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Transcript of James F. Shanley, Ph.D.

Date: June 28, 2024

Case: Hesai Technology Co., Ltd. -v- Ouster, Inc. (PTAB)

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5 E X H I B I T S (Cont'd) No. Page Exhibit 1008 U.S. Patent 8,736,818 108 Exhibit 1009 U.S. Patent Application Publication 2016/0274223 82 Exhibit 1012 U.S. Patent Application Publication 2017/0040368 98 Exhibit 1013 U.S. Patent Application Publication 2014/0211194 78 Exhibit 1111 Translator's Certificate of Translation 82	7 1 that I had, yes. 2 Q. Let me clarify. Sorry. 3 So then that was the matter 4 related to the '405 patent; is that correct? 5 A. Yes. 6 Q. So if I refer to the '405 or '405 7 IPR, will you understand what I mean by that? 8 A. Yes. 9 Q. Do you stand by the testimony that 10 you gave in the '405 IPR? 11 MR. DEUTSCH: Objection. Scope. 12 A. Yes, to the best of my knowledge. 13 Q. And you said you have been deposed 14 before. How many times have you been deposed 15 recently? 16 A. I think four. Four or five. 17 Q. How did you prepare for today's 18 deposition? 19 A. Read the material and consulted 20 with counsel. 21 Q. How many hours did you spend 22 consulting with counsel?
6 P R O C E E D I N G S JAMES F. SHANLEY, Ph.D. having been satisfactorily identified by the production of his driver's license, and duly sworn by the Notary Public, was examined and testified as follows: EXAMINATION BY MR. LAUPPE: Q. Good morning, Dr. Shanley. A. Did morning. Q. Can you please state your name for the record. A. James F. Shanley. Q. And have you been deposed before, Dr. Shanley? A. Yes. Q. And were you deposed in the 1421 matter? A. If that was the last deposition	8 1 A. I don't -- probably several. 2 Q. And do you understand that today's 3 deposition relates to two IPRs? 4 A. Yes. 5 Q. Okay. And those IPRs are those 6 related to the '381 patent and the '750 patent; 7 is that correct? 8 A. Yes. 9 Q. For the record, so if I refer to 10 U.S. Patent No. 11,178,381 as the '381 patent, 11 is that okay for today? 12 A. Yes. 13 Q. And then same for if I refer to 14 the 11,190,750 patent as the '750 patent, will 15 you understand that today? 16 A. Yes. 17 Q. Okay. So if I refer to the '381 18 patent IPR, you understand what I mean by that 19 is the IPR we're discussing today as to the 20 '381 patent? 21 A. Yes. 22 Q. And if I refer to the '750 IPR,

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77 1 (Recess taken at 11:08 a.m. and 2 reconvening at 11:19 a.m.) 3 BY MR. LAUPPE: 4 Q. I want to change gears now a 5 little and turn to the Retterath, Borowski and 6 Pacala combo. So can you open up your 7 declaration for the '381 IPR. 8 A. Okay. 9 Q. Again, this is Exhibit 1. Can you 10 go to Paragraph 223? 11 A. Okay. 12 Q. And in Paragraph 223, do you see, 13 I think it's the second sentence that starts at 14 the bottom of that first page, Page 108, 15 "Pacala suggests a commonly used LiDAR 16 construction that is overall compact in size 17 and provided low-cost optical layout with the 18 optoelectronic elements behind bulk optics." 19 Do you see that sentence? 20 A. Yes. 21 Q. So let's take a look at Pacala, 22 which is Exhibit 1013.	79 1 Q. Is compactness important for a 2 rotating system? 3 MR. DEUTSCH: Objection. Scope. 4 A. Depends on the system requirements 5 and where it's going to go. I think that's the 6 main thing. 7 Q. So looking at the disclosures of 8 Pacala, what indicates to you that it is a 9 low-cost device? 10 A. A couple of things. One, just the 11 layout of the device in the figure, in Figure 12 12.2. And also the fact that the lenses transmit 13 and receive are close together. The fact that 14 it's, I think -- just the overall look of it 15 and the precise compactness and the form of it 16 looks very low cost, I would assume. 17 Q. Let's look back at your 18 declaration for the '381. 19 A. Okay. 20 Q. We're still looking at Paragraph 21 223, and this is the last sentence. Do you see 22 where you say, "Based on my knowledge and
78 1 MR. LAUPPE: Pacala is Exhibit 2 1013, and that's the same exhibit number 3 for both of the IPRs. 4 (Document marked as Exhibit 1013 5 for identification) 6 Q. Dr. Shanley, can you show me what 7 in Pacala suggests LiDAR construction that is 8 overall compact in size and provided low-cost 9 optical layout? 10 A. Looking at Figure 2 in Pacala. 11 Q. So what about Figure 2 in Pacala 12 indicates that it's a compact device? 13 A. Yeah, the way the arrangement of 14 the swivel device is, the two optical elements, 15 the transmit and receive areas, and his 16 electrical layout on the side, just the drawing 17 looks very, very compact, and the description 18 that he provides in the text basically leads 19 one to assume that it's a nice compact device. 20 Q. And Pacala is a rotating system, 21 correct? 22 A. Yes.	80 1 experience and review of Retterath, Borowski 2 and Pacala, a POSITA would have recognized that 3 implementing the Retterath-Borowski combination 4 with similar compact configuration as suggested 5 by Pacala, in which the bulk optics are 6 positioned immediately next to one another, 7 would have provided such benefits without 8 hindering operation of the device." 9 Do you see that? 10 A. Yes. 11 Q. Now turning to the '381 patent, 12 let's go to Claim 1. Again, this is between 13 Column 16 and 17. This is Exhibit 3. 14 Do you see on Column 16, lines 4 15 to 5, where -- Column 17, lines 4 to 5, where 16 Claim 1 requires a "bulk imaging optic disposed 17 adjacent to the bulk transmitting optic." 18 Do you see that? 19 A. Yes. 20 Q. So returning you to Paragraph 223 21 of your declaration, you say that the bulk 22 optics in Pacala are positioned immediately

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149 1 CERTIFICATE 2 3 I, Michael O'Connor, Registered 4 Merit Reporter/Certified Realtime Reporter, 5 do hereby certify: 6 That James F. Shanley, Ph.D., the witness 7 whose deposition is hereinbefore set forth, was duly 8 sworn by me before the commencement of such deposition 9 and that such deposition was taken before me and is a 10 true record of the testimony given by such witness. 11 I further certify that the adverse party, 12 Hesai Technology Co., Ltd, was represented by counsel 13 at the deposition. 14 I further certify that the deposition of 15 James F. Shanley, Ph.D. occurred at the offices of 16 Fish & Richardson, P.C., One Marina Park Drive, Boston, 17 Massachusetts, on Friday, June 28, 2024,commencing at 18 9:01 a.m. to 2:29 p.m. 19 I further certify that I am not 20 related to any of the parties to this action by blood 21 or marriage, I am not employed by or an attorney to 22 any of the parties to this action, and that I am in no	151 1
150 1 way interested, financially or otherwise, in the 2 outcome of this matter. 3 IN WITNESS WHEREOF, I have hereunto 4 set my hand and Notarial Seal this 28th day 5 of June 2024. 6 7 <i>Michael O'Connor</i> 8 9 MICHAEL O'CONNOR, RMR, CRR, CRC 10 Notary Public 11 My Commission expires: 12 November 9, 2029 13 14 15 16 17 18 19 20 21 22	