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# Transcript of Peter Rysavy

**Date:** July 12, 2023

**Case:** Pantech Corporation, et al. -v- LG Electronics, Inc., et al.

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LG Elecs. Ex. 1022  
LG Elecs. v. Pantech Corp.  
IPR2023-01269 Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

PANTECH CORPORATION and )  
PANTECH WIRELESS LLC, )  
 )  
Plaintiffs, )  
 )  
VS ) Case No.  
 ) 5:22-cv-00113-RWS-JBB  
LG ELECTRONICS INC. and )  
LG ELECTRONICS U.S.A., Inc.)  
 )  
Defendants. )

\*\*\*\*\*

REMOTE VIDEOTAPED DEPOSITION OF  
PETER RYSAVY  
July 12, 2023

\*\*\*\*\*

Job No. 499527

Pages: 1-140

Reported by: Susan S. Klinger, RMR-CRR, CSR

July 12, 2023

8:59 a.m.

REMOTE VIDEOTAPED DEPOSITION OF PETER RYSAVY,  
produced as a witness at the instance of the  
Defendants, and duly sworn, was taken in the  
above-styled and numbered cause on the 12th of  
July, 2023, from 8:59 to 2:20, before Susan S.  
Klinger, RMR-CRR, CSR in and for the State of  
Texas, reported remotely by stenographic method,  
pursuant to the Federal Rules of Civil Procedure  
and the provisions stated on the record or  
attached hereto.

A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF:

Gregory J. Apgar, Esquire

James "Tripp" Fussell, III, Esquire

MAYER BROWN

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ON BEHALF OF THE DEFENDANT:

Frances Zhang, Esquire

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ROPES & GRAY

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Washington, DC 20006

202.508.4711

Also Present:

Brian Krieger, videographer

Parker Simpson, remote tech

I N D E X

| WITNESS                  | PAGE |
|--------------------------|------|
| PETER RYSAVY             |      |
| EXAMINATION BY MS. ZHANG | 7    |
| EXAMINATION BY MR. APGAR | 127  |
| EXAMINATION BY MS. ZHANG | 136  |

E X H I B I T S

| No.         | Description                                               |    |
|-------------|-----------------------------------------------------------|----|
| Exhibit 102 | U.S. Patent 9,854,545                                     | 58 |
| Exhibit 302 | Expert Report                                             | 20 |
| Exhibit 401 | 3GPP TS 36.300                                            | 48 |
| Exhibit 406 | SEAK How to Excel as an<br>Expert Witness in Patent Cases | 37 |

Transcript of Peter Rysavy  
Conducted on July 12, 2023

5

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | P R O C E E D I N G S                              | 08:59:11 |
| 2  | REMOTE TECHNICIAN: Thank you to everyone           | 08:59:11 |
| 3  | for attending this proceeding remotely, which we   | 08:59:36 |
| 4  | anticipate will run smoothly. Please remember to   | 08:59:38 |
| 5  | speak slowly and do your best not to talk over one | 08:59:41 |
| 6  | another. Please be aware that we are recording     | 08:59:43 |
| 7  | this proceeding for backup purposes. Any off the   | 08:59:45 |
| 8  | record discussions should be had away from the     | 08:59:48 |
| 9  | computer. Please remember to mute your mic for     | 08:59:50 |
| 10 | those conversations. Please have your video        | 08:59:52 |
| 11 | enabled to help the reporter identify who is       | 08:59:54 |
| 12 | speaking. If you are unable to connect with video  | 08:59:56 |
| 13 | and are connecting via phone, please identify      | 08:59:59 |
| 14 | yourself each time before speaking. I apologize    | 09:00:01 |
| 15 | in advance for any technical-related               | 09:00:02 |
| 16 | interruptions, thank you.                          | 09:00:05 |
| 17 | VIDEOGRAPHER: Please stand by for the              | 09:00:06 |
| 18 | video read on.                                     | 09:00:08 |
| 19 | Here begins media number 1 in the                  | 09:00:09 |
| 20 | videotaped deposition of Peter Rysavy. This is in  | 09:00:17 |
| 21 | the matter of Pantech Corporation and Pantech      | 09:00:22 |
| 22 | Wireless LLC versus LG Electronics Incorporated    | 09:00:26 |
| 23 | and LG Electronics U.S.A. Incorporated. It is in   | 09:00:30 |
| 24 | the United States District Court for the Eastern   | 09:00:34 |
| 25 | District of Texas, Texarkana Division. The case    | 09:00:38 |

Transcript of Peter Rysavy  
Conducted on July 12, 2023

6

1 number is 5:22-cv-00113-RWS-JBB.

09:00:42

2 Today's date is Wednesday, July 12th,  
3 2023. Our time on the video monitor is 9:00 a.m.  
4 Pacific time. The remote videographer today is  
5 Brian Krieger representing Planet Depos. All  
6 parties of this video deposition are attending  
7 remotely.

09:00:52

09:00:56

09:01:04

09:01:08

09:01:12

09:01:14

8 If counsel could please identify  
9 themselves for the record and state whom they  
10 represent.

09:01:14

09:01:15

09:01:18

11 MS. ZHANG: Frances Zhang of Ropes & Gray  
12 on behalf of defendants LG Electronics and LG  
13 Electronics U.S.A. I also have here with me Jim  
14 Davis of Ropes & Gray on behalf of defendants.

09:01:18

09:01:22

09:01:26

09:01:29

15 MR. APGAR: And this is Greg Apgar from  
16 Mayer Brown on behalf of the plaintiffs Pantech  
17 Corporation and Pantech Wireless and the witness.  
18 And also with me is Tripp Fussell from Mayer Brown  
19 and also on behalf of the plaintiffs and the  
20 witness.

09:01:32

09:01:35

09:01:38

09:01:42

09:01:46

09:01:49

21 VIDEOGRAPHER: Our court reporter today is  
22 Susan Klinger also representing Planet Depos. The  
23 witness will now be sworn.

09:01:49

09:01:51

09:01:54

24 PETER RYSAVY,  
25 having been first duly sworn testified as follows:

09:01:54

09:01:54

Transcript of Peter Rysavy  
Conducted on July 12, 2023

7

1 MS. ZHANG: Before we begin, I would like  
2 to state for the record that defendants maintain  
3 their objection to Mr. Rysavy's participation in  
4 this litigation. And while the parties are  
5 continuing their meet and confer process,  
6 defendants intend to file a motion to disqualify  
7 Mr. Rysavy. Defendants are participating in this  
8 deposition subject to their continued objection  
9 pursuant to the docket control order.

10 EXAMINATION

11 BY MS. ZHANG:

12 Q And now we can proceed. Good morning,  
13 Mr. Rysavy. How are you today?

14 A Good morning. I'm doing well, thank you.

15 Q Great. My name is Frances Zhang and I  
16 will be taking your deposition today on behalf of  
17 defendants in this case. Can you please state  
18 your name and address for the record?

19 A Peter Rysavy. And do you want my street  
20 address or mailing address?

21 Q Your street address?

22 A 16 Prospect Avenue, Hood River, Oregon,  
23 97031.

24 Q Thank you. And I understand you have been  
25 deposed before, but I will briefly go over the

09:02:15  
09:02:16  
09:02:18  
09:02:21  
09:02:25  
09:02:26  
09:02:29  
09:02:32  
09:02:34  
09:02:34  
09:02:37  
09:02:37  
09:02:40  
09:02:42  
09:02:46  
09:02:49  
09:02:52  
09:02:55  
09:02:56  
09:03:03  
09:03:05  
09:03:07  
09:03:13  
09:03:14  
09:03:19

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | procedures so we're both on the same page. Is      | 09:03:23 |
| 2  | that okay with you?                                | 09:03:24 |
| 3  | A Yes.                                             | 09:03:25 |
| 4  | Q The purpose of this deposition is for me         | 09:03:27 |
| 5  | to ask you questions and for you to answer those   | 09:03:30 |
| 6  | questions to the best of your ability. Do you      | 09:03:32 |
| 7  | understand that?                                   | 09:03:34 |
| 8  | A I do.                                            | 09:03:34 |
| 9  | Q And oral responses are required as the           | 09:03:36 |
| 10 | stenographer cannot pick up gestures. Do you       | 09:03:39 |
| 11 | understand?                                        | 09:03:42 |
| 12 | A I do.                                            | 09:03:42 |
| 13 | Q Because this deposition is performed over        | 09:03:43 |
| 14 | video conference, there may be some interruptions  | 09:03:46 |
| 15 | in internet connection. So if you don't properly   | 09:03:50 |
| 16 | hear a question, please let me know.               | 09:03:52 |
| 17 | A Okay.                                            | 09:03:54 |
| 18 | Q If you do not understand a question or you       | 09:03:54 |
| 19 | don't hear the question I ask you, please tell me  | 09:03:59 |
| 20 | so I can repeat or rephrase in a way that makes it | 09:04:01 |
| 21 | understandable for you; is that okay?              | 09:04:04 |
| 22 | A Absolutely.                                      | 09:04:05 |
| 23 | Q If you answer the question, I will assume        | 09:04:07 |
| 24 | that you understand it as asked; is that fair?     | 09:04:11 |
| 25 | A Yes.                                             | 09:04:15 |

|    |                                                   |          |
|----|---------------------------------------------------|----------|
| 1  | Q And from time to time your counsel may          | 09:04:16 |
| 2  | lodge objections to a question. If your counsel   | 09:04:20 |
| 3  | objects you will still need to answer my question | 09:04:23 |
| 4  | unless the objection is on the grounds of         | 09:04:25 |
| 5  | privilege. Do you understand that?                | 09:04:27 |
| 6  | A I do.                                           | 09:04:28 |
| 7  | Q And if you need to take a break, please         | 09:04:29 |
| 8  | let me know. All I ask is that if a question is   | 09:04:33 |
| 9  | pending you answer the question that is pending   | 09:04:36 |
| 10 | before we take a break; is that okay?             | 09:04:37 |
| 11 | A Yes.                                            | 09:04:39 |
| 12 | Q And you have taken an oath that binds you       | 09:04:40 |
| 13 | to give truthful answers to the questions I ask   | 09:04:45 |
| 14 | you. Do you understand that?                      | 09:04:48 |
| 15 | A I do.                                           | 09:04:49 |
| 16 | Q And is there any reason that you would not      | 09:04:50 |
| 17 | be able to testify truthfully today?              | 09:04:54 |
| 18 | A No.                                             | 09:04:56 |
| 19 | Q Do you have anyone else in the room with        | 09:04:57 |
| 20 | you today?                                        | 09:05:00 |
| 21 | A I do not.                                       | 09:05:00 |
| 22 | Q And do you have any documents in front of       | 09:05:02 |
| 23 | you?                                              | 09:05:06 |
| 24 | A I do not.                                       | 09:05:06 |
| 25 | Q Besides the software necessary for this         | 09:05:07 |

1 deposition, do you have any other applications  
2 running on your computer?

3 A I do not.

4 Q Okay. Thank you, Mr. Rysavy.

5 You have been retained by plaintiffs,  
6 Pantech Corporation and Pantech Wireless LLC as an  
7 expert witness; is that right?

8 A That is correct.

9 Q And you have been hired by plaintiffs to  
10 provide your expert opinions to support  
11 plaintiffs' claim construction positions for U.S.  
12 Patent Number 9,854,545; is that right?

13 A Yes. I haven't memorized the full number,  
14 but the '545 is correct.

15 Q Great. So if I refer to that -- if I  
16 refer to U.S. Patent Number 9,854,545 as the '545  
17 patent, you will understand what I'm referring to?

18 A Yes.

19 Q Okay, thank you. And in addition to claim  
20 construction, have you also been hired by  
21 plaintiffs to provide your expert opinions to  
22 support infringement and validity for the '545  
23 patent?

24 MR. APGAR: Objection, form.

25 A No.

1 Q So you have not been asked by plaintiffs  
2 to assess infringement or validity for the '545  
3 patent in this case?

4 A I've been asked to assist with  
5 infringement but not validity.

6 Q In addition to the '545 patent, have you  
7 been retained by plaintiffs to provide opinions on  
8 any of the other patents asserted in this case?

9 A No, this is the only patent that I'm  
10 working on.

11 Q Okay. When were you retained by  
12 plaintiffs in this case?

13 MR. APGAR: Just caution the witness you  
14 can answer with a year, but not to reveal any  
15 communications you had with counsel. Sorry, you  
16 can answer the question with a -- with a time, a  
17 date, but just don't reveal any communications  
18 with counsel about your retention.

19 A I was retained this year.

20 Q This year. Do you have a month or day  
21 that you recall roughly?

22 A I don't recall.

23 Q Was it early in this year, was it three  
24 months ago, four months ago?

25 A I don't recall.

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | Q Do you recall when you started working on        | 09:07:37 |
| 2  | this case?                                         | 09:07:43 |
| 3  | A Well, as I said, the work that I started         | 09:07:43 |
| 4  | was this year, but I don't recall exactly what     | 09:07:53 |
| 5  | month it was.                                      | 09:07:57 |
| 6  | Q Okay. You have reviewed the '545 patent;         | 09:07:58 |
| 7  | right?                                             | 09:08:03 |
| 8  | A Yes.                                             | 09:08:03 |
| 9  | Q Do you recall when you started reviewing         | 09:08:05 |
| 10 | that patent?                                       | 09:08:08 |
| 11 | A I do not.                                        | 09:08:08 |
| 12 | Q Do you recall if it was last month or this       | 09:08:13 |
| 13 | month or before?                                   | 09:08:20 |
| 14 | A It was before this month or last month.          | 09:08:23 |
| 15 | Q Okay. Approximately how many hours have          | 09:08:25 |
| 16 | you spent working on this case?                    | 09:08:31 |
| 17 | A I don't have an exact number.                    | 09:08:32 |
| 18 | Q Are you able to provide a rough estimate         | 09:08:38 |
| 19 | about how many hours you have been working on this | 09:08:41 |
| 20 | case?                                              | 09:08:44 |
| 21 | A I can provide a very rough estimate.             | 09:08:48 |
| 22 | Q Okay. What is that estimate?                     | 09:08:50 |
| 23 | A The very rough estimate is between 10            | 09:08:51 |
| 24 | hours and 100 hours.                               | 09:08:58 |
| 25 | Q Okay. And you're being paid \$500 per hour       | 09:08:59 |

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | for your work?                                     | 09:09:05 |
| 2  | A Yes.                                             | 09:09:06 |
| 3  | Q Is that your standard consulting rate?           | 09:09:08 |
| 4  | A Yes.                                             | 09:09:11 |
| 5  | Q What did you do to prepare for this              | 09:09:13 |
| 6  | deposition?                                        | 09:09:19 |
| 7  | A Can I go back to a previous question you         | 09:09:20 |
| 8  | asked?                                             | 09:09:22 |
| 9  | Q Sure.                                            | 09:09:22 |
| 10 | A Well, actually I really would need to            | 09:09:24 |
| 11 | confer with Mr. Apgar about that in advance, but   | 09:09:29 |
| 12 | I'm not sure if the answer I gave was accurate.    | 09:09:35 |
| 13 | Q Which question did you want to revisit?          | 09:09:41 |
| 14 | A The question of working on both                  | 09:09:43 |
| 15 | infringement and validity.                         | 09:09:47 |
| 16 | Q What was unclear about the question?             | 09:09:50 |
| 17 | A The question is clear, but I would need to       | 09:09:55 |
| 18 | confer with Mr. Apgar about my response.           | 09:09:57 |
| 19 | Q Your response was that you have assisted         | 09:10:02 |
| 20 | with -- strike that.                               | 09:10:06 |
| 21 | Was your response that you have assisted           | 09:10:12 |
| 22 | with validity but not infringement?                | 09:10:21 |
| 23 | MR. APGAR: I'm going to object. I don't            | 09:10:28 |
| 24 | think that accurately characterizes the testimony. | 09:10:29 |
| 25 | Q I'm following the realtime. Mr. Rysavy           | 09:10:51 |

1 you testified, I've been asked to assist with  
2 infringement but not validity.

3 A Right, that is the question I would need  
4 to discuss with Mr. Apgar.

5 Q Is that because you're not sure whether  
6 you were asked to also assist with validity?

7 A I'm not sure if I can answer that  
8 question.

9 Q Okay. Are you also unsure whether you  
10 have been asked to assist with infringement?

11 A I can answer that I've been asked to  
12 assist with infringement.

13 Q Okay. Returning to my earlier question,  
14 what did you do to prepare for this deposition  
15 today?

16 A I had a meeting with attorneys of Mayer  
17 Brown.

18 Q Which attorneys did you meet with?

19 A I met with Greg Apgar and Tripp Fussell.

20 Q When did you meet with them?

21 A Yesterday.

22 Q Any other time in preparation for this  
23 deposition?

24 A I also met with them this morning.

25 Q For how long did you meet with them this

09:10:54

09:10:56

09:11:01

09:11:03

09:11:07

09:11:12

09:11:16

09:11:17

09:11:19

09:11:22

09:11:25

09:11:35

09:11:36

09:11:42

09:11:45

09:11:45

09:11:54

09:11:54

09:12:00

09:12:09

09:12:10

09:12:13

09:12:18

09:12:18

09:12:26

|    |                                                |          |
|----|------------------------------------------------|----------|
| 1  | morning and yesterday?                         | 09:12:27 |
| 2  | A Yesterday we met for approximately half a    | 09:12:32 |
| 3  | day and this morning for less than an hour.    | 09:12:37 |
| 4  | Q Did you review any documents in              | 09:12:42 |
| 5  | preparation for this deposition?               | 09:12:47 |
| 6  | MR. APGAR: The witness can answer that         | 09:12:51 |
| 7  | yes or no.                                     | 09:12:53 |
| 8  | A Yes.                                         | 09:12:54 |
| 9  | Q Had you seen those documents prior to your   | 09:12:55 |
| 10 | preparation for this deposition?               | 09:13:02 |
| 11 | MR. APGAR: Objection, form.                    | 09:13:07 |
| 12 | Q Yes or no?                                   | 09:13:07 |
| 13 | A Yes.                                         | 09:13:12 |
| 14 | Q Okay. Had you seen those documents when      | 09:13:12 |
| 15 | you were preparing your expert report on claim | 09:13:23 |
| 16 | construction for the '545 patent?              | 09:13:28 |
| 17 | A Yes.                                         | 09:13:33 |
| 18 | Q Mr. Rysavy, you've served as an expert       | 09:13:36 |
| 19 | witness before; right?                         | 09:13:45 |
| 20 | A Yes.                                         | 09:13:46 |
| 21 | Q How many patent litigation cases did you     | 09:13:48 |
| 22 | serve as an expert witness?                    | 09:13:52 |
| 23 | A I would need to review my CV for the exact   | 09:13:57 |
| 24 | number.                                        | 09:14:04 |
| 25 | Q Is your CV that you submitted in this case   | 09:14:07 |

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | up-to-date?                                        | 09:14:11 |
| 2  | A Yes.                                             | 09:14:12 |
| 3  | Q Your CV lists 47 engagements. Does that          | 09:14:15 |
| 4  | sound right to you?                                | 09:14:22 |
| 5  | A If you are reading that from my CV, then         | 09:14:23 |
| 6  | that does sound right.                             | 09:14:31 |
| 7  | Q I am. How many times have you been               | 09:14:32 |
| 8  | deposed, Mr. Rysavy, not including today?          | 09:14:39 |
| 9  | A I don't have the exact number, but I             | 09:14:46 |
| 10 | believe that number is also in my CV.              | 09:14:49 |
| 11 | Q Have you testified at trial?                     | 09:14:51 |
| 12 | A I have.                                          | 09:14:57 |
| 13 | Q How many times?                                  | 09:14:59 |
| 14 | A I've testified in trial once.                    | 09:15:01 |
| 15 | Q On average how many hours do you bill to         | 09:15:05 |
| 16 | these cases where you served as an expert witness? | 09:15:09 |
| 17 | MR. APGAR: Objection, form.                        | 09:15:13 |
| 18 | A Can you be more precise in your question?        | 09:15:14 |
| 19 | Q What is unclear about my question,               | 09:15:20 |
| 20 | Mr. Rysavy?                                        | 09:15:24 |
| 21 | A Are you asking how many hours a year on          | 09:15:24 |
| 22 | average I spend as an expert witness?              | 09:15:30 |
| 23 | Q No, I'm asking on average on a case how          | 09:15:35 |
| 24 | many total hours you spend working as an expert    | 09:15:41 |
| 25 | witness, not necessarily limited to a year if the  | 09:15:44 |

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | case goes on for more than a year?                 | 09:15:49 |
| 2  | MR. APGAR: Objection, form.                        | 09:15:52 |
| 3  | A The amount of time I spend on a case             | 09:15:53 |
| 4  | varies greatly from a very small number of hours   | 09:15:57 |
| 5  | to a large number of hours depending on work I am  | 09:16:00 |
| 6  | asked to do.                                       | 09:16:06 |
| 7  | Q Are you able to provide the range that you       | 09:16:06 |
| 8  | just mentioned?                                    | 09:16:11 |
| 9  | A Well, on the low end it might be one hour.       | 09:16:12 |
| 10 | On the high end it could be a case that goes on    | 09:16:23 |
| 11 | for years, so it is very difficult to provide an   | 09:16:25 |
| 12 | accurate number.                                   | 09:16:29 |
| 13 | Q On the high end for a case that goes on          | 09:16:32 |
| 14 | for years, do you have a recollection of roughly   | 09:16:37 |
| 15 | how many hours you billed to that case?            | 09:16:43 |
| 16 | A I do not have a recollection of how many         | 09:16:49 |
| 17 | hours I have billed on a case that goes on for     | 09:16:52 |
| 18 | more than a year.                                  | 09:16:56 |
| 19 | Q For example, in the case where you               | 09:16:57 |
| 20 | testified at trial, did you roughly spend a couple | 09:16:59 |
| 21 | of hundred hours, on the order of thousands of     | 09:17:05 |
| 22 | hours, can you answer that?                        | 09:17:08 |
| 23 | A I don't have --                                  | 09:17:16 |
| 24 | MR. APGAR: Objection, form.                        | 09:17:17 |
| 25 | A -- the exact number, but I expect it would       | 09:17:17 |

1 be more than 100 hours and less than 1,000 hours.

09:17:20

2 Q Did any of the cases you have worked on  
3 involve cellular technology?

09:17:23

09:17:30

4 A I've worked on multiple cases involving  
5 cellular technology.

09:17:31

09:17:35

6 Q Can you identify them, please?

09:17:36

7 A Not readily. I could go through my CV and  
8 indicate which of those cases in my case history  
9 are cellular related.

09:17:37

09:17:53

09:17:56

10 Q Are there any that you can identify off  
11 the top of your mind not necessarily  
12 comprehensive?

09:17:58

09:18:01

09:18:03

13 A Most of my cases relate to wireless  
14 technology and the wireless technology either  
15 includes cellular technology or WiFi technology,  
16 and a great majority of those are cellular  
17 related. So I can definitively say that in my  
18 list of cases which is in my CV, a strong majority  
19 of those involve cellular technology.

09:18:04

09:18:16

09:18:22

09:18:30

09:18:39

09:18:42

09:18:47

20 Q This year, besides this case, have you  
21 been involved as an expert witness in any cellular  
22 technology related cases?

09:18:54

09:18:58

09:19:03

23 A I would need to review my work for the  
24 year to see if any other cases involve cellular  
25 technology.

09:19:04

09:19:19

09:19:22

1 Q So sitting here today, you don't know if  
2 you have worked on any cellular technology cases  
3 besides this case this year?

09:19:25

09:19:28

09:19:30

4 A At this time I don't recall if I worked on  
5 any other cases involving cellular technology.

09:19:34

09:19:44

6 Q How many years have you been working as an  
7 expert witness?

09:19:52

09:19:55

8 A Again, that information is in my CV, but  
9 I've been working as a testifying expert for more  
10 than 10 years.

09:19:59

09:20:08

09:20:14

11 Q And roughly how many hours a year do you  
12 spend working as an expert witness?

09:20:15

09:20:19

13 A The number of hours I spend working each  
14 year as an expert witness varies by year, so I  
15 don't have any good average number.

09:20:22

09:20:30

09:20:37

16 Q This year or -- strike that.

09:20:40

17 Last year roughly how many hours did you  
18 spend working as an expert witness?

09:20:45

09:20:48

19 A I don't have a good rough estimate.

09:20:50

20 Q Do you have a low end or high end of how  
21 many hours you work as an expert witness a year?

09:20:59

09:21:04

22 A Well, if I had to give a range I would say  
23 typically more than 100 hours and typically less  
24 than 1,000 hours.

09:21:10

09:21:21

09:21:25

25 Q I would like to mark Tab 1 as Exhibit 302,

09:21:27

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | please.                                            | 09:21:46 |
| 2  | (Exhibit 302 marked.)                              | 09:21:47 |
| 3  | MS. ZHANG: Can you bring that -- yes,              | 09:21:58 |
| 4  | thank you.                                         | 09:22:01 |
| 5  | MR. APGAR: I would just request is there           | 09:22:02 |
| 6  | a -- for exhibits, is there a clean copy of the    | 09:22:03 |
| 7  | document you can -- you can provide to the witness | 09:22:07 |
| 8  | through the platform so the witness has the full   | 09:22:09 |
| 9  | document in front of him?                          | 09:22:12 |
| 10 | MS. ZHANG: Sure. Mr. Simpson, can you              | 09:22:16 |
| 11 | drop Exhibit 302 into the chat so that Mr. Rysavy  | 09:22:22 |
| 12 | can review that copy on his own?                   | 09:22:29 |
| 13 | REMOTE TECHNICIAN: Yes, one moment.                | 09:22:41 |
| 14 | Q I'm marking the document entitled Claim          | 09:22:48 |
| 15 | Construction Expert Report of Peter Rysavy         | 09:22:51 |
| 16 | concerning U.S. Patent Number 9,854,545 as Exhibit | 09:22:53 |
| 17 | 302.                                               | 09:23:01 |
| 18 | Mr. Rysavy, do you recognize Exhibit 302           | 09:23:13 |
| 19 | as the expert report you submitted in this case    | 09:23:16 |
| 20 | containing your claim construction opinions for    | 09:23:18 |
| 21 | U.S. Patent Number 9,854,545?                      | 09:23:20 |
| 22 | A Yes, I do.                                       | 09:23:24 |
| 23 | Q Are you able to access the Exhibit 302           | 09:23:29 |
| 24 | that was just dropped into the chat?               | 09:23:34 |
| 25 | A I'm just looking at the message now and I        | 09:23:36 |

|    |                                                  |          |
|----|--------------------------------------------------|----------|
| 1  | see that there is a file I can download.         | 09:23:40 |
| 2  | Q Please let me know when you have opened        | 09:23:54 |
| 3  | that document.                                   | 09:23:56 |
| 4  | A I think I have to open another application     | 09:24:16 |
| 5  | to retrieve it, namely a File Explorer. Can I do | 09:24:18 |
| 6  | that?                                            | 09:24:21 |
| 7  | Q That is fine with me. As long as you just      | 09:24:24 |
| 8  | use that File Explorer to only review the        | 09:24:30 |
| 9  | document.                                        | 09:24:33 |
| 10 | A I'm trying to figure out how to get out of     | 09:24:43 |
| 11 | full screen mode so I can access something else. | 09:24:46 |
| 12 | MS. ZHANG: Can we go off the record while        | 09:24:55 |
| 13 | Mr. Rysavy figures out the application?          | 09:24:57 |
| 14 | VIDEOGRAPHER: We are off the record at           | 09:25:00 |
| 15 | 9:24 a.m.                                        | 09:25:02 |
| 16 | (Recess, 9:24 to 9:26 a.m.)                      | 09:25:03 |
| 17 | VIDEOGRAPHER: The time is 9:26 a.m., we          | 09:26:04 |
| 18 | are back on the record.                          | 09:26:09 |
| 19 | Q Mr. Rysavy, you have an electronic copy of     | 09:26:10 |
| 20 | Exhibit 302 in front of you; correct?            | 09:26:15 |
| 21 | A I do.                                          | 09:26:17 |
| 22 | Q Can you please turn to the cover page?         | 09:26:18 |
| 23 | A Okay.                                          | 09:26:20 |
| 24 | Q You see that it is dated June 23rd, 2023?      | 09:26:25 |
| 25 | A Yes.                                           | 09:26:28 |

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | Q Is that your signature on the cover page?        | 09:26:31 |
| 2  | A That is my signature on the cover page.          | 09:26:41 |
| 3  | Q Before you signed this report you reviewed       | 09:26:43 |
| 4  | it thoroughly to confirm that everything was       | 09:26:44 |
| 5  | truthful, accurate and complete?                   | 09:26:46 |
| 6  | A Yes.                                             | 09:26:48 |
| 7  | Q And sitting here today, are you aware of         | 09:26:53 |
| 8  | any errors or mistakes in your report you did not  | 09:26:54 |
| 9  | catch before you signed it?                        | 09:26:57 |
| 10 | A I'm not aware of any errors in my report.        | 09:26:58 |
| 11 | Q Before you signed it you made sure to            | 09:27:04 |
| 12 | include your full opinions on claim construction   | 09:27:08 |
| 13 | relating to the '545 patent; is that right?        | 09:27:10 |
| 14 | A The report does have my opinions on claim        | 09:27:14 |
| 15 | construction for the '545 patent.                  | 09:27:20 |
| 16 | Q And the report contains your full opinions       | 09:27:22 |
| 17 | on claim construction relating to the '545 patent? | 09:27:28 |
| 18 | MR. APGAR: Objection, form.                        | 09:27:32 |
| 19 | A The report has my opinions related to            | 09:27:32 |
| 20 | claim construction for the disputed terms          | 09:27:41 |
| 21 | discussed in the report.                           | 09:27:45 |
| 22 | Q So the report has your full opinions             | 09:27:46 |
| 23 | related to claim construction for the disputed     | 09:27:51 |
| 24 | terms relating to the '545 patent?                 | 09:27:54 |
| 25 | MR. APGAR: Objection, form.                        | 09:27:59 |

1           A   Yes.  Well, to the extent that you're not  
2   asking a legal question, my understanding is that  
3   this report has my opinions related to the  
4   disputed terms for the claim construction related  
5   to the '545 patent.

09:27:59

09:28:09

09:28:13

09:28:16

09:28:19

6           Q   And there -- strike that.

09:28:20

7           Are there any additional opinions on claim  
8   construction for the disputed terms of the '545  
9   patent that are not in your report?

09:28:24

09:28:29

09:28:32

10          MR. APGAR:  Objection, form.

09:28:41

11          A   Based on the information I provide in the  
12   report, those are my opinions related to claim  
13   construction for the '545 patent.

09:28:42

09:28:55

09:29:00

14          Q   Mr. Rysavy, yes or no, are there any  
15   additional opinions on claim construction for the  
16   disputed terms of the '545 patent that are not  
17   already in your report?

09:29:09

09:29:11

09:29:13

09:29:17

18          A   I'm just not sure how to answer that,  
19   because if some new information was presented to  
20   me relevant to these terms or if there was some  
21   evolution in the case that required some  
22   additional opinions, then I wouldn't want to  
23   foreclose some future opinions based on some new  
24   information.  But at this time based on the  
25   information presented to me, these are my opinions

09:29:18

09:29:29

09:29:31

09:29:34

09:29:36

09:29:39

09:29:42

09:29:46

1 related to claim construction for the '545 patent.

09:29:49

2 Q So based on the -- strike that.

09:29:52

3 Based on the information that has been  
4 presented to you as of today, you do not have  
5 additional opinions on claim construction for the  
6 disputed terms of the '545 patent that are not  
7 already in your report?

09:29:58

09:30:02

09:30:08

09:30:10

09:30:14

8 MR. APGAR: Objection to form.

09:30:28

9 A Well, it sounds like you're asking a legal  
10 question. And I'm not sure what the legal  
11 repercussions are of my answer, because I think  
12 they might be better addressed by an attorney, but  
13 I will answer that the opinions I express here are  
14 my opinions regarding the disputed terms for a  
15 claim construction for this patent.

09:30:29

09:30:35

09:30:38

09:30:43

09:30:47

09:30:51

09:30:56

16 Q Mr. Rysavy, I'm not asking a legal  
17 question. I just want to know if there are any  
18 other opinions that are not in your report based  
19 on the information you are aware of today?

09:30:59

09:31:02

09:31:06

09:31:11

20 A Again, I don't know how to answer that  
21 question. You might ask me a question that is  
22 hypothetical that requires some opinion and  
23 that -- that somehow relates to the claim  
24 construction, and then I would need to provide my  
25 opinion, but it might be some opinion that was not

09:31:13

09:31:21

09:31:25

09:31:30

09:31:34

09:31:37

1 articulated in the specific report.

09:31:41

2 Q Understood. But sitting here right now,  
3 you can't think of any opinion that isn't already  
4 in your report; correct?

09:31:43

09:31:47

09:31:51

5 A Right now based on the information  
6 presented to me so far I don't have any additional  
7 opinions offhand that relate to the claim  
8 construction for this patent.

09:31:55

09:32:07

09:32:12

09:32:18

9 Q How much time did you spend working on  
10 this report before signing it?

09:32:22

09:32:25

11 A I don't have an exact number of hours  
12 available.

09:32:26

09:32:33

13 Q Do you have a rough estimate?

09:32:33

14 A My rough estimate would be more than 10  
15 hours and less than 100 hours.

09:32:40

09:32:44

16 Q Is it closer to 10 or closer to 100?

09:32:47

17 A It is probably closer to 10, but it is  
18 probably significantly more than 10.

09:32:57

09:33:08

19 Q Who authored the first draft of your  
20 expert report?

09:33:11

09:33:22

21 MR. APGAR: Objection to form.

09:33:26

22 A I provided the first draft.

09:33:27

23 Q I would like to turn to Appendix A of your  
24 report. Can you please do that, Mr. Rysavy?

09:33:35

09:33:47

25 A Okay.

09:33:50

|    |   |                                                   |          |
|----|---|---------------------------------------------------|----------|
| 1  | Q | Appendix A is your CV; is that right?             | 09:34:00 |
| 2  | A | Appendix A is my CV.                              | 09:34:04 |
| 3  | Q | Is there anything relevant that is missing        | 09:34:10 |
| 4  |   | that you want to add to your CV?                  | 09:34:13 |
| 5  | A | I don't wish to add anything to my CV.            | 09:34:14 |
| 6  | Q | Your CV is complete and accurate as of            | 09:34:22 |
| 7  |   | today, to your knowledge?                         | 09:34:25 |
| 8  | A | To my knowledge, my CV is accurate.               | 09:34:29 |
| 9  | Q | Mr. Rysavy, where do you currently work?          | 09:34:33 |
| 10 | A | I currently work in Hood River, Oregon.           | 09:34:37 |
| 11 | Q | What do you currently do in your work?            | 09:34:44 |
| 12 | A | Just to clarify my previous response, at          | 09:34:48 |
| 13 |   | the time of this deposition I am in Idaho and not | 09:34:53 |
| 14 |   | in Oregon.                                        | 09:34:58 |
| 15 | Q | Thank you, Mr. Rysavy. My question was            | 09:35:02 |
| 16 |   | more related to your -- the job, not the location | 09:35:05 |
| 17 |   | of your work.                                     | 09:35:08 |
| 18 | A | Right.                                            | 09:35:09 |
| 19 | Q | So Mr. Rysavy, what job do you currently          | 09:35:11 |
| 20 |   | have?                                             | 09:35:16 |
| 21 | A | My work is generally as an expert in              | 09:35:16 |
| 22 |   | wireless technology, data networking and mobile   | 09:35:23 |
| 23 |   | computing.                                        | 09:35:27 |
| 24 | Q | Do you currently work at -- strike that.          | 09:35:31 |
| 25 |   | Do you currently work at Rysavy Research.         | 09:35:33 |

|    |            |                                                    |          |
|----|------------|----------------------------------------------------|----------|
| 1  | A          | I am the president of Rysavy Research.             | 09:35:38 |
| 2  | Q          | And is that your own consulting firm?              | 09:35:42 |
| 3  | A          | Rysavy Research is my own consulting firm.         | 09:35:49 |
| 4  | Q          | How did you start that consulting firm?            | 09:35:51 |
| 5  | A          | I started it back in the early 1990s and           | 09:35:53 |
| 6  |            | at that time I had worked on various wireless      | 09:36:12 |
| 7  |            | projects. I believed in the future of wireless     | 09:36:15 |
| 8  |            | technology, so I decided to become an independent  | 09:36:20 |
| 9  |            | expert in that field.                              | 09:36:26 |
| 10 | Q          | So you have been serving as an expert in           | 09:36:32 |
| 11 |            | wireless technology since 1993?                    | 09:36:37 |
| 12 | MR. APGAR: | Objection, form.                                   | 09:36:45 |
| 13 | A          | I've been serving as an expert in wireless         | 09:36:46 |
| 14 |            | technology since 1993, but my initial work was for | 09:36:53 |
| 15 |            | technology firms not in patent litigation.         | 09:36:56 |
| 16 | Q          | What kind of wireless technology do you            | 09:37:04 |
| 17 |            | work on at Rysavy Research?                        | 09:37:08 |
| 18 | A          | I work on nearly all different types of            | 09:37:11 |
| 19 |            | wireless technology and that includes cellular,    | 09:37:21 |
| 20 |            | WiFi, Bluetooth and other wireless technologies.   | 09:37:28 |
| 21 | Q          | Do you have expertise in 2G, 3G, 4G and 5G         | 09:37:36 |
| 22 |            | cellular technologies?                             | 09:37:45 |
| 23 | A          | I have expertise in all of those cellular          | 09:37:46 |
| 24 |            | technologies.                                      | 09:37:52 |
| 25 | Q          | You have taught courses in all of those            | 09:37:53 |

|    |                                                  |          |
|----|--------------------------------------------------|----------|
| 1  | cellular technologies?                           | 09:37:59 |
| 2  | A I have taught courses in all of those          | 09:38:00 |
| 3  | cellular technologies.                           | 09:38:04 |
| 4  | Q Are there textbooks that you use in those      | 09:38:06 |
| 5  | courses that you teach?                          | 09:38:16 |
| 6  | A I have used textbooks to develop my            | 09:38:24 |
| 7  | expertise and my course content, but I don't     | 09:38:27 |
| 8  | supply or require or did not require specific    | 09:38:34 |
| 9  | textbooks as part of my teaching program.        | 09:38:40 |
| 10 | Q Can you name any of the textbooks that you     | 09:38:43 |
| 11 | have used in your courses on cellular            | 09:38:48 |
| 12 | technologies?                                    | 09:38:53 |
| 13 | A One textbook that comes to mind was one on     | 09:38:54 |
| 14 | LTE written by an author named Dahlman,          | 09:39:04 |
| 15 | D-a-h-l-m-a-n.                                   | 09:39:10 |
| 16 | Q Is that Erik Dahlman?                          | 09:39:11 |
| 17 | A Yes.                                           | 09:39:19 |
| 18 | Q How is Erik Dahlman regarded in the            | 09:39:27 |
| 19 | industry?                                        | 09:39:32 |
| 20 | MR. APGAR: Objection, form.                      | 09:39:34 |
| 21 | A I don't have an answer for that.               | 09:39:35 |
| 22 | Q What prompted you to use his textbook in       | 09:39:46 |
| 23 | teaching your course?                            | 09:39:50 |
| 24 | A I reviewed or looked at the reviews for        | 09:39:51 |
| 25 | various books on LTE at the time and his was one | 09:40:06 |

1 that provided the material that I wanted to  
2 understand well to develop my course material.

3 Q So you thought his textbook was helpful  
4 for understanding LTE?

5 MR. APGAR: Objection to form.

6 A His textbook provided some useful  
7 information, but I also used a large number of  
8 other sources for developing my understanding of  
9 LTE technology including information available on  
10 the internet and 3GPP specifications.

11 Q Is Mr. Dahlman considered an authority  
12 figure in LTE?

13 MR. APGAR: Objection, form.

14 A All I know is that he wrote that  
15 particular textbook.

16 Q And you relied on that textbook in  
17 teaching your course on LTE; right?

18 MR. APGAR: Objection, form.

19 A I used some of the information he had in  
20 his textbook, though, generally I would  
21 corroborate it with other information such as  
22 actual specifications in developing my material.

23 Q In general, his textbook on LTE was  
24 accurate?

25 MR. APGAR: Objection, form.

09:40:11

09:40:17

09:40:25

09:40:31

09:40:35

09:40:41

09:40:45

09:40:51

09:40:56

09:41:01

09:41:04

09:41:10

09:41:11

09:41:12

09:41:18

09:41:19

09:41:22

09:41:26

09:41:27

09:41:31

09:41:36

09:41:38

09:41:42

09:41:52

09:41:53

1           A I can't really answer that, because the  
2 way I used his textbook was to provide an overview  
3 of some material which is generally lacking in  
4 3GPP specifications, but then I would use the  
5 actual specifications for -- or information that I  
6 relied on.

7           Q I understand. So you thought  
8 Mr. Dahlman's LTE textbook provided helpful  
9 context for LTE?

10          MR. APGAR: Objection, form.

11          A In a few circumstances, the items I was  
12 trying to understand about LTE he did provide an  
13 overview. And then as I said, I used other  
14 material to develop my exact understanding.

15          Q You wouldn't rely on his textbook if you  
16 thought it was inaccurate; right?

17          MR. APGAR: Objection, form.

18          A Well, if I knew he was inaccurate, I  
19 wouldn't rely on it, but I wouldn't rely on it for  
20 technical detail because in general his treatment  
21 of information was fairly superficial compared to  
22 the detailed information that I was seeking. As I  
23 said he would provide the context and then I would  
24 go to the specifications to get the exact  
25 information.

|    |            |                                                   |          |
|----|------------|---------------------------------------------------|----------|
| 1  | Q          | So Mr. Dahlman's textbook provided helpful        | 09:43:47 |
| 2  |            | context for the detail provided in the relevant   | 09:43:53 |
| 3  |            | 3GPP specifications?                              | 09:43:58 |
| 4  | MR. APGAR: | Objection, form.                                  | 09:43:59 |
| 5  | Q          | Is there anything inaccurate about what I         | 09:44:00 |
| 6  |            | said there?                                       | 09:44:10 |
| 7  | A          | Dahlman provided some context for me to           | 09:44:10 |
| 8  |            | understand at a higher level what the technology  | 09:44:17 |
| 9  |            | was doing for specific areas, but as I said, I    | 09:44:23 |
| 10 |            | didn't rely on it for my exact understanding.     | 09:44:28 |
| 11 | Q          | Sitting here today, you can't identify            | 09:44:31 |
| 12 |            | anything inaccurate about Dahlman's LTE textbook? | 09:44:36 |
| 13 | A          | When I used his textbook, it was just for         | 09:44:39 |
| 14 |            | isolated portions of LTE. And sitting here today, | 09:44:49 |
| 15 |            | I don't recall whether any of the information he  | 09:44:56 |
| 16 |            | provided was accurate or inaccurate.              | 09:44:59 |
| 17 | Q          | You can't recall if the information he            | 09:45:05 |
| 18 |            | provided was accurate but you relied on his       | 09:45:13 |
| 19 |            | textbook?                                         | 09:45:16 |
| 20 | MR. APGAR: | Objection, form.                                  | 09:45:17 |
| 21 | A          | I wouldn't say I relied on it, because            | 09:45:18 |
| 22 |            | there were plenty of other sources I had for      | 09:45:24 |
| 23 |            | providing similar information, but given that I   | 09:45:29 |
| 24 |            | had the textbook occasionally I would refer to it | 09:45:34 |
| 25 |            | for an explanation of some capability within LTE. | 09:45:40 |

1 Q Mr. Rysavy, can you turn to page 4 of your  
2 CV?

3 A I'm at page 4.

4 Q It says you have been deposed 10 times in  
5 patent-related depositions; is that right?

6 A I have been deposed 10 times in  
7 patent-related depositions.

8 Q You submitted 33 expert declarations for  
9 inter partes review covering 20 patents?

10 A Yes.

11 Q You have submitted 3 declarations related  
12 to claim construction?

13 A Yes.

14 Q You attended training in testifying in  
15 patents in 2020?

16 A Yes.

17 Q You attended a training called, How to be  
18 an Effective Expert Witness, How to Excel and  
19 Succeed as an Expert Witness in Patent Cases:  
20 Special Techniques?

21 A Yes.

22 Q And that training was provided by SEAK,  
23 S-E-A-K?

24 A Yes.

25 Q Just out of curiosity, how did you hear

|    |                                               |          |
|----|-----------------------------------------------|----------|
| 1  | about this training?                          | 09:47:37 |
| 2  | A I don't recall. I could speculate that I    | 09:47:38 |
| 3  | did a search on testifying training.          | 09:47:48 |
| 4  | Q So you found the training on your own?      | 09:47:54 |
| 5  | A Yes.                                        | 09:47:56 |
| 6  | Q And what prompted you to take this course?  | 09:47:58 |
| 7  | A I took this course because some amount of   | 09:48:03 |
| 8  | my work was as a testifying expert, so I just | 09:48:12 |
| 9  | wanted to learn more about how to be a better | 09:48:18 |
| 10 | expert.                                       | 09:48:24 |
| 11 | Q What do you mean by "better"?               | 09:48:26 |
| 12 | A By better I mean be able to better express  | 09:48:28 |
| 13 | my opinion, for example.                      | 09:48:42 |
| 14 | Q Did you find the course helpful?            | 09:48:49 |
| 15 | A The course was helpful.                     | 09:48:53 |
| 16 | Q What did you find helpful about the         | 09:48:59 |
| 17 | course?                                       | 09:49:00 |
| 18 | A Well, one item I found helpful was to       | 09:49:07 |
| 19 | express my opinions truthfully and not just   | 09:49:16 |
| 20 | represent my client's interests.              | 09:49:28 |
| 21 | Q Did you have trouble with that before?      | 09:49:39 |
| 22 | A No.                                         | 09:49:41 |
| 23 | Q How did the course help you offer more      | 09:49:44 |
| 24 | truthful opinions?                            | 09:49:48 |
| 25 | MR. APGAR: Objection to form.                 | 09:49:58 |

1           A    The course clarified the roles of each the  
2           parties involved in patent litigation, and so it  
3           clarified my role as a testifying expert.

4           Q    And what is your role as a testifying  
5           expert with respect to your client?

6           MR. APGAR:   Objection to form.

7           A    My role is to independently develop my  
8           opinions regarding issues in a case and to  
9           accurately express those opinions.

10          Q    Do you consult with your client in  
11          developing your opinions?

12          MR. APGAR:   Objection to form.

13          A    In the process of developing my opinions,  
14          I do interact with the client or generally the law  
15          firm representing the client.

16          Q    And how do you represent your client's  
17          interests as an expert witness?

18          MR. APGAR:   Objection to form.

19          A    Well, I don't see my job as representing  
20          my client's interests.   I see my job as developing  
21          my own independent opinions regarding items  
22          related to the case.

23          Q    So you don't represent your client's  
24          interest as an expert?

25          MR. APGAR:   Objection to form.

1           A I think it would depend on how you define  
2 interest. If the interest includes my developing  
3 my independent opinions, then yes, I do support  
4 the interests of my client, but only to the extent  
5 that it is for me to develop my own opinions.

6           Q You said earlier that the course helped  
7 you become a better expert. Do you recall that?

8           A I did say that.

9           Q Can you give some examples of the  
10 techniques that were taught that helped you become  
11 a better expert?

12           MR. APGAR: Objection to form.

13           A One of the techniques was to spend as much  
14 time as necessary to understand all the aspects of  
15 the case related to what I was working on.

16           Q Was that something you didn't do before?

17           A I did do that before, but I better  
18 appreciated the importance of it.

19           Q Was there something that you struggled  
20 with before that the course helped you improve?

21           MR. APGAR: Objection to form.

22           A I don't believe so.

23           Q But you decided to take this course even  
24 though it didn't help you improve anything?

25           MR. APGAR: Objection to form.

|    |            |                                                    |          |
|----|------------|----------------------------------------------------|----------|
| 1  | A          | I believe the course was helpful.                  | 09:54:46 |
| 2  | Q          | In what ways did it help you?                      | 09:55:01 |
| 3  | A          | I think I already provided examples of             | 09:55:03 |
| 4  |            | that.                                              | 09:55:10 |
| 5  | Q          | Spending more time on cases to understand          | 09:55:11 |
| 6  |            | all aspects of the case?                           | 09:55:17 |
| 7  | MR. APGAR: | Objection to form.                                 | 09:55:20 |
| 8  | A          | That is one example.                               | 09:55:21 |
| 9  | Q          | Provide more truthful opinions?                    | 09:55:23 |
| 10 | MR. APGAR: | Objection to form.                                 | 09:55:30 |
| 11 | A          | I don't believe that was the way I stated          | 09:55:31 |
| 12 |            | that.                                              | 09:55:40 |
| 13 | Q          | What is inaccurate about that?                     | 09:55:41 |
| 14 | A          | Can you read my previous answer?                   | 09:55:46 |
| 15 | Q          | You said, well, one item I found helpful           | 09:55:55 |
| 16 |            | was to express my opinions truthfully and not just | 09:56:12 |
| 17 |            | represent my client's interests.                   | 09:56:15 |
| 18 | A          | I agree with that statement.                       | 09:56:23 |
| 19 | Q          | Are there any other examples of how the            | 09:56:25 |
| 20 |            | course helped you or are those the only two that   | 09:56:27 |
| 21 |            | you can think of?                                  | 09:56:29 |
| 22 | A          | The course also provided a detail tutorial         | 09:56:30 |
| 23 |            | on the legal aspects of patent litigation, so I    | 09:57:00 |
| 24 |            | found that helpful.                                | 09:57:02 |
| 25 | Q          | Is there anything else?                            | 09:57:03 |

|    |                    |                                                   |          |
|----|--------------------|---------------------------------------------------|----------|
| 1  | A                  | The course also had some amount of role           | 09:57:04 |
| 2  |                    | play, so I found that helpful.                    | 09:57:20 |
| 3  | Q                  | Anything else?                                    | 09:57:31 |
| 4  | A                  | I don't recall anything else at this time.        | 09:57:34 |
| 5  | Q                  | How long was the course?                          | 09:57:40 |
| 6  | A                  | The course was two days long.                     | 09:57:43 |
| 7  | Q                  | Was it an in-person course?                       | 09:57:46 |
| 8  | A                  | It was in-person.                                 | 09:57:49 |
| 9  | Q                  | Do you recall how much the course cost?           | 09:57:55 |
| 10 | A                  | I recall that the course cost between 500         | 09:58:01 |
| 11 |                    | and \$1,000, but it could have been more, I don't | 09:58:14 |
| 12 |                    | have the exact amount right now.                  | 09:58:18 |
| 13 | Q                  | And who paid for the course?                      | 09:58:20 |
| 14 | A                  | I paid for the course.                            | 09:58:23 |
| 15 | Q                  | I would like to mark Tab 8 as Exhibit 406.        | 09:58:28 |
| 16 |                    | (Exhibit 406 marked.)                             | 09:58:47 |
| 17 | REMOTE TECHNICIAN: | Counsel, that was 406?                            | 09:59:01 |
| 18 | MS. ZHANG:         | Correct, Tab 8 as Exhibit 406.                    | 09:59:04 |
| 19 | REMOTE TECHNICIAN: | Okay.                                             | 09:59:08 |
| 20 | A                  | Since we have been going for an hour, can         | 09:59:08 |
| 21 |                    | we take a 5-minute break?                         | 09:59:11 |
| 22 | Q                  | Can I just finish this line of questioning        | 09:59:13 |
| 23 |                    | and then we can go to break?                      | 09:59:17 |
| 24 | A                  | Okay, I thought you were going to review a        | 09:59:19 |
| 25 |                    | new document so that seemed like a new subject    | 09:59:22 |

1 area.

09:59:25

2 Q I will try to keep it short so after we go  
3 over this exhibit we can take a break; is that  
4 okay?

09:59:32

09:59:34

09:59:39

5 A That is okay as long as it is not a long  
6 time.

09:59:46

09:59:48

7 Q I will do my best. I will try to keep it  
8 short.

09:59:50

09:59:53

9 A I'm downloading now.

09:59:58

10 Q Can we also share it on the screen so I  
11 can see -- it is only a couple of pages I think,  
12 so I don't think it will be too hard to navigate.

10:00:02

10:00:05

10:00:10

13 I'm marking as Exhibit 406 a SEAK web page  
14 entitled, How to Excel as an Expert Witness in  
15 Patent Cases: Special Techniques.

10:00:21

10:00:25

10:00:28

16 Mr. Rysavy, do you recognize Exhibit 406  
17 as the training course -- strike that.

10:00:32

10:00:37

18 Mr. Rysavy, do you recognize Exhibit 406  
19 as relating to the training course entitled How to  
20 Excel as an Expert Witness in Patent Cases:  
21 Special Techniques that you took?

10:00:42

10:00:47

10:00:55

10:00:58

22 MR. APGAR: Objection to form.

10:01:01

23 A It does look similar, though, I note that  
24 the timestamp is 202008, which would be possibly  
25 August which would be subsequent to when I took

10:01:03

10:01:13

10:01:19

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | the course.                                        | 10:01:22 |
| 2  | Q Understood. Can you please scroll through        | 10:01:26 |
| 3  | Exhibit 406? Do you see the list of courses that   | 10:01:29 |
| 4  | are listed under that training?                    | 10:01:42 |
| 5  | A Are you referring to the detailed topic          | 10:01:44 |
| 6  | descriptions, or do you mean the playable?         | 10:01:52 |
| 7  | Q I am referring to the detailed topic             | 10:02:05 |
| 8  | descriptions starting on the bottom of page 1.     | 10:02:07 |
| 9  | A Okay, I'm looking at that.                       | 10:02:15 |
| 10 | Q Do those courses look -- strike that.            | 10:02:23 |
| 11 | Do those topic descriptions look accurate          | 10:02:29 |
| 12 | to you?                                            | 10:02:32 |
| 13 | MR. APGAR: Objection to form.                      | 10:02:36 |
| 14 | Q Let me rephrase. Do those topic                  | 10:02:37 |
| 15 | descriptions reflect the topics that you discussed | 10:02:42 |
| 16 | in the training course you attended?               | 10:02:47 |
| 17 | A Let me just review the material here.            | 10:02:48 |
| 18 | (Reviewing document.)                              | 10:03:09 |
| 19 | Yes, this document does appear to describe         | 10:03:26 |
| 20 | the course that I took.                            | 10:03:29 |
| 21 | Q And you attended all of these modules?           | 10:03:38 |
| 22 | MR. APGAR: Objection to form.                      | 10:03:41 |
| 23 | A I can't say for sure that the material           | 10:03:42 |
| 24 | didn't change between when I took the course and   | 10:03:51 |
| 25 | this description, but generally these were the     | 10:03:54 |

1 types of topics covered in the course.

10:03:58

2 Q So you did attend a module relating to the  
3 role of an expert in Markman hearings on page 2?

10:04:09

10:04:14

4 A I do believe that the course I took did  
5 cover Markman hearings.

10:04:23

10:04:33

6 Q And you also attended a module relating to  
7 the topic of patent invalidity -- sorry, strike  
8 that.

10:04:34

10:04:43

10:04:46

9 You also attended a training on patent  
10 validity, how to develop defensible opinions on  
11 page 2?

10:04:48

10:04:51

10:04:55

12 A I do believe there was a module on that  
13 topic.

10:05:03

10:05:05

14 Q The next one, you also attended a training  
15 on the topic, How to market yourself and break  
16 into patent work?

10:05:06

10:05:11

10:05:15

17 A I believe there was a module on marketing.

10:05:16

18 Q And you attended that module?

10:05:29

19 A I did attend that module.

10:05:31

20 Q And the purpose of that module in part was  
21 to help attendees break into the field and build a  
22 lucrative practice?

10:05:35

10:05:44

10:05:49

23 MR. APGAR: Objection to form.

10:05:51

24 Q That is the description.

10:05:52

25 A That module does have that description,

10:06:00

1 but at that time I had all the patent work I 10:06:05  
2 needed, so that was not why I attended the course. 10:06:11  
3 The course was really to better understand the 10:06:15  
4 whole legal context of patent litigation and all 10:06:18  
5 the different aspects of it. 10:06:23

6 Q Can you turn to page 9 of Exhibit 406. 10:06:38

7 These are videos of the modules which you 10:06:53  
8 cannot click on obviously. Do you see that? 10:06:57

9 A I do see the triangle on the screen. 10:06:59

10 Q With a play icon? 10:07:06

11 A Correct. 10:07:08

12 Q And do you see a time, a duration time in 10:07:10  
13 the parenthetical after each module name? 10:07:17

14 A I do see that, though, those times would 10:07:23  
15 be associated with the recording and would not 10:07:35  
16 necessarily be representative of the amount of 10:07:40  
17 time spent on those topics when I attended the 10:07:42  
18 course in-person. 10:07:45

19 Q Okay. And do you see that there is a 10:07:47  
20 recording for all of the modules starting on page 10:08:01  
21 6 through 19 of Exhibit 406? 10:08:15

22 A Yes. 10:08:22

23 Q On page -- on page 9, do you see the 10:08:32  
24 duration of How to market yourself and break into 10:09:03  
25 patent work is 103 minutes and 10 seconds? 10:09:07

1           A I do see that this specific -- sorry, the  
2 specific recording is 103 minutes and 10 seconds.

3           Q This module has the longest recording time  
4 out of all the modules that are listed.

5           MR. APGAR: Objection to form.

6           A I haven't compared the time compared to  
7 the other modules, but I will repeat that this  
8 module was of the least interest to me because I  
9 already had a large number of clients as a  
10 testifying expert and was not using this course to  
11 find more work.

12          Q Is there any other module that is listed  
13 in Exhibit 406 that is longer than 103 minutes and  
14 10 seconds?

15          A That is the longest module, but I think  
16 that the amount of time is a little misleading  
17 because that is the only module on marketing,  
18 whereas, all the other modules are about the  
19 actual work of an expert witness and all those  
20 modules add up to a time that is much greater than  
21 this one module on marketing.

22          Q Thank you, Mr. Rysavy. I think we can  
23 take a break if you would like one.

24          A That sounds good.

25          VIDEOGRAPHER: The time is 10:11 a.m., we

1 are off the record. 10:11:44

2 (Recess, 10:11 to 10:19 a.m.) 10:11:45

3 VIDEOGRAPHER: The time is 10:19 a.m., 10:19:41  
4 we're back on the record. 10:19:44

5 Q Welcome back, Mr. Rysavy. 10:19:45

6 A Thank you. 10:19:51

7 Q Are you familiar with 3GPP? 10:19:51

8 A I am familiar with 3GPP. 10:19:56

9 Q You mentioned referring to 3GPP technical 10:20:01  
10 specifications in your courses? 10:20:07

11 A I did mention that. 10:20:08

12 Q Can you just talk broadly about what 3GPP 10:20:12  
13 is? 10:20:17

14 A 3GPP stands for the Third Generation 10:20:17  
15 Partnership Project. It is an international 10:20:25  
16 organization with representation globally for the 10:20:29  
17 development of technical specifications mostly 10:20:34  
18 related to cellular technologies. 10:20:38

19 Q And which cellular technologies do they 10:20:42  
20 provide specific -- technical specifications for? 10:20:48

21 A My understanding is that the generations 10:20:52  
22 of cellular technology they cover currently is 3G, 10:20:59  
23 4G and 5G. 10:21:06

24 Q Are you familiar with their process of 10:21:09  
25 developing standards for 3G, 4G and 5G? 10:21:11

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | MR. APGAR: Objection, form.                        | 10:21:16 |
| 2  | A I'm not sure technically you can say they        | 10:21:17 |
| 3  | create standards. They develop specifications,     | 10:21:25 |
| 4  | which then other organizations such as ETSI in     | 10:21:27 |
| 5  | Europe publish as standards.                       | 10:21:32 |
| 6  | Q Are you familiar with the process of             | 10:21:36 |
| 7  | incorporating those specifications into standards  | 10:21:42 |
| 8  | published by ETSI?                                 | 10:21:47 |
| 9  | A I don't know the exact steps involved, but       | 10:21:48 |
| 10 | generally ETSI publishes standards that are either | 10:21:57 |
| 11 | identical -- well, my understanding is that        | 10:22:07 |
| 12 | they're generally identical to the specifications  | 10:22:11 |
| 13 | that 3GPP developed.                               | 10:22:15 |
| 14 | Q And did you attend any 3GPP meetings?            | 10:22:19 |
| 15 | A I have not attended any 3GPP meetings.           | 10:22:22 |
| 16 | Q Were you ever involved in the                    | 10:22:30 |
| 17 | standardization process of any of the cellular     | 10:22:32 |
| 18 | technologies?                                      | 10:22:36 |
| 19 | MR. APGAR: Objection to form.                      | 10:22:40 |
| 20 | A I have not been directly involved with the       | 10:22:41 |
| 21 | development of any 3GPP specifications. As my      | 10:22:48 |
| 22 | report states however, I have been involved in     | 10:23:00 |
| 23 | U.S. based standardization efforts.                | 10:23:03 |
| 24 | Q You mentioned 3GPP technical                     | 10:23:07 |
| 25 | specifications. What is a technical                | 10:23:16 |

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | specification?                                     | 10:23:20 |
| 2  | A A technical specification is a document          | 10:23:21 |
| 3  | that describes the operation or the requirements   | 10:23:29 |
| 4  | associated with some aspect of a cellular          | 10:23:38 |
| 5  | technology.                                        | 10:23:42 |
| 6  | Q 3GPP technical specifications are often          | 10:23:46 |
| 7  | abbreviated as TS; is that right?                  | 10:23:52 |
| 8  | A Yes, it does stand for technical                 | 10:23:54 |
| 9  | specification.                                     | 10:23:59 |
| 10 | Q 3GPP technical specifications are                | 10:24:03 |
| 11 | abbreviated as TS followed by five digits; right?  | 10:24:07 |
| 12 | A The ones I'm aware of usually are five           | 10:24:10 |
| 13 | digits.                                            | 10:24:19 |
| 14 | Q And it is usually split up into two              | 10:24:21 |
| 15 | digits, period and three digits?                   | 10:24:25 |
| 16 | A That is the breakdown that I have                | 10:24:29 |
| 17 | observed.                                          | 10:24:33 |
| 18 | Q And the first two digits refer to a series       | 10:24:33 |
| 19 | number?                                            | 10:24:37 |
| 20 | A The first two digits are a series number.        | 10:24:39 |
| 21 | Q What is a series number?                         | 10:24:41 |
| 22 | A Well, a series number addresses the              | 10:24:43 |
| 23 | generation of technology, but I think also a       | 10:25:02 |
| 24 | category within that generation, but I don't know  | 10:25:07 |
| 25 | exactly the full scope of how those two digits are | 10:25:13 |

|    |                                                   |          |
|----|---------------------------------------------------|----------|
| 1  | used.                                             | 10:25:20 |
| 2  | Q Do you know what cellular generation is         | 10:25:24 |
| 3  | covered by the TS 36 series?                      | 10:25:28 |
| 4  | A I haven't memorized those specific              | 10:25:40 |
| 5  | numbers.                                          | 10:25:44 |
| 6  | Q You cite to several TS 36 series                | 10:25:44 |
| 7  | specifications in your claim construction report. | 10:25:52 |
| 8  | Do you recall that?                               | 10:25:56 |
| 9  | A I recall citing to 3GPP specifications,         | 10:26:00 |
| 10 | but I would need to review my report to see the   | 10:26:06 |
| 11 | exact numbers.                                    | 10:26:09 |
| 12 | Q Can you turn to page 15 of your claim           | 10:26:17 |
| 13 | construction report, which is Exhibit 302?        | 10:26:31 |
| 14 | A I am looking at page 15 of my report.           | 10:26:50 |
| 15 | Q In paragraph 42 you cite 3GPP TS 36.300,        | 10:26:52 |
| 16 | Section 10.1.5 and also 3GPP TS 36.321 Section    | 10:27:03 |
| 17 | 6.1.5 and 6.2.3. Do you see that?                 | 10:27:13 |
| 18 | A I do see those references.                      | 10:27:17 |
| 19 | Q Those reflect TS 36 series specifications;      | 10:27:21 |
| 20 | right?                                            | 10:27:32 |
| 21 | A Those are TS 36 series specifications,          | 10:27:35 |
| 22 | yes.                                              | 10:27:40 |
| 23 | Q And TS 36 series covers 4G?                     | 10:27:40 |
| 24 | A Generally 36 does cover LTE technology,         | 10:27:55 |
| 25 | which is commonly referred to as 4G.              | 10:27:58 |

1 Q Just out of curiosity what is the 10:28:01  
2 difference between LTE and 4G? 10:28:05

3 A LTE was the name used by the specification 10:28:07  
4 and standards developers, and 4G was the marketing 10:28:16  
5 name attributed to the technology. 10:28:22

6 Q Okay. So TS 36 doesn't refer to 2G or 3G; 10:28:25  
7 right? 10:28:35

8 A The 36 series specifications refer to LTE 10:28:39  
9 technology, that is my understanding. 10:28:47

10 Q Going back to the two TS references that 10:28:52  
11 you cited, why did you rely on these references to 10:29:06  
12 support your claim construction positions? 10:29:10

13 A That is explained in paragraph 42. And it 10:29:16  
14 was to support my opinion and a person of ordinary 10:29:32  
15 skill would understand the meaning of specific 10:29:37  
16 claim terms use of RAP or random access preamble 10:29:41  
17 and TA value. 10:29:48

18 Q What is the plain and ordinary meaning of 10:29:53  
19 RAP? 10:29:56

20 A The plain and ordinary meaning of the 10:29:56  
21 random access preamble is the particular item used 10:30:10  
22 in LTE for performing the random access procedure. 10:30:22

23 Q How is a RAP different from a RAR or 10:30:30  
24 random access response? 10:30:35

25 MR. APGAR: Objection to form. 10:30:40

1           A   The random access preamble is used by the  
2   user equipment to initiate communications to a  
3   base station, and the random access response is  
4   communication from the base station to the user  
5   equipment.

10:30:41

10:30:51

10:30:58

10:31:03

10:31:05

6           Q   Is the random access response sent from  
7   the base station to the user equipment in response  
8   to the random access preamble?

10:31:09

10:31:14

10:31:18

9           MR. APGAR:   Objection to form.

10:31:22

10          A   What do you mean by "in response to"?

10:31:23

11          Q   I would like to mark Tab 3 as Exhibit 401.

10:31:36

12               (Exhibit 401 marked.)

10:31:41

13          Q   Can we turn to Section 10.1.5, which you  
14   cited in your report at paragraph 42?

10:32:16

10:32:26

15          A   Can I get my own copy?

10:32:35

16          MS. ZHANG:   Can someone please drop that  
17   into the chat?

10:32:40

10:32:42

18          REMOTE TECHNICIAN:   Yes, I put it in the  
19   chat. Let me know if you can't see it.

10:32:44

10:32:46

20          THE WITNESS:   I can't see it.

10:32:49

21          REMOTE TECHNICIAN:   I will upload it  
22   again.

10:32:51

10:32:52

23          THE WITNESS:   Well, it is the screen share  
24   right now is taking my whole screen again. Okay.

10:32:53

10:32:55

25          Q   So Section 10.1.5 entitled Random Access

10:33:24

|    |                                                   |          |
|----|---------------------------------------------------|----------|
| 1  | Procedures starts at the bottom of page 53, which | 10:33:28 |
| 2  | is also the PDF page number?                      | 10:33:33 |
| 3  | A Okay, I'm at that page.                         | 10:33:40 |
| 4  | Q You cite to the section in paragraph 42 of      | 10:33:43 |
| 5  | your claim construction report; is that right?    | 10:33:47 |
| 6  | A I do cite to that section in my report.         | 10:33:49 |
| 7  | Q Can we turn to page 54. Please scroll           | 10:34:01 |
| 8  | down the section, the subsection titled 10.1.5.1. | 10:34:09 |
| 9  | Do you see that?                                  | 10:34:15 |
| 10 | A I do see that.                                  | 10:34:16 |
| 11 | Q Do you see Figure 10.1.5.1-1?                   | 10:34:25 |
| 12 | A I do have that figure in front of me.           | 10:34:33 |
| 13 | Q This illustrates Contention Based Random        | 10:34:35 |
| 14 | Access Procedure as the figure is titled.         | 10:34:39 |
| 15 | A Yes.                                            | 10:34:58 |
| 16 | Q And you see the number 1 with the circle        | 10:34:59 |
| 17 | around it?                                        | 10:35:02 |
| 18 | A I do see 1.                                     | 10:35:06 |
| 19 | Q And the label Random Access Preamble with       | 10:35:10 |
| 20 | an arrow?                                         | 10:35:15 |
| 21 | A I'm sorry, you said random access               | 10:35:21 |
| 22 | response?                                         | 10:35:28 |
| 23 | Q No, I said --                                   | 10:35:28 |
| 24 | MS. ZHANG: Am I allowed to circle this            | 10:35:31 |
| 25 | document or just get control of this document,    | 10:35:32 |

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | please, so I can just more efficiently point       | 10:35:39 |
| 2  | Mr. Rysavy to what I'm looking at.                 | 10:35:41 |
| 3  | REMOTE TECHNICIAN: Counsel, I just gave            | 10:35:42 |
| 4  | you control of my screen, just click to activate.  | 10:35:45 |
| 5  | MS. ZHANG: Click and you can control.              | 10:35:50 |
| 6  | A I will go back to the screen share.              | 10:35:50 |
| 7  | Q Okay. Thank you. I don't want to                 | 10:35:52 |
| 8  | actually mark the document. I just want to help    | 10:35:56 |
| 9  | you look at the same thing I'm looking at. So do   | 10:35:58 |
| 10 | you see this random access preamble -- sorry. Do   | 10:36:02 |
| 11 | you see this random access preamble here in the    | 10:36:05 |
| 12 | first arrow?                                       | 10:36:08 |
| 13 | A I do see that.                                   | 10:36:09 |
| 14 | Q And then you see this random access              | 10:36:11 |
| 15 | response below it?                                 | 10:36:17 |
| 16 | A I do see that.                                   | 10:36:19 |
| 17 | Q The random access preamble is sent from          | 10:36:24 |
| 18 | the UE to the eNB in this figure?                  | 10:36:32 |
| 19 | A Yes.                                             | 10:36:39 |
| 20 | Q And then the next step is the eNodeB             | 10:36:39 |
| 21 | sending back a random access response to the UE at | 10:36:45 |
| 22 | step 2; is that right?                             | 10:36:48 |
| 23 | MR. APGAR: Objection to form.                      | 10:36:51 |
| 24 | A At step 2 the eNB does send a random             | 10:36:54 |
| 25 | access response to the UE.                         | 10:36:58 |

1 Q So is the -- just so I understand, is the 10:36:59  
2 random access preamble the initial message that is 10:37:34  
3 sent by the UE in a random access procedure? 10:37:37

4 MR. APGAR: Objection to form. 10:37:42

5 A In a random access procedure, yes, the 10:37:43  
6 random access preamble is the first communication 10:37:56  
7 from the UE to the eNodeB. 10:38:03

8 Q And how would you describe what the random 10:38:06  
9 access response is that occurs at step 2? 10:38:17

10 MR. APGAR: Objection to form. 10:38:25

11 A The specification of the '545 patent does 10:38:26  
12 describe the information that can be part of the 10:38:35  
13 random access response and this specification does 10:38:44  
14 as well. 10:38:50

15 Q And what is that description of the random 10:38:50  
16 access response -- strike that. 10:38:57

17 Mr. Rysavy, I'm just trying to understand 10:39:00  
18 what you think random access response means under 10:39:04  
19 its plain and ordinary meaning. Can you provide 10:39:07  
20 your understanding of what RAR means? 10:39:15

21 MR. APGAR: Objection to form. 10:39:20

22 A To provide an accurate answer I would 10:39:26  
23 either need to look further into this 10:39:29  
24 specification to see what it means in the context 10:39:30  
25 of LTE or I would need to refer to the '545 patent 10:39:34

1 specification to see what it means in the context  
2 of that patent.

3 Q How would you explain what a random access  
4 response is to a jury?

5 MR. APGAR: Objection, form.

6 A As I said, I would need to refer to either  
7 of those documents to provide a precise answer.

8 Q Okay. Is there anything else in this --  
9 in the specifications that you cite that you need  
10 to look to to be able to explain what a random  
11 access response is?

12 A I can look at the spec.

13 Q Yes. To be clear, you have only cited  
14 10.1.5 in your report from 36.300; right, in your  
15 report?

16 A I cited to that section at least as I  
17 explained in paragraph 42 for an understanding of  
18 what those terms mean, but I didn't intend that to  
19 be necessarily a complete description of the  
20 random access response procedure, because there  
21 could be other parts of the specification that  
22 describe, for example, the exact contents of the  
23 response.

24 Q What is the relationship between the  
25 random access response and the random access

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | preamble?                                          | 10:41:35 |
| 2  | MR. APGAR: Objection to form.                      | 10:41:36 |
| 3  | Q Is there a relationship between random           | 10:41:37 |
| 4  | access response and random access preamble in a    | 10:41:41 |
| 5  | random access procedure?                           | 10:41:44 |
| 6  | MR. APGAR: Objection to form.                      | 10:41:47 |
| 7  | A The patent specification does describe           | 10:41:47 |
| 8  | that process, so I can refer to the specification, | 10:41:59 |
| 9  | if you wish, to explain.                           | 10:42:06 |
| 10 | Q Without looking at the patent, you're            | 10:42:10 |
| 11 | unable to answer yes or no if there is a           | 10:42:13 |
| 12 | relationship between a random access response and  | 10:42:16 |
| 13 | random access preamble?                            | 10:42:18 |
| 14 | MR. APGAR: Objection to form.                      | 10:42:22 |
| 15 | A I can answer that there is a relationship,       | 10:42:27 |
| 16 | but I am hesitant to provide the exact details of  | 10:42:32 |
| 17 | that relationship without referring to the         | 10:42:36 |
| 18 | documents.                                         | 10:42:39 |
| 19 | Q But your position is that a POSITA or            | 10:42:42 |
| 20 | person of -- sorry, strike that.                   | 10:42:47 |
| 21 | Your position is that a person of ordinary         | 10:42:49 |
| 22 | skill in the art would be able to understand what  | 10:42:52 |
| 23 | RAP and RAR are; right?                            | 10:42:55 |
| 24 | A Well, my position or my opinion is that a        | 10:43:02 |
| 25 | person of ordinary skill in the art would          | 10:43:18 |

1 understand the claim terms, the random access  
2 preamble and timing advance. I don't believe this  
3 paragraph actually covers the RAR response, but  
4 that those first two terms would be consistent  
5 with the plain and ordinary meaning of those  
6 terms.

7 Q Are you proposing a construction for  
8 random access response?

9 MR. APGAR: Objection to form.

10 A I am not proposing a construction for  
11 random access response. I was stating simply that  
12 paragraph 42 is covering the claim terms random  
13 access preamble and timing advance value as being  
14 consistent with the plain and ordinary meaning of  
15 those terms.

16 Q The timing advance value or T value is  
17 transmitted in the random access response; right?

18 A The random access response does have  
19 information related to the timing advance value  
20 that I would need to look at the exact documents  
21 to see how that is characterized.

22 Q And what documents are that that you need  
23 to see in order to provide a accurate definition  
24 of random access response?

25 A Well, for the context of the patent, I

1 would refer to the patent specification or if you 10:45:18  
2 are talking about LTE generally, I would look 10:45:22  
3 further in this 3GPP specification 36.300 as well 10:45:28  
4 as 36.321, which incorporates Section 6.1.5, which 10:45:35  
5 is the MAC PDU that actually defines the random 10:45:43  
6 access response. 10:45:48

7 Q But to be clear, does a person of ordinary 10:45:52  
8 skill in the art need to rely on the 3G technical 10:45:56  
9 specifications to understand what a random access 10:46:05  
10 response is? 10:46:10

11 MR. APGAR: Objection to form. 10:46:12

12 A I don't completely understand the 10:46:19  
13 question. 10:46:28

14 Q You said that you would need to look at 10:46:28  
15 the '545 patent specification and the TS 10:46:31  
16 specifications to be able to explain what a random 10:46:37  
17 access response is. I'm just trying to figure out 10:46:41  
18 what you need to actually rely on to provide -- 10:46:43

19 A A per -- sorry, sorry to interrupt. 10:46:49

20 A person of ordinary skill in the art 10:46:56  
21 would understand that a random access response is 10:46:57  
22 a response from a base station as part of a random 10:47:03  
23 access procedure. And the person of ordinary 10:47:11  
24 skill in the art would then refer to 10:47:15  
25 specifications such as the 3GPP specifications to 10:47:19

|    |                                                   |          |
|----|---------------------------------------------------|----------|
| 1  | learn the exact information being conveyed within | 10:47:24 |
| 2  | that response.                                    | 10:47:30 |
| 3  | Q I see. And are the two TS 3GPP                  | 10:47:34 |
| 4  | specifications that you cited are they prior art  | 10:47:45 |
| 5  | to the '545 patent?                               | 10:47:51 |
| 6  | MR. APGAR: Objection to form.                     | 10:47:57 |
| 7  | A I have not studied the relative dates of        | 10:47:57 |
| 8  | the specifications and the patent.                | 10:48:09 |
| 9  | Q You cite to Version 9.1.0 of TS 36.300 and      | 10:48:10 |
| 10 | TS 36.321; is that right?                         | 10:48:17 |
| 11 | A I do cite to those specification versions.      | 10:48:24 |
| 12 | Q How did you pick those versions to cite         | 10:48:27 |
| 13 | to?                                               | 10:48:29 |
| 14 | A Those were specification versions provided      | 10:48:29 |
| 15 | to me by the attorney I was working with.         | 10:48:45 |
| 16 | Q So the attorneys provided you with which        | 10:49:00 |
| 17 | TS specifications to cite?                        | 10:49:05 |
| 18 | MR. APGAR: Objection to form and just             | 10:49:08 |
| 19 | caution the witness not to reveal any             | 10:49:12 |
| 20 | communications you had with any attorneys.        | 10:49:14 |
| 21 | A As an expert in this field, I was already       | 10:49:17 |
| 22 | aware of these specifications as being key        | 10:49:33 |
| 23 | specifications for describing this particular     | 10:49:43 |
| 24 | aspect of the operation of the LTE network. So I  | 10:49:49 |
| 25 | will stop right there.                            | 10:50:00 |

1 Q Do those specifications reflect what a  
2 person of ordinary skill in the art would have  
3 known at the time of the '545 patent?

4 MR. APGAR: Objection to form.

5 A What do you mean by "the time of the '545  
6 patent"? Is that the filing date?

7 Q Can you please turn to paragraph 30 of  
8 your expert report, which is Exhibit 302,  
9 paragraph 30?

10 Mr. Rysavy, do you see paragraph 30 of  
11 your expert report which is Exhibit 302?

12 A I do.

13 Q And you say, In my opinion at the time of  
14 the '545 patent. What do you mean by "at the time  
15 of the '545 patent"?

16 A Well, I would speculate that that means  
17 the filing date, but the particular wording "at  
18 the time of the '545 patent," the exact wording  
19 was supplied to me by the attorney I was working  
20 with.

21 Q So you did not author the wording of all  
22 of the words in paragraph 30 of your expert  
23 report?

24 MR. APGAR: Objection to form.

25 A I did -- I'm sorry -- sorry, Greg.

1 I did, in fact, provide wording for the 10:52:26  
2 definition of a person of ordinary skill in the 10:52:30  
3 art. And I interpreted the wording of "at the 10:52:32  
4 time of the '545 patent" as referring to the 10:52:39  
5 approximate time of the filing date in that 10:52:50  
6 general time, but I did not seek an exact legal 10:52:53  
7 definition of "that time." 10:52:59

8 But it wouldn't have affected my 10:53:05  
9 definition of a person of ordinary skill in the 10:53:11  
10 art, because regardless if it was plus or minus 10:53:14  
11 some number of years, based on the content of the 10:53:18  
12 '545 patent, based on the subject matter of the 10:53:26  
13 claims and specification regardless of the exact 10:53:29  
14 time I -- my opinion is that a person of ordinary 10:53:33  
15 skill in the art would have the characteristics 10:53:37  
16 that I have in paragraph 30. 10:53:42

17 Q You said you interpreted "at the time of 10:53:51  
18 the '545 patent" as the approximate time of the 10:53:53  
19 filing date. What is that filing date? 10:53:56

20 A I would need to refer to the actual 10:54:07  
21 patent. 10:54:09

22 MS. ZHANG: I would like to mark Tab 2 as 10:54:09  
23 Exhibit 102. 10:54:11

24 (Exhibit 102 marked.) 10:54:13

25 Q I am marking U.S. Patent Number 9,854,545 10:54:19

1 as Exhibit 102.

10:54:23

2 A Is that something being made available to  
3 me? And I see it is.

10:55:02

10:55:04

4 MS. ZHANG: Mr. Simpson, will you also be  
5 able to share it on the share screen?

10:55:10

10:55:12

6 Q Mr. Rysavy, this is the cover page of the  
7 '545 patent. Do you recognize that?

10:55:32

10:55:34

8 A I do.

10:55:37

9 Q What is the filing date of the '545  
10 patent?

10:55:48

10:55:51

11 A It says that the filing date was June 8th,  
12 2015.

10:55:52

10:56:01

13 Q And is that the time of the '545 patent  
14 that you are referring to when you use that phrase  
15 in paragraph 30 of your expert report, which is  
16 Exhibit 302?

10:56:02

10:56:08

10:56:12

10:56:15

17 MR. APGAR: Objection to form.

10:56:18

18 A As I said, I don't have the exact legal  
19 understanding of what "at the time of the '545  
20 patent" means. I suggested or speculated it could  
21 mean the filing date or perhaps it could be from  
22 when the patent was first submitted to the Patent  
23 Office and incorporates the entire file history  
24 time. But regardless from the initial conception  
25 of the invention through to the filing date, my

10:56:21

10:56:44

10:56:49

10:56:53

10:56:59

10:57:01

10:57:04

10:57:11

1 definition of the person of ordinary skill in the 10:57:19  
2 art would be valid. 10:57:23

3 Q So you didn't have a timeframe in mind 10:57:26  
4 when you wrote "at the time of the '545 patent" in 10:57:37  
5 paragraph 30 of your report? 10:57:41

6 MR. APGAR: Objection to form. 10:57:44

7 A The '545 patent covers subject material 10:57:45  
8 specifically related to uplink synchronization. 10:58:10  
9 And regardless of the exact time period, a person 10:58:15  
10 of ordinary skill in the art covering this 10:58:28  
11 material would require those characteristics and 10:58:31  
12 that would be true whether it was 2G technology 10:58:37  
13 going back to the 1980s or 5G technology going to 10:58:40  
14 the present day. 10:58:45

15 Q You didn't answer my question. I'm just 10:58:47  
16 trying to understand what you mean by "at the time 10:58:54  
17 of the '545 patent," not whether your analysis 10:58:57  
18 still applies under different timeframes. 10:59:02

19 Sitting here today, do you have an 10:59:08  
20 understanding of what "time of the '545 patent" 10:59:10  
21 actually refers to as -- 10:59:16

22 MR. APGAR: Objection. 10:59:21

23 Q -- in paragraph 30 of your report? 10:59:23

24 MR. APGAR: Objection to form. 10:59:26

25 A I do not have a legal understanding of -- 10:59:27

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | Q Do you have a non-legal understanding of         | 10:59:35 |
| 2  | what "time of the '545 patent" means as stated in  | 10:59:37 |
| 3  | paragraph 30 of your report?                       | 10:59:44 |
| 4  | A To me it means the time period from when         | 10:59:48 |
| 5  | the patentee started working on the patent through | 10:59:54 |
| 6  | to when it was filed. I would think of it as that  | 10:59:58 |
| 7  | time period as representing the time of the '545   | 11:00:02 |
| 8  | patent.                                            | 11:00:07 |
| 9  | Q Did you do any analysis related to when          | 11:00:08 |
| 10 | the patentee started working on the patent through | 11:00:12 |
| 11 | when it was filed?                                 | 11:00:15 |
| 12 | A I did review the file history, so that           | 11:00:16 |
| 13 | does provide the timeframe.                        | 11:00:26 |
| 14 | Q Did you do any priority analysis related         | 11:00:38 |
| 15 | to the '545 patent?                                | 11:00:42 |
| 16 | MR. APGAR: Objection to form.                      | 11:00:45 |
| 17 | A Well, can you explain to me exactly what         | 11:00:45 |
| 18 | you mean by "priority analysis"?                   | 11:00:58 |
| 19 | Q Do you have an understanding of what             | 11:01:01 |
| 20 | filing date the '545 patent is entitled to?        | 11:01:04 |
| 21 | MR. APGAR: Objection to form.                      | 11:01:09 |
| 22 | A I did not do any analysis of dates related       | 11:01:10 |
| 23 | to the '545 patent.                                | 11:01:22 |
| 24 | Q Thank you. Turning back to the 3GPP TS           | 11:01:27 |
| 25 | specifications. Would a person of ordinary skill   | 11:01:37 |

1 in the art have known how to locate the 3GPP TS 11:01:42  
2 specifications you cite to in your report at the 11:01:51  
3 time of the '545 patent? 11:01:55

4 MR. APGAR: Objection to form. 11:02:00

5 A A person of ordinary skill in the art 11:02:01  
6 would have known to go to the 3GPP website to 11:02:04  
7 obtain 3GPP specifications. 11:02:09

8 Q One moment. Do those TS specifications 11:02:17  
9 reflect what a person of ordinary skill in the art 11:02:56  
10 would have known at the time of the '545 patent? 11:02:58

11 MR. APGAR: Objection to form. 11:03:00

12 A The specifications are quite detailed with 11:03:01  
13 a huge amount of information. So a person of 11:03:12  
14 ordinary skill in the art would have known about 11:03:17  
15 which specifications describe what procedures for 11:03:20  
16 that technology, but then would have referred to 11:03:26  
17 the actual specifications for the exact content. 11:03:29

18 Q And the content of those specifications 11:03:36  
19 would have been available to a person of ordinary 11:03:44  
20 skill in the art at the time of the '545 patent? 11:03:49

21 MR. APGAR: Objection to form. 11:03:54

22 A The specifications would have been 11:03:55  
23 available in that time period from when the 11:04:08  
24 patentee was first working on the patent through 11:04:14  
25 to its filing. 11:04:17

1 Q And the person of ordinary skill in the 11:04:20  
2 art would have been able to access the content of 11:04:22  
3 those 3GPP TS specifications by going to the 3GPP 11:04:27  
4 website? 11:04:32

5 MR. APGAR: Objection to form. 11:04:34

6 A So it does depend on which specification 11:04:35  
7 version, because different specification versions 11:04:41  
8 become available at different times. 11:04:44

9 Q I'm referring to the versions that you 11:04:49  
10 have cited to in your report. 11:04:51

11 A Well, I would need to compare the dates 11:04:55  
12 for the development of the patent versus the first 11:05:01  
13 availability of those specifications to answer 11:05:06  
14 that question. 11:05:09

15 Q Are you saying that a person of ordinary 11:05:10  
16 skill in the art would not have been able to 11:05:14  
17 access the versions of the TS specifications you 11:05:16  
18 cite to in your report at the time of the '545 11:05:21  
19 patent? 11:05:24

20 MR. APGAR: Objection, form. 11:05:32

21 A Well, the Version 9.1.0 of TS 36.300 was 11:05:32  
22 available or is dated 2009-09. So from 11:05:42  
23 approximately that date forward, a person of 11:05:49  
24 ordinary skill in the art would have had access to 11:05:53  
25 that version of that specification. 11:05:55

|    |                                                   |          |
|----|---------------------------------------------------|----------|
| 1  | Q And you are getting the day 2009-09 from        | 11:06:00 |
| 2  | the cover page of the TS specification, which is  | 11:06:03 |
| 3  | Exhibit 401?                                      | 11:06:08 |
| 4  | A That is correct.                                | 11:06:17 |
| 5  | Q And that date on the upper right-hand           | 11:06:17 |
| 6  | corner reflects the date the TS specification was | 11:06:19 |
| 7  | published?                                        | 11:06:21 |
| 8  | MR. APGAR: Objection to form.                     | 11:06:27 |
| 9  | A I don't know exactly when it is                 | 11:06:28 |
| 10 | downloadable relative to that date, but I would   | 11:06:32 |
| 11 | speculate that it would be around that date or    | 11:06:39 |
| 12 | shortly thereafter.                               | 11:06:44 |
| 13 | Q I'm about to go into a different document.      | 11:06:49 |
| 14 | Do you want to take a break before we start that  | 11:07:01 |
| 15 | or I'm happy to dive in?                          | 11:07:03 |
| 16 | A Let's take a 5-minute break.                    | 11:07:06 |
| 17 | MS. ZHANG: Okay, thanks.                          | 11:07:08 |
| 18 | VIDEOGRAPHER: We are off the record at            | 11:07:09 |
| 19 | 11:08 a.m.                                        | 11:07:11 |
| 20 | (Recess, 11:08 to 11:13 a.m.)                     | 11:07:11 |
| 21 | VIDEOGRAPHER: The time is 11:13 a.m.,             | 11:13:54 |
| 22 | we're back on the record.                         | 11:13:57 |
| 23 | Q Welcome back, Mr. Rysavy.                       | 11:13:58 |
| 24 | A Thank you.                                      | 11:14:06 |
| 25 | Q Did you speak to your attorney during the       | 11:14:07 |

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | break?                                             | 11:14:09 |
| 2  | A I did not.                                       | 11:14:09 |
| 3  | Q Let's proceed. You said you have                 | 11:14:10 |
| 4  | expertise in 2G, 3G, 4G earlier. Do you recall     | 11:14:22 |
| 5  | that?                                              | 11:14:27 |
| 6  | A I did say that.                                  | 11:14:27 |
| 7  | Q What is a base station called in 2G?             | 11:14:29 |
| 8  | MR. APGAR: Objection to form.                      | 11:14:39 |
| 9  | A In 2G the base station is called the base        | 11:14:40 |
| 10 | transceiver, I think it is subsystem, BTS.         | 11:14:50 |
| 11 | Q Just so I understand, base station in 2G         | 11:14:55 |
| 12 | is called a BTS?                                   | 11:15:05 |
| 13 | A Yes. And referring to my report in               | 11:15:07 |
| 14 | paragraph 34 it is actually base transceiver       | 11:15:09 |
| 15 | system or at least that is the way the patentee    | 11:15:11 |
| 16 | describes it.                                      | 11:15:15 |
| 17 | Q And when was 2G released?                        | 11:15:16 |
| 18 | A Well, my recollection, without referring         | 11:15:24 |
| 19 | to any documents, is that the work occurred in the | 11:15:40 |
| 20 | 1980s and was deployed and put into service        | 11:15:42 |
| 21 | beginning in the early 1990s, but I would need to  | 11:15:49 |
| 22 | check for exact dates.                             | 11:15:54 |
| 23 | Q You have also worked in-depth with 3G            | 11:15:55 |
| 24 | technologies?                                      | 11:16:05 |
| 25 | A I have worked in-depth with 3G                   | 11:16:05 |

1 technologies.

11:16:08

2 Q When was the 3G standard released?

11:16:09

3 A My recollection is that the first version  
4 of 3GPP specifications for 3G was in what was  
5 called Release 99, so it would have been in the  
6 1999 time period.

11:16:13

11:16:25

11:16:33

11:16:37

7 Q Okay. What is a base station called in  
8 3G?

11:16:40

11:16:47

9 A In 3 --

11:16:49

10 MR. APGAR: Objection, form.

11:16:49

11 A Sorry, Greg, I need to pause longer.

11:16:50

12 In 3G a base station is called a NodeB.

11:16:58

13 Q Is a 3G base station the same as a 2G base  
14 station?

11:17:03

11:17:09

15 MR. APGAR: Objection to form.

11:17:13

16 A Conceptually or at a higher level they do  
17 the same thing. They provide the radio interface  
18 for the user equipment, but exact protocols used  
19 are different.

11:17:15

11:17:22

11:17:25

11:17:36

20 Q What is the difference in the protocol  
21 that is used by a 3G base station versus a 2G base  
22 station?

11:17:37

11:17:39

11:17:44

23 A One protocol that is different is at the  
24 physical layer 2G uses an approach called TDMA,  
25 stands for time division multiple access, whereas,

11:17:44

11:17:49

11:18:00

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | 3G uses a radio protocol called CDMA which stands  | 11:18:05 |
| 2  | for code division multiple access.                 | 11:18:14 |
| 3  | Q Are there any other differences between a        | 11:18:16 |
| 4  | 3G base station and a 2G base station besides the  | 11:18:24 |
| 5  | protocols?                                         | 11:18:27 |
| 6  | A The frequencies used are sometimes               | 11:18:28 |
| 7  | different.                                         | 11:18:43 |
| 8  | Q Anything else you can think of?                  | 11:18:52 |
| 9  | A The core network elements can also be            | 11:18:54 |
| 10 | different.                                         | 11:19:14 |
| 11 | Q Any other differences?                           | 11:19:21 |
| 12 | A There are also protocols between the base        | 11:19:22 |
| 13 | stations and the core network, so those can be     | 11:19:37 |
| 14 | different.                                         | 11:19:42 |
| 15 | Q Are there any other differences?                 | 11:19:48 |
| 16 | A Well, the radio network and the core             | 11:20:01 |
| 17 | network really is the sum of the entire networks,  | 11:20:05 |
| 18 | so I think that covers it.                         | 11:20:10 |
| 19 | Q So a 3G base station has numerous                | 11:20:16 |
| 20 | differences from a 2G base station?                | 11:20:19 |
| 21 | MR. APGAR: Objection to form.                      | 11:20:23 |
| 22 | A It depends on how you look at it. The            | 11:20:24 |
| 23 | exact protocols may have differences, but the same | 11:20:32 |
| 24 | functions occur in both. For example, both 2G and  | 11:20:41 |
| 25 | 3G and 4G -- well, and 5G they all have random     | 11:20:46 |

1 access procedures. Each of these technologies has  
2 an RRC protocol, radio resource control. So there  
3 is a great deal of similarity, but some of the  
4 actual specific implementation details can be  
5 different.

6 Q I see. Is a base station in 3G ever  
7 called a BTS?

8 A Generally the term BTS refers to a 2G base  
9 station.

10 Q And was NodeB ever used to refer to a base  
11 station in 2G?

12 MR. APGAR: Objection to form.

13 A Well, generally speaking outside the  
14 context of this patent, the NodeB is used to refer  
15 to a base station in 3G.

16 Q Did the term NodeB -- scratch that.

17 Just out of curiosity where does the term  
18 NodeB even come from?

19 MR. APGAR: Objection to form.

20 A Sometimes engineers just invent names and  
21 they don't disclose how they came up -- about them  
22 unless you interview them. I speculate that B  
23 just stands for base station, so B is the base  
24 station and node is just a network node.

25 Q Was the term NodeB introduced with 3G?

11:20:51  
11:20:55  
11:21:03  
11:21:06  
11:21:10  
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11:21:33  
11:21:37  
11:21:41  
11:21:45  
11:21:47  
11:21:51  
11:21:58  
11:22:01  
11:22:07  
11:22:10  
11:22:13  
11:22:14  
11:22:20  
11:22:24  
11:22:28  
11:22:34  
11:22:41

|    |                                                   |          |
|----|---------------------------------------------------|----------|
| 1  | MR. APGAR: Objection to form.                     | 11:22:49 |
| 2  | A As far as I know, NodeB that term came          | 11:22:50 |
| 3  | into existence with 3G.                           | 11:22:56 |
| 4  | Q And you have also worked in-depth with 4G       | 11:22:57 |
| 5  | technologies; right?                              | 11:23:05 |
| 6  | A I have worked in-depth with 4G.                 | 11:23:06 |
| 7  | Q And when was 4G released?                       | 11:23:09 |
| 8  | A I don't have the exact date, but it was         | 11:23:12 |
| 9  | close to 2010. And I believe it was by Verizon,   | 11:23:21 |
| 10 | but it was plus or minus, like, a year or two     | 11:23:27 |
| 11 | relative to that date.                            | 11:23:31 |
| 12 | Q What are base stations called in 4G?            | 11:23:35 |
| 13 | MR. APGAR: Objection to form.                     | 11:23:40 |
| 14 | A Outside the scope of this patent, the base      | 11:23:41 |
| 15 | stations in 4G are referred to as eNodeB.         | 11:23:49 |
| 16 | Q What does eNodeB stand for?                     | 11:23:55 |
| 17 | A The E stands for evolved, so it was             | 11:23:57 |
| 18 | evolved NodeB.                                    | 11:24:01 |
| 19 | Q So is an eNodeB an evolved version of           | 11:24:06 |
| 20 | NodeB?                                            | 11:24:10 |
| 21 | MR. APGAR: Objection to form.                     | 11:24:10 |
| 22 | A I don't think that is the right way of          | 11:24:11 |
| 23 | thinking about it. It is more that LTE stands for | 11:24:24 |
| 24 | long term evolution. So they took the evolution   | 11:24:32 |
| 25 | part, evolved, and applied that to the NodeB. So  | 11:24:35 |

1 it is an evolved NodeB, but what it more precisely  
2 means is that it provides the base station  
3 functions for an LTE network.

4 Q Did they add those LTE capabilities to  
5 NodeB, which is why they call it an evolved NodeB?

6 MR. APGAR: Objection to form.

7 A Again, I think that is the wrong way of  
8 looking at it. It is just that the eNodeB is the  
9 base station that supports the function as defined  
10 for LTE.

11 Q What are the differences between eNodeB  
12 and NodeB?

13 MR. APGAR: Objection to form.

14 A The differences are that some of the  
15 protocols used within LTE differ from what is  
16 used, say, for 3G and the NodeB. For example, the  
17 radio resource control protocol is used in both 4G  
18 and 3G. So from that point of view they're the  
19 same, but the exact messages carried and the way  
20 radio resources are managed, are different between  
21 3G and 4G.

22 Q And one of those differences is that 4G  
23 uses OFDMA and 3G used CDMA?

24 A That is one of the differences.

25 Q Are there --

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | A But -- but let me just clarify that the          | 11:26:42 |
| 2  | RRC protocol is a link layer protocol so it        | 11:26:45 |
| 3  | doesn't concern itself with OFDMA versus CDMA.     | 11:26:50 |
| 4  | Q Understood. What other differences are           | 11:26:53 |
| 5  | there between a 4G base station and a 3G base      | 11:26:59 |
| 6  | station?                                           | 11:27:04 |
| 7  | MR. APGAR: Objection to form.                      | 11:27:04 |
| 8  | A One of the other differences between 3G          | 11:27:05 |
| 9  | and 4G base stations is that standards bodies or   | 11:27:19 |
| 10 | specification bodies such as 3GPP define different | 11:27:27 |
| 11 | frequency bands for different technologies. So     | 11:27:31 |
| 12 | LTE, for instance, operates on some frequencies    | 11:27:38 |
| 13 | that are not used by 3G.                           | 11:27:42 |
| 14 | Q I see. Does LTE have access to more              | 11:27:45 |
| 15 | frequencies than 3G?                               | 11:27:50 |
| 16 | A More frequencies have been defined for LTE       | 11:27:52 |
| 17 | than for 3G, but the protocols that operate over   | 11:28:04 |
| 18 | those frequencies such as the random access        | 11:28:13 |
| 19 | procedure those protocols work identically whether | 11:28:18 |
| 20 | it is at one frequency or another. It is just      | 11:28:23 |
| 21 | that over time government bodies have freed up     | 11:28:26 |
| 22 | more spectrum and as that spectrum is freed up,    | 11:28:32 |
| 23 | cellular operators deploy their technologies or    | 11:28:40 |
| 24 | the latest version of their technologies in those  | 11:28:43 |
| 25 | new frequency bands. It is not that you couldn't   | 11:28:46 |

1 run those older technologies on those new 11:28:50  
2 frequency bands, it is just that in practice that 11:28:54  
3 doesn't happen. 11:28:56

4 Q You mentioned that the link layer is 11:28:58  
5 similar between LTE and 3G. Did I understand that 11:29:05  
6 right? 11:29:08

7 A Yes. 11:29:08

8 MR. APGAR: Objection. 11:29:14

9 A Well, aspects. The link layer is very 11:29:14  
10 complex and there are many aspects to the link 11:29:16  
11 layer, but RRC for example, radio resource control 11:29:20  
12 is similar between all generations of technology. 11:29:27

13 Q So the NodeB link layer is similar to 11:29:35  
14 eNodeB link layer with respect to the RRC 11:29:41  
15 protocol? 11:29:46

16 A Again, it depends on how you define 11:29:47  
17 similar, but conceptually they provide the same 11:29:51  
18 functionality of managing the radio resource. 11:29:57

19 Q And the difference is in the physical 11:30:03  
20 layer and what protocols are used to allocate 11:30:05  
21 resources between 3G and 4G? 11:30:12

22 A The allocation of physical layer resources 11:30:15  
23 could be one difference, but I would have to study 11:30:22  
24 the RRC protocol to see all the differences. 11:30:25  
25 These are very complex specifications and my 11:30:29

1 recollection is that the RRC protocol itself is 11:30:32  
2 hundreds of pages long. 11:30:36

3 Q Understood. Are there any other 11:30:39  
4 differences between 3G and 4G base stations? 11:30:44

5 A Well, so far I've mentioned frequencies, 11:30:47  
6 implementation of protocols. I think maybe 11:31:02  
7 another difference is that 4G has this notion of 11:31:18  
8 carrier aggregation, which I don't believe was 11:31:25  
9 implemented in 3G. 11:31:30

10 Q What is carrier aggregation? 11:31:38

11 A That is just the ability to combine 11:31:40  
12 multiple radio channels into one virtual larger 11:31:44  
13 radio channel. 11:31:50

14 Q When you say "radio channel," are you 11:31:51  
15 referring to the component carriers? 11:31:59

16 MR. APGAR: Objection to form. 11:32:03

17 A In the context of carrier aggregation, the 11:32:04  
18 radio channels would be referred to as component 11:32:11  
19 carriers. 11:32:14

20 Q Just so I understand, you are saying that 11:32:18  
21 carrier aggregation was implemented in 4G but not 11:32:24  
22 3G; right? 11:32:28

23 A That is my understanding, but I would 11:32:29  
24 really have to refer to the 3G specifications to 11:32:44  
25 know for sure, because I do know that 3G did have 11:32:47

1 support for heterogenous networks and simultaneous 11:32:53  
2 connections to different radio resources. So I -- 11:32:59  
3 at this time without referring to technical 11:33:08  
4 documents, I can't explain the exact difference 11:33:10  
5 between how that might have been implemented in 3G 11:33:13  
6 or how that differs exactly from 4G. 11:33:18

7 Q Fair enough. You're not aware of the 11:33:21  
8 NodeB being able to perform carrier aggregation; 11:33:27  
9 right? 11:33:30

10 MR. APGAR: Objection to form. 11:33:31

11 A At this time I'm not sure if that was 11:33:32  
12 implemented or not. It could have been specified. 11:33:49  
13 One thing that happens with these technologies is 11:33:53  
14 that a lot of ideas are conceived and even 11:33:55  
15 specified but not necessarily implemented. 11:33:59

16 Again, I'd need to refer to 3GPP 11:34:04  
17 specifications for 3G to see exactly whether or 11:34:06  
18 how carrier aggregation might have been 11:34:12  
19 implemented, but I know that from a deployment 11:34:13  
20 point of view, that that was a focus of 4G 11:34:18  
21 deployment. 11:34:23

22 Q Has eNodeB ever been used to refer to a 11:34:25  
23 base station in 2G? 11:34:34

24 MR. APGAR: Objection to form. 11:34:37

25 A Outside the scope of the patent, usually 11:34:37

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | eNodeB refers to 4G base stations.                 | 11:34:44 |
| 2  | Q Outside the scope of the patent, has             | 11:34:48 |
| 3  | eNodeB ever been referred -- sorry, scratch that.  | 11:34:52 |
| 4  | Outside the scope of the patent, has               | 11:34:57 |
| 5  | eNodeB ever been used to refer to 3G base          | 11:34:59 |
| 6  | stations?                                          | 11:35:03 |
| 7  | MR. APGAR: Objection to form.                      | 11:35:04 |
| 8  | A As I said, outside the scope of the              | 11:35:05 |
| 9  | patent, eNodeB generally refers to or that term is | 11:35:14 |
| 10 | used in LTE specifications, but I can't vouch for  | 11:35:18 |
| 11 | how every person has ever used that term.          | 11:35:26 |
| 12 | Q Have you ever used eNodeB to refer to a          | 11:35:27 |
| 13 | base station in 2G or 3G?                          | 11:35:30 |
| 14 | A Outside the scope of the patent, I have          | 11:35:35 |
| 15 | used the term eNodeB to refer to an LTE base       | 11:35:37 |
| 16 | station.                                           | 11:35:44 |
| 17 | Q Was the term eNodeB introduced with LTE?         | 11:35:44 |
| 18 | A I don't know for a fact, but my                  | 11:35:48 |
| 19 | understanding is that that term came into          | 11:35:59 |
| 20 | existence with the development of LTE              | 11:36:03 |
| 21 | specifications.                                    | 11:36:06 |
| 22 | Q You have also worked in-depth with 5G            | 11:36:11 |
| 23 | technologies?                                      | 11:36:14 |
| 24 | A I have worked in-depth with 5G                   | 11:36:15 |
| 25 | technologies.                                      | 11:36:17 |

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | Q What do you call a base station in 5G?           | 11:36:17 |
| 2  | MR. APGAR: Objection.                              | 11:36:25 |
| 3  | A Well, again, outside the scope of the            | 11:36:29 |
| 4  | patent the term for a 5G base station is a gNB.    | 11:36:30 |
| 5  | Q Does the patent mention 5G at all?               | 11:36:35 |
| 6  | A I don't recall the patent mentioning 5G,         | 11:36:38 |
| 7  | but I think that is because 5G had not yet been    | 11:36:46 |
| 8  | defined before the filing date of the patent.      | 11:36:50 |
| 9  | Q What is the difference between a gNB and a       | 11:36:55 |
| 10 | eNodeB?                                            | 11:36:58 |
| 11 | MR. APGAR: Objection to form.                      | 11:37:00 |
| 12 | A Well, the gNB has a G in the name, but           | 11:37:01 |
| 13 | beyond that, the -- again, the functionality of a  | 11:37:11 |
| 14 | 5G base station at a higher level is to provide a  | 11:37:18 |
| 15 | radio interface to the user equipment which is the | 11:37:26 |
| 16 | same as for 4G and 3G and 2G even back to 1G.      | 11:37:31 |
| 17 | Q But there are differences, right, between        | 11:37:37 |
| 18 | a 5G base station and a 4G base station?           | 11:37:45 |
| 19 | MR. APGAR: Objection to form.                      | 11:37:55 |
| 20 | A There are differences and there are              | 11:37:56 |
| 21 | similarities. At a higher level they provide the   | 11:38:00 |
| 22 | same types of functions, but the exact             | 11:38:05 |
| 23 | implementation of the protocols are different.     | 11:38:10 |
| 24 | Some of those differences are due to greater       | 11:38:19 |
| 25 | capabilities. For example, in 5G, again, it has    | 11:38:23 |

1 access to more frequencies so the radio resource  
2 control protocol, for example, has to be able to  
3 address the specific radio characteristics of 5G.

4 Q So there are things that a 5G base station  
5 can do that a 4G base station cannot do?

6 MR. APGAR: Objection to form.

7 A The 5G base station would handle protocols  
8 that were specifically designed for 4G. And  
9 consequently those exact protocols would not be  
10 supported by the 4G base station, but the type of  
11 functionality provided remains the same.

12 Q Did you say that the 5G was able to access  
13 more frequencies than 4G, am I understanding you  
14 correctly?

15 A 5G was designed to handle higher  
16 frequencies than are used for 4G. For example, 5G  
17 can use the millimeter wave bands and 4G is not  
18 specified to operate in those bands. But as I  
19 said before the protocols that are used within  
20 those frequencies remain the same. There is just  
21 a difference at the physical layer.

22 Q I see. Is -- strike that.

23 Is a 4G base station able to access  
24 frequencies that a 5G base station cannot?

25 A Did you ask whether a 4G base station can

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | use frequencies that a 5G base station cannot?     | 11:40:44 |
| 2  | Q Yes.                                             | 11:40:44 |
| 3  | A My understanding that as a superset              | 11:40:55 |
| 4  | meaning that 5G can use all the 4G frequencies,    | 11:40:57 |
| 5  | but then there are additional frequencies designed | 11:41:02 |
| 6  | for 5G operation. And that is because eventually   | 11:41:05 |
| 7  | operators would retire their 4G equipment and then | 11:41:09 |
| 8  | use the 5G technology in those previous 4G bands.  | 11:41:16 |
| 9  | Q Is there anything that a 4G base station         | 11:41:24 |
| 10 | can do that a 5G base station cannot?              | 11:41:33 |
| 11 | MR. APGAR: Objection to form.                      | 11:41:39 |
| 12 | A Usually in successive generations the            | 11:41:40 |
| 13 | capabilities are a superset of previous            | 11:41:55 |
| 14 | capabilities, but that said that doesn't mean      | 11:41:59 |
| 15 | there isn't some functionality that is unique to   | 11:42:03 |
| 16 | LTE that is not used in 5G. Offhand I don't know   | 11:42:06 |
| 17 | what that could be, but I'm just acknowledging     | 11:42:11 |
| 18 | that that is possible.                             | 11:42:13 |
| 19 | Q Okay. So for example, you mentioned for          | 11:42:14 |
| 20 | 3G base stations used CDMA, whereas, 4G base       | 11:42:20 |
| 21 | stations used OFDMA. Does that mean that the 3G    | 11:42:25 |
| 22 | base stations can do some things that the 4G base  | 11:42:32 |
| 23 | station cannot because 3G base stations use CDMA?  | 11:42:35 |
| 24 | A No. Technically speaking, because 3G uses        | 11:42:40 |
| 25 | CDMA and 4G uses OFDMA, then the LTE base station  | 11:42:47 |

1 would not be able to communicate with the user  
2 device that was using 3G.

3 Q Is there an analogous difference between  
4 4G and 5G?

5 MR. APGAR: Objection to form.

6 A In reality the 5G radio waveform is more  
7 similar to 4G than 4G is similar to 3G.  
8 Specifically 3G, as we discussed, uses CDMA. 4G  
9 uses OFDMA, but 5G also uses OFDMA.

10 Q I see. Are there any other differences  
11 between how a 5G base station operates versus a 4G  
12 base station?

13 MR. APGAR: Objection to form.

14 A I believe I have covered the most  
15 pertinent aspects which were supporting more  
16 frequencies although the protocols remain the same  
17 across the frequencies and that the protocol  
18 implementations while providing analogous  
19 functionality would differ in their details.

20 Q Do you know why the 5G base station is  
21 called a gNB instead of a eNodeB?

22 MR. APGAR: Objection to form.

23 A I don't believe or at least I have not  
24 seen a 3GPP definition, but I did see in one  
25 article that someone who had worked on the

1 specifications when asked said that they were 11:45:10  
2 using the term next generation and then used the G 11:45:18  
3 from the next generation for the gNB, but that was 11:45:22  
4 just one person's speculation. 11:45:29

5 Q But a gNB is not an eNodeB; right? 11:45:32

6 MR. APGAR: Objection, form. 11:45:43

7 A A gNB supports the 5G protocols, and an 11:45:43  
8 eNB supports the 4G protocols, but they are both 11:45:58  
9 base stations providing the same functionality 11:46:03  
10 from a user perspective and network perspective. 11:46:07

11 Q So gNB supports different protocol than 11:46:13  
12 eNodeB? 11:46:18

13 MR. APGAR: Objection to form. 11:46:22

14 A It supports different implementations of 11:46:23  
15 the same types of protocol. I already mentioned 11:46:32  
16 RRC being the same. Both have random access 11:46:36  
17 procedures, but the random access procedures in 11:46:39  
18 their detailed implementation have differences or 11:46:45  
19 I expect they would have differences. I haven't 11:46:50  
20 looked at that particular aspect of 5G technology. 11:46:52

21 Q I see. But there is a difference between 11:46:57  
22 4G and 5G protocols that you just mentioned, 11:47:03  
23 right, even though there are some similarities? 11:47:07

24 MR. APGAR: Objection to form. 11:47:12

25 A The same types of protocols are used and 11:47:12

1 that is because engineers don't want to have to 11:47:15  
2 completely reinvent the wheel so they take as much 11:47:19  
3 as they can from one generation then they adapt it 11:47:22  
4 for the next. So you will see a lot of the same 11:47:25  
5 protocols, but because the technology has 11:47:27  
6 additional capabilities, those protocols are often 11:47:32  
7 enhanced or modified to support the new 11:47:37  
8 capabilities. 11:47:42

9 Q I see. So just to be clear, base station 11:47:45  
10 in 5G is not the same as a base station in 4G 11:48:03  
11 though; right? 11:48:06

12 MR. APGAR: Objection, form. 11:48:07

13 A Again, it depends on what you mean by the 11:48:08  
14 same or not the same, because as I said, they 11:48:17  
15 provide the same basic function and it is just 11:48:22  
16 their implementation details are different. 11:48:26

17 Q Okay. So 4G base stations and 5G base 11:48:32  
18 stations may have different implementations; is 11:48:39  
19 that fair to say? 11:48:48

20 MR. APGAR: Objection to form. 11:48:49

21 A It's fair to say that if you look at the 11:48:50  
22 details of the different protocols, that there 11:48:57  
23 will be some differences but the protocols are 11:49:02  
24 accomplishing the same overall objective. For 11:49:07  
25 example, the radio resource control protocol is 11:49:12

1 used to manage the radio resource deciding which 11:49:16  
2 user gets how much bandwidth and when, so that 11:49:21  
3 remains the same. What differs is the exact 11:49:25  
4 implementation and messages and number of bits, et 11:49:31  
5 cetera, that are conveyed by the protocol. 11:49:39

6 So it is the same in what it does, but it 11:49:41  
7 is different in exactly how it is implemented. 11:49:46

8 Q Okay. And your opinion is that the eNodeB 11:49:51  
9 term in the '545 patent should be construed as 11:49:58  
10 base station? 11:50:03

11 A Let me turn to that part of my report. So 11:50:12  
12 yes, my opinion is that eNB or evolve NodeB should 11:50:18  
13 be construed as base station. 11:50:26

14 Q Does that mean that a eNodeB term covers 11:50:33  
15 base stations in a 2G network? 11:50:36

16 A The patentee states that the eNB can refer 11:50:39  
17 to a fixed station including a NodeB. 11:50:55

18 Q I'm not sure you answered my question, 11:51:09  
19 Mr. Rysavy. Does the claim term eNodeB cover base 11:51:11  
20 stations in a 2G network, yes or no? 11:51:15

21 MR. APGAR: Objection to form. 11:51:26

22 A The instruction of eNB to mean base 11:51:27  
23 station would mean that the eNB would refer to any 11:51:41  
24 base station within the context of this patent. 11:51:53

25 Q And by "any base station," that would 11:52:01

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | include base stations in other cellular            | 11:52:05 |
| 2  | generations such as 2G and 3G, is that your        | 11:52:08 |
| 3  | opinion?                                           | 11:52:12 |
| 4  | A The base station could be a 2G NodeB or a        | 11:52:15 |
| 5  | 3G -- I'm sorry, a 2G BTS and a 3G NodeB.          | 11:52:22 |
| 6  | Q Even though you earlier testified that a         | 11:52:33 |
| 7  | person of ordinary skill in the art would not      | 11:52:38 |
| 8  | refer to a 2G or a 3G base station as an eNodeB?   | 11:52:42 |
| 9  | MR. APGAR: Objection to form.                      | 11:52:51 |
| 10 | Q Outside the scope of the patent?                 | 11:52:52 |
| 11 | A Outside the scope of the patent, the eNB         | 11:52:53 |
| 12 | term is generally used in the context of LTE, but  | 11:52:58 |
| 13 | the patentee explicitly defines eNB in multiple    | 11:53:03 |
| 14 | portions of the specification to refer to a base   | 11:53:12 |
| 15 | station generically.                               | 11:53:17 |
| 16 | Q So you rely on intrinsic evidence to             | 11:53:21 |
| 17 | support your construction of eNodeB?               | 11:53:26 |
| 18 | MR. APGAR: Objection to form.                      | 11:53:28 |
| 19 | Q Is there anything inaccurate in what I           | 11:53:33 |
| 20 | just said?                                         | 11:53:36 |
| 21 | A If you mean by intrinsic evidence the            | 11:53:36 |
| 22 | specification, I do rely on the specification to   | 11:53:40 |
| 23 | come to my opinion that eNB in the context of this | 11:53:46 |
| 24 | patent refers to base station and I provide        | 11:53:50 |
| 25 | multiple citations in support of that              | 11:53:55 |

1 construction.

11:54:00

2 Q The only evidence that you rely on that  
3 supports your construction of an eNodeB being any  
4 base station is the patent specification; correct?

11:54:01

11:54:05

11:54:08

5 A Well, I need to refer to my report, but I  
6 do believe that all my citations are from the  
7 specifications.

11:54:19

11:54:27

11:54:31

8 Q Is there anything that you wish to cite to  
9 support your construction that is not from the  
10 '545 patent specification?

11:54:35

11:54:39

11:54:45

11 A Let me just quickly scan through my  
12 report, please.

11:54:50

11:55:11

13 Q Yes, please do.

11:55:12

14 A In paragraph 38 I also note that nothing  
15 in the languages of claims 2 and 3 demonstrates  
16 any intent by the patentee to use the terms evolve  
17 NodeB and eNB differently than how those terms are  
18 defined in the specifications. So I am relying  
19 both on the specification and the claims  
20 themselves, but nothing outside the scope of the  
21 patent.

11:56:06

11:56:09

11:56:12

11:56:18

11:56:21

11:56:25

11:56:27

11:56:31

22 Q Understood. So you are not relying on any  
23 extrinsic evidence to support construction of  
24 eNodeB?

11:56:32

11:56:36

11:56:40

25 A I am not relying on any extrinsic evidence

11:56:42

1 to support my construction. 11:56:47

2 Q And extrinsic evidence is not necessary to 11:56:51  
3 construe eNodeB? 11:56:53

4 MR. APGAR: Objection to form. 11:56:58

5 Q You don't have to -- 11:57:09

6 A I don't quite understand the question. It 11:57:10  
7 sounds like you're asking whether the term eNodeB 11:57:12  
8 could be understood in the absence of any 11:57:18  
9 extrinsic evidence. Is that what you were asking? 11:57:21

10 Q I was asking whether extrinsic evidence is 11:57:25  
11 needed to support your construction of eNodeB? 11:57:30

12 A Oh, okay. I am not in my report relying 11:57:36  
13 on any extrinsic evidence to support my opinion of 11:57:47  
14 the proposed construction of eNodeB. 11:57:53

15 Q Does that mean that extrinsic evidence is 11:57:55  
16 not necessary to understand what the claim term 11:58:06  
17 eNodeB means in the context of the '545 patent? 11:58:09

18 MR. APGAR: Objection to form. 11:58:15

19 Q I see a typo in the transcript. Can I 11:58:24  
20 just rephrase. Does that mean that extrinsic 11:58:26  
21 evidence is not necessary to understand what the 11:58:29  
22 claim term eNodeB means in the context of the '545 11:58:32  
23 patent? 11:58:36

24 MR. APGAR: Objection to form. 11:58:41

25 A I'm not sure how to answer that question. 11:58:41

1 I think I need to look at the specification or the 11:58:59  
2 whole patent to see if maybe it has citations to 11:59:03  
3 any extrinsic evidence or documents. 11:59:06

4 Q I see, but sitting here today you're not 11:59:14  
5 aware of any extrinsic evidence that would support 11:59:16  
6 the construction that eNodeB refers to any base 11:59:22  
7 station in any cellular generation technology? 11:59:26

8 A I find that a really broad question to 11:59:33  
9 answer. All I know is that I relied on this 11:59:38  
10 specific intrinsic evidence to support my opinion, 11:59:42  
11 but I can't speak to the entire universe of 11:59:53  
12 extrinsic evidence as to what bearing it might 11:59:55  
13 have on this. 11:59:57

14 Q I understand. I'm not trying to get you 11:59:59  
15 to go through the entire universe of extrinsic 12:00:02  
16 evidence. I'm just wondering given that you have 12:00:07  
17 been working in these technologies for decades if 12:00:09  
18 you're aware of any extrinsic evidence that 12:00:12  
19 supports an eNodeB referring to any base station 12:00:15  
20 in other cellular generations besides 4G? 12:00:20

21 A I think I've already stated that outside 12:00:25  
22 the scope of the patent that the term eNodeB 12:00:33  
23 generally refers to LTE base stations. 12:00:37

24 Q So the construction of the eNodeB is based 12:00:44  
25 solely on intrinsic evidence as set forth in your 12:00:50

1 report?

12:00:53

2 A In my report, I'm relying on the intrinsic  
3 evidence to support my opinion about the proposed  
4 claim construction.

12:00:56

12:00:59

12:01:07

5 Q And one of the passages you rely on in the  
6 specification is Column 4, lines 5 through 14 as  
7 cited in paragraph 34 of your expert report; is  
8 that right?

12:01:09

12:01:18

12:01:25

12:01:36

9 A Yes, paragraph 34 has the citation from  
10 Column 4, lines 5 to 14.

12:01:36

12:01:43

11 Q And it is your opinion that this passage  
12 defines the eNodeB as broadly encompassing any  
13 base station?

12:01:47

12:01:50

12:01:57

14 A This is one citation that supports my  
15 opinion that paragraph 35 and 36 and 37 had  
16 additional citations.

12:02:00

12:02:03

12:02:12

17 Q Okay. Let's start with paragraph 34 then.  
18 Can you point me to the language in this passage  
19 that actually defines the eNodeB as referring to  
20 any base station?

12:02:16

12:02:22

12:02:24

12:02:26

21 A I would begin at the beginning where it  
22 says the eNB or a cell. A person of ordinary  
23 skill in the art would understand a cell to be the  
24 coverage area of -- well, it would include the  
25 base station plus its associated coverage area, so

12:02:32

12:02:43

12:02:49

12:02:52

12:02:56

1 right there eNB or a cell.

12:03:01

2 In that very phrase the patentee is  
3 equating eNB with generically a cellular cell and  
4 then goes on to say that eNB may also be referred  
5 to as a NodeB, which would be from 3G, a base  
6 station -- I'm sorry, a base transceiver system,  
7 BTS, which would be 2G and access point and the  
8 like.

12:03:06

12:03:09

12:03:17

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12:03:29

12:03:33

12:03:37

9 So a person -- my opinion is that a person  
10 of ordinary skill in the art would read this to  
11 say that the eNB term refers to a base station and  
12 can also refer to a base station in 3G, 2G and, in  
13 fact, any kind of wireless system.

12:03:38

12:03:42

12:03:45

12:03:55

12:03:59

14 Then the second paragraph goes on to say  
15 the eNB or the cell may be construed. So I see  
16 the patentee is actually using the term construed,  
17 and then it says that it can be or may be  
18 construed as an inclusive concept indicating a  
19 portion of area covered by a radio network  
20 controller in WCDMA and the like. So all those  
21 statements in this one citation to me clearly  
22 express that the eNB term is used to mean  
23 generically a base station.

12:04:04

12:04:07

12:04:11

12:04:15

12:04:22

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12:04:27

12:04:37

12:04:42

12:04:46

24 Q It says in that first sentence in that  
25 passage that the eNodeB or a cell may refer to a

12:04:49

12:04:55

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | fixed station...and may also be referred to as a   | 12:05:01 |
| 2  | NodeB in BTS and access and the like; right?       | 12:05:08 |
| 3  | A That is what it states.                          | 12:05:12 |
| 4  | Q It uses the term "may" as permissive?            | 12:05:16 |
| 5  | MR. APGAR: Objection to form.                      | 12:05:24 |
| 6  | A That sentence does use the word "may."           | 12:05:25 |
| 7  | Q If I say it may rain today, does that mean       | 12:05:31 |
| 8  | it must rain today?                                | 12:05:39 |
| 9  | A I don't think your statement is analogous,       | 12:05:40 |
| 10 | because in one case the "may" is followed by the   | 12:05:49 |
| 11 | word "refer," whereas, you are talking about an    | 12:05:53 |
| 12 | action.                                            | 12:05:57 |
| 13 | Q Does "may" ever mean "must"?                     | 12:05:59 |
| 14 | MR. APGAR: Objection to form.                      | 12:06:04 |
| 15 | A The word "may" is used, which is different       | 12:06:05 |
| 16 | than the word "must," but that citation compared   | 12:06:20 |
| 17 | -- I'm sorry, that citation combined with all the  | 12:06:26 |
| 18 | other stations' citations -- I'm obviously getting | 12:06:30 |
| 19 | tired here. Combined with all the other citations  | 12:06:34 |
| 20 | that I have through paragraph 37 make it clear to  | 12:06:38 |
| 21 | me that the patentee was using the term eNB to     | 12:06:44 |
| 22 | refer to a base station.                           | 12:06:47 |
| 23 | And in my Footnote 2 on page 10 I address          | 12:06:49 |
| 24 | the specific disclosure of the word "may" and      | 12:06:54 |
| 25 | state that the use of the term "may" does not      | 12:06:59 |

1 alter my opinion that those statements reflect a 12:07:02  
2 clear intent by the patentee to define eNB as a 12:07:06  
3 base station. 12:07:09

4 Q Have you ever used the term "may" to refer 12:07:13  
5 to something being mandatory? 12:07:21

6 A I agree that the word "may" is not the 12:07:24  
7 same as must, but I go back to the fact that 12:07:46  
8 throughout the specification the patentee 12:07:50  
9 consistently and in multiple instances equates the 12:07:56  
10 term eNB with a generic base station, so the term 12:08:00  
11 "may" does not change my opinion on that. 12:08:09

12 Q And those other passages in the 12:08:12  
13 specifications that you pointed out, let's go to 12:08:15  
14 them. You also cite to Column 8, line 19 to 20 in 12:08:19  
15 paragraph 37; is that right? 12:08:29

16 A In paragraph 37 I do cite to those lines. 12:08:37

17 Q Can you read that line? 12:08:39

18 A Hereinafter, a user terminal may be 12:08:44  
19 referred to as a UE and the base station may be 12:08:47  
20 referred to as an eNB. 12:08:50

21 Q And that passages uses "may" and not 12:08:53  
22 "must"; right? 12:08:56

23 A That citation does have the word "may." 12:09:00

24 Q Are there any other passages that you rely 12:09:04  
25 on from the '545 specification to support your 12:09:09

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | construction that we haven't discussed?            | 12:09:14 |
| 2  | A I believe there are, let me look at my           | 12:09:21 |
| 3  | report. In paragraph 36 I refer to Column 4,       | 12:09:28 |
| 4  | lines 9 through 11.                                | 12:09:55 |
| 5  | Q We've previously covered that.                   | 12:10:01 |
| 6  | A Okay.                                            | 12:10:02 |
| 7  | Q But please, please go ahead and read that        | 12:10:07 |
| 8  | sentence that you cite to.                         | 12:10:09 |
| 9  | A That is right. We did discuss this one.          | 12:10:10 |
| 10 | It says, the eNB or the cell may be construed as   | 12:10:19 |
| 11 | an inclusive concept indicating a portion of an    | 12:10:23 |
| 12 | area covered by a radio network controller in      | 12:10:25 |
| 13 | WCDMA and the like.                                | 12:10:28 |
| 14 | Q This also uses "may" and not "must;"             | 12:10:31 |
| 15 | right?                                             | 12:10:34 |
| 16 | A That sentence does have the word "may."          | 12:10:34 |
| 17 | Q Is there any other part of the patent that       | 12:10:47 |
| 18 | you rely on to support your construction of eNodeB | 12:10:50 |
| 19 | that we haven't discussed?                         | 12:10:56 |
| 20 | A There is also Footnote 1 on page 10.             | 12:10:59 |
| 21 | Q Can you read that portion that you cite          | 12:11:12 |
| 22 | to?                                                | 12:11:15 |
| 23 | A The '545 patent describes the UE (user           | 12:11:15 |
| 24 | equipment) in similarly broad terms. The UE may    | 12:11:20 |
| 25 | be an inclusive concept indicating a user terminal | 12:11:23 |

1 utilized in a wireless communication including a  
2 UE in Wide Band Code Division Multiple Access,  
3 (WCDMA), Long Term Evolution (LTE), High Speed  
4 Packet Access (HSPA) and the like, and a Mobile  
5 Station (MS), a user terminal (UT), subscriber  
6 station (SS), a wireless device and the like in  
7 Global System for mobile communications.

12:11:27

12:11:30

12:11:33

12:11:38

12:11:43

12:11:49

12:11:51

8 Q And this uses "may" and not "must;" is  
9 that right?

12:11:56

12:12:03

10 A The citation says the UE may be an  
11 inclusive concept.

12:12:04

12:12:10

12 Q That is a yes?

12:12:12

13 A Yes.

12:12:14

14 Q And this passage is about the UE, right,  
15 not the base station?

12:12:15

12:12:18

16 A This passage is about the UE, but because  
17 the UE is instrumental to the invention because it  
18 is synchronization on the uplink between the UE  
19 and the base station. So because it refers to all  
20 these different technologies, again, that supports  
21 my opinion that the eNB refers to a base station  
22 of any technology.

12:12:24

12:12:28

12:12:35

12:12:38

12:12:47

12:12:50

12:12:58

23 Q Even though in every portion of the  
24 specification that you rely on it uses "may"  
25 instead of "must" to describe an eNodeB?

12:13:02

12:13:06

12:13:09

|    |                                                   |          |
|----|---------------------------------------------------|----------|
| 1  | A It is taking all these --                       | 12:13:22 |
| 2  | MR. APGAR: Form.                                  | 12:13:27 |
| 3  | A I'm sorry, Greg.                                | 12:13:27 |
| 4  | MR. APGAR: Go ahead, you can answer.              | 12:13:29 |
| 5  | A It is taking all these citations in             | 12:13:30 |
| 6  | aggregate that supports my opinion that the       | 12:13:38 |
| 7  | patentee when talking about an eNodeB refers to   | 12:13:43 |
| 8  | base station, otherwise why would the patentee    | 12:13:48 |
| 9  | even mention 2G and 3G technologies. Why would    | 12:13:52 |
| 10 | the patentee even have any of these citations     | 12:13:56 |
| 11 | unless they were trying to convey that their use  | 12:14:02 |
| 12 | of the term means a base station for all these    | 12:14:06 |
| 13 | technologies.                                     | 12:14:10 |
| 14 | Q But you would agree that in all of the          | 12:14:10 |
| 15 | passages you cite to in your expert report from   | 12:14:18 |
| 16 | the '545 patent, all of those passages use "may"  | 12:14:22 |
| 17 | instead of "must" when discussing eNodeB?         | 12:14:32 |
| 18 | MR. APGAR: Objection to form.                     | 12:14:39 |
| 19 | A The citations that I just read out did use      | 12:14:39 |
| 20 | the word "may," but as I said before that doesn't | 12:14:50 |
| 21 | change my opinion about the clear intent of the   | 12:14:54 |
| 22 | patentee to define eNB as a base station.         | 12:14:58 |
| 23 | Q I would like to turn to the next term that      | 12:15:08 |
| 24 | you discuss in your expert report. This is on     | 12:15:10 |
| 25 | page 11 of your report, if you want to follow     | 12:15:18 |

|    |                                                   |          |
|----|---------------------------------------------------|----------|
| 1  | along.                                            | 12:15:20 |
| 2  | MR. APGAR: Actually, counsel, we have             | 12:15:23 |
| 3  | been going for about an hour. If you are about to | 12:15:25 |
| 4  | switch terms would this be a good time for a      | 12:15:29 |
| 5  | break?                                            | 12:15:31 |
| 6  | MS. ZHANG: Yes, that is fine.                     | 12:15:31 |
| 7  | VIDEOGRAPHER: So we are off the record at         | 12:15:33 |
| 8  | 12:15 p.m.                                        | 12:15:35 |
| 9  | (Recess, 12:15 to 12:47 p.m.)                     | 12:15:36 |
| 10 | VIDEOGRAPHER: The time is 12:47 p.m.              | 12:47:15 |
| 11 | we're back on the record.                         | 12:47:54 |
| 12 | Q Mr. Rysavy, you have reviewed the '545          | 12:47:55 |
| 13 | patent; right?                                    | 12:48:00 |
| 14 | A I did review the patent.                        | 12:48:00 |
| 15 | Q So you have an understanding of what it         | 12:48:03 |
| 16 | covers?                                           | 12:48:06 |
| 17 | A I do.                                           | 12:48:09 |
| 18 | Q And how would you describe the '545 patent      | 12:48:09 |
| 19 | to a jury?                                        | 12:48:15 |
| 20 | MR. APGAR: Objection to form.                     | 12:48:17 |
| 21 | A I have a good description of it in my           | 12:48:18 |
| 22 | report.                                           | 12:48:29 |
| 23 | Q Are you able to describe what the '545          | 12:48:33 |
| 24 | invention is about without referring to your      | 12:48:36 |
| 25 | report?                                           | 12:48:38 |

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | A I can.                                           | 12:48:39 |
| 2  | Q Can you please do so?                            | 12:48:45 |
| 3  | A It is generally about uplink                     | 12:48:48 |
| 4  | synchronization.                                   | 12:48:53 |
| 5  | Q Is that the invention of the '545 patent?        | 12:48:57 |
| 6  | MR. APGAR: Objection, form.                        | 12:49:01 |
| 7  | A Well, the invention would be the claims,         | 12:49:05 |
| 8  | and I need to refer to the claims to explain those | 12:49:10 |
| 9  | explicitly.                                        | 12:49:17 |
| 10 | Q Is there a layman description you can            | 12:49:18 |
| 11 | provide of the '545 patent without referring to    | 12:49:24 |
| 12 | the claims?                                        | 12:49:30 |
| 13 | MR. APGAR: Objection to form.                      | 12:49:32 |
| 14 | A Yes. And I should really say the                 | 12:49:33 |
| 15 | invention is what is described in the              | 12:49:36 |
| 16 | specification as well as the claims, but generally | 12:49:39 |
| 17 | it is about uplink synchronization, which is       | 12:49:46 |
| 18 | accomplished through a random access procedure in  | 12:49:50 |
| 19 | which the base station calculates a timing advance | 12:49:59 |
| 20 | value and then communicates that to the UE in the  | 12:50:05 |
| 21 | random access response.                            | 12:50:11 |
| 22 | Q And do you have an understanding of what         | 12:50:15 |
| 23 | part of the '545 patent was not in the prior art?  | 12:50:22 |
| 24 | MR. APGAR: Objection to form.                      | 12:50:28 |
| 25 | A For the purpose of this claim construction       | 12:50:35 |

1 report I did not do a prior art analysis. 12:50:40

2 Q Do you know if the use of a timing advance 12:50:46  
3 value in a random access procedure was known to a 12:50:55  
4 person of skill in the art before the '545 patent 12:51:01  
5 was filed? 12:51:08

6 MR. APGAR: Objection to form. 12:51:11

7 A Generally in wireless networks it is 12:51:13  
8 important for uplink communications to be 12:51:19  
9 synchronized. So technologies going back to 2G 12:51:25  
10 have a timing advance capability. 12:51:32

11 Q And do you think the '545 is inventive 12:51:38  
12 just from a perspective of a person of ordinary 12:51:42  
13 skill in the art? 12:51:46

14 MR. APGAR: Objection to form. 12:51:47

15 A I do, and in particular I would defer to 12:51:48  
16 the Patent Office in granting the patent. 12:51:56

17 Q Is there any particular part you would 12:52:02  
18 point to that you thought was inventive or 12:52:05  
19 interesting about the '545 patent? 12:52:09

20 MR. APGAR: Objection to form. 12:52:18

21 A The '545 patent specifications -- 12:52:20  
22 specification, sorry, does explain what is novel 12:52:25  
23 in the patent so I would refer to that and can 12:52:30  
24 read that if you wish. 12:52:35

25 Q So what is your understanding of the 12:52:39

1 problem that the '545 patent was solving? 12:52:41

2 A Can I refer to my report? 12:52:57

3 Q Yes, you may. 12:52:58

4 A As I state in paragraph 25, prior to the 12:53:07  
5 '545 patent, effective synchronization had yet to 12:53:11  
6 be achieved in wireless communication systems 12:53:15  
7 using more than one component carrier. 12:53:18

8 Q This is one of the inventive aspects of 12:53:22  
9 the '545 patent using more than one component 12:53:25  
10 carrier to achieve effective synchronization in 12:53:31  
11 wireless communication systems? 12:53:33

12 MR. APGAR: Objection to form. 12:53:37

13 A As I state in paragraph 26, the '545 12:53:38  
14 patent addresses this need for synchronization 12:53:41  
15 when there is a plurality of component carriers by 12:53:50  
16 disclosing systems and methods for establishing 12:53:54  
17 uplink synchronization in a wireless communication 12:53:59  
18 system that has these multiple uplink component 12:54:03  
19 carriers. 12:54:05

20 Q So this was not known in the prior art at 12:54:08  
21 the time of the '545 patent; right? 12:54:12

22 MR. APGAR: Objection, form. 12:54:16

23 A I have not done such an analysis, so I 12:54:27  
24 can't answer that question. 12:54:29

25 Q You are pointing to this discussion as 12:54:31

1 what you think is inventive of the '545 patent?

12:54:36

2 A These paragraphs 25 and 26 describe the  
3 problem and the problem that is solved, but then  
4 the claims describe exactly how this uplink  
5 synchronization is accomplished given the need for  
6 synchronization across multiple component  
7 carriers.

12:54:43

12:54:49

12:54:55

12:55:07

12:55:12

12:55:15

8 Q How did the prior art -- scratch that.

12:55:21

9 Did the claim solve the problem discussed  
10 in the '545 patent?

12:55:34

12:55:36

11 MR. APGAR: Objection, form.

12:55:38

12 A The claims the '545 patent do describe the  
13 synchronization process that achieves  
14 synchronization with multiple component carriers.

12:55:43

12:55:56

12:56:01

15 Q And what is the problem again that it was  
16 trying to solve?

12:56:07

12:56:11

17 MR. APGAR: Objection to form.

12:56:16

18 A As I state in paragraph 25 of my report,  
19 prior to the '545 patent, effective  
20 synchronization had yet to be achieved in wireless  
21 communication systems using more than one  
22 component carrier. There was, thus, a desire for  
23 a scheme for effective synchronization in such a  
24 system.

12:56:17

12:56:46

12:56:48

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12:56:55

12:56:59

12:57:01

25 Q So the problem that the '545 patent was

12:57:11

1 trying to address was using only one component  
2 carrier to achieve synchronization?

3 MR. APGAR: Objection, form.

4 A I don't believe I state that in my report.  
5 In fact, the '545 patent talks about using more  
6 than one component carrier to achieve  
7 synchronization.

8 Q Well, the '545 patent talks about using  
9 one or more component carrier; isn't that right?

10 A The claim -- at least Claim 2 that I'm  
11 looking at right now says one or more uplink  
12 component carriers.

13 Q So how does that address the problem of  
14 using -- strike that.

15 How does that address the problem in the  
16 prior art that only used one component carrier?

17 MR. APGAR: Objection to form.

18 A The problem is that if you had only one  
19 component carrier to perform synchronization but  
20 you had multiple component carriers in your  
21 system, that single component carrier could not  
22 achieve synchronization for the multiple component  
23 carriers.

24 Q Okay. But the claims do encompass using  
25 only one component carrier; correct, because it

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | recites one or more component carrier?             | 12:59:21 |
| 2  | MR. APGAR: Objection to form.                      | 12:59:24 |
| 3  | A The claims at least looking here at Claim        | 12:59:28 |
| 4  | 2 it does say comprising one or more uplink        | 12:59:32 |
| 5  | component carriers.                                | 12:59:35 |
| 6  | Q Is the use of uplink timing groups and           | 12:59:40 |
| 7  | timing advance values for CCs including in such    | 12:59:44 |
| 8  | timing groups as you state in paragraph 26 of your | 12:59:48 |
| 9  | report, is that inventive?                         | 12:59:54 |
| 10 | MR. APGAR: Objection, form.                        | 13:00:00 |
| 11 | A By "inventive," do you mean that -- well,        | 13:00:01 |
| 12 | I'm not sure what you mean by inventive.           | 13:00:19 |
| 13 | Q Is that --                                       | 13:00:21 |
| 14 | A Do you mean that as a layperson or do you        | 13:00:23 |
| 15 | mean that legally as far as what is in the claim   | 13:00:25 |
| 16 | within the patent?                                 | 13:00:32 |
| 17 | Q Well, let me just ask you this: From the         | 13:00:33 |
| 18 | perspective of a person of ordinary skill in the   | 13:00:38 |
| 19 | art, do you think the '545 patent is inventive?    | 13:00:40 |
| 20 | MR. APGAR: Objection, form. I'm just               | 13:00:47 |
| 21 | going to object to this line of questioning as     | 13:00:52 |
| 22 | outside the scope of the purpose of the deposition | 13:00:54 |
| 23 | today and the report.                              | 13:00:58 |
| 24 | A So can I answer or not?                          | 13:01:03 |
| 25 | MR. APGAR: You can answer.                         | 13:01:06 |

1 Q I'm just asking what you mean -- I'm just  
2 trying to understand, you talk about a problem and  
3 solution in paragraphs 25 and 26 of your report.  
4 I'm just trying to understand how the solution is  
5 solving the problem?

6 MR. APGAR: Same objections.

7 A The problem is articulated in those  
8 paragraphs 25 and 26 and then the claims describe  
9 the way that that problem is addressed.

10 Q Can you just explain how that problem is  
11 addressed by the claims then? The claims recite a  
12 bunch of things, like, the use of a RAP and a RAR  
13 and delegate CC and a TA value and an RRC message.  
14 How does that address the problem that the '545  
15 patent was trying to resolve?

16 A Well --

17 MR. APGAR: Objection to form.

18 A The problem that is articulated as having  
19 more than one component carrier, and the claims  
20 allow the configuration of one or more uplink  
21 timing groups. And so it says the one or more  
22 uplink timing groups each comprising one or more  
23 uplink component carriers.

24 Q And how do the other aspects of the claim  
25 relate to that?

1           A Well, the other -- the other parts of the  
2 claim are then the procedure of transmitting the  
3 random access preamble, receiving a response and  
4 then obtaining the required timing advance values  
5 for the uplink component carriers for the  
6 respective timing groups.

7           Q I see.

8           A And the last portion of Claim 2 says,  
9 applying each TA value to the component carriers  
10 in the respective uplink timing group.

11          Q And how is the delegate CC used?

12          MR. APGAR: Objection, form.

13          A The delegate component carrier, now  
14 referring to Claim 3 -- let me restart.

15               The delegate component carrier -- well,  
16 I'm sorry, let me start again.

17               It says, each of the one or more uplink  
18 component carriers transmitting and random access  
19 preamble being set as the delegate component  
20 carrier. So it is the delegate component carrier  
21 that is executing the procedure of transmitting  
22 the random access preamble and receiving the  
23 random access response.

24          Q And you're not proposing a construction  
25 for the limitation, wherein, each TA value is

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | transmitted from the eNodeB for the respective UL  | 13:05:46 |
| 2  | timing group based on the transmitted RAP          | 13:05:49 |
| 3  | associated with a delegate CC of the respective UL | 13:05:52 |
| 4  | timing group; right?                               | 13:05:57 |
| 5  | A I won't repeat all of that, but the answer       | 13:06:00 |
| 6  | is no.                                             | 13:06:02 |
| 7  | Q And just to save time I'm going to refer         | 13:06:03 |
| 8  | to that limitation as the wherein limitation; is   | 13:06:07 |
| 9  | that okay?                                         | 13:06:10 |
| 10 | A Right, that is fine, that would be good.         | 13:06:16 |
| 11 | Q I can't even keep track of it.                   | 13:06:20 |
| 12 | So your understanding is that a POSITA             | 13:06:25 |
| 13 | would understand the plain and ordinary meaning of | 13:06:28 |
| 14 | the wherein term?                                  | 13:06:31 |
| 15 | A That is my opinion.                              | 13:06:32 |
| 16 | Q So would you need to consider any                | 13:06:36 |
| 17 | extrinsic evidence to understand that wherein      | 13:06:50 |
| 18 | term?                                              | 13:06:53 |
| 19 | MR. APGAR: Objection to form.                      | 13:06:59 |
| 20 | A In my report, I have multiple citations to       | 13:07:00 |
| 21 | intrinsic evidence and I do also identify some     | 13:07:17 |
| 22 | extrinsic evidence.                                | 13:07:26 |
| 23 | Q Which extrinsic evidence do you rely on to       | 13:07:30 |
| 24 | -- sorry.                                          | 13:07:35 |
| 25 | What extrinsic evidence do you rely on to          | 13:07:35 |

1 interpret this wherein term? 13:07:38

2 MR. APGAR: Objection to form. 13:07:41

3 A As I state in paragraph 42, the intrinsic 13:07:42  
4 evidence would allow a person of ordinary skill in 13:07:58  
5 the art to understand that the specification uses 13:08:03  
6 the plain and ordinary meaning of the words in 13:08:06  
7 this claim term. And then I note that that plain 13:08:10  
8 and ordinary meaning is consistent with some 13:08:20  
9 instances of extrinsic evidence such as the 3GPP 13:08:24  
10 specifications as well as extrinsic evidence 13:08:30  
11 identified by Pantech. 13:08:34

12 Q So just so I'm clear, are you relying on 13:08:42  
13 both intrinsic and extrinsic evidence to support 13:08:50  
14 your understanding of the wherein term? 13:08:53

15 MR. APGAR: Objection to form. 13:09:15

16 A I think I state it fairly clearly in the 13:09:16  
17 first sentence of paragraph 42 that the intrinsic 13:09:22  
18 evidence provides a person of ordinary skill in 13:09:27  
19 the art an understanding that specification uses a 13:09:31  
20 plain and ordinary meaning. And then I cite to 13:09:36  
21 the extrinsic evidence as reinforcing that 13:09:43  
22 understanding through its consistency. 13:09:50

23 Q Okay. That is the actual part I'm 13:09:54  
24 confused about, because it appears to me that you 13:09:57  
25 are citing to the extrinsic evidence just to show 13:10:02

1 consistency with extrinsic evidence but not 13:10:05

2 necessarily relying on it. I'm just -- I'm just 13:10:08

3 trying to understand what your opinions are. 13:10:13

4 MR. APGAR: Objection to form. 13:10:19

5 Q Do you think that extrinsic evidence is 13:10:21

6 necessary to understand the wherein term from the 13:10:29

7 perspective of a POSITA? 13:10:33

8 A Well, the person of ordinary skill in the 13:10:35

9 art would already know these terms through the 13:10:42

10 extrinsic evidence such as random access preamble, 13:10:48

11 timing advance values. So that person of ordinary 13:10:53

12 skill in the art would already have been informed 13:10:59

13 of the meaning of those terms and then that person 13:11:03

14 of ordinary skill in the art reading the '545 13:11:08

15 patent would then understand that the 13:11:11

16 specification uses these terms in the plain and 13:11:15

17 ordinary meaning of what the terms mean for that 13:11:19

18 particular industry. 13:11:25

19 Q Okay. I'm actually curious about that. 13:11:28

20 So what extrinsic evidence defines what a delegate 13:11:35

21 CC is? You cited to some 3G TS specifications 13:11:48

22 that talk about the random access procedure, the 13:11:52

23 random access response, the random access preamble 13:11:56

24 as we previously discussed, but I haven't seen 13:11:59

25 anything that talks about a delegate CC. Are you 13:12:01

1 aware of any extrinsic evidence that discusses or 13:12:05  
2 uses the term delegate CC? 13:12:11

3 A The previous paragraphs I was citing to 13:12:16  
4 about plain and ordinary meaning was for terms 13:12:22  
5 other than the delegate CC, but the '545 patent 13:12:25  
6 does make it clear what the delegate component 13:12:33  
7 carrier is. 13:12:37

8 Q And how would you explain what the 13:12:44  
9 delegate CC is to a jury? 13:12:47

10 MR. APGAR: Objection to form. 13:12:52

11 Q Do you have an understanding of what a 13:12:52  
12 delegate CC is in the context of the '545 patent? 13:12:57

13 A The '545 patent makes it fairly clear that 13:13:01  
14 the delegate CC is the component carrier that is 13:13:15  
15 used for transmitting the random access preamble 13:13:26  
16 and that is shown in Figure 5. 13:13:32

17 Q And what makes it a delegate CC as opposed 13:13:36  
18 to just -- 13:13:42

19 MR. APGAR: Objection, form. 13:13:42

20 Q -- a CC? 13:13:44

21 A What makes it a delegate CC is that the UE 13:13:47  
22 selects a particular component carrier and uses 13:13:54  
23 that component carrier for transmitting the random 13:13:58  
24 access preamble. 13:14:03

25 Q And how does the UE select that component 13:14:07

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | carrier to be the delegate of the other CCs in the | 13:14:14 |
| 2  | timing group?                                      | 13:14:19 |
| 3  | A I need to review the specification to            | 13:14:20 |
| 4  | answer that.                                       | 13:14:24 |
| 5  | Q Can we turn to page 12 of your expert            | 13:14:35 |
| 6  | report, which is Exhibit 302?                      | 13:14:38 |
| 7  | A Yes, I have it.                                  | 13:14:41 |
| 8  | Q At the bottom of page 12 and going on to         | 13:14:48 |
| 9  | page 13 you cite the passage at Column 12, lines   | 13:14:54 |
| 10 | 45 to 64. Do you see that?                         | 13:15:01 |
| 11 | A Yes.                                             | 13:15:04 |
| 12 | Q Does this passage talk about how the             | 13:15:06 |
| 13 | delegate CC is selected?                           | 13:15:13 |
| 14 | MR. APGAR: Objection to form.                      | 13:15:26 |
| 15 | A This citation says in this example the           | 13:15:26 |
| 16 | delegate component carrier or the SCell may be     | 13:15:43 |
| 17 | selected based on the conditions c-i) through c-v) | 13:15:47 |
| 18 | from among component carriers that are capable of  | 13:15:52 |
| 19 | obtaining a TA value to be used for obtaining a    | 13:15:55 |
| 20 | uplink synchronization.                            | 13:16:01 |
| 21 | Q Is that a yes or no?                             | 13:16:16 |
| 22 | MR. APGAR: Objection to form.                      | 13:16:20 |
| 23 | A That sentence I just recited implies to me       | 13:16:21 |
| 24 | that I should look at the conditions c-i) through  | 13:16:27 |
| 25 | c-v) in the specifications, but it does say that   | 13:16:32 |

1 the delegate CC may be selected based on those 13:16:36  
2 conditions. 13:16:40

3 Q Do the conditions c-i) through c-v) refer 13:16:52  
4 to those conditions discussed at Column 11, lines 13:16:56  
5 21 through 27? Feel free to pull up that patent 13:17:04  
6 which is Exhibit 102? 13:17:12

7 A Column 11, lines 15 through 29 do include 13:17:47  
8 how the delegate CC may be selected based on a 13:18:00  
9 number of conditions. Those conditions are 13:18:04  
10 articulated in c-i) through c-v). 13:18:09

11 Q So the delegate CC is chosen based on one 13:18:17  
12 of these conditions? 13:18:19

13 MR. APGAR: Objection, form. 13:18:21

14 COURT REPORTER: I didn't hear the end of 13:18:21  
15 your question. 13:18:23

16 Q It ends with -- I can say it again. So 13:18:23  
17 the delegate CC is chosen based on one of these 13:18:34  
18 conditions c-i) through c-v)? 13:18:37

19 MR. APGAR: Objection to form. 13:18:40

20 A The specification says in this example, 13:18:41  
21 the delegate CC may be selected based on the 13:18:46  
22 following conditions. 13:18:51

23 Q So you're reading it as permissive? 13:18:54

24 A Well, I just am reading what is in the 13:19:07  
25 specification. 13:19:30

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | Q Right. Do you have an understanding of           | 13:19:35 |
| 2  | how the delegate CC is selected --                 | 13:19:37 |
| 3  | MR. APGAR: Objection to form.                      | 13:19:41 |
| 4  | Q -- based on the specification?                   | 13:19:41 |
| 5  | A I think I would need to review more of the       | 13:19:43 |
| 6  | specification than this, just this portion to see  | 13:19:57 |
| 7  | if there is any additional explanation of how the  | 13:20:02 |
| 8  | delegate CC is selected.                           | 13:20:06 |
| 9  | Q So do you disagree that the delegate CC          | 13:20:10 |
| 10 | must be selected based on one of these conditions, | 13:20:16 |
| 11 | c-i) through c-v)?                                 | 13:20:19 |
| 12 | MR. APGAR: Objection to form.                      | 13:20:21 |
| 13 | Q You can answer?                                  | 13:20:27 |
| 14 | A In my work on coming to my opinions I            | 13:20:28 |
| 15 | didn't analyze exactly how the delegate CC was     | 13:20:39 |
| 16 | selected. So as I said, I would really need to     | 13:20:44 |
| 17 | read more of the specification to understand that  | 13:20:48 |
| 18 | exact process.                                     | 13:20:52 |
| 19 | Q So you don't agree or disagree that the          | 13:20:55 |
| 20 | delegate CC must be selected based on one of the   | 13:21:02 |
| 21 | conditions c-i) through c-v)?                      | 13:21:06 |
| 22 | A The way the patent reads, at least in this       | 13:21:09 |
| 23 | excerpt keeping in mind that there was a language  | 13:21:15 |
| 24 | translation of this patent, my initial read is     | 13:21:23 |
| 25 | that it would be selected from one of these        | 13:21:30 |

1 conditions. But as I said, I would need to refer 13:21:35  
2 to the rest of the specification to see if there 13:21:40  
3 is any additional information. 13:21:44

4 Q And going back to what we were discussing 13:21:52  
5 earlier, it is your understanding that there -- 13:21:59  
6 strike that. 13:22:08

7 How many delegate CCs are used to transmit 13:22:09  
8 a RAP in the context of the '545 patent? 13:22:20

9 MR. APGAR: Objection to form. 13:22:24

10 A Let me take a look at the claims. I 13:22:30  
11 always want to take a look at my report. The 13:23:29  
12 claim states -- now, I'm referring to paragraph 13:24:15  
13 48. The claim states through one or more uplink 13:24:23  
14 components carriers, each of the one or more 13:24:34  
15 uplink component carriers being set as a delegate 13:24:38  
16 component carrier in the respective uplink timing 13:24:42  
17 group. So that informs me that there are one or 13:24:47  
18 more delegate component carriers. 13:24:52

19 Q Okay. So there are situations where there 13:24:58  
20 is one delegate CC being used to transmit a RAP, 13:25:02  
21 and receive the TA value and a RAR, and then there 13:25:06  
22 are situations where more than one delegate CC is 13:25:11  
23 used to transmit the RAP and receive the TA value 13:25:14  
24 and the RAR. Am I understanding that correctly? 13:25:18

25 MR. APGAR: Objection to form. 13:25:20

1           A I think that is one possible  
2 interpretation of that, but the claim element  
3 simply says one or more.

4           Q Is there anything inaccurate in what I  
5 just said being encompassed by the claim?

6           A Well, I think you're reading into the  
7 claim to reach conclusions about specific  
8 situations which the claim does not explicitly  
9 state.

10          Q I was just trying to get examples of  
11 embodiments that are covered by the claim. Are  
12 those two embodiments that I discussed covered by  
13 the claim?

14          MR. APGAR: Objection to form.

15          A My understanding of the term one or more  
16 is that it could be one or it could be more.

17          Q Isn't that consistent with the two  
18 embodiments I just described?

19          MR. APGAR: Same objection.

20          A I just wasn't clear when you said  
21 situations were you referring to embodiments or  
22 discussion in the specification that addresses  
23 that explicitly or are you just talking  
24 theoretically?

25          Q I'm talking about how to understand the

1 claims. Since you have emphasized that the claim  
2 says one or more I was giving an example of  
3 situations that would imply one or more. Is there  
4 any --

5 A Probably -- sorry, go ahead.

6 Q No, you go ahead, sorry. What were you  
7 going to say?

8 A I was just going to say if it says one or  
9 more delegate component carriers, that the  
10 invention would apply to one delegate CC being  
11 used or more than one being used. So I suppose  
12 you could equate that with situations, but I'm not  
13 really sure what situation means in that context.  
14 I would rather just say one delegate CC would be  
15 an example and multiple delegate CCs would be an  
16 example.

17 Q Okay. Just going back to what delegate CC  
18 means again, what does it mean to you to be a  
19 delegate CC as opposed to just any CC?

20 MR. APGAR: Objection, form.

21 A The term "delegate" appears throughout the  
22 specification.

23 Q Right, but it is not defined anywhere I  
24 don't think. So I'm just trying to understand it,  
25 because I actually have never seen this term

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | anywhere before. Do you have an understanding of   | 13:28:58 |
| 2  | what delegate CC means?                            | 13:29:01 |
| 3  | A I believe I already answered that by             | 13:29:04 |
| 4  | referring to Figure 5.                             | 13:29:07 |
| 5  | Q Well, Figure 5 -- sorry, please continue.        | 13:29:11 |
| 6  | A Mainly that it is the component and              | 13:29:12 |
| 7  | carrier that the UE selects for undertaking the    | 13:29:17 |
| 8  | random access procedure.                           | 13:29:22 |
| 9  | Q Do you have a plain and ordinary                 | 13:29:27 |
| 10 | understanding of what the term "delegate" means?   | 13:29:31 |
| 11 | A Outside the scope of this patent?                | 13:29:37 |
| 12 | Q Yes.                                             | 13:29:44 |
| 13 | A Well, I would prefer to turn to a                | 13:29:45 |
| 14 | dictionary definition, but off the top of my head  | 13:29:54 |
| 15 | without referring to any authoritative source      | 13:29:58 |
| 16 | delegate to me means representative, but I'm not   | 13:30:07 |
| 17 | offering claim construction at this time.          | 13:30:14 |
| 18 | Q Understood. Do you think the patents use         | 13:30:17 |
| 19 | of delegate CC is consistent with your             | 13:30:22 |
| 20 | understanding of delegate to mean representative?  | 13:30:25 |
| 21 | MR. APGAR: Objection to form.                      | 13:30:31 |
| 22 | A The purpose of the patent is uplink              | 13:30:32 |
| 23 | synchronization, which explained in Column 6, line | 13:30:42 |
| 24 | 12 is to determine a timing adjustment value. A    | 13:30:57 |
| 25 | timing adjustment value may be calculated for each | 13:31:08 |

1 UE based on their random access scheme and the 13:31:11  
2 like to obtain a transmission delay time in a 13:31:14  
3 downlink and the transmission delay time in an 13:31:19  
4 uplink. So if the purpose is to determine -- 13:31:22  
5 determine the timing advance, then you would want 13:31:30  
6 to choose a component carrier that is 13:31:36  
7 representative of that timing group so that the 13:31:43  
8 calculated TA value would be effective for that 13:31:51  
9 group. 13:31:57

10 So yes, that interpretation of 13:31:59  
11 representative does make sense for the delegate 13:32:05  
12 component carrier and I think that is also what is 13:32:08  
13 being expressed in those conditions in Column 11, 13:32:12  
14 lines 21 through 29, the c-i) to c-v). 13:32:17

15 Q That makes sense. So how would a POSITA 13:32:24  
16 know if a CC is selected as a delegate CC to 13:32:28  
17 represent the other CCs in the UL timing group? 13:32:34

18 MR. APGAR: Objection, form. 13:32:42

19 A You are asking how would a POSITA know 13:32:43  
20 that the component carrier was representative? 13:32:50

21 Q Right, because my understanding is you're 13:32:54  
22 saying that the delegate CC should be 13:32:57  
23 representative of the other CCs that it is 13:33:00  
24 representing. So does that mean that the delegate 13:33:06  
25 CC has to be chosen based on having similar timing 13:33:13

1 characteristics as the other CCs in the UL timing  
2 group?

3 MR. APGAR: Objection to form.

4 A The c-i) to c-v) don't mention specific  
5 timing. They reference mostly frequencies, and  
6 then c-v) is a CC for monitoring downlink quality.

7 Q Okay. So I think you spoke about timing  
8 earlier, but maybe I was being imprecise. Would  
9 it be fair to say that the delegate CC is chosen  
10 based on some similar characteristics it has with  
11 the other CCs in the UL timing group it  
12 represents?

13 MR. APGAR: Objection to form.

14 A I could speculate that that is what the  
15 patentee was thinking, but I would need to read  
16 the specification to see if there is an explicit  
17 disclosure of that.

18 Q The delegate CC does have to be chosen  
19 based on some criteria so that it is  
20 representative of the CCs in the timing group;  
21 right?

22 MR. APGAR: Objection to form.

23 A It would make sense that the delegate  
24 component carrier would have some characteristics  
25 in common with the other component carriers such

1     that when the timing advance value was calculated     13:35:13  
2     for that group, that that timing advance value     13:35:15  
3     would be appropriate for all the component     13:35:19  
4     carriers in that group, but that is my speculation     13:35:23  
5     about the intent of the patent. I don't have an     13:35:28  
6     explicit disclosure of that in the '545 patent or     13:35:30  
7     not offhand without reading it further.     13:35:37

8           Q   And we previously talked about the passage     13:35:39  
9     at Column 11, line 16 through 29 discussing the     13:35:49  
10    c-i) through c-v) conditions. You are saying it     13:35:55  
11    is unclear whether these conditions are actually     13:36:00  
12    required to select a delegate CC?     13:36:03

13           MR. APGAR:   Objection to form.     13:36:10

14           A   I think I previously stated the opposite     13:36:11  
15    of that, which was that my read of this section     13:36:20  
16    was that the component carrier, that is, the     13:36:23  
17    delegate CC would be selected based on the     13:36:26  
18    following conditions, but that I needed to refer     13:36:31  
19    to the rest of the specification to see if any     13:36:33  
20    other factors would be considered.     13:36:36

21           Q   I see. And is that -- so again, are you     13:36:40  
22    reading the phrase the delegate CC may be selected     13:37:11  
23    based on the following conditions, are you reading     13:37:17  
24    "may" as "must" there?     13:37:22

25           MR. APGAR:   Objection to form.     13:37:26

1           A I'm reading that the component carrier  
2 would be selected. So unless there is anything  
3 additional in the specification, and I can't say  
4 without reviewing the entire specification, I read  
5 this as saying that the component carrier would be  
6 selected based on the following. But I can't  
7 reach into the patentee's mind to see if there  
8 were maybe other factors that could be relevant in  
9 the selection.

10          Q So whenever the patent uses "may" are you  
11 generally reading that as "must" as we just --

12           MR. APGAR: Objection, form.

13          Q -- discussed with respect to the eNodeB  
14 passages?

15          A I would have to look at every instance of  
16 the word "may" in the specification to answer  
17 that.

18          Q So far in the passages that we've  
19 discussed, which all use the word "may," have you  
20 been reading that as "must"?

21           MR. APGAR: Objection, form.

22          A I think the two instances are quite  
23 different.

24          Q Are they -- go ahead.

25          A When I was talking about eNB being

1 construed as a base station, despite the word 13:39:11  
2 "may," based on the multiple disclosures it was 13:39:14  
3 clear to me that a person of ordinary skill in the 13:39:21  
4 art would understand eNB to mean a base station. 13:39:26  
5 In this situation, I see a list of conditions for 13:39:29  
6 the selection of a component carrier. So I read 13:39:38  
7 that as could be selected from those, but without 13:39:44  
8 reading the rest of the specification, I can't say 13:39:49  
9 for sure that there aren't some other conditions 13:39:53  
10 that would apply. 13:39:56

11 Q So you just said that in reference to the 13:39:59  
12 c-i) through c-v) conditions now you are reading 13:40:03  
13 "may" as could be selected even though before you 13:40:06  
14 just said would be? 13:40:10

15 MR. APGAR: Objection. 13:40:20

16 A Would you read to me exactly what I said? 13:40:21

17 Q So you said, I'm reading that the 13:40:43  
18 component carrier would be selected. So unless 13:40:44  
19 there is anything additional in the specification 13:40:48  
20 I can't say without reviewing the entire 13:40:50  
21 specification. I read this as saying that the 13:40:52  
22 component carrier would be selected based on the 13:40:55  
23 following. 13:40:57

24 You also say something similar in other -- 13:41:01  
25 other, earlier answers, but you do say "would be." 13:41:04

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | Are you saying it is "could be" now?               | 13:41:10 |
| 2  | MR. APGAR: Objection, form.                        | 13:41:15 |
| 3  | A All right. Let me reread. Well, I think          | 13:41:29 |
| 4  | based or similar to what I said before, unless     | 13:42:14 |
| 5  | there is something else in this specification that | 13:42:17 |
| 6  | provides additional conditions, I would read this  | 13:42:20 |
| 7  | as the component carrier being selected based on   | 13:42:23 |
| 8  | those conditions, otherwise, I don't see why the   | 13:42:28 |
| 9  | patentee would list those as explicitly as he did. | 13:42:33 |
| 10 | Q So are you reading the word "may"                | 13:42:53 |
| 11 | consistently as "must" in all of the instances     | 13:42:55 |
| 12 | that it appears in the '545 patent that we've      | 13:43:05 |
| 13 | discussed?                                         | 13:43:10 |
| 14 | MR. APGAR: Objection, form.                        | 13:43:12 |
| 15 | A I'm reading my conclusions for these two         | 13:43:13 |
| 16 | very specific instances of the use of the word     | 13:43:17 |
| 17 | "may."                                             | 13:43:21 |
| 18 | Q Are there situations where you are reading       | 13:43:26 |
| 19 | "may" as permissive as opposed to mandatory?       | 13:43:28 |
| 20 | MR. APGAR: Objection, form.                        | 13:43:35 |
| 21 | A I would need to read the entire spec to          | 13:43:36 |
| 22 | answer that.                                       | 13:43:43 |
| 23 | Q So you can't think of an instance where          | 13:43:48 |
| 24 | you are reading "may" as permissive sitting here   | 13:43:50 |
| 25 | right now?                                         | 13:43:54 |

1           A I didn't memorize the spec to be able to  
2 answer that question.

3           Q That is fair. Going back to the eNodeB  
4 passage at Column 4, lines 9 through 18. Is it  
5 possible that you handed a POSITA this patent,  
6 they could read eNB as referring to 4G as it is  
7 consistently used in the extrinsic evidence, is it  
8 at least possible?

9           MR. APGAR: Objection to form.

10          A Well, I can't really conclude what every  
11 single person would take from reading anything,  
12 but I think the multiple disclosures of what the  
13 patentee means by eNB, the repeated statements  
14 equating it with other than 4G technologies, makes  
15 it pretty clear that a person of ordinary skill in  
16 the art would conclude that the term refers to  
17 base station generically.

18          Q So the claims use the term eNodeB and not  
19 base station; right?

20          A The claims use the term eNodeB.

21          Q And they don't use the word base station.  
22 I just did a search if you want to confirm. The  
23 claims do not use the term base station; correct?

24          A The claims do not use the word base  
25 station, though I will note that the abstract

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | does.                                              | 13:47:18 |
| 2  | Q But my question was about the claims. The        | 13:47:20 |
| 3  | claims do not use the term base station; correct?  | 13:47:24 |
| 4  | A Correct.                                         | 13:47:30 |
| 5  | Q And if the patentee's intention was to           | 13:47:30 |
| 6  | refer to any base station why didn't they just use | 13:47:34 |
| 7  | base station instead of eNodeB?                    | 13:47:37 |
| 8  | MR. APGAR: Objection, form.                        | 13:47:40 |
| 9  | A I'm not sure I can speak for the patentee        | 13:47:42 |
| 10 | in how the claims were drafted.                    | 13:47:48 |
| 11 | Q But you earlier stated that based on your        | 13:47:51 |
| 12 | reading of the '545 patent you have an             | 13:47:56 |
| 13 | understanding about the clear intent of the        | 13:47:59 |
| 14 | patentee?                                          | 13:48:03 |
| 15 | A If the patentee clearly meant base station       | 13:48:03 |
| 16 | by using the term eNodeB, then if the patentee     | 13:48:13 |
| 17 | used eNodeB in the claims, then the patentee would | 13:48:17 |
| 18 | have understood that to mean base station.         | 13:48:22 |
| 19 | Q But isn't it easier to just use the term         | 13:48:25 |
| 20 | base station when you mean base station instead -- | 13:48:28 |
| 21 | MR. APGAR: Objection.                              | 13:48:33 |
| 22 | Q -- of eNodeB?                                    | 13:48:33 |
| 23 | MR. APGAR: Objection, form.                        | 13:48:35 |
| 24 | A If the patentee had defined in his mind          | 13:48:39 |
| 25 | that eNodeB meant base station and then was using  | 13:48:47 |

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | eNodeB, it might have been easier for the patentee | 13:48:50 |
| 2  | to keep using that same term.                      | 13:48:58 |
| 3  | Q If you wanted to refer to any base station       | 13:49:03 |
| 4  | in any cellular network, would you use the term    | 13:49:08 |
| 5  | eNodeB?                                            | 13:49:12 |
| 6  | MR. APGAR: Objection, form.                        | 13:49:17 |
| 7  | A You're asking me if I outside the scope of       | 13:49:18 |
| 8  | this patent want to refer to the base stations     | 13:49:22 |
| 9  | what term would I use?                             | 13:49:26 |
| 10 | Q Yes.                                             | 13:49:27 |
| 11 | A Well, I might use the word base station,         | 13:49:28 |
| 12 | but that is outside the scope of the patent.       | 13:49:36 |
| 13 | Q But you would agree that it is the most          | 13:49:42 |
| 14 | logical to use the word base station if you mean   | 13:49:49 |
| 15 | base station?                                      | 13:49:52 |
| 16 | MR. APGAR: Objection, form.                        | 13:49:54 |
| 17 | A I can't answer why the patentee did it the       | 13:49:55 |
| 18 | way he did.                                        | 13:50:01 |
| 19 | Q I'm not asking you about that patentee           | 13:50:01 |
| 20 | right now. I'm asking you about what you would do  | 13:50:04 |
| 21 | to clearly communicate how to refer to a base      | 13:50:06 |
| 22 | station in any cellular technology. You are a      | 13:50:12 |
| 23 | POSITA; right?                                     | 13:50:17 |
| 24 | A Yes.                                             | 13:50:17 |
| 25 | Q So if a POSITA wanted to refer to a base         | 13:50:21 |

1 station in any cellular network technology, would 13:50:24  
2 it only use eNodeB? 13:50:31

3 A Someone outside the scope of this patent 13:50:37  
4 could use the generic term base station, but that 13:50:45  
5 doesn't change the fact that the patentee came up 13:50:50  
6 with his own definition of what eNodeB is in this 13:50:55  
7 context of the patent. 13:51:01

8 Q So if you handed the claims to a POSITA 13:51:03  
9 and he or she saw the word eNodeB, is it possible 13:51:11  
10 that he or she would understand eNodeB to refer to 13:51:21  
11 a 4G base station? 13:51:27

12 MR. APGAR: Objection, form. 13:51:31

13 A If a POSITA were to read any claims 13:51:32  
14 without referring to the specification, then it is 13:51:42  
15 quite possible they would misunderstand what the 13:51:49  
16 claims mean. 13:51:52

17 Q Thank you. I think I'm almost done here, 13:51:55  
18 but if we could just take a break so if I can look 13:52:02  
19 over my notes. 13:52:05

20 A Okay. 13:52:07

21 MR. APGAR: Sure. 13:52:08

22 VIDEOGRAPHER: We are off the record at 13:52:08  
23 1:52 p.m. 13:52:10

24 (Recess, 1:52 to 1:58 p.m.) 13:52:11

25 VIDEOGRAPHER: The time is 1:58 p.m., 13:58:04

1 we're back on the record. 13:58:16

2 Q Just one more follow-up question, 13:58:18  
3 Mr. Rysavy. 13:58:23

4 Is it correct to say that you do not 13:58:24  
5 intend to offer any opinions on any other patents 13:58:28  
6 in this case? 13:58:30

7 A Well, what I can say is that at this time 13:58:45  
8 I am only working on the '54 -- well, I shouldn't 13:58:48  
9 say that. There are other patents that -- well, 13:58:51  
10 I'm not sure what I can say. Maybe I need to talk 13:58:57  
11 to Greg, he can advise me. 13:59:00

12 MR. APGAR: What I can advise you is if 13:59:03  
13 the -- not to disclose any communications you have 13:59:05  
14 had with counsel. Any information that is 13:59:10  
15 contained in communications with counsel that 13:59:12  
16 would be privileged. If you can answer the 13:59:15  
17 question without that information, then you can, 13:59:17  
18 but again, if the answer you would give is based 13:59:22  
19 on communications you've had with counsel, then 13:59:25  
20 that would be privileged and you should not 13:59:28  
21 answer. 13:59:30

22 A Right. In that case I cannot answer. 13:59:32

23 Q Okay. Have you reviewed any of the other 13:59:35  
24 patents asserted in this case? 13:59:37

25 A Well, again I think that involves 13:59:44

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | privileged communication.                          | 13:59:46 |
| 2  | Q I think you can answer that question yes         | 13:59:48 |
| 3  | or no without revealing --                         | 13:59:50 |
| 4  | MR. APGAR: That is right, you can answer           | 13:59:52 |
| 5  | that yes or no.                                    | 13:59:53 |
| 6  | A Yes.                                             | 13:59:57 |
| 7  | Q Which patents have you reviewed?                 | 13:59:58 |
| 8  | MR. APGAR: Again, you can answer that              | 14:00:06 |
| 9  | just by identifying the patents if you know them,  | 14:00:08 |
| 10 | but don't go further and reveal the contents of    | 14:00:10 |
| 11 | any communications you had with lawyers about      | 14:00:13 |
| 12 | those patents.                                     | 14:00:15 |
| 13 | A I can't answer that without referring to         | 14:00:22 |
| 14 | some documents on my computer.                     | 14:00:26 |
| 15 | Q Is that because you don't remember what          | 14:00:30 |
| 16 | the numbers are of the patents?                    | 14:00:32 |
| 17 | A That is correct.                                 | 14:00:35 |
| 18 | Q Okay. Does the '486 patent sound familiar        | 14:00:37 |
| 19 | to you?                                            | 14:00:43 |
| 20 | A Well, as I said, I don't recall the              | 14:00:48 |
| 21 | numbers -- well, I didn't say that, but I am       | 14:00:56 |
| 22 | saying that now.                                   | 14:01:00 |
| 23 | Q Okay. I'm just going to see if any of            | 14:01:01 |
| 24 | these are familiar to you and if they're not, then | 14:01:08 |
| 25 | they're not.                                       | 14:01:11 |

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | So there is a '486 patent that is entitled         | 14:01:31 |
| 2  | detection avoidance and/or correction of           | 14:01:36 |
| 3  | problematic puncturing patterns in parity bit      | 14:01:39 |
| 4  | streams used when implementing turbo codes.        | 14:01:43 |
| 5  | Does that sound familiar to you?                   | 14:01:46 |
| 6  | A No.                                              | 14:01:47 |
| 7  | Q Okay. There is also an '839 patent which         | 14:01:52 |
| 8  | is asserted in case and it is entitled wireless    | 14:01:57 |
| 9  | communicating terminal for providing integrated    | 14:02:01 |
| 10 | messaging service and method thereof.              | 14:02:04 |
| 11 | Does that sound familiar to you?                   | 14:02:08 |
| 12 | A No, but I would like to add that because I       | 14:02:10 |
| 13 | reviewed a patent doesn't necessarily mean I will  | 14:02:18 |
| 14 | be offering any opinions on it.                    | 14:02:21 |
| 15 | Q That is fair. There is also another              | 14:02:23 |
| 16 | patent that is being asserted, the '247 patent and | 14:02:27 |
| 17 | it is entitled supporting uplink transmissions.    | 14:02:33 |
| 18 | Does that sound familiar to you?                   | 14:02:37 |
| 19 | A That one does sound familiar.                    | 14:02:41 |
| 20 | Q There is a '631 patent that is asserted          | 14:02:46 |
| 21 | and that is called method for selecting and        | 14:02:51 |
| 22 | controlling second work process during first work  | 14:02:54 |
| 23 | process in multitasking mobile terminal.           | 14:02:57 |
| 24 | Does that sound familiar?                          | 14:03:00 |
| 25 | A No.                                              | 14:03:02 |

1 Q Then can we just go very quickly to  
2 paragraph 1 of your report, which is Exhibit 302?

3 A Yes.

4 Q And you see that last sentence that says,  
5 I have also been asked to provide my understanding  
6 of the level of ordinary skill in the art related  
7 to these patents as well as to explain the  
8 relevant technical background related to these  
9 patents.

10 A I do see that.

11 Q What did you mean when you said "these  
12 patents"?

13 A The report is on just one patent, so I  
14 believe that is a typographical error.

15 Q Okay. I realize I forgot to ask about one  
16 more patent that is asserted in this case. There  
17 is a '924 patent entitled transmitting device and  
18 a method of communicating therewith and receiving  
19 device and a method of communicating therewith.  
20 Does that sound familiar to you?

21 A No.

22 MS. ZHANG: Thank you, I pass the witness.

23 MR. APGAR: Sure, I just have a few brief  
24 questions for you, Mr. Rysavy.

25 EXAMINATION

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | BY MR. APGAR:                                      | 14:04:49 |
| 2  | Q If you could please turn to Exhibit 401,         | 14:04:49 |
| 3  | which was the 3GPP specification you provided      | 14:04:57 |
| 4  | testimony about earlier today?                     | 14:05:00 |
| 5  | A Yes, I have it.                                  | 14:05:02 |
| 6  | Q And if you could turn to page 54 of the          | 14:05:04 |
| 7  | document, please?                                  | 14:05:08 |
| 8  | MS. ZHANG: Can we also share that on the           | 14:05:10 |
| 9  | screen so that we are looking at it?               | 14:05:12 |
| 10 | MR. APGAR: Okay.                                   | 14:05:16 |
| 11 | MS. ZHANG: Maybe Mr. Simpson can help us.          | 14:05:19 |
| 12 | REMOTE TECHNICIAN: Yes, one moment.                | 14:05:23 |
| 13 | MS. ZHANG: Thanks.                                 | 14:05:24 |
| 14 | Q You should be able to see the document on        | 14:05:40 |
| 15 | the screen now, Mr. Rysavy; is that right?         | 14:05:42 |
| 16 | A Yes, I can see it.                               | 14:05:45 |
| 17 | Q And do you recall the Figure 10.1.5.1-1          | 14:05:46 |
| 18 | that is in the middle of the page, do you recall   | 14:05:54 |
| 19 | giving some testimony about that figure earlier in | 14:05:57 |
| 20 | your deposition?                                   | 14:06:00 |
| 21 | A I do remember that.                              | 14:06:02 |
| 22 | Q And in particular, do you recall giving          | 14:06:03 |
| 23 | testimony about -- using that figure to give       | 14:06:06 |
| 24 | testimony about the steps of the random access     | 14:06:09 |
| 25 | procedure?                                         | 14:06:11 |

|    |                                                   |          |
|----|---------------------------------------------------|----------|
| 1  | A I do recall that we discussed steps 1 and       | 14:06:16 |
| 2  | 2.                                                | 14:06:19 |
| 3  | Q Okay. Could you read what is the caption,       | 14:06:20 |
| 4  | the name of Figure 10.1.5.1-1?                    | 14:06:23 |
| 5  | A Contention based random access procedure.       | 14:06:28 |
| 6  | Q And similarly, this figure is part of           | 14:06:32 |
| 7  | Section 10.1.5.1. What is the name of Section     | 14:06:35 |
| 8  | 10.1.5.1?                                         | 14:06:39 |
| 9  | A Contention based random access procedure.       | 14:06:40 |
| 10 | Q Could you look, right above Section             | 14:06:44 |
| 11 | 10.1.5.1 there is a paragraph that starts         | 14:06:48 |
| 12 | furthermore. Can you please read that paragraph?  | 14:06:52 |
| 13 | A It reads, Furthermore, the random access        | 14:06:55 |
| 14 | procedure takes two distinct forms. Contention    | 14:06:57 |
| 15 | based, applicable to first five events,           | 14:07:01 |
| 16 | non-contention based, applicable to only handover | 14:07:05 |
| 17 | downlink data arrival and positioning. Normal     | 14:07:11 |
| 18 | downlink uplink transmission can take place after | 14:07:14 |
| 19 | the random access procedure.                      | 14:07:16 |
| 20 | Q Sure. Thank you. And then if we could           | 14:07:19 |
| 21 | scroll down to page number 56 on the screen. Do   | 14:07:21 |
| 22 | you see, Mr. Rysavy, there is a Section 10.1.5.2? | 14:07:31 |
| 23 | A Yes.                                            | 14:07:36 |
| 24 | MS. ZHANG: Objection, form.                       | 14:07:36 |
| 25 | Q What is the name of the section?                | 14:07:37 |

1 MS. ZHANG: This is outside the scope of  
2 the direct.

3 MR. APGAR: No, it is not.

4 MS. ZHANG: We did not discuss this  
5 section in the direct.

6 MR. APGAR: Correct, but it is within the  
7 scope of the direct because the direct testimony  
8 was about the random access procedure generally.  
9 Your questions were general to the random access  
10 procedure.

11 MS. ZHANG: My questions were related to  
12 Section 10.1.5.1.

13 MR. APGAR: So I will ask one question and  
14 then I think that will clear it up.

15 Q Mr. Rysavy, is it fair to say that  
16 testimony you gave about the steps of the random  
17 access procedure in connection with Figure  
18 10.1.5.1-1 applied to the contention based random  
19 access procedure?

20 MS. ZHANG: Objection, leading.

21 A Well, I already explained previously the  
22 caption for that figure, which stated contention  
23 based random access procedure.

24 Q And if you look at Figure 10.1.5.2-1, is  
25 it correct that the steps listed for the

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | non-contention based random access procedure are   | 14:08:58 |
| 2  | not the same as the steps that are listed for the  | 14:09:01 |
| 3  | contention based access procedure?                 | 14:09:04 |
| 4  | MS. ZHANG: Objection, leading.                     | 14:09:08 |
| 5  | A The steps in the second figure are               | 14:09:09 |
| 6  | different than the steps in the first figure.      | 14:09:16 |
| 7  | Q We can put this document to the side.            | 14:09:20 |
| 8  | And I would like -- I would ask you to             | 14:09:23 |
| 9  | pull up your report again, Mr. Rysavy?             | 14:09:25 |
| 10 | A Okay.                                            | 14:09:30 |
| 11 | Q Do you recall giving testimony about the         | 14:09:30 |
| 12 | evidence you relied on in support of your          | 14:09:37 |
| 13 | construction of the term eNB?                      | 14:09:40 |
| 14 | A I do.                                            | 14:09:44 |
| 15 | Q Could you please turn to paragraph 35 of         | 14:09:45 |
| 16 | your report and just take a moment to just skim    | 14:09:49 |
| 17 | through that?                                      | 14:09:59 |
| 18 | A Okay.                                            | 14:10:12 |
| 19 | Q Is it fair to say based on paragraph 35 of       | 14:10:13 |
| 20 | your report that one of the things you relied on   | 14:10:20 |
| 21 | was the knowledge of a person of ordinary skill in | 14:10:22 |
| 22 | the art in forming your opinion on the proper      | 14:10:24 |
| 23 | construction of the term eNB?                      | 14:10:29 |
| 24 | MS. ZHANG: Objection, leading.                     | 14:10:35 |
| 25 | A Yes, that is correct.                            | 14:10:36 |

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | Q I would like you to pull up the '545             | 14:10:37 |
| 2  | patent, if you could?                              | 14:10:41 |
| 3  | A Okay.                                            | 14:10:48 |
| 4  | Q And in particular, if you could turn to          | 14:10:48 |
| 5  | Column 11 of the patent?                           | 14:10:52 |
| 6  | MS. ZHANG: Can we also show that on the            | 14:10:54 |
| 7  | screen, please?                                    | 14:10:56 |
| 8  | REMOTE TECHNICIAN: One moment.                     | 14:11:02 |
| 9  | Q And then if we could go to page 19 of the        | 14:11:27 |
| 10 | document, okay.                                    | 14:11:30 |
| 11 | A Right, okay.                                     | 14:11:35 |
| 12 | Q Mr. Rysavy, do you see in the paragraph          | 14:11:36 |
| 13 | that begins around on line 16, Column 11, When the | 14:11:43 |
| 14 | UL timing group is generated?                      | 14:11:47 |
| 15 | A Right, yes.                                      | 14:11:54 |
| 16 | Q And do you see on line 18 there is               | 14:11:55 |
| 17 | language that delegate CC may be selected based on | 14:11:59 |
| 18 | the following conditions?                          | 14:12:02 |
| 19 | A Yes.                                             | 14:12:06 |
| 20 | Q Do you recall being -- you were asked            | 14:12:06 |
| 21 | questions about that language?                     | 14:12:09 |
| 22 | A I recall that.                                   | 14:12:10 |
| 23 | Q Can you read, how does that sentence             | 14:12:13 |
| 24 | begin?                                             | 14:12:16 |
| 25 | A When the uplink timing group --                  | 14:12:18 |

|    |            |                                                    |          |
|----|------------|----------------------------------------------------|----------|
| 1  | Q          | Sorry.                                             | 14:12:22 |
| 2  | A          | Sorry, the next sentence.                          | 14:12:23 |
| 3  | Q          | Yeah.                                              | 14:12:24 |
| 4  | A          | In this example the delegate component             | 14:12:24 |
| 5  |            | carrier may be selected based on the following     | 14:12:28 |
| 6  |            | conditions from among CCs that are capable of      | 14:12:30 |
| 7  |            | obtaining a timing advance value to be used for    | 14:12:34 |
| 8  |            | obtaining, A, uplink synchronization.              | 14:12:38 |
| 9  | Q          | So is it your understanding that this              | 14:12:43 |
| 10 |            | sentence is referring to, you know, a particular   | 14:12:45 |
| 11 |            | example of how the delegate CC may be selected?    | 14:12:47 |
| 12 | MS. ZHANG: | Objection, leading.                                | 14:12:52 |
| 13 | A          | Right. It says, in this example. So it             | 14:12:53 |
| 14 |            | is providing an example of how the delegate CC may | 14:13:08 |
| 15 |            | be selected.                                       | 14:13:12 |
| 16 | Q          | And if you could go to claim -- go to the          | 14:13:13 |
| 17 |            | claims of the patent, please, which for screen     | 14:13:28 |
| 18 |            | sharing purposes is going to be page 27.           | 14:13:31 |
| 19 | A          | Okay.                                              | 14:13:48 |
| 20 | Q          | And if you could look, I guess, let's look         | 14:13:48 |
| 21 |            | at Claim 3. And in particular, if you look at the  | 14:13:52 |
| 22 |            | two wherein clauses where the term delegate CC     | 14:14:08 |
| 23 |            | appears. Do you see those two clauses of Claim 3?  | 14:14:12 |
| 24 | A          | I do.                                              | 14:14:16 |
| 25 | Q          | And do those -- either of those clauses            | 14:14:17 |

|    |                                                   |          |
|----|---------------------------------------------------|----------|
| 1  | recite any specific conditions that must be met   | 14:14:20 |
| 2  | for a CC to be a delegate CC?                     | 14:14:23 |
| 3  | MS. ZHANG: Objection, leading.                    | 14:14:36 |
| 4  | A I don't see the claims stating any of the       | 14:14:37 |
| 5  | conditions for selecting the delegate CC.         | 14:14:53 |
| 6  | Q If we could go back to your report, and in      | 14:14:58 |
| 7  | particular page 12.                               | 14:15:08 |
| 8  | A Okay.                                           | 14:15:16 |
| 9  | Q I guess it would be -- so I guess it would      | 14:15:16 |
| 10 | be page 14, which would be the actual page number | 14:15:23 |
| 11 | 12 of the report.                                 | 14:15:26 |
| 12 | Do you recall being asked some questions          | 14:15:31 |
| 13 | about the language at the bottom of page 12 about | 14:15:34 |
| 14 | the selection of the delegate CC?                 | 14:15:39 |
| 15 | A I do remember that.                             | 14:15:47 |
| 16 | Q And the -- can you read the first sentence      | 14:15:47 |
| 17 | of the last excerpt from page 12?                 | 14:15:52 |
| 18 | A Is it the one that begins with, "In this        | 14:16:01 |
| 19 | example"?                                         | 14:16:03 |
| 20 | Q Well, the first sentence, so the sentence       | 14:16:04 |
| 21 | beginning with, "Therefore"?                      | 14:16:07 |
| 22 | A Okay. Therefore, the UE or the eNB may          | 14:16:08 |
| 23 | select a delegate CC in each group.               | 14:16:12 |
| 24 | Q So is it your understanding that the            | 14:16:20 |
| 25 | specification discloses that either the UE or the | 14:16:22 |

|    |                                                    |          |
|----|----------------------------------------------------|----------|
| 1  | eNB may select a delegate CC?                      | 14:16:25 |
| 2  | MS. ZHANG: Objection, form.                        | 14:16:30 |
| 3  | A That is exactly what -- sorry.                   | 14:16:31 |
| 4  | Yes. That sentence clearly states that             | 14:16:37 |
| 5  | either the -- the UE or the eNB may select the     | 14:16:39 |
| 6  | delegate CC in each group.                         | 14:16:43 |
| 7  | Q Could you turn to page -- let's go to the        | 14:16:45 |
| 8  | prior page of the report, please. And yeah, where  | 14:16:52 |
| 9  | you have it excerpted there is perfect. So do you  | 14:16:59 |
| 10 | recall being asked questions about your            | 14:17:03 |
| 11 | understanding of what the plain and ordinary       | 14:17:06 |
| 12 | meaning of the word delegate CC is?                | 14:17:09 |
| 13 | A Yes.                                             | 14:17:11 |
| 14 | Q And if you could look -- looking at the          | 14:17:15 |
| 15 | table there that is in the middle of this screen,  | 14:17:18 |
| 16 | I see on the right-hand side that there is a --    | 14:17:22 |
| 17 | the right-hand column lists LGE's proposed         | 14:17:25 |
| 18 | construction?                                      | 14:17:28 |
| 19 | A Yes.                                             | 14:17:30 |
| 20 | Q Does LGE's proposed construction set forth       | 14:17:30 |
| 21 | any definition of what a delegate CC is?           | 14:17:35 |
| 22 | A No, it simply states through its delegate        | 14:17:43 |
| 23 | component carrier.                                 | 14:17:46 |
| 24 | Q And does LG's proposed construction set          | 14:17:47 |
| 25 | forth any restrictions or requirements for how the | 14:17:51 |

|    |                                                   |          |
|----|---------------------------------------------------|----------|
| 1  | delegate CC is selected?                          | 14:17:55 |
| 2  | MS. ZHANG: Objection, leading.                    | 14:17:59 |
| 3  | A That construction doesn't provide any           | 14:18:01 |
| 4  | information about how the delegate component      | 14:18:05 |
| 5  | carrier is selected.                              | 14:18:08 |
| 6  | MR. APGAR: Those are all the -- those are         | 14:18:13 |
| 7  | all the questions I have, so thank you very much  | 14:18:17 |
| 8  | for your time today.                              | 14:18:19 |
| 9  | MS. ZHANG: I do have a brief recross.             | 14:18:22 |
| 10 | FURTHER EXAMINATION.                              | 14:18:22 |
| 11 | BY MS. ZHANG:                                     | 14:18:32 |
| 12 | Q Can we put the '545 patent back on the          | 14:18:32 |
| 13 | screen, Column 11?                                | 14:18:35 |
| 14 | Mr. Rysavy, you were just asked by your           | 14:19:12 |
| 15 | attorney to read portions of Column 11, lines 16  | 14:19:14 |
| 16 | through 29. Do you recall that?                   | 14:19:20 |
| 17 | A I do recall that.                               | 14:19:23 |
| 18 | Q And has your testimony changed as to            | 14:19:26 |
| 19 | whether any of the conditions listed in c-i)      | 14:19:32 |
| 20 | through c-v) must be met to select a delegate CC? | 14:19:37 |
| 21 | MR. APGAR: Objection, form.                       | 14:19:50 |
| 22 | A I stand by what I said before, although I       | 14:19:51 |
| 23 | do note that it does say in this example.         | 14:20:04 |
| 24 | Q So in this example, doesn't change your         | 14:20:10 |
| 25 | previous testimony when we discussed this passage | 14:20:13 |

Transcript of Peter Rysavy  
Conducted on July 12, 2023

137

|    |                                                 |          |
|----|-------------------------------------------------|----------|
| 1  | earlier; is that fair to say?                   | 14:20:17 |
| 2  | A For this example, my testimony remains the    | 14:20:24 |
| 3  | same.                                           | 14:20:28 |
| 4  | Q Thank you. That is it for me.                 | 14:20:28 |
| 5  | MR. APGAR: I think I think you are done,        | 14:20:39 |
| 6  | Peter.                                          | 14:20:40 |
| 7  | MS. ZHANG: You are free.                        | 14:20:43 |
| 8  | VIDEOGRAPHER: This concludes the                | 14:20:45 |
| 9  | videotaped deposition of Peter Rysavy. The time | 14:20:46 |
| 10 | is 2:20 p.m., we are off the record.            | 14:20:49 |
| 11 | (Deposition adjourned at 2:20 p.m.)             | 14:20:52 |
| 12 |                                                 |          |
| 13 |                                                 |          |
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| 25 |                                                 |          |

Transcript of Peter Rysavy  
Conducted on July 12, 2023

138

1 I, PETER RYSAVY, have read the foregoing  
2 deposition and hereby affix my signature that same  
3 is true and correct, except as noted above.

4  
5  
6  
7  
8 \_\_\_\_\_  
9 PETER RYSAVY

10  
11 THE STATE OF \_\_\_\_\_)

12 COUNTY OF \_\_\_\_\_)

13 Subscribed and sworn to before me by the  
14 said witness, PETER RYSAVY,

15  
16 Given under my hand and seal of office  
17 this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

18  
19 \_\_\_\_\_  
20 Notary Public in and for the  
State of \_\_\_\_\_

21 My commission expires \_\_\_\_\_  
22  
23  
24  
25

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

PANTECH CORPORATION and )  
PANTECH WIRELESS LLC, )  
Plaintiffs, )  
VS ) Case No.  
 ) 5:22-cv-00113-RWS-JBB  
LG ELECTRONICS INC. and )  
LG ELECTRONICS U.S.A., Inc.)  
Defendants. )

REPORTER'S CERTIFICATION  
DEPOSITION OF PETER RYSAVY  
July 12, 203

I, Susan S. Klinger, Certified Shorthand  
Reporter in and for the States of Texas and  
California, hereby certify to the following:

That the witness, PETER RYSAVY, was duly sworn  
by the officer and that the transcript of the oral  
deposition is a true record of the testimony given  
by the witness;

That the deposition transcript was submitted on  
\_\_\_\_\_, 2023 to the witness or to the  
attorney for the witness for examination,

1 signature and return to me by

2 \_\_\_\_\_, 2023;

3 That the amount of time used by each party at  
4 the deposition is as follows:

5 Ms. Zhang, 4:15

6 Mr. Apgar, :10

7 That pursuant to information given to the  
8 deposition officer at the time said testimony was  
9 taken, the following includes counsel for all  
10 parties of record:

11 Mr. Apgar, Attorney for Plaintiff(s)

12 Ms. Zhang, Attorney for Defendant(s)

13 I further certify that I am neither counsel  
14 for, related to, nor employed by any of the  
15 parties or attorneys in the action in which this  
16 proceeding was taken, and further that I am not  
17 financially or otherwise interested in the outcome  
18 of the action.

19 Certified to by me this 14th day of July, 2023.

20 

21 \_\_\_\_\_  
22 Susan S. Klinger,  
23 Texas CSR No. 6531  
24 Expiration Date: 10/31/23  
25 California CSR No. 14487  
Expiration Date: 11/01/23

Transcript of Peter Rysavy  
Conducted on July 12, 2023

141

|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                              |                                                                                                                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| <b>A</b>                                                                                                                                                 | 134:13, 135:10,<br>136:4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 102:22, 102:23,<br>105:10, 105:22,<br>105:23, 106:15,<br>106:24, 113:8,<br>114:1, 128:24,<br>129:5, 129:9,<br>129:13, 129:19,<br>130:8, 130:9,<br>130:17, 130:19,<br>130:23, 131:1,<br>131:3 | 55:18, 60:21,<br>65:14, 87:19,<br>88:16, 94:2,<br>105:19, 112:25,<br>116:11                                                       |
| <b>abbreviated</b>                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                              | <b>adapt</b>                                                                                                                      |
| 45:7, 45:11                                                                                                                                              | <b>above</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                              | 81:3                                                                                                                              |
| <b>ability</b>                                                                                                                                           | 129:10, 138:3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                              | <b>add</b>                                                                                                                        |
| 8:6, 73:11                                                                                                                                               | <b>above-styled</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                              | 26:4, 26:5,<br>42:20, 70:4,<br>126:12                                                                                             |
| <b>able</b>                                                                                                                                              | 2:11                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                              | <b>addition</b>                                                                                                                   |
| 9:17, 12:18,<br>17:7, 20:23,<br>33:12, 52:10,<br>53:22, 55:16,<br>59:5, 63:2,<br>63:16, 74:8,<br>77:2, 77:12,<br>77:23, 79:1,<br>94:23, 120:1,<br>128:14 | <b>absence</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                              | 10:19, 11:6                                                                                                                       |
|                                                                                                                                                          | 85:8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                              | <b>additional</b>                                                                                                                 |
|                                                                                                                                                          | <b>absolutely</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                              | 23:7, 23:15,<br>23:22, 24:5,<br>25:6, 78:5,<br>81:6, 87:16,<br>109:7, 110:3,<br>117:3, 118:19,<br>119:6                           |
|                                                                                                                                                          | 8:22                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                              | <b>address</b>                                                                                                                    |
|                                                                                                                                                          | <b>abstract</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                              | 7:18, 7:20,<br>7:21, 77:3,<br>89:23, 99:1,<br>99:13, 99:15,<br>101:14                                                             |
|                                                                                                                                                          | 120:25                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                              | <b>addressed</b>                                                                                                                  |
|                                                                                                                                                          | <b>access</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                              | 24:12, 101:9,<br>101:11                                                                                                           |
|                                                                                                                                                          | 20:23, 21:11,<br>47:16, 47:21,<br>47:22, 47:24,<br>48:1, 48:3,<br>48:6, 48:8,<br>48:25, 49:14,<br>49:19, 49:21,<br>50:10, 50:11,<br>50:14, 50:17,<br>50:21, 50:25,<br>51:2, 51:3,<br>51:5, 51:6,<br>51:9, 51:13,<br>51:16, 51:18,<br>52:3, 52:11,<br>52:20, 52:25,<br>53:4, 53:5,<br>53:12, 53:13,<br>54:1, 54:8,<br>54:11, 54:13,<br>54:17, 54:18,<br>54:24, 55:6,<br>55:9, 55:17,<br>55:21, 55:23,<br>63:2, 63:17,<br>63:24, 66:25,<br>67:2, 68:1,<br>71:14, 71:18,<br>77:1, 77:12,<br>77:23, 80:16,<br>80:17, 88:7,<br>89:2, 92:2,<br>92:4, 95:18,<br>95:21, 96:3,<br>102:3, 102:18, |                                                                                                                                                                                              | <b>addresses</b>                                                                                                                  |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                              | 45:22, 97:14,<br>111:22                                                                                                           |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                              | <b>adjourned</b>                                                                                                                  |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                              | 137:11                                                                                                                            |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                              | <b>adjustment</b>                                                                                                                 |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                              | 113:24, 113:25                                                                                                                    |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                              | <b>advance</b>                                                                                                                    |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                              | 5:15, 13:11,<br>54:2, 54:13,<br>54:16, 54:19,<br>95:19, 96:2,<br>96:10, 100:7,<br>102:4, 105:11,<br>114:5, 116:1,<br>116:2, 133:7 |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                              | <b>advise</b>                                                                                                                     |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                              | 124:11, 124:12                                                                                                                    |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 102:22, 102:23,<br>105:10, 105:22,<br>105:23, 106:15,<br>106:24, 113:8,<br>114:1, 128:24,<br>129:5, 129:9,<br>129:13, 129:19,<br>130:8, 130:9,<br>130:17, 130:19,<br>130:23, 131:1,<br>131:3 |                                                                                                                                   |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>accomplished</b>                                                                                                                                                                          |                                                                                                                                   |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 95:18, 98:5                                                                                                                                                                                  |                                                                                                                                   |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>accomplishing</b>                                                                                                                                                                         |                                                                                                                                   |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 81:24                                                                                                                                                                                        |                                                                                                                                   |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>accurate</b>                                                                                                                                                                              |                                                                                                                                   |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 13:12, 17:12,<br>22:5, 26:6,<br>26:8, 29:24,<br>31:16, 31:18,<br>39:11, 51:22,<br>54:23                                                                                                      |                                                                                                                                   |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>accurately</b>                                                                                                                                                                            |                                                                                                                                   |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 13:24, 34:9                                                                                                                                                                                  |                                                                                                                                   |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>achieve</b>                                                                                                                                                                               |                                                                                                                                   |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 97:10, 99:2,<br>99:6, 99:22                                                                                                                                                                  |                                                                                                                                   |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>achieved</b>                                                                                                                                                                              |                                                                                                                                   |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 97:6, 98:20                                                                                                                                                                                  |                                                                                                                                   |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>achieves</b>                                                                                                                                                                              |                                                                                                                                   |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 98:13                                                                                                                                                                                        |                                                                                                                                   |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>acknowledging</b>                                                                                                                                                                         |                                                                                                                                   |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 78:17                                                                                                                                                                                        |                                                                                                                                   |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>across</b>                                                                                                                                                                                |                                                                                                                                   |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 79:17, 98:6                                                                                                                                                                                  |                                                                                                                                   |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>action</b>                                                                                                                                                                                |                                                                                                                                   |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 89:12, 140:15,<br>140:18                                                                                                                                                                     |                                                                                                                                   |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>activate</b>                                                                                                                                                                              |                                                                                                                                   |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 50:4                                                                                                                                                                                         |                                                                                                                                   |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>actual</b>                                                                                                                                                                                |                                                                                                                                   |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 29:22, 30:5,<br>42:19, 58:20,<br>62:17, 68:4,<br>104:23, 134:10                                                                                                                              |                                                                                                                                   |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>actually</b>                                                                                                                                                                              |                                                                                                                                   |
|                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 13:10, 50:8,<br>54:3, 55:5,                                                                                                                                                                  |                                                                                                                                   |

Transcript of Peter Rysavy  
Conducted on July 12, 2023

142

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <p><b>affected</b><br/>58:8<br/><b>affix</b><br/>138:2<br/><b>after</b><br/>38:2, 41:13,<br/>129:18<br/><b>again</b><br/>19:8, 24:20,<br/>48:22, 48:24,<br/>70:7, 72:16,<br/>74:16, 76:3,<br/>76:13, 76:25,<br/>81:13, 92:20,<br/>98:15, 102:16,<br/>108:16, 112:18,<br/>116:21, 124:18,<br/>124:25, 125:8,<br/>131:9<br/><b>aggregate</b><br/>93:6<br/><b>aggregation</b><br/>73:8, 73:10,<br/>73:17, 73:21,<br/>74:8, 74:18<br/><b>ago</b><br/>11:24<br/><b>agree</b><br/>36:18, 90:6,<br/>93:14, 109:19,<br/>122:13<br/><b>ahead</b><br/>91:7, 93:4,<br/>112:5, 112:6,<br/>117:24<br/><b>all</b><br/>6:5, 9:8,<br/>27:18, 27:23,<br/>27:25, 28:2,<br/>29:14, 35:14,<br/>36:6, 39:21,<br/>41:1, 41:4,<br/>41:20, 42:4,<br/>42:18, 42:19,<br/>57:21, 67:25,<br/>72:12, 72:24,<br/>76:5, 78:4,<br/>84:6, 86:9,</p> | <p>88:20, 89:17,<br/>89:19, 92:19,<br/>93:1, 93:5,<br/>93:12, 93:14,<br/>93:16, 103:5,<br/>116:3, 117:19,<br/>119:3, 119:11,<br/>136:6, 136:7,<br/>140:9<br/><b>allocate</b><br/>72:20<br/><b>allocation</b><br/>72:22<br/><b>allow</b><br/>101:20, 104:4<br/><b>allowed</b><br/>49:24<br/><b>almost</b><br/>123:17<br/><b>along</b><br/>94:1<br/><b>already</b><br/>23:17, 24:7,<br/>25:3, 36:3,<br/>42:9, 56:21,<br/>80:15, 86:21,<br/>105:9, 105:12,<br/>113:3, 130:21<br/><b>also</b><br/>3:19, 6:13,<br/>6:18, 6:19,<br/>6:22, 10:20,<br/>14:6, 14:9,<br/>14:24, 16:10,<br/>29:7, 36:22,<br/>37:1, 38:10,<br/>40:6, 40:9,<br/>40:14, 45:23,<br/>46:16, 49:2,<br/>59:4, 65:23,<br/>67:9, 67:12,<br/>69:4, 75:22,<br/>79:9, 84:14,<br/>88:4, 88:12,<br/>89:1, 90:14,<br/>91:14, 91:20,<br/>103:21, 114:12,<br/>118:24, 126:7,</p> | <p>126:15, 127:5,<br/>128:8, 132:6<br/><b>alter</b><br/>90:1<br/><b>although</b><br/>79:16, 136:22<br/><b>always</b><br/>110:11<br/><b>americas</b><br/>3:7<br/><b>among</b><br/>107:18, 133:6<br/><b>amount</b><br/>17:3, 33:7,<br/>37:1, 37:12,<br/>41:16, 42:16,<br/>62:13, 140:3<br/><b>analogous</b><br/>79:3, 79:18,<br/>89:9<br/><b>analysis</b><br/>60:17, 61:9,<br/>61:14, 61:18,<br/>61:22, 96:1,<br/>97:23<br/><b>analyze</b><br/>109:15<br/><b>another</b><br/>5:6, 21:4,<br/>71:20, 73:7,<br/>126:15<br/><b>answer</b><br/>8:5, 8:23, 9:3,<br/>9:9, 11:14,<br/>11:16, 13:12,<br/>14:7, 14:11,<br/>15:6, 17:22,<br/>23:18, 24:11,<br/>24:13, 24:20,<br/>28:21, 30:1,<br/>36:14, 51:22,<br/>52:7, 53:11,<br/>53:15, 60:15,<br/>63:13, 85:25,<br/>86:9, 93:4,<br/>97:24, 100:24,<br/>100:25, 103:5,<br/>107:4, 109:13,</p> | <p>117:16, 119:22,<br/>120:2, 122:17,<br/>124:16, 124:18,<br/>124:21, 124:22,<br/>125:2, 125:4,<br/>125:8, 125:13<br/><b>answered</b><br/>82:18, 113:3<br/><b>answers</b><br/>9:13, 118:25<br/><b>anticipate</b><br/>5:4<br/><b>any</b><br/>5:7, 5:15,<br/>9:16, 9:22,<br/>10:1, 11:8,<br/>11:14, 11:17,<br/>14:22, 15:4,<br/>18:2, 18:10,<br/>18:21, 18:24,<br/>19:2, 19:5,<br/>19:15, 22:8,<br/>22:10, 23:7,<br/>23:14, 24:17,<br/>25:3, 25:6,<br/>28:10, 31:15,<br/>36:19, 42:12,<br/>44:14, 44:15,<br/>44:17, 44:21,<br/>56:19, 56:20,<br/>61:9, 61:14,<br/>61:22, 65:19,<br/>67:3, 67:11,<br/>67:15, 73:3,<br/>79:10, 82:23,<br/>82:25, 84:3,<br/>84:16, 84:22,<br/>84:25, 85:8,<br/>85:13, 86:3,<br/>86:5, 86:6,<br/>86:7, 86:18,<br/>86:19, 87:12,<br/>87:20, 88:13,<br/>90:24, 91:17,<br/>92:22, 93:10,<br/>96:17, 103:16,<br/>106:1, 109:7,<br/>110:3, 112:4,</p> |
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| <p>112:19, 113:15,<br/>116:19, 121:6,<br/>122:3, 122:4,<br/>122:22, 123:1,<br/>123:13, 124:5,<br/>124:13, 124:14,<br/>124:23, 125:11,<br/>125:23, 126:14,<br/>134:1, 134:4,<br/>135:21, 135:25,<br/>136:3, 136:19,<br/>140:14<br/><b>anyone</b><br/>9:19<br/><b>anything</b><br/>26:3, 26:5,<br/>31:5, 31:12,<br/>35:24, 36:25,<br/>37:3, 37:4,<br/>52:8, 67:8,<br/>78:9, 83:19,<br/>84:8, 105:25,<br/>111:4, 117:2,<br/>118:19, 120:11<br/><b>anywhere</b><br/>112:23, 113:1<br/><b>apologize</b><br/>5:14<br/><b>appear</b><br/>39:19<br/><b>appears</b><br/>104:24, 112:21,<br/>119:12, 133:23<br/><b>appendix</b><br/>25:23, 26:1,<br/>26:2<br/><b>applicable</b><br/>129:15, 129:16<br/><b>application</b><br/>21:4, 21:13<br/><b>applications</b><br/>10:1<br/><b>applied</b><br/>69:25, 130:18<br/><b>applies</b><br/>60:18<br/><b>apply</b><br/>112:10, 118:10</p> | <p><b>applying</b><br/>102:9<br/><b>appreciated</b><br/>35:18<br/><b>approach</b><br/>66:24<br/><b>appropriate</b><br/>116:3<br/><b>approximate</b><br/>58:5, 58:18<br/><b>approximately</b><br/>12:15, 15:2,<br/>63:23<br/><b>area</b><br/>38:1, 87:24,<br/>87:25, 88:19,<br/>91:12<br/><b>areas</b><br/>31:9<br/><b>aren't</b><br/>118:9<br/><b>around</b><br/>49:17, 64:11,<br/>132:13<br/><b>arrival</b><br/>129:17<br/><b>arrow</b><br/>49:20, 50:12<br/><b>art</b><br/>53:22, 53:25,<br/>55:8, 55:20,<br/>55:24, 56:4,<br/>57:2, 58:3,<br/>58:10, 58:15,<br/>60:2, 60:10,<br/>62:1, 62:5,<br/>62:9, 62:14,<br/>62:20, 63:2,<br/>63:16, 63:24,<br/>83:7, 87:23,<br/>88:10, 95:23,<br/>96:1, 96:4,<br/>96:13, 97:20,<br/>98:8, 99:16,<br/>100:19, 104:5,<br/>104:19, 105:9,<br/>105:12, 105:14,<br/>118:4, 120:16,</p> | <p>127:6, 131:22<br/><b>article</b><br/>79:25<br/><b>articulated</b><br/>25:1, 101:7,<br/>101:18, 108:10<br/><b>asked</b><br/>8:24, 11:1,<br/>11:4, 13:8,<br/>14:1, 14:6,<br/>14:10, 14:11,<br/>17:6, 80:1,<br/>127:5, 132:20,<br/>134:12, 135:10,<br/>136:14<br/><b>asking</b><br/>16:21, 16:23,<br/>23:2, 24:9,<br/>24:16, 85:7,<br/>85:9, 85:10,<br/>101:1, 114:19,<br/>122:7, 122:19,<br/>122:20<br/><b>aspect</b><br/>45:4, 56:24,<br/>80:20<br/><b>aspects</b><br/>35:14, 36:6,<br/>36:23, 41:5,<br/>72:9, 72:10,<br/>79:15, 97:8,<br/>101:24<br/><b>asserted</b><br/>11:8, 124:24,<br/>126:8, 126:16,<br/>126:20, 127:16<br/><b>assess</b><br/>11:2<br/><b>assist</b><br/>11:4, 14:1,<br/>14:6, 14:10,<br/>14:12<br/><b>assisted</b><br/>13:19, 13:21<br/><b>associated</b><br/>41:15, 45:4,<br/>87:25, 103:3<br/><b>assume</b><br/>8:23</p> | <p><b>attached</b><br/>2:17<br/><b>attend</b><br/>40:2, 40:19,<br/>44:14<br/><b>attended</b><br/>32:14, 32:17,<br/>39:16, 39:21,<br/>40:6, 40:9,<br/>40:14, 40:18,<br/>41:2, 41:17,<br/>44:15<br/><b>attendees</b><br/>40:21<br/><b>attending</b><br/>5:3, 6:6<br/><b>attorney</b><br/>24:12, 56:15,<br/>57:19, 64:25,<br/>136:15, 139:31,<br/>140:11, 140:12<br/><b>attorneys</b><br/>14:16, 14:18,<br/>56:16, 56:20,<br/>140:15<br/><b>attributed</b><br/>47:5<br/><b>august</b><br/>38:25<br/><b>author</b><br/>28:14, 57:21<br/><b>authored</b><br/>25:19<br/><b>authoritative</b><br/>113:15<br/><b>authority</b><br/>29:11<br/><b>availability</b><br/>63:13<br/><b>available</b><br/>25:12, 29:9,<br/>59:2, 62:19,<br/>62:23, 63:8,<br/>63:22<br/><b>avenue</b><br/>3:7, 3:15, 7:22<br/><b>average</b><br/>16:15, 16:22,</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Transcript of Peter Rysavy  
Conducted on July 12, 2023

144

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 16:23, 19:15<br><b>avoidance</b><br>126:2<br><b>aware</b><br>5:6, 22:7,<br>22:10, 24:19,<br>45:12, 56:22,<br>74:7, 86:5,<br>86:18, 106:1<br><b>away</b><br>5:8                                                                                                                                                                                                                                                                                                                                                                                                       | 109:10, 109:20,<br>114:1, 114:25,<br>115:10, 115:19,<br>116:17, 116:23,<br>117:6, 118:2,<br>118:22, 119:4,<br>119:7, 121:11,<br>124:18, 129:5,<br>129:9, 129:15,<br>129:16, 130:18,<br>130:23, 131:1,<br>131:3, 131:19,<br>132:17, 133:5<br><b>basic</b><br>81:15<br><b>bearing</b><br>86:12<br><b>because</b><br>8:13, 14:5,<br>23:19, 24:11,<br>30:1, 30:20,<br>31:21, 33:7,<br>42:8, 42:17,<br>52:20, 58:10,<br>63:7, 73:25,<br>76:7, 78:6,<br>78:23, 78:24,<br>81:1, 81:5,<br>81:14, 89:10,<br>92:16, 92:17,<br>92:19, 99:25,<br>104:24, 112:25,<br>114:21, 125:15,<br>126:12, 130:7<br><b>become</b><br>27:8, 35:7,<br>35:10, 63:8<br><b>been</b><br>6:25, 7:24,<br>10:5, 10:9,<br>10:20, 11:1,<br>11:4, 11:7,<br>12:19, 14:1,<br>14:10, 14:11,<br>16:7, 18:21,<br>19:6, 19:9,<br>24:3, 27:10,<br>27:13, 32:4, | 32:6, 37:11,<br>37:20, 44:20,<br>44:22, 62:19,<br>62:22, 63:2,<br>63:16, 66:5,<br>71:16, 74:5,<br>74:12, 74:18,<br>74:22, 75:3,<br>75:5, 76:7,<br>86:17, 94:3,<br>105:12, 117:20,<br>122:1, 127:5<br><b>before</b><br>2:12, 5:14,<br>7:1, 7:25, 9:10,<br>12:13, 12:14,<br>15:19, 22:3,<br>22:9, 22:11,<br>25:10, 33:21,<br>35:16, 35:17,<br>35:20, 64:14,<br>76:8, 77:19,<br>93:20, 96:4,<br>113:1, 118:13,<br>119:4, 136:22,<br>138:13<br><b>begin</b><br>7:1, 87:21,<br>132:24<br><b>beginning</b><br>65:21, 87:21,<br>134:21<br><b>begins</b><br>5:19, 132:13,<br>134:18<br><b>behalf</b><br>3:3, 3:11,<br>6:12, 6:14,<br>6:16, 6:19, 7:16<br><b>being</b><br>12:25, 54:13,<br>56:1, 56:22,<br>59:2, 74:8,<br>80:16, 84:3,<br>90:5, 102:19,<br>110:15, 110:20,<br>111:5, 112:10,<br>112:11, 114:13, | 115:8, 117:25,<br>119:7, 126:16,<br>132:20, 134:12,<br>135:10<br><b>believe</b><br>16:10, 35:22,<br>36:1, 36:11,<br>40:4, 40:12,<br>40:17, 54:2,<br>69:9, 73:8,<br>79:14, 79:23,<br>84:6, 91:2,<br>99:4, 113:3,<br>127:14<br><b>believed</b><br>27:7<br><b>below</b><br>50:15<br><b>besides</b><br>9:25, 18:20,<br>19:3, 67:4,<br>86:20<br><b>best</b><br>5:5, 8:6, 38:7<br><b>better</b><br>24:12, 33:9,<br>33:11, 33:12,<br>35:7, 35:11,<br>35:17, 41:3<br><b>between</b><br>12:23, 37:10,<br>39:24, 47:2,<br>52:24, 53:3,<br>53:12, 67:3,<br>67:12, 70:11,<br>70:20, 71:5,<br>71:8, 72:5,<br>72:12, 72:21,<br>73:4, 74:5,<br>76:9, 76:17,<br>79:3, 79:11,<br>80:21, 92:18<br><b>beyond</b><br>76:13<br><b>bill</b><br>16:15<br><b>billed</b><br>17:15, 17:17 |
| <b>B</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>back</b><br>13:7, 21:18,<br>27:5, 43:4,<br>43:5, 47:10,<br>50:6, 50:21,<br>60:13, 61:24,<br>64:22, 64:23,<br>76:16, 90:7,<br>94:11, 96:9,<br>110:4, 112:17,<br>120:3, 124:1,<br>134:6, 136:12<br><b>background</b><br>127:8<br><b>backup</b><br>5:7<br><b>band</b><br>92:2<br><b>bands</b><br>71:11, 71:25,<br>72:2, 77:17,<br>77:18, 78:8<br><b>bandwidth</b><br>82:2<br><b>based</b><br>23:11, 23:23,<br>23:24, 24:2,<br>24:3, 24:18,<br>25:5, 44:23,<br>49:13, 58:11,<br>58:12, 86:24,<br>103:2, 107:17,<br>108:1, 108:8,<br>108:11, 108:17,<br>108:21, 109:4, |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

Transcript of Peter Rysavy  
Conducted on July 12, 2023

145

|                                                                                                                               |                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>binds</b><br>9:12                                                                                                          | 68:7, 68:8,<br>83:5, 88:7, 89:2                                                                                                     | 75:10, 86:11,<br>97:24, 103:11,<br>117:3, 117:6,<br>118:8, 118:20,<br>119:23, 120:10,<br>122:17, 125:13                                                                                                                                                                                                                                                                                                | 97:15, 97:19,<br>98:7, 98:14,<br>99:12, 99:20,<br>99:23, 100:5,<br>101:23, 102:5,<br>102:9, 102:18,<br>107:18, 110:14,<br>110:15, 110:18,<br>112:9, 115:25,<br>116:4                                                                                                                                |
| <b>bit</b><br>126:3                                                                                                           | <b>build</b><br>40:21                                                                                                               | <b>cannot</b><br>8:10, 41:8,<br>77:5, 77:24,<br>78:1, 78:10,<br>78:23, 124:22                                                                                                                                                                                                                                                                                                                          | <b>case</b><br>1:10, 5:25,<br>7:17, 11:3,<br>11:8, 11:12,<br>12:2, 12:16,<br>12:20, 15:25,<br>16:23, 17:1,<br>17:3, 17:10,<br>17:13, 17:15,<br>17:17, 17:19,<br>18:8, 18:20,<br>19:3, 20:19,<br>23:21, 34:8,<br>34:22, 35:15,<br>36:6, 89:10,<br>124:6, 124:22,<br>124:24, 126:8,<br>127:16, 139:10 |
| <b>bits</b><br>82:4                                                                                                           | <b>bunch</b><br>101:12                                                                                                              | <b>capabilities</b><br>70:4, 76:25,<br>78:13, 78:14,<br>81:6, 81:8                                                                                                                                                                                                                                                                                                                                     | <b>cases</b><br>4:16, 15:21,<br>16:16, 18:2,<br>18:4, 18:8,<br>18:13, 18:18,<br>18:22, 18:24,<br>19:2, 19:5,<br>32:19, 36:5,<br>38:15, 38:20                                                                                                                                                        |
| <b>bluetooth</b><br>27:20                                                                                                     | <b>c</b>                                                                                                                            | <b>capability</b><br>31:25, 96:10                                                                                                                                                                                                                                                                                                                                                                      | <b>catch</b><br>22:9                                                                                                                                                                                                                                                                                |
| <b>bodies</b><br>71:9, 71:10,<br>71:21                                                                                        | <b>c-i</b><br>107:17, 107:24,<br>108:3, 108:10,<br>108:18, 109:11,<br>109:21, 114:14,<br>115:4, 116:10,<br>118:12, 136:19           | <b>capable</b><br>107:18, 133:6                                                                                                                                                                                                                                                                                                                                                                        | <b>category</b><br>45:24                                                                                                                                                                                                                                                                            |
| <b>books</b><br>28:25                                                                                                         | <b>c-v</b><br>107:17, 107:25,<br>108:3, 108:10,<br>108:18, 109:11,<br>109:21, 114:14,<br>115:4, 115:6,<br>116:10, 118:12,<br>136:20 | <b>caption</b><br>129:3, 130:22                                                                                                                                                                                                                                                                                                                                                                        | <b>cause</b><br>2:11                                                                                                                                                                                                                                                                                |
| <b>both</b><br>8:1, 13:14,<br>67:24, 70:17,<br>80:8, 80:16,<br>84:19, 104:13                                                  | <b>calculated</b><br>113:25, 114:8,<br>116:1                                                                                        | <b>carried</b><br>70:19                                                                                                                                                                                                                                                                                                                                                                                | <b>caution</b><br>11:13, 56:19                                                                                                                                                                                                                                                                      |
| <b>bottom</b><br>39:8, 49:1,<br>107:8, 134:13                                                                                 | <b>calculates</b><br>95:19                                                                                                          | <b>carrier</b><br>73:8, 73:10,<br>73:17, 73:21,<br>74:8, 74:18,<br>97:7, 97:10,<br>98:22, 99:2,<br>99:6, 99:9,<br>99:16, 99:19,<br>99:21, 99:25,<br>100:1, 101:19,<br>102:13, 102:15,<br>102:20, 106:7,<br>106:14, 106:22,<br>106:23, 107:1,<br>107:16, 110:16,<br>113:7, 114:6,<br>114:12, 114:20,<br>115:24, 116:16,<br>117:1, 117:5,<br>118:6, 118:18,<br>118:22, 119:7,<br>133:5, 135:23,<br>136:5 | <b>cc</b><br>101:13, 102:11,<br>103:3, 105:21,                                                                                                                                                                                                                                                      |
| <b>break</b><br>9:7, 9:10,<br>37:21, 37:23,<br>38:3, 40:15,<br>40:21, 41:24,<br>42:23, 64:14,<br>64:16, 65:1,<br>94:5, 123:18 | <b>california</b><br>139:24, 140:25                                                                                                 | <b>carriers</b><br>73:15, 73:19,                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                     |
| <b>breakdown</b><br>45:16                                                                                                     | <b>call</b><br>70:5, 76:1                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                     |
| <b>brian</b><br>3:20, 6:5                                                                                                     | <b>called</b><br>32:17, 65:7,<br>65:9, 65:12,<br>66:5, 66:7,<br>66:12, 66:24,<br>67:1, 68:7,<br>69:12, 79:21,<br>126:21             |                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                     |
| <b>brief</b><br>127:23, 136:9                                                                                                 | <b>came</b><br>68:21, 69:2,<br>75:19, 123:5                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                     |
| <b>briefly</b><br>7:25                                                                                                        | <b>can't</b><br>25:3, 30:1,<br>31:11, 31:17,<br>39:23, 48:19,<br>48:20, 74:4,                                                       |                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                     |
| <b>bring</b><br>20:3                                                                                                          |                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                     |
| <b>broad</b><br>86:8, 91:24                                                                                                   |                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                     |
| <b>broadly</b><br>43:12, 87:12                                                                                                |                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                     |
| <b>brown</b><br>3:6, 6:16,<br>6:18, 14:17                                                                                     |                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                     |
| <b>bts</b><br>65:10, 65:12,                                                                                                   |                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                     |

Transcript of Peter Rysavy  
Conducted on July 12, 2023

146

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>105:25, 106:2,<br/>106:5, 106:9,<br/>106:12, 106:14,<br/>106:17, 106:20,<br/>106:21, 107:13,<br/>108:1, 108:8,<br/>108:11, 108:17,<br/>108:21, 109:2,<br/>109:8, 109:9,<br/>109:15, 109:20,<br/>110:20, 110:22,<br/>112:10, 112:14,<br/>112:17, 112:19,<br/>113:2, 113:19,<br/>114:16, 114:22,<br/>114:25, 115:6,<br/>115:9, 115:18,<br/>116:12, 116:17,<br/>116:22, 132:17,<br/>133:11, 133:14,<br/>133:22, 134:2,<br/>134:5, 134:14,<br/>134:23, 135:1,<br/>135:6, 135:12,<br/>135:21, 136:1,<br/>136:20<br/><b>ccs</b><br/>100:7, 107:1,<br/>110:7, 112:15,<br/>114:17, 114:23,<br/>115:1, 115:11,<br/>115:20, 133:6<br/><b>cdma</b><br/>67:1, 70:23,<br/>71:3, 78:20,<br/>78:23, 78:25,<br/>79:8<br/><b>cell</b><br/>87:22, 87:23,<br/>88:1, 88:3,<br/>88:15, 88:25,<br/>91:10<br/><b>cellular</b><br/>18:3, 18:5,<br/>18:9, 18:15,<br/>18:16, 18:19,<br/>18:21, 18:24,<br/>19:2, 19:5,</p> | <p>27:19, 27:22,<br/>27:23, 28:1,<br/>28:3, 28:11,<br/>43:18, 43:19,<br/>43:22, 44:17,<br/>45:4, 46:2,<br/>71:23, 83:1,<br/>86:7, 86:20,<br/>88:3, 122:4,<br/>122:22, 123:1<br/><b>certification</b><br/>139:18<br/><b>certified</b><br/>139:22, 140:19<br/><b>certify</b><br/>139:24, 140:13<br/><b>cetera</b><br/>82:5<br/><b>change</b><br/>39:24, 90:11,<br/>93:21, 123:5,<br/>136:24<br/><b>changed</b><br/>136:18<br/><b>channel</b><br/>73:13, 73:14<br/><b>channels</b><br/>73:12, 73:18<br/><b>characteristics</b><br/>58:15, 60:11,<br/>77:3, 115:1,<br/>115:10, 115:24<br/><b>characterized</b><br/>54:21<br/><b>characterizes</b><br/>13:24<br/><b>chat</b><br/>20:11, 20:24,<br/>48:17, 48:19<br/><b>check</b><br/>65:22<br/><b>choose</b><br/>114:6<br/><b>chosen</b><br/>108:11, 108:17,<br/>114:25, 115:9,<br/>115:18<br/><b>circle</b><br/>49:16, 49:24</p> | <p><b>circumstances</b><br/>30:11<br/><b>citation</b><br/>87:9, 87:14,<br/>88:21, 89:16,<br/>89:17, 90:23,<br/>92:10, 107:15<br/><b>citations</b><br/>83:25, 84:6,<br/>86:2, 87:16,<br/>89:18, 89:19,<br/>93:5, 93:10,<br/>93:19, 103:20<br/><b>cite</b><br/>46:6, 46:15,<br/>49:4, 49:6,<br/>52:9, 56:9,<br/>56:11, 56:12,<br/>56:17, 62:2,<br/>63:18, 84:8,<br/>90:14, 90:16,<br/>91:8, 91:21,<br/>93:15, 104:20,<br/>107:9<br/><b>cited</b><br/>47:11, 48:14,<br/>52:13, 52:16,<br/>56:4, 63:10,<br/>87:7, 105:21<br/><b>citing</b><br/>46:9, 104:25,<br/>106:3<br/><b>civil</b><br/>2:15<br/><b>claim</b><br/>10:11, 10:19,<br/>15:15, 20:14,<br/>20:20, 22:12,<br/>22:14, 22:17,<br/>22:20, 22:23,<br/>23:4, 23:7,<br/>23:12, 23:15,<br/>24:1, 24:5,<br/>24:15, 24:23,<br/>25:7, 32:12,<br/>46:7, 46:12,<br/>47:12, 47:16,<br/>49:5, 54:1,</p> | <p>54:12, 82:19,<br/>85:16, 85:22,<br/>87:4, 95:25,<br/>98:9, 99:10,<br/>100:3, 100:15,<br/>101:24, 102:2,<br/>102:8, 102:14,<br/>104:7, 110:12,<br/>110:13, 111:2,<br/>111:5, 111:7,<br/>111:8, 111:11,<br/>111:13, 112:1,<br/>113:17, 133:16,<br/>133:21, 133:23<br/><b>claims</b><br/>58:13, 84:15,<br/>84:19, 95:7,<br/>95:8, 95:12,<br/>95:16, 98:4,<br/>98:12, 99:24,<br/>100:3, 101:8,<br/>101:11, 101:19,<br/>110:10, 112:1,<br/>120:18, 120:20,<br/>120:23, 120:24,<br/>121:2, 121:3,<br/>121:10, 121:17,<br/>123:8, 123:13,<br/>123:16, 133:17,<br/>134:4<br/><b>clarified</b><br/>34:1, 34:3<br/><b>clarify</b><br/>26:12, 71:1<br/><b>clauses</b><br/>133:22, 133:23,<br/>133:25<br/><b>clean</b><br/>20:6<br/><b>clear</b><br/>13:17, 52:13,<br/>55:7, 81:9,<br/>89:20, 90:2,<br/>93:21, 104:12,<br/>106:6, 106:13,<br/>111:20, 118:3,<br/>120:15, 121:13,<br/>130:14</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Transcript of Peter Rysavy  
Conducted on July 12, 2023

147

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>clearly</b><br/>88:21, 104:16,<br/>121:15, 122:21,<br/>135:4<br/><b>click</b><br/>41:8, 50:4,<br/>50:5<br/><b>client</b><br/>34:5, 34:10,<br/>34:14, 34:15,<br/>35:4<br/><b>client's</b><br/>33:20, 34:16,<br/>34:20, 34:23,<br/>36:17<br/><b>clients</b><br/>42:9<br/><b>close</b><br/>69:9<br/><b>closer</b><br/>25:16, 25:17<br/><b>code</b><br/>67:2, 92:2<br/><b>codes</b><br/>126:4<br/><b>column</b><br/>87:6, 87:10,<br/>90:14, 91:3,<br/>107:9, 108:4,<br/>108:7, 113:23,<br/>114:13, 116:9,<br/>120:4, 132:5,<br/>132:13, 135:17,<br/>136:13, 136:15<br/><b>combine</b><br/>73:11<br/><b>combined</b><br/>89:17, 89:19<br/><b>come</b><br/>68:18, 83:23<br/><b>comes</b><br/>28:13<br/><b>coming</b><br/>109:14<br/><b>commission</b><br/>138:23<br/><b>common</b><br/>115:25</p> | <p><b>commonly</b><br/>46:25<br/><b>communicate</b><br/>79:1, 122:21<br/><b>communicates</b><br/>95:20<br/><b>communicating</b><br/>126:9, 127:18,<br/>127:19<br/><b>communication</b><br/>48:4, 51:6,<br/>92:1, 97:6,<br/>97:11, 97:17,<br/>98:21, 125:1<br/><b>communications</b><br/>11:15, 11:17,<br/>48:2, 56:20,<br/>92:7, 96:8,<br/>124:13, 124:15,<br/>124:19, 125:11<br/><b>compare</b><br/>63:11<br/><b>compared</b><br/>30:21, 42:6,<br/>89:16<br/><b>complete</b><br/>22:5, 26:6,<br/>52:19<br/><b>completely</b><br/>55:12, 81:2<br/><b>complex</b><br/>72:10, 72:25<br/><b>component</b><br/>73:15, 73:18,<br/>97:7, 97:9,<br/>97:15, 97:18,<br/>98:6, 98:14,<br/>98:22, 99:1,<br/>99:6, 99:9,<br/>99:12, 99:16,<br/>99:19, 99:20,<br/>99:21, 99:22,<br/>99:25, 100:1,<br/>100:5, 101:19,<br/>101:23, 102:5,<br/>102:9, 102:13,<br/>102:15, 102:18,<br/>102:19, 102:20,</p> | <p>106:6, 106:14,<br/>106:22, 106:23,<br/>106:25, 107:16,<br/>107:18, 110:15,<br/>110:16, 110:18,<br/>112:9, 113:6,<br/>114:6, 114:12,<br/>114:20, 115:24,<br/>115:25, 116:3,<br/>116:16, 117:1,<br/>117:5, 118:6,<br/>118:18, 118:22,<br/>119:7, 133:4,<br/>135:23, 136:4<br/><b>components</b><br/>110:14<br/><b>comprehensive</b><br/>18:12<br/><b>comprising</b><br/>100:4, 101:22<br/><b>computer</b><br/>5:9, 10:2,<br/>125:14<br/><b>computing</b><br/>26:23<br/><b>conceived</b><br/>74:14<br/><b>concept</b><br/>88:18, 91:11,<br/>91:25, 92:11<br/><b>conception</b><br/>59:24<br/><b>conceptually</b><br/>66:16, 72:17<br/><b>concern</b><br/>71:3<br/><b>concerning</b><br/>20:16<br/><b>conclude</b><br/>120:10, 120:16<br/><b>concludes</b><br/>137:8<br/><b>conclusions</b><br/>111:7, 119:15<br/><b>conditions</b><br/>107:17, 107:24,<br/>108:2, 108:3,<br/>108:4, 108:9,</p> | <p>108:12, 108:18,<br/>108:22, 109:10,<br/>109:21, 110:1,<br/>114:13, 116:10,<br/>116:11, 116:18,<br/>116:23, 118:5,<br/>118:9, 118:12,<br/>119:6, 119:8,<br/>132:18, 133:6,<br/>134:1, 134:5,<br/>136:19<br/><b>confer</b><br/>7:5, 13:11,<br/>13:18<br/><b>conference</b><br/>8:14<br/><b>configuration</b><br/>101:20<br/><b>confirm</b><br/>22:4, 120:22<br/><b>confused</b><br/>104:24<br/><b>connect</b><br/>5:12<br/><b>connecting</b><br/>5:13<br/><b>connection</b><br/>8:15, 130:17<br/><b>connections</b><br/>74:2<br/><b>consequently</b><br/>77:9<br/><b>consider</b><br/>103:16<br/><b>considered</b><br/>29:11, 116:20<br/><b>consistency</b><br/>104:22, 105:1<br/><b>consistent</b><br/>54:4, 54:14,<br/>104:8, 111:17,<br/>113:19<br/><b>consistently</b><br/>90:9, 119:11,<br/>120:7<br/><b>construction</b><br/>10:11, 10:20,<br/>15:16, 20:15,</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Transcript of Peter Rysavy  
Conducted on July 12, 2023

148

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>20:20, 22:12,<br/>22:15, 22:17,<br/>22:20, 22:23,<br/>23:4, 23:8,<br/>23:13, 23:15,<br/>24:1, 24:5,<br/>24:15, 24:24,<br/>25:8, 32:12,<br/>46:7, 46:13,<br/>47:12, 49:5,<br/>54:7, 54:10,<br/>83:17, 84:1,<br/>84:3, 84:9,<br/>84:23, 85:1,<br/>85:11, 85:14,<br/>86:6, 86:24,<br/>87:4, 91:1,<br/>91:18, 95:25,<br/>102:24, 113:17,<br/>131:13, 131:23,<br/>135:18, 135:20,<br/>135:24, 136:3</p> <p><b>construe</b><br/>85:3</p> <p><b>construed</b><br/>82:9, 82:13,<br/>88:15, 88:16,<br/>88:18, 91:10,<br/>118:1</p> <p><b>consult</b><br/>34:10</p> <p><b>consulting</b><br/>13:3, 27:2,<br/>27:3, 27:4</p> <p><b>contained</b><br/>124:15</p> <p><b>containing</b><br/>20:20</p> <p><b>contains</b><br/>22:16</p> <p><b>content</b><br/>28:7, 58:11,<br/>62:17, 62:18,<br/>63:2</p> <p><b>contention</b><br/>49:13, 129:5,<br/>129:9, 129:14,<br/>130:18, 130:22,</p> | <p>131:3</p> <p><b>contents</b><br/>52:22, 125:10</p> <p><b>context</b><br/>30:9, 30:23,<br/>31:2, 31:7,<br/>41:4, 51:24,<br/>52:1, 54:25,<br/>68:14, 73:17,<br/>82:24, 83:12,<br/>83:23, 85:17,<br/>85:22, 106:12,<br/>110:8, 112:13,<br/>123:7</p> <p><b>continue</b><br/>113:5</p> <p><b>continued</b><br/>7:8</p> <p><b>continuing</b><br/>7:5</p> <p><b>control</b><br/>7:9, 49:25,<br/>50:4, 50:5,<br/>68:2, 70:17,<br/>72:11, 77:2,<br/>81:25</p> <p><b>controller</b><br/>88:20, 91:12</p> <p><b>controlling</b><br/>126:22</p> <p><b>conversations</b><br/>5:10</p> <p><b>convey</b><br/>93:11</p> <p><b>conveyed</b><br/>56:1, 82:5</p> <p><b>copy</b><br/>20:6, 20:12,<br/>21:19, 48:15</p> <p><b>core</b><br/>67:9, 67:13,<br/>67:16</p> <p><b>corner</b><br/>64:6</p> <p><b>corporation</b><br/>1:5, 5:21,<br/>6:17, 10:6,<br/>139:5</p> | <p><b>correct</b><br/>10:8, 10:14,<br/>21:20, 25:4,<br/>37:18, 41:11,<br/>64:4, 84:4,<br/>99:25, 120:23,<br/>121:3, 121:4,<br/>124:4, 125:17,<br/>130:6, 130:25,<br/>131:25, 138:3</p> <p><b>correction</b><br/>126:2</p> <p><b>correctly</b><br/>77:14, 110:24</p> <p><b>corroborate</b><br/>29:21</p> <p><b>cost</b><br/>37:9, 37:10</p> <p><b>could</b><br/>6:8, 17:10,<br/>18:7, 33:2,<br/>37:11, 52:21,<br/>59:20, 59:21,<br/>72:23, 74:12,<br/>78:17, 83:4,<br/>85:8, 99:21,<br/>111:16, 112:12,<br/>115:14, 117:8,<br/>118:7, 118:13,<br/>119:1, 120:6,<br/>123:4, 123:18,<br/>128:2, 128:6,<br/>129:3, 129:10,<br/>129:20, 131:15,<br/>132:2, 132:4,<br/>132:9, 133:16,<br/>133:20, 134:6,<br/>135:7, 135:14</p> <p><b>couldn't</b><br/>71:25</p> <p><b>counsel</b><br/>6:8, 9:1, 9:2,<br/>11:15, 11:18,<br/>37:17, 50:3,<br/>94:2, 124:14,<br/>124:15, 124:19,<br/>140:9, 140:13</p> <p><b>county</b><br/>138:12</p> | <p><b>couple</b><br/>17:20, 38:11</p> <p><b>course</b><br/>28:7, 28:23,<br/>29:2, 29:17,<br/>33:6, 33:7,<br/>33:14, 33:15,<br/>33:17, 33:23,<br/>34:1, 35:6,<br/>35:20, 35:23,<br/>36:1, 36:20,<br/>36:22, 37:1,<br/>37:5, 37:6,<br/>37:7, 37:9,<br/>37:10, 37:13,<br/>37:14, 38:17,<br/>38:19, 39:1,<br/>39:16, 39:20,<br/>39:24, 40:1,<br/>40:4, 41:2,<br/>41:3, 41:18,<br/>42:10</p> <p><b>courses</b><br/>27:25, 28:2,<br/>28:5, 28:11,<br/>39:3, 39:10,<br/>43:10</p> <p><b>court</b><br/>1:1, 5:24,<br/>6:21, 108:14,<br/>139:1</p> <p><b>cover</b><br/>21:22, 22:1,<br/>22:2, 40:5,<br/>43:22, 46:24,<br/>59:6, 64:2,<br/>82:19</p> <p><b>coverage</b><br/>87:24, 87:25</p> <p><b>covered</b><br/>40:1, 46:3,<br/>79:14, 88:19,<br/>91:5, 91:12,<br/>111:11, 111:12</p> <p><b>covering</b><br/>32:9, 54:12,<br/>60:10</p> <p><b>covers</b><br/>46:23, 54:3,</p> |
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Transcript of Peter Rysavy  
Conducted on July 12, 2023

149

|                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 60:7, 67:18,<br>82:14, 94:16<br><b>create</b><br>44:3<br><b>criteria</b><br>115:19<br><b>csr</b><br>1:34, 2:13,<br>140:23, 140:25<br><b>curiosity</b><br>32:25, 47:1,<br>68:17<br><b>curious</b><br>105:19<br><b>currently</b><br>26:9, 26:10,<br>26:11, 26:19,<br>26:24, 26:25,<br>43:22<br><b>cv</b><br>15:23, 15:25,<br>16:3, 16:5,<br>16:10, 18:7,<br>18:18, 19:8,<br>26:1, 26:2,<br>26:4, 26:5,<br>26:6, 26:8, 32:2 | 64:10, 64:11,<br>69:8, 69:11,<br>76:8, 140:24,<br>140:26<br><b>dated</b><br>21:24, 63:22<br><b>dates</b><br>56:7, 61:22,<br>63:11, 65:22<br><b>davis</b><br>3:13, 6:14<br><b>day</b><br>11:20, 15:3,<br>60:14, 64:1,<br>138:17, 140:19<br><b>days</b><br>37:6<br><b>dc</b><br>3:16<br><b>deal</b><br>68:3<br><b>decades</b><br>86:17<br><b>decided</b><br>27:8, 35:23<br><b>deciding</b><br>82:1<br><b>declarations</b><br>32:8, 32:11<br><b>defendant</b><br>3:11<br><b>defendant (s</b><br>140:12<br><b>defendants</b><br>1:15, 2:10,<br>6:12, 6:14, 7:2,<br>7:6, 7:7, 7:17,<br>139:15<br><b>defensible</b><br>40:10<br><b>defer</b><br>96:15<br><b>define</b><br>35:1, 71:10,<br>72:16, 90:2,<br>93:22<br><b>defined</b><br>70:9, 71:16, | 76:8, 84:18,<br>112:23, 121:24<br><b>defines</b><br>55:5, 83:13,<br>87:12, 87:19,<br>105:20<br><b>definition</b><br>54:23, 58:2,<br>58:7, 58:9,<br>60:1, 79:24,<br>113:14, 123:6,<br>135:21<br><b>definitively</b><br>18:17<br><b>delay</b><br>114:2, 114:3<br><b>delegate</b><br>101:13, 102:11,<br>102:13, 102:15,<br>102:19, 102:20,<br>103:3, 105:20,<br>105:25, 106:2,<br>106:5, 106:6,<br>106:9, 106:12,<br>106:14, 106:17,<br>106:21, 107:1,<br>107:13, 107:16,<br>108:1, 108:8,<br>108:11, 108:17,<br>108:21, 109:2,<br>109:8, 109:9,<br>109:15, 109:20,<br>110:7, 110:15,<br>110:18, 110:20,<br>110:22, 112:9,<br>112:10, 112:14,<br>112:15, 112:17,<br>112:19, 112:21,<br>113:2, 113:10,<br>113:16, 113:19,<br>113:20, 114:11,<br>114:16, 114:22,<br>114:24, 115:9,<br>115:18, 115:23,<br>116:12, 116:17,<br>116:22, 132:17,<br>133:4, 133:11,<br>133:14, 133:22, | 134:2, 134:5,<br>134:14, 134:23,<br>135:1, 135:6,<br>135:12, 135:21,<br>135:22, 136:1,<br>136:4, 136:20<br><b>demonstrates</b><br>84:15<br><b>depend</b><br>35:1, 63:6<br><b>depending</b><br>17:5<br><b>depends</b><br>67:22, 72:16,<br>81:13<br><b>deploy</b><br>71:23<br><b>deployed</b><br>65:20<br><b>deployment</b><br>74:19, 74:21<br><b>depos</b><br>6:5, 6:22<br><b>deposed</b><br>7:25, 16:8,<br>32:4, 32:6<br><b>deposition</b><br>1:19, 2:8,<br>5:20, 6:6, 7:8,<br>7:16, 8:4, 8:13,<br>10:1, 13:6,<br>14:14, 14:23,<br>15:5, 15:10,<br>26:13, 100:22,<br>128:20, 137:9,<br>137:11, 138:2,<br>139:19, 139:27,<br>139:29, 140:4,<br>140:8<br><b>depositions</b><br>32:5, 32:7<br><b>describe</b><br>39:19, 51:8,<br>51:12, 52:22,<br>53:7, 62:15,<br>92:25, 94:18,<br>94:23, 98:2,<br>98:4, 98:12, |
| <b>D</b><br><b>d-a-h-l-m-a-n</b><br>28:15<br><b>dahlman</b><br>28:14, 28:16,<br>28:18, 29:11,<br>31:7<br><b>dahlman's</b><br>30:8, 31:1,<br>31:12<br><b>data</b><br>26:22, 129:17<br><b>date</b><br>6:2, 11:17,<br>57:6, 57:17,<br>58:5, 58:19,<br>59:9, 59:11,<br>59:21, 59:25,<br>61:20, 63:23,<br>64:5, 64:6,                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 101:8<br><b>described</b><br>95:15, 111:18<br><b>describes</b><br>45:3, 65:16,<br>91:23<br><b>describing</b><br>56:23<br><b>description</b><br>4:11, 39:25,<br>40:24, 40:25,<br>51:15, 52:19,<br>94:21, 95:10<br><b>descriptions</b><br>39:6, 39:8,<br>39:11, 39:15<br><b>designed</b><br>77:8, 77:15,<br>78:5<br><b>desire</b><br>98:22<br><b>despite</b><br>118:1<br><b>detail</b><br>30:20, 31:2,<br>36:22<br><b>detailed</b><br>30:22, 39:5,<br>39:7, 62:12,<br>80:18<br><b>details</b><br>53:16, 68:4,<br>79:19, 81:16,<br>81:22<br><b>detection</b><br>126:2<br><b>determine</b><br>113:24, 114:4,<br>114:5<br><b>develop</b><br>28:6, 29:2,<br>30:14, 34:7,<br>35:5, 40:10,<br>44:3<br><b>developed</b><br>44:13<br><b>developers</b><br>47:4 | <b>developing</b><br>29:8, 29:22,<br>34:11, 34:13,<br>34:20, 35:2,<br>43:25<br><b>development</b><br>43:17, 44:21,<br>63:12, 75:20<br><b>device</b><br>79:2, 92:6,<br>127:17, 127:19<br><b>dictionary</b><br>113:14<br><b>differ</b><br>70:15, 79:19<br><b>difference</b><br>47:2, 66:20,<br>72:19, 72:23,<br>73:7, 74:4,<br>76:9, 77:21,<br>79:3, 80:21<br><b>differences</b><br>67:3, 67:11,<br>67:15, 67:20,<br>67:23, 70:11,<br>70:14, 70:22,<br>70:24, 71:4,<br>71:8, 72:24,<br>73:4, 76:17,<br>76:20, 76:24,<br>79:10, 80:18,<br>80:19, 81:23<br><b>different</b><br>27:18, 41:5,<br>47:23, 60:18,<br>63:7, 63:8,<br>64:13, 66:19,<br>66:23, 67:7,<br>67:10, 67:14,<br>68:5, 70:20,<br>71:10, 71:11,<br>74:2, 76:23,<br>80:11, 80:14,<br>81:16, 81:18,<br>81:22, 82:7,<br>89:15, 92:20,<br>117:23, 131:6<br><b>differently</b><br>84:17 | <b>differs</b><br>74:6, 82:3<br><b>difficult</b><br>17:11<br><b>digits</b><br>45:11, 45:13,<br>45:15, 45:18,<br>45:20, 45:25<br><b>direct</b><br>130:2, 130:5,<br>130:7<br><b>directly</b><br>44:20<br><b>disagree</b><br>109:9, 109:19<br><b>disclose</b><br>68:21, 124:13<br><b>discloses</b><br>134:25<br><b>disclosing</b><br>97:16<br><b>disclosure</b><br>89:24, 115:17,<br>116:6<br><b>disclosures</b><br>118:2, 120:12<br><b>discuss</b><br>14:4, 91:9,<br>93:24, 130:4<br><b>discussed</b><br>22:21, 39:15,<br>79:8, 91:1,<br>91:19, 98:9,<br>105:24, 108:4,<br>111:12, 117:13,<br>117:19, 119:13,<br>129:1, 136:25<br><b>discusses</b><br>106:1<br><b>discussing</b><br>93:17, 110:4,<br>116:9<br><b>discussion</b><br>97:25, 111:22<br><b>discussions</b><br>5:8<br><b>disputed</b><br>22:20, 22:23, | 23:4, 23:8,<br>23:16, 24:6,<br>24:14<br><b>disqualify</b><br>7:6<br><b>distinct</b><br>129:14<br><b>district</b><br>1:1, 1:2, 5:24,<br>5:25, 139:1,<br>139:2<br><b>dive</b><br>64:15<br><b>division</b><br>1:3, 5:25,<br>66:25, 67:2,<br>92:2, 139:3<br><b>docket</b><br>7:9<br><b>document</b><br>20:7, 20:9,<br>20:14, 21:3,<br>21:9, 37:25,<br>39:18, 39:19,<br>45:2, 49:25,<br>50:8, 64:13,<br>128:7, 128:14,<br>131:7, 132:10<br><b>documents</b><br>9:22, 15:4,<br>15:9, 15:14,<br>52:7, 53:18,<br>54:20, 54:22,<br>65:19, 74:4,<br>86:3, 125:14<br><b>doing</b><br>7:14, 31:9<br><b>done</b><br>97:23, 123:17,<br>137:5<br><b>down</b><br>49:8, 129:21<br><b>downlink</b><br>114:3, 115:6,<br>129:17, 129:18<br><b>download</b><br>21:1<br><b>downloadable</b><br>64:10 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>downloading</b><br/>38:9<br/><b>draft</b><br/>25:19, 25:22<br/><b>drafted</b><br/>121:10<br/><b>drop</b><br/>20:11, 48:16<br/><b>dropped</b><br/>20:24<br/><b>due</b><br/>76:24<br/><b>duly</b><br/>2:10, 6:25,<br/>139:25<br/><b>duration</b><br/>41:12, 41:24<br/><b>during</b><br/>64:25, 126:22</p> <hr/> <p><b>E</b></p> <p><b>each</b><br/>5:14, 19:13,<br/>34:1, 41:13,<br/>68:1, 101:22,<br/>102:9, 102:17,<br/>102:25, 110:14,<br/>113:25, 134:23,<br/>135:6, 140:3<br/><b>earlier</b><br/>14:13, 35:6,<br/>65:4, 83:6,<br/>110:5, 115:8,<br/>118:25, 121:11,<br/>128:4, 128:19,<br/>137:1<br/><b>early</b><br/>11:23, 27:5,<br/>65:21<br/><b>easier</b><br/>121:19, 122:1<br/><b>eastern</b><br/>1:2, 5:24,<br/>139:2<br/><b>effective</b><br/>32:18, 97:5,<br/>97:10, 98:19,<br/>98:23, 114:8</p> | <p><b>efficiently</b><br/>50:1<br/><b>efforts</b><br/>44:23<br/><b>either</b><br/>18:14, 44:10,<br/>51:23, 52:6,<br/>133:25, 134:25,<br/>135:5<br/><b>electronic</b><br/>21:19<br/><b>electronics</b><br/>1:12, 1:13,<br/>5:22, 5:23,<br/>6:12, 6:13,<br/>139:12, 139:13<br/><b>element</b><br/>111:2<br/><b>elements</b><br/>67:9<br/><b>else</b><br/>9:19, 21:11,<br/>36:25, 37:3,<br/>37:4, 52:8,<br/>67:8, 119:5<br/><b>embodiments</b><br/>111:11, 111:12,<br/>111:18, 111:21<br/><b>emphasized</b><br/>112:1<br/><b>employed</b><br/>140:14<br/><b>enabled</b><br/>5:11<br/><b>enb</b><br/>50:18, 50:24,<br/>80:8, 82:12,<br/>82:16, 82:22,<br/>82:23, 83:11,<br/>83:13, 83:23,<br/>84:17, 87:22,<br/>88:1, 88:3,<br/>88:4, 88:11,<br/>88:15, 88:22,<br/>89:21, 90:2,<br/>90:10, 90:20,<br/>91:10, 92:21,<br/>93:22, 117:25,</p> | <p>118:4, 120:6,<br/>120:13, 131:13,<br/>131:23, 134:22,<br/>135:1, 135:5<br/><b>encompass</b><br/>99:24<br/><b>encompassed</b><br/>111:5<br/><b>encompassing</b><br/>87:12<br/><b>end</b><br/>17:9, 17:10,<br/>17:13, 19:20,<br/>108:14<br/><b>ends</b><br/>108:16<br/><b>engagements</b><br/>16:3<br/><b>engineers</b><br/>68:20, 81:1<br/><b>enhanced</b><br/>81:7<br/><b>enodeb</b><br/>50:20, 51:7,<br/>69:15, 69:16,<br/>69:19, 70:8,<br/>70:11, 72:14,<br/>74:22, 75:1,<br/>75:3, 75:5,<br/>75:9, 75:12,<br/>75:15, 75:17,<br/>76:10, 79:21,<br/>80:5, 80:12,<br/>82:8, 82:14,<br/>82:19, 83:8,<br/>83:17, 84:3,<br/>84:24, 85:3,<br/>85:7, 85:11,<br/>85:14, 85:17,<br/>85:22, 86:6,<br/>86:19, 86:22,<br/>86:24, 87:12,<br/>87:19, 88:25,<br/>91:18, 92:25,<br/>93:7, 93:17,<br/>103:1, 117:13,<br/>120:3, 120:18,<br/>120:20, 121:7,</p> | <p>121:16, 121:17,<br/>121:22, 121:25,<br/>122:1, 122:5,<br/>123:2, 123:6,<br/>123:9, 123:10<br/><b>enough</b><br/>74:7<br/><b>entire</b><br/>59:23, 67:17,<br/>86:11, 86:15,<br/>117:4, 118:20,<br/>119:21<br/><b>entitled</b><br/>20:14, 38:14,<br/>38:19, 48:25,<br/>61:20, 126:1,<br/>126:8, 126:17,<br/>127:17<br/><b>equate</b><br/>112:12<br/><b>equates</b><br/>90:9<br/><b>equating</b><br/>88:3, 120:14<br/><b>equipment</b><br/>48:2, 48:5,<br/>48:7, 66:18,<br/>76:15, 78:7,<br/>91:24<br/><b>erik</b><br/>28:16, 28:18<br/><b>error</b><br/>127:14<br/><b>errors</b><br/>22:8, 22:10<br/><b>esquire</b><br/>3:4, 3:5, 3:12,<br/>3:13<br/><b>establishing</b><br/>97:16<br/><b>estimate</b><br/>12:18, 12:21,<br/>12:22, 12:23,<br/>19:19, 25:13,<br/>25:14<br/><b>et</b><br/>82:4<br/><b>etsi</b><br/>44:4, 44:8,</p> |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>44:10<br/><b>europe</b><br/>44:5<br/><b>even</b><br/>35:23, 68:18,<br/>74:14, 76:16,<br/>80:23, 83:6,<br/>92:23, 93:9,<br/>93:10, 103:11,<br/>118:13<br/><b>events</b><br/>129:15<br/><b>eventually</b><br/>78:6<br/><b>ever</b><br/>44:16, 68:6,<br/>68:10, 74:22,<br/>75:3, 75:5,<br/>75:11, 75:12,<br/>89:13, 90:4<br/><b>every</b><br/>75:11, 92:23,<br/>117:15, 120:10<br/><b>everyone</b><br/>5:2<br/><b>everything</b><br/>22:4<br/><b>evidence</b><br/>83:16, 83:21,<br/>84:2, 84:23,<br/>84:25, 85:2,<br/>85:9, 85:10,<br/>85:13, 85:15,<br/>85:21, 86:3,<br/>86:5, 86:10,<br/>86:12, 86:16,<br/>86:18, 86:25,<br/>87:3, 103:17,<br/>103:21, 103:22,<br/>103:23, 103:25,<br/>104:4, 104:9,<br/>104:10, 104:13,<br/>104:18, 104:21,<br/>104:25, 105:1,<br/>105:5, 105:10,<br/>105:20, 106:1,<br/>120:7, 131:12<br/><b>evolution</b><br/>23:21, 69:24,</p> | <p>92:3<br/><b>evolve</b><br/>82:12, 84:16<br/><b>evolved</b><br/>69:17, 69:18,<br/>69:19, 69:25,<br/>70:1, 70:5<br/><b>exact</b><br/>12:17, 15:23,<br/>16:9, 17:25,<br/>25:11, 30:14,<br/>30:24, 31:10,<br/>37:12, 44:9,<br/>46:11, 52:22,<br/>53:16, 54:20,<br/>56:1, 57:18,<br/>58:6, 58:13,<br/>59:18, 60:9,<br/>62:17, 65:22,<br/>66:18, 67:23,<br/>69:8, 70:19,<br/>74:4, 76:22,<br/>77:9, 82:3,<br/>109:18<br/><b>exactly</b><br/>12:4, 45:25,<br/>61:17, 64:9,<br/>74:6, 74:17,<br/>82:7, 98:4,<br/>109:15, 118:16,<br/>135:3<br/><b>examination</b><br/>4:5, 4:6, 4:7,<br/>7:10, 127:25,<br/>136:10, 139:31<br/><b>example</b><br/>17:19, 33:13,<br/>36:8, 52:22,<br/>67:24, 70:16,<br/>72:11, 76:25,<br/>77:2, 77:16,<br/>78:19, 81:25,<br/>107:15, 108:20,<br/>112:2, 112:15,<br/>112:16, 133:4,<br/>133:11, 133:13,<br/>133:14, 134:19,<br/>136:23, 136:24,</p> | <p>137:2<br/><b>examples</b><br/>35:9, 36:3,<br/>36:19, 111:10<br/><b>excel</b><br/>4:15, 32:18,<br/>38:14, 38:20<br/><b>except</b><br/>138:3<br/><b>excerpt</b><br/>109:23, 134:17<br/><b>excerpted</b><br/>135:9<br/><b>executing</b><br/>102:21<br/><b>exhibit</b><br/>4:12, 4:13,<br/>4:14, 4:15,<br/>19:25, 20:2,<br/>20:11, 20:16,<br/>20:18, 20:23,<br/>21:20, 37:15,<br/>37:16, 37:18,<br/>38:3, 38:13,<br/>38:16, 38:18,<br/>39:3, 41:6,<br/>41:21, 42:13,<br/>46:13, 48:11,<br/>48:12, 57:8,<br/>57:11, 58:23,<br/>58:24, 59:1,<br/>59:16, 64:3,<br/>107:6, 108:6,<br/>127:2, 128:2<br/><b>exhibits</b><br/>20:6<br/><b>existence</b><br/>69:3, 75:20<br/><b>expect</b><br/>17:25, 80:19<br/><b>expert</b><br/>4:13, 4:16,<br/>10:7, 10:10,<br/>10:21, 15:15,<br/>15:18, 15:22,<br/>16:16, 16:22,<br/>16:24, 18:21,<br/>19:7, 19:9,</p> | <p>19:12, 19:14,<br/>19:18, 19:21,<br/>20:15, 20:19,<br/>25:20, 26:21,<br/>27:9, 27:10,<br/>27:13, 32:8,<br/>32:18, 32:19,<br/>33:8, 33:10,<br/>34:3, 34:5,<br/>34:17, 34:24,<br/>35:7, 35:11,<br/>38:14, 38:20,<br/>40:3, 42:10,<br/>42:19, 56:21,<br/>57:8, 57:11,<br/>57:22, 59:15,<br/>87:7, 93:15,<br/>93:24, 107:5<br/><b>expertise</b><br/>27:21, 27:23,<br/>28:7, 65:4<br/><b>expiration</b><br/>140:24, 140:26<br/><b>expires</b><br/>138:23<br/><b>explain</b><br/>52:3, 52:10,<br/>53:9, 55:16,<br/>61:17, 74:4,<br/>95:8, 96:22,<br/>101:10, 106:8,<br/>127:7<br/><b>explained</b><br/>47:13, 52:17,<br/>113:23, 130:21<br/><b>explanation</b><br/>31:25, 109:7<br/><b>explicit</b><br/>115:16, 116:6<br/><b>explicitly</b><br/>83:13, 95:9,<br/>111:8, 111:23,<br/>119:9<br/><b>explorer</b><br/>21:5, 21:8<br/><b>express</b><br/>24:13, 33:12,<br/>33:19, 34:9,</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 36:16, 88:22<br><b>expressed</b><br>114:13<br><b>extent</b><br>23:1, 35:4<br><b>extrinsic</b><br>84:23, 84:25,<br>85:2, 85:9,<br>85:10, 85:13,<br>85:15, 85:20,<br>86:3, 86:5,<br>86:12, 86:15,<br>86:18, 103:17,<br>103:22, 103:23,<br>103:25, 104:9,<br>104:10, 104:13,<br>104:21, 104:25,<br>105:1, 105:5,<br>105:10, 105:20,<br>106:1, 120:7                                                                                               | <b>federal</b><br>2:15<br><b>feel</b><br>108:5<br><b>few</b><br>30:11, 127:23<br><b>field</b><br>27:9, 40:21,<br>56:21<br><b>figure</b><br>21:10, 29:12,<br>49:11, 49:12,<br>49:14, 50:18,<br>55:17, 106:16,<br>113:4, 113:5,<br>128:17, 128:19,<br>128:23, 129:4,<br>129:6, 130:17,<br>130:22, 130:24,<br>131:5, 131:6<br><b>figures</b><br>21:13<br><b>file</b><br>7:6, 21:1,<br>21:5, 21:8,<br>59:23, 61:12<br><b>filed</b><br>61:6, 61:11,<br>96:5<br><b>filing</b><br>57:6, 57:17,<br>58:5, 58:19,<br>59:9, 59:11,<br>59:21, 59:25,<br>61:20, 62:25,<br>76:8<br><b>financially</b><br>140:17<br><b>find</b><br>33:14, 33:16,<br>42:11, 86:8<br><b>fine</b><br>21:7, 94:6,<br>103:10<br><b>finish</b><br>37:22<br><b>firm</b><br>27:2, 27:3, | 27:4, 34:15<br><b>firms</b><br>27:15<br><b>first</b><br>6:25, 25:19,<br>25:22, 45:18,<br>45:20, 50:12,<br>51:6, 54:4,<br>59:22, 62:24,<br>63:12, 66:3,<br>88:24, 104:17,<br>126:22, 129:15,<br>131:6, 134:16,<br>134:20<br><b>five</b><br>45:11, 45:12,<br>129:15<br><b>fixed</b><br>82:17, 89:1<br><b>focus</b><br>74:20<br><b>follow</b><br>93:25<br><b>follow-up</b><br>124:2<br><b>followed</b><br>45:11, 89:10<br><b>following</b><br>13:25, 108:22,<br>116:18, 116:23,<br>117:6, 118:23,<br>132:18, 133:5,<br>139:24, 140:9<br><b>follows</b><br>6:25, 140:4<br><b>footnote</b><br>89:23, 91:20<br><b>foreclose</b><br>23:23<br><b>foregoing</b><br>138:1<br><b>forgot</b><br>127:15<br><b>forming</b><br>131:22<br><b>forms</b><br>129:14<br><b>forth</b><br>86:25, 135:20, | 135:25<br><b>forward</b><br>63:23<br><b>found</b><br>33:4, 33:18,<br>36:15, 36:24,<br>37:2<br><b>four</b><br>11:24<br><b>frances</b><br>3:12, 6:11,<br>7:15<br><b>free</b><br>108:5, 137:7<br><b>freed</b><br>71:21, 71:22<br><b>frequencies</b><br>67:6, 71:12,<br>71:15, 71:16,<br>71:18, 73:5,<br>77:1, 77:13,<br>77:16, 77:20,<br>77:24, 78:1,<br>78:4, 78:5,<br>79:16, 79:17,<br>115:5<br><b>frequency</b><br>71:11, 71:20,<br>71:25, 72:2<br><b>front</b><br>9:22, 20:9,<br>21:20, 49:12<br><b>full</b><br>10:13, 20:8,<br>21:11, 22:12,<br>22:16, 22:22,<br>45:25<br><b>function</b><br>70:9, 81:15<br><b>functionality</b><br>72:18, 76:13,<br>77:11, 78:15,<br>79:19, 80:9<br><b>functions</b><br>67:24, 70:3,<br>76:22<br><b>further</b><br>51:23, 55:3, |
| <b>F</b><br><b>fact</b><br>58:1, 75:18,<br>88:13, 90:7,<br>99:5, 123:5<br><b>factors</b><br>116:20, 117:8<br><b>fair</b><br>8:24, 74:7,<br>81:19, 81:21,<br>115:9, 120:3,<br>126:15, 130:15,<br>131:19, 137:1<br><b>fairly</b><br>30:21, 104:16,<br>106:13<br><b>familiar</b><br>43:7, 43:8,<br>43:24, 44:6,<br>125:18, 125:24,<br>126:5, 126:11,<br>126:18, 126:19,<br>126:24, 127:20<br><b>far</b><br>25:6, 69:2,<br>73:5, 100:15,<br>117:18 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 116:7, 125:10,<br>136:10, 140:13,<br>140:16<br><b>furthermore</b><br>129:12, 129:13<br><b>fussell</b><br>3:5, 6:18,<br>14:19<br><b>future</b><br>23:23, 27:7                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>give</b><br>9:13, 19:22,<br>35:9, 124:18,<br>128:23<br><b>given</b><br>31:23, 86:16,<br>98:5, 138:16,<br>139:27, 140:7<br><b>giving</b><br>112:2, 128:19,<br>128:22, 131:11<br><b>global</b><br>92:7<br><b>globally</b><br>43:16<br><b>gnb</b><br>76:4, 76:9,<br>76:12, 79:21,<br>80:3, 80:5,<br>80:7, 80:11<br><b>go</b><br>7:25, 13:7,<br>18:7, 21:12,<br>30:24, 37:23,<br>38:2, 50:6,<br>62:6, 64:13,<br>86:15, 90:7,<br>90:13, 91:7,<br>93:4, 112:5,<br>112:6, 117:24,<br>125:10, 127:1,<br>132:9, 133:16,<br>134:6, 135:7<br><b>goes</b><br>17:1, 17:10,<br>17:13, 17:17,<br>88:4, 88:14<br><b>going</b><br>13:23, 37:20,<br>37:24, 47:10,<br>60:13, 63:3,<br>94:3, 96:9,<br>100:21, 103:7,<br>107:8, 110:4,<br>112:7, 112:8,<br>112:17, 120:3,<br>125:23, 133:18<br><b>good</b><br>7:12, 7:14, | 19:15, 19:19,<br>42:24, 94:4,<br>94:21, 103:10<br><b>government</b><br>71:21<br><b>granting</b><br>96:16<br><b>gray</b><br>3:14, 6:11,<br>6:14<br><b>great</b><br>7:15, 10:15,<br>18:16, 68:3<br><b>greater</b><br>42:20, 76:24<br><b>greatly</b><br>17:4<br><b>greg</b><br>6:15, 14:19,<br>57:25, 66:11,<br>93:3, 124:11<br><b>gregory</b><br>3:4<br><b>grounds</b><br>9:4<br><b>group</b><br>102:10, 103:2,<br>103:4, 107:2,<br>110:17, 114:7,<br>114:9, 114:17,<br>115:2, 115:11,<br>115:20, 116:2,<br>116:4, 132:14,<br>132:25, 134:23,<br>135:6<br><b>groups</b><br>100:6, 100:8,<br>101:21, 101:22,<br>102:6<br><b>guess</b><br>133:20, 134:9 | <b>handle</b><br>77:7, 77:15<br><b>handover</b><br>129:16<br><b>happen</b><br>72:3<br><b>happens</b><br>74:13<br><b>happy</b><br>64:15<br><b>hard</b><br>38:12<br><b>head</b><br>113:14<br><b>hear</b><br>8:16, 8:19,<br>32:25, 108:14<br><b>hearings</b><br>40:3, 40:5<br><b>help</b><br>5:11, 33:23,<br>35:24, 36:2,<br>40:21, 50:8,<br>128:11<br><b>helped</b><br>35:6, 35:10,<br>35:20, 36:20<br><b>helpful</b><br>29:3, 30:8,<br>31:1, 33:14,<br>33:15, 33:16,<br>33:18, 36:1,<br>36:15, 36:24,<br>37:2<br><b>here</b><br>5:19, 6:13,<br>19:1, 22:7,<br>24:13, 25:2,<br>31:11, 31:14,<br>39:17, 50:11,<br>60:19, 86:4,<br>89:19, 100:3,<br>119:24, 123:17<br><b>hereby</b><br>138:2, 139:24<br><b>hereinafter</b><br>90:18<br><b>hereto</b><br>2:17 |
| <b>G</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>H</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>gave</b><br>13:12, 50:3,<br>130:16<br><b>general</b><br>29:23, 30:20,<br>58:6, 130:9<br><b>generally</b><br>26:21, 29:20,<br>30:3, 34:14,<br>39:25, 44:10,<br>44:12, 46:24,<br>55:2, 68:8,<br>68:13, 75:9,<br>83:12, 86:23,<br>95:3, 95:16,<br>96:7, 117:11,<br>130:8<br><b>generated</b><br>132:14<br><b>generation</b><br>43:14, 45:23,<br>45:24, 46:2,<br>80:2, 80:3,<br>81:3, 86:7<br><b>generations</b><br>43:21, 72:12,<br>78:12, 83:2,<br>86:20<br><b>generic</b><br>90:10, 123:4<br><b>generically</b><br>83:15, 88:3,<br>88:23, 120:17<br><b>gestures</b><br>8:10<br><b>getting</b><br>64:1, 89:18 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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| <p><b>hesitant</b><br/>53:16</p> <p><b>heterogenous</b><br/>74:1</p> <p><b>high</b><br/>17:10, 17:13,<br/>19:20, 92:3</p> <p><b>higher</b><br/>31:8, 66:16,<br/>76:14, 76:21,<br/>77:15</p> <p><b>hired</b><br/>10:9, 10:20</p> <p><b>history</b><br/>18:8, 59:23,<br/>61:12</p> <p><b>hood</b><br/>7:22, 26:10</p> <p><b>hour</b><br/>12:25, 15:3,<br/>17:9, 37:20,<br/>94:3</p> <p><b>hours</b><br/>12:15, 12:19,<br/>12:24, 16:15,<br/>16:21, 16:24,<br/>17:4, 17:5,<br/>17:15, 17:17,<br/>17:21, 17:22,<br/>18:1, 19:11,<br/>19:13, 19:17,<br/>19:21, 19:23,<br/>19:24, 25:11,<br/>25:15</p> <p><b>however</b><br/>44:22</p> <p><b>hspa</b><br/>92:4</p> <p><b>huge</b><br/>62:13</p> <p><b>hundred</b><br/>17:21</p> <p><b>hundreds</b><br/>73:2</p> <p><b>hypothetical</b><br/>24:22</p> <hr/> <p><b>I</b></p> <hr/> <p><b>icon</b><br/>41:10</p> | <p><b>idaho</b><br/>26:13</p> <p><b>ideas</b><br/>74:14</p> <p><b>identical</b><br/>44:11, 44:12</p> <p><b>identically</b><br/>71:19</p> <p><b>identified</b><br/>104:11</p> <p><b>identify</b><br/>5:11, 5:13,<br/>6:8, 18:6,<br/>18:10, 31:11,<br/>103:21</p> <p><b>identifying</b><br/>125:9</p> <p><b>iii</b><br/>3:5</p> <p><b>illustrates</b><br/>49:13</p> <p><b>implementation</b><br/>68:4, 73:6,<br/>76:23, 80:18,<br/>81:16, 82:4</p> <p><b>implementations</b><br/>79:18, 80:14,<br/>81:18</p> <p><b>implemented</b><br/>73:9, 73:21,<br/>74:5, 74:12,<br/>74:15, 74:19,<br/>82:7</p> <p><b>implementing</b><br/>126:4</p> <p><b>implies</b><br/>107:23</p> <p><b>imply</b><br/>112:3</p> <p><b>importance</b><br/>35:18</p> <p><b>important</b><br/>96:8</p> <p><b>imprecise</b><br/>115:8</p> <p><b>improve</b><br/>35:20, 35:24</p> <p><b>in-depth</b><br/>65:23, 65:25,</p> | <p>69:4, 69:6,<br/>75:22, 75:24</p> <p><b>in-person</b><br/>37:7, 37:8,<br/>41:18</p> <p><b>inaccurate</b><br/>30:16, 30:18,<br/>31:5, 31:12,<br/>31:16, 36:13,<br/>83:19, 111:4</p> <p><b>inc</b><br/>1:12, 1:13,<br/>139:12, 139:13</p> <p><b>include</b><br/>22:12, 83:1,<br/>87:24, 108:7</p> <p><b>includes</b><br/>18:15, 27:19,<br/>35:2, 140:9</p> <p><b>including</b><br/>16:8, 29:9,<br/>82:17, 92:1,<br/>100:7</p> <p><b>inclusive</b><br/>88:18, 91:11,<br/>91:25, 92:11</p> <p><b>incorporated</b><br/>5:22, 5:23</p> <p><b>incorporates</b><br/>55:4, 59:23</p> <p><b>incorporating</b><br/>44:7</p> <p><b>independent</b><br/>27:8, 34:21,<br/>35:3</p> <p><b>independently</b><br/>34:7</p> <p><b>indicate</b><br/>18:8</p> <p><b>indicating</b><br/>88:18, 91:11,<br/>91:25</p> <p><b>industry</b><br/>28:19, 105:18</p> <p><b>information</b><br/>19:8, 23:11,<br/>23:19, 23:24,<br/>23:25, 24:3,</p> | <p>24:19, 25:5,<br/>29:7, 29:9,<br/>29:19, 29:21,<br/>30:5, 30:21,<br/>30:22, 30:25,<br/>31:15, 31:17,<br/>31:23, 51:12,<br/>54:19, 56:1,<br/>62:13, 110:3,<br/>124:14, 124:17,<br/>136:4, 140:7</p> <p><b>informed</b><br/>105:12</p> <p><b>informs</b><br/>110:17</p> <p><b>infringement</b><br/>10:22, 11:2,<br/>11:5, 13:15,<br/>13:22, 14:2,<br/>14:10, 14:12</p> <p><b>initial</b><br/>27:14, 51:2,<br/>59:24, 109:24</p> <p><b>initiate</b><br/>48:2</p> <p><b>instance</b><br/>2:9, 71:12,<br/>117:15, 119:23</p> <p><b>instances</b><br/>90:9, 104:9,<br/>117:22, 119:11,<br/>119:16</p> <p><b>instead</b><br/>79:21, 92:25,<br/>93:17, 121:7,<br/>121:20</p> <p><b>instruction</b><br/>82:22</p> <p><b>instrumental</b><br/>92:17</p> <p><b>integrated</b><br/>126:9</p> <p><b>intend</b><br/>7:6, 52:18,<br/>124:5</p> <p><b>intent</b><br/>84:16, 90:2,<br/>93:21, 116:5,</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 121:13<br><b>intention</b><br>121:5<br><b>inter</b><br>32:9<br><b>interact</b><br>34:14<br><b>interest</b><br>34:24, 35:2,<br>42:8<br><b>interested</b><br>140:17<br><b>interesting</b><br>96:19<br><b>interests</b><br>33:20, 34:17,<br>34:20, 35:4,<br>36:17<br><b>interface</b><br>66:17, 76:15<br><b>international</b><br>43:15<br><b>internet</b><br>8:15, 29:10<br><b>interpret</b><br>104:1<br><b>interpretation</b><br>111:2, 114:10<br><b>interpreted</b><br>58:3, 58:17<br><b>interrupt</b><br>55:19<br><b>interruptions</b><br>5:16, 8:14<br><b>interview</b><br>68:22<br><b>intrinsic</b><br>83:16, 83:21,<br>86:10, 86:25,<br>87:2, 103:21,<br>104:3, 104:13,<br>104:17<br><b>introduced</b><br>68:25, 75:17<br><b>invalidity</b><br>40:7<br><b>invent</b><br>68:20 | <b>invention</b><br>59:25, 92:17,<br>94:24, 95:5,<br>95:7, 95:15,<br>112:10<br><b>inventive</b><br>96:11, 96:18,<br>97:8, 98:1,<br>100:9, 100:11,<br>100:12, 100:19<br><b>involve</b><br>18:3, 18:19,<br>18:24<br><b>involved</b><br>18:21, 34:2,<br>44:9, 44:16,<br>44:20, 44:22<br><b>involves</b><br>124:25<br><b>involving</b><br>18:4, 19:5<br><b>isolated</b><br>31:14<br><b>issues</b><br>34:8<br><b>item</b><br>33:18, 36:15,<br>47:21<br><b>items</b><br>30:11, 34:21<br><b>itself</b><br>71:3, 73:1 | <b>junior</b><br>3:13<br><b>jury</b><br>52:4, 94:19,<br>106:9                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>lacking</b><br>30:3<br><b>language</b><br>87:18, 109:23,<br>132:17, 132:21,<br>134:13<br><b>languages</b><br>84:15<br><b>large</b><br>17:5, 29:7,<br>42:9<br><b>larger</b><br>73:12<br><b>last</b><br>12:12, 12:14,<br>19:17, 102:8,<br>127:4, 134:17<br><b>latest</b><br>71:24<br><b>law</b><br>34:14<br><b>lawyers</b><br>125:11<br><b>layer</b><br>66:24, 71:2,<br>72:4, 72:9,<br>72:11, 72:13,<br>72:14, 72:20,<br>72:22, 77:21<br><b>layman</b><br>95:10<br><b>layperson</b><br>100:14<br><b>leading</b><br>130:20, 131:4,<br>131:24, 133:12,<br>134:3, 136:2<br><b>learn</b><br>33:9, 56:1<br><b>least</b><br>42:8, 52:16,<br>65:15, 79:23,<br>99:10, 100:3,<br>109:22, 120:8<br><b>legal</b><br>23:2, 24:9,<br>24:10, 24:16,<br>36:23, 41:4, |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>James</b><br>3:5, 3:13<br><b>jim</b><br>6:13<br><b>job</b><br>1:32, 26:16,<br>26:19, 34:19,<br>34:20<br><b>july</b><br>1:21, 2:3,<br>2:12, 6:2,<br>139:20, 140:19<br><b>june</b><br>21:24, 59:11                                                                                                                                                                                                                                                                                                           | <b>K</b><br><b>keep</b><br>38:2, 38:7,<br>103:11, 122:2<br><b>keeping</b><br>109:23<br><b>key</b><br>56:22<br><b>kind</b><br>27:16, 88:13<br><b>klinger</b><br>1:34, 2:13,<br>6:22, 139:22,<br>140:22<br><b>knew</b><br>30:18<br><b>know</b><br>8:16, 9:8,<br>19:1, 21:2,<br>24:17, 24:20,<br>29:14, 44:9,<br>45:24, 46:2,<br>48:19, 64:9,<br>69:2, 73:25,<br>74:19, 75:18,<br>78:16, 79:20,<br>86:9, 96:2,<br>105:9, 114:16,<br>114:19, 125:9,<br>133:10<br><b>knowledge</b><br>26:7, 26:8,<br>131:21<br><b>known</b><br>57:3, 62:1,<br>62:6, 62:10,<br>62:14, 96:3,<br>97:20<br><b>krieger</b><br>3:20, 6:5 | <b>L</b><br><b>label</b><br>49:19                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

Transcript of Peter Rysavy  
Conducted on July 12, 2023

157

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>58:6, 59:18,<br/>60:25<br/><b>legally</b><br/>100:15<br/><b>less</b><br/>15:3, 18:1,<br/>19:23, 25:15<br/><b>let's</b><br/>64:16, 65:3,<br/>87:17, 90:13,<br/>133:20, 135:7<br/><b>level</b><br/>31:8, 66:16,<br/>76:14, 76:21,<br/>127:6<br/><b>lg</b><br/>1:12, 1:13,<br/>5:22, 5:23,<br/>6:12, 139:12,<br/>139:13<br/><b>lg's</b><br/>135:24<br/><b>lge's</b><br/>135:17, 135:20<br/><b>limitation</b><br/>102:25, 103:8<br/><b>limited</b><br/>16:25<br/><b>line</b><br/>37:22, 90:14,<br/>90:17, 100:21,<br/>113:23, 116:9,<br/>132:13, 132:16<br/><b>lines</b><br/>87:6, 87:10,<br/>90:16, 91:4,<br/>107:9, 108:4,<br/>108:7, 114:14,<br/>120:4, 136:15<br/><b>link</b><br/>71:2, 72:4,<br/>72:9, 72:10,<br/>72:13, 72:14<br/><b>list</b><br/>18:18, 39:3,<br/>118:5, 119:9<br/><b>listed</b><br/>39:4, 42:4,</p> | <p>42:12, 130:25,<br/>131:2, 136:19<br/><b>lists</b><br/>16:3, 135:17<br/><b>litigation</b><br/>7:4, 15:21,<br/>27:15, 34:2,<br/>36:23, 41:4<br/><b>little</b><br/>42:16<br/><b>llc</b><br/>1:6, 5:22,<br/>10:6, 139:6<br/><b>locate</b><br/>62:1<br/><b>location</b><br/>26:16<br/><b>lodge</b><br/>9:2<br/><b>logical</b><br/>122:14<br/><b>long</b><br/>14:25, 21:7,<br/>37:5, 37:6,<br/>38:5, 69:24,<br/>73:2, 92:3<br/><b>longer</b><br/>42:13, 66:11<br/><b>longest</b><br/>42:3, 42:15<br/><b>look</b><br/>38:23, 39:10,<br/>39:11, 50:9,<br/>51:23, 52:10,<br/>52:12, 54:20,<br/>55:2, 55:14,<br/>67:22, 81:21,<br/>86:1, 91:2,<br/>107:24, 110:10,<br/>110:11, 117:15,<br/>123:18, 129:10,<br/>130:24, 133:20,<br/>133:21, 135:14<br/><b>looked</b><br/>28:24, 80:20<br/><b>looking</b><br/>20:25, 39:9,<br/>46:14, 50:2,</p> | <p>50:9, 53:10,<br/>70:8, 99:11,<br/>100:3, 128:9,<br/>135:14<br/><b>lot</b><br/>74:14, 81:4<br/><b>low</b><br/>17:9, 19:20<br/><b>lte</b><br/>28:14, 28:25,<br/>29:4, 29:9,<br/>29:12, 29:17,<br/>29:23, 30:8,<br/>30:9, 30:12,<br/>31:12, 31:14,<br/>31:25, 46:24,<br/>47:2, 47:3,<br/>47:8, 47:22,<br/>51:25, 55:2,<br/>56:24, 69:23,<br/>70:3, 70:4,<br/>70:10, 70:15,<br/>71:12, 71:14,<br/>71:16, 72:5,<br/>75:10, 75:15,<br/>75:17, 75:20,<br/>78:16, 78:25,<br/>83:12, 86:23,<br/>92:3<br/><b>lucrative</b><br/>40:22</p> <hr/> <p><b>M</b></p> <hr/> <p><b>mac</b><br/>55:5<br/><b>made</b><br/>22:11, 59:2<br/><b>mailing</b><br/>7:20<br/><b>mainly</b><br/>113:6<br/><b>maintain</b><br/>7:2<br/><b>majority</b><br/>18:16, 18:18<br/><b>make</b><br/>89:20, 106:6,<br/>114:11, 115:23</p> | <p><b>makes</b><br/>8:20, 106:13,<br/>106:17, 106:21,<br/>114:15, 120:14<br/><b>manage</b><br/>82:1<br/><b>managed</b><br/>70:20<br/><b>managing</b><br/>72:18<br/><b>mandatory</b><br/>90:5, 119:19<br/><b>many</b><br/>12:15, 12:19,<br/>15:21, 16:7,<br/>16:13, 16:15,<br/>16:21, 16:24,<br/>17:15, 17:16,<br/>19:6, 19:11,<br/>19:17, 19:21,<br/>72:10, 110:7<br/><b>mark</b><br/>19:25, 37:15,<br/>48:11, 50:8,<br/>58:22<br/><b>marked</b><br/>20:2, 37:16,<br/>48:12, 58:24<br/><b>market</b><br/>40:15, 41:24<br/><b>marketing</b><br/>40:17, 42:17,<br/>42:21, 47:4<br/><b>marking</b><br/>20:14, 38:13,<br/>58:25<br/><b>markman</b><br/>40:3, 40:5<br/><b>material</b><br/>29:1, 29:2,<br/>29:22, 30:3,<br/>30:14, 39:17,<br/>39:23, 60:7,<br/>60:11<br/><b>matter</b><br/>5:21, 58:12<br/><b>maybe</b><br/>73:6, 86:2,</p> |
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Transcript of Peter Rysavy  
Conducted on July 12, 2023

158

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <p>115:8, 117:8,<br/>124:10, 128:11<br/><b>mayer</b><br/>3:6, 6:16,<br/>6:18, 14:16<br/><b>mean</b><br/>33:11, 33:12,<br/>39:6, 48:10,<br/>52:18, 57:5,<br/>57:14, 59:21,<br/>60:16, 61:18,<br/>78:14, 78:21,<br/>81:13, 82:14,<br/>82:22, 82:23,<br/>83:21, 85:15,<br/>85:20, 88:22,<br/>89:7, 89:13,<br/>100:11, 100:12,<br/>100:14, 100:15,<br/>101:1, 105:17,<br/>112:18, 113:20,<br/>114:24, 118:4,<br/>121:18, 121:20,<br/>122:14, 123:16,<br/>126:13, 127:11<br/><b>meaning</b><br/>47:15, 47:18,<br/>47:20, 51:19,<br/>54:5, 54:14,<br/>78:4, 103:13,<br/>104:6, 104:8,<br/>104:20, 105:13,<br/>105:17, 106:4,<br/>135:12<br/><b>means</b><br/>51:18, 51:20,<br/>51:24, 52:1,<br/>57:16, 59:20,<br/>61:2, 61:4,<br/>70:2, 85:17,<br/>85:22, 93:12,<br/>112:13, 112:18,<br/>113:2, 113:10,<br/>113:16, 120:13<br/><b>meant</b><br/>121:15, 121:25<br/><b>media</b><br/>5:19</p> | <p><b>meet</b><br/>7:5, 14:18,<br/>14:20, 14:25<br/><b>meeting</b><br/>14:16<br/><b>meetings</b><br/>44:14, 44:15<br/><b>memorize</b><br/>120:1<br/><b>memorized</b><br/>10:13, 46:4<br/><b>mention</b><br/>43:11, 76:5,<br/>93:9, 115:4<br/><b>mentioned</b><br/>17:8, 43:9,<br/>44:24, 72:4,<br/>73:5, 78:19,<br/>80:15, 80:22<br/><b>mentioning</b><br/>76:6<br/><b>message</b><br/>20:25, 51:2,<br/>101:13<br/><b>messages</b><br/>70:19, 82:4<br/><b>messaging</b><br/>126:10<br/><b>met</b><br/>14:19, 14:24,<br/>15:2, 134:1,<br/>136:20<br/><b>method</b><br/>2:14, 126:10,<br/>126:21, 127:18,<br/>127:19<br/><b>methods</b><br/>97:16<br/><b>mic</b><br/>5:9<br/><b>middle</b><br/>128:18, 135:15<br/><b>might</b><br/>17:9, 24:12,<br/>24:21, 24:25,<br/>74:5, 74:18,<br/>86:12, 122:1,<br/>122:11</p> | <p><b>millimeter</b><br/>77:17<br/><b>mind</b><br/>18:11, 28:13,<br/>60:3, 109:23,<br/>117:7, 121:24<br/><b>minus</b><br/>58:10, 69:10<br/><b>minutes</b><br/>41:25, 42:2,<br/>42:13<br/><b>misleading</b><br/>42:16<br/><b>missing</b><br/>26:3<br/><b>mistakes</b><br/>22:8<br/><b>misunderstand</b><br/>123:15<br/><b>mobile</b><br/>26:22, 92:4,<br/>92:7, 126:23<br/><b>mode</b><br/>21:11<br/><b>modified</b><br/>81:7<br/><b>module</b><br/>40:2, 40:6,<br/>40:12, 40:17,<br/>40:18, 40:19,<br/>40:20, 40:25,<br/>41:13, 42:3,<br/>42:8, 42:12,<br/>42:15, 42:17,<br/>42:21<br/><b>modules</b><br/>39:21, 41:7,<br/>41:20, 42:4,<br/>42:7, 42:18,<br/>42:20<br/><b>moment</b><br/>20:13, 62:8,<br/>128:12, 131:16,<br/>132:8<br/><b>monitor</b><br/>6:3<br/><b>monitoring</b><br/>115:6</p> | <p><b>month</b><br/>11:20, 12:5,<br/>12:12, 12:13,<br/>12:14<br/><b>months</b><br/>11:24<br/><b>more</b><br/>16:18, 17:1,<br/>17:18, 18:1,<br/>19:9, 19:23,<br/>25:14, 25:18,<br/>26:16, 33:9,<br/>33:23, 36:5,<br/>36:9, 37:11,<br/>42:11, 50:1,<br/>69:23, 70:1,<br/>71:14, 71:16,<br/>71:22, 77:1,<br/>77:13, 79:6,<br/>79:15, 97:7,<br/>97:9, 98:21,<br/>99:5, 99:9,<br/>99:11, 100:1,<br/>100:4, 101:19,<br/>101:20, 101:21,<br/>101:22, 102:17,<br/>109:5, 109:17,<br/>110:13, 110:14,<br/>110:18, 110:22,<br/>111:3, 111:15,<br/>111:16, 112:2,<br/>112:3, 112:9,<br/>112:11, 124:2,<br/>127:16<br/><b>morning</b><br/>7:12, 7:14,<br/>14:24, 15:1,<br/>15:3<br/><b>most</b><br/>18:13, 79:14,<br/>122:13<br/><b>mostly</b><br/>43:17, 115:5<br/><b>motion</b><br/>7:6<br/><b>much</b><br/>25:9, 35:13,<br/>37:9, 42:20,</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Transcript of Peter Rysavy  
Conducted on July 12, 2023

159

|                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 81:2, 82:2,<br>136:7<br><b>multiple</b><br>18:4, 66:25,<br>67:2, 73:12,<br>83:13, 83:25,<br>90:9, 92:2,<br>97:18, 98:6,<br>98:14, 99:20,<br>99:22, 103:20,<br>112:15, 118:2,<br>120:12<br><b>multitasking</b><br>126:23<br><b>must</b><br>89:8, 89:13,<br>89:16, 90:7,<br>91:14, 92:8,<br>92:25, 93:17,<br>109:10, 109:20,<br>116:24, 117:11,<br>117:20, 119:11,<br>134:1, 136:20<br><b>must"</b><br>90:22<br><b>mute</b><br>5:9 | 74:15, 105:2,<br>126:13<br><b>necessary</b><br>9:25, 35:14,<br>85:2, 85:16,<br>85:21, 105:6<br><b>need</b><br>9:3, 9:7,<br>13:10, 13:17,<br>14:3, 15:23,<br>18:23, 24:24,<br>46:10, 51:23,<br>51:25, 52:6,<br>52:9, 54:20,<br>54:22, 55:8,<br>55:14, 55:18,<br>58:20, 63:11,<br>65:21, 66:11,<br>74:16, 84:5,<br>86:1, 95:8,<br>97:14, 98:5,<br>103:16, 107:3,<br>109:5, 109:16,<br>110:1, 115:15,<br>119:21, 124:10<br><b>needed</b><br>41:2, 85:11,<br>116:18<br><b>neither</b><br>140:13<br><b>network</b><br>56:24, 67:9,<br>67:13, 67:16,<br>67:17, 68:24,<br>70:3, 80:10,<br>82:15, 82:20,<br>88:19, 91:12,<br>122:4, 123:1<br><b>networking</b><br>26:22<br><b>networks</b><br>67:17, 74:1,<br>96:7<br><b>never</b><br>112:25<br><b>new</b><br>3:8, 23:19,<br>23:23, 37:25, | 71:25, 72:1,<br>81:7<br><b>next</b><br>40:14, 50:20,<br>80:2, 80:3,<br>81:4, 93:23,<br>133:2<br><b>node</b><br>68:24<br><b>nodeb</b><br>66:12, 68:10,<br>68:14, 68:16,<br>68:18, 68:25,<br>69:2, 69:18,<br>69:20, 69:25,<br>70:1, 70:5,<br>70:12, 70:16,<br>72:13, 74:8,<br>82:12, 82:17,<br>83:4, 83:5,<br>84:17, 88:5,<br>89:2<br><b>non-contention</b><br>129:16, 131:1<br><b>non-legal</b><br>61:1<br><b>normal</b><br>129:17<br><b>notary</b><br>138:20<br><b>note</b><br>38:23, 84:14,<br>104:7, 120:25,<br>136:23<br><b>noted</b><br>138:3<br><b>notes</b><br>123:19<br><b>nothing</b><br>84:14, 84:20<br><b>notion</b><br>73:7<br><b>novel</b><br>96:22<br><b>number</b><br>5:19, 6:1,<br>10:12, 10:13,<br>10:16, 12:17, | 15:24, 16:9,<br>16:10, 17:4,<br>17:5, 17:12,<br>17:25, 19:13,<br>19:15, 20:16,<br>20:21, 25:11,<br>29:7, 42:9,<br>45:19, 45:20,<br>45:21, 45:22,<br>49:2, 49:16,<br>58:11, 58:25,<br>82:4, 108:9,<br>129:21, 134:10<br><b>numbered</b><br>2:11<br><b>numbers</b><br>46:5, 46:11,<br>125:16, 125:21<br><b>numerous</b><br>67:19<br><b>nw</b><br>3:15<br><hr/> <b>O</b> <hr/><br><b>oath</b><br>9:12<br><b>object</b><br>13:23, 100:21<br><b>objection</b><br>7:3, 7:8, 9:4,<br>10:24, 15:11,<br>16:17, 17:2,<br>17:24, 22:18,<br>22:25, 23:10,<br>24:8, 25:21,<br>27:12, 28:20,<br>29:5, 29:13,<br>29:18, 29:25,<br>30:10, 30:17,<br>31:4, 31:20,<br>33:25, 34:6,<br>34:12, 34:18,<br>34:25, 35:12,<br>35:21, 35:25,<br>36:7, 36:10,<br>38:22, 39:13,<br>39:22, 40:23,<br>42:5, 44:1, |
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Transcript of Peter Rysavy  
Conducted on July 12, 2023

160

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 44:19, 47:25,<br>48:9, 50:23,<br>51:4, 51:10,<br>51:21, 52:5,<br>53:2, 53:6,<br>53:14, 54:9,<br>55:11, 56:6,<br>56:18, 57:4,<br>57:24, 59:17,<br>60:6, 60:22,<br>60:24, 61:16,<br>61:21, 62:4,<br>62:11, 62:21,<br>63:5, 63:20,<br>64:8, 65:8,<br>66:10, 66:15,<br>67:21, 68:12,<br>68:19, 69:1,<br>69:13, 69:21,<br>70:6, 70:13,<br>71:7, 72:8,<br>73:16, 74:10,<br>74:24, 75:7,<br>76:2, 76:11,<br>76:19, 77:6,<br>78:11, 79:5,<br>79:13, 79:22,<br>80:6, 80:13,<br>80:24, 81:12,<br>81:20, 82:21,<br>83:9, 83:18,<br>85:4, 85:18,<br>85:24, 89:5,<br>89:14, 93:18,<br>94:20, 95:6,<br>95:13, 95:24,<br>96:6, 96:14,<br>96:20, 97:12,<br>97:22, 98:11,<br>98:17, 99:3,<br>99:17, 100:2,<br>100:10, 100:20,<br>101:17, 102:12,<br>103:19, 104:2,<br>104:15, 105:4,<br>106:10, 106:19,<br>107:14, 107:22,<br>108:13, 108:19, | 109:3, 109:12,<br>110:9, 110:25,<br>111:14, 111:19,<br>112:20, 113:21,<br>114:18, 115:3,<br>115:13, 115:22,<br>116:13, 116:25,<br>117:12, 117:21,<br>118:15, 119:2,<br>119:14, 119:20,<br>120:9, 121:8,<br>121:21, 121:23,<br>122:6, 122:16,<br>123:12, 129:24,<br>130:20, 131:4,<br>131:24, 133:12,<br>134:3, 135:2,<br>136:2, 136:21<br><b>objections</b><br>9:2, 101:6<br><b>objective</b><br>81:24<br><b>objects</b><br>9:3<br><b>observed</b><br>45:17<br><b>obtain</b><br>62:7, 114:2<br><b>obtaining</b><br>102:4, 107:19,<br>133:7, 133:8<br><b>obviously</b><br>41:8, 89:18<br><b>occasionally</b><br>31:24<br><b>occur</b><br>67:24<br><b>occurred</b><br>65:19<br><b>occurs</b><br>51:9<br><b>of</b><br>138:21<br><b>ofdma</b><br>70:23, 71:3,<br>78:21, 78:25,<br>79:9<br><b>offer</b><br>33:23, 124:5 | <b>offering</b><br>113:17, 126:14<br><b>offhand</b><br>25:7, 78:16,<br>116:7<br><b>office</b><br>59:23, 96:16,<br>138:16<br><b>officer</b><br>139:26, 140:8<br><b>often</b><br>45:6, 81:6<br><b>oh</b><br>85:12<br><b>okay</b><br>8:2, 8:17,<br>8:21, 9:10,<br>10:4, 10:19,<br>11:11, 12:6,<br>12:15, 12:22,<br>12:25, 14:9,<br>14:13, 15:14,<br>21:23, 25:25,<br>37:19, 37:24,<br>38:4, 38:5,<br>39:9, 41:19,<br>47:6, 48:24,<br>49:3, 50:7,<br>52:8, 64:17,<br>66:7, 78:19,<br>81:17, 82:8,<br>85:12, 87:17,<br>91:6, 99:24,<br>103:9, 104:23,<br>105:19, 110:19,<br>112:17, 115:7,<br>123:20, 124:23,<br>125:18, 125:23,<br>126:7, 127:15,<br>128:10, 129:3,<br>131:10, 131:18,<br>132:3, 132:10,<br>132:11, 133:19,<br>134:8, 134:22<br><b>older</b><br>72:1<br><b>once</b><br>16:14 | <b>one</b><br>5:5, 17:9,<br>20:13, 28:13,<br>28:25, 33:18,<br>35:13, 36:8,<br>36:15, 40:14,<br>42:21, 42:23,<br>62:8, 66:23,<br>70:22, 70:24,<br>71:8, 71:20,<br>72:23, 73:12,<br>74:13, 79:24,<br>80:4, 81:3,<br>87:5, 87:14,<br>88:21, 89:10,<br>91:9, 97:7,<br>97:8, 97:9,<br>98:21, 99:1,<br>99:6, 99:9,<br>99:11, 99:16,<br>99:18, 99:25,<br>100:1, 100:4,<br>101:19, 101:20,<br>101:21, 101:22,<br>102:17, 108:11,<br>108:17, 109:10,<br>109:20, 109:25,<br>110:13, 110:14,<br>110:17, 110:20,<br>110:22, 111:1,<br>111:3, 111:15,<br>111:16, 112:2,<br>112:3, 112:8,<br>112:10, 112:11,<br>112:14, 124:2,<br>126:19, 127:13,<br>127:15, 128:12,<br>130:13, 131:20,<br>132:8, 134:18<br><b>ones</b><br>45:12<br><b>only</b><br>11:9, 21:8,<br>35:4, 36:20,<br>38:11, 42:17,<br>52:13, 84:2,<br>99:1, 99:16,<br>99:18, 99:25, |
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Transcript of Peter Rysavy  
Conducted on July 12, 2023

161

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <p>123:2, 124:8,<br/>129:16<br/><b>open</b><br/>21:4<br/><b>opened</b><br/>21:2<br/><b>operate</b><br/>71:17, 77:18<br/><b>operates</b><br/>71:12, 79:11<br/><b>operation</b><br/>45:3, 56:24,<br/>78:6<br/><b>operators</b><br/>71:23, 78:7<br/><b>opinion</b><br/>24:22, 24:25,<br/>25:3, 33:13,<br/>47:14, 53:24,<br/>57:13, 58:14,<br/>82:8, 82:12,<br/>83:3, 83:23,<br/>85:13, 86:10,<br/>87:3, 87:11,<br/>87:15, 88:9,<br/>90:1, 90:11,<br/>92:21, 93:6,<br/>93:21, 103:15,<br/>131:22<br/><b>opinions</b><br/>10:10, 10:21,<br/>11:7, 20:20,<br/>22:12, 22:14,<br/>22:16, 22:19,<br/>22:22, 23:3,<br/>23:7, 23:12,<br/>23:15, 23:22,<br/>23:23, 23:25,<br/>24:5, 24:13,<br/>24:14, 24:18,<br/>25:7, 33:19,<br/>33:24, 34:8,<br/>34:9, 34:11,<br/>34:13, 34:21,<br/>35:3, 35:5,<br/>36:9, 36:16,<br/>40:10, 105:3,<br/>109:14, 124:5,</p> | <p>126:14<br/><b>opposed</b><br/>106:17, 112:19,<br/>119:19<br/><b>opposite</b><br/>116:14<br/><b>oral</b><br/>8:9, 139:26<br/><b>order</b><br/>7:9, 17:21,<br/>54:23<br/><b>ordinary</b><br/>47:14, 47:18,<br/>47:20, 51:19,<br/>53:21, 53:25,<br/>54:5, 54:14,<br/>55:7, 55:20,<br/>55:23, 57:2,<br/>58:2, 58:9,<br/>58:14, 60:1,<br/>60:10, 61:25,<br/>62:5, 62:9,<br/>62:14, 62:19,<br/>63:1, 63:15,<br/>63:24, 83:7,<br/>87:22, 88:10,<br/>96:12, 100:18,<br/>103:13, 104:4,<br/>104:6, 104:8,<br/>104:18, 104:20,<br/>105:8, 105:11,<br/>105:14, 105:17,<br/>106:4, 113:9,<br/>118:3, 120:15,<br/>127:6, 131:21,<br/>135:11<br/><b>oregon</b><br/>7:22, 26:10,<br/>26:14<br/><b>organization</b><br/>43:16<br/><b>organizations</b><br/>44:4<br/><b>other</b><br/>10:1, 11:8,<br/>14:22, 18:24,<br/>19:5, 24:18,<br/>27:20, 29:8,</p> | <p>29:21, 30:13,<br/>31:22, 36:19,<br/>42:7, 42:12,<br/>42:18, 44:4,<br/>52:21, 67:3,<br/>67:11, 67:15,<br/>71:4, 71:8,<br/>73:3, 79:10,<br/>83:1, 86:20,<br/>89:18, 89:19,<br/>90:12, 90:24,<br/>91:17, 101:24,<br/>102:1, 106:5,<br/>107:1, 114:17,<br/>114:23, 115:1,<br/>115:11, 115:25,<br/>116:20, 117:8,<br/>118:9, 118:24,<br/>118:25, 120:14,<br/>124:5, 124:9,<br/>124:23<br/><b>otherwise</b><br/>93:8, 119:8,<br/>140:17<br/><b>out</b><br/>21:10, 21:13,<br/>32:25, 42:4,<br/>47:1, 55:17,<br/>68:17, 90:13,<br/>93:19<br/><b>outcome</b><br/>140:17<br/><b>outside</b><br/>68:13, 69:14,<br/>74:25, 75:2,<br/>75:4, 75:8,<br/>75:14, 76:3,<br/>83:10, 83:11,<br/>84:20, 86:21,<br/>100:22, 113:11,<br/>122:7, 122:12,<br/>123:3, 130:1<br/><b>over</b><br/>5:5, 7:25,<br/>8:13, 38:3,<br/>71:17, 71:21,<br/>123:19<br/><b>overall</b><br/>81:24</p> | <p><b>overview</b><br/>30:2, 30:13<br/><b>own</b><br/>20:12, 27:2,<br/>27:3, 33:4,<br/>34:21, 35:5,<br/>48:15, 123:6</p> <hr/> <p><b>P</b></p> <hr/> <p><b>pacific</b><br/>6:4<br/><b>packet</b><br/>92:4<br/><b>page</b><br/>4:3, 8:1,<br/>21:22, 22:1,<br/>22:2, 32:1,<br/>32:3, 38:13,<br/>39:8, 40:3,<br/>40:11, 41:6,<br/>41:20, 41:23,<br/>46:12, 46:14,<br/>49:1, 49:2,<br/>49:3, 49:7,<br/>59:6, 64:2,<br/>89:23, 91:20,<br/>93:25, 107:5,<br/>107:8, 107:9,<br/>128:6, 128:18,<br/>129:21, 132:9,<br/>133:18, 134:7,<br/>134:10, 134:13,<br/>134:17, 135:7,<br/>135:8<br/><b>pages</b><br/>1:33, 38:11,<br/>73:2<br/><b>paid</b><br/>12:25, 37:13,<br/>37:14<br/><b>pantech</b><br/>1:5, 1:6, 5:21,<br/>6:16, 6:17,<br/>10:6, 104:11,<br/>139:5, 139:6<br/><b>paragraph</b><br/>46:15, 47:13,<br/>48:14, 49:4,</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 52:17, 54:3,<br>54:12, 57:7,<br>57:9, 57:10,<br>57:22, 58:16,<br>59:15, 60:5,<br>60:23, 61:3,<br>65:14, 84:14,<br>87:7, 87:9,<br>87:15, 87:17,<br>88:14, 89:20,<br>90:15, 90:16,<br>91:3, 97:4,<br>97:13, 98:18,<br>100:8, 104:3,<br>104:17, 110:12,<br>127:2, 129:11,<br>129:12, 131:15,<br>131:19, 132:12<br><b>paragraphs</b><br>98:2, 101:3,<br>101:8, 106:3<br><b>parenthetical</b><br>41:13<br><b>parity</b><br>126:3<br><b>parker</b><br>3:21<br><b>part</b><br>28:9, 40:20,<br>51:12, 55:22,<br>69:25, 82:11,<br>91:17, 95:23,<br>96:17, 104:23,<br>129:6<br><b>partes</b><br>32:9<br><b>participating</b><br>7:7<br><b>participation</b><br>7:3<br><b>particular</b><br>29:15, 47:21,<br>56:23, 57:17,<br>80:20, 96:15,<br>96:17, 105:18,<br>106:22, 128:22,<br>132:4, 133:10,<br>133:21, 134:7 | <b>parties</b><br>6:6, 7:4, 34:2,<br>140:10, 140:15<br><b>partnership</b><br>43:15<br><b>parts</b><br>52:21, 102:1<br><b>party</b><br>140:3<br><b>pass</b><br>127:22<br><b>passage</b><br>87:11, 87:18,<br>88:25, 92:14,<br>92:16, 107:9,<br>107:12, 116:8,<br>120:4, 136:25<br><b>passages</b><br>87:5, 90:12,<br>90:21, 90:24,<br>93:15, 93:16,<br>117:14, 117:18<br><b>patent-related</b><br>32:5, 32:7<br><b>patentee</b><br>61:5, 61:10,<br>62:24, 65:15,<br>82:16, 83:13,<br>84:16, 88:2,<br>88:16, 89:21,<br>90:2, 90:8,<br>93:7, 93:8,<br>93:10, 93:22,<br>115:15, 119:9,<br>120:13, 121:9,<br>121:14, 121:15,<br>121:16, 121:17,<br>121:24, 122:1,<br>122:17, 122:19,<br>123:5<br><b>patentee's</b><br>117:7, 121:5<br><b>patents</b><br>11:8, 32:9,<br>32:15, 113:18,<br>124:5, 124:9,<br>124:24, 125:7,<br>125:9, 125:12, | 125:16, 127:7,<br>127:9, 127:12<br><b>patterns</b><br>126:3<br><b>pause</b><br>66:11<br><b>pdf</b><br>49:2<br><b>pdu</b><br>55:5<br><b>pending</b><br>9:9<br><b>pennsylvania</b><br>3:15<br><b>perfect</b><br>135:9<br><b>perform</b><br>74:8, 99:19<br><b>performed</b><br>8:13<br><b>performing</b><br>47:22<br><b>perhaps</b><br>59:21<br><b>period</b><br>45:15, 60:9,<br>61:4, 61:7,<br>62:23, 66:6<br><b>permissive</b><br>89:4, 108:23,<br>119:19, 119:24<br><b>person</b><br>47:14, 53:20,<br>53:21, 53:25,<br>55:7, 55:20,<br>55:23, 57:2,<br>58:2, 58:9,<br>58:14, 60:1,<br>60:9, 61:25,<br>62:5, 62:9,<br>62:13, 62:19,<br>63:1, 63:15,<br>63:23, 75:11,<br>83:7, 87:22,<br>88:9, 96:4,<br>96:12, 100:18,<br>104:4, 104:18,<br>105:8, 105:11, | 105:13, 118:3,<br>120:11, 120:15,<br>131:21<br><b>person's</b><br>80:4<br><b>perspective</b><br>80:10, 96:12,<br>100:18, 105:7<br><b>pertinent</b><br>79:15<br><b>peter</b><br>1:20, 2:8, 4:4,<br>5:20, 6:24,<br>7:19, 20:15,<br>137:6, 137:9,<br>138:1, 138:9,<br>138:14, 139:19,<br>139:25<br><b>phone</b><br>5:13<br><b>phrase</b><br>59:14, 88:2,<br>116:22<br><b>physical</b><br>66:24, 72:19,<br>72:22, 77:21<br><b>pick</b><br>8:10, 56:12<br><b>place</b><br>129:18<br><b>plain</b><br>47:18, 47:20,<br>51:19, 54:5,<br>54:14, 103:13,<br>104:6, 104:7,<br>104:20, 105:16,<br>106:4, 113:9,<br>135:11<br><b>plaintiff</b><br>3:3<br><b>plaintiff(s)</b><br>140:11<br><b>plaintiffs</b><br>1:8, 6:16,<br>6:19, 10:5,<br>10:9, 10:11,<br>10:21, 11:1,<br>11:7, 11:12, |
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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>139:8<br/><b>planet</b><br/>6:5, 6:22<br/><b>platform</b><br/>20:8<br/><b>play</b><br/>37:2, 41:10<br/><b>playable</b><br/>39:6<br/><b>please</b><br/>5:4, 5:6, 5:9,<br/>5:10, 5:13,<br/>5:17, 6:8, 7:17,<br/>8:16, 8:19, 9:7,<br/>18:6, 20:1,<br/>21:2, 21:22,<br/>25:24, 39:2,<br/>48:16, 49:7,<br/>50:1, 57:7,<br/>84:12, 84:13,<br/>91:7, 95:2,<br/>113:5, 128:2,<br/>128:7, 129:12,<br/>131:15, 132:7,<br/>133:17, 135:8<br/><b>plenty</b><br/>31:22<br/><b>plurality</b><br/>97:15<br/><b>plus</b><br/>58:10, 69:10,<br/>87:25<br/><b>point</b><br/>50:1, 70:18,<br/>74:20, 87:18,<br/>88:7, 96:18<br/><b>pointed</b><br/>90:13<br/><b>pointing</b><br/>97:25<br/><b>portion</b><br/>88:19, 91:11,<br/>91:21, 92:23,<br/>102:8, 109:6<br/><b>portions</b><br/>31:14, 83:14,<br/>136:15<br/><b>posita</b><br/>53:19, 103:12,</p> | <p>105:7, 114:15,<br/>114:19, 120:5,<br/>122:23, 122:25,<br/>123:8, 123:13<br/><b>position</b><br/>53:19, 53:21,<br/>53:24<br/><b>positioning</b><br/>129:17<br/><b>positions</b><br/>10:11, 47:12<br/><b>possible</b><br/>78:18, 111:1,<br/>120:5, 120:8,<br/>123:9, 123:15<br/><b>possibly</b><br/>38:24<br/><b>practice</b><br/>40:22, 72:2<br/><b>preamble</b><br/>47:16, 47:21,<br/>48:1, 48:8,<br/>49:19, 50:10,<br/>50:11, 50:17,<br/>51:2, 51:6,<br/>53:1, 53:4,<br/>53:13, 54:2,<br/>54:13, 102:3,<br/>102:19, 102:22,<br/>105:10, 105:23,<br/>106:15, 106:24<br/><b>precise</b><br/>16:18, 52:7<br/><b>precisely</b><br/>70:1<br/><b>prefer</b><br/>113:13<br/><b>preparation</b><br/>14:22, 15:5,<br/>15:10<br/><b>prepare</b><br/>13:5, 14:14<br/><b>preparing</b><br/>15:15<br/><b>present</b><br/>3:19, 60:14<br/><b>presented</b><br/>23:19, 23:25,</p> | <p>24:4, 25:6<br/><b>president</b><br/>27:1<br/><b>pretty</b><br/>120:15<br/><b>previous</b><br/>13:7, 26:12,<br/>36:14, 78:8,<br/>78:13, 106:3,<br/>136:25<br/><b>previously</b><br/>91:5, 105:24,<br/>116:8, 116:14,<br/>130:21<br/><b>prior</b><br/>15:9, 56:4,<br/>95:23, 96:1,<br/>97:4, 97:20,<br/>98:8, 98:19,<br/>99:16, 135:8<br/><b>priority</b><br/>61:14, 61:18<br/><b>privilege</b><br/>9:5<br/><b>privileged</b><br/>124:16, 124:20,<br/>125:1<br/><b>probably</b><br/>25:17, 25:18,<br/>112:5<br/><b>problem</b><br/>97:1, 98:3,<br/>98:9, 98:15,<br/>98:25, 99:13,<br/>99:15, 99:18,<br/>101:2, 101:5,<br/>101:7, 101:9,<br/>101:10, 101:14,<br/>101:18<br/><b>problematic</b><br/>126:3<br/><b>procedure</b><br/>2:15, 47:22,<br/>49:14, 51:3,<br/>51:5, 52:20,<br/>53:5, 55:23,<br/>71:19, 95:18,<br/>96:3, 102:2,</p> | <p>102:21, 105:22,<br/>113:8, 128:25,<br/>129:5, 129:9,<br/>129:14, 129:19,<br/>130:8, 130:10,<br/>130:17, 130:19,<br/>130:23, 131:1,<br/>131:3<br/><b>procedures</b><br/>8:1, 49:1,<br/>62:15, 68:1,<br/>80:17<br/><b>proceed</b><br/>7:12, 65:3<br/><b>proceeding</b><br/>5:3, 5:7,<br/>140:16<br/><b>process</b><br/>7:5, 34:13,<br/>43:24, 44:6,<br/>44:17, 53:8,<br/>98:13, 109:18,<br/>126:22, 126:23<br/><b>produced</b><br/>2:9<br/><b>program</b><br/>28:9<br/><b>project</b><br/>43:15<br/><b>projects</b><br/>27:7<br/><b>prompted</b><br/>28:22, 33:6<br/><b>proper</b><br/>131:22<br/><b>properly</b><br/>8:15<br/><b>proposed</b><br/>85:14, 87:3,<br/>135:17, 135:20,<br/>135:24<br/><b>proposing</b><br/>54:7, 54:10,<br/>102:24<br/><b>prospect</b><br/>7:22<br/><b>protocol</b><br/>66:20, 66:23,</p> |
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Transcript of Peter Rysavy  
Conducted on July 12, 2023

164

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| 67:1, 68:2,<br>70:17, 71:2,<br>72:15, 72:24,<br>73:1, 77:2,<br>79:17, 80:11,<br>80:15, 81:25,<br>82:5<br><b>protocols</b><br>66:18, 67:5,<br>67:12, 67:23,<br>70:15, 71:17,<br>71:19, 72:20,<br>73:6, 76:23,<br>77:7, 77:9,<br>77:19, 79:16,<br>80:7, 80:8,<br>80:22, 80:25,<br>81:5, 81:6,<br>81:22, 81:23<br><b>provide</b><br>10:10, 10:21,<br>11:7, 12:18,<br>12:21, 17:7,<br>17:11, 20:7,<br>23:11, 24:24,<br>30:2, 30:12,<br>30:23, 36:9,<br>43:20, 51:19,<br>51:22, 52:7,<br>53:16, 54:23,<br>55:18, 58:1,<br>61:13, 66:17,<br>72:17, 76:14,<br>76:21, 81:15,<br>83:24, 95:11,<br>127:5, 136:3<br><b>provided</b><br>25:22, 29:1,<br>29:6, 30:8,<br>31:1, 31:2,<br>31:7, 31:16,<br>31:18, 32:22,<br>36:3, 36:22,<br>56:14, 56:16,<br>77:11, 128:3<br><b>provides</b><br>70:2, 104:18,<br>119:6 | <b>providing</b><br>31:23, 79:18,<br>80:9, 126:9,<br>133:14<br><b>provisions</b><br>2:16<br><b>public</b><br>138:20<br><b>publish</b><br>44:5<br><b>published</b><br>44:8, 64:7<br><b>publishes</b><br>44:10<br><b>pull</b><br>108:5, 131:9,<br>132:1<br><b>puncturing</b><br>126:3<br><b>purpose</b><br>8:4, 40:20,<br>95:25, 100:22,<br>113:22, 114:4<br><b>purposes</b><br>5:7, 133:18<br><b>pursuant</b><br>2:15, 7:9,<br>140:7<br><b>put</b><br>48:18, 65:20,<br>131:7, 136:12<br><hr/> <b>Q</b> <hr/> <b>quality</b><br>115:6<br><b>question</b><br>8:16, 8:18,<br>8:19, 8:23, 9:2,<br>9:3, 9:8, 9:9,<br>11:16, 13:7,<br>13:13, 13:14,<br>13:16, 13:17,<br>14:3, 14:8,<br>14:13, 16:18,<br>16:19, 23:2,<br>24:10, 24:17,<br>24:21, 26:15,<br>55:13, 60:15, | 63:14, 82:18,<br>85:6, 85:25,<br>86:8, 97:24,<br>108:15, 120:2,<br>121:2, 124:2,<br>124:17, 125:2,<br>130:13<br><b>questioning</b><br>37:22, 100:21<br><b>questions</b><br>8:5, 8:6, 9:13,<br>127:24, 130:9,<br>130:11, 132:21,<br>134:12, 135:10,<br>136:7<br><b>quickly</b><br>84:11, 127:1<br><b>quite</b><br>62:12, 85:6,<br>117:22, 123:15<br><hr/> <b>R</b> <hr/> <b>radio</b><br>66:17, 67:1,<br>67:16, 68:2,<br>70:17, 70:20,<br>72:11, 72:18,<br>73:12, 73:13,<br>73:14, 73:18,<br>74:2, 76:15,<br>77:1, 77:3,<br>79:6, 81:25,<br>82:1, 88:19,<br>91:12<br><b>rain</b><br>89:7, 89:8<br><b>random</b><br>47:16, 47:21,<br>47:22, 47:24,<br>48:1, 48:3,<br>48:6, 48:8,<br>48:25, 49:13,<br>49:19, 49:21,<br>50:10, 50:11,<br>50:14, 50:17,<br>50:21, 50:24,<br>51:2, 51:3,<br>51:5, 51:6, | 51:8, 51:13,<br>51:15, 51:18,<br>52:3, 52:10,<br>52:20, 52:25,<br>53:3, 53:4,<br>53:5, 53:12,<br>53:13, 54:1,<br>54:8, 54:11,<br>54:12, 54:17,<br>54:18, 54:24,<br>55:5, 55:9,<br>55:16, 55:21,<br>55:22, 67:25,<br>71:18, 80:16,<br>80:17, 95:18,<br>95:21, 96:3,<br>102:3, 102:18,<br>102:22, 102:23,<br>105:10, 105:22,<br>105:23, 106:15,<br>106:23, 113:8,<br>114:1, 128:24,<br>129:5, 129:9,<br>129:13, 129:19,<br>130:8, 130:9,<br>130:16, 130:18,<br>130:23, 131:1<br><b>range</b><br>17:7, 19:22<br><b>rap</b><br>47:16, 47:19,<br>47:23, 53:23,<br>101:12, 103:2,<br>110:8, 110:20,<br>110:23<br><b>rar</b><br>47:23, 51:20,<br>53:23, 54:3,<br>101:12, 110:21,<br>110:24<br><b>rate</b><br>13:3<br><b>rather</b><br>112:14<br><b>rd</b><br>21:24<br><b>reach</b><br>111:7, 117:7 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Transcript of Peter Rysavy  
Conducted on July 12, 2023

165

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>read</b><br/>5:18, 36:14,<br/>88:10, 90:17,<br/>91:7, 91:21,<br/>93:19, 96:24,<br/>109:17, 109:24,<br/>115:15, 116:15,<br/>117:4, 118:6,<br/>118:16, 118:21,<br/>119:6, 119:21,<br/>120:6, 123:13,<br/>129:3, 129:12,<br/>132:23, 134:16,<br/>136:15, 138:1</p> <p><b>readily</b><br/>18:7</p> <p><b>reading</b><br/>16:5, 105:14,<br/>108:23, 108:24,<br/>111:6, 116:7,<br/>116:22, 116:23,<br/>117:1, 117:11,<br/>117:20, 118:8,<br/>118:12, 118:17,<br/>119:10, 119:15,<br/>119:18, 119:24,<br/>120:11, 121:12</p> <p><b>reads</b><br/>109:22, 129:13</p> <p><b>reality</b><br/>79:6</p> <p><b>realize</b><br/>127:15</p> <p><b>really</b><br/>13:10, 30:1,<br/>41:3, 67:17,<br/>73:24, 86:8,<br/>95:14, 109:16,<br/>112:13, 120:10</p> <p><b>realtime</b><br/>13:25</p> <p><b>reason</b><br/>9:16</p> <p><b>recall</b><br/>11:21, 11:22,<br/>11:25, 12:1,<br/>12:4, 12:9,<br/>12:12, 19:4,</p> | <p>31:15, 31:17,<br/>33:2, 35:7,<br/>37:4, 37:9,<br/>37:10, 46:8,<br/>46:9, 65:4,<br/>76:6, 125:20,<br/>128:17, 128:18,<br/>128:22, 129:1,<br/>131:11, 132:20,<br/>132:22, 134:12,<br/>135:10, 136:16,<br/>136:17</p> <p><b>receive</b><br/>110:21, 110:23</p> <p><b>receiving</b><br/>102:3, 102:22,<br/>127:18</p> <p><b>recess</b><br/>21:16, 43:2,<br/>64:20, 94:9,<br/>123:24</p> <p><b>recite</b><br/>101:11, 134:1</p> <p><b>recited</b><br/>107:23</p> <p><b>recites</b><br/>100:1</p> <p><b>recognize</b><br/>20:18, 38:16,<br/>38:18, 59:7</p> <p><b>recollection</b><br/>17:14, 17:16,<br/>65:18, 66:3,<br/>73:1</p> <p><b>record</b><br/>2:16, 5:8, 6:9,<br/>7:2, 7:18,<br/>21:12, 21:14,<br/>21:18, 43:1,<br/>43:4, 64:18,<br/>64:22, 94:7,<br/>94:11, 123:22,<br/>124:1, 137:10,<br/>139:27, 140:10</p> <p><b>recording</b><br/>5:6, 41:15,<br/>41:20, 42:2,<br/>42:3</p> | <p><b>recross</b><br/>136:9</p> <p><b>refer</b><br/>10:15, 10:16,<br/>31:24, 45:18,<br/>47:6, 47:8,<br/>51:25, 52:6,<br/>53:8, 55:1,<br/>55:24, 58:20,<br/>68:10, 68:14,<br/>73:24, 74:16,<br/>74:22, 75:5,<br/>75:12, 75:15,<br/>82:16, 82:23,<br/>83:8, 83:14,<br/>84:5, 88:12,<br/>88:25, 89:11,<br/>89:22, 90:4,<br/>91:3, 95:8,<br/>96:23, 97:2,<br/>103:7, 108:3,<br/>110:1, 116:18,<br/>121:6, 122:3,<br/>122:8, 122:21,<br/>122:25, 123:10</p> <p><b>reference</b><br/>115:5, 118:11</p> <p><b>references</b><br/>46:18, 47:10,<br/>47:11</p> <p><b>referred</b><br/>46:25, 62:16,<br/>69:15, 73:18,<br/>75:3, 88:4,<br/>89:1, 90:19,<br/>90:20</p> <p><b>referring</b><br/>10:17, 39:5,<br/>39:7, 43:9,<br/>53:17, 58:4,<br/>59:14, 63:9,<br/>65:13, 65:18,<br/>73:15, 74:3,<br/>86:19, 87:19,<br/>94:24, 95:11,<br/>102:14, 110:12,<br/>111:21, 113:4,<br/>113:15, 120:6,</p> | <p>123:14, 125:13,<br/>133:10</p> <p><b>refers</b><br/>60:21, 68:8,<br/>75:1, 75:9,<br/>83:24, 86:6,<br/>86:23, 88:11,<br/>92:19, 92:21,<br/>93:7, 120:16</p> <p><b>reflect</b><br/>39:15, 46:19,<br/>57:1, 62:9, 90:1</p> <p><b>reflects</b><br/>64:6</p> <p><b>regarded</b><br/>28:18</p> <p><b>regarding</b><br/>24:14, 34:8,<br/>34:21</p> <p><b>regardless</b><br/>58:10, 58:13,<br/>59:24, 60:9</p> <p><b>reinforcing</b><br/>104:21</p> <p><b>reinvent</b><br/>81:2</p> <p><b>relate</b><br/>18:13, 25:7,<br/>101:25</p> <p><b>related</b><br/>18:9, 18:17,<br/>18:22, 22:19,<br/>22:23, 23:3,<br/>23:4, 23:12,<br/>24:1, 26:16,<br/>32:11, 34:22,<br/>35:15, 43:18,<br/>54:19, 60:8,<br/>61:9, 61:14,<br/>61:22, 127:6,<br/>127:8, 130:11,<br/>140:14</p> <p><b>relates</b><br/>24:23</p> <p><b>relating</b><br/>22:13, 22:17,<br/>22:24, 38:19,<br/>40:2, 40:6</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Transcript of Peter Rysavy  
Conducted on July 12, 2023

166

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>relationship</b><br>52:24, 53:3,<br>53:12, 53:15,<br>53:17<br><b>relative</b><br>56:7, 64:10,<br>69:11<br><b>release</b><br>66:5<br><b>released</b><br>65:17, 66:2,<br>69:7<br><b>relevant</b><br>23:20, 26:3,<br>31:2, 117:8,<br>127:8<br><b>relied</b><br>29:16, 30:6,<br>31:18, 31:21,<br>86:9, 131:12,<br>131:20<br><b>rely</b><br>30:15, 30:19,<br>31:10, 47:11,<br>55:8, 55:18,<br>83:16, 83:22,<br>84:2, 87:5,<br>90:24, 91:18,<br>92:24, 103:23,<br>103:25<br><b>relying</b><br>84:18, 84:22,<br>84:25, 85:12,<br>87:2, 104:12,<br>105:2<br><b>remain</b><br>77:20, 79:16<br><b>remains</b><br>77:11, 82:3,<br>137:2<br><b>remember</b><br>5:4, 5:9,<br>125:15, 128:21,<br>134:15<br><b>remote</b><br>1:19, 2:8,<br>3:21, 5:2, 6:4,<br>20:13, 37:17, | 37:19, 48:18,<br>48:21, 50:3,<br>128:12, 132:8<br><b>remotely</b><br>2:14, 5:3, 6:7<br><b>repeat</b><br>8:20, 42:7,<br>103:5<br><b>repeated</b><br>120:13<br><b>repercussions</b><br>24:11<br><b>rephrase</b><br>8:20, 39:14,<br>85:20<br><b>report</b><br>4:13, 15:15,<br>20:15, 20:19,<br>22:3, 22:8,<br>22:10, 22:14,<br>22:16, 22:19,<br>22:21, 22:22,<br>23:3, 23:9,<br>23:12, 23:17,<br>24:7, 24:18,<br>25:1, 25:4,<br>25:10, 25:20,<br>25:24, 44:22,<br>46:7, 46:10,<br>46:13, 46:14,<br>48:14, 49:5,<br>49:6, 52:14,<br>52:15, 57:8,<br>57:11, 57:23,<br>59:15, 60:5,<br>60:23, 61:3,<br>62:2, 63:10,<br>63:18, 65:13,<br>82:11, 84:5,<br>84:12, 85:12,<br>87:1, 87:2,<br>87:7, 91:3,<br>93:15, 93:24,<br>93:25, 94:22,<br>94:25, 96:1,<br>97:2, 98:18,<br>99:4, 100:9,<br>100:23, 101:3, | 103:20, 107:6,<br>110:11, 127:2,<br>127:13, 131:9,<br>131:16, 131:20,<br>134:6, 134:11,<br>135:8<br><b>reported</b><br>1:34, 2:14<br><b>reporter</b><br>5:11, 6:21,<br>108:14, 139:23<br><b>reporter's</b><br>139:18<br><b>represent</b><br>6:10, 33:20,<br>34:16, 34:23,<br>36:17, 114:17<br><b>representation</b><br>43:16<br><b>representative</b><br>41:16, 113:16,<br>113:20, 114:7,<br>114:11, 114:20,<br>114:23, 115:20<br><b>representing</b><br>6:5, 6:22,<br>34:15, 34:19,<br>61:7, 114:24<br><b>represents</b><br>115:12<br><b>request</b><br>20:5<br><b>require</b><br>28:8, 60:11<br><b>required</b><br>8:9, 23:21,<br>102:4, 116:12<br><b>requirements</b><br>45:3, 135:25<br><b>requires</b><br>24:22<br><b>reread</b><br>119:3<br><b>research</b><br>26:25, 27:1,<br>27:3, 27:17<br><b>resolve</b><br>101:15 | <b>resource</b><br>68:2, 70:17,<br>72:11, 72:18,<br>77:1, 81:25,<br>82:1<br><b>resources</b><br>70:20, 72:21,<br>72:22, 74:2<br><b>respect</b><br>34:5, 72:14,<br>117:13<br><b>respective</b><br>102:6, 102:10,<br>103:1, 103:3,<br>110:16<br><b>response</b><br>13:18, 13:19,<br>13:21, 26:12,<br>47:24, 48:3,<br>48:6, 48:7,<br>48:10, 49:22,<br>50:15, 50:21,<br>50:25, 51:9,<br>51:13, 51:16,<br>51:18, 52:4,<br>52:11, 52:20,<br>52:23, 52:25,<br>53:4, 53:12,<br>54:3, 54:8,<br>54:11, 54:17,<br>54:18, 54:24,<br>55:6, 55:10,<br>55:17, 55:21,<br>55:22, 56:2,<br>95:21, 102:3,<br>102:23, 105:23<br><b>responses</b><br>8:9<br><b>rest</b><br>110:2, 116:19,<br>118:8<br><b>restart</b><br>102:14<br><b>restrictions</b><br>135:25<br><b>retained</b><br>10:5, 11:7,<br>11:11, 11:19 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Transcript of Peter Rysavy  
Conducted on July 12, 2023

167

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| <b>retention</b><br>11:18<br><b>retire</b><br>78:7<br><b>retrieve</b><br>21:5<br><b>return</b><br>140:1<br><b>returning</b><br>14:13<br><b>reveal</b><br>11:14, 11:17,<br>56:19, 125:10<br><b>revealing</b><br>125:3<br><b>review</b><br>15:4, 15:23,<br>18:23, 20:12,<br>21:8, 32:9,<br>37:24, 39:17,<br>46:10, 61:12,<br>94:14, 107:3,<br>109:5<br><b>reviewed</b><br>12:6, 22:3,<br>28:24, 94:12,<br>124:23, 125:7,<br>126:13<br><b>reviewing</b><br>12:9, 39:18,<br>117:4, 118:20<br><b>reviews</b><br>28:24<br><b>revisit</b><br>13:13<br><b>right</b><br>10:7, 10:12,<br>12:7, 14:3,<br>15:19, 16:4,<br>16:6, 22:13,<br>25:2, 25:5,<br>26:1, 26:18,<br>29:17, 30:16,<br>32:5, 37:12,<br>45:7, 45:11,<br>46:20, 47:7,<br>48:24, 49:5,<br>50:22, 52:14, | 53:23, 54:17,<br>56:10, 56:25,<br>69:5, 69:22,<br>72:6, 73:22,<br>74:9, 76:17,<br>80:5, 80:23,<br>81:11, 87:8,<br>88:1, 89:2,<br>90:15, 90:22,<br>91:9, 91:15,<br>92:9, 92:14,<br>94:13, 97:21,<br>99:9, 99:11,<br>103:4, 103:10,<br>109:1, 112:23,<br>114:21, 115:21,<br>119:3, 119:25,<br>120:19, 122:20,<br>122:23, 124:22,<br>125:4, 128:15,<br>129:10, 132:11,<br>132:15, 133:13<br><b>right-hand</b><br>64:5, 135:16,<br>135:17<br><b>river</b><br>7:22, 26:10<br><b>rmr-crr</b><br>1:34, 2:13<br><b>role</b><br>34:3, 34:4,<br>34:7, 37:1, 40:3<br><b>roles</b><br>34:1<br><b>room</b><br>9:19<br><b>ropes</b><br>3:14, 6:11,<br>6:14<br><b>rough</b><br>12:18, 12:21,<br>12:23, 19:19,<br>25:13, 25:14<br><b>roughly</b><br>11:21, 17:14,<br>17:20, 19:11,<br>19:17<br><b>rrc</b><br>68:2, 71:2, | 72:11, 72:14,<br>72:24, 73:1,<br>80:16, 101:13<br><b>rules</b><br>2:15<br><b>run</b><br>5:4, 72:1<br><b>running</b><br>10:2<br><b>rysavy</b><br>1:20, 2:8, 4:4,<br>5:20, 6:24, 7:7,<br>7:13, 7:19,<br>10:4, 13:25,<br>15:18, 16:8,<br>16:20, 20:11,<br>20:15, 20:18,<br>21:13, 21:19,<br>23:14, 24:16,<br>25:24, 26:9,<br>26:15, 26:19,<br>26:25, 27:1,<br>27:3, 27:17,<br>32:1, 38:16,<br>38:18, 42:22,<br>43:5, 50:2,<br>51:17, 57:10,<br>59:6, 64:23,<br>82:19, 94:12,<br>124:3, 127:24,<br>128:15, 129:22,<br>130:15, 131:9,<br>132:12, 136:14,<br>137:9, 138:1,<br>138:9, 138:14,<br>139:19, 139:25<br><b>rysavy's</b><br>7:3<br><hr/> <b>S</b> <hr/> <b>s-e-a-k</b><br>32:23<br><b>said</b><br>12:3, 30:13,<br>30:23, 31:6,<br>31:9, 35:6,<br>36:15, 49:21,<br>49:23, 52:6, | 55:14, 58:17,<br>59:18, 65:3,<br>75:8, 77:19,<br>78:14, 80:1,<br>81:14, 83:20,<br>93:20, 109:16,<br>110:1, 111:5,<br>111:20, 118:11,<br>118:14, 118:16,<br>118:17, 119:4,<br>125:20, 127:11,<br>136:22, 138:14,<br>140:8<br><b>same</b><br>8:1, 50:9,<br>66:13, 66:17,<br>67:23, 70:19,<br>72:17, 76:16,<br>76:22, 77:11,<br>77:20, 79:16,<br>80:9, 80:15,<br>80:16, 80:25,<br>81:4, 81:10,<br>81:14, 81:15,<br>81:24, 82:3,<br>82:6, 90:7,<br>101:6, 111:19,<br>122:2, 131:2,<br>137:3, 138:2<br><b>save</b><br>103:7<br><b>saw</b><br>123:9<br><b>say</b><br>18:17, 19:22,<br>31:21, 35:8,<br>39:23, 44:2,<br>57:13, 65:6,<br>70:16, 73:14,<br>77:12, 81:19,<br>81:21, 88:4,<br>88:11, 88:14,<br>89:7, 95:14,<br>100:4, 107:25,<br>108:16, 112:7,<br>112:8, 112:14,<br>115:9, 117:3,<br>118:8, 118:20, |
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Transcript of Peter Rysavy  
Conducted on July 12, 2023

168

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>118:24, 118:25,<br/>124:4, 124:7,<br/>124:9, 124:10,<br/>125:21, 130:15,<br/>131:19, 136:23,<br/>137:1<br/><b>saying</b><br/>63:15, 73:20,<br/>114:22, 116:10,<br/>117:5, 118:21,<br/>119:1, 125:22<br/><b>says</b><br/>32:4, 59:11,<br/>87:22, 88:17,<br/>88:24, 91:10,<br/>92:10, 99:11,<br/>101:21, 102:8,<br/>102:17, 107:15,<br/>108:20, 111:3,<br/>112:2, 112:8,<br/>127:4, 133:13<br/><b>scan</b><br/>84:11<br/><b>scell</b><br/>107:16<br/><b>scheme</b><br/>98:23, 114:1<br/><b>scope</b><br/>45:25, 69:14,<br/>74:25, 75:2,<br/>75:4, 75:8,<br/>75:14, 76:3,<br/>83:10, 83:11,<br/>84:20, 86:22,<br/>100:22, 113:11,<br/>122:7, 122:12,<br/>123:3, 130:1,<br/>130:7<br/><b>scratch</b><br/>68:16, 75:3,<br/>98:8<br/><b>screen</b><br/>21:11, 38:10,<br/>41:9, 48:23,<br/>48:24, 50:4,<br/>50:6, 59:5,<br/>128:9, 128:15,<br/>129:21, 132:7,</p> | <p>133:17, 135:15,<br/>136:13<br/><b>scroll</b><br/>39:2, 49:7,<br/>129:21<br/><b>seak</b><br/>4:15, 32:22,<br/>38:13<br/><b>seal</b><br/>138:16<br/><b>search</b><br/>33:3, 120:22<br/><b>second</b><br/>88:14, 126:22,<br/>131:5<br/><b>seconds</b><br/>41:25, 42:2,<br/>42:14<br/><b>section</b><br/>46:16, 48:13,<br/>48:25, 49:4,<br/>49:6, 49:8,<br/>52:16, 55:4,<br/>116:15, 129:7,<br/>129:10, 129:22,<br/>129:25, 130:5,<br/>130:12<br/><b>see</b><br/>18:24, 21:1,<br/>21:24, 34:19,<br/>34:20, 38:11,<br/>39:3, 41:8,<br/>41:9, 41:12,<br/>41:14, 41:19,<br/>41:23, 42:1,<br/>46:10, 46:17,<br/>46:18, 48:19,<br/>48:20, 49:9,<br/>49:10, 49:11,<br/>49:16, 49:18,<br/>50:10, 50:11,<br/>50:13, 50:14,<br/>50:16, 51:24,<br/>52:1, 54:21,<br/>54:23, 56:3,<br/>57:10, 59:3,<br/>68:6, 71:14,<br/>72:24, 74:17,</p> | <p>77:22, 79:10,<br/>79:24, 80:21,<br/>81:4, 81:9,<br/>85:19, 86:2,<br/>86:4, 88:15,<br/>102:7, 107:10,<br/>109:6, 110:2,<br/>115:16, 116:19,<br/>116:21, 117:7,<br/>118:5, 119:8,<br/>125:23, 127:4,<br/>127:10, 128:14,<br/>128:16, 129:22,<br/>132:12, 132:16,<br/>133:23, 134:4,<br/>135:16<br/><b>seek</b><br/>58:6<br/><b>seeking</b><br/>30:22<br/><b>seemed</b><br/>37:25<br/><b>seen</b><br/>15:9, 15:14,<br/>79:24, 105:24,<br/>112:25<br/><b>select</b><br/>106:25, 116:12,<br/>134:23, 135:1,<br/>135:5, 136:20<br/><b>selected</b><br/>107:13, 107:17,<br/>108:1, 108:8,<br/>108:21, 109:2,<br/>109:8, 109:10,<br/>109:16, 109:20,<br/>109:25, 114:16,<br/>116:17, 116:22,<br/>117:2, 117:6,<br/>118:7, 118:13,<br/>118:18, 118:22,<br/>119:7, 132:17,<br/>133:5, 133:11,<br/>133:15, 136:1,<br/>136:5<br/><b>selecting</b><br/>126:21, 134:5<br/><b>selection</b><br/>117:9, 118:6,</p> | <p>134:14<br/><b>selects</b><br/>106:22, 113:7<br/><b>send</b><br/>50:24<br/><b>sending</b><br/>50:21<br/><b>sense</b><br/>114:11, 114:15,<br/>115:23<br/><b>sent</b><br/>48:6, 50:17,<br/>51:3<br/><b>sentence</b><br/>88:24, 89:6,<br/>91:8, 91:16,<br/>104:17, 107:23,<br/>127:4, 132:23,<br/>133:2, 133:10,<br/>134:16, 134:20,<br/>135:4<br/><b>series</b><br/>45:18, 45:20,<br/>45:21, 45:22,<br/>46:3, 46:6,<br/>46:19, 46:21,<br/>46:23, 47:8<br/><b>serve</b><br/>15:22<br/><b>served</b><br/>15:18, 16:16<br/><b>service</b><br/>65:20, 126:10<br/><b>serving</b><br/>27:10, 27:13<br/><b>set</b><br/>86:25, 102:19,<br/>110:15, 135:20,<br/>135:24<br/><b>several</b><br/>46:6<br/><b>share</b><br/>38:10, 48:23,<br/>50:6, 59:5,<br/>128:8<br/><b>sharing</b><br/>133:18<br/><b>short</b><br/>38:2, 38:8</p> |
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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>shorthand</b><br>139:22<br><b>shortly</b><br>64:12<br><b>should</b><br>5:8, 82:9,<br>82:12, 95:14,<br>107:24, 114:22,<br>124:20, 128:14<br><b>shouldn't</b><br>124:8<br><b>show</b><br>104:25, 132:6<br><b>shown</b><br>106:16<br><b>side</b><br>131:7, 135:16<br><b>signature</b><br>22:1, 22:2,<br>138:2, 140:1<br><b>signature-5tmlq</b><br>140:20<br><b>signed</b><br>22:3, 22:9,<br>22:11<br><b>significantly</b><br>25:18<br><b>signing</b><br>25:10<br><b>similar</b><br>31:23, 38:23,<br>72:5, 72:12,<br>72:13, 72:17,<br>79:7, 114:25,<br>115:10, 118:24,<br>119:4<br><b>similarities</b><br>76:21, 80:23<br><b>similarity</b><br>68:3<br><b>similarly</b><br>91:24, 129:6<br><b>simply</b><br>54:11, 111:3,<br>135:22<br><b>simpson</b><br>3:21, 20:10,<br>59:4, 128:11 | <b>simultaneous</b><br>74:1<br><b>since</b><br>27:11, 27:14,<br>37:20, 112:1<br><b>single</b><br>99:21, 120:11<br><b>sitting</b><br>19:1, 22:7,<br>25:2, 31:11,<br>31:14, 60:19,<br>86:4, 119:24<br><b>situation</b><br>112:13, 118:5<br><b>situations</b><br>110:19, 110:22,<br>111:8, 111:21,<br>112:3, 112:12,<br>119:18<br><b>skill</b><br>47:15, 53:22,<br>53:25, 55:8,<br>55:20, 55:24,<br>57:2, 58:2,<br>58:9, 58:15,<br>60:1, 60:10,<br>61:25, 62:5,<br>62:9, 62:14,<br>62:20, 63:1,<br>63:16, 63:24,<br>83:7, 87:23,<br>88:10, 96:4,<br>96:13, 100:18,<br>104:4, 104:18,<br>105:8, 105:12,<br>105:14, 118:3,<br>120:15, 127:6,<br>131:21<br><b>skim</b><br>131:16<br><b>slowly</b><br>5:5<br><b>small</b><br>17:4<br><b>smoothly</b><br>5:4<br><b>software</b><br>9:25 | <b>solely</b><br>86:25<br><b>solution</b><br>101:3, 101:4<br><b>solve</b><br>98:9, 98:16<br><b>solved</b><br>98:3<br><b>solving</b><br>97:1, 101:5<br><b>some</b><br>8:14, 23:19,<br>23:20, 23:21,<br>23:23, 24:22,<br>24:25, 29:6,<br>29:19, 30:3,<br>31:7, 31:25,<br>33:7, 35:9,<br>37:1, 45:4,<br>58:11, 68:3,<br>70:14, 71:12,<br>76:24, 78:15,<br>78:22, 80:23,<br>81:23, 103:21,<br>104:8, 105:21,<br>115:10, 115:19,<br>115:24, 118:9,<br>125:14, 128:19,<br>134:12<br><b>somehow</b><br>24:23<br><b>someone</b><br>48:16, 79:25,<br>123:3<br><b>something</b><br>21:11, 35:16,<br>35:19, 59:2,<br>90:5, 118:24,<br>119:5<br><b>sometimes</b><br>67:6, 68:20<br><b>sorry</b><br>11:15, 40:7,<br>42:1, 49:21,<br>50:10, 53:20,<br>55:19, 57:25,<br>66:11, 75:3,<br>83:5, 88:6, | 89:17, 93:3,<br>96:22, 102:16,<br>103:24, 112:5,<br>112:6, 113:5,<br>133:1, 133:2,<br>135:3<br><b>sound</b><br>16:4, 16:6,<br>125:18, 126:5,<br>126:11, 126:18,<br>126:19, 126:24,<br>127:20<br><b>sounds</b><br>24:9, 42:24,<br>85:7<br><b>source</b><br>113:15<br><b>sources</b><br>29:8, 31:22<br><b>speak</b><br>5:5, 64:25,<br>86:11, 121:9<br><b>speaking</b><br>5:12, 5:14,<br>68:13, 78:24<br><b>spec</b><br>52:12, 119:21,<br>120:1<br><b>special</b><br>32:20, 38:15,<br>38:21<br><b>specific</b><br>25:1, 28:8,<br>31:9, 42:1,<br>42:2, 43:20,<br>46:4, 47:15,<br>68:4, 77:3,<br>86:10, 89:24,<br>111:7, 115:4,<br>119:16, 134:1<br><b>specifically</b><br>60:8, 77:8,<br>79:8<br><b>specification</b><br>45:1, 45:2,<br>45:9, 47:3,<br>51:11, 51:13,<br>51:24, 52:1, |
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Transcript of Peter Rysavy  
Conducted on July 12, 2023

170

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| 52:21, 53:7,<br>53:8, 55:1,<br>55:3, 55:15,<br>56:11, 56:14,<br>58:13, 63:6,<br>63:7, 63:25,<br>64:2, 64:6,<br>71:10, 83:14,<br>83:22, 84:4,<br>84:10, 84:19,<br>86:1, 87:6,<br>90:8, 90:25,<br>92:24, 95:16,<br>96:22, 104:5,<br>104:19, 105:16,<br>107:3, 108:20,<br>108:25, 109:4,<br>109:6, 109:17,<br>110:2, 111:22,<br>112:22, 115:16,<br>116:19, 117:3,<br>117:4, 117:16,<br>118:8, 118:19,<br>118:21, 119:5,<br>123:14, 128:3,<br>134:25<br><b>specifications</b><br>29:10, 29:22,<br>30:4, 30:5,<br>30:24, 31:3,<br>43:10, 43:17,<br>43:20, 44:3,<br>44:7, 44:12,<br>44:21, 44:25,<br>45:6, 45:10,<br>46:7, 46:9,<br>46:19, 46:21,<br>47:8, 52:9,<br>55:9, 55:16,<br>55:25, 56:4,<br>56:8, 56:17,<br>56:22, 56:23,<br>57:1, 61:25,<br>62:2, 62:7,<br>62:8, 62:12,<br>62:15, 62:17,<br>62:18, 62:22,<br>63:3, 63:13, | 63:17, 66:4,<br>72:25, 73:24,<br>74:17, 75:10,<br>75:21, 80:1,<br>84:7, 84:18,<br>90:13, 96:21,<br>104:10, 105:21,<br>107:25<br><b>specified</b><br>74:12, 74:15,<br>77:18<br><b>spectrum</b><br>71:22<br><b>speculate</b><br>33:2, 57:16,<br>64:11, 68:22,<br>115:14<br><b>speculated</b><br>59:20<br><b>speculation</b><br>80:4, 116:4<br><b>speed</b><br>92:3<br><b>spend</b><br>16:22, 16:24,<br>17:3, 17:20,<br>19:12, 19:13,<br>19:18, 25:9,<br>35:13<br><b>spending</b><br>36:5<br><b>spent</b><br>12:16, 41:17<br><b>split</b><br>45:14<br><b>spoke</b><br>115:7<br><b>ss</b><br>92:6<br><b>stand</b><br>5:17, 45:8,<br>69:16, 136:22<br><b>standard</b><br>13:3, 66:2<br><b>standardization</b><br>44:17, 44:23<br><b>standards</b><br>43:25, 44:3, | 44:5, 44:7,<br>44:10, 47:4,<br>71:9<br><b>stands</b><br>43:14, 66:25,<br>67:1, 68:23,<br>69:17, 69:23<br><b>start</b><br>27:4, 64:14,<br>87:17, 102:16<br><b>started</b><br>12:1, 12:3,<br>12:9, 27:5,<br>61:5, 61:10<br><b>starting</b><br>39:8, 41:20<br><b>starts</b><br>49:1, 129:11<br><b>state</b><br>2:13, 6:9, 7:2,<br>7:17, 89:25,<br>97:4, 97:13,<br>98:18, 99:4,<br>100:8, 104:3,<br>104:16, 111:9,<br>138:11, 138:21<br><b>stated</b><br>2:16, 36:11,<br>61:2, 86:21,<br>116:14, 121:11,<br>130:22<br><b>statement</b><br>36:18, 89:9<br><b>statements</b><br>88:21, 90:1,<br>120:13<br><b>states</b><br>1:1, 5:24,<br>44:22, 82:16,<br>89:3, 110:12,<br>110:13, 135:4,<br>135:22, 139:1,<br>139:23<br><b>stating</b><br>54:11, 134:4<br><b>stations</b><br>67:13, 69:12,<br>69:15, 71:9, | 73:4, 75:1,<br>75:6, 78:20,<br>78:21, 78:22,<br>78:23, 80:9,<br>81:17, 81:18,<br>82:15, 82:20,<br>83:1, 86:23,<br>89:18, 122:8<br><b>stenographer</b><br>8:10<br><b>stenographic</b><br>2:14<br><b>step</b><br>50:20, 50:22,<br>50:24, 51:9<br><b>steps</b><br>44:9, 128:24,<br>129:1, 130:16,<br>130:25, 131:2,<br>131:5, 131:6<br><b>still</b><br>9:3, 60:18<br><b>stop</b><br>56:25<br><b>streams</b><br>126:4<br><b>street</b><br>7:19, 7:21<br><b>strike</b><br>13:20, 19:16,<br>23:6, 24:2,<br>26:24, 38:17,<br>39:10, 40:7,<br>51:16, 53:20,<br>77:22, 99:14,<br>110:6<br><b>strong</b><br>18:18<br><b>struggled</b><br>35:19<br><b>studied</b><br>56:7<br><b>study</b><br>72:23<br><b>subject</b><br>7:8, 37:25,<br>58:12, 60:7<br><b>submitted</b><br>15:25, 20:19, |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Transcript of Peter Rysavy  
Conducted on July 12, 2023

171

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 32:8, 32:11,<br>59:22, 139:29<br><b>subscribed</b><br>138:13<br><b>subscriber</b><br>92:5<br><b>subsection</b><br>49:8<br><b>subsequent</b><br>38:25<br><b>subsystem</b><br>65:10<br><b>succeed</b><br>32:19<br><b>successive</b><br>78:12<br><b>suggested</b><br>59:20<br><b>sum</b><br>67:17<br><b>superficial</b><br>30:21<br><b>superset</b><br>78:3, 78:13<br><b>supplied</b><br>57:19<br><b>supply</b><br>28:8<br><b>support</b><br>10:10, 10:22,<br>35:3, 47:12,<br>47:14, 74:1,<br>81:7, 83:17,<br>83:25, 84:9,<br>84:23, 85:1,<br>85:11, 85:13,<br>86:5, 86:10,<br>87:3, 90:25,<br>91:18, 104:13,<br>131:12<br><b>supported</b><br>77:10<br><b>supporting</b><br>79:15, 126:17<br><b>supports</b><br>70:9, 80:7,<br>80:8, 80:11,<br>80:14, 84:3, | 86:19, 87:14,<br>92:20, 93:6<br><b>suppose</b><br>112:11<br><b>sure</b><br>13:9, 13:12,<br>14:5, 14:7,<br>20:10, 22:11,<br>23:18, 24:10,<br>39:23, 44:2,<br>73:25, 74:11,<br>82:18, 85:25,<br>100:12, 112:13,<br>118:9, 121:9,<br>123:21, 124:10,<br>127:23, 129:20<br><b>susan</b><br>1:34, 2:12,<br>6:22, 139:22,<br>140:22<br><b>switch</b><br>94:4<br><b>sworn</b><br>2:10, 6:23,<br>6:25, 138:13,<br>139:25<br><b>synchronization</b><br>60:8, 92:18,<br>95:4, 95:17,<br>97:5, 97:10,<br>97:14, 97:17,<br>98:5, 98:6,<br>98:13, 98:14,<br>98:20, 98:23,<br>99:2, 99:7,<br>99:19, 99:22,<br>107:20, 113:23,<br>133:8<br><b>synchronized</b><br>96:9<br><b>system</b><br>65:15, 88:6,<br>88:13, 92:7,<br>97:18, 98:24,<br>99:21<br><b>systems</b><br>97:6, 97:11,<br>97:16, 98:21 | <b>T</b><br><b>ta</b><br>47:17, 101:13,<br>102:9, 102:25,<br>107:19, 110:21,<br>110:23, 114:8<br><b>tab</b><br>19:25, 37:15,<br>37:18, 48:11,<br>58:22<br><b>table</b><br>135:15<br><b>take</b><br>9:7, 9:10,<br>33:6, 35:23,<br>37:21, 38:3,<br>42:23, 64:14,<br>64:16, 81:2,<br>110:10, 110:11,<br>120:11, 123:18,<br>129:18, 131:16<br><b>taken</b><br>2:10, 9:12,<br>140:9, 140:16<br><b>takes</b><br>129:14<br><b>taking</b><br>7:16, 48:24,<br>93:1, 93:5<br><b>talk</b><br>5:5, 43:12,<br>101:2, 105:22,<br>107:12, 124:10<br><b>talked</b><br>116:8<br><b>talking</b><br>55:2, 89:11,<br>93:7, 111:23,<br>111:25, 117:25<br><b>talks</b><br>99:5, 99:8,<br>105:25<br><b>taught</b><br>27:25, 28:2,<br>35:10<br><b>tdma</b><br>66:24 | <b>teach</b><br>28:5<br><b>teaching</b><br>28:9, 28:23,<br>29:17<br><b>tech</b><br>3:21<br><b>technical</b><br>30:20, 43:9,<br>43:17, 43:20,<br>44:24, 44:25,<br>45:2, 45:6,<br>45:8, 45:10,<br>55:8, 74:3,<br>127:8<br><b>technical-related</b><br>5:15<br><b>technically</b><br>44:2, 78:24<br><b>technician</b><br>5:2, 20:13,<br>37:17, 37:19,<br>48:18, 48:21,<br>50:3, 128:12,<br>132:8<br><b>techniques</b><br>32:20, 35:10,<br>35:13, 38:15,<br>38:21<br><b>technologies</b><br>27:20, 27:22,<br>27:24, 28:1,<br>28:3, 28:12,<br>43:18, 43:19,<br>44:18, 65:24,<br>66:1, 68:1,<br>69:5, 71:11,<br>71:23, 71:24,<br>72:1, 74:13,<br>75:23, 75:25,<br>86:17, 92:20,<br>93:9, 93:13,<br>96:9, 120:14<br><b>technology</b><br>18:3, 18:5,<br>18:14, 18:15,<br>18:19, 18:22,<br>18:25, 19:2, |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Transcript of Peter Rysavy  
Conducted on July 12, 2023

172

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>19:5, 26:22,<br/>27:8, 27:11,<br/>27:14, 27:15,<br/>27:16, 27:19,<br/>29:9, 31:8,<br/>43:22, 45:5,<br/>45:23, 46:24,<br/>47:5, 47:9,<br/>60:12, 60:13,<br/>62:16, 72:12,<br/>78:8, 80:20,<br/>81:5, 86:7,<br/>92:22, 122:22,<br/>123:1<br/><b>tell</b><br/>8:19<br/><b>term</b><br/>68:8, 68:16,<br/>68:17, 68:25,<br/>69:2, 69:24,<br/>75:9, 75:11,<br/>75:15, 75:17,<br/>75:19, 76:4,<br/>80:2, 82:9,<br/>82:14, 82:19,<br/>83:12, 85:7,<br/>85:16, 85:22,<br/>86:22, 88:11,<br/>88:16, 88:22,<br/>89:4, 89:21,<br/>89:25, 90:4,<br/>90:10, 92:3,<br/>93:12, 93:23,<br/>103:14, 103:18,<br/>104:1, 104:7,<br/>104:14, 105:6,<br/>106:2, 111:15,<br/>112:21, 112:25,<br/>113:10, 120:16,<br/>120:18, 120:20,<br/>120:23, 121:3,<br/>121:16, 121:19,<br/>122:2, 122:4,<br/>122:9, 123:4,<br/>131:13, 131:23,<br/>133:22<br/><b>terminal</b><br/>90:18, 91:25,</p> | <p>92:5, 126:9,<br/>126:23<br/><b>terms</b><br/>22:20, 22:24,<br/>23:4, 23:8,<br/>23:16, 23:20,<br/>24:6, 24:14,<br/>47:16, 52:18,<br/>54:1, 54:4,<br/>54:6, 54:12,<br/>54:15, 84:16,<br/>84:17, 91:24,<br/>94:4, 105:9,<br/>105:13, 105:16,<br/>105:17, 106:4<br/><b>testified</b><br/>6:25, 14:1,<br/>16:11, 16:14,<br/>17:20, 83:6<br/><b>testify</b><br/>9:17<br/><b>testifying</b><br/>19:9, 32:14,<br/>33:3, 33:8,<br/>34:3, 34:4,<br/>42:10<br/><b>testimony</b><br/>13:24, 128:4,<br/>128:19, 128:23,<br/>128:24, 130:7,<br/>130:16, 131:11,<br/>136:18, 136:25,<br/>137:2, 139:27,<br/>140:8<br/><b>texarkana</b><br/>1:3, 5:25,<br/>139:3<br/><b>texas</b><br/>1:2, 2:14,<br/>5:25, 139:2,<br/>139:23, 140:23<br/><b>textbook</b><br/>28:13, 28:22,<br/>29:3, 29:6,<br/>29:15, 29:16,<br/>29:20, 29:23,<br/>30:2, 30:8,<br/>30:15, 31:1,</p> | <p>31:12, 31:13,<br/>31:19, 31:24<br/><b>textbooks</b><br/>28:4, 28:6,<br/>28:9, 28:10<br/><b>th</b><br/>2:11, 6:2,<br/>140:19<br/><b>thank</b><br/>5:2, 5:16,<br/>7:14, 7:24,<br/>10:4, 10:19,<br/>20:4, 26:15,<br/>42:22, 43:6,<br/>50:7, 61:24,<br/>64:24, 123:17,<br/>127:22, 129:20,<br/>136:7, 137:4<br/><b>thanks</b><br/>64:17, 128:13<br/><b>themselves</b><br/>6:9, 84:20<br/><b>theoretically</b><br/>111:24<br/><b>thereafter</b><br/>64:12<br/><b>therefore</b><br/>134:21, 134:22<br/><b>thereof</b><br/>126:10<br/><b>therewith</b><br/>127:18, 127:19<br/><b>thing</b><br/>50:9, 66:17,<br/>74:13<br/><b>things</b><br/>77:4, 78:22,<br/>101:12, 131:20<br/><b>think</b><br/>13:24, 21:4,<br/>24:11, 25:3,<br/>35:1, 36:3,<br/>36:21, 38:11,<br/>38:12, 42:15,<br/>42:22, 45:23,<br/>51:18, 61:6,<br/>65:10, 67:8,<br/>67:18, 69:22,</p> | <p>70:7, 73:6,<br/>76:7, 86:1,<br/>86:21, 89:9,<br/>96:11, 98:1,<br/>100:19, 104:16,<br/>105:5, 109:5,<br/>111:1, 111:6,<br/>112:24, 113:18,<br/>114:12, 115:7,<br/>116:14, 117:22,<br/>119:3, 119:23,<br/>120:12, 123:17,<br/>124:25, 125:2,<br/>130:14, 137:5<br/><b>thinking</b><br/>69:23, 115:15<br/><b>third</b><br/>43:14<br/><b>thoroughly</b><br/>22:4<br/><b>thought</b><br/>29:3, 30:7,<br/>30:16, 37:24,<br/>96:18<br/><b>thousands</b><br/>17:21<br/><b>three</b><br/>11:23, 45:15<br/><b>through</b><br/>18:7, 20:8,<br/>39:2, 41:21,<br/>59:25, 61:5,<br/>61:10, 62:24,<br/>84:11, 86:15,<br/>87:6, 89:20,<br/>91:4, 95:18,<br/>104:22, 105:9,<br/>107:17, 107:24,<br/>108:3, 108:5,<br/>108:7, 108:10,<br/>108:18, 109:11,<br/>109:21, 110:13,<br/>114:14, 116:9,<br/>116:10, 118:12,<br/>120:4, 131:17,<br/>135:22, 136:16,<br/>136:20<br/><b>throughout</b><br/>90:8, 112:21</p> |
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Transcript of Peter Rysavy  
Conducted on July 12, 2023

173

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| <b>time</b><br>5:14, 6:3, 6:4,<br>9:1, 11:16,<br>14:22, 17:3,<br>19:4, 21:17,<br>23:24, 25:9,<br>26:13, 27:6,<br>28:25, 35:14,<br>36:5, 37:4,<br>38:6, 41:1,<br>41:12, 41:17,<br>42:3, 42:6,<br>42:16, 42:20,<br>42:25, 43:3,<br>57:3, 57:5,<br>57:13, 57:14,<br>57:18, 58:4,<br>58:5, 58:6,<br>58:7, 58:14,<br>58:17, 58:18,<br>59:13, 59:19,<br>59:24, 60:4,<br>60:9, 60:16,<br>60:20, 61:2,<br>61:4, 61:7,<br>62:3, 62:10,<br>62:20, 62:23,<br>63:18, 64:21,<br>66:6, 66:25,<br>71:21, 74:3,<br>74:11, 94:4,<br>94:10, 97:21,<br>103:7, 113:17,<br>114:2, 114:3,<br>123:25, 124:7,<br>136:8, 137:9,<br>140:3, 140:8<br><b>timeframe</b><br>60:3, 61:13<br><b>timeframes</b><br>60:18<br><b>times</b><br>16:7, 16:13,<br>32:4, 32:6,<br>41:14, 63:8<br><b>timestamp</b><br>38:24<br><b>timing</b><br>54:2, 54:13, | 54:16, 54:19,<br>95:19, 96:2,<br>96:10, 100:6,<br>100:7, 100:8,<br>101:21, 101:22,<br>102:4, 102:6,<br>102:10, 103:2,<br>103:4, 105:11,<br>107:2, 110:16,<br>113:24, 113:25,<br>114:5, 114:7,<br>114:17, 114:25,<br>115:1, 115:5,<br>115:7, 115:11,<br>115:20, 116:1,<br>116:2, 132:14,<br>132:25, 133:7<br><b>tired</b><br>89:19<br><b>titled</b><br>49:8, 49:14<br><b>today</b><br>6:4, 6:21,<br>7:13, 7:16,<br>9:17, 9:20,<br>14:15, 16:8,<br>19:1, 22:7,<br>24:4, 24:19,<br>26:7, 31:11,<br>31:14, 60:19,<br>86:4, 89:7,<br>89:8, 100:23,<br>128:4, 136:8<br><b>today's</b><br>6:2<br><b>took</b><br>33:7, 38:21,<br>38:25, 39:20,<br>39:24, 40:4,<br>69:24<br><b>top</b><br>18:11, 113:14<br><b>topic</b><br>39:5, 39:7,<br>39:11, 39:14,<br>40:7, 40:13,<br>40:15<br><b>topics</b><br>39:15, 40:1, | 41:17<br><b>total</b><br>16:24<br><b>track</b><br>103:11<br><b>training</b><br>32:14, 32:17,<br>32:22, 33:1,<br>33:3, 33:4,<br>38:17, 38:19,<br>39:4, 39:16,<br>40:9, 40:14<br><b>transceiver</b><br>65:10, 65:14,<br>88:6<br><b>transcript</b><br>85:19, 139:26,<br>139:29<br><b>translation</b><br>109:24<br><b>transmission</b><br>114:2, 114:3,<br>129:18<br><b>transmissions</b><br>126:17<br><b>transmit</b><br>110:7, 110:20,<br>110:23<br><b>transmitted</b><br>54:17, 103:1,<br>103:2<br><b>transmitting</b><br>102:2, 102:18,<br>102:21, 106:15,<br>106:23, 127:17<br><b>treatment</b><br>30:20<br><b>trial</b><br>16:11, 16:14,<br>17:20<br><b>triangle</b><br>41:9<br><b>tripp</b><br>3:5, 6:18,<br>14:19<br><b>trouble</b><br>33:21<br><b>true</b><br>60:12, 138:3, | 139:27<br><b>truthful</b><br>9:13, 22:5,<br>33:24, 36:9<br><b>truthfully</b><br>9:17, 33:19,<br>36:16<br><b>try</b><br>38:2, 38:7<br><b>trying</b><br>21:10, 30:12,<br>51:17, 55:17,<br>60:16, 86:14,<br>93:11, 98:16,<br>99:1, 101:2,<br>101:4, 101:15,<br>105:3, 111:10,<br>112:24<br><b>ts</b><br>4:14, 45:7,<br>45:11, 46:3,<br>46:6, 46:15,<br>46:16, 46:19,<br>46:21, 46:23,<br>47:6, 47:10,<br>55:15, 56:3,<br>56:9, 56:10,<br>56:17, 61:24,<br>62:1, 62:8,<br>63:3, 63:17,<br>63:21, 64:2,<br>64:6, 105:21<br><b>turbo</b><br>126:4<br><b>turn</b><br>21:22, 25:23,<br>32:1, 41:6,<br>46:12, 48:13,<br>49:7, 57:7,<br>82:11, 93:23,<br>107:5, 113:13,<br>128:2, 128:6,<br>131:15, 132:4,<br>135:7<br><b>turning</b><br>61:24<br><b>tutorial</b><br>36:22 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Transcript of Peter Rysavy  
Conducted on July 12, 2023

174

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>two</b><br/>36:20, 37:6,<br/>45:14, 45:18,<br/>45:20, 45:25,<br/>47:10, 54:4,<br/>56:3, 69:10,<br/>111:12, 111:17,<br/>117:22, 119:15,<br/>129:14, 133:22,<br/>133:23<br/><b>type</b><br/>77:10<br/><b>types</b><br/>27:18, 40:1,<br/>76:22, 80:15,<br/>80:25<br/><b>typically</b><br/>19:23<br/><b>typo</b><br/>85:19<br/><b>typographical</b><br/>127:14</p> <hr/> <p><b>U</b></p> <hr/> <p><b>ue</b><br/>50:18, 50:21,<br/>50:25, 51:3,<br/>51:7, 90:19,<br/>91:23, 91:24,<br/>92:2, 92:10,<br/>92:14, 92:16,<br/>92:17, 92:18,<br/>95:20, 106:21,<br/>106:25, 113:7,<br/>114:1, 134:22,<br/>134:25, 135:5<br/><b>ul</b><br/>103:1, 103:3,<br/>114:17, 115:1,<br/>115:11, 132:14<br/><b>unable</b><br/>5:12, 53:11<br/><b>unclear</b><br/>13:16, 16:19,<br/>116:11<br/><b>under</b><br/>39:4, 51:18,<br/>60:18, 138:16</p> | <p><b>understand</b><br/>7:24, 8:7,<br/>8:11, 8:18,<br/>8:24, 9:5, 9:14,<br/>10:17, 29:2,<br/>30:7, 30:12,<br/>31:8, 35:14,<br/>36:5, 41:3,<br/>47:15, 51:1,<br/>51:17, 53:22,<br/>54:1, 55:9,<br/>55:12, 55:21,<br/>60:16, 65:11,<br/>72:5, 73:20,<br/>85:6, 85:16,<br/>85:21, 86:14,<br/>87:23, 101:2,<br/>101:4, 103:13,<br/>103:17, 104:5,<br/>105:3, 105:6,<br/>105:15, 109:17,<br/>111:25, 112:24,<br/>118:4, 123:10<br/><b>understandable</b><br/>8:21<br/><b>understanding</b><br/>23:2, 29:4,<br/>29:8, 30:14,<br/>31:10, 43:21,<br/>44:11, 47:9,<br/>51:20, 52:17,<br/>59:19, 60:20,<br/>60:25, 61:1,<br/>61:19, 73:23,<br/>75:19, 77:13,<br/>78:3, 94:15,<br/>95:22, 96:25,<br/>103:12, 104:14,<br/>104:19, 104:22,<br/>106:11, 109:1,<br/>110:5, 110:24,<br/>111:15, 113:1,<br/>113:10, 113:20,<br/>114:21, 121:13,<br/>127:5, 133:9,<br/>134:24, 135:11<br/><b>understood</b><br/>25:2, 39:2,</p> | <p>71:4, 73:3,<br/>84:22, 85:8,<br/>113:18, 121:18<br/><b>undertaking</b><br/>113:7<br/><b>unique</b><br/>78:15<br/><b>united</b><br/>1:1, 5:24,<br/>139:1<br/><b>universe</b><br/>86:11, 86:15<br/><b>unless</b><br/>9:4, 68:22,<br/>93:11, 117:2,<br/>118:18, 119:4<br/><b>unsure</b><br/>14:9<br/><b>up-to-date</b><br/>16:1<br/><b>uplink</b><br/>60:8, 92:18,<br/>95:3, 95:17,<br/>96:8, 97:17,<br/>97:18, 98:4,<br/>99:11, 100:4,<br/>100:6, 101:20,<br/>101:22, 101:23,<br/>102:5, 102:10,<br/>102:17, 107:20,<br/>110:13, 110:15,<br/>110:16, 113:22,<br/>114:4, 126:17,<br/>129:18, 132:25,<br/>133:8<br/><b>upload</b><br/>48:21<br/><b>upper</b><br/>64:5<br/><b>use</b><br/>21:8, 28:4,<br/>28:22, 30:4,<br/>47:16, 59:14,<br/>77:17, 78:1,<br/>78:4, 78:8,<br/>78:23, 84:16,<br/>89:6, 89:25,<br/>93:11, 93:16,</p> | <p>93:19, 96:2,<br/>100:6, 101:12,<br/>113:18, 117:19,<br/>119:16, 120:18,<br/>120:20, 120:21,<br/>120:23, 120:24,<br/>121:3, 121:6,<br/>121:19, 122:4,<br/>122:9, 122:11,<br/>122:14, 123:2,<br/>123:4<br/><b>useful</b><br/>29:6<br/><b>user</b><br/>48:2, 48:4,<br/>48:7, 66:18,<br/>76:15, 79:1,<br/>80:10, 82:2,<br/>90:18, 91:23,<br/>91:25, 92:5<br/><b>uses</b><br/>66:24, 67:1,<br/>70:23, 78:24,<br/>78:25, 79:8,<br/>79:9, 89:4,<br/>90:21, 91:14,<br/>92:8, 92:24,<br/>104:5, 104:19,<br/>105:16, 106:2,<br/>106:22, 117:10<br/><b>using</b><br/>42:10, 79:2,<br/>80:2, 88:16,<br/>89:21, 97:7,<br/>97:9, 98:21,<br/>99:1, 99:5,<br/>99:8, 99:14,<br/>99:24, 121:16,<br/>121:25, 122:2,<br/>128:23<br/><b>usually</b><br/>45:12, 45:14,<br/>74:25, 78:12<br/><b>ut</b><br/>92:5<br/><b>utilized</b><br/>92:1</p> <hr/> <p><b>V</b></p> <hr/> <p><b>valid</b><br/>60:2</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Transcript of Peter Rysavy  
Conducted on July 12, 2023

175

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>validity</b><br>10:22, 11:2,<br>11:5, 13:15,<br>13:22, 14:2,<br>14:6, 40:10<br><b>value</b><br>47:17, 54:13,<br>54:16, 54:19,<br>95:20, 96:3,<br>101:13, 102:9,<br>102:25, 107:19,<br>110:21, 110:23,<br>113:24, 113:25,<br>114:8, 116:1,<br>116:2, 133:7<br><b>values</b><br>100:7, 102:4,<br>105:11<br><b>varies</b><br>17:4, 19:14<br><b>various</b><br>27:6, 28:25<br><b>verizon</b><br>69:9<br><b>version</b><br>56:9, 63:7,<br>63:21, 63:25,<br>66:3, 69:19,<br>71:24<br><b>versions</b><br>56:11, 56:12,<br>56:14, 63:7,<br>63:9, 63:17<br><b>versus</b><br>5:22, 63:12,<br>66:21, 71:3,<br>79:11<br><b>via</b><br>5:13<br><b>video</b><br>5:10, 5:12,<br>5:18, 6:3, 6:6,<br>8:14<br><b>videographer</b><br>3:20, 5:17,<br>6:4, 6:21,<br>21:14, 21:17,<br>42:25, 43:3, | 64:18, 64:21,<br>94:7, 94:10,<br>123:22, 123:25,<br>137:8<br><b>videos</b><br>41:7<br><b>videotaped</b><br>1:19, 2:8,<br>5:20, 137:9<br><b>view</b><br>70:18, 74:20<br><b>virtual</b><br>73:12<br><b>vouch</b><br>75:10<br><b>vs</b><br>1:10, 139:10<br><hr/> <b>W</b><br><hr/> <b>want</b><br>7:19, 13:13,<br>23:22, 24:17,<br>26:4, 50:7,<br>50:8, 64:14,<br>81:1, 93:25,<br>110:11, 114:5,<br>120:22, 122:8<br><b>wanted</b><br>29:1, 33:9,<br>122:3, 122:25<br><b>washington</b><br>3:16<br><b>wave</b><br>77:17<br><b>waveform</b><br>79:6<br><b>way</b><br>8:20, 30:2,<br>36:11, 65:15,<br>69:22, 70:7,<br>70:19, 101:9,<br>109:22, 122:18<br><b>ways</b><br>36:2<br><b>wcdma</b><br>88:20, 91:13,<br>92:3<br><b>we're</b><br>8:1, 43:4, | 64:22, 94:11,<br>124:1<br><b>we've</b><br>91:5, 117:18,<br>119:12<br><b>web</b><br>38:13<br><b>website</b><br>62:6, 63:4<br><b>wednesday</b><br>6:2<br><b>welcome</b><br>43:5, 64:23<br><b>wheel</b><br>81:2<br><b>whenever</b><br>117:10<br><b>whereas</b><br>42:18, 66:25,<br>78:20, 89:11<br><b>wherein</b><br>102:25, 103:8,<br>103:14, 103:17,<br>104:1, 104:14,<br>105:6, 133:22<br><b>whether</b><br>14:5, 14:9,<br>31:15, 60:12,<br>60:17, 71:19,<br>74:17, 77:25,<br>85:7, 85:10,<br>116:11, 136:19<br><b>whole</b><br>41:4, 48:24,<br>86:2<br><b>wide</b><br>92:2<br><b>wifi</b><br>18:15, 27:20<br><b>wireless</b><br>1:6, 5:22,<br>6:17, 10:6,<br>18:13, 18:14,<br>26:22, 27:6,<br>27:7, 27:11,<br>27:13, 27:16,<br>27:19, 27:20,<br>88:13, 92:1, | 92:6, 96:7,<br>97:6, 97:11,<br>97:17, 98:20,<br>126:8, 139:6<br><b>wish</b><br>26:5, 53:9,<br>84:8, 96:24<br><b>within</b><br>31:25, 45:24,<br>56:1, 70:15,<br>77:19, 82:24,<br>100:16, 130:6<br><b>without</b><br>53:10, 53:17,<br>65:18, 74:3,<br>94:24, 95:11,<br>113:15, 116:7,<br>117:4, 118:7,<br>118:20, 123:14,<br>124:17, 125:3,<br>125:13<br><b>witness</b><br>2:9, 4:3, 4:16,<br>6:17, 6:20,<br>6:23, 10:7,<br>11:13, 15:6,<br>15:19, 15:22,<br>16:16, 16:22,<br>16:25, 18:21,<br>19:7, 19:12,<br>19:14, 19:18,<br>19:21, 20:7,<br>20:8, 32:18,<br>32:19, 34:17,<br>38:14, 38:20,<br>42:19, 48:20,<br>48:23, 56:19,<br>127:22, 138:14,<br>139:25, 139:28,<br>139:30, 139:31<br><b>wondering</b><br>86:16<br><b>word</b><br>89:6, 89:11,<br>89:15, 89:16,<br>89:24, 90:6,<br>90:23, 91:16,<br>93:20, 117:16, |
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Transcript of Peter Rysavy  
Conducted on July 12, 2023

176

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| 117:19, 118:1,<br>119:10, 119:16,<br>120:21, 120:24,<br>122:11, 122:14,<br>123:9, 135:12<br><b>wording</b><br>57:17, 57:18,<br>57:21, 58:1,<br>58:3<br><b>words</b><br>57:22, 104:6<br><b>work</b><br>12:3, 13:1,<br>17:5, 18:23,<br>19:21, 26:9,<br>26:10, 26:11,<br>26:17, 26:21,<br>26:24, 26:25,<br>27:14, 27:17,<br>27:18, 33:8,<br>40:16, 41:1,<br>41:25, 42:11,<br>42:19, 65:19,<br>71:19, 109:14,<br>126:22<br><b>worked</b><br>18:2, 18:4,<br>19:2, 19:4,<br>27:6, 65:23,<br>65:25, 69:4,<br>69:6, 75:22,<br>75:24, 79:25<br><b>working</b><br>11:10, 12:1,<br>12:16, 12:19,<br>13:14, 16:24,<br>19:6, 19:9,<br>19:12, 19:13,<br>19:18, 25:9,<br>35:15, 56:15,<br>57:19, 61:5,<br>61:10, 62:24,<br>86:17, 124:8<br><b>wouldn't</b><br>23:22, 30:15,<br>30:19, 31:21,<br>58:8<br><b>written</b><br>28:14 | <b>wrong</b><br>70:7<br><b>wrote</b><br>29:14, 60:4<br><hr/> <b>Y</b> <hr/> <b>yeah</b><br>133:3, 135:8<br><b>year</b><br>11:14, 11:19,<br>11:20, 11:23,<br>12:4, 16:21,<br>16:25, 17:1,<br>17:18, 18:20,<br>18:24, 19:3,<br>19:11, 19:14,<br>19:16, 19:17,<br>19:21, 69:10<br><b>years</b><br>17:11, 17:14,<br>19:6, 19:10,<br>58:11<br><b>yesterday</b><br>14:21, 15:1,<br>15:2<br><b>york</b><br>3:8<br><b>yourself</b><br>5:14, 40:15,<br>41:24<br><hr/> <b>Z</b> <hr/> <b>zhang</b><br>3:12, 4:5, 4:7,<br>6:11, 7:1, 7:11,<br>7:15, 20:3,<br>20:10, 21:12,<br>37:18, 48:16,<br>49:24, 50:5,<br>58:22, 59:4,<br>64:17, 94:6,<br>127:22, 128:8,<br>128:11, 128:13,<br>129:24, 130:1,<br>130:4, 130:11,<br>130:20, 131:4,<br>131:24, 132:6,<br>133:12, 134:3, | 135:2, 136:2,<br>136:9, 136:11,<br>137:7, 140:5,<br>140:12<br><hr/> <b>\$</b> <hr/> <b>\$1,000</b><br>37:11<br><b>\$500</b><br>12:25<br><hr/> <b>.</b> <hr/> <b>.0</b><br>56:9, 63:21<br><b>.1</b><br>49:8, 49:11,<br>128:17, 129:4,<br>129:7, 129:8,<br>129:11, 130:12,<br>130:18<br><b>.2</b><br>129:22, 130:24<br><b>.2780</b><br>3:9<br><b>.3</b><br>46:17<br><b>.4711</b><br>3:17<br><b>.5</b><br>46:16, 46:17,<br>48:13, 48:25,<br>49:8, 49:11,<br>52:14, 55:4,<br>128:17, 129:4,<br>129:7, 129:8,<br>129:11, 129:22,<br>130:12, 130:18,<br>130:24<br><hr/> <b>0</b> <hr/> <b>00</b><br>6:3<br><b>00113</b><br>1:11, 6:1,<br>139:11<br><b>01</b><br>140:26<br><b>08</b><br>64:19, 64:20 | <b>09</b><br>63:22, 64:1<br><hr/> <b>1</b> <hr/> <b>1</b><br>1:33, 49:11,<br>123:23, 123:24,<br>123:25, 128:17,<br>129:4, 130:18,<br>130:24<br><b>1,000</b><br>18:1, 19:24<br><b>10</b><br>12:23, 19:10,<br>25:14, 25:16,<br>25:17, 25:18,<br>32:4, 32:6,<br>41:25, 42:2,<br>42:14, 42:25,<br>43:2, 43:3,<br>89:23, 91:20,<br>140:6, 140:24<br><b>10.1</b><br>46:16, 48:13,<br>48:25, 49:8,<br>49:11, 52:14,<br>128:17, 129:4,<br>129:7, 129:8,<br>129:11, 129:22,<br>130:12, 130:18,<br>130:24<br><b>100</b><br>12:24, 18:1,<br>19:23, 25:15,<br>25:16<br><b>1001</b><br>3:8<br><b>10020</b><br>3:8<br><b>102</b><br>4:12, 58:23,<br>58:24, 59:1,<br>108:6<br><b>103</b><br>41:25, 42:2,<br>42:13<br><b>11</b><br>42:25, 43:2, |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Transcript of Peter Rysavy  
Conducted on July 12, 2023

177

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 64:19, 64:20,<br>64:21, 91:4,<br>93:25, 108:4,<br>108:7, 114:13,<br>116:9, 132:5,<br>132:13, 136:13,<br>136:15, 140:26<br><b>12</b><br>1:21, 2:3,<br>2:11, 6:2, 94:8,<br>94:9, 94:10,<br>107:5, 107:8,<br>107:9, 113:24,<br>134:7, 134:11,<br>134:13, 134:17,<br>139:20<br><b>1221</b><br>3:7<br><b>127</b><br>4:6<br><b>13</b><br>64:20, 64:21,<br>107:9<br><b>136</b><br>4:7<br><b>14</b><br>87:6, 87:10,<br>134:10, 140:19<br><b>140</b><br>1:33<br><b>14487</b><br>140:25<br><b>15</b><br>46:12, 46:14,<br>94:8, 94:9,<br>108:7, 140:5<br><b>16</b><br>7:22, 116:9,<br>132:13, 136:15<br><b>18</b><br>120:4, 132:16<br><b>19</b><br>41:21, 43:2,<br>43:3, 90:14,<br>132:9<br><b>1980</b><br>60:13, 65:20<br><b>1990</b><br>27:5, 65:21 | <b>1993</b><br>27:11, 27:14<br><b>1999</b><br>66:6<br><b>1g</b><br>76:16<br><hr/> <b>2</b><br><hr/> <b>2</b><br>2:12, 50:22,<br>137:10, 137:11<br><b>20</b><br>2:12, 4:13,<br>21:24, 32:9,<br>90:14, 137:10,<br>137:11, 138:17<br><b>20006</b><br>3:16<br><b>2009</b><br>3:15, 63:22,<br>64:1<br><b>2010</b><br>69:9<br><b>2015</b><br>59:12<br><b>202.508</b><br>3:17<br><b>2020</b><br>32:15<br><b>202008</b><br>38:24<br><b>2023</b><br>1:21, 2:3,<br>2:12, 6:3,<br>21:24, 139:30,<br>140:2, 140:19<br><b>203</b><br>139:20<br><b>21</b><br>108:5, 114:14<br><b>212.506</b><br>3:9<br><b>22</b><br>1:11, 6:1,<br>139:11<br><b>23</b><br>21:24, 140:24,<br>140:26 | <b>24</b><br>21:15, 21:16<br><b>247</b><br>126:16<br><b>25</b><br>97:4, 98:2,<br>98:18, 101:3,<br>101:8<br><b>26</b><br>21:16, 21:17,<br>97:13, 98:2,<br>100:8, 101:3,<br>101:8<br><b>27</b><br>108:5, 133:18<br><b>29</b><br>108:7, 114:14,<br>116:9, 136:16<br><b>2g</b><br>27:21, 47:6,<br>60:12, 65:4,<br>65:7, 65:9,<br>65:11, 65:17,<br>66:13, 66:21,<br>66:24, 67:4,<br>67:20, 67:24,<br>68:8, 68:11,<br>74:23, 75:13,<br>76:16, 82:15,<br>82:20, 83:2,<br>83:4, 83:5,<br>83:8, 88:7,<br>88:12, 93:9,<br>96:9<br><hr/> <b>3</b><br><hr/> <b>30</b><br>57:7, 57:9,<br>57:10, 57:22,<br>58:16, 59:15,<br>60:5, 60:23,<br>61:3<br><b>302</b><br>4:13, 19:25,<br>20:2, 20:11,<br>20:17, 20:18,<br>20:23, 21:20,<br>46:13, 57:8, | 57:11, 59:16,<br>107:6, 127:2<br><b>31</b><br>140:24<br><b>33</b><br>32:8<br><b>34</b><br>65:14, 87:7,<br>87:9, 87:17<br><b>35</b><br>87:15, 131:15,<br>131:19<br><b>36</b><br>46:3, 46:6,<br>46:19, 46:21,<br>46:23, 46:24,<br>47:6, 47:8,<br>87:15, 91:3<br><b>36.300</b><br>4:14, 46:15,<br>52:14, 55:3,<br>56:9, 63:21<br><b>36.321</b><br>46:16, 55:4,<br>56:10<br><b>37</b><br>4:15, 87:15,<br>89:20, 90:15,<br>90:16<br><b>38</b><br>84:14<br><b>3g</b><br>27:21, 43:22,<br>43:25, 47:6,<br>55:8, 65:4,<br>65:23, 65:25,<br>66:2, 66:4,<br>66:8, 66:12,<br>66:13, 66:21,<br>67:1, 67:4,<br>67:19, 67:25,<br>68:6, 68:15,<br>68:25, 69:3,<br>70:16, 70:18,<br>70:21, 70:23,<br>71:5, 71:8,<br>71:13, 71:15,<br>71:17, 72:5, |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Transcript of Peter Rysavy  
Conducted on July 12, 2023

178

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 72:21, 73:4,<br>73:9, 73:22,<br>73:24, 73:25,<br>74:5, 74:17,<br>75:5, 75:13,<br>76:16, 78:20,<br>78:21, 78:23,<br>78:24, 79:2,<br>79:7, 79:8,<br>83:2, 83:5,<br>83:8, 88:5,<br>88:12, 93:9,<br>105:21<br><b>3gpp</b><br>4:14, 29:10,<br>30:4, 31:3,<br>43:7, 43:8,<br>43:9, 43:12,<br>43:14, 44:13,<br>44:14, 44:15,<br>44:21, 44:24,<br>45:6, 45:10,<br>46:9, 46:15,<br>46:16, 55:3,<br>55:25, 56:3,<br>61:24, 62:1,<br>62:6, 62:7,<br>63:3, 66:4,<br>71:10, 74:16,<br>79:24, 104:9,<br>128:3 | 48:14, 49:4,<br>52:17, 54:12,<br>104:3, 104:17<br><b>45</b><br>107:10<br><b>47</b><br>16:3, 94:9,<br>94:10<br><b>48</b><br>4:14, 110:13<br><b>486</b><br>125:18, 126:1<br><b>499527</b><br>1:32<br><b>4g</b><br>27:21, 43:23,<br>43:25, 46:23,<br>46:25, 47:2,<br>47:4, 65:4,<br>67:25, 69:4,<br>69:6, 69:7,<br>69:12, 69:15,<br>70:17, 70:21,<br>70:22, 71:5,<br>71:9, 72:21,<br>73:4, 73:7,<br>73:21, 74:6,<br>74:20, 75:1,<br>76:16, 76:18,<br>77:5, 77:8,<br>77:10, 77:13,<br>77:16, 77:17,<br>77:23, 77:25,<br>78:4, 78:7,<br>78:8, 78:9,<br>78:20, 78:22,<br>78:25, 79:4,<br>79:7, 79:8,<br>79:11, 80:8,<br>80:22, 81:10,<br>81:17, 86:20,<br>120:6, 120:14,<br>123:11 | <b>500</b><br>37:10<br><b>52</b><br>123:23, 123:24<br><b>53</b><br>49:1<br><b>54</b><br>49:7, 124:8,<br>128:6<br><b>545</b><br>10:14, 10:16,<br>10:22, 11:2,<br>11:6, 12:6,<br>15:16, 22:13,<br>22:15, 22:17,<br>22:24, 23:5,<br>23:8, 23:13,<br>23:16, 24:1,<br>24:6, 51:11,<br>51:25, 55:15,<br>56:5, 57:3,<br>57:5, 57:14,<br>57:15, 57:18,<br>58:4, 58:12,<br>58:18, 59:7,<br>59:9, 59:13,<br>59:19, 60:4,<br>60:7, 60:17,<br>60:20, 61:2,<br>61:7, 61:15,<br>61:20, 61:23,<br>62:3, 62:10,<br>62:20, 63:18,<br>82:9, 84:10,<br>85:17, 85:22,<br>90:25, 91:23,<br>93:16, 94:12,<br>94:18, 94:23,<br>95:5, 95:11,<br>95:23, 96:4,<br>96:11, 96:19,<br>96:21, 97:1,<br>97:5, 97:9,<br>97:13, 97:21,<br>98:1, 98:10,<br>98:12, 98:19,<br>98:25, 99:5,<br>99:8, 100:19, | 101:14, 105:14,<br>106:5, 106:12,<br>106:13, 110:8,<br>116:6, 119:12,<br>121:12, 132:1,<br>136:12<br><b>56</b><br>129:21<br><b>58</b><br>4:12, 123:24,<br>123:25<br><b>59</b><br>2:4, 2:12<br><b>5:-cv--rws-jbb</b><br>1:11, 6:1,<br>139:11<br><b>5g</b><br>27:21, 43:23,<br>43:25, 60:13,<br>67:25, 75:22,<br>75:24, 76:1,<br>76:4, 76:5,<br>76:6, 76:7,<br>76:14, 76:18,<br>76:25, 77:3,<br>77:4, 77:7,<br>77:12, 77:15,<br>77:16, 77:24,<br>78:1, 78:4,<br>78:6, 78:8,<br>78:10, 78:16,<br>79:4, 79:6,<br>79:9, 79:11,<br>79:20, 80:7,<br>80:20, 80:22,<br>81:10, 81:17 |
| <b>4</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>6</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>4</b><br>140:5<br><b>401</b><br>4:14, 48:11,<br>48:12, 64:3,<br>128:2<br><b>406</b><br>4:15, 37:15,<br>37:16, 37:17,<br>37:18, 38:13,<br>38:16, 38:18,<br>39:3, 41:6,<br>41:21, 42:13<br><b>42</b><br>46:15, 47:13,                                                                                                                                                                                                                                                                          | <b>5</b><br><b>5-minute</b><br>64:16<br><b>5-minute</b><br>37:21                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>6.1</b><br>46:17, 55:4<br><b>6.2</b><br>46:17<br><b>631</b><br>126:20<br><b>64</b><br>107:10<br><b>6531</b><br>140:23                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

|                                                                                                                                                                                                                                                                                         |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <div>8</div> <div>8</div> <div>2:4, 2:12</div> <div>839</div> <div>126:7</div> <div>8th</div> <div>59:11</div>                                                                                                                                                                          |  |
| <div>9</div> <div>9</div> <div>6:3, 21:15,<br/>21:16, 21:17</div> <div>9,854,545</div> <div>4:12, 10:12,<br/>10:16, 20:16,<br/>20:21, 58:25</div> <div>9.1</div> <div>56:9, 63:21</div> <div>924</div> <div>127:17</div> <div>97031</div> <div>7:23</div> <div>99</div> <div>66:5</div> |  |