

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD
3

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5 MERCEDES-BENZ USA, LLC

6 Petitioner,

7 v.

8 DAEDALUS PRIME LLC,

9 Patent Owner.
10 -----

11 Case No.: IPR2023-01343

12 U.S. Patent No. 8,898,494
13 -----

14
15 DEPOSITION OF DAVID WYATT

16 CONDUCTED VIRTUALLY

17 Tuesday, April 30, 2024
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20
21

22 Stenographically Reported by:
23 LORI STOKES
24 RPR, CSR No. 12732

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Pages 1-39

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The deposition of DAVID WYATT, was taken
virtually on behalf of DAEDALUS PRIME LLC, beginning
at 6:59 a.m., Pacific Time, on April 30, 2024,
before LORI STOKES, RPR, Certified Shorthand
Reporter No. 12732.

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EXHIBITS

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EXHIBIT 1001	United States Patent No. 8,898,494	33
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1 April 30, 2024 | 6:59 a.m.

2
3 DAVID WYATT,
4 having been administered an oath, was examined and
5 testified as follows:
6

7 EXAMINATION

8 BY MR. FAHMI:

9 Q Mr. Wyatt, good morning. Can you hear me
10 okay?

11 A I can. There's a bit of an echo, but
12 basically okay.

13 Q Okay. Do let me know if it's a problem.
14 My name is Tarek Fahmi, and I want to
15 thank you for appearing for deposition this morning.

16 I represent the patent owner Daedalus
17 Prime in this matter, and we're here today for your
18 deposition in connection with Inter Partes Review
19 Number 2023-01343 that's pending in the U.S. Patent
20 and Trademark Office, and that proceeding concerns
21 U.S. Patent 8,898,494.

22 And you provided a declaration in
23 connection with that proceeding; is that right?

24 A Yes, I did.

25 Q Have you ever been deposed before,

1 Mr. Wyatt?

2 A Yes.

3 Q When was the last time you were deposed
4 approximately?

5 A I think it was June of 2023, if I recall
6 correctly.

7 Q Okay. I just want to go over a couple of
8 ground rules, if you will, and comments regarding
9 today's proceeding so that we have a common
10 understanding of what's going to take place.

11 Since we are doing this by remote video,
12 and I appreciate you participating in that process,
13 it sometimes happens that, you know, the audio
14 connection drops out or it's garbled.

15 So if you don't hear a question that I
16 pose, or you didn't understand it, or you just want
17 it repeated for any reason, just let me know, and
18 I'll be happy to repeat the question, okay?

19 A Yep. Understood.

20 Q And as you're doing, it makes the court
21 reporter's job much easier if only one of us is
22 speaking at a time, so if you would be so kind as to
23 wait until I finish asking a question, I'll try and
24 do the same and wait until you've finished answering
25 the question so that we're not talking over each

1 other.

2 Is that okay?

3 A Yeah. That seems mutually fair.

4 Q Did you do any preparation for this
5 deposition?

6 A Yep, I did.

7 Q What did you do?

8 A I reviewed the material, the declaration
9 and the patents again with the attorney, including
10 Helen.

11 Q When was that?

12 A Yesterday, for example.

13 Q How long did you spend?

14 A Pretty much most of the 9:00 to 5:00.

15 Q Prior to that, when was the last time you
16 looked at the same materials?

17 A The day before.

18 Q Before then, when was the last time you
19 looked at the same materials?

20 A I think Friday.

21 Q Okay. Do you have any materials in the
22 room with you today?

23 A Yes, I do.

24 Q What do you have?

25 A I have the binder prepared by Hogan

1 Lovells, which has the declaration, the patents in
2 question, my CV, the art that was cited, and the
3 notice to appear for deposition.

4 THE STENOGRAPHER: I'm sorry. Did you say
5 the articles cited?

6 THE WITNESS: Yeah, the patents that were
7 cited in the declaration.

8 THE STENOGRAPHER: Okay. Thank you.

9 THE WITNESS: Do you want me to read out
10 what they were?

11 THE STENOGRAPHER: No. I was just making
12 sure I heard what you said.

13 THE WITNESS: Okay.

14 BY MR. FAHMI:

15 Q And you said counsel provided that to you,
16 Mr. Wyatt?

17 A That's correct.

18 Q When was that?

19 A Yesterday.

20 Q Are there any notes or annotations on any
21 of the materials?

22 A No.

23 Q Is there anything in the materials that is
24 not already of record in this proceeding?

25 A Not that I'm aware of.

1 Q Do you have any of your own notes in those
2 materials?

3 A No.

4 Q Anything else in the room with you today?

5 A Coffee cup, water, my cellphone. That's
6 about it. And, sorry, Helen.

7 Q Right. Ms. Trac is the only other person
8 in the room with you; is that right?

9 A That's correct.

10 Q Okay. Under the rules of the Patent Trial
11 and Appeal Board, now that this cross-examination
12 has commenced, you're not to have any communications
13 about the substance of your testimony with anyone,
14 including during any of our breaks.

15 Do you understand that?

16 A Yes.

17 Q If you need to take a break at any point,
18 just let us know. I'm happy to pause. I don't plan
19 on keeping you here any longer than need be, but if
20 you do need to pause and take a break, all I would
21 ask is that we not break while there's a question
22 pending.

23 Is that okay?

24 A Yeah. Understood.

25 Q Is there any reason you can't give your

1 full and honest and complete testimony in this
2 matter today?

3 A No.

4 Q Are you taking any medications that might
5 impair your ability to testify today?

6 A Nope.

7 MR. FAHMI: Okay. Let's start with
8 Exhibit 1003. This is your declaration.

9 I'm going to have the technician put a
10 copy on the screen, but as you have a paper copy
11 with you, it's fine if you want to refer to that
12 paper copy.

13 THE WITNESS: Yeah.

14 (Deposition Exhibit 1003 was
15 marked for identification.)

16 BY MR. FAHMI:

17 Q So on the screen is a copy of what's been
18 previously marked as Exhibit 1003. And I believe
19 you have a copy of the same materials in front of
20 you.

21 Do you recognize the exhibit?

22 A I do.

23 Q Do you recognize it as a copy of the
24 declaration that you provided in this proceeding?

25 A Yeah.

1 Q Is this one of the materials you reviewed
2 as recently as yesterday?

3 A Yes.

4 Q Okay. If you would, please turn to
5 paragraph 21. I believe it's on page 10.

6 A Yep.

7 Q In paragraph 21, you provide a definition
8 of a person of ordinary skill in the art; is that
9 right?

10 A Yeah, that's correct.

11 Q How did you come to determine this would
12 be the qualifications of a person of ordinary skill
13 in the art?

14 A Both from my own experience and in
15 consultation with the attorneys.

16 Q What consultation is that?

17 MS. TRAC: Sorry. Objection.

18 You can answer, but be sure to not
19 disclose the discussions with counsel based on
20 privilege.

21 THE WITNESS: Yes. They provided the
22 legal basis for this.

23 BY MR. FAHMI:

24 Q Are you a client of the Hogan Lovells law
25 firm, Mr. Wyatt?

1 A No.

2 Q When did your discussions with counsel
3 concerning the person of ordinary skill in the art
4 take place?

5 A Last year, if I recall, somewhere around
6 July if I recall correctly.

7 Q Was this a definition that was provided to
8 you, or was it a definition that you came up with
9 yourself?

10 A No, it's one that I worked on and
11 co-authored with them based on my own experience and
12 having seen similar definitions before.

13 Q What is it about this definition that
14 makes it applicable to the patent that's involved in
15 this proceeding?

16 A Well, it describes what someone who would
17 be familiar with the material would have had in
18 terms of qualifications and experience and roles in
19 their work.

20 Q Anything in particular that you'd -- the
21 definition encompasses persons with backgrounds in
22 electrical engineering, computer engineering,
23 computer science or similar disciplines.

24 MS. TRAC: Objection. Is there a
25 question?

1 BY MR. FAHMI:

2 Q Yeah. The question is: What is it in
3 particular about this definition that makes it
4 applicable?

5 A With regards to the part that you cited
6 for the specific degrees, those are degrees that
7 would generally intersect the kind of field in their
8 course material to what the patents consist of.

9 Q What do you mean by "similar disciplines"?

10 A The areas that are mentioned here are just
11 a few specific examples. Other areas and other
12 degrees can have relevance in terms of the areas
13 that they touch and the areas that intersect with
14 the patent.

15 Q Would a person have to have an
16 undergraduate degree in order to be a person of
17 ordinary skill in the art?

18 A No. No, and, in fact, I think this
19 declaration also points out that one with sufficient
20 experience in the field may substitute for formal
21 education.

22 Q What sort of experience would that be?

23 A Well, in my experience, it could be
24 anything to two or four or more years depending on
25 the level of detail they're working at and the kind

1 of job that they're at, their exposure to the
2 architectures and the kind of problems that are
3 relevant to this application in the patent.

4 Q Can you give me any examples of what sort
5 of jobs those might be?

6 A Yeah. For example, in my experience, I
7 worked as a chief engineer and a platform architect.
8 And amongst the people that I interacted with at
9 Intel, for example, included people who were design
10 engineers, architects, relevant in terms of thermal
11 engineers and system design engineers.

12 These are all fields that, for example,
13 intersect in one way, shape, or form with another.

14 Q And if I understand you correctly, those
15 folks could have just had on-the-job experience as
16 opposed to formal university training; is that
17 right?

18 A Yeah, absolutely. And I knew many people
19 at Intel who were coming from different disciplines
20 that had certain portions of knowledge and grew to
21 understand the nature of the problem and how the
22 operating system and the components needed to work,
23 and how they interacted.

24 Oh, I should say and similarly in NVIDIA,
25 similar sort of situation when I was working there.

1 Q Any particular skills these individuals
2 would have to have to be considered a person of
3 ordinary skill in the art?

4 A Well, they should understand basic
5 engineering terms, power, thermal, temperature, bus,
6 interconnect, processor, those sort of basic things.

7 Q Anything else?

8 A An understanding of how components are
9 interconnected, the way that processors work, sort
10 of a fundamental understanding of physics, heat,
11 heat and mass transfer. You know, basic stuff
12 involved in when things get hot and how to cool
13 them.

14 Q Okay. Let's take a look at Exhibit 1005,
15 please. This is the Bose reference.

16 (Deposition Exhibit 1005 was
17 marked for identification.)

18 THE WITNESS: Okay. I'm there.

19 MR. FAHMI: I'll just wait for the
20 technician to bring it up on screen so that we've
21 got it.

22 Thank you.

23 BY MR. FAHMI:

24 Q This is U.S. Patent 7,421,601 to Bose,
25 et al. It's been previously marked as Exhibit 1005.

1 Do you recognize the exhibit?

2 A I do.

3 Q Is this one of the materials you reviewed
4 as recently as yesterday?

5 A It is.

6 Q If I refer to it as Bose, do you
7 understand I'll be talking about this particular
8 exhibit?

9 A Yeah. I may call it '601 or Bose, but
10 yeah, I think I understand what you mean.

11 Q You offered testimony concerning Bose as
12 part of your declaration; is that right?

13 A Yes, I did.

14 Q If we take a look at figure 1. It's on
15 page 3 of the exhibit.

16 A Yes, I'm there.

17 Q Among the other things that's shown in
18 figure 1 is the global PMCU. And I understand that
19 refers to the power monitoring and control unit
20 that's labeled 110.

21 Do you see that?

22 A Yes.

23 Q This global PMCU chooses the appropriate
24 power optimizations for the different core elements;
25 is that right?

1 A I would have to go back and read the
2 specific context that Bose gave it.

3 But as I recall, it provided a global sort
4 of power management for this hierarchal structure of
5 subcomponents with their local PMCU. And that's
6 how I probably would have described it.

7 Q Sure.

8 If we leave the figure on the screen, and
9 if you want to turn to column 7, beginning at
10 about -- the paragraph that begins at about line 8.
11 There's a description of the global PMCU.

12 Do you see that?

13 A I do.

14 Q So I think here Bose is saying that the
15 global PMCU chooses appropriate power optimizations
16 for each core element.

17 Correct?

18 A Yeah.

19 Q And as I understand it, and as Bose
20 explains further in the paragraph, those
21 optimizations are packaged into different power
22 modes.

23 Is that right?

24 A Yeah. And also power budgets.

25 Q Is there a difference between a power mode

1 and a power budget?

2 A Yes. So the power mode he describes --
3 let's see if I can find it.

4 He describes as a combination of voltage
5 and frequency settings, for example.

6 And the budget refers to sort of how much
7 power that subcomponent is able to or should be
8 operating within.

9 Q Then if we look at figure 2 on the screen,
10 and perhaps if it helps your recollection, the
11 discussion begins in column 7, at about line 41.

12 Figure 2 is showing some of the hardware
13 details of the global PMCU, correct?

14 A Right.

15 Q Among those details are certain tables and
16 registers.

17 Do you see that?

18 A Right.

19 Q One of them is a Phase Prediction Table;
20 is that right?

21 A Yep.

22 Q There's also a Decision History Table,
23 correct?

24 A There's a Phase History Table, if that's
25 what you mean.

1 Q In column 7, Bose calls it a Decision
2 History Table 205.

3 Do you see that?

4 A All right. Yes.

5 Q And then there's also a separate Phase
6 History Table 213.

7 Is that right?

8 A Uh-huh.

9 Q There's a Power/Performance Trade-off
10 Table that's 206, correct?

11 A Yep, I see it.

12 Q There are Control Registers labeled 201
13 near the top of the PMCU.

14 Do you see that?

15 A Uh-huh.

16 Q And I think Bose indicates that those
17 Control Registers store information that's specified
18 by the operating system; is that right?

19 A They describe, as is illustrated in 120,
20 interaction with various layers, not just the
21 operating system.

22 Q Would you take a look at the bottom of
23 column 7 beginning about line 65.

24 A Yeah.

25 Q It indicates [reading]:

1 The global PMCU stores commands
2 specified by the operating system
3 in the Control Registers.

4 Is that right?

5 A Right. And as shown in box 120 on
6 figure 2, the line is coming from both firmware and
7 hypervisor as well as the operating system.

8 Q The other thing that's stored in the
9 control registers -- excuse me.

10 Is there anything else that Bose indicates
11 is stored in the Control Registers?

12 A By "the Control Registers," which specific
13 ones are you talking about?

14 Q Yeah. I'm talking about the Control
15 Registers 201.

16 A Okay, got it.

17 Q So I think at the top of column 8, Bose
18 indicates that the operating system might store
19 control primitives in those registers; is that
20 right?

21 A Yeah. I'm reading it again now.

22 MS. TRAC: And take your time.

23 THE WITNESS: Right. And it says 201
24 includes primitives and specifications [reading]:

25 Related to the overall task

1 management, thread prioritization,
2 load balancing, et cetera.

3 And [reading]:

4 The OS also specifies power budget
5 permitted by the whole system and
6 power budgets potentially --
7 possibly for each of the cores.

8 There's a set of numbers, or average
9 power, et cetera. Uh-huh.

10 BY MR. FAHMI:

11 Q And if we look a little bit further down
12 in column 8, beginning at about line 35, there's a
13 mention of the Power/Performance Trade-off Table.

14 Do you see that?

15 A I do.

16 Q And it indicates that this [reading]:

17 Power/Performance Trade-off Table
18 stores the predicted power and
19 performance for each power mode.

20 Is that right?

21 A Right.

22 Q There's also an indication in that same
23 paragraph that [reading]:

24 The global PMCU controller updates
25 the Power/Performance Trade-off

1 Table after considering information
2 from the Phase Prediction Table and
3 the Decision History Table.
4 Correct?

5 A Right. That's what it says.

6 Q There's some further discussion about the
7 Power/Performance Trade-Off Table in column 12, if
8 you care to turn there.

9 And it begins, I think, about line 42.

10 A In column 12?

11 Q Yeah, column 12, about line 42.

12 A Okay. You're talking about the
13 Power/Performance Trade-Off Table.

14 Q Right. The paragraph begins "In block
15 716."

16 Do you see that?

17 A I do.

18 Q So Bose is indicating that [reading]:

19 The amount of change in the power
20 or performance is available from
21 the Power/Performance Trade-Off
22 Table.

23 Is that right?

24 A So the specific things it says are the
25 power and performance, and it talks about other

1 information that it monitors and can influence.

2 Q What other information is that?

3 A So, yeah, it says here [reading]:

4 The intermediate level control
5 algorithm may be further guided in
6 its decision, in block 718.

7 Q Oh, I see. You're looking at the next
8 paragraph, okay.

9 A Right.

10 Q So just going back to that paragraph that
11 begins "In block 716," it mentions that [reading]:

12 The Power/Performance Trade-Off
13 Table is maintained at the
14 appropriate level of the control
15 hierarchy.

16 Do you see that?

17 A Which column and line are you referring
18 to?

19 Q I'm in column 12, still at the paragraph
20 that begins at about line 42.

21 And it says that [reading]:

22 The Power/Performance Trade-Off
23 Table, or PPTT, is maintained at
24 the appropriate level of the
25 control hierarchy.

1 A Uh-huh. I see that.

2 Q What would the person of ordinary skill in
3 the art understand is meant by "the control
4 hierarchy"?

5 A Well, from Bose, it describes a system
6 with a hierarchy called power control with a global
7 control and then several layers of local PMCU
8 control.

9 So one would interpret that the hierarchy
10 is the one that they're describing -- sorry.

11 One would first interpret that the
12 hierarchy they're describing starts with this
13 hierarchy from global to local and passing
14 information between the global and the local units,
15 as was described earlier in the specification.

16 Q I see.

17 Since the amount of the change in the
18 power or performance is available from the
19 Power/Performance Trade-Off Table, would a person of
20 ordinary skill in the art understand that the PMCU
21 could determine the amount of change by reading that
22 data from the Power/Performance Trade-Off Table?

23 A I'm sorry.

24 Which PMCU are you talking about? There's
25 the local and the global, and I'm not sure which one

1 you're referring to.

2 Q Yeah. I think earlier we saw that the
3 global PMCU maintained the Power/Performance
4 Trade-Off Table.

5 Is that right?

6 A Uh-huh.

7 Q So is it correct, then, that the global
8 PMCU can determine the amount of change in power
9 performance by reading the Power/Performance
10 Trade-Off Table?

11 A Yeah. Both the global and the local have
12 the ability to set power and power modes.

13 THE STENOGRAPHER: I'm sorry. Power and
14 what?

15 THE WITNESS: I'm sorry. Power modes.

16 BY MR. FAHMI:

17 Q A few moments ago you were looking at the
18 next paragraph in column 12, the one that begins
19 "The immediate level control algorithm."

20 And there's a discussion of some of the
21 other tables that we talked about a few minutes ago,
22 the Phase History Table, Phase Prediction Table,
23 Decision History Table.

24 Do you see that?

25 A Uh-huh. I do.

1 Q And it indicates that [reading]:
2 The Phase History Table includes a
3 structure (with update semantics
4 and control) maintained to record
5 the history of information,
6 et cetera.

7 Do you see that?

8 A Yep.

9 Q What would a person of ordinary skill in
10 the art understand is meant by the "update semantics
11 and control"?

12 A Which line is "semantics" written on
13 again?

14 Q It's line 50.

15 A Okay. I see it.

16 So I don't recall where it defines
17 "semantics" in this, but at first blush, this would
18 include the kind of mode of operation and how --
19 that would be my immediate assumption, and to what
20 they mean with the Phase History Table.

21 MR. FAHMI: Okay. Let's turn to
22 Exhibit 1006, please. This is the White patent.

23 And again, if we could just have the cover
24 up on the screen, and Mr. Wyatt, if you want to
25 refer to the copy you have, that's fine.

1 (Deposition Exhibit 1006 was
2 marked for identification.)

3 THE WITNESS: Yep. I'm there.

4 BY MR. FAHMI:

5 Q So Exhibit 1006 is a copy of U.S.
6 Patent 7,263,457 to White, et al.

7 Do you recognize the exhibit?

8 A Right. I do.

9 Q Is this one of the references that you
10 offer testimony about in your declaration?

11 A It is.

12 Q And it's one of the materials that you
13 reviewed as recently as yesterday; is that right?

14 A That's correct.

15 Q If I refer to it as White, you'll
16 understand I'm talking about this Exhibit 1006?

17 A Yeah. I may say White or '457, but I know
18 what you mean.

19 Q So perhaps we can have figure 1 on the
20 screen.

21 And Mr. Wyatt, if I could refer you to --
22 I think it's in column 5, beginning about line 27 or
23 so.

24 White indicates that [reading]:

25 Figure 1 is a block diagram that

1 illustrates an integrated circuit
2 including multiple logic cores
3 configured to operate at
4 independent voltages or frequencies
5 according to one embodiment.

6 Is that right?

7 A Right.

8 Q And if we look at figure 2A.

9 It's my understanding that figure 2A is
10 illustrating the same integrated circuit as in
11 figure 1.

12 Is that correct?

13 A Yeah. This is another representation
14 including -- the power management hooks into the
15 system illustrated in figure 1.

16 Q The power management logic controls the
17 operating voltage and/or the operating frequency of
18 the different logic cores in the integrated circuit;
19 is that right?

20 A Yeah. In this instance in White, they're
21 describing how the power management system can
22 manage the voltage and frequency and the --
23 influencing the power modes of operation.

24 Q That's done via the voltage regulator and
25 the frequency regulator that's shown in the

1 illustration; is that right?

2 A In this illustration, what they're showing
3 is the power management controlling the voltage and
4 frequency.

5 And I seem to remember that in this
6 specification, they also have other mechanisms of
7 controlling the performance.

8 Q Perhaps you're referring to the
9 Temperature Control Logic that's shown in figures 2B
10 and 2C?

11 A Right.

12 Q If I can have you refer to the text in
13 column 10.

14 The paragraph that begins at about line 11
15 describes figure 2A.

16 Do you see that?

17 A I do.

18 Q And here there's an indication that
19 adjustments to a core's operating characteristics
20 are made via the voltage regulator and/or the
21 frequency regulator.

22 Is that right?

23 A Well, it says via modem or control
24 signals. But, yes, that's ultimately where it ends
25 up.

1 Q A little bit further down in the same
2 column, about -- beginning at about line 40, White
3 indicates that the power management logic can
4 determine the output voltage and output frequency --
5 excuse me -- the operating voltage and the operating
6 frequency of a core by reading configuration
7 registers of the voltage and frequency regulators.

8 Is that right?

9 A Give me a moment. I'm reading through it
10 again.

11 I'm sorry. Can you reask your question.

12 Q Yeah. Am I understanding it correctly
13 that the power management logic can read the
14 operating voltage or frequency of the cores by
15 reading the configuration registers of the voltage
16 or frequency regulators?

17 A Right.

18 In this case, yes, it's talking about how
19 it may be configured to read back the configuration
20 registers and to request the voltage regulator
21 setting, as in addition to for core independently,
22 obviously, and in the embodiments may be able to
23 read the temperature sensor in order to apply it.

24 So one would assume in the second case
25 that it's not necessarily reading the configuration

1 registers first, but it's going directly to the
2 temperature sensor.

3 Q So I think the part you're referring to
4 indicates that [reading]:

5 A core that detects it's operating
6 at a certain temperature may
7 request that the voltage regulator
8 supplying its power change the
9 supplied voltage level.

10 Is that right?

11 A Right. Yeah.

12 And in some situations, you don't really
13 need to know what you're currently operating at.
14 You just know that you're too hot, and you need to
15 change to a lower power mode right away.

16 And so, in that case, what matters first
17 and foremost is the temperature, not your previous
18 power configuration.

19 Q Then the paragraph -- the last paragraph
20 in column 10, and it carries over into column 11, is
21 indicating that when the power management logic is
22 adjusting operating voltage or frequency, it's using
23 a table of comparable or desirable voltage-frequency
24 pairs to set those operating characteristics and
25 make sure they're feasible.

1 Is that right?

2 A Right. That's what it's talking about
3 here.

4 And typically, for each voltage, there's a
5 maximum operating frequency possible at that voltage
6 that may be able to achieve a certain level of
7 performance. So these would typically occur in
8 pairs, as is defined in various specifications.

9 MR. FAHMI: Let's turn to Exhibit 1001,
10 please.

11 (Deposition Exhibit 1001 was
12 marked for identification.)

13 MR. FAHMI: This is a copy of the '494
14 patent.

15 THE WITNESS: Right. I have it.

16 MR. FAHMI: We'll just give a moment for
17 the image to come up on the screen.

18 THE REMOTE TECHNICIAN: Stand by.

19 MR. FAHMI: Thank you.

20 BY MR. FAHMI:

21 Q So Exhibit 1001 is U.S. Patent 8,898,494
22 to -- I think it's Schluessler, et al.

23 A Yeah. And I find it much easier to refer
24 to it as '494, so forgive me --

25 Q I will do so.

1 A -- if I struggle with the name.

2 Q You and me both. '494 it is.

3 So as I understand it, you offered
4 testimony concerning the '494 patent in your
5 declaration; is that right?

6 A I did.

7 Q And is this also one of the materials you
8 reviewed as recently as yesterday?

9 A It is.

10 Q Let's look at claim 1. It begins in
11 column 21.

12 A Okay. I'm there.

13 Q Thank you. I'm sorry.

14 In several places, claim 1 uses the term
15 "workload."

16 Do you see that?

17 A I do.

18 Q And in column 8, I believe. Yeah,
19 column 8, the paragraph that begins at about
20 line 18.

21 The '494 patent indicates that processing
22 workload involves determining [reading]:

23 An amount of activity, for example,
24 a number of cycles active, over a
25 quantum or period of time.

1 Is that right?

2 A Yeah, that's one of the examples.

3 Q Is that how a person of ordinary skill in
4 the art would understand the term "workload," that
5 it's referring to an amount of activity over a
6 period of time?

7 A Yeah. There's lots of definitions for
8 "workload." And specifically, I think what '494 is
9 trying to do here is to define how they measure it
10 and how they quantify it.

11 The challenge with measuring workload is
12 that it's very difficult to know, you know, what is
13 the work and how many transistors are actually
14 active for a given portion or portions of the chip
15 that's being worked.

16 But in this case, he's trying to use
17 "workload" as a proxy for power. So he's looking at
18 the activity performance -- and performance counters
19 would be part of that -- as a sort of a proxy for
20 the way to infer power.

21 Q So the workload, though, specifically is
22 that measure of activity over time; is that right?

23 A Yeah. Activity over time, as I said, is
24 something that you can, for example, look at through
25 performance counters or metrics on the silicon that

1 give you activities of certain units within a core.

2 And in his definition here, he says

3 [reading]:

4 For example, an amount of activity,

5 the number of cycles active.

6 And when he says "active," I infer that as
7 meaning, for example, through performance counters
8 or looking at the activity of units within the core
9 or cores.

10 MR. FAHMI: Okay. Thanks, Mr. Wyatt.

11 I don't have any more questions this
12 morning.

13 MS. TRAC: Can we take a break?

14 MR. FAHMI: Sure.

15 THE STENOGRAPHER: Okay. We're off the
16 record.

17 (Recess taken from 7:41 a.m. to
18 7:42 a.m.)

19 MS. TRAC: No further questions.

20 MR. FAHMI: All right. Thank you,
21 Mr. Wyatt. That concludes the deposition. I again,
22 greatly appreciate your time this morning and hope
23 you have a pleasant rest of your day.

24 THE WITNESS: Thank you. You too, Tarek.

25 THE STENOGRAPHER: This was ordered for a

1 two-day expedite.

2 Do you both want it expedited?

3 MR. FAHMI: Yes. I think we asked for the
4 rough today, Lori, and then the transcript within 48
5 hours, if that's possible, please.

6 THE STENOGRAPHER: No problem.

7 How about Ms. Trac?

8 MS. TRAC: Rough today would be great, and
9 we're okay with regular transcript.

10 THE STENOGRAPHER: Okay. Thank you so
11 much.

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CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

I, Lori Stokes, Certified Shorthand Reporter in
and for the State of California, do hereby certify:

That DAVID WYATT, the witness whose deposition
is hereinbefore set forth, was duly sworn by me
before the commencement of such deposition, and that
such deposition was taken before me and is a true
record of the testimony given by such witness.

I further certify that the adverse party,
Mercedes-Benz, was represented by counsel at the
deposition.

I further certify that the deposition of DAVID
WYATT occurred virtually on Tuesday, April 30, 2024,
commencing at 6:59 a.m. to 7:43 a.m. PT.

I further certify the inspection, reading and
signing of said deposition was waived on the record
by agreement of all parties.

I further certify that I am not related to any
of the parties to this action by blood or marriage,
I am not employed by or an attorney to any of the
parties to this action, and that I am in no way
interested, financially or otherwise, in the outcome
of this matter.

1 IN WITNESS WHEREOF, I have hereunto set my hand
2 this 1st day of May, 2024.

3 My license expires on October 1, 2024.

4

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9 _____
LORI STOKES

10 CALIFORNIA CERTIFIED SHORTHAND REPORTER

11 NUMBER 12732

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