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

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MOTOROLA SOLUTIONS, INC.,
Petitioner,
v.
STA GROUP LLC,
Patent Owner.

IPR2023-01295

U.S. Patent No.: 8,994,830

----- X

June 19, 2024
9:56 a.m.

DEPOSITION of NATHANIEL POLISH, witness in
the above-captioned matter, taken pursuant to
Notice, held virtually online via Zoom, before
Fran Insley, a Notary Public of the States of
New York and New Jersey.

STA Group Exhibit 2008
Motorola Solutions Inc. v. STA Group LLC
IPR2023-01295

Page 1

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----- I N D E X -----		
WITNESS	EXAMINATION BY	PAGE
NATHANIEL POLISH	MR. KANTAREK	4

----- E X H I B I T S -----		
DEPOSITION	DESCRIPTION	PAGE
EXHIBIT 1001	United States Patent US 8994830	7
EXHIBIT 1002	Mr. Polish's Declaration	7
EXHIBIT 1004	United States Patent US 2006/0281471 (Shaffer)	7
EXHIBIT 1006	United States Patent US 2007/0173273 (Gogic)	7
EXHIBIT 1007	United States Patent US 8,090,388 (Opitz)	7
EXHIBIT 1011	United States Patent US 7,113,090 (Saylor) (Exhibits produced)	7

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1 N A T H A N I E L P O L I S H ,
2 having been first duly sworn by the
3 Notary Public, was examined and
4 testified as follows:

5 EXAMINATION BY

6 MR. KANTAREK:

7 Q. Good morning, Mr. Polish. Is it
8 Polish or polish?

9 A. It's Polish.

10 Q. My name is Kyle Kantarek. It's also
11 a Polish last name. I'll be asking you some
12 questions today. I'm going to go over a couple
13 of guidelines for the dep at the beginning,
14 just so we are on the same page. Is that
15 alright with you?

16 A. Sure.

17 Q. Have you been deposed before?

18 A. I have.

19 Q. How many times would you say?

20 A. Oh, somewhere over a hundred.

21 Q. Old hat for you. How about remote
22 depositions; have you been doing a lot of those
23 lately?

24 A. Yeah. Yeah, maybe a dozen or more,
25 something like that.

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1 Q. Okay, so yeah, I think that's kind
2 of maybe the most important guideline, right,
3 is that especially since we're remote, I'll let
4 you finish your answer, you let me finish my
5 question, 'cause we talk over each other the
6 court reporter isn't able to take down what
7 we're saying. Does that sound fair to you?

8 A. Yep.

9 Q. So I'll also assume that if you
10 don't follow up with me after my question.
11 That you understood it. Does that work for
12 you?

13 A. Yes.

14 Q. Is there any reason you can't give
15 truthful testimony here today?

16 A. No.

17 Q. You're not on any medication or
18 anything like that?

19 A. Nope.

20 Q. For breaks, you can ask for one
21 whenever you need it, of course. We'll try to
22 do it about every hour, and then maybe about
23 every hour and 10 minutes, and then an hour or
24 so for lunch, around 12 Central, if that works
25 for you?

1 A. Yeah, that's fine. Break every hour
2 is pretty important for me. And lunch at 12:30
3 or 1:00 my time is fine.

4 Q. Okay, great. Again, breaks, if you
5 need one, you can ask, just not during... while
6 a question is pending. Does that work for you?

7 A. Yes.

8 Q. And so, again, since this is a
9 remote deposition, I have uploaded some of the
10 exhibits, including your declaration and the
11 key priority in Exhibit Share. Do you have
12 them in printed form as well?

13 A. I have them -- I have them
14 downloaded on an iPad. I don't have them
15 printed but I have them downloaded.

16 Q. Okay, so you'll have them available.
17 So, basically if you're referring to something
18 in them and I can't see what you're doing,
19 maybe you could speak -- try to talk about your
20 actions if it's relevant to what you're
21 discussing in the reference. Does that work
22 for you?

23 A. That's great. One quick question
24 is, I probably would want to download the
25 exhibits into local PDF viewer rather than

1 looking at them on the web-based interface. I
2 assume that's not a problem?

3 Q. Yeah, no, that works well for me.
4 You can feel free to grab 'em. Do you have the
5 Exhibit Share? Are you connected to the
6 Exhibit Share folder?

7 A. Yeah, I am.

8 Q. Yeah, so I think I put in your
9 declaration -- sorry, we'll just go Exhibit
10 1001, 1002, 1004, 1006, 1007 and 1011.

11 A. Yup.

12 Q. So you can download them. You don't
13 need them all open right now.

14 (Whereupon Exhibits 1001, 1002,
15 1004, 1006, 1007 and 1011 were marked for
16 identification.)

17 Q. Do you have any messaging apps open
18 in the background on your computer?

19 A. No.

20 Q. And you'll let me know if you
21 receive any messages during the deposition?

22 A. Yeah. I shouldn't. Everything is
23 kind of turned off, but you know.

24 Q. And one other housekeeping note: If
25 you look at the exhibits, they have largely

1 have their own page numbers in the document,
2 and then an additional footer at the bottom
3 that says Motorola Solutions, Inc. Exhibit
4 blank, page blank. Do you see that?

5 A. Yeah.

6 Q. I'm going to be referring to those
7 page numbers as often as I can just for
8 continuity and ease of reference, if that works
9 for you.

10 A. That's fine. I'm trying to download
11 all the PDFs you have posted here just so I
12 have the versions you have posted. It's taking
13 a moment or two.

14 Q. It's no problem. I'm going to start
15 with some questions that aren't about exhibits,
16 so if you want -- and then we can check back in
17 on whatever exhibits we're going to use if they
18 are not downloaded yet.

19 A. Okay.

20 Q. So how much time did you spend
21 preparing for this deposition?

22 A. Somewhere like five or ten hours.

23 Q. When did you prepare for this
24 deposition?

25 A. Well, I met with counsel yesterday

1 for a few hours and I guess on Monday for a
2 very short time.

3 Q. How many hours would you say you
4 spent working on your declaration in this case?

5 A. You know, it was a while ago. I
6 don't remember. It was quite a bit of time.
7 Yeah, I don't remember the specific number of
8 hours. It was a fair bit of time though.

9 Q. Would you say more than 50 hours?

10 A. Yes.

11 Q. More than 75?

12 A. Yes.

13 Q. More than a hundred?

14 A. It was probably between 75 and a
15 hundred, something like that. But, you know, I
16 haven't totaled it up and it's been a while
17 since I submitted it.

18 Q. Fair. So when you were drafting
19 this declaration, it was an iterative process
20 with your lawyers, right?

21 A. Yeah, you could characterize it that
22 way.

23 Q. So you basically were able to make
24 any edits or include any opinions that you
25 wanted in your declaration, right?

1 A. Yes.

2 Q. Sitting here today, are there any
3 changes or updates to the declaration you'd
4 like to make?

5 A. I don't think so, no.

6 Q. And so you don't have any additional
7 opinions relevant to this case that weren't
8 included in your declaration, right?

9 A. Correct.

10 Q. Alright. I'd like to talk a little
11 bit your work for Motorola outside of this
12 case. Have you ever worked for Motorola before
13 this case?

14 A. I think -- in looking through my --
15 some of my old records, I may have been
16 retained on a case many, many years ago that
17 nothing ever came of, but I have no -- and have
18 no memory of that particularly, so. There may
19 be something in like 15 years ago kind of time
20 frame, but it didn't go anywhere.

21 Q. And you don't know what kind of case
22 that was?

23 A. No, I don't.

24 Q. Do you know whether or not it was a
25 patent case?

1 A. I don't know. I mean, honestly, if
2 asked the question, before I had reviewed
3 things, whether I ever worked for Motorola
4 before, I would have said no, but when I went
5 and looked through records, it was at least
6 something involving Motorola but it was -- it
7 may have been nothing more than a query about
8 whether I was available for a case.

9 Q. I'd like to talk a little bit about
10 your work on inter partes review proceedings.
11 Does it work for you if I call those IPRs?

12 A. Sure.

13 Q. So how much IPR work would you say
14 you've done; how many cases?

15 A. You know, I don't -- I don't recall
16 offhand. It's probably something like 10 or 15
17 over the last bunch of years.

18 Q. And would you say that you worked
19 more for patent owners or petitioners?

20 A. You know, it's about evenly split.
21 Yeah.

22 Q. Because IPRs have been around since
23 the early part of last decade, have you done
24 any patent work outside of IPR work?

25 A. Sure.

1 MR. WILLIAMS: Objection to form.

2 Q. So I'm going to try to get at this.
3 How long have you been providing opinions as an
4 expert on infringement or validity of patents?

5 A. So the first -- the first expert
6 witness case that I was involved with was AT&T
7 v Microsoft, somewhere like 2001, 2002.

8 Q. I'd like to turn briefly to Exhibit
9 1001, which is the patent you assert to be
10 invalid in this case.

11 A. Okay.

12 Q. And you can let me know when you
13 have that up.

14 A. It's taking a while to load. I may
15 just pull my local copy of it, if it's okay.
16 Let me see. Okay, I've got it.

17 Q. So Exhibit 1001 is US Patent No.
18 8,994,830, right?

19 A. Yes.

20 Q. If I call this the '830 patent or
21 the '830 patent, will that work for you?

22 A. Yes.

23 Q. I just want to get out ahead of
24 using the term Shaffer, because Shaffer is the
25 inventor on this patent and also the inventor

1 on a piece of art that you assert, which is
2 Exhibit 1004. So with that in mind, can you
3 open up Exhibit 1002, which is your declaration
4 in this case.

5 A. Okay, I've got that.

6 Q. If you could turn to page 22,
7 paragraph 28, and let me know when you're
8 there.

9 A. Yeah, I'm there.

10 Q. So in paragraph 28, second sentence,
11 you say, "I also understand that when
12 considering the obviousness of a patent claim,
13 one may consider whether a teaching,
14 suggestion, or motivation to combine the
15 references exists so as to avoid impermissibly
16 applying hindsight when considering the prior
17 art. I understand this test should not be
18 readily applied, but that the test can be
19 important to avoiding such hindsight." Do you
20 see that?

21 A. Yes.

22 Q. So your understanding is that
23 hindsight is impermissible when considering
24 prior art in an obviousness analysis, right?

25 A. Well, I'm not sure I would call it

1 my opinion. It's my understanding that one
2 shouldn't use hindsight, and we can talk about
3 what hindsight means, but one shouldn't use
4 hindsight in -- if at all possible. I mean,
5 you should avoid using hindsight in the
6 analysis of prior art.

7 Q. So in this case how did you avoid
8 impermissibly applying hindsight when drafting
9 your declaration?

10 MR. WILLIAMS: Objection to form.

11 A. Well, I looked at -- I looked at
12 pieces of prior art, I looked at what they were
13 teaching. I thought about, you know, what one
14 of ordinary skill would think about when
15 looking at those pieces of art. And I
16 considered it from that point of view. And,
17 you know, I certainly didn't go around looking
18 for art specifically to match particular pieces
19 of the '830 patent; instead I was looking at
20 the references themselves to see what somebody
21 would think about when looking at those
22 references.

23 Q. So did you find the references
24 asserted in this proceeding?

25 MR. WILLIAMS: Objection to form.

1 A. I don't remember the exact process
2 by which we chose the references. I was aware
3 of some of this art before being involved here.
4 I don't remember specifically how these
5 particular four references came into -- came to
6 be the ones we used.

7 Q. You said that you were looking at
8 the references themselves to see what somebody
9 would think about when thinking about those
10 references. I'm just trying to understand how
11 you identified the pool of references to look
12 at. So did you do any searching for references
13 in this case?

14 MR. WILLIAMS: Objection to form.

15 A. I may have done some looking around.
16 There were references that were provided by
17 counsel, there were references that I was aware
18 of. I may have done other searching. I
19 just -- I don't remember.

20 Q. So in paragraph 28 you talk about
21 the "teaching, suggestion, or motivation to
22 combine the references" test. You used that
23 test in your obviousness analysis in this
24 declaration; is that right?

25 MR. WILLIAMS: Objection to form.

1 A. Well, again, I considered -- I
2 considered those things as part of my analysis
3 and I considered those things as part of --
4 well, as part of my analysis, and I tried to
5 think about it from the point of view of
6 someone of ordinary skill, at the time of the
7 invention, what they would think looking at
8 those references.

9 Q. In the 10 to 15 IPRs that you've
10 done, have you ever gone back and reviewed what
11 the board had said about your opinions?

12 A. I'm sure I have. I'm sure --
13 particularly for ones that were instituted, I'm
14 sure I would have looked at them just as I've
15 looked at the ones here. Where they weren't
16 instituted, I probably didn't go back 'cause I
17 didn't have a reason to do it, but I'm sure
18 I've looked at what the boards have to say on
19 the ones that were instituted.

20 Q. So you can't remember looking back
21 at a decision denying institution of an IPR you
22 submitted a declaration for?

23 MR. WILLIAMS: Objection to form.

24 A. Not that I recall. I mean, to be
25 fair, you know, when I prepare for a deposition

1 such as this one I tend to be pretty narrowly
2 focused and just think about what I'm dealing
3 with at the -- in the present case. You know,
4 I don't remember looking at what the board had
5 to say on institution denial. I don't
6 specifically remember that. Again, there
7 generally isn't a reason to go do it.

8 Q. So you're not aware if the board has
9 ever found your reasoning too generic to
10 provide a credible reason why a person of
11 ordinary skill in the art would combine cited
12 teaching?

13 MR. WILLIAMS: Objection to form.

14 A. I don't know.

15 Q. I'd like to turn to Exhibit 1004,
16 please. It's the other Shaffer exhibit. I
17 would say you should keep your declaration
18 handy, basically for the whole deposition, and
19 then I will be kind of moving through other
20 exhibits as we talk about it.

21 A. Yeah, I may -- if that's okay with
22 you, I've got my local copies and I may, just
23 to make it easier, open up a local copy on an
24 iPad just so I have an additional screen to
25 look at.

1 Q. That's fine with me.

2 A. Okay, I've got the Shaffer '471
3 application up.

4 Q. Okay, great. And so just for
5 clarity, I'm going to call Exhibit 1004 Shaffer
6 and the Exhibit 1001 the '830 patent, okay?

7 A. Yes.

8 Q. So if you look at Shaffer, can you
9 turn to paragraph 8, please.

10 A. Okay.

11 Q. So paragraph 8 says - this is on
12 page 5 of Exhibit 1001. Paragraph 8 says,
13 "Technical advantages of particular embodiments
14 include providing a mobile endpoint user the
15 ability to communicate, while changing
16 locations, with different communication
17 networks that utilize different communication
18 parameters, such as different radio
19 frequencies, modulation methods and/or
20 encryption keys. As a user moves locations,
21 GPS location may be used to recognize a new
22 location. A user's endpoint may then, either
23 automatically, through specific user command or
24 predefined instructions, alter its
25 communication parameters so that the user may

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1 communicate on one or more local or other
2 networks that correspond to the user's
3 location. Accordingly, effort and time
4 associated with determining appropriate
5 communication parameters when moving to a new
6 location are reduced." Do you see that?

7 A. Yes.

8 Q. So one of Shaffer's proposed
9 technical advantages is allowing mobile users
10 to communicate while changing locations, right?

11 A. Broadly speaking, yes. I mean, the
12 paragraph you just read talks about, you know,
13 changing configuration based upon location, and
14 your question was about communicating while
15 changing locations, which this paragraph isn't
16 implying, I don't -- isn't saying that it would
17 change communications as you're moving. It
18 would change parameters when you move to a
19 different location. It's a subtle distinction,
20 I suppose.

21 Q. Well, the first sentence of
22 paragraph 8 says, "Technical advantages of
23 particular embodiments include providing a
24 mobile endpoint user the ability to
25 communicate, while changing locations, with

1 different communication networks that utilize
2 different communication parameters." Do you
3 see that?

4 A. Yes. Fair enough, fair enough.
5 They use the term "while."

6 Q. So again, one of Shaffer's technical
7 advantages is allowing mobile users to
8 communicate while changing locations, right?

9 MR. WILLIAMS: Objection to form.

10 A. Yes.

11 Q. Shaffer also says that its
12 disclosure helps reduce effort and time
13 associated with determining parameters of new
14 locations, right?

15 MR. WILLIAMS: Objection to form.

16 A. Yes, that's what that paragraph is
17 saying.

18 Q. Just as an aside, when I say strike
19 that, it's just to restart my question, so you
20 can kind of ignore it as I'm asking it. I just
21 want to make sure you understood what's
22 happening there. So with that said, strike
23 that. Shaffer is concerned with transient
24 endpoints, right?

25 MR. WILLIAMS: Objection to form.

1 A. So that paragraph, does that
2 paragraph talk about the term transient
3 endpoints? I don't think so.

4 Q. So paragraph 8 talks about a mobile
5 endpoint, right?

6 A. Yes.

7 Q. And also talks about "a user's
8 endpoint may then, either automatically through
9 specific user command or predefined
10 instructions, alter its communication
11 parameters so that the user may communicate on
12 one or more local or other networks that
13 correspond to the user's location," right?

14 A. That's right.

15 Q. So Shaffer is concerned with
16 transient endpoints, right?

17 MR. WILLIAMS: Objection to form.

18 A. Well, it's talking about mobile
19 endpoints that change location.

20 Q. Shaffer's technical advantages also
21 ensure endpoints are on the correct channel for
22 their present location, right?

23 MR. WILLIAMS: Objection to form.

24 A. Can you ask that again? I'm sorry.

25 Q. Sure. Shaffer's technical

1 advantages also ensure endpoints are on the
2 correct channel for their present location,
3 right?

4 MR. WILLIAMS: Same objection.

5 A. Well, you know, they don't use the
6 term correct. They use the term appropriate
7 communication parameters and they also talk
8 about local or other networks that correspond
9 to the user's location. They don't use the
10 term correct.

11 Q. They do talk --

12 A. Go ahead.

13 Q. They do talk about allowing the user
14 to communicate while changing locations, right?

15 A. Yes.

16 Q. And so in order to communicate while
17 changing locations a user has to be on the
18 correct channel, right?

19 MR. WILLIAMS: Objection to form.

20 A. Well, so, you know, again, they
21 don't use the term correct. They use the term
22 appropriate. I think -- I mean, the
23 implication -- the implication in these systems
24 is that you're moving into an area where there
25 are emergency services or some other -- some

Page 22

1 other responders and you're trying to
2 communicate with them appropriately. It's
3 different, for example, than with cellphones
4 where you're trying to maintain continuous
5 communication as you move from location to
6 location. This is more you're trying to have
7 configuration appropriate to the location
8 you've moved to.

9 Q. So it sounds like you just took
10 issue with the term correct. So let me just
11 ask, in order to communicate while changing
12 locations, a user has to be on the appropriate
13 channel, right?

14 MR. WILLIAMS: Objection to form.

15 A. I think the way this paragraph is
16 talking about it they are talking about setting
17 the mobile endpoint to be -- to have
18 appropriate communication parameters,
19 appropriate to the new location.

20 Q. So maybe I'll just ask my question
21 again. If you can just listen to the question
22 and try to answer the question specifically.
23 In order to communicate while changing
24 locations a user has to be on the appropriate
25 channel, right?

1 MR. WILLIAMS: Objection to form.

2 A. Again, you're using some different
3 words. I think it's -- you have to have the
4 appropriate communication parameters to the new
5 location. That may include channels, that may
6 include encryption keys, that may include other
7 settings. They're talking about a set of
8 parameters that are appropriate to the new
9 location.

10 Q. If you could open your declaration,
11 Exhibit 1002, page 55, paragraph 70, please.
12 If you can let me know when you're there.

13 A. I'm there.

14 Q. So in paragraph 70, you say,
15 "Shaffer discloses a communication system
16 connecting various devices (endpoints), such as
17 computers, phones, radios, and cameras used by
18 first responders, such as police and Fire
19 Departments." Do you see that?

20 A. Yes.

21 Q. You also say, "Shaffer describes
22 that different types of endpoints can be
23 combined by interoperability service (IS, 120
24 below) into "a virtual talk group for
25 communication using a particular IP address."

Page 24

1 Do you see that?

2 A. Yes.

3 Q. So Shaffer allows various types of
4 endpoints to communicate with each other,
5 right?

6 A. Yes.

7 Q. If you go to paragraph 82 of your
8 declaration, which is on page 64.

9 A. Okay.

10 Q. In the first sentence you say,
11 "Shaffer discloses an 'Interoperability System'
12 (IS 120 in Figure 3, red below) that allows
13 different networks using different
14 communication protocols," some examples are
15 shown, "to communicate 'audio, video or other
16 data' to each other via an Internet Protocol
17 (IP) network." Do you see that?

18 A. Yes.

19 Q. So Shaffer's interoperability system
20 allows different networks using different
21 communication protocols to communicate with
22 each other, right?

23 A. I'm sorry, can you ask that again?

24 Q. Sure. Shaffer's interoperability
25 system allows different networks, using

Page 25

1 different communication protocols, to
2 communicate with each other, right?

3 A. Yes.

4 Q. If you go to page 56 and paragraph
5 71, and you can let me know when you're there.

6 A. Paragraph 71?

7 Q. Yes. The page number is kind of
8 secondary to the paragraph number. So if
9 you're at the paragraph, you're good. I just
10 give the page number for maybe it aids
11 especially in navigating the PDF.

12 So in paragraph 71 you say, "Shaffer
13 further discloses that endpoints, including
14 video cameras, can be grouped into geographic
15 areas." Do you see that?

16 A. Yes.

17 Q. The endpoints in Shaffer join
18 networks or regions the endpoints are located
19 in, right?

20 MR. WILLIAMS: Objection to form.

21 A. The endpoints in Shaffer... let me
22 just take a quick look at what I'm citing to in
23 Shaffer. So the endpoints in Shaffer connect
24 to -- connect via communication networks that
25 are in a particular geographic area.

1 Q. And that's the same geographic area
2 that the endpoint is located in, right?

3 A. At that particular moment, yes.

4 Q. So in Figure 2, Shaffer teaches
5 endpoint 70 joining networks 60 and 61 in
6 geographic region 52, right? If you need the
7 description of Figure 2, it's at paragraphs 26
8 and 27 of Shaffer.

9 A. Yeah, I'm looking. Right, so --

10 Q. I was going to say I can just ask my
11 question again if you lost it a little bit.
12 Shaffer teaches that endpoint 70 joins or can
13 join networks 60 and 61 in geographic region
14 52, right?

15 A. Yes, as depicted in Figure 2, yes.

16 Q. Figure 2 doesn't teach endpoint 70
17 joining network 63, right?

18 MR. WILLIAMS: Objection to form.

19 A. Right. I think the way that diagram
20 is set up -- that figure is set up is that the
21 networks that are available to endpoint 70 are
22 61 and 60 and not 63.

23 Q. Right. So if endpoint 70 moved to
24 geographic region 54, it would be able to join
25 network 63, right?

1 A. Yeah, presumably according to Figure
2 2, yes.

3 Q. Can you move to paragraph 72 of your
4 declaration, which is right below Figure 2 in
5 there. You say, "As shown in Figure 4, as a
6 user of a mobile endpoint travels between
7 locations, the user can select various
8 parameters on the endpoint's display." Do you
9 see that?

10 A. Yeah, I see that. Let me just take
11 a look at Figure 4. Yes.

12 Q. And for that proposition you cite
13 Shaffer paragraph 44, right? Sorry. For that
14 proposition you cite Shaffer paragraph 44,
15 right?

16 A. Yeah, I'm citing to Figure 4 as well
17 as paragraph 44 here.

18 Q. Got it. Paragraph 44 describes
19 Figure 4, right?

20 MR. WILLIAMS: Objection to form.

21 Q. Let's look at Figure 4, then.
22 Figure 4 is on the next page of your
23 declaration. If you look at paragraph 44, it
24 states, "In the illustrated embodiment,
25 endpoint 200 includes a transmitter receiver

1 202, a user interface 204, processor 206, and a
2 memory module 208." Do you see that?

3 A. Yes.

4 Q. And if you go to paragraph 46 of
5 Shaffer, it states, first sentence, "In the
6 illustrated embodiment, memory module 208
7 includes network communication parameter
8 listings 210, which contains mappings of
9 communication settings, such as radio
10 frequencies and encryption keys, of
11 communication networks by location." Do you
12 see that?

13 A. Yes.

14 Q. The network communication parameter
15 listings are within memory module 208, right?

16 A. So the network communication
17 parameter listings 210 are contained -- are
18 contained within 208. That's what paragraph 46
19 is saying.

20 Q. Right. So turning back to 44,
21 paragraph 44, the last sentence on page 9,
22 says, "For example, through interface 204 a
23 user may input instructions regarding
24 adjustment of the endpoint's communication
25 settings (e.g., radio frequency, modulation

1 methods and encryption key) upon entering a new
2 communication network." Do you see that?

3 A. Yes.

4 Q. These are the network communication
5 parameter listings 210, right?

6 MR. WILLIAMS: Objection to form.

7 A. Well -- so they're not directly
8 referencing 210 there. What they're saying is
9 that through an interface, or user interface, a
10 user can make adjustments to communication
11 setting, radio frequencies, et cetera, upon
12 entering a new area. That is -- that may be in
13 addition to what's stored in the memory module,
14 that may be altering what's in the memory
15 module. But in 44 they're talking about the
16 user interface that allows adjustment of, among
17 other things, radio frequency and encryption
18 keys.

19 Q. Well, to be clear, what it actually
20 says is "through interface 204 a user may input
21 instructions regarding adjustment of the
22 endpoint's communication settings," right?

23 A. Yes, that's what it says. I
24 interpret that to mean, you know, they're using
25 very broad language about how the user

1 interface works, so that can be somebody typing
2 in radio frequencies, maybe that's someone
3 using some sort of interface dial, you know,
4 for dialing it up. They're just -- they're
5 trying to say it broadly there.

6 Q. Dr. Polish, I apologize. I hear
7 what you're saying. I saw that you said yes.
8 My question was pretty specific as to what the
9 paragraph said. It'd be great if you could
10 just answer that, my question. So we're
11 talking about the sentence that says "through
12 interface 204 a user may input instructions
13 regarding adjustment of the endpoint's
14 communication settings, upon entering a new
15 communication network," right?

16 MR. WILLIAMS: Objection to form.

17 A. That's what that sentence says, yes.

18 Q. Got it. And those communication
19 settings are, e.g., radio frequency, modulation
20 method and encryption key, right?

21 A. Yes.

22 Q. And then paragraph 46 of Exhibit
23 1004, it says, "memory module 208 includes
24 network communication parameter listings 210
25 which contains mappings of communication

1 settings such as radio frequencies and
2 encryption keys."

3 THE COURT REPORTER: I'm sorry, can
4 you repeat that please.

5 Q. So in paragraph 46 it says, "memory
6 module 208 includes network communication
7 parameter listings 210, which contains mappings
8 of communication settings, such as radio
9 frequencies and encryption keys of
10 communication networks by location," right?

11 A. That's what the sentence says, yes.

12 Q. And so paragraph 44 talked about
13 communication settings, radio frequency,
14 modulation method and encryption key, and
15 paragraph 46 talks about mapping of
16 communication settings such as radio
17 frequencies and encryption keys in item 210.
18 So I'm trying to understand what the difference
19 is between those two.

20 MR. WILLIAMS: Objection to form.

21 A. Between -- between what they're
22 saying or the technology involved?

23 Q. Right.

24 A. What are you asking now?

25 Q. You mentioned that you weren't sure

1 that the endpoint communication settings of
2 paragraph 44 were the same as the network
3 communication parameter listings 210, and I'm
4 showing you how they have two of the same
5 examples, and I'm wondering what in your
6 opinion the difference is?

7 MR. WILLIAMS: Objection to form.

8 A. So the point is that in 46 they're
9 talking about a database that has parameter
10 listings by location, and also by network. And
11 then in -- but in 44 they're talking about
12 making a specific adjustment to an endpoint's
13 communication setting. So 46 is talking about
14 this database that is a collection of
15 different, in the sense presets, or, you know,
16 pre-configured communication settings, and in
17 44 they are talking about a particular instance
18 of a user making adjustments to communication
19 settings when they enter a new area.

20 Q. So if you look at paragraph 72 of
21 your declaration, you say "the user can select
22 various parameters on the endpoint's display,"
23 and you cite Figure 4 and paragraph 44. So
24 looking at Figure 4 on page 58 of your
25 declaration, it includes a table, right?

1 A. Figure 4 contains a table, yes.

2 Q. And that table comes from
3 communication parameter listings 210, right?

4 A. Yes.

5 Q. There's no indication in Shaffer
6 that that table is displayed to a user of
7 endpoint 200, right?

8 MR. WILLIAMS: Objection to form.

9 A. So I think some form of that table
10 is displayed based at least in part on
11 paragraph 32 in Shaffer that I cite to at the
12 bottom of 72 -- of my paragraph 72, where I
13 talk about -- where it points to paragraph 32
14 of Shaffer, where there's a discussion of
15 having -- well, I'll just read the piece of the
16 paragraph: "In some embodiments, each network
17 for which communication settings are stored may
18 have its own switch command or button (e.g.,
19 'City A Police,' 'City A Fire,' 'City B
20 Police,' etc.) which may be operable within the
21 network's geographic area. In some cases,
22 buttons used to switch may be generically
23 mapped to a local area in which the endpoint is
24 present." So, point being that Shaffer talks
25 about creating a user interface that reflects

1 what's in the table that the end user could
2 interact with to pick a frequency or pick a set
3 of communication settings.

4 Q. And in paragraph 32 it talks about
5 buttons corresponding to location and network
6 in the table of Figure 4, right?

7 MR. WILLIAMS: Objection to form.

8 A. It talks about there could be a
9 button for each network for which communication
10 settings are stored and they're using examples
11 from the table in Figure 4 of, you know, of
12 City A Police, City B Fire, which are different
13 networks that are within the same physical
14 location.

15 Q. Right, and so my question was those
16 are buttons corresponding to the location and
17 network in the table on Figure 4, right?

18 A. Those are buttons corresponding to
19 the particular network.

20 Q. Oh, the network police, fire,
21 police, police, police; is that right?

22 MR. WILLIAMS: Objection to form.

23 A. Well, I'm sorry, ask that again. I
24 lost the train there.

25 Q. So I'll just go back to reask the

1 question. The buttons discussed in 32,
2 example, City A Police, City A Fire, City B
3 Police, those correspond to the location and
4 network shown in the table of Figure 4, right?

5 A. Yes. Those -- the examples in
6 paragraph 32 correspond -- are reflective or
7 correspond to what's in Figure 4.

8 Q. The first two columns of Figure 4,
9 right?

10 MR. WILLIAMS: Objection to form.

11 A. Yeah. I mean, they don't -- in
12 paragraph 32 they don't specifically call it
13 out, but it's clear that that's the example.
14 They're talking about -- it says, in 32, "In
15 some embodiments each network for which
16 communication settings are stored may have its
17 own switch commander button." So every
18 possible -- so each possible network that you
19 could tune to, or you could select, would in
20 this instance have its own button or switch.

21 Q. I got it. My question was just --
22 you were referring to the first two columns of
23 Figure 4. So if you could just try to respond
24 to my question only, that would be great. So
25 in Shaffer, broadly speaking, is it your

1 opinion that any endpoint with the required
2 network communication parameters can join the
3 network?

4 MR. WILLIAMS: Objection to form and
5 scope.

6 A. Any endpoint with the appropriate
7 parameters could join, that's your question?

8 Q. Yes.

9 A. Well, that may be a little bit too
10 broad. They do talk about there being
11 authentication and other kinds of control. I
12 think having the communications parameters
13 which might include encryption settings and
14 that sort of thing is certainly necessary, but
15 I think the -- I think Shaffer contemplates
16 some further protections or limitations as to
17 who can join.

18 Q. So if I take you to paragraph 35 of
19 Shaffer.

20 A. Yep.

21 Q. If you go to... it's in the second
22 column. It starts with "In particular." It's
23 maybe about 60 percent of the way down, the
24 portion of the paragraph in the second column.
25 Do you see it starts at "In particular"?

1 A. "In particular embodiments"?

2 Q. Yes, I'll read it. "In particular
3 embodiments, communication between CCP 80 and
4 mobile endpoint 74 may be performed
5 automatically without human intervention
6 resulting in automatic adjustment of the
7 frequencies, modulation methods and encryption
8 keys. This allows a user of the endpoint, such
9 as a mobile officer, to automatically connect
10 with network devices of a communication network
11 (e.g., local safety and security forces) once
12 the user enters the network's area." Do you
13 see that?

14 A. Yes.

15 Q. So in here it talks about automatic
16 adjustment of frequency modulation method and
17 encryption keys as necessary for automatically
18 connecting with network devices of a
19 communication network, right?

20 MR. WILLIAMS: Objection to form.

21 A. Well, I don't know about necessary,
22 but what I'll say is like both above and below
23 what you just read, above it it talks about
24 "upon successful authentication CCP80
25 determines that the vehicle is moved to a new

1 communication region and instructs endpoint 74
2 to adjust frequency modulation methods and
3 encryption keys," et cetera. So there's a --
4 at least in some instances there's an
5 authentication step, and then after what you
6 read it said, "In some cases one or more
7 interface actions, such as the pressing of a
8 key stroke, and/or predefined instructions may
9 be used to adjust the endpoint communication
10 settings transmitted by CCP based upon local
11 information to allow communication between
12 mobile endpoint 74," et cetera. So I think
13 there is certainly contemplated a version of
14 this where this all just happens automatically,
15 move from place to place; if everything is all
16 fine, there might be automatic adjustments and
17 you just go. But there's also something
18 contemplated where there's a manual entry of
19 communication settings and potentially a manual
20 authentication step.

21 Q. So I'm just trying to understand how
22 a mobile endpoint... like what a mobile
23 endpoint requires to join a specific
24 communication network in Shaffer. And so it
25 sounds like we talked about the right

1 frequency, modulation method, encryption key
2 and at some point some sort of authentication,
3 right?

4 A. That seems to be the case here, yes.

5 Q. So as long as an endpoint satisfies
6 these requirements it can join the subject
7 communication network, right?

8 MR. WILLIAMS: Objection to form.

9 A. Well, the endpoint... what's talked
10 about in this embodiment here is that the
11 endpoint needs to have the correct
12 communication parameters, however it gets them,
13 and it needs in some cases to have successful
14 authentication, and in that case it would seem
15 it could join the network.

16 Q. If you turn back to paragraph 71 of
17 your declaration. Excuse me, that's on page
18 56. It's Exhibit 1002. You say, "Shaffer
19 further discloses the endpoints, including
20 video cameras, can be grouped into geographic
21 areas." Do you see that?

22 A. Yes.

23 Q. You don't cite any teaching in
24 Shaffer for your opinion that Shaffer discloses
25 endpoints that include video cameras, right?

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1 MR. WILLIAMS: Objection to form.

2 A. So in my paragraph 71, I make
3 reference to Shaffer paragraph 75 -- Shaffer
4 paragraphs 25 and 27, which if you look at
5 paragraph 25, it says, like five lines down,
6 "For example, endpoints 32a to 32h may include
7 a telephone, personal computer, a video
8 monitor, a camera," so there's a camera
9 involved at least. And then it goes on, "a
10 command center or any other communication
11 hardware, software and/or encoded logic that
12 supports the communication of audio, video or
13 other data, using packets of media (or
14 frames)." So they don't say the words video
15 cameras there, but they talk about devices that
16 have cameras and they talk about the network
17 being able to support communication of audio
18 and video.

19 Q. If you go to page 76 of your
20 declaration, paragraph 101. If you see at the
21 beginning it talks about --

22 A. Hang on one second.

23 Q. Oh, sure.

24 A. 101, okay.

25 Q. Your first sentence sets out

1 limitation 1c. It says "from which a plurality
2 of video feeds associated with the geographic
3 zone are sourced." Do you see that?

4 A. Yes.

5 Q. You don't cite Shaffer in this
6 paragraph at all, right?

7 MR. WILLIAMS: Objection to form.

8 A. I believe that's correct. I believe
9 I'm -- in my 1C analysis here I'm talking --
10 I'm using the video feed discussed in Saylor...
11 I actually talk about this element.

12 MR. KANTAREK: I think it's a good
13 time for a break. Let's go off the
14 record.

15 (Off the record. Time noted:
16 11:00 a.m. to 11:10 a.m.)

17 Q. Mr. Williams, did you talk to anyone
18 at the break?

19 MR. WILLIAMS: Are you talking to
20 me?

21 Q. I'm so sorry. Dr. Polish, I think
22 it's the real time. It says Mr. Williams. The
23 last two deponents are Mr. Williams. Dr.
24 Polish, I'm so sorry, did you talk to anyone at
25 your break?

1 A. No.

2 Q. If you could turn to Exhibit 1011,
3 which we'll call Saylor.

4 A. Hang on. Okay, I got it.

5 Q. Exhibit 1011 is Patent No.
6 7,113,090, right?

7 A. That's correct.

8 Q. You'll understand that I'm referring
9 to Exhibit 1011 when I use the term Saylor,
10 right?

11 A. That's right.

12 Q. If I look at the abstract, this is
13 on page 1, it says, "The present invention
14 provides a personal security network where an
15 individual's system or systems of security
16 devices may be connected to a central security
17 network." Do you see that?

18 A. Yes.

19 Q. And then it goes on to say, if you
20 skip a sentence, it says, "The present
21 invention provides a security network where a
22 user may set up personalized alarms and alert
23 services; identify various methods of contact;
24 order at which to be contacted; individuals and
25 entities to be contacted; type of situations to

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1 be alerted of and other relevant security and
2 other information." Do you see that?

3 A. Yes.

4 Q. So Saylor provides a security
5 network for a user to set up personalized
6 alarms and alert services, right?

7 MR. WILLIAMS: Objection to form.

8 A. Yes. As described here, Saylor sets
9 up a centralized security server and network
10 for -- you know, for a building or facility to
11 set up.

12 Q. If you go to column 1, line 17 of
13 Saylor. It's on page 20.

14 A. Column 1, which lines?

15 Q. Starts at line 17. Line 17 through
16 22. It says, "The present invention relates
17 generally to the field of security systems, in
18 particular to a system and method for
19 connecting a security system to a wireless
20 communication system to automatically inform an
21 owner and other authorized entities in a manner
22 predetermined by the user when alarm situations
23 and/or alarm worthy situations occur." Do you
24 see that?

25 A. Yes.

1 Q. So would you describe Saylor as a
2 closed network?

3 MR. WILLIAMS: Objection to form,
4 scope.

5 A. I don't think I would call it
6 closed. I mean, it's reaching out to
7 responders and other people to alert and -- to
8 respond to things. So no, I don't think I
9 would call it a closed system or a closed
10 network.

11 Q. The only people it reaches out to
12 are an owner and entities authorized by an
13 owner to be reached out to, right?

14 MR. WILLIAMS: Objection to form.

15 A. Well, it has -- it has a contact
16 database and it has policies and it goes out
17 and reaches out using that database. But, I
18 mean, it is specifically contemplating reaching
19 out to the authorities and other, you know,
20 other entities outside of the building to
21 respond to a, what do they call it, an alarm
22 worthy situation.

23 Q. And those other entities or only
24 those authorized by the owner, right?

25 MR. WILLIAMS: Objection to form.

1 A. Well, those are ones that are in the
2 contact database.

3 Q. And the owner --

4 A. Those are the ones that are in the
5 contact database that are meant to be contacted
6 under the particular circumstances.

7 Q. And the owner determines who those
8 contacts are, right?

9 MR. WILLIAMS: Objection to form and
10 scope.

11 A. Well, whoever has access to that
12 database determines it. There's any number of
13 possibilities for how that contact list and set
14 of policies gets set up, but it has to be --
15 it's working from a universe that is dictated
16 by that contact list.

17 Q. This is a security system for a
18 building. You wouldn't want entities besides
19 the owner to determine who receives security
20 notifications for a building, right?

21 MR. WILLIAMS: Objection to form.

22 A. What do you mean by you wouldn't
23 want?

24 Q. It may be dangerous for entities
25 aside from the owner to determine who receives

1 security alerts for a building, right?

2 MR. WILLIAMS: Objection to form.

3 A. Again, I mean, I can imagine plenty
4 of circumstances under which there would be any
5 number of people who you would want to have
6 alerted to things wouldn't necessarily be
7 directly dictated by the owner. I mean, what
8 are you -- you're clearly contemplating
9 something there.

10 Q. Maybe you're missing part of my
11 question. So I'm specifically asking about
12 determining who receives security alerts and
13 you're talking about who would receive security
14 alerts. So my question is it could be
15 dangerous for entities aside from the owner of
16 a building to receive security alerts for that
17 building, right?

18 MR. WILLIAMS: Objection to form and
19 scope.

20 A. Not necessarily. I mean, is there
21 something you're pointing to in the patent
22 about this?

23 Q. Sure. Well, briefly, if someone
24 were seeking to break into a building, you
25 would not want that person to receive security

1 alerts, right?

2 A. I don't know. You might -- you
3 might want them to know that they've been
4 detected, to chase them off, but I don't know
5 how you would necessarily know to send -- I'm
6 not sure that there's a database of burglars
7 that you would necessarily go out and reach out
8 to. I guess I'm not -- the question doesn't
9 seem all that well-formed to me at the moment.

10 Q. So --

11 A. I mean no insult to you. I'm just
12 not understanding the question.

13 Q. It's totally fine. I guess my
14 question is, Saylor is about informing an owner
15 and authorized entities about security events
16 at a location, right?

17 A. Yes.

18 Q. And Saylor informs the owner
19 regardless of the owner's location, right?

20 MR. WILLIAMS: Objection to form.

21 A. Saylor may, based upon, you know,
22 policies and rules reaches out to a list of
23 contacts that are in the database. If an owner
24 sets up a contact for themselves that's offsite
25 and, you know, wherever they will work.

1 Q. Well, if you look at what we looked
2 at, column 1, line 17 through 22, it says, "The
3 present invention relates generally to the
4 field of security systems, in particular to a
5 system and method for connecting a security
6 system to a wireless communication system to
7 automatically inform an owner and other
8 authorized entities in a manner predetermined
9 by the user." Do you see that?

10 A. Yes.

11 Q. So the owner doesn't have to set up
12 a contact for themselves that's offsite, right?

13 MR. WILLIAMS: Objection to form.

14 A. No, I think -- I think that -- my
15 understanding of the invention here is that the
16 system notifies contacts in the contact
17 database. I mean, the paragraph you are
18 reading from is the field of the invention
19 which was a very broad statement of what they
20 are trying to do. I think automatically
21 informing the owner and other authorized
22 entities is the goal and the way of doing it is
23 what's described in the patent.

24 Q. So your understanding is that the
25 securities system of Saylor wouldn't inform an

1 owner of the building unless the owner added
2 themselves to a contact list?

3 MR. WILLIAMS: Objection to form.

4 A. As I say, I think -- my impression
5 is that Saylor is going through a contact list
6 and is making contacts and sending out things
7 based upon that.

8 Q. So maybe you can listen to my
9 question.

10 A. Yeah.

11 Q. Your understanding is that the
12 security system of Saylor would not inform an
13 owner of the building unless the owner added
14 themselves to a contact list?

15 MR. WILLIAMS: Objection to form.

16 A. I don't believe that it would
17 have -- I don't believe it would inform the
18 owner unless they were in the contact list.
19 Whether the owner themselves added themselves
20 to the contact list, that's another question,
21 but I believe it needs to -- that Saylor
22 informs entities based upon what's in the
23 contact list.

24 Q. If you look at column 5, line 27,
25 can you let me know when you're there?

1 A. I'm there.

2 Q. It says, "A user may register
3 security devices and/or systems with the
4 central security network of the present
5 invention. The central security network may
6 access the user's personal preferences, profile
7 information and/or other information which may
8 be used to execute notifications in the manner
9 specified by the user. For example, the user
10 may identify various personal preferences which
11 may include contact information, contact
12 individuals, methods of communication, order of
13 contact, special instructions and other
14 information." Do you see that?

15 A. Yes.

16 Q. So a user can specify how
17 notifications are executed, right?

18 A. Yeah, broadly speaking, sure.

19 Q. If you go to your declaration,
20 Exhibit 1002, on page 59, paragraph 74?

21 A. Okay.

22 Q. You state at the beginning of the
23 paragraph, "Saylor discloses a security system
24 including 'monitoring system' that provide
25 'photos, pictures [and] video' to an end user.

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1 The security system notifies a recipient,
2 including emergency personnel, when it defects
3 an 'alert situation'." Do you see that?

4 A. Yes.

5 Q. So Saylor sends notifications to
6 recipients including emergency personnel,
7 right?

8 A. Yes, that's what it says.

9 Q. So is it your understanding that
10 Saylor can send notifications via the internet
11 or other methods to entities?

12 A. Yes, it can send notifications via
13 the internet among other methods.

14 Q. If you look at column 6, line 19,
15 please let me know when you're there.

16 A. Yes, I'm there.

17 Q. It says, "Based on user preferences
18 and other information, the user may be notified
19 via various methods of communication, as
20 specified in the user's profile and preferences
21 information. Alert notification may be
22 communicated via the Internet 150, POTS 152,"
23 which is plain old telephone service, "wireless
24 communication portals, voice portals and/or
25 other methods." Do you see that?

1 A. Yes.

2 Q. So, Saylor discloses how to convey
3 notifications to recipients in a lot of
4 different forms, right?

5 A. Yeah, Saylor discloses that
6 notifications can go out over a wide variety of
7 different communication technologies, including
8 the ones you just listed.

9 Q. If you look at column 7, line 39, it
10 says, "Other communication techniques may be
11 implemented. Central security server 130 may
12 then alert users and other identified entities
13 via wireless and/or other devices, such as
14 mobile device 240, via a voice alarm, text
15 message and other notifications. For example,
16 alerts may be transmitted to the user via
17 e-mail or other form of electronic
18 communication to a personal computer 242 or
19 other device. In addition, users may check
20 status and other data via mobile device 240,
21 computer 242 and other devices," right?

22 A. Yes.

23 Q. And additionally, if you go to
24 column 11, line 24, it states, "A user may also
25 assign various methods of notification for each

1 alarm event or group of alarm events. Methods
2 of notification may include cell phone, regular
3 phone, pager, PDA, e-mail, instant messenger,
4 or other form of communication," right?

5 A. That's right.

6 Q. So, Saylor discloses how to convey
7 notifications to recipients in different
8 networks in a myriad of ways, right?

9 A. Well, Saylor discloses that you can
10 do it in lots of different ways and that it
11 lists a bunch of examples.

12 Q. Returning to page 59 of your
13 declaration, which is Exhibit 1002, paragraph
14 74.

15 A. Okay.

16 Q. This talks about in the second
17 sentence as we read before that "The security
18 system notifies a recipient, including
19 emergency personnel, when it detects an 'alert
20 situation'," right?

21 A. That's right.

22 Q. And we talked about previously that
23 the user selects the list of recipients to
24 receive security system notifications, right?

25 A. Well, it's based upon the database

1 and the user can put things in the database.

2 Q. So the user can control who receives
3 notifications from Saylor's security system,
4 right?

5 A. Well, as I said, the database is
6 what determines what goes out and where it
7 goes. The user can have input on that. I'm
8 just -- I'm not foreclosing the possibility
9 that that database might come pre-configured or
10 something like that, but the user certainly can
11 add things to that database.

12 Q. If you go to column 9, line 54 of
13 Saylor. Maybe this is what you're talking
14 about. You can let me know when you're there,
15 sorry?

16 A. I'm there.

17 Q. It says, "At step 414, a user may
18 create an address book, which may include a
19 collection of contact information for various
20 individuals or entities identified by the user.
21 For example, the user may provide contact
22 information for various neighbors. In the
23 event of a fire alarm, the present invention
24 may notify the neighbors of the location at
25 which a fire has been detected. In the event

1 that an elderly family member hits a panic
2 button, a family doctor can be contacted and
3 given relevant information regarding the
4 patient's current status." Do you see that?

5 A. Yes.

6 Q. So the user can create an address
7 book in the security system of Saylor, right?

8 A. Yes.

9 Q. So Saylor's security system senses
10 alarm states and sends notification of the
11 alarm to the recipient list, right?

12 A. Broadly speaking, yes. It detects
13 alarms and figures out what kind of
14 notifications to give and sends them out to the
15 appropriate entities.

16 Q. Saylor doesn't disclose these
17 appropriate entities sending any information or
18 communications to the security system itself,
19 right?

20 MR. WILLIAMS: Objection to form.

21 A. So you were asking whether --

22 Q. I'll just ask my question again.

23 A. Ask it again, yeah.

24 Q. So Saylor doesn't disclose entities
25 who receive notifications of alarms themselves

1 sending any information or communications to
2 the security system?

3 MR. WILLIAMS: Objection to form.

4 A. So I don't think that's true.
5 There's certainly a discussion of there being
6 a, what do they call it, a central security
7 network that you can register with, and I think
8 it's contemplated that that -- that that entity
9 would interact with your home system or the
10 system at the secured premises.

11 Q. So where in Saylor is this
12 disclosure that you're referencing?

13 A. So if you look at the top of column
14 10. So they're talking about -- so let's see.
15 Just to read this, this section in, "The
16 user..." this is the top of column 10: "The
17 user may have the option of purchasing an
18 entire customized security system and/or
19 individual security devices from the present
20 invention. At step 416, it may be determined
21 whether security devices or security systems
22 are approved by a central security network (or
23 other authorized entity associated with the
24 security network). If so, the security devices
25 or systems purchased from the central security

1 network (or other authorized entity) may be
2 automatically registered with the central
3 security network, as illustrated in 418. The
4 user may receive the security devices and
5 install such devices without having to register
6 them specifically." And it goes on. But I
7 think it's -- what is intended there is that
8 there is a tight coupling between this central
9 security system and your premises monitoring
10 stuff and the communication would go back and
11 forth between those to register those devices
12 and figure out what's going on. So I think at
13 least -- and that security service is one of
14 the recipients of alerts. So at least in that
15 circumstance that recipient would also be
16 communicating with the system on premises.

17 Q. So aside from the central security
18 network discussed in column 10, lines 1 through
19 12, sitting here today you can't identify any
20 disclosure in Saylor of notification recipients
21 communicating with the security system itself,
22 right?

23 MR. WILLIAMS: Objection to form.

24 A. Well, so again, there's more tight
25 coupling here between the things that are being

1 alerted and the system. If you look at the
2 bottom of column 15, four lines before the
3 bottom, "For example, a user may be alerted via
4 a mobile device (e.g., a cell phone) that an
5 intruder has been detected at a user's home.
6 Menu options may include selecting (e.g.,
7 pressing or saying) 1 to alert the authorities;
8 selecting 2 to deactivate the alarm, and other
9 options." So there again, that's somebody's
10 phone that's being alerted and that phone can
11 then communicate back to the system to do
12 something different. So there's an example of
13 a tight coupling between an entity being
14 notified and the system on the premises.

15 Q. If you go to column 8 of Saylor,
16 line 39.

17 A. Okay.

18 Q. It says, "User profile information
19 may include one or more of name, identification
20 information, address information, and other
21 profile information. User preferences may
22 include mode of communication, order of
23 communication, contact information and other
24 preferences." Do you see that?

25 A. Yes.

1 Q. So information in Saylor's database
2 can include a user preference on the mode of
3 communication, right?

4 A. Yes.

5 Q. Let's move to your declaration at
6 page 66 to 67, paragraph 85.

7 A. Okay.

8 Q. At the end of paragraph 85 you say,
9 "For example, in the combined system, when an
10 alarm is triggered in Saylor's central security
11 network, the security network could query its
12 databases to retrieve the relevant IP address
13 of the relevant entities to notify (as provided
14 by Shaffer's IS) and use the address to send
15 the alerts and notifications disclosed in
16 Saylor (blue) to the relevant recipients
17 (purple)." Do you see that?

18 A. Yes.

19 Q. We just talked about how Saylor on
20 its own queries its databases and uses contact
21 information to send alerts and notifications,
22 right?

23 MR. WILLIAMS: Objection to form.

24 A. Yes, Saylor looks at its database
25 and its rules and policies and decides who to

Page 60

1 reach out to.

2 Q. If you go to page 68, paragraph 86.

3 A. Okay.

4 Q. About halfway through it starts with
5 "A POSITA". "A POSITA would therefore have
6 recognized that Shaffer's IS is designed to
7 connect a network such as a video security
8 system designed to monitor particular buildings
9 with a different network that responds to
10 incidents in those buildings, such as a
11 security or emergency network. Indeed,
12 interconnecting communication networks was and
13 is a common practice, as I described above.
14 Gateways, routers and bridges are commonly used
15 for this purpose. I have employed such
16 hardware in this way for decades for all manner
17 of projects." Do you see that?

18 A. Yes.

19 Q. So before the disclosure in Saylor,
20 interconnecting communication networks was
21 common practice, right?

22 MR. WILLIAMS: Objection to form.

23 A. I mean, yes, interconnecting
24 networks was a common thing, yes.

25 Q. If you go to paragraph 87. It's on

Page 61

1 the same page. It says, "A POSITA would also
2 have recognized that Saylor discloses the type
3 of network that would be operable with
4 Shaffer's IS. Specifically, Saylor describes a
5 packet-based central security network (using
6 'TCP/IP') that receives alarms from sensors in
7 buildings and other facilities." Do you see
8 that?

9 A. Yes.

10 Q. Is any TCP/IP network operable with
11 Shaffer's IS?

12 MR. WILLIAMS: Objection to form and
13 scope.

14 A. I don't know about any. Shaffer
15 talks about very broadly interconnecting
16 different kinds of networks, including TCP/IP
17 networks. So, Saylor also using a TCP/IP
18 network suggests it would have been an easy
19 interconnection in terms of hardware to make
20 between the two.

21 Q. Can you think of any relevant
22 networks that would not be operable with
23 Shaffer's IS?

24 MR. WILLIAMS: Objection to form and
25 scope.

1 A. Well, Shaffer's IS is meant to be
2 very broadly interoperable. I'm -- you know, I
3 haven't thought about, you know, in the
4 negative, which ones couldn't be used. I don't
5 know.

6 Q. Sitting here today, you don't know
7 any relevant networks that wouldn't be operable
8 with Shaffer's IS, right?

9 MR. WILLIAMS: Objection to form.

10 A. I guess I'm not -- I'm -- I don't
11 have a network in mind that is categorically
12 non-operable with Shaffer's IS. There would
13 need to be some way to communicate between
14 Shaffer's IS and another network. You know, if
15 the network were not accessible to the IS then
16 presumably that wouldn't work.

17 Q. If you turn to page 72 of your
18 declaration, paragraph 96 starts at the bottom,
19 "Regarding element 1b."

20 A. Okay.

21 Q. Actually, I'm just going to move you
22 to 1d, which is page 65, paragraph 102.

23 A. Paragraph 102, you said?

24 Q. Page 76 of the PDF. So in paragraph
25 102 in the first sentence you include out what

Page 63

1 you've labeled as limitation 1d of the '830
2 patent, Claim 1, right?

3 A. Yes.

4 Q. So this is "monitoring a selection
5 of a radio frequency of a plurality of radio
6 frequencies by a user," right?

7 A. Yes.

8 Q. In that paragraph you state, last
9 sentence on page 76, "For example, Shaffer
10 explains that the display presents frequencies
11 to the user so that through interface 204 a
12 user may input instructions regarding
13 adjustment of the endpoint's communication
14 settings, (e.g. radio frequency, modulation
15 method and encryption key) upon entering a new
16 communication network." Do you see that?

17 A. Yes.

18 Q. Inputting instructions regarding
19 adjustment of endpoint settings could be as
20 simple as join first available frequency,
21 right?

22 MR. WILLIAMS: Objection to form and
23 scope.

24 A. I'm just going back to Shaffer here.
25 So what is the question again?

1 Q. Inputting instructions regarding
2 adjustment of endpoint settings as disclosed in
3 Shaffer could be as simple as instructions to
4 join the first available frequency, right?

5 MR. WILLIAMS: Objection to form and
6 scope.

7 A. I mean, I think Shaffer imagines a
8 pretty broad range of user interfaces for
9 selecting these things. They disclose one in
10 which radio frequencies are displayed and
11 disclosed on a user interface, and then we've
12 discussed before that there can be, you know,
13 buttons associated with them and things like
14 that. But there's a wide -- I mean, Shaffer
15 considers a wide variety of ways of specifying
16 the radio frequencies.

17 Q. You said Shaffer discloses one in
18 which radio frequencies are displayed on a user
19 interface; is that right?

20 A. I believe I said something like
21 that, yes.

22 Q. Are you referring to Figure 4 of
23 Shaffer? Is that right?

24 A. Well, Figure 4 is part of that
25 explanation, yes.

1 Q. And what we actually discussed was
2 Shaffer discloses... if you turn to Figure 4 of
3 Shaffer, what we discussed is that Shaffer
4 discloses possible buttons displaying the
5 location and network shown in the table of
6 Figure 4, right?

7 A. That was one of the things we talked
8 about, yes.

9 Q. Shaffer doesn't specifically
10 disclose displaying radio frequencies on a user
11 interface, right?

12 MR. WILLIAMS: Objection to form.

13 A. So I think it does contemplate it.
14 You can look at Shaffer paragraph 36, for
15 example, kind of the third the way into it, "In
16 yet another embodiment, for the sake of
17 continuity the user may mark a specific
18 frequency and/or multicast address with the
19 associated encryption keys." I think the idea
20 there is that a user might mark a specific
21 frequency, see a frequency and be able to mark
22 it or even potentially enter it in.

23 Q. Well, it says mark it "with the
24 associated encryption keys," right?

25 A. That's what it says.

1 Q. If you go to page 78 of your
2 declaration, paragraph 104. Taking one step
3 back and going to paragraph 103 on page 77,
4 this talks about what you label limitation 1e
5 of the '830 patent, right?

6 A. Yes.

7 Q. And you divide it into three
8 sub-elements, right?

9 A. Yes.

10 Q. So if you turn to paragraph 104,
11 this is discussing the first sub-element,
12 "identifies and selects a video feed associated
13 were the geographic zone," right?

14 A. Yes, that sounds right.

15 Q. If you look at the first bullet
16 under there, you state 'Fig. 10,' displayed on
17 the next page, "depicts step 1010 where
18 Saylor's central security network monitors a
19 specific video feed in an 'identified location'
20 of a building (the geographic zone)." Do you
21 see that?

22 A. Yes.

23 Q. If you go to Saylor Exhibit 1011,
24 column 16, line 52.

25 A. Yes, one second. I'm just looking

Page 67

1 at Figure 10 there for a sec. So 1652, okay.

2 Q. Column 16, line 52 of Exhibit 1011
3 says, "At step 1010, an identified location may
4 be monitored by a video or other recording
5 device." Do you see that?

6 A. Yes.

7 Q. And then if you go further down the
8 column, starting at line 61, it says, "In
9 addition, the recorded images (e.g., video
10 clips) may be compressed, at step 1016, to
11 reduce the amount of data that may be stored in
12 a database, as shown by step 1018, and/or set
13 to a central security network, as shown by step
14 1020," right?

15 A. Yes.

16 Q. So step 1010 discloses monitoring of
17 a location by a video or other recording
18 device, right?

19 A. Yes.

20 Q. It does not disclose Saylor's
21 central security network monitoring a video
22 feed, right?

23 MR. WILLIAMS: Objection to form.

24 A. This paragraph, which starts at
25 column 16 and extends through 17, talks about

1 detecting motion locally at the monitored site
2 by looking at changes in the video images,
3 doing various processing with it, and
4 ultimately, sending out that video --
5 potentially sending out that video to be
6 transmitted to the user on a selected device.
7 So I think that paragraph is contemplating a
8 whole chain of events starting at detecting
9 motion and ending with video being watched by a
10 remote user.

11 Q. I understand that. I think my
12 question is a little bit different. It was
13 step 1010 does not disclose Saylor's central
14 security network monitoring a video feed,
15 right?

16 MR. WILLIAMS: Objection to form.

17 A. Monitoring a video feed. Yeah, I
18 don't think it's the central security server
19 that's doing the monitoring there. I think
20 it's being done by the video or other recording
21 device that's doing the monitoring and then
22 sending out to the remote user.

23 MR. KANTAREK: Alright, I think now
24 is a good time for another break.

25 (Off the record. Time noted:

1 12:00 p.m. to 12:09 p.m.)

2 Q. Dr. Polish, if you could turn to
3 page 84 of your declaration, Exhibit 1002,
4 specifically paragraph 111. Here you talk
5 about a claim language of Claim 2 of the '830
6 patent, right?

7 A. Yeah, one sec. Yeah, okay.

8 Q. So the language of Claim 2 is "the
9 method of claim 1, wherein providing access
10 comprises associating the identified at least
11 one video feed with the mobile communication
12 device in a database that is used to manage
13 access to independent video feeds in a network
14 based on audio communication channels that are
15 selected by communication devices in the
16 network." Do you see that?

17 A. Yes.

18 Q. And moving down to paragraph 112,
19 you state that "In Shaffer-Saylor, Saylor's
20 central security network includes a database
21 that associates video feeds with the user's
22 selected multicast IP address (which is an
23 audio communication channel)." Do you see
24 that?

25 A. Yes.

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1 Q. As we talked about before, Saylor's
2 databases store information identifying when to
3 notify users and what to send them, right?

4 MR. WILLIAMS: Objection to form.

5 A. Yeah, I guess broadly that's true,
6 yes.

7 Q. So if you go to paragraph 113, you
8 say on page 85, second full sentence, "It would
9 have been obvious to a POSITA that Shaffer's IS
10 could provide the tracked location information
11 to Saylor's central security network, so that
12 the central security network can implement a
13 user policy of sending notifications based on
14 location. In this scenario, if an event
15 occurs, Saylor's database can check to see if
16 any user associated with the relevant audio
17 communication channel is within the designated
18 location." Do you see that?

19 A. Yes.

20 Q. So you don't contend that Saylor
21 discloses notification based on location,
22 right?

23 MR. WILLIAMS: Objection to form.

24 A. So I don't think Saylor talks about
25 specifically notifying or taking into account

1 in notifying somebody where those -- where that
2 somebody is. I think that that would have been
3 obvious to do.

4 Q. Right, so I think you answered my
5 question.

6 A. Yeah, I think I did.

7 Q. In paragraph 113, second sentence
8 starts on 84 goes on to 85, you say, "In
9 particular, Saylor discloses that the system
10 can be configured to send notifications to
11 users based on a defined area." Do you see
12 that?

13 A. I'm sorry, so paragraph 113?

14 Q. Yeah. In the second sentence you
15 say, "In particular, Saylor discloses that the
16 system can be configured to send notifications
17 to users based on a defined area"?

18 A. Yeah, I see that.

19 Q. You cite column 5, line 49, right?

20 A. (No response).

21 Q. Right?

22 A. Right. I'm just looking at the
23 reference here.

24 Q. So taking you to column 5, line 47
25 of Exhibit 1011, it says, "For example, the

1 system may immediately notify a user about
2 burglar strikes (or other user identified alarm
3 situation) in the user's neighborhood or
4 defined area (radius of interest or other
5 location)." Do you see that?

6 A. Yes.

7 Q. So this isn't about the location of
8 the user but the location of the alarm
9 situation, right?

10 MR. WILLIAMS: Objection to form.

11 A. Yeah. I think this is broadly
12 talking about, you know, that there's a
13 break-in down the street or there has been a
14 car -- this is about talking into account
15 events in the local neighborhood.

16 Q. You're talking about events in the
17 neighborhood local to the building or home
18 which includes Saylor's security system, right?

19 A. Well, it's kind of broad. They say
20 here "or other user identified alarm condition
21 in the user's neighborhood." I think what --
22 so that could be the user, meaning the, you
23 know, the person with the cell phone or
24 something. But it -- and not necessarily the
25 monitored premises. But it does talk about a

1 defined area or other location. So I think
2 that's disclosing that you can define an area
3 which could be anywhere that you're interested
4 in making something going on in that area an
5 alarm condition.

6 Q. So you think this disclosure
7 contemplates someone who was not the owner of a
8 premises being notified about alarm situations
9 near their location notwithstanding the
10 location at which the security system is set
11 up?

12 MR. WILLIAMS: Objection to form.

13 A. Yes. I was playing your question
14 back. Yes, I think so.

15 Q. So I'm the owner of a building. I
16 set up a security system. I tell the security
17 system you can notify person A of security
18 events and the system will notify person A of
19 events not local to where the security system
20 itself is located?

21 MR. WILLIAMS: Objection to form.

22 A. I think the disclosure -- as you
23 say, the disclosure is extremely broad in this
24 particular spot. So I think, first of all, if
25 you use the term owner, I'm going to use the

1 term user, because that's the term used here.
2 And I think that -- I think, based on this,
3 that if I were -- if the monitored premises was
4 in New York and there was a user, which is to
5 say somebody maybe who's going to be getting
6 notifications who's in Boston, I mean, there's
7 no reason based upon this that it couldn't
8 be -- that the other location is Boston and
9 that when the thing detects that there's a
10 problem in Boston it sends notification to that
11 person. That's at least possible.

12 Q. Well, let's go up briefly so we can
13 figure out this user/owner conundrum. If you
14 go to column 5, line 27, it says, "A user may
15 register security devices and/or systems with
16 the central security network of the present
17 invention. The central security network may
18 access the user's personal preferences, profile
19 information and/or information which may be
20 used to execute notifications in the manner
21 specified by the user. For example, the user
22 may identify various personal preferences which
23 may include contact information, contact
24 individuals, methods of communication, order of
25 contact, special instructions and other

1 information." Do you see that?

2 A. Yes.

3 Q. So the user contemplated in lines 47
4 through 50 of column 5 is not simply a
5 recipient of notifications, right?

6 MR. WILLIAMS: Objection to form.

7 A. It's a user. It's a user that's
8 known to the system and has, you know,
9 preferences, and it says here specifically the
10 user can have preferences and permissions and
11 other information. So you could have a user
12 who is, you know, a low privileged individual
13 who can't add more sensors and maybe a high
14 privileged one who can change everything. I
15 mean, I think it's contemplated that the user
16 is a very broad term.

17 Q. But in this context, user is someone
18 who registers security devices and/or systems
19 with the central security network of the
20 present invention, right?

21 A. I'm sorry. You say in this context.
22 What context are you --

23 Q. In the context that we're talking
24 about, column 5, lines 47 through 50. This is
25 the user described in column 5, lines 27

1 through 36, right?

2 MR. WILLIAMS: Objection to form.

3 A. It says, "For example, the system
4 may immediately notify a user about burglar
5 strikes in the user's neighborhood or defined
6 area or other location." So I think that
7 doesn't -- that description doesn't require any
8 particular privilege. It could be any user.

9 Q. But, again, the user is someone who,
10 as described by Saylor, registers security
11 devices with the central security network,
12 whose personal preferences profile information
13 and other information used to execute
14 notifications in the manner specified by the
15 user, right?

16 MR. WILLIAMS: Objection to form.

17 A. Well, again, the user may do those
18 things. I think -- I think as used here, the
19 term user is just, you know, somebody uses the
20 system and there's a wide variety of privileges
21 of those users, and I think that what's in the
22 section that I cite to around line 49 is simply
23 that you can use this thing to notify a user of
24 some sort of external problem based upon the
25 location where that problem is occurring.

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1 Q. So if you move to page 86, paragraph
2 115, next page.

3 A. Okay.

4 Q. This is regarding what you would
5 describe as limitation 3b, which is, quote,
6 "presenting a plurality of available video
7 feeds on the display of the mobile
8 communication device, the plurality of
9 available video feeds, including video streams
10 associated with the plurality of members of the
11 emergency response team." Do you see that?

12 A. Yes.

13 Q. Starting at "By 2008," about halfway
14 down, you say, "By 2008, it would have been
15 obvious that a mobile device could have
16 displayed multiple video feeds from a security
17 network, including via thumbnails or a
18 drop-down menu for selection -- either of which
19 was well-known user interface technology for a
20 mobile device. A POSITA would have been
21 motivated to present an emergency response team
22 with a plurality of video feeds associated with
23 an alarm trigger from a Saylor security network
24 to enable the team to understand the alarming
25 situation." Do you see that?

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1 A. Yes.

2 Q. You don't cite any references for
3 this proposition, right?

4 A. That in 2008 it would have been
5 obvious?

6 Q. Correct.

7 A. No, I don't site anything in
8 particular there.

9 Q. This is a statement about general
10 knowledge in the art lis that right?

11 A. Yeah. This is about -- this is a
12 statement based upon my knowledge in the art
13 and what a person of ordinary skill would have
14 known in 2008 about what could be done and what
15 would be desirable.

16 Q. We talked a little bit earlier about
17 your review of institution decisions, et
18 cetera. Do you know if the board has ever
19 found your assertions about the general
20 knowledge in the art cannot supply a limitation
21 in an obviousness analysis?

22 MR. WILLIAMS: Objection to form and
23 scope.

24 A. So I don't -- you're asking about
25 institution decisions about what I was involved

1 with?

2 Q. I'm sorry. I can ask my question
3 again. Do you know if the board, the Trial and
4 Appeal Board, has ever found your assertions
5 about the general knowledge in the art cannot
6 supply a limitation in an obviousness analysis?

7 MR. WILLIAMS: Objection to form and
8 scope.

9 A. Yeah, I don't know -- I haven't
10 reviewed how the Board has responded to me in
11 the past as part of my preparation for this.
12 If you point to something in particular. But I
13 don't -- I certainly not in this case, but I
14 don't know about it in other cases.

15 Q. So if the Board found some of your
16 assertions of general knowledge in the art
17 cannot supply a limitation in an obviousness
18 analysis, you would not know about that, right?

19 MR. WILLIAMS: Objection, objection
20 to form and scope.

21 A. Again, I don't -- I don't know -- I
22 don't know what the Board has found about my
23 prior work and I also don't know how that would
24 necessarily inform anything in the current
25 case.

1 Q. Well, you certainly wouldn't change
2 your approach based on a board decision that
3 you haven't read, right?

4 MR. WILLIAMS: Objection to form.

5 A. I'm sorry, I wouldn't change my
6 approach based on a board decision I haven't
7 read? I'm not --

8 Q. Correct.

9 A. I mean I'm not sure how I could if I
10 haven't read it.

11 Q. Right. So let's move to
12 Exhibit 1006, which is Gogic.

13 A. Give me a sec.

14 Q. You can put Saylor and Shaffer away.
15 I don't expect to go back to them at this
16 point, but I would just grab your declaration,
17 Exhibit 1002, and then Gogic, which is
18 Exhibit 1006.

19 A. One sec. Okay, I've got it it here.

20 Q. So Exhibit 1006 is US Patent
21 Publication No. 2007/0173273, right?

22 A. Yes.

23 Q. And you'll understand that when I
24 use the term Gogic, I'm referring to
25 Exhibit 1006, right?

1 A. Yes.

2 Q. Gogic discloses forming ad hoc
3 groups of communication devices, right?

4 A. Yes, super broadly, that's right.

5 Q. If you go to paragraph 9 of Gogic,
6 on page 9, conveniently enough. Paragraph 9
7 states, "There is a need for emergency response
8 teams to establish communication with any and
9 all users in an area affected by a large scale
10 natural disaster, without straining available
11 telecommunication resources excessively and for
12 users in an area to be given emergency
13 assistance information that is specific to the
14 area where they are located," right?

15 A. That's what the paragraph says, yes.

16 Q. So Gogic addresses a need for
17 communication with any and all users in an area
18 affected by a large scale natural disaster,
19 right?

20 MR. WILLIAMS: Objection to form.

21 A. Yeah, in part. I mean, it's talking
22 about creating an ad hoc network based upon
23 location.

24 Q. And so the network is formed, right,
25 like you just said, according to location,

1 right?

2 A. Yeah, yes.

3 Q. So if you go to your declaration,
4 Exhibit 1002, at page 61, paragraph 78.

5 A. Give me a sec. Okay.

6 Q. So paragraph 78 of your declaration
7 uses Figure 4 and discusses the process of
8 CM218 forming an ad hoc communication group,
9 right?

10 A. Yes.

11 Q. So you say "First,..." this is the
12 second sentence, "each of CD1, CD2 and CDX, are
13 communicating separately with a 'base station'
14 in a particular geographic area." Do you see
15 that?

16 A. Yes.

17 Q. "Then, CM218 sends a message (406)
18 directing a base station (MSC-BSN 408) to send
19 an invitation (420) to all CDs in its service
20 area." Do you see that?

21 A. Yes.

22 Q. And just briefly, a CD is a
23 communication device, right?

24 A. Right.

25 Q. Then you say "CDs 'calculate their

1 location and evaluate their location against
2 the group membership location criteria,'
3 provided in the invitation 420. If a CD
4 qualifies and accepts the invitation, the CD
5 accesses the communication group." Do you see
6 that?

7 A. Yes.

8 Q. So there's a commonly monitored
9 common channel regularly monitored by CDs
10 located in an area of interest in Gogic, right?

11 MR. WILLIAMS: Objection to form.

12 Q. I can direct you to paragraph 57 and
13 maybe reask my question.

14 A. Yes.

15 Q. So paragraph 57 states, last
16 sentence, "Dispatcher 400 requests 402 the
17 setting of an emergency flag in a commonly
18 monitored channel ('common channel') such as a
19 paging or broadcast channel that is regularly
20 monitored by CDs located in the area of
21 interest." Do you see that?

22 A. Yes.

23 Q. This is the CD's initial connection
24 to the base station; is that right?

25 MR. WILLIAMS: Objection to form.

1 A. No. The CDs are already talking to
2 the base station, and this common channel is a
3 common channel over which they receive various
4 kinds of control information including this
5 invitation that might contain an emergency flag
6 or not. But it's a control channel that allows
7 the base station to send messages to the CDs.

8 Q. Does common channel and control
9 channel mean the same thing to you?

10 MR. WILLIAMS: Objection to form and
11 scope.

12 Q. Because you used the term control
13 channel and Gogic used the term common channel,
14 so I'm trying to understand if they're the same
15 thing to you.

16 MR. WILLIAMS: Objection to form.

17 A. Yeah, I think -- I certainly think
18 of the control channel as being -- of the
19 common channel as being used for control and
20 Gogic uses it sometimes as well that way. You
21 know, for example, if you look at paragraph 56
22 of Gogic, he talks about... the very bottom of
23 that page, "only authorized personnel are
24 allowed to have access to dispatcher 226 and
25 have access to the control link between

1 dispatcher and CM," and there he specifically
2 is talking about that use of the common
3 channel. So yeah, I think of the -- so the
4 common channel is being used for control or
5 being used in this instance here as the control
6 link.

7 Q. So paragraph 56, you said the
8 control link between dispatcher 226 and CM218
9 is the control channel?

10 A. Well, it's being carried on the
11 control channel. I'm sorry, I'm sorry, I
12 misspoke. It's being carried on the common
13 channel.

14 Q. So I guess I'm a little confused.
15 Where does the control channel come in in
16 paragraph 56?

17 A. Again, control link is a control
18 channel.

19 Q. But the control link comes in on the
20 common channel?

21 A. Yes.

22 Q. So the control channel comes in on
23 the common channel?

24 MR. WILLIAMS: Objection to form.

25 A. Yeah. I think -- I think I'm -- the

1 way that Gogic talks about it, there's a common
2 channel which is used -- which all the CMs are
3 monitoring and that's used for, among other
4 things, control and for organizing -- and for
5 organizing the groups and for organizing what
6 he calls the floor.

7 Q. So in Gogic, the control channel and
8 common channel are the same channel?

9 MR. WILLIAMS: Objection to form.

10 A. I guess the way I put it was that in
11 Gogic, the control channel is carried on the
12 common channel. I'm not going to say they are
13 exactly the same thing, but I'm saying that the
14 control information is carried on the common
15 channel.

16 Q. And so in paragraph 37 of Gogic,
17 page 12, it says, the "CD further includes
18 conventional transmitters and receivers for
19 compatibly interacting in the wireless
20 communication system." Do you see that?

21 A. Yes.

22 Q. So the CD connecting to the base
23 station would only need conventional
24 transmitters and receivers, right?

25 MR. WILLIAMS: Objection to form.

1 A. Yeah, the CD includes conventional
2 transmitters and receivers for talking to the
3 base station, that's right.

4 Q. And the base station invites all CDs
5 in its service area, right?

6 MR. WILLIAMS: Objection to form.

7 A. When you say invites, you mean to
8 join the ad hoc group?

9 Q. That's correct, yeah.

10 A. [Pause]. Right. It looks like the
11 way they talk about it in the paragraphs that I
12 cite to in Gogic, meaning paragraph 60 and 61
13 and some that follow, is that there's a broad
14 or indiscriminant or generalized invitation to
15 join the group to all recipient CDs.

16 Q. Right, and the CDs can join if they
17 qualify based on location criteria, is what
18 that says, right?

19 A. Right, it's for -- the way that they
20 are setting it up is that the invitation goes
21 out broadly and then the CDs can make a
22 decision as to whether they qualify or not and
23 accept the invitation or not.

24 Q. Right, so if you look at paragraph
25 62, this talks about what we're saying. In the

1 second column of page 14, the first full
2 sentence, "By way of example and not
3 limitation, Figure 4 illustrates CD 412 as
4 qualifying to join the group and accordingly
5 accepting 440 the invitation which is relayed
6 back to dispatcher 400 through CM 404." And
7 then a little bit further down it says, in
8 contrast figure -- it doesn't say in contrast,
9 but at the bottom, third line from the bottom
10 of the paragraph, it says, "Figure 4
11 illustrates CDX 416 as failing to qualify to
12 join the group and accordingly forgoing
13 forwarding of any acceptance of the
14 invitation," right?

15 A. Yes, that's right.

16 Q. And CDX 416 just represents any CD
17 that may fail to qualify to join and forego
18 forwarding of an acceptance, right?

19 MR. WILLIAMS: Objection to form.

20 A. Yeah, CDX is an example of a CD that
21 isn't qualified to join.

22 Q. So if you move down to paragraph 63,
23 it says, about halfway through, "Once the ad
24 hoc group has been formed through the broad
25 indiscriminant invitation process described

1 above, a specific CDN may request 502 the floor
2 according to a floor request process such a one
3 described herein or according to other floor
4 request processes known by those of ordinary
5 skill in the art." Do you see that?

6 A. Yes.

7 Q. So requesting the floor is a process
8 of granting and denying transmission requests,
9 right?

10 MR. WILLIAMS: Objection to form.

11 Q. If you go to paragraph 38 of Gogic,
12 about halfway through, it says, "The process of
13 granting and denying transmission requests is
14 known as arbitration. Another common
15 nomenclature for such arbitration is also known
16 as 'requesting the floor', 'granting the floor'
17 and 'denying the floor'." Do you see that?

18 A. Yes, I see that.

19 Q. So requesting the floor is the
20 process of granting and denying transmission
21 requests, right?

22 MR. WILLIAMS: Objection to form.

23 A. As they're using the term
24 transmission requests here, yes. It's -- this
25 is a well-known process for arbitrating who

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1 gets permission to use the channel.

2 Q. Right, and if you go to paragraph
3 42, using --

4 A. Of Gogic you said?

5 Q. Forty-two of Gogic, yes. It talks
6 about "In one embodiment of the present
7 invention the CD is configured to request the
8 transmission privilege through initiation or
9 activation of a push-to-talk (PTT) key or
10 switch." Do you see that?

11 A. Yes.

12 Q. So requesting the floor can be done
13 using a PTT key, right?

14 A. Yes.

15 Q. This is done after joining the ad
16 hoc group in Gogic, right?

17 A. I believe that's how they talk about
18 it. You first join the group and then you can
19 press the PTT key to request the floor.

20 Q. You can't request the floor of a
21 channel you haven't joined, right?

22 MR. WILLIAMS: Objection to form.

23 A. I think the way they talk about it
24 is you have to have joined first. I think
25 whether you can request the floor of a channel

1 you haven't joined, I'm not -- I don't think
2 they talk about it. I think you first join the
3 group and then you can request the floor.

4 Q. Right, so in this situation a user
5 of a CD presses the push-to-talk key to
6 transmit information to other group members,
7 right?

8 A. Well, they press the push-to-talk
9 key to see if they can be granted the floor,
10 and if they're granted the floor then they can
11 transmit their information.

12 Q. Only one CD can transmit at a time,
13 right?

14 MR. WILLIAMS: Objection to form.

15 A. Well, I think they all can transmit.
16 I think the whole point of this taking the
17 floor thing is to prevent more than one CD from
18 transmitting at a time.

19 Q. So that prevents more than one CD
20 from transmitting at a time that only one CD
21 can transmit information across the channel at
22 a time, right?

23 MR. WILLIAMS: Objection to form.

24 A. So I'm being careful with the
25 language here. The point is that all the CDs

1 could transmit at once and that would cause a
2 problem. So the taking the floor functionality
3 is implemented so that only one will transmit
4 at a time. That's the whole point of that --
5 of that functionality, is to limit it.

6 Q. Right. So if a group member wants
7 to receive information, they can't be holding
8 down their push-to-talk key, right?

9 MR. WILLIAMS: Objection to form.

10 A. I mean, I don't know that that
11 circumstance is particularly considered here.
12 I mean, you could imagine you're receiving
13 information and then you put down -- and then
14 you press your push-to-talk key and then you
15 get the next available slot. I don't know. I
16 don't think that that particular circumstance
17 is described in Gogic.

18 Q. In any event, in paragraph 42 of
19 Gogic, at the end it says, "After the
20 requesting user has been granted the
21 transmission privilege, information may then be
22 transmitted from that user to the other group
23 members," right?

24 A. Yes.

25 Q. It doesn't talk about transmitting

1 information without being granted the
2 transmitted privilege, right?

3 MR. WILLIAMS: Objection to form.

4 A. Right.

5 Q. And CM218 handles this arbitration
6 of PTT requests, right? It's paragraph 39 of
7 Gogic.

8 A. Right, the CM is what manages the
9 floor requests.

10 Q. So a CD can join the common channel
11 and never request the floor, right?

12 A. Yes, I think that's right.

13 Q. They can just listen for information
14 sent on the common channel?

15 MR. WILLIAMS: Objection to form.

16 A. Well, they're always listening to
17 things sent on the common channel. They
18 could -- once they've joined they can just
19 listen to what is being transmitted and receive
20 it.

21 Q. Right, they don't -- yes, okay.

22 MR. KANTAREK: I think this is a
23 good time for a lunch break.

24 THE WITNESS: Okay.

25 MR. KANTAREK: We can go off the

1 record.

2 (Lunch recess)

3 (Time noted: 12:54 p.m.)

4

5 AFTERNOON SESSION

6 (Time noted: 1:45 p.m.)

7 CONTINUED EXAMINATION

8 BY MR. KANTAREK:

9 Q. Welcome back, Dr. Polish. Did you
10 talk to anyone on your break?

11 A. No.

12 Q. If you could turn to Opitz,
13 Exhibit 1007.

14 A. Okay, give me a second. Okay, I'm
15 there.

16 Q. So Exhibit 1007 is US Patent No.
17 8,098,388; is that right?

18 A. Yes.

19 Q. If I refer to 1007 as Opitz, you'll
20 understand what I'm talking about?

21 A. Yes.

22 Q. If you go to column 1, lines 8
23 through 10 of Optiz, it states, "The present
24 invention relates to systems and methods for
25 determining a location relevant to a radio

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1 receiver or a location relevant to a user
2 associated with a radio receiver." Do you see
3 that?

4 A. Yes.

5 Q. And if you look at column 4, line 58
6 through column 5, line 2, it discusses a
7 scanner 36. Do you see that?

8 A. Scanner 136.

9 Q. Sorry, 136, yes. And starting at
10 the top of that paragraph, which is column 4,
11 line 58, it says, "Figure 33 shows a block
12 diagram of the scanner 136, which serves as an
13 example of a communication system," right?

14 A. Yes.

15 Q. Then at the bottom of column 4,
16 starting at line 66, it says, "The scanner 136
17 is capable of determining its geographic
18 location, or at least the location of the
19 receiver 232 in embodiments where components of
20 the scanner 136 are remotely dispersed, based
21 on received wireless communication." Do you
22 see that?

23 A. Yeah. I'm going to take a quick
24 look at the figure again. (Witness reviewing
25 diagram). Yeah, okay.

1 Q. So Optiz describes a mobile
2 communication system including a radio
3 receiver, right?

4 A. Yes.

5 Q. And it discloses systems and methods
6 for determining a location of the radio
7 receiver?

8 A. Yes, that's right.

9 Q. It discloses a scanner 136 as an
10 example communications system, right?

11 A. That's right.

12 Q. And if you go to column 5, line 35
13 of Optiz, it says, "The scanner 136 includes a
14 receiver 232 that is coupled to an antenna (not
15 shown)" --

16 A. I'm sorry, where are you?

17 Q. Column 5, line 35. "The scanner 136
18 includes a receiver 232 that is coupled to an
19 antenna (not shown) for receiving radio
20 transmissions from the various transmitting
21 parties. A tuner 234 is coupled to the
22 receiver 232. The tuner 234 can be used to
23 search the entire range of radio frequencies
24 that can be monitored by the scanner 136, but
25 is preferably used to scan the specific radio

1 frequencies programmed into the scanner 136."

2 Do you see that?

3 A. Yes.

4 Q. So Optiz teaches providing radio
5 frequencies in certain geographic areas in
6 determining radio receiver user location,
7 right?

8 MR. WILLIAMS: Objection to form.

9 A. Well, it's -- I mean, it has
10 information about the location of different --
11 of different transmitters and it scans and
12 identifies the different frequencies of those
13 transmitters and then tries to figure out where
14 they are.

15 Q. Is Optiz an ad hoc system?

16 MR. WILLIAMS: Objection to form.

17 A. I don't think they describe it that
18 way. What do you mean in asking that?

19 Q. I'm just asking you if you would
20 describe it that way. I know we talked about
21 Gogic was an ad hoc system, so I'm just
22 wondering if you would describe Optiz as an ad
23 hoc system as well?

24 A. Well, Gogic specifically talks about
25 themselves as an ad hoc system. So in the case

1 of Gogic, the group is created, you know, on
2 a -- in an ad hoc manner. It's called into
3 being at some point for some purpose. I don't
4 know that Optiz does things that way.

5 Q. Right, Optiz doesn't describe radio
6 networks that are dynamically created in an ad
7 hoc fashion, right?

8 MR. WILLIAMS: Objection to form.

9 A. Well, they don't use the term ad
10 hoc. They -- you know, participants show up
11 into this system and it tries to figure out
12 location. I don't -- anyway, they don't use
13 the term ad hoc. I'll leave it at that.

14 Q. Do you know what the term ad hoc
15 means?

16 A. Well, I mean -- in terms of the way
17 that Gogic is using it, it means that it's
18 being called into being for some specific
19 purpose that's -- it's just at the moment.

20 Q. And that's not the way that Optiz
21 describes its radio networks, right?

22 MR. WILLIAMS: Objection to form.

23 A. I think that's right.

24 Q. So if you look at Figure 1 of Optiz,
25 it discloses a vehicle 110 traveling between

1 geographic regions 100 and 102, correct?

2 A. Yeah, probably, yeah.

3 Q. Optiz doesn't disclose presenting a
4 video to a driver of vehicle 110, right?

5 A. So they talk about the communication
6 can be over a very wide range of different
7 kinds of communications. So they talk about,
8 in top of column 3, "A communication system,
9 according to present disclosure can be employed
10 to update a wide variety of communication
11 channel types. These communications can
12 include AM and FM broadcast channels, cellular
13 communication channels, television channels and
14 citizens' band channels, as examples." So I
15 think they're talking about television channels
16 which are video, so they're not limited them to
17 a particular kind of communication channel.

18 Q. Sure. I think my question was a
19 little different. Opitz doesn't disclose
20 presenting video to a driver of vehicle 110,
21 does it?

22 MR. WILLIAMS: Objection to form.

23 A. I mean, it doesn't specifically say
24 that, no, it's true. It talks about different
25 kinds of channels being available to 110 and

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1 the strength changing as it moves, but it
2 doesn't specifically say presenting video to
3 110.

4 Q. It would be dangerous to show a
5 driver of a vehicle a video while they're
6 driving, right?

7 MR. WILLIAMS: Objection to form and
8 scope.

9 A. I mean, it entirely depends on how
10 it's engineered and what the context is, but --
11 and I'm not offering an opinion about the
12 safety of watching videos while driving.

13 Q. You're not prepared to say whether
14 or not it's dangerous to show a driver of a
15 vehicle a video while they're driving?

16 MR. WILLIAMS: Objection to form and
17 scope.

18 A. Yeah, I would need context and all
19 that. I personally would not want to be in a
20 car with somebody watching a video, but that
21 doesn't mean that I'm -- I don't know.

22 Q. So whether or not it's dangerous to
23 show a driver of a vehicle a video while they
24 are driving is context specific, is your
25 opinion?

1 MR. WILLIAMS: Objection to form and
2 scope.

3 A. Sure. Yeah, I really -- I'm not --
4 I don't think I have an opinion as to driver
5 safety issues and watching videos.

6 Q. If you look at column 2, line 45 of
7 Optiz, this is what we were's talking about,
8 right? This says, "As the vehicle 110 travels
9 along a highway 112, the set of available
10 communications channels can be expected to
11 change along the route. For example, in close
12 proximity to region 100, local municipal
13 police, fire and rescue channels for city 100
14 will generally be available to be received.
15 Further, these channels have particular
16 relevance to persons and vehicles located in or
17 near region 100. As the vehicle 110 reaches
18 some distance from region 100, the signal
19 strength of these channels will drop off.
20 Further, the relevance of these channels to
21 vehicle 110 becomes much reduced as vehicle 110
22 leaves the region 100. Conversely, as the
23 vehicle 110 approaches region 102, the
24 municipal police, fire and rescue channels for
25 region 102 will become available, and will have

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1 increased relevance as vehicle 110 approaches
2 region 102." Do you see that?

3 A. Yes.

4 Q. So Opitz teaches reception of
5 channels based on proximity to a region, right?

6 A. Well, it talks about -- it talks
7 about receiving channels that are originating
8 from different regions and how they'll behave
9 as it moves from region to region.

10 Q. And these channels that Optiz talks
11 about receiving, these exist before the vehicle
12 enters the region, right?

13 MR. WILLIAMS: Objection to form.

14 A. You mean are the channels
15 preexisting?

16 Q. These channels that Opitz talks
17 about receiving, these are preexisting before
18 the vehicle enters the region, right?

19 MR. WILLIAMS: Same objection.

20 A. At least the ones they're talking
21 about here, about local municipal police, fire,
22 rescue channels, those would exist before the
23 vehicle is in the region.

24 Q. Well, if you could go to your
25 declaration, page 103. This is Exhibit 1002.

1 Specifically look at paragraph 160.

2 A. Okay.

3 Q. Just to orient you, in 159 it talks
4 about element 1b of the '803 patent which is
5 "providing a plurality of radio frequencies on
6 a display of the mobile communication device,
7 each radio frequency being associated with a
8 geographical zone." Do you see that?

9 A. Yes.

10 Q. So at the bottom of paragraph 160,
11 which is on the next page, you state,
12 "Accordingly, Gogic discloses that CDs connect
13 to a base station in a particular area, but
14 Gogic does not expressly disclose how the CDs
15 make that initial connection (which, again, is
16 a prerequisite to the ad-hoc group formation
17 central to Gogic's disclosure)." Do you see
18 that?

19 A. Yes.

20 Q. So you're stating here that an
21 initial connection is a prerequisite to the ad
22 hoc group formation central to Gogic's
23 disclosure, right?

24 A. Correcting to a base station in
25 Gogic, that has to occur before you can create

1 the ad-hoc.

2 Q. So your opinion is that Gogic fails
3 to disclose a prerequisite to the group
4 formation central to its disclosure?

5 MR. WILLIAMS: Objection to form.

6 A. I'm sorry, say that again.

7 Q. Your opinion is that Gogic fails to
8 disclose a prerequisite to a group formation
9 that's central to its disclosure?

10 MR. WILLIAMS: Same objection.

11 A. No. I wouldn't put it that way.

12 Q. Well, you state, "Gogic does not
13 expressly disclose how the CDs make that
14 initial connection (which, again, is a
15 prerequisite to the ad-hoc group formation
16 central to Gogic's disclosure)". So my
17 question is, your opinion is that Gogic fails
18 to disclose a prerequisite to a group formation
19 that is central to its disclosure?

20 MR. WILLIAMS: Objection to form.

21 A. I guess I wouldn't say it -- what I
22 say in the report or the declaration is what I
23 say. The Gogic has as a precondition that
24 you've connected to a base station and they
25 don't cover as part of what they're disclosing

1 how that occurs. That isn't the point of what
2 Gogic is talking about. They're talking about
3 forming these ad-hoc groups and they don't
4 cover how the base station connection was
5 initially made.

6 Q. Is it your opinion that Gogic
7 doesn't inform a POSITA of how to create ad-hoc
8 groups as described in Gogic?

9 MR. WILLIAMS: Objection to form.

10 A. No. I mean, Gogic does describe how
11 to create ad-hoc groups.

12 Q. And sufficiently informs a POSITA
13 reading Gogic how to create ad-hoc groups,
14 right?

15 A. Gogic describes -- teaches how to
16 create ad-hoc groups.

17 Q. And teaches a POSITA enough that it
18 would know how to create ad-hoc groups,
19 according to Gogic's disclosure, right?

20 MR. WILLIAMS: Objection to form.

21 A. Within the context of what Gogic is
22 trying to teach, yes.

23 Q. So a POSITA doesn't need to know how
24 the CDs of Gogic make an initial connection to
25 the base station of Gogic?

1 A. Well, a POSITA would certainly know
2 a variety of ways to make such an initial
3 connection to a base station, and what I'm
4 talking about in the declaration is a specific
5 way to do it that is -- that's informed by
6 Optiz.

7 Q. If you go to page 107 of your
8 declaration, paragraph 165. Let me know when
9 you're there.

10 A. Yeah, I'm there.

11 Q. You can give 165 a read. My
12 question is, paragraph 165 details what you
13 describe as a motivation to look to Optiz when
14 considering Gogic's disclosure, right?

15 A. Yeah, give me a second to read the
16 paragraph.

17 Q. Sure. You can let me know when
18 you're done and I'll ask my question again.

19 A. (Witness reading document). Okay.

20 Q. So my question was, paragraph 165
21 details what you describe as a motivation to
22 look to Optiz when considering Gogic's
23 disclosure, right?

24 A. Yes.

25 Q. In paragraph 165 you describe

1 similarities between the references?

2 A. Yes, I describe that there -- I
3 describe ways in which they're addressing
4 similar communications needs.

5 Q. If you go to page 110 of your
6 declaration.

7 A. Okay.

8 Q. Actually, sorry, taking a brief step
9 back to paragraph 169 on the previous page,
10 this sets forth limitation 1e of the '830
11 patent, right?

12 A. Yes.

13 Q. And I think as we talked about with
14 respect to ground one, you divide 1e up into
15 three sub-limitations?

16 A. Yes.

17 Q. So 1e(1) is identifying at least one
18 video feed by selecting at least one video feed
19 from the plurality of video feeds associated
20 with the geographic zone, right?

21 A. Right.

22 Q. In paragraph 170 you identify at
23 least one video feed as a CD of Gogic, right?

24 A. Yeah, it's a CD of Gogic that has
25 video streaming capability.

1 Q. And just if you go back to paragraph
2 157 of your declaration, which is on page 102,
3 you also identify a CD as the claimed mobile
4 communication device, right?

5 A. Yes.

6 Q. So back to 170. In the second
7 sentence of paragraph 170 in Exhibit 1002, you
8 say, "CM218 "controls formation" of an "ad-hoc
9 group" amongst all the CDs at a base station
10 based on 'location-based membership criteria'
11 and the roles of the CDs (e.g., whether they
12 are for 'authorized and trained persons' such
13 as police and emergency crews)." Do you see
14 that?

15 A. Yes.

16 Q. And your cite for that is paragraph
17 56 of Gogic, right?

18 A. Yes.

19 Q. So if you turn to paragraph 56 of
20 Gogic. At the beginning it states, "There are
21 certain unique security aspects associated with
22 formation of adhoc groups in a cooperative and
23 automatic fashion." And then skip a sentence.
24 It says, "Only authorized personnel are allowed
25 to have access to Dispatcher 226, and to access

1 the control link between Dispatcher 226 and CM
2 218. CM 218 in turn controls formation of the
3 ad-hoc group of users when inclusive to the
4 location-based membership criteria, hence
5 security aspects of such a formation will be
6 driven solely by secure access to CM 218
7 functions related to this application by
8 authorized and trained persons only (e.g.
9 Police, Emergency Crews, Fire Department
10 personnel, etc.) in addition to the authorized
11 network operator personnel." Do you see that?

12 A. Yes.

13 Q. You in your declaration opine that
14 CM 218 controls formation based in part on the
15 roles of the CDs, e.g., whether they are for
16 authorized and trained persons such as police
17 and emergency crews, correct?

18 A. Yes, that's what I say.

19 Q. What paragraph 56 discloses here is
20 that only authorized personnel are allowed to
21 have access to Dispatcher 226 and the control
22 link between Dispatcher 226 and CM 218, right?

23 MR. WILLIAMS: Objection to form.

24 A. That's part of what it says, yes.

25 Q. So what it actually says is

1 "security aspects of such a formation which is
2 the formation of the ad-hoc group will be
3 driven solely by secure access to CM 218
4 functions related to this application by
5 authorized and trained persons only." Now,
6 Gogic doesn't say access to an ad-hoc group
7 depends on the user's role, right?

8 MR. WILLIAMS: Objection to form.

9 A. Sorry, ask it again.

10 Q. Gogic doesn't say access to an
11 ad-hoc group depends on the user's role, right?

12 MR. WILLIAMS: Objection to form.

13 A. What it says is that only certain
14 people who have a certain role can set up these
15 groups.

16 Q. Right, so it doesn't say that access
17 to an ad-hoc group depends on the user's role,
18 right?

19 MR. WILLIAMS: Objection to form.

20 A. I think all it is saying is that
21 certain people with certain roles can determine
22 if certain CDs are appropriate to join the
23 group.

24 Q. Right. My question is about access
25 to an ad-hoc group depending on the user's

1 role, not setting up the ad-hoc group, right.
2 So again, this paragraph doesn't say that
3 access to an ad-hoc group depends on the user's
4 role, right?

5 MR. WILLIAMS: Objection to form.

6 A. This paragraph suggests that you
7 can -- that there would be certain
8 cryptographic security keys and authorization
9 certificates that are known that would be used
10 to control access. So you would have certain
11 CDs that would not -- would not have the
12 correct security keys and authorization
13 certificates and so couldn't join the group or
14 at least couldn't decode the communication from
15 the group.

16 Q. So you're talking about
17 cryptographic security keys and authorization
18 certificates to control remote access to
19 critical facilities, right, not access to the
20 ad-hoc group?

21 MR. WILLIAMS: Objection to form.

22 A. Well, it's talking about security
23 keys, it's talking about authorization
24 certificates. It's also talking about how
25 the -- how the dispatcher can make very

1 specific specifications of acceptable radius,
2 perimeter locations, so as to limit what CDs
3 would be part of the group or not. So I think
4 the sense here is that whoever has access to
5 the dispatcher can create the appropriate rules
6 for who's allowed to be in the group or not.

7 Q. So in the same paragraph 170 of your
8 declaration, "Because the ad hoc group includes
9 video feeds and is a subset of video feeds
10 within the geographic location of the base
11 station, CM 218 identifies only a subset of
12 video feeds within the overall geographic zone
13 for the base station." Do you see that?

14 A. Yes.

15 Q. You cite paragraph 59 of Gogic. If
16 you turn to paragraph 59, it states, "The
17 request from dispatcher 400 including any
18 location criteria is sent to CM 404 for
19 processing and scheduling in subsequent
20 transmissions. CM 404 directs 406 the MSC/BSN,
21 408 to transmit a set emergency flag on a
22 common channel in at least an area serviced by
23 a specific base station, designated herein as
24 BSN 408, that services the area surrounding the
25 desired location of users to be included within

1 the ad-hoc group," right?

2 A. Yes.

3 Q. This paragraph doesn't talk about
4 video feeds, right?

5 MR. WILLIAMS: Objection to form.

6 A. No, the paragraph does not talk
7 about video feeds. It talks about setting up
8 of an ad-hoc group.

9 Q. So as we talked about before, CDs
10 don't request to join groups. The CM sends
11 them an invite, right?

12 MR. WILLIAMS: Objection to form.

13 A. CM send an invite and the CDs accept
14 the invite or not.

15 Q. And we also talked before about this
16 floor request, right; do you recall that?

17 A. Yes.

18 Q. A grant of a request to transmit on
19 the floor is based on whether another CD
20 currently has the floor, right?

21 A. Well, the request -- hang on a
22 second. So the request for the floor happens
23 if a CD wants to send information and then the
24 CM looks to see if the floor is available. I'm
25 looking at the flow chart in Figure 5.

1 Q. Right. So the communication device
2 itself by virtue of requesting the floor
3 determines when it wants to communicate across
4 the channel, right?

5 MR. WILLIAMS: Objection to form.

6 A. The communication device decides
7 when it wants to transmit for whatever reason
8 or because someone presses the push-to-talk
9 button.

10 Q. Let's say CDs 412 and 414 are in an
11 ad-hoc channel. CD 412 can't say, hey CD 414,
12 communicate on the floor, right?

13 MR. WILLIAMS: Objection to form and
14 scope.

15 A. I'm sorry. Can you -- what is it
16 you are describing?

17 Q. Sure. The ad-hoc group in
18 accordance with the example from Figure 4,
19 right, where we talked about that a little bit
20 earlier. It's in paragraph 62 and paragraph --

21 A. Sixty-two of...?

22 Q. Paragraph 62 of Gogic.

23 A. Of Gogic, okay.

24 Q. I'm just wondering if one of the
25 communication devices join a channel and that

1 channel includes, for example, communication
2 devices 412 and 414, Gogic doesn't disclose any
3 way for communication device 412 to select
4 communication device 414 and tell it to
5 transmit, right?

6 MR. WILLIAMS: Objection to form.

7 A. I don't believe that there's a
8 mechanism disclosed for one CD to command
9 another CD to do something.

10 MR. KANTAREK: Why don't we take a
11 ten-minute break? Does that work for
12 everyone?

13 MR. WILLIAMS: That's fine here.

14 (Off the record. Time noted:
15 2:30 p.m. to 2:39 p.m.)

16 Q. Dr. Polish, if you could turn to
17 page 114 of your declaration, paragraph 175.
18 This is element 1g of the '830 patent, which
19 reads, "providing access to the identified at
20 least one video feed to the mobile
21 communication device based on the user policy."
22 Do you see that?

23 A. Yes.

24 Q. Your opinion is that the claimed
25 video feed is a CD that may have a video

1 camera, right?

2 A. Yes.

3 Q. And your opinion is that the claimed
4 providing access to a video feed is satisfied
5 by a CD with a video camera being on the same
6 channel as the CD you identified as the mobile
7 communication device?

8 MR. WILLIAMS: Objection to form.

9 A. One second. Right. So as I
10 describe here and in the reference discussion
11 associated with 1e, the video feed is from a CD
12 that has a video camera that's been invited
13 into the ad-hoc group.

14 Q. Right, so your position is that once
15 a CD that may have a video camera joins the
16 ad-hoc group, that's providing access to its
17 possible video feed?

18 MR. WILLIAMS: Objection to form.

19 A. As I say, let me look at it again.
20 (Witness reviewing document). So the
21 discussion for limitation 1e kind of covers
22 this. It's when -- it's when a CD has a video
23 camera is invited in that -- that's providing
24 access to the at least one video feed.

25 Q. So what if no CDs in the channel

1 have a video camera?

2 MR. WILLIAMS: Objection to form and
3 scope.

4 A. Well, if that happened to be a
5 circumstance where there were no -- no video
6 feeds present in this particular instance, that
7 might not be an infringing moment, but the
8 system is capable of --

9 Q. Invalidating --

10 A. -- in that invalidating
11 circumstance, but the system is teaching that
12 you can create this and have video cameras, so
13 that is why this is invalidating.

14 Q. If you go to page 115 of your
15 declaration. I guess we'll start at the bottom
16 of 114. This is Claim 2.

17 A. Okay.

18 Q. And Claim 2, this is paragraph 176
19 of your declaration. It reads, "the method of
20 claim 1, wherein providing access comprises
21 associating the identified at least one video
22 feed with the mobile communication device in a
23 database that is used to manage access to
24 independent video feeds in a network based on
25 audio communication channels that are selected

1 by communication devices in the network." Do
2 you see that?

3 A. Yes.

4 Q. And then in paragraph 177, you say,
5 "As described for limitations 1[c] and 1[g], an
6 ad-hoc group (or 'net') in Gogic may contain
7 one or more CDs that source independent video
8 feeds." Do you see that?

9 A. Yes.

10 Q. This is the same opinion or similar
11 opinion as to what we just discussed, right?
12 It depends on CDs in the channel having video
13 cameras transmitting video feeds, right?

14 MR. WILLIAMS: Objection to form.

15 A. It depends on there being CDs that
16 have video feeds.

17 Q. If you go to Claim 3 that's on page
18 116, paragraph 180 -- I'm sorry, we're going to
19 go with 3b but we can start at paragraph 180 as
20 3a, which is... one second. So Claim 3 is the
21 method of Claim 1, "further comprising," and
22 then on 180 it says, "accessing a database to
23 identify a plurality of members of an emergency
24 response team that includes the user of the
25 mobile communication device." And then 181

1 shows 3b, and it says, "and presenting a
2 plurality of available video feeds on the
3 display of the mobile communication device, the
4 plurality of available video feeds, including
5 video streams associated with the plurality of
6 members of the emergency response team." Do
7 you see that?

8 A. Yes.

9 Q. And in 181, this is the same opinion
10 as we talked about before, right? That it
11 depends on there being a CD with a video feed
12 in the channel, right?

13 MR. WILLIAMS: Objection to form.

14 A. Yeah. I mean, whether it's -- this
15 circumstance requires that there be a CD that
16 has a video feed. I mean, this is disclosing
17 that you can do this. But yes, in order for
18 there to be a video feed you'd have to have a
19 CD that had a video feed associated with it.

20 Q. If you move on to page 119, there's
21 a discussion of Claim 9 that starts at
22 paragraph 185, and Claim 9 is "the method of
23 claim 1, wherein providing access to the video
24 feeds depends on a video association policy."
25 Do you see that?

1 A. Yes.

2 Q. And in paragraph 186, you identify
3 the video association policy as CM -- this is
4 the last full sentence on 108, in paragraph 186
5 you say "For example, CM 218 'controls
6 formation' of an 'ad-hoc group of users' based
7 on 'location-based membership criteria' and the
8 roles of the users (e.g., whether they are
9 'authorized and trained persons' such as police
10 and emergency crews). A POSITA would have
11 understood this feature of Gogic to be a video
12 association policy." Do you see that?

13 A. Yes.

14 Q. This is the same thing you
15 identified as the user policy in paragraph 171,
16 right, of your declaration?

17 MR. WILLIAMS: Objection to form.

18 A. I'm sorry. The same thing I call
19 out as a user association policy in where?

20 Q. Paragraph 171 of your declaration.

21 A. Yeah, I think that I'm saying that
22 the CM can be used in the user policy as well
23 as implement a video association.

24 Q. My question is about the specifics
25 of what you identified as the user policy. So

1 in 171 you identify the user policy as "group
2 membership location criteria, e.g., a policy
3 allowing users to join an ad-hoc group only if
4 they are within a certain area," and in
5 paragraph 186 you say "CM 218 controls
6 formation of an ad-hoc group of users based on
7 location-based membership criteria and the
8 roles of the users." So I'm trying to
9 understand what the difference is between what
10 you identify as the video association policy
11 and what you identify as the user policy.

12 A. Well, one is talking about allowing
13 or prohibiting users from joining and the other
14 is talking about allowing or prohibiting CMs
15 that contain video feeds from joining.

16 Q. Do you mean CDs that contain video
17 feed?

18 A. I'm sorry. CDs that contain video.

19 Q. You said one is talking about
20 allowing or prohibiting users from joining,
21 that's the user policy. Users you identify are
22 people with CDs, right?

23 MR. WILLIAMS: Objection to form.

24 A. Yes, that's right.

25 Q. And CDs that may or may not contain

1 video feeds would be associated with users as
2 well, right?

3 MR. WILLIAMS: Objection to form.

4 A. They wouldn't necessarily be. I
5 mean, the CDs could be -- that contain video
6 feeds could be just video cameras or it could
7 be, you know, any number of different things
8 that contain video feeds that are also able to
9 join the ad-hoc network.

10 Q. So is a video camera a communication
11 device according to Gogic?

12 A. Well, you can have a communication
13 device that has a video feed associated with
14 it.

15 Q. Right. So is a video camera a
16 communication device? You said that there
17 could be that -- you said the CDs that contain
18 video feeds could be just video cameras. So my
19 question is a video camera a communication
20 device according to Gogic?

21 A. So I don't mean to say that the
22 CD -- when I said the CD just contained a video
23 camera, I don't mean to say that just -- that
24 the video camera itself is. I am just saying
25 is you could have a CD that has a video camera

1 attached to it and that's what it does. So it
2 has a video camera attached to it. It can be
3 put on the network, it join the group, it can
4 provide a video feed.

5 Q. So I guess where in 186 are you
6 showing that there's a video association policy
7 based on whether a CD has a video camera or
8 not?

9 MR. WILLIAMS: Objection to form.

10 A. I'm sorry, can I hear the question
11 again?

12 Q. Sure. Where in paragraph 186 are
13 you showing that there's a video association
14 policy based on whether a CD has a video camera
15 or not?

16 MR. WILLIAMS: Same objection.

17 A. All I'm saying in 186 is that the CM
18 can configure the ad-hoc group to contain
19 certain endpoints and those endpoints can
20 transmit video streams to the ad-hoc group. I
21 think it's contemplated in Gogic that there's a
22 database of information about these
23 communication devices so it would know which
24 ones had video feeds and it could decide which
25 ones to add into the group.

1 Q. Where's the database of information
2 about communication devices tracking which ones
3 has video feed in Gogic?

4 A. They don't specifically say whether
5 it has information about whether there's video
6 feed in it.

7 MR. KANTAREK: I don't have any
8 further questions. We can go off the
9 record.

10 MR. WILLIAMS: Let's go off the
11 record.

12 (Off the record. Time noted:
13 2:58 p.m. to 3:12 p.m.)

14 MR. WILLIAMS: We have no redirect.
15 The witness will read and sign.

16 THE COURT REPORTER: Mr. Williams,
17 do you want a rough today?

18 MR. WILLIAMS: Yes. Just go ahead
19 you can give us a rough and then standard
20 delivery, regular delivery.

21 THE COURT REPORTER: Thank you.

22 (Time noted: 3:12 p.m.)
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A C K N O W L E D G M E N T

STATE OF :
:SS
COUNTY OF :

I, NATHANIEL POLISH, hereby certify
that I have read the transcript of my testimony
taken under oath in my deposition on the 19th
day of June, 2024; that the transcript is a
true, complete record of my testimony and that
the answers on the record as given by me are
true and correct.

NATHANIEL POLISH

Signed and subscribed to before
me this day of , 2024.

Notary Public of the State of

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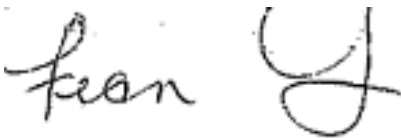
C E R T I F I C A T E

I, FRAN INSLEY, hereby certify that the Deposition of NATHANIEL POLISH was held before me on the 19th day of June, 2024; that said witness was duly sworn before the commencement of testimony; that the testimony was taken stenographically by myself and then transcribed by myself; that the party was represented by counsel as appears herein;

That the within transcript is a true record of the Deposition of said witness;

That I am not connected by blood or marriage with any of the parties; that I am not interested directly or indirectly in the outcome of this matter; that I am not in the employ of any of the counsel.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of June, 2024.



FRAN INSLEY

1 Eliot Williams

2 eliot.williams@bakerbotts.com

3 June 24th, 2024

4 RE:Motorola Solutions, Inc. v. Sta Group, LLC

5 6/19/2024, Nathaniel Polish (#6744866)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 (Calendar-pnw@veritext.com).

16 Return completed errata within 30 days from
17 receipt of testimony.

18 If the witness fails to do so within the time
19 allotted, the transcript may be used as if signed.

20

21

22 Yours,

23 Veritext Legal Solutions

24

25

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MOTOROLA SOLUTIONS, INC.,

Petitioner,

v.

STA GROUP LLC,

Patent Owner.

IPR2023-01295

Patent 8,994,830 B2

**ERRATA SHEET FOR THE JUNE 19, 2024 DEPOSITION OF
NATHANIEL POLISH, PH.D.**

I, Nathaniel Polish, Ph.D., do hereby make the following corrections to my
June 19, 2024 deposition transcript:

PAGE	LINE	CHANGE/CORRECTION	REASON
6	11	“priority” to “prior art”	Transcription Error
13	18	“readily” to “rigidly”	Transcription Error
33	13	“setting” to “settings”	Transcription Error
48	22	“reaches” to “reach”	Transcription Error
52	2	“defects” to “detects”	Transcription Error
54	10	“that” to “then”	Transcription Error
66	15	“kind of the third the way” to “kind of a third of the way”	Transcription Error
73	14	“talking” to “taking”	Transcription Error
81	19	“it it” to “it”	Transcription Error
100	16	“limited” to “limiting”	Transcription Error
104	24	“Correcting” to “Connecting”	Transcription Error
114	13	“send” to “sends”	Transcription Error

I declare under penalty of perjury that, except for any corrections noted
above, the transcript is an accurate record of the statements made by me.

Date: June 28, 2024



Nathaniel Polish, Ph.D.

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[area - basically]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

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

(A) to review the transcript or recording; and

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

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

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

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