

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

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|                            |   |                          |
|----------------------------|---|--------------------------|
| HESAI TECHNOLOGY CO. LTD., | ) |                          |
|                            | ) |                          |
| Petitioner,                | ) |                          |
|                            | ) | Case No.                 |
| vs.                        | ) | IPR2023-01422            |
|                            | ) |                          |
|                            | ) | Patent No. 11,287,515 B2 |
| OUSTER, INC.,              | ) |                          |
|                            | ) |                          |
| Patent Owner.              | ) |                          |
| _____                      | ) |                          |

DEPOSITION OF  
MICHAEL STEPHEN LEBBY, Ph.D.

Thursday, May 23, 2024

www.aplusCF.com Page 1  
San Francisco, California

Reported By: JANE GROSSMAN, CSR No. 5225

Job No. 10142500

## I N D E X

DEPOSITION OF MICHAEL STEPHEN LEBBY, Ph.D.  
THURSDAY, MAY 23, 2024

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MORNING SESSION 7  
AFTERNOON SESSION 82  
EXAMINATION BY: MR. MEYER 7

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## E X H I B I T S

## DEPOSITION EXHIBITS MARKED FOR IDENTIFICATION

| EXHIBIT NO.  | DESCRIPTION                                                                                                                                                                                                        | PAGE |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| Exhibit 1003 | Multipage document titled "EXHIBIT 1003 DECLARATION OF DR. MICHAEL LEBBY, PH.D." (Hesai Exhibit 1003, page 1 - Hesai Exhibit 1003, page 349)                                                                       | 18   |
| Exhibit 1007 | Multipage document, the substantive document titled "(12) International Application Publicized Under the Patent Cooperation Treaty...WO 2018/201567 A1" (Hesai Exhibit 1007, page 1 - Hesai Exhibit 1007, page 20) | 76   |
| Exhibit 1043 | Multipage document titled "United States Patent, Nubling; Patent No.: US 9,606,230 B2, Date of Patent: Mar. 28, 2017" (Hesai Exhibit 1043, page 1 - Hesai Exhibit 1043, page 8)                                    | 106  |

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QUESTION NOT ANSWERED

PER INSTRUCTION OF COUNSEL

[Designated in the transcript by (QNA)]

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Proceedings Commenced: 9:20 a.m.

RECESSES

10:27 a.m. until 10:43 a.m.

Pause in the proceedings due to technical difficulties:  
10:56 a.m. until 11:00 a.m.

Luncheon Recess: 12:20 p.m. until 1:01 p.m.

2:06 p.m. until 2:23 p.m.

Proceedings Concluded: 2:53 p.m.

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|                            | ) |                          |
| Patent Owner.              | ) |                          |
| _____                      | ) |                          |

BE IT REMEMBERED that, pursuant to Notice  
of Taking Deposition, and on Thursday, May 23, 2024,  
commencing at the hour of 9:20 a.m., and ending at the  
hour of 2:53 p.m., at the Law Offices of KILPATRICK  
TOWNSEND & STOCKTON LLP, Two Embarcadero Center,  
Suite 1900, Telegraph Conference Room, San Francisco,  
California 94111, before me, JANE GROSSMAN, a Certified  
Shorthand Reporter of the State of California,  
personally appeared

MICHAEL STEPHEN LEBBY, Ph.D.,  
produced as a witness in said action, who, being first  
duly sworn by the Certified Shorthand Reporter, was  
thereupon examined as a witness in said cause.

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A P P E A R A N C E S

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FOR PETITIONER HESAI TECHNOLOGY CO. LTD.:

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A P P E A R A N C E S

(Continued)

FOR PATENT OWNER OUSTER, INC.:

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BY: NICOLETTA KENNEDY, Attorney at Law  
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nkennedy@ktslaw.com

ALSO PRESENT:

TRE EVANS

LORENZO FERNANDEZ-KOPEC,  
Videoconference Technician

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1 MORNING SESSION 9:20 A.M.  
2 THURSDAY, MAY 23, 2024  
3 SAN FRANCISCO, CALIFORNIA  
4 ---000---  
5 P R O C E E D I N G S  
6 ---000---  
7 MICHAEL STEPHEN LEBBY, Ph.D.,  
8 called as a witness herein,  
9 having been first duly sworn by the Certified Shorthand  
10 Reporter, was thereupon examined and testified as  
11 hereinafter set forth.  
12 ---000---  
13 THE REPORTER: Please begin.  
14 ---000---  
15 EXAMINATION BY MR. MEYER  
16 BY MR. MEYER:  
17 **Q. Okay. <sup>www.aplusCR.com</sup> Dr. Lebby, can you please state your**  
18 **full name for the record?**  
19 A. It's Michael Stephen, with a -p-h, Lebby,  
20 L-e-b-b-y.  
21 **Q. Dr. Lebby, have you been deposed before?**  
22 A. I have.  
23 **Q. Okay. About how many times?**  
24 A. At least 60 times.  
25 **Q. And have you been involved in an inter-parties**

1 review proceeding before?

2 A. Yes, I have.

3 VIDEOCONFERENCE TECHNICIAN: It looks like  
4 Gail Jefferson has joined.

5 MR. MEYER: Gail Jefferson is an associate  
6 with Kilpatrick Townsend. She's in the Menlo Park  
7 office.

8 Q. Okay. So you've done this before, but I'll go  
9 through some ground rules again just as a refresher.  
10 I'm sure you don't need it, but I'm going to do it.

11 So, Dr. Lebby, if you do not understand one  
12 of my questions today, just please let me know, and I  
13 will rephrase it. Okay?

14 A. I will.

15 Q. Also, please speak slowly and clearly, so the  
16 court reporter can record your testimony.

17 Please wait until my questions are completed  
18 before answering. Okay?

19 A. That is fine.

20 Q. Now, this deposition constitutes your formal  
21 inter-parties review, or IPR, testimony.

22 Do you understand?

23 A. Yes, I do.

24 Q. Now, Dr. Lebby, your counsel may object from  
25 time to time, but unless you are instructed not to

1 rotor relative to a stator, as well as  
2 conventional electronics," full stop.

3 I then go on in this paragraph, and I talk  
4 about the types of folks, persons of ordinary skill in  
5 the art, POSITAs, working on these types of devices.

6 And I reiterate, from Paragraph 39 to  
7 Paragraph 40, that they typically hold undergraduate  
8 degrees in mechanical or electrical engineering.

9 I also reiterate that two or three years  
10 of work experience with electro-optical and  
11 electro-mechanical devices would provide an engineer  
12 with more specialized focus on the mechanical and  
13 electrical technologies of underlying motors,  
14 communication power electronics, as well as the optics  
15 principles and devices that go into underlying LiDAR  
16 technologies, which is exactly the same answer as I've  
17 given half an hour ago to all your questions on this  
18 subject.

19 **Q. Dr. Lebby, what experience do you have in**  
20 **designing systems with rotor-stator structures that**  
21 **include an integrated PCB motor for rotating a LiDAR**  
22 **device mounted on a rotor relative to a stator?**

23 A. I don't believe I've worked on a completed  
24 LiDAR system as a product development, but I've  
25 certainly worked on various components of LiDAR systems

1 that include the conventional electronics.

2 I've worked on rotors and stators; I've worked  
3 on opto-electronics; I've worked on fiber optics; I've  
4 worked on optics principles; I've worked on power  
5 electronics; I've worked on photodetectors; I've worked  
6 on lasers. So I've worked on many of the component  
7 technologies that go into LiDAR systems.

8 But if your question is pertaining to have I  
9 worked on a LiDAR product as a completed system, I think  
10 the answer to that is no.

11 **Q. So what experience do you have in designing**  
12 **systems that use rotor-stator structures?**

13 A. I certainly have experience in work in that  
14 field in the British Government in the UK, as well as at  
15 Motorola, when I was working in corporate research.

16 **Q. And what was that experience that you had**  
17 **working on designing systems that use rotor-stator**  
18 **structures while you were working for the British**  
19 **Government?**

20 A. My work in the British Government was in the  
21 '70s and '80s, so I don't recall all the details.

22 **Q. Do you recall the types of products that you**  
23 **were working on that included rotor-stator structures?**

24 A. Defense-related, so I don't recall any  
25 details. And if I did, I probably wouldn't be allowed

## 1 CERTIFICATE OF REPORTER

2 I, JANE GROSSMAN, a Certified Shorthand  
3 Reporter, hereby certify that the witness in the  
4 foregoing deposition was by me duly sworn, to tell the  
5 truth, the whole truth, and nothing but the truth in the  
6 within-titled cause;

7 That said deposition is a true record and was  
8 taken in shorthand by me, a disinterested person, at the  
9 time and place therein stated, and that the testimony of  
10 said witness was thereafter reduced to typewriting, by  
11 computer, under my direction and supervision;

12 That before completion of the deposition,  
13 review of the transcript [ ] was [X] was not requested.  
14 If requested, any changes made by the deponent (and  
15 provided to the reporter) during the period allowed are  
16 appended hereto.

17 I further <sup>www.aptusCR.com</sup> certify that I am not of counsel or <sup>Page 116</sup>  
18 attorney for any of the parties to said deposition, nor  
19 in any way interested in the events of this cause, and  
20 that I am not related to any of the parties thereto.

21 Dated: May 29, 2024

22   
23 \_\_\_\_\_

24 JANE GROSSMAN, CSR No. 5225  
25