exercise routine that involved multiple 4 different things, one at a time. 5 Q And is it fair to say that Ray 6 contemplates the person moving between machines; 7 is that fair? 8 A Well, you could -- 9 MR. HANEWICZ: Object to form. 10 BY THE WITNESS: 11 A -- one at a time. 12 BY MR. SCHELLER: 13 Q So you go from the treadmill to a bike to 14 a power -- weightlifting machine; is that correct? 15 A I don't understand what you're suggesting. 16 Q Why don't we look back at Ray again, and I 17 can show you that portion of Ray that talks about 18 the machines. 19 So if we look here again, I have Ray in 20 front of you. Again, we're looking at column 5, 21 lines 52 to 58. And this talks about moving 22 between various exercise machines and having data

41 1 from the routine automatically entered into the 2 device. 3 Do you see that? 4 A Which one -- okay. Wait a minute. 5 Q I have it on the screen, sir. And I have 6 it highlighted with blue; do you see that? 7 A I see that, yes. It's difficult for me to 8 read your screen, but I can see my screen much 9 better so... 10 Q Is that... 11 A That's much worse. So I assume you're 12 talking about there -- what you're talking about 13 there is a different setup from what you were 14 talking about earlier. 15 Q How so? 16 A You're talking about in this case using a 17 tablet so that the camera is on the tablet 18 following the person around, presumably. 19 Q And Ray also talks about -- we saw before 20 Ray talks about a person being in the exercise 21 area as well; do you recall that? 22 A It talks about mounting a camera on an	43 1 teaches about having the camera take intermittent 2 pictures; is that correct? 3 A As well as continuous pictures, yes. 4 Q And so a continuous picture would be keep 5 taking a picture; is that how it would go, 6 continuous would be one picture after another? 7 A Well, it would not look like that; it 8 would be a standard video. It has essentially 9 frames, but they're taken very quickly, so it 10 doesn't look like one picture after another. 11 Q And part of Ray is talking about the 12 motivation, though; that the person knows that 13 there's going to be a picture taken at the 14 ten-minute mark, and so they're going to be 15 motivated to continue exercising for that longer 16 period of time, correct? 17 A That's one of the ways he discusses using 18 motivation, yes. 19 Q And if the -- the camera in Ray turns off 20 when the belt stops moving; is that correct? 21 MR. HANEWICZ: Object to form. 22
42 1 exercise device in a particular way to take 2 pictures of the exercise area which if we're 3 talking about a treadmill would be the area of the 4 deck, not the entire room. 5 Q And with respect to -- certainly Ray is 6 contemplating one part of a routine could be 7 moving between machines, correct? 8 A An exercise routine could be multiple 9 different things one at a time. And if you're 10 going to take the camera with you, you could do it 11 one after the other. 12 Q And in Ray, talking about this ten-minute 13 period of time, it's possible the person gets on 14 at one minute and then runs for a couple of 15 minutes and then gets off for five minutes and 16 gets back on before the ten-minute picture is 17 taken; is that correct? 18 A If the camera is just taking pictures 19 intermittently, that would be correct. If the 20 camera is taking pictures continuously, then that 21 would not be correct. 22 Q And Ray certainly talks about the --	44 1 BY THE WITNESS: 2 A I would presume it would shut it off. I 3 mean, turn off the system when it's not being 4 used. 5 BY MR. SCHELLER: 6 Q Right. But Ray specifically talks about 7 the camera being shut off only when the treadmill 8 is stopping moving; do you recall that? 9 A Being shut off? It talks about if the 10 user is missing, it would stop taking pictures. 11 Q And Ray also talks about that as long as 12 the treadmill is moving, the camera will operate 13 to take their images while exercising; is that 14 correct? 15 A While they're exercising, yes. 16 Q So it's tied -- at least in one part of 17 Ray, it's tied to -- the camera is tied to the 18 treadmill moving; is that right? 19 A To the system being on and being used, I 20 think that's what you're talking about. 21 Q So if the treadmill is moving and the user 22 goes to another machine, what happens to the

45 1 thinning image in Ray; is that still being 2 projected? 3 A Talking about two different kinds of 4 setups here. You're talking about a setup on a 5 treadmill or you -- because you're going back and 6 forth between different kinds of setups, with a 7 tablet, phone, with a person around or setup on a 8 treadmill. 9 Q So is it your testimony then that Ray only 10 works with one machine at a time? 11 MR. HANEWICZ: Object to form. 12 BY THE WITNESS: 13 A That's not -- my testimony would be you 14 can only -- an individual can only work with one 15 machine at a time. So, I mean, if you have a way 16 of working with two, go for it, but, I mean, it -- 17 an individual can only work with one at a time. 18 But I'm saying there's two different 19 setups being discussed here, and you're blending 20 them together as if they're the same. 21 BY MR. SCHELLER: 22 Q I'm asking you if -- I think we already	47 1 A Ray is able to detect the motion of the 2 user, so if the shoulders are moving up and down, 3 if the coloration of the skin is changing. So 4 there's other things Ray is using to determine if 5 the person is exercising. 6 Q And the shoulders moving up and down, 7 could someone fake shoulders moving up and down 8 and straddle the belt? 9 A I suppose you might be able to. It might 10 be fairly difficult to do, especially combined 11 with looking at things like coloration, but no 12 system is perfect. I am not suggesting that Ray 13 is perfect, but Ray's got -- Ray is making an 14 attempt to validate the user and their exercise 15 routine. 16 Q So Ray has -- the data in Ray is the 17 entire workout; is that fair to say? In other 18 words, everything that occurs during the workout? 19 A I don't know what you mean by everything 20 that occurs during the workout. 21 Q What is the exercise use data at the end 22 of the workout in Ray? What is that exercise use
46 1 established that Ray talks about being in an 2 exercise area and validating the user ID in the 3 exercise area; is that correct? 4 A Yes. 5 Q And how does the camera know in Ray if the 6 person is running on the treadmill versus standing 7 on the side of the treadmill? 8 A Well, if you're standing on the side, 9 presumably you'd be outside of the exercise area, 10 but if you're running on the treadmill, you can 11 detect the motion of the user. So the up-and-down 12 movement of the shoulders, supposedly the 13 coloration of the skin. So there's a number of 14 other detection things going on. 15 Q Have you ever been on a treadmill, sir, 16 where you step to the side of the belt and you're 17 still right in front of the processor -- right in 18 front of the screen I mean? 19 A Yes, I have done that. 20 Q And so how does the camera tell they're 21 not -- if the person is straddling the belt versus 22 on the belt?	48 1 data? What does that comprise? 2 A It can be any number of things. There was 3 discussion earlier about calories, heart rate, the 4 distance, time, things that are -- he's discussing 5 displaying. 6 Q And Ray, I understand -- let me ask you 7 this: Ray doesn't distinguish between the 8 calories or the distance that's been done where 9 the person is on the treadmill versus when the 10 person is standing to the side straddling the 11 treadmill for five seconds; is that correct? 12 A If you're just stepping off for five 13 seconds and you're only taking a picture every ten 14 minutes, you don't -- you still get the pictures 15 taken, then presumably the data would all go into 16 the same pool. 17 Q And does Ray talk about the fact that it 18 needs another sensor? 19 A It talks about -- it talks about various 20 other types of sensors. 21 Q So Ray knew about other types of sensors 22 that were available at the time of the

49 1 application; is that correct? 2 A Yes. 3 Q And is it correct that Ray does not state 4 that it needs another sensor; it just identifies 5 that there are other sensors available, correct? 6 A It identifies that you may choose to use 7 other sensors that would give you more 8 information. 9 Q And what other sensors does Ray identify 10 as being available; do you recall? 11 A Let me find that section. Do you have 12 that section handy? There's a list of them. 13 Q I'll have to pull it up, sir, again. I'm 14 sorry. 15 So here's Ray, and I believe it talks 16 about sensors on... 17 A I see column 11. 18 Q That's what I was looking for. Thank you. 19 And what are you specifically looking at 20 there, sir? 21 A Well, it's a number of different things, 22 but there's body band devices such as arm, neck,	51 1 Q So Ray is disclosing the fact that you can 2 use other sensors to augment the data; is that 3 correct? 4 A Yes, it may improve certain aspects of it; 5 it may just add to the data. 6 MR. SCHELLER: Let's go off the record and 7 take a break. It's been about an hour. 8 MR. HANEWICZ: That's fine with me. 9 (WHEREUPON, a recess was had.) 10 BY MR. SCHELLER: 11 Q Mr. Rawls, did you have any discussions 12 with counsel or anyone about your deposition 13 testimony during the break? 14 A Brief conversation with my wife. 15 Q No need to get into that. 16 A That's what I figured. But she did show 17 me a really funny picture of a new set of cargo 18 pants that someone was wearing. It looked like 19 two backpacks. 20 Q We'll talk about cargo shorts offline. 21 A Yeah. 22 Q Mr. Rawls, I want to talk to you about the
50 1 stomach, head, leg, and foot bands are another 2 method of obtaining measurements, weight, heart 3 rate, oxygen level, and number of steps taken. It 4 goes on and on. 5 I mean, it talks about a number of 6 different types of sensors for collecting 7 different types of information. 8 Q And what is Ray saying how those sensors 9 can be used? 10 A What's that question? 11 Q How is Ray saying that those sensors can 12 be used? 13 A They can be used to augment the 14 information that's being collected. 15 Q And how does Ray -- where does Ray say 16 that? 17 A I don't know if he says specifically that, 18 but he talks about -- he's talking about the types 19 of information that you can collect, which -- gait 20 information, steps taken, heart rate, just lots of 21 different things. I mean, these things add to the 22 data that's being collected.	52 1 Morris patent. Are you familiar with the Morris 2 patent? 3 A Yes. 4 Q I'll pull it up here for you, and we'll 5 mark it as -- I think we're on Exhibit Number 4. 6 (WHEREUPON, Rawls Exhibit No. 4 was 7 presented to the witness.) 8 BY MR. SCHELLER: 9 Q Are you familiar with this patent, sir? 10 A Somewhat, yes. 11 Q What's your understanding of the Morris 12 patent? 13 MR. HANEWICZ: Object to form. 14 You can answer. 15 BY THE WITNESS: 16 A It's directed to an exercise apparatus 17 with user detect so you can tell when a person is 18 on the device or not, and you can shut the device 19 down when the user is not on it. 20 BY MR. SCHELLER: 21 Q And what Morris talks about, if you 22 recall, is that when the user is -- steps off the

53 1 machine, whether they straddle it or step off, the 2 machine will wait a little bit and then send a 3 message to return. Is that your understanding? 4 A Send various kind -- different kind of 5 messages that would be a possible one, but yes. 6 Q And then if the user does not return in 7 six or eight seconds, then there's a slowdown of 8 the machine; is that correct? 9 A Yeah, the machine would go to into a 10 controlled slowdown and stop. 11 Q And so what detects if the user is present 12 in Morris? 13 A There are reluctance sensors I think you 14 have here showing one of the figures there. 15 Q If you want -- 16 A Figure 2 of -- 17 Q I'm sorry, sir, what did you say? 18 A You had Figure 2 up on your screen there, 19 it looked like, and there's reluctance sensors in 20 the corners, and they may be items 210. I have to 21 look and see if that's what item 210 is. 22 Q You said "reluctance sensors"; is that	55 1 Do you see that? 2 A Yes. 3 Q And then it later -- a little bit further 4 down, you say if the user does not return to the 5 machine before a time-out threshold, there's a 6 controlled slowdown to stop the treadmill, 7 correct? 8 A Yes. 9 Q And then during the period when the user 10 was not detected, the fit processor could pause or 11 suspend a workout and then resume that workout 12 when the user was again detected; is that right? 13 A Yes. 14 Q In Morris, what happens to the time and 15 distance when the user is not on the machine? 16 A So what's the scenario? 17 Q So Morris, I understand, is about the 18 person stepping off the machine or pausing, and 19 the machine gives them a certain amount of time to 20 get back on the machine before it shuts down; is 21 that right? 22 A Yes.
54 1 correct? 2 A Yes, they're shown in Figures 3A and 3B. 3 So they detect either the force or pressure on the 4 deck. 5 Q And how does that differ from the camera 6 sensor we saw in Ray? 7 A Well, the camera sensor actually sees the 8 person on the deck and sees them either moving or 9 stationary or taking different pictures. And 10 these detect the presence of the user through 11 their weight and motion on the deck. 12 Q Now, in -- I want to look to your 13 declaration. If we look to your '227 declaration, 14 and go to Paragraph 123. I'm pulling it up on the 15 screen for you. 16 So this section is an overview of the '227 17 patent -- prosecution history. Now, in 18 Paragraph 123, you say that there's a -- the user 19 detection sensor determines whether a user is 20 present on the machine and when a user is 21 detected, the workout program continues without 22 interruption.	56 1 Q And then during that slowdown period or 2 the time -- actually, during the period when the 3 user is not on the machine, what happens to the 4 exercise data; is that still accumulating? 5 A Presumably it is, yes. 6 Q And then what happens to that data at the 7 end of the workout; is that data all included 8 together? 9 A Again, I guess it would depend on what the 10 scenario is; is the person back on? Are they 11 staying off? There's lots -- I can imagine many 12 different scenarios. 13 Q Let's take scenario number one where the 14 user steps off for five seconds and straddles the 15 treadmill and then gets back on and finishes their 16 workout, okay? 17 A Mm-hm. Yes. 18 Q In that instance, is the user's data 19 when -- the exercise data when the user is 20 straddling the machine, is that included with the 21 data where the user is on the machine? 22 A I don't think Morris is specific about

57 1 what you would do with that if it's just four or 2 five seconds' worth of data, I think it would make 3 sense to just include it, just stepped off 4 briefly, just step back on, and just include 5 everything. 6 But you could choose to not include it if 7 you wanted to, but that seems like more work than 8 it would be worth doing. 9 Q And Morris -- is it correct that Morris is 10 including that data of the five seconds when the 11 person's not on the machine, Morris is including 12 that in all the data; is that right? 13 A I don't think Morris is specific about 14 whether they're including it or not, but I think 15 it's -- it would be obvious to do either one or 16 the other, either include it or not. 17 Q Okay. 18 A It's a preference. 19 Q And Morris is not clear about what you do 20 with it; is that fair? 21 A I believe that's true. But Morris does -- 22 you would know the difference. You could do with	59 1 right? 2 A Those are some of the things you could do 3 with that information, yes. 4 Q And does -- is footfall, is that something 5 that's self-validating? In other words, footfall 6 force, is that self-validating data? 7 MR. HANEWICZ: Object to form. 8 BY THE WITNESS: 9 A I don't know what that means. 10 BY MR. SCHELLER: 11 Q Does the pace of a user tell you the 12 amount of exercise that's being performed by the 13 user? 14 A Pace, if you -- if we're talking about a 15 treadmill, then pace, along with incline, tells 16 you the amount of work that's being done. 17 Q So does pace alone tell you the amount of 18 work that's being done? 19 A It has to be in combination with incline 20 if you want to truly know how much work is being 21 done. 22 Q And do you need time as well or distance?
58 1 it as you choose. 2 Q And how would you know the difference? 3 A Because the foot strikes and the pressure 4 on the deck would indicate that the person's not 5 there. 6 Q Is it possible to fake foot strikes by 7 straddling the machine and putting your foot on 8 once in a while? 9 A I don't think -- 10 MR. HANEWICZ: Object to form. 11 BY THE WITNESS: 12 A I don't think you'd be able to fool the 13 system unless it was -- it would be very easy to 14 build intelligence in to tell the difference. 15 BY MR. SCHELLER: 16 Q So you could build an intelligence. Does 17 Morris talk about that at all? 18 A Well, Morris talks about using the foot 19 strikes to determine a number of things, so, yes, 20 that's all you'd need to do. 21 Q And Morris is talking about -- essentially 22 talking about gait and pace and cadence; is that	60 1 A Well, that would be the cumulative, you 2 can get your rate and you do the time and that 3 gives you the total. 4 Q What about cadence; does cadence of the 5 user tell you the amount of exercise that the user 6 performed? 7 A No. 8 Q And what about gait; does gait information 9 of the user disclose the amount of exercise that 10 was performed by the user? 11 A No. 12 Q Now, if -- when a person steps off the 13 treadmill in Morris, there's a message that comes 14 up and then the person either gets back on or 15 doesn't, correct? 16 A Yes. 17 Q And if the person steps off the treadmill 18 in Morris and doesn't get back on, then what 19 happens next? 20 A Then the machine goes into a controlled 21 shutdown. 22 Q And does it do anything else?

61 1 A Does it do anything else... 2 I'm not sure what you mean by that. 3 Q Does Morris disclose the need for 4 additional sensors? 5 A I don't recall. There may be some 6 discussion of additional sensors. Is there a 7 section you'd like to look at? 8 Q The sensor in Morris talks about a magnet 9 sensor; is that right? 10 A It includes a magnet, yes. 11 Q And the magnet is to help determine -- 12 detect the presence of a user on the machine, 13 correct? 14 A Well, the sensor, the reluctance sensor 15 does, yes. 16 Q And then the sensor is essentially making 17 the determination that the person didn't get back 18 on the machine, correct? 19 A It's capable of making that determination, 20 yes. 21 Q And that it will then determine whether or 22 not the -- if the person does get back on the	63 1 A Yeah, see it. 2 Q Okay. It says, "A POSITA would have found 3 it obvious that when the user is not being 4 detected, continuing to generate exercise use data 5 that did not require the user (for example, 6 elapsed time) could have continued and would have 7 been advantageous." 8 Do you see that? 9 A Yes. 10 Q And so you're saying that the combination 11 of Morris and Ray, you still would have had 12 certain exercise use data that would accumulate if 13 the person was not on the machine; is that right? 14 A You could, yes. 15 Q And that's something that you said would 16 have been advantageous to keep all that 17 information, correct? 18 A It could be. 19 Q And then it says, "For example, once the 20 user returned, the reporting of the information 21 would have been quickly resumed without any delay 22 having to require that data."
62 1 machine, then it sends a message to shut it down; 2 is that correct? 3 A Yes. 4 Q I want to take a look at your declaration 5 in the '340 patent. I believe this is going to be 6 the next exhibit, Exhibit 5. 7 Let me show you that, sir. 8 (WHEREUPON, Rawls Exhibit No. 5 was 9 presented to the witness.) 10 BY MR. SCHELLER: 11 Q Let's take a look at Paragraph 174. 12 Do you see that in front of you, sir? 13 A Yes. 14 Q I want to turn to the middle of this 15 paragraph. And you're talking here about the 16 Morris-Ray combination; do you see that? 17 A I see the paragraph, yeah. Which sentence 18 are we talking about? 19 Q Sure. Do you want to read that paragraph? 20 I want to point you to the sentence that starts 21 with, "A POSITA" in the middle of the paragraph. 22 I have my cursor on it.	64 1 Do you see that? 2 A Yes. 3 Q So once the user returns, it talks about 4 the reporting of the information. What do you 5 mean by reporting of the information? 6 A The user -- the information's being 7 displayed in front of the user, and so that's -- 8 that can be the reporting, or in the combination 9 with Ray, it can be the reporting to the remote 10 location. 11 Q And it says, "Would have been quickly 12 resumed without any delay having to acquire that 13 data." What do you mean by that, resumed without 14 any delay having to acquire that data? 15 A You just don't have to -- you don't have 16 to fuss with the data. So you've got four seconds 17 of data when the person was off the machine, so 18 you don't have to go through and say, okay, let's 19 delete that data; you're just saying, okay, let's 20 just include all the data. 21 That would be one possibility. I'm not 22 saying that it's -- you have to do it that way.

65 1 You could just as easily say, okay, we're going to 2 delete that data. 3 Q And that's something that you believe is 4 the result of the combination; is that correct? 5 A Well, I think that Morris alone would 6 allow you to do that, but the combination would 7 also. 8 Q And how does Morris allow you alone to do 9 that? 10 A Well, you step off for four seconds, 11 Morris knows that you're not on the machine for 12 those four seconds. If you continue to stay off, 13 it will shut down, but if you get back on, then it 14 then knows you're back on. 15 So it knows that for those four seconds, 16 you weren't exercising. You could either include 17 that data or not. It would be obvious to do 18 either one. 19 Q But does Morris disclose what to do 20 differently with that data, the one that -- the 21 data that's when the user is on the machine versus 22 off the machine?	67 1 the processor checks the counter to see if it has 2 surpassed a threshold. If not, the process exits 3 and is rerun upon receipt of the next user detect 4 signal after the interrupt and repeats the 5 process. If the user returns, the display returns 6 to normal, and the program proceeds. 7 Do you see that? 8 A Yes. 9 Q So it says if the user returns the display 10 returns to normal and the program proceeds. 11 What's your understanding of what that means, when 12 the display returns to normal? 13 A So the message "Please return to the 14 treadmill to complete your workout or stop the 15 machine" would go away, and the display of workout 16 data or exercise use data would return to the 17 display, assuming that's what's on the display 18 originally. So whatever the normal display is 19 would return. 20 Q And the display is -- the normal display 21 would be the workout specifics of what the person 22 was doing; is that correct?
66 1 A Morris doesn't say specifically what to do 2 with the four seconds' worth of data; it would 3 just be -- but a POSITA would understand they have 4 a choice, you either keep it or delete it. 5 Q And that -- the data in Morris, that 6 is -- essentially that's because the reluctance 7 sensor, you said, was determining if the person 8 was on or off the machine, correct? 9 A Yes. 10 Q So let me back up again on Morris. So 11 what is -- so if we go to Morris again. I want to 12 go back to Morris. 13 Here's Morris. If we go to the top of 14 number 5 on the top here, this says that -- it 15 talks about when the user steps off the treadmill. 16 Do you see this on the top right here? 17 A Yes. 18 Q And if we look at -- there's no number 19 here, but the sentence talks about when the user 20 steps off, the display may read "Please return to 21 the treadmill to complete your workout or stop the 22 machine." The user timeout counter increments and	68 1 A Yes. And Morris gives various examples of 2 what the display could look like. 3 Q And so the display then, again, the data 4 of the workout continues to accumulate when the 5 user is off the treadmill, but the treadmill's 6 still running in Morris; is that correct? 7 A Morris is not specific about that, but I 8 think it would be obvious to do that. 9 Q And it would be obvious, in fact, to keep 10 that data going when the user is not on the 11 treadmill; is that right? 12 A Since it's only for a few seconds, I would 13 think that would be the case. If it was a longer 14 period of time, I would make a different choice. 15 Q And what period of time would you make a 16 different choice at? 17 A I don't know. It would depend on what I 18 was trying to do. 19 Q Would you make that choice at, like, 20 30 seconds? 21 MR. HANEWICZ: Object to the form. 22

69 1 BY THE WITNESS: 2 A Perhaps. Perhaps I would make it at, you 3 know, five minutes. I don't know. It would 4 depend on what my purpose was. 5 BY MR. SCHELLER: 6 Q Okay. That's fair. 7 So can you explain how the reluctance -- 8 let me ask you, have you worked with reluctance 9 sensors before in exercise equipment? 10 A I've worked with things that are similar, 11 not a reluctance sensor. 12 Q And have you worked actually with a camera 13 sensor before in exercise equipment? 14 A I've worked with optical sensors, not a 15 camera on an exercise piece of equipment, no. 16 Q How does a reluctance sensor differ from a 17 current sensor? 18 A Well, a reluctance sensor includes 19 measuring the current, but the proximity of the 20 magnet to the sensor changes the resistance, so 21 you can detect the change in resistance with -- by 22 sensing that. Basically you're sensing the	71 1 through the reluctance sensor? 2 A Yes. 3 Q So, I guess, how does a current sensor -- 4 so the reluctance sensor, would that be redundant 5 to a current sensor then? 6 A No. I mean, that's like saying is a 7 reluctance sensor redundant to a magnet. I mean, 8 it's just -- what a reluctance sensor is is a 9 unit, it's a complete thing. And there's lots of 10 different kinds of current sensors. 11 Q And how does a current sensor, how does 12 that function? 13 A What are we sensing? 14 Q Well, let's talk about current sensors in 15 exercise equipment, in treadmills. 16 A We could be sensing the current through 17 any number of different things. What are we -- 18 what are we in particular interested? 19 Q If we're sensing the current of the user's 20 footfall on a treadmill. 21 A That doesn't really make sense. I mean, 22 what the reluctance sensor does is measure the
70 1 current through the line through the sensor. 2 Q So I guess I'm a little confused, sir. Is 3 a reluctance then, is that essentially better than 4 a current sensor? It sounds like it's doing more 5 than a current sensor. 6 A In an -- an electronic system, a lot of 7 different things sense current. You just can't 8 lump them together. It's a reluctance sensor. 9 It's got different pieces. It's got a -- the 10 proximity of the magnet changes the resistance 11 through the sensor. 12 Q I think you said a reluctance sensor is 13 able to sense current as well? 14 A The reluctance sensor does not sense 15 current. A system is monitoring the reluctance 16 sensor in determining that the resistance is 17 changing. 18 Q Okay. 19 A So the current -- you can measure that by 20 measuring the current that's flowing through the 21 resistance -- or the sensor. 22 Q So it's possible to measure the current	72 1 pressure or force on the deck. So that's what 2 that's doing. 3 So I don't know what you want to measure, 4 but if you could explain it to me, perhaps we 5 could talk about it. 6 Q Sure. So can a current sensor in a 7 treadmill -- how is a current sensor used in a 8 treadmill to detect the presence of a user? 9 A What type of current sensor? What are 10 we -- current -- I mean, just -- the current 11 sensor has to be doing something. It must be 12 attached to something. It has to be looking at 13 something. What are we looking at? Are we 14 looking at the reluctance sensor? 15 Q We're looking at the current to determine 16 if the person is on -- if the user is on the 17 machine. 18 A Where are we looking at this current? 19 Q We're looking at -- sure. So I want to 20 ask you specifically about how -- you understand 21 current sensors were used in the prior art 22 relevant to the JHT patents?

73 1 A What type of current sensor are we talking 2 about? 3 Q Well, what type of current sensors were 4 available in the prior art, sir; do you know? 5 A There could be all sorts of different 6 current sensors. I mean, it – anything that 7 measures current. But what am I measuring the 8 current to? 9 Q How would you select what type of current 10 sensor to add to Ray and Morris, for instance, in 11 order to arrive at the invention of the JHT 12 patents? 13 MR. HANEWICZ: Object to form. 14 BY THE WITNESS: 15 A What aspect of the JHT patents are we 16 trying to reproduce in this – what are you asking 17 about? 18 BY MR. SCHELLER: 19 Q Sure. I -- 20 A Look at them and tell me what you want to 21 do. 22 Q Is that how you did your analysis in this	75 1 right? 2 A Right. I was just generally looking to 3 these concepts, to these goals, have these been 4 met in the prior art, is this something new or is 5 this something that's old. 6 Q And so you found the elements of the JHT 7 patents and then tried to match it with something 8 in the prior art; is that right? 9 A Well, the – 10 MR. HANEWICZ: Object to form. 11 BY THE WITNESS: 12 A The elements, as well as the entire 13 invention. Just looking at the whole thing in 14 terms of what's – intentions, what was going on 15 in the prior art in that same realm. So it wasn't 16 as specific as just looking for elements. 17 BY MR. SCHELLER: 18 Q And I want to talk to you about -- since 19 we're talking about current sensors real quick, I 20 just want to jump to Cox. You talk about Cox -- I 21 think I've got the '227. 22 If we go to Page 109 --
74 1 case, sir? 2 A I don't understand the question, sir. 3 Q Can you tell me about how you went about 4 your obviousness analysis in this case? 5 MR. HANEWICZ: Object to form. 6 BY THE WITNESS: 7 A I looked at what was disclosed in JHT 8 patents and looked to see if those same elements 9 were present in the prior art. 10 BY MR. SCHELLER: 11 Q Okay. So it's fair to say that you 12 picked -- you saw the elements of the JHT patents 13 and then found those elements in the prior art? 14 A Found the – basically the entire device, 15 the disclosure, the concept, the elements, 16 everything was present in the prior art in very 17 obvious combinations. 18 Q And specifically were you trying -- 19 specifically I assume you were not trying to find 20 the elements in the JHT patents and then pick and 21 choose from the prior art to match those; is that 22 correct? I mean, that's not what you did; is that	76 1 A Of what? 2 Q I'm sorry. This is your declaration 3 relating to the '227 patent. 4 A '227. Okay. Page 109. 5 Q It's Paragraph -- you start it actually on 6 Page 114, Paragraph 232? 7 A That doesn't seem right. Are we on 8 Page 109 or Page 114? 9 Q We're on Page 109. And if we look to 10 Paragraph 235. 11 So the Cox patent has a current sensor; is 12 that correct, sir? 13 A Yes. 14 Q And the current sensor in Cox is being 15 utilized for gait analysis; is that right? 16 A It's being utilized to determine the 17 current draw of the motor. 18 Q And can the current sensor, can that 19 improve a runner's form? 20 MR. HANEWICZ: Object to form. 21 BY THE WITNESS: 22 A The current sensor simply measures the

77 1 current draw of the motor. It's what the software 2 or presenter would do with that information that 3 could possibly improve a runner's form. 4 BY MR. SCHELLER: 5 Q So by -- so by itself, it can't improve a 6 runner's form; is that right? 7 A Well, all it can do is sense current -- 8 Q Okay -- 9 A -- talking about the sensor itself, right? 10 Q Can the current sensor improve the 11 thinning image in Ray? 12 A The current sensor can be used -- the 13 information from the current sensor could be used 14 to do that sort of thing, yes. 15 Q And how would that be done? 16 A You can -- the current sensor gives you 17 information about what the user is doing on the 18 deck. 19 Q And how would that improve the thinning 20 image of Ray? 21 A Well, you could use it to look at gait 22 efficiency. I mean, Cox describes a number of	79 1 change in the amount of current the motor draws 2 throughout the exercise. So when you have a 3 footfall, the motor has to work a little bit 4 harder. 5 And looking at how the changes in the 6 motor current draw varies over time gives you a 7 way to analyze what the user is doing. 8 Q If you know a person has a footfall force 9 of 200 pounds per square inch for a treadmill 10 workout, do you know the amount of time they ran? 11 A No. 12 Q And if you have that information in terms 13 of you know a person has a footfall force of 14 200 pounds per square inch for a treadmill 15 workout, do you know the amount of exercise they 16 performed? 17 A Well, I -- you'd have to have a different 18 type of sensor to know those kind of pressures, 19 for one thing, but you -- the amount of work on a 20 treadmill is determined by a number of different 21 things, not any one thing. 22 So you have to look at the distance
78 1 different ways that you could use the information 2 to analyze the gait. And if the person has a more 3 efficient gait, then they might be doing less 4 work; if they have a less efficient gait, they 5 might be doing more work in the same period of 6 time. 7 Q So I think we said before that the gait of 8 the user does not disclose an amount of exercise 9 being performed; is that correct? 10 A By itself, it does not, but there could be 11 a relative measure that one could have a more 12 efficient or less efficient gait. Because a lot 13 of these things are just speculative because, you 14 know, what you do with the information is up for 15 people to, you know, analyze it, figure out what's 16 working, what isn't working. 17 All Cox is doing is getting you the 18 information. It's suggesting some ways it can be 19 used. 20 Q And the only information it's giving to 21 you is the gait of the user; is that right? 22 A The information it's giving to you is the	80 1 traveled, the speed, the incline, you can look at 2 gait, you can look at all sorts of different 3 things. They work together, not by themselves. 4 Q So is it correct to say then that if you 5 have footfall force alone, you will not know the 6 amount of exercise being performed; is that 7 correct? 8 A If you just -- yeah, you'd have to know 9 how long the person worked out. You'd have to 10 know how fast they were going, incline. You'd 11 have to know a number of different things to get 12 the amount of work done on the treadmill. 13 Q Can the sensor in Morris detect the same 14 electrical current as the sensor in Cox? 15 A I don't understand that question. 16 Q Do you know the -- the sensors in Morris, 17 we talked about the reluctance sensors, correct? 18 A Yes. 19 Q Does that detect electrical current? 20 A It does. 21 Q And is that the same electrical current 22 that could be determined by the Cox current

81 1 sensor? 2 A I don't know what you mean by the same 3 electrical current. 4 Q Well, could it detect the same electrical 5 current? 6 A Something that detects an electrical 7 current can detect an electrical current, but 8 we're detecting different electrical current. 9 Q My question is could they detect the same 10 electrical current though? 11 A The sensitivity of one is much higher than 12 the other, but it's the same concept. 13 Q So is it your testimony then that the 14 sensors in Morris and the sensors in Cox cannot 15 detect the same electrical current? 16 A It's my testimony they're just different 17 things. You have a reluctance sensor and a 18 current sensor on one, it's just different things. 19 It's like comparing carrots to rocks; they're 20 different. One is a reluctance sensor, one is a 21 motor with a current sensor. 22 Q So it's fair to say then that the sensor	83 1 not related in any way. 2 They're not -- to use the words -- just 3 using the words in a way that's confusing. 4 BY MR. SCHELLER: 5 Q So what sensors besides a current sensor 6 could you use -- I understand that you believe 7 that the image of Ray could be improved through a 8 current sensor; is that right? 9 A Image of Ray could be -- I mean, the data 10 of Ray could be improved through a current sensor. 11 How exactly it's used to do that would be up to 12 the person doing it. 13 Q Could the thinning image of Ray be 14 improved through a current sensor? 15 A I believe it could. It would involve 16 a lot of different pieces of information. 17 Q And what pieces of information would you 18 need besides the current sensor to improve the 19 image and -- the thinning image in Ray? 20 A You'd be using the speed, you'd be using 21 the incline, you'd be using the duration, and 22 you'd be doing some analysis of the gait.
82 1 in Morris, the reluctance sensor in Morris and the 2 current sensor in Cox cannot detect the same 3 electrical current; is that correct? 4 A It's not fair to say; they're just 5 different things. 6 Q Well, you said either they can detect the 7 same or they can't. Which one is it? Can they 8 detect the same, yes or no? 9 A They're just different things. I don't -- 10 I don't -- I really -- I can't understand your 11 question. They're just different things. 12 Q So you can't answer if the sensor in 13 Morris can detect the same electrical current as 14 the sensor in Cox; is that correct? 15 MR. HANEWICZ: Object to form. 16 BY THE WITNESS: 17 A It really isn't that I can't answer that; 18 it's that one is sensing very fine electrical 19 current through the reluctance sensor and one is 20 sensing a much heavier-duty electrical current 21 going to the motor. They're both sensing 22 electrical current, but it's different; they're	84 1 MR. SCHELLER: One second, please. 2 Could we take a short break? I just need 3 a few minutes here. 4 THE WITNESS: Okay. 5 MR. HANEWICZ: That's fine. 6 MR. SCHELLER: Thank you. Off the record. 7 (WHEREUPON, a recess was had.) 8 BY MR. SCHELLER: 9 Q Mr. Rawls, I want to talk to you also 10 about the Daly patent. Are you familiar with that 11 one? 12 A Yes. 13 Q Let me pull that up here. 14 (WHEREUPON, Rawls Exhibit No. 6 was 15 presented to the witness.) 16 BY MR. SCHELLER: 17 Q This is Exhibit Number 6, and we have the 18 Daly patent here. I understand you're relying on 19 the Daly patent for its pressure sensor; is that 20 correct? 21 MR. HANEWICZ: Object to form. 22

85 1 BY THE WITNESS: 2 A It has a number of piezoelectric sensors 3 under the belt. 4 BY MR. SCHELLER: 5 Q And what do those sensors do? 6 A They sense pressure or force applied to 7 them. 8 Q And I believe you said that -- if we go 9 back to your declaration in the '227 case again, 10 that a person of ordinary skill in the art would 11 have found it obvious to combine the teaching of 12 Daly with Ray. And I'm looking specifically at 13 Paragraph 301 of the declaration. 14 Do you see that in front of you? 15 A I'm getting there. 16 Q No problem. I have it on the screen, sir. 17 A It's harder for me to read on your screen. 18 It's smaller. 19 Okay. I'm at 301. 20 Q So you say that a person of ordinary skill 21 in the art would have found it obvious to combine 22 Daly with Ray; do you see that?	87 1 sensors you'd add to Ray before you say it cost 2 too much to get to the invention of the 3 patents-in-suit? 4 A No, I'd have to get much more involved in 5 the details. 6 Q And that's not something you looked at; is 7 that fair to say? 8 A Correct. 9 Q And is the -- when you say it provides 10 more accurate morphing, can you describe what you 11 mean by that? How would the virtual image or the 12 thinning image in Ray be more accurate? 13 A Well, I mean, you could provide various 14 kinds of information, not necessarily just 15 thinning. You could show a person who is limping, 16 you could show a person who is doing other things 17 because you'd have gait analysis that you've done 18 along with this. So depending on your goals, you 19 could do any number of things. 20 Q But is there anything in Ray that 21 indicates that its image needs more fine-tuning? 22 A It would be -- there's indications in Ray
86 1 A Yes. 2 Q And my understanding is you believe that 3 it would have provided a better image -- a more 4 accurate morphing of Ray; is that correct? 5 A It could. 6 Q And how could it do that? 7 A It would be similar to the discussion we 8 had about Morris. 9 Q And can you remind me of that? 10 A It would be adding to all the other 11 information that you're collecting with Ray. 12 You'd be adding the gait information. 13 Q Is there a cost of adding these sensors to 14 Ray? 15 A There is some cost to these sensors under 16 the belt, yes. 17 Q At some point, the cost becomes 18 prohibitive, I assume, right? 19 A One would do a cost/benefit analysis and, 20 yes, at some point you'd say it's costing too 21 much. 22 Q And do you have any idea of how many	88 1 that you would -- you could use other sensors to 2 get more information. So, yes, if you get those 3 more -- get the more information, you could do 4 more with it. 5 Q And is there anything in Ray that 6 indicates that its image needs -- it needs more 7 information? 8 A That's what I just said, Ray indicates the 9 possible use of all sorts of other sensors, and 10 what I'm saying is if you use those other sensors, 11 you've got all that information. Ray discusses 12 and discloses displaying it in different ways, one 13 is the image. So, yes, you use it. You're not 14 going to just collect it and throw it away, you're 15 going to use it. 16 Q So Ray essentially discloses all the 17 sensors that you would need, you believe, for the 18 invention of the JHT patents; is that right? 19 A What was that question again? 20 MR. HANEWICZ: Object to form. 21 BY MR. SCHELLER: 22 Q So Ray, you believe, discloses all the

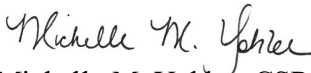
89 1 sensors that one would need for the claims of the 2 patents-in-suit; is that correct? 3 A The sensor. So what are we talking about? 4 If we look at the -- we're looking at the sensor 5 of the claims, so we have a sensor operable to 6 detect engagement of the user with the operating 7 unit, is that the sensor you're talking about? 8 Q Well, I'm talking about you said that Ray 9 has -- is disclosing all the sensors that one 10 would need, and I'm following up on that to find 11 out what you're referring to there. 12 A Did I say that? I'm not sure what you're 13 referring to. 14 Q Sure. I don't mean to mischaracterize 15 your testimony, sir. I thought you said that Ray 16 had disclosed all the sensors that -- disclosed 17 more than the camera sensor for sure, correct? 18 A Right. Ray discloses the possible use of 19 a number of different types of sensors. 20 Q And some of those other sensors would be 21 providing the same information as a pressure 22 sensor; is that fair?	91 1 BY MR. SCHELLER: 2 Q The Yi patent application publication, are 3 you familiar with this document, sir? 4 A Yes. 5 Q And this is another application that has a 6 pressure sensor; is that right? 7 A It has pressure sensors, yes. 8 Q And what are those pressure sensors used 9 for in Yi? 10 A Similar to what we've been talking about 11 with Morris and with Daly is sensing the foot 12 pressure on the deck or foot force, footfall, 13 gait, things of that nature. 14 Q Is Yi using -- how is Yi using that 15 information? 16 A Excuse me? 17 Q How does Yi describe using that 18 information? 19 A One of the ways that Yi describes using it 20 is to speed up and slow down the deck based on 21 where the person is on the deck. So if they start 22 to get too far forward, the deck would be going
90 1 A It does disclose foot band pressure 2 sensors. 3 Q And does Ray also disclose current 4 sensors? 5 A I don't recall if it specifically 6 discusses a current sensor. I think he does not, 7 but that's my recollection at the moment. 8 Q I want to -- 9 A I want to specifically say, when you're 10 talking about a current sensor, when my answer is 11 related to the current sensor, for the motor in 12 response to that. So -- because there's a lot of 13 sensing of current going on all through these 14 things, but I think you're talking about current 15 sensor for the motor. 16 Q And in terms of Cox, what's that current 17 sensor in Cox doing? 18 A It's sensing the current to the motor. 19 Q I want to show you another exhibit. This 20 is Exhibit Number 7. This is the Yi patent. 21 (WHEREUPON, Rawls Exhibit No. 7 was 22 presented to the witness.)	92 1 faster; if they start going towards the back, it 2 would be going slower. It looks at gait. It 3 looks at person's position on the deck. 4 Q And does Yi -- do you know how is heart 5 rate generated in Yi, if it's generated? 6 A I don't recall if he's talking about heart 7 rate. We can look through this if you want me to 8 do that. 9 Q We can look at your declaration. That 10 might help out. 11 A Which -- 12 Q This is the '340 patent. 13 A '340. Right. Okay. 14 Q And I'm looking at Page 60, I believe. 15 You have a discussion on Page 43 and 44 -- 16 I'm sorry, 43. If you go to Page 60. 17 I have it in front of you now. Here is Yi 18 on Paragraph 131. And if we go to Paragraph 133, 19 you talk about that Yi explained that pace speed 20 and pace speed variations were stored in memory 21 and further described that its treadmill included 22 a display unit that displayed various types of

93 1 exercise information such as heart rate during 2 exercise, exercise distance, exercise time, 3 calories consumed, and speed. 4 I was wondering how heart rate was 5 generated in Yi. 6 A I'm not sure how heart rate's generated. 7 Heart rate is pretty easy to generate, and I think 8 most exercise equipment either has the capacity to 9 generate it with hand holds or is able to read 10 information from chest straps and various other 11 things. It's pretty common to do that. 12 Q And if we go back to Yi, in Yi, again, you 13 have a person could step off the treadmill and the 14 belt would still move; is that correct? 15 MR. HANEWICZ: Object to form. 16 BY THE WITNESS: 17 A Depending on whether something has been 18 tripped or not. 19 BY MR. SCHELLER: 20 Q But Yi discloses at least that the person 21 could step off it and the belt would still move; 22 do you recall that?	95 1 the speed of the belt based on the pace of the 2 user would at least imply that Yi would stop the 3 belt if you're not on it. 4 Q It doesn't explicitly say that; is that 5 correct? 6 A Not that I can see, but if it's 7 controlling the speed of the belt based on your 8 position on the belt, it would be certainly 9 obvious to do so if one wanted to. 10 Q And I want to ask you about -- I want to 11 move back to your '227 declaration, sir. And I've 12 got here -- let me put this up. 13 So I'll go to Paragraph 266 of your '227 14 declaration. This talks about the generated 15 exercise use data. 16 You say that, "As I explained above, it is 17 well-known to a POSITA, and the applicant 18 admitted, that the treadmill's controller 19 generated exercise use data when the treadmill was 20 running, and could continue generating certain 21 types of data even if the user was not on the 22 treadmill."
94 1 A Where are we in Yi? 2 Q Well, I'm asking about if we look at -- if 3 we go to the disclosure of the invention, this 4 talks about having a pressure sensor on the bottom 5 of the treadmill. Does Yi disclose -- do you 6 recall, does Yi disclose stopping the treadmill if 7 the user steps off it? 8 A I don't recall, but, you know, we can look 9 through it. I think that the basics of what -- 10 what Yi is saying is that -- well, I can read 11 through it if you want to and see whether I can 12 find that or not. 13 Q No, that's okay. 14 I want to ask you about -- 15 A (Indiscernible.) 16 Q I'm sorry, sir, what's that? 17 A I want to look further down in my report 18 on what I have on Yi, so hold on. I don't see any 19 discussion in Yi of stopping the belt, just 20 detecting the user. 21 Q Okay. In... 22 A I suppose one could argue that controlling	96 1 Do you see that? 2 A Yes. 3 Q And where was that admitted by the 4 applicant; do you recall? 5 I think you're referring to this 6 paragraph, but I'm not certain. I'll go up to 7 Paragraph 184. 8 On Page 92. 9 A It's in the -- it's in the '227 patent. 10 You're asking exactly where, right? I'm trying 11 to -- 12 Q I'd like to know where you're referring 13 to. And you can look at the '227 patent as well. 14 A Correct. 15 Q I'll pull that up for you. I don't think 16 we've marked this. We'll mark this as Exhibit 8, 17 the '227 patent. 18 (WHEREUPON, Rawls Exhibit No. 8 was 19 presented to the witness.) 20 BY MR. SCHELLER: 21 Q Do you have that in front of you, sir? 22 A Yes, I do.

97 1 Q Okay. 2 A I'm trying to find when I first reference 3 it, that's all. 4 One section in the '227 patent in 5 column 1, line 51, to column 2, line 19, it's on 6 Page 72, that's an excerpt from there describing 7 how the motorized equipment generates exercise use 8 data whether you're on it or not. And he's 9 discussing at that point the need to determine if 10 someone is on it or not because the data is 11 generated either way. 12 Q And that's the citation you believe that 13 supports your statement that it was known that the 14 exercise use data was generated when the treadmill 15 was running and could continue generating certain 16 types of data even if the user is not on the 17 treadmill; is that correct? 18 A That's one such statement in '227, yes. 19 Q And you were referring to your declaration 20 there; is that correct? 21 A Yes. And I'm referring to the '227 22 patent.	99 1 other than the ones you've cited? 2 I've got the '227 patent up on the screen 3 for you. 4 A I've got it. 5 I think the section that's -- that I've 6 excerpted there from 51 to 19 in column 1 to 2 7 does definitely describe it. I think it's 8 implicit all through the patent that exercise use 9 data is generated whether the person's present or 10 not. 11 It's -- the purpose of that specifically 12 describes it in detail is described in some detail 13 in Figure 6 and the flow chart to Figure 6 and 14 just generally throughout the patents. So I don't 15 want to just say only in that excerpt; I think 16 that it's basically that it's the purpose of the 17 patent, for one thing. 18 Q Okay. So you think cited -- it's in the 19 citation you provided and also implied; is that 20 correct? 21 A Yes. 22 Q And with respect to -- I'm going back to
98 1 Q Is there any other citations you have for 2 that, sir? 3 A Well, in my report, I have all of the 4 different citations; I just found the one for you. 5 And I can keep looking for more if you want. 6 Q I'm specifically looking at -- when I was 7 showing your report on Paragraph 266 -- we can go 8 back to it -- related to the '227 patent, there is 9 no citation provided there, and so that's why I 10 was wondering where you got this citation from. 11 A It says "as discussed above." That's why 12 I'm searching -- that's why I went back above to 13 search for these. And I think there's more to the 14 discussion that basically it's the purpose of the 15 '227 patent because this data can be generated 16 either way, so it wants to determine whether the 17 person is there or not. 18 Q And when you state "above," that was 19 talking about above with respect to the section on 20 exercise use data; is that right? 21 A Above with respect to my report. 22 Q And is there any others you can identify	100 1 your '227 declaration, and I'm looking here at the 2 table of contents. So for -- you refer to AAPA. 3 You understand that's Applicant Admitted Prior 4 Art; is that right? 5 A Yes. 6 Q And is it correct you're using AAPA as a 7 basis for grounds 3, 4, and 6? I'm trying to show 8 you that page, sir. 9 Here's 3, 4, and 6. Is that correct? 10 A I'm using it for ground 3 and -- I see. 11 Yes, it's not exactly the same combination, but, 12 yes, the AAPA is being used in both 3, 4, and 6. 13 Q And that's a basis for grounds 3, 4, and 14 6, correct? AAPA? 15 A It's part of the basis, yes. 16 MR. SCHELLER: Thank you, Mr. Rawls. I 17 have no further questions. 18 THE WITNESS: Okay. 19 MR. HANEWICZ: Give me one second. I 20 don't think we have anything, but hold on. 21 (Brief pause in proceedings.) 22 MR. HANEWICZ: We have no questions. We

Transcript of R. Lee Rawls
Conducted on February 20, 2024

26 (101 to 104)

101 1 would reserve the right to review and provide an 2 errata on the Court's schedule. 3 (WHEREUPON, the deposition was concluded 4 at 1:10 p.m. CST) 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	103 1 CERTIFICATE OF SHORTHAND REPORTER 2 3 I, Michelle M. Yohler, Certified 4 Shorthand Reporter, Registered Professional 5 Reporter, Registered Merit Reporter, Certified 6 Realtime Reporter, within and for the State of 7 Illinois do hereby certify: 8 That R. LEE RAWLS, the witness whose 9 deposition is hereinbefore set forth, was duly 10 sworn by me before the commencement of such 11 deposition and that such deposition was taken 12 before me and is a true record of the testimony 13 given by such witness. 14 I further certify that the adverse party, 15 Peloton Interactive, was represented by counsel at 16 the deposition. 17 I further certify that the deposition of 18 R. LEE RAWLS, occurred at the offices 19 of Michael Best & Friedrich LLP, One South 20 Pinckney Street, Suite 700, Madison, Wisconsin, on 21 Tuesday, February 20, 2024, commencing at 22 10:35 a.m. to 1:10 p.m.
102 1 ACKNOWLEDGMENT OF DEPONENT 2 I, R. LEE RAWLS, do hereby acknowledge 3 that I have read and examined the foregoing 4 testimony and the same is a true, correct, and 5 complete transcription of the testimony given by 6 me and any corrections appear on the attached 7 errata sheet signed by me. 8 9 _____ 10 (SIGNATURE) (DATE). 11 12 13 14 15 16 17 18 19 20 21 22	104 1 I further certify that I am not related to 2 any of the parties to this action by blood or 3 marriage, I am not employed by or an attorney to 4 any of the parties to this action, and that I am 5 in no way interested, financially or otherwise, in 6 the outcome of this matter. 7 8 IN WITNESS WHEREOF, I have hereunto set my 9 hand this 21st day of February, 2024. 10 11 12  13 Michelle M. Yohler, CSR, RMR, CRR 14 Certified Shorthand Reporter 15 CSR No.: 84-4531 16 17 18 19 20 21 22

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