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Transcript of Dr. Kirk W. Cameron

Date: January 9, 2025

Case: Tesla, Inc. -v- Graphite Charging Company LLC (PTAB)

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

Transcript of Dr. Kirk W. Cameron
Conducted on January 9, 2025

1 (1 to 4)

1	1	1	3
2	UNITED STATES PATENT AND TRADEMARK OFFICE	2	A P P E A R A N C E S
3	FOR THE PATENT TRIAL AND APPEAL BOARD	3	For the Plaintiff:
4		4	DEVLIN LAW FIRM
5	TESLA INC.,)	5	BY: JASON SHAPIRO, ESQ.
6	PETITIONER,) CASE NO.	6	1526 GILPIN AVENUE
7	VS.) IPR2024-00387	7	WILMINGTON, DELAWARE 19806
8	GRAPHITE CHARGING COMPANY LLC,) U.S. PATENT NO.	8	302-449-9010
9	PATENT OWNER.) 8,103,391	9	For the Defendant:
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15	REMOTE VIDEOTAPED DEPOSITION	15	
16	DR. KIRK CAMERON	16	
17	THURSDAY, JANUARY 9, 2025	17	
18	LOS ANGELES, CALIFORNIA	18	
19		19	
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21		21	
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25	CSR #14491, RPR	25	
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3		3	DR. KIRK CAMERON, SWORN
4	Witness Location:	4	EXAMINATION BY MR. STEIN 6
5	(IN HIS OFFICE IN ALEXANDRIA, VIRGINIA.)	5	EXAMINATION BY MR. SHAPIRO 188
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11	Pursuant to Notice, before Michael	11	
12	Cagliata, Registered Professional Reporter, and	12	
13	Certified Shorthand Reporter No. 14491 in and for the	13	
14	State of California.	14	
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<p>5</p> <p>1 EXHIBIT INDEX</p> <p>2 EXHIBIT NUMBER PAGE</p> <p>3 1020 DOCUMENT 85</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>7</p> <p>1 you. Okay?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. I'm here today representing the</p> <p>4 petitioner, Tesla, in the IPR. Do you understand</p> <p>5 that?</p> <p>6 A. Yes.</p> <p>7 Q. And you're here today on behalf of the</p> <p>8 patent owner, Graphite Charging Company; is that</p> <p>9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And even though you're testifying</p> <p>12 virtually today, do you understand that the testimony</p> <p>13 you give under oath here is subject to the same</p> <p>14 penalty of perjury as though you were testifying in a</p> <p>15 courtroom?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. As we go through the questions</p> <p>18 today, I'm going to assume that you understand the</p> <p>19 questions that I ask unless you explicitly tell me</p> <p>20 otherwise; is that fair?</p> <p>21 A. Yes.</p> <p>22 Q. Is there anything that would prevent you</p> <p>23 from thinking clearly and testifying truthfully</p> <p>24 today?</p> <p>25 A. No.</p>
<p>6</p> <p>1 PROCEEDINGS</p> <p>2 * * * *</p> <p>3 (Oath given.)</p> <p>4 EXAMINATION BY MR. STEIN</p> <p>5 Q. Good morning, Dr. Cameron.</p> <p>6 A. Good morning.</p> <p>7 Q. Is that how you would like to be referred</p> <p>8 to during the deposition? Do you prefer Dr. Cameron,</p> <p>9 Professor Cameron, or something else? Just so I have</p> <p>10 a comfortable title for you.</p> <p>11 A. Whatever you're comfortable with. Either</p> <p>12 is fine.</p> <p>13 Q. Okay. You understand that we're here to</p> <p>14 discuss your testimony on IPR 202400387; is that</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Just to sort of keep things simple</p> <p>18 as a shorthand as we'll go, I'll probably just refer</p> <p>19 to that as the IPR or the proceeding. Is that okay</p> <p>20 with you?</p> <p>21 A. Yes.</p> <p>22 Q. And the patents that we'll be talking about</p> <p>23 is U.S. patent number 8,103,391 which, again, for</p> <p>24 kind of a shorthand reference I'll call it the '391</p> <p>25 patent, or simply, the patent, if that's okay with</p>	<p>8</p> <p>1 Q. Okay. And where are you located today?</p> <p>2 A. I'm in my office in Alexandria, Virginia.</p> <p>3 Q. Is there anyone in the room with you?</p> <p>4 A. No. I have a closed door. There's a glass</p> <p>5 wall, so my eyes might jump up once in a while</p> <p>6 because somebody walks by, but I won't be</p> <p>7 communicating with anybody.</p> <p>8 Q. And you understand that you're not to</p> <p>9 discuss the content of your testimony with your</p> <p>10 counsel during the breaks; is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. I'll try to break about once an hour, but</p> <p>13 if you need a break or something like that, you can</p> <p>14 just let me know. I'm happy to be flexible there and</p> <p>15 make sure you're comfortable.</p> <p>16 A. Absolutely.</p> <p>17 Q. We'll primarily be talking about your</p> <p>18 declaration submitted in this proceeding, which is</p> <p>19 Exhibit 2005. Do you have a copy of that declaration</p> <p>20 with you today?</p> <p>21 A. I do.</p> <p>22 Q. And in what form do you have the</p> <p>23 declaration with you?</p> <p>24 A. I have multiple forms. I have a hard copy.</p> <p>25 I also have an electronic form that I can access. A</p>

<p style="text-align: right;">9</p> <p>1 version, sorry, that I can access on the computer 2 that I'm using here. I also have an iPad to my side 3 in case this computer gets blinky or something. We 4 can switch over to that if we need to. 5 Q. Just talking about the computer and the 6 iPad, do you have any other messaging programs that 7 are open on either of those devices? 8 A. No. I googled this morning on how to 9 disable those things. I believe I disabled them. 10 Q. Okay. So the computer and the iPad don't 11 have any messaging capability right now? 12 A. No. In fact, that reminds me. I do want 13 to turn my phone off so there won't be any 14 disruptions from that either. 15 Q. Thank you. So how many times -- have you 16 been deposed previously, Dr. Cameron? 17 A. No, I have not. 18 Q. Okay. And did you prepare for your 19 deposition today? 20 A. Yes. 21 Q. And how did you go about preparing? 22 MR. SHAPIRO: Objection. Privilege. I'm 23 going to caution the witness not to reveal any 24 communications with counsel. 25 THE WITNESS: Basically, if you look at my</p>	<p style="text-align: right;">11</p> <p>1 would refer you to the list that we talked about a 2 moment ago. 3 Q. Okay. Who provided you with the folder 4 that you have on your computer there? 5 MR. SHAPIRO: Objection. Privilege. I'm 6 going to caution the witness not to reveal any 7 communications with counsel. 8 Q. Just to be clear, Dr. Cameron, I'm not 9 asking you to reveal the content of any privileged 10 communications. I just want to know where you 11 obtained that folder from. So I'm not asking for the 12 content of any communications. 13 A. Sure. From counsel. 14 Q. And when was that provided to you? 15 MR. SHAPIRO: Objection. Form. 16 THE WITNESS: I didn't have that folder 17 until very recently. Over time, the documents have 18 come to me. 19 Q. So let's go to page 78 of your declaration, 20 Exhibit 2005, which is the last page. 21 A. 78, did you say? 22 Q. Yeah. 23 A. Sure. Go ahead. 24 Q. And on that page appears a signature. Is 25 that your signature?</p>
<p style="text-align: right;">10</p> <p>1 declaration, I list the documents that I consulted to 2 provide the declaration. That encompasses most of my 3 preparation. Of course, I did talk with counsel. 4 Q. Okay. So you're referring to, I guess this 5 is page 7 of Exhibit 2005, where you have a bulleted 6 list of materials. Is that what you were referring 7 me to? 8 A. Yes. 9 MR. SHAPIRO: Objection to form. 10 Q. Is this the complete list of materials that 11 you reviewed in preparing for your deposition today? 12 A. There were other documents that I've seen. 13 I'm basing everything on these documents and my 14 experience. And so -- 15 Q. Okay. What other documents did you see in 16 that order pertinent to your preparation for the 17 deposition today? What are you looking at, Dr. 18 Cameron? 19 A. Yeah. The exhibits -- I have a folder 20 open. I mentioned this a minute ago. I have a 21 folder with the electronic documents. I can take 22 that down if you would like, but it just lists some 23 exhibits there. Exhibits 1001 through 1015. So I 24 have looked over all of those materials at some point 25 or another during the process, but in preparation I</p>	<p style="text-align: right;">12</p> <p>1 A. Yes. 2 Q. And so you signed this declaration on 3 November 8th, 2024? 4 A. Yes. 5 Q. Did you have that folder of materials on or 6 before the date when you executed this declaration? 7 MR. SHAPIRO: Objection. Form. 8 THE WITNESS: I'm not sure what you mean. 9 I did have access to the exhibits. 10 Q. Well, I'm referring -- you told me that you 11 have a folder of materials on your computer; is that 12 right? 13 A. Yes. 14 Q. So that folder of materials, did you have 15 that same folder at the time when you executed this 16 declaration on November 8th, 2024? 17 MR. SHAPIRO: Objection. Form. Relevance. 18 THE WITNESS: No, I did not. 19 Q. So that folder of materials was provided to 20 you after this declaration was executed on 21 November 8th, 2024? 22 MR. SHAPIRO: Objection. Form. Relevance. 23 THE WITNESS: Yes. As I mentioned a minute 24 ago. 25 Q. Okay. And I'll -- just because we're not</p>

<p>13</p> <p>1 in the room together, I'll need you to kind of read 2 into the record, tell me what is in that folder 3 that's on your computer sort of one at a time. 4 A. Absolutely. 5 MR. SHAPIRO: Objection. Form. 6 THE WITNESS: Okay. There is a directory 7 called IPR 387. At the top of that directory level 8 it has four files and two folders. The four files 9 are -- do you want me to read the dates or just the 10 names of the files? 11 Q. The names, please. 12 A. Okay. There's some dates preceding this. 13 Petition for IPR, IPR 2024-00387, PO's preliminary 14 response, IPR 202400387, decision granting 15 institution, IPR 2024-00387, IPR 202400387 patent 16 owner's response. And then the folders, there are 17 two folders, one folder is called Exhibit 1000 the 18 other folder is called Exhibit 2000. Do you want me 19 to read the contents of those exhibit folders? 20 Q. Yes, please. 21 A. Okay. Each of the exhibits starts with the 22 letters EX. And the first one is EX1001, and then 23 from this point I'll just read the numbers. 1002, 24 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 25 1012, 1013, 1014, and the last one is called</p>	<p>15</p> <p>1 THE WITNESS: One second. Could you tell 2 me the page number again? 3 Q. Yes. Page 7 and continuing onto the top of 4 page 8. This is where you directed me previously to 5 the list of materials that you reviewed. Based on 6 what you just read me from the folder, there appears 7 to be a gap here. Because what you've listed here is 8 not consistent with what you have in the folders. 9 MR. SHAPIRO: Objection. Form. 10 THE WITNESS: Right. So what was your 11 question? 12 Q. Is that correct? Is what you've listed 13 here the same as what's in the folder, or are there 14 differences? 15 A. No, there are clear differences. Yes. 16 Q. And so what you've listed here in your 17 declaration, this is not the complete list of what 18 you reviewed in preparing your declaration? 19 MR. SHAPIRO: Objection. Form. 20 THE WITNESS: In preparing the declaration, 21 these are the files that I focused on. The ones on 22 page 7 of the declaration. The files in the folder 23 are the complete, I assume, the complete set of files 24 that are related to this case. 25 Q. Okay. So between the time when you</p>
<p>14</p> <p>1 Exhibit 1015, supplemental declaration IPR 2 2024-00387, servednotfiled.PDF. 3 Q. And then the 2000 folder? 4 A. Yes. The 2000 folder. 5 Q. Yeah. 6 A. It has also seven files, it looks like. 7 They all begin with EX as the other ones, and then 8 they -- let's see. These additionally have some 9 words after the number. So I'll read those as well, 10 if that's okay. 11 Q. Yeah. 12 A. Okay. So I'll just read EX on the first 13 one. EX2001-N.D CAL Graphite District Court 14 Litigation 5.9.24. EX2002, Graphite versus Tesla 15 DKT.NO.645.9.24. EX2003, L-O-Z-I-D-E-S, PHV 16 affidavit.PDF. EX2004 stay order NDCA. EX2005 17 2024-11-08. Cameron declaration. EX2006_Kirk 18 Cameron CV, and then EX2007_C Arthur MacCarley 19 _C-O-N-D-E.PDF. 20 Q. Thank you. And if we go back to page 7 of 21 your declaration, Exhibit 2005, a number of the 22 materials you just read me do not appear in the list 23 of materials you have listed in your declaration; is 24 that correct? 25 MR. SHAPIRO: Objection. Form.</p>	<p>16</p> <p>1 reviewed the smaller set of materials on pages 7 and 2 8 of your declaration and the time when you received 3 the additional materials in the folder, have any of 4 your opinions changed? 5 MR. SHAPIRO: Objection. Form. 6 THE WITNESS: No, they have not. 7 Q. Okay. And in terms of the -- so what other 8 written materials -- you said you have a printed copy 9 of your declaration. Do you have any other printed 10 materials in the room with you? 11 MR. SHAPIRO: Objection. Form. 12 THE WITNESS: Yes. The ones that are 13 listed on page -- I'm sorry. I keep forgetting that 14 page number. The ones that are listed on page 7 and 15 8 I have here also in printed form. 16 Q. Okay. And in terms of the printed 17 materials that you have in front of you today, do you 18 have any notes written on those materials? 19 A. I do not. 20 Q. Do you have any highlighting, tabs, 21 anything of that kind on the materials? 22 A. No. 23 Q. And in terms of the materials that you have 24 in electronic form on your computer today, do you 25 have any notes, highlighting, tabs, or anything of</p>

<p>17</p> <p>1 that kind on those materials?</p> <p>2 A. I don't have any notice or highlighting or</p> <p>3 tabs that I created. I thought one of the files had</p> <p>4 some typo highlighting in it. Those were not of my</p> <p>5 making.</p> <p>6 Q. Okay. And which file was that, Dr.</p> <p>7 Cameron?</p> <p>8 A. I think it's the Exhibit 2005.</p> <p>9 Q. Okay.</p> <p>10 A. My copy is black and white. I think I</p> <p>11 would have to look at the electronic copy to find</p> <p>12 that.</p> <p>13 Q. Okay. Have a look at page 70 of your</p> <p>14 declaration, Exhibit 2005. You'll see about six</p> <p>15 lines up from the bottom of the page on page 70,</p> <p>16 there is a highlighting there. Is that what you're</p> <p>17 referring to?</p> <p>18 A. Yeah. That's exactly -- there might be a</p> <p>19 couple more of those. Yes. Those were not of my</p> <p>20 making. They were with the file.</p> <p>21 Q. Okay. Do you know how -- but this is the</p> <p>22 declaration we talked about on page 78 that you</p> <p>23 executed on November 8th.</p> <p>24 A. Yeah.</p> <p>25 Q. So how do you think that highlighting got</p>	<p>19</p> <p>1 testimony?</p> <p>2 MR. SHAPIRO: Objection. Form.</p> <p>3 THE WITNESS: It's a typo. So as much as I</p> <p>4 would have for any typo. Yeah.</p> <p>5 Q. A little bit of a strange explanation;</p> <p>6 right? I wouldn't normally think of highlighting as</p> <p>7 being a typo; right? At least myself, I normally</p> <p>8 refer to it as maybe there would be an erroneous</p> <p>9 digit or letter in there, but not highlighting. How</p> <p>10 is that a typo?</p> <p>11 MR. SHAPIRO: Objection. Form. Relevance.</p> <p>12 THE WITNESS: Well, it's a formatting typo.</p> <p>13 So I feel like that's the same kind of typo. I mean,</p> <p>14 it's along the same family of typos that you're</p> <p>15 referring to.</p> <p>16 Q. Okay. But again, your testimony a few</p> <p>17 moments ago was that this typo, this highlighting was</p> <p>18 not of your making; right?</p> <p>19 MR. SHAPIRO: Objection. Form.</p> <p>20 THE WITNESS: I don't recall, basically,</p> <p>21 putting that highlighting in there, but it's</p> <p>22 obviously there and it's my document.</p> <p>23 Q. So who else edited your declaration that</p> <p>24 could have introduced that typo if it wasn't you?</p> <p>25 MR. SHAPIRO: Objection. Privilege. I'm</p>
<p>18</p> <p>1 in there?</p> <p>2 MR. SHAPIRO: Objection. Form.</p> <p>3 THE WITNESS: I'm sorry. They must have</p> <p>4 been there, I just didn't take note of it.</p> <p>5 Q. You told me a second ago those were not of</p> <p>6 my making. That was referring to the highlighting;</p> <p>7 correct?</p> <p>8 MR. SHAPIRO: Objection. Form.</p> <p>9 THE WITNESS: Yeah. I'm sorry. Go ahead.</p> <p>10 Was there an objection there? I'm sorry. I didn't</p> <p>11 hear it.</p> <p>12 MR. SHAPIRO: Objection. Form.</p> <p>13 THE WITNESS: Okay. Ask that question</p> <p>14 again. I'm sorry. I got distracted there.</p> <p>15 Q. So I just want to make sure I understand</p> <p>16 the testimony. So the highlighting, for example,</p> <p>17 that we see on page 70 of your declaration, that was</p> <p>18 not of your making, but it was in the declaration on</p> <p>19 the date that you executed it on November 8th, 2024;</p> <p>20 is that correct?</p> <p>21 A. That is correct.</p> <p>22 MR. SHAPIRO: Objection. Form.</p> <p>23 Q. Do you have any idea as to how that</p> <p>24 highlighting which you did not make would make it</p> <p>25 into the declaration that you executed as being your</p>	<p>20</p> <p>1 going to caution the witness not to discuss</p> <p>2 conversations that he's had with counsel.</p> <p>3 THE WITNESS: In several places in the</p> <p>4 document I reference that I consulted with counsel,</p> <p>5 and so I obviously consulted with counsel during the</p> <p>6 writing of the document.</p> <p>7 Q. So your testimony is that counsel likely</p> <p>8 introduced this typo, this highlighting into your</p> <p>9 declaration, because it wasn't of your making, which</p> <p>10 is what you said?</p> <p>11 MR. SHAPIRO: Objection. Form.</p> <p>12 THE WITNESS: No, that is not my -- that is</p> <p>13 not what I'm saying. I'm saying that it's a typo in</p> <p>14 there and that it very well could have been me, but I</p> <p>15 don't recall. So I don't want to say that I did it</p> <p>16 because I don't recall doing it, but I don't recall</p> <p>17 not doing it either.</p> <p>18 Q. Let's go to page 19 of your declaration,</p> <p>19 Exhibit 2005.</p> <p>20 A. Page 19?</p> <p>21 Q. Yes.</p> <p>22 A. Okay. I'm there.</p> <p>23 Q. Actually, rather than page -- actually, I</p> <p>24 withdraw that question. Just a second. So let's</p> <p>25 instead go to page 8 of your declaration,</p>

<p>21</p> <p>1 paragraph 32.</p> <p>2 A. Page 8, paragraph 32; is that correct?</p> <p>3 Q. Correct. So here you state, "I am not an</p> <p>4 attorney."</p> <p>5 Is that still accurate?</p> <p>6 A. Yes, that's accurate.</p> <p>7 Q. So do you make it a habit to review case</p> <p>8 law on a regular basis?</p> <p>9 MR. SHAPIRO: Objection. Form.</p> <p>10 THE WITNESS: I do not.</p> <p>11 Q. Have you read case law before?</p> <p>12 A. I have not.</p> <p>13 MR. SHAPIRO: Objection. Form.</p> <p>14 THE WITNESS: That's kind of a strange</p> <p>15 question because some of these -- you mean -- yeah.</p> <p>16 Maybe I'm going to ask you a question. What do you</p> <p>17 mean by case law?</p> <p>18 Q. Well, you were able to answer my question a</p> <p>19 moment ago. So go ahead and tell me your</p> <p>20 understanding of case law and I'll tell you if that</p> <p>21 aligns with my question.</p> <p>22 MR. SHAPIRO: Objection. Form.</p> <p>23 THE WITNESS: I'm not an attorney. I think</p> <p>24 I made that clear in my statement here. So I'm not</p> <p>25 going to -- I don't have the background or experience</p>	<p>23</p> <p>1 in."</p> <p>2 Could you refer me to the page? Let me</p> <p>3 just be more precise.</p> <p>4 Q. Page 59 of your declaration, right above</p> <p>5 paragraph 141.</p> <p>6 A. Yeah. This is another typo in -- well,</p> <p>7 actually, a misreference in the declaration.</p> <p>8 Q. So what, this, are you referring to?</p> <p>9 You'll need to be more specific for me.</p> <p>10 A. The paragraph -- I should say the three</p> <p>11 sentences ahead of net money in. So net money in is</p> <p>12 the typo, but the first sentence I think I have</p> <p>13 expertise to comment on. It's on page 59. It's the</p> <p>14 paragraph above paragraph 141. So it says, "The same</p> <p>15 steps of monitoring and detecting are recited in</p> <p>16 claim 1 of the '391 patent from which claim 2</p> <p>17 depends. These are absent from Keith."</p> <p>18 So these two sentences would stand by their</p> <p>19 opinion.</p> <p>20 "The fact that Keith's disclosure of a user</p> <p>21 moving the charge run switch into the open position",</p> <p>22 which is the next sentence, is not enough for</p> <p>23 anticipation --</p> <p>24 Q. I'm only asking you about net money in.</p> <p>25 You're getting lost here.</p>
<p>22</p> <p>1 to comment on what is or what is not case law. If I</p> <p>2 did say that, I withdraw that comment. I didn't mean</p> <p>3 to say it that way.</p> <p>4 Q. In terms of your preparation in preparing</p> <p>5 this declaration, did you review any opinions that</p> <p>6 were authored by judges in writing this declaration?</p> <p>7 MR. SHAPIRO: Objection. Form.</p> <p>8 THE WITNESS: In writing the declaration?</p> <p>9 That's an extremely broad question. Could you narrow</p> <p>10 down your question a little bit.</p> <p>11 Q. Sure. Did you review an opinion with the</p> <p>12 title "net money in" in preparing your declaration?</p> <p>13 MR. SHAPIRO: Objection. Form.</p> <p>14 THE WITNESS: No, I did not.</p> <p>15 Q. So would it surprise you that that phrase</p> <p>16 "net money in" appears in your declaration, if I</p> <p>17 showed it to you?</p> <p>18 MR. SHAPIRO: Objection. Form.</p> <p>19 THE WITNESS: Yeah. I mean -- no, I'm</p> <p>20 sorry. Let me clarify. It does not surprise me</p> <p>21 because I have seen it since I wrote this</p> <p>22 declaration. I did catch that particular reference</p> <p>23 and realized that that was from conversations with</p> <p>24 counsel, and I don't have any -- I would withdraw</p> <p>25 that statement related to -- what is it? "Net money</p>	<p>24</p> <p>1 MR. SHAPIRO: The witness is still</p> <p>2 answering the question.</p> <p>3 MR. STEIN: It needs to be a responsive</p> <p>4 answer or we're going to be here all day.</p> <p>5 MR. SHAPIRO: He is responding. You're not</p> <p>6 allowing him to.</p> <p>7 MR. STEIN: I'm only asking about net money</p> <p>8 in.</p> <p>9 Q. So I think you said that was a typo, Dr.</p> <p>10 Cameron; is that right?</p> <p>11 MR. SHAPIRO: Objection. Form.</p> <p>12 THE WITNESS: If I could finish answering</p> <p>13 the question that you asked initially, which I</p> <p>14 thought was related to where is the typo in this</p> <p>15 area. So if I'm answering that question, then net</p> <p>16 money in is the typo. The numbers that follow it is</p> <p>17 the typo.</p> <p>18 Q. Okay. And what are the numbers that</p> <p>19 follow? What does 545F.3D@1371 mean?</p> <p>20 MR. SHAPIRO: Objection. Form.</p> <p>21 THE WITNESS: Again, I'm not a lawyer. I</p> <p>22 believe that is some reference, probably, to case</p> <p>23 law. I can't comment on it. It's not my opinion or</p> <p>24 my area of expertise.</p> <p>25 Q. So you don't know. Is that the answer?</p>

<p>25</p> <p>1 MR. SHAPIRO: Objection to form. 2 THE WITNESS: I don't know. 3 Q. You don't know what 545F.3D@1371 is? 4 A. Correct. 5 Q. And is your testimony today that that 6 statement should not be in your declaration? It's 7 not clear to me what a typo is to you. You said 8 highlighting is a typo. Now you said this whole 9 sentence that appears in your declaration is a typo. 10 So I would like to understand what you think a typo 11 is. 12 MR. SHAPIRO: Objection. Form. 13 THE WITNESS: Yeah. To be precise, there 14 were several questions in there. I have only said 15 that the net money in is the typo. I read the two 16 other sentences prior -- three sentences, I guess, 17 because I believe those are my opinion. But the net 18 money in reference is erroneous. 19 Q. So just the words "net money in", or the 20 consequence that follows? 545F.3D@1371? 21 MR. SHAPIRO: Objection. Form. 22 THE WITNESS: The net money in plus the 23 numbers that follow it is erroneous. 24 Q. And how did that erroneous material get 25 into your declaration?</p>	<p>27</p> <p>1 paragraph 102 of your declaration, Exhibit 2005? 2 MR. SHAPIRO: Objection. Form? 3 THE WITNESS: I see an area -- in my copy, 4 because it's black and white, it's grayed out. It 5 might be a different color. I see that on the same 6 highlighting, the number 102 and the period following 7 it and a little space after it on page 40. That's 8 what I see. 9 Q. Is that the same type of typo that you 10 pointed me to before on page 70 of your declaration 11 with some elements, some words that were highlighted, 12 which you said was a typo? 13 MR. SHAPIRO: Objection. Form. 14 THE WITNESS: Page 70; correct? 15 Q. Yeah. 16 A. Well, to be precise page 70 says, "EX. 17 2007." I'm not sure if that's considered words, 18 because you said words. I would say what's 19 highlighted on 70 is an open parenthesis EX. 2007. 20 What's highlighted on page 40 is 102. With a tab or 21 a space following it that's highlighted. 22 Q. Okay. Did you intend these highlightings 23 to appear in your declaration? 24 A. No, they were also -- 25 MR. SHAPIRO: Objection. Form.</p>
<p>26</p> <p>1 MR. SHAPIRO: Objection. Privilege. I'm 2 going to caution the witness not to reveal any 3 communications with counsel. 4 THE WITNESS: Again, it's a collaborative 5 process. So it must have appeared somewhere and 6 somehow got copied into that paragraph. 7 Q. Okay. Where would it have been copied from 8 that it could make its way into your declaration that 9 you executed as your honest testimony? 10 MR. SHAPIRO: Objection. Form. 11 THE WITNESS: I don't know. Again, I 12 consult with counsel. Sometimes these erroneous 13 things appear, and I didn't catch it when I read the 14 final version. 15 Q. So you're saying that's a typo, and then we 16 have -- if you -- 17 A. I didn't say that was -- I did sort of 18 correct myself and say that was truly an error, not 19 just a typo. 20 Q. Okay. What about if we go to paragraph 102 21 in your declaration? Do you see the extraneous 22 highlighting there on paragraph 102? 23 MR. SHAPIRO: Hold on. Objection. Form. 24 THE WITNESS: Repeat your question, please. 25 Q. Do you see the extraneous highlighting on</p>	<p>28</p> <p>1 THE WITNESS: Yeah. They were also 2 formatting typos is how I would describe them. 3 Q. Okay. And let's look at page 77 of your 4 declaration because there appears to be another one. 5 So right above paragraph 186, do you see that 6 highlighting? 7 MR. SHAPIRO: Objection. Form. 8 Q. Jason, if you could let me finish the 9 question. 10 MR. SHAPIRO: Sorry. I thought you were -- 11 Q. Right above paragraph 186? 12 MR. SHAPIRO: Objection. Form. 13 THE WITNESS: Oh, yeah. I see. Also EX. 14 2007 is highlighted on page 77. Also, yeah. An 15 erroneous formatting. 16 Q. Okay. And I would like to look at page 68 17 of your declaration. 18 A. Page 68? 19 Q. Yes. 68. 20 A. I'm there. Please go ahead. 21 Q. Paragraph 159. 22 A. Okay. 23 Q. The second sentence you say, "Accordingly, 24 petitioner failed to say obviousness of claim 13 at 25 least for the same reason as claim 6. Namely that</p>

<p style="text-align: right;">29</p> <p>1 Kimura does not teach or suggest", and then you 2 continue. 3 Are there any typos in that sentence? 4 MR. SHAPIRO: Objection. Form. 5 THE WITNESS: I need to look back at the 6 claims. 7 Q. Sure. 8 A. You started with the word, accordingly? 9 Q. Yes. 10 A. Okay. 11 Q. I don't want to interrupt your thought 12 process, Dr. Cameron, but just because we're not in 13 the same room, if you can give me a little bit of 14 context for what you're doing. It just helps with 15 the remote settings so I know what's going on. 16 MR. SHAPIRO: Objection. Well, it wasn't 17 really a question. Allow the witness to answer the 18 question. 19 THE WITNESS: Yeah. Is it Alex or 20 Alexander, by the way? 21 Q. Alex is fine. I don't know why Zoom 22 changed my name there. But yeah, Alex. 23 A. What I'm looking at is that you referenced, 24 I believe, page 68, the sentence, accordingly, under 25 paragraph 159, which is referring to claim 13. You</p>	<p style="text-align: right;">31</p> <p>1 ground for Keith design anticipate claims. 2 Q. Yeah. 3 A. And so therefore the reference to Kimura is 4 probably a typo. I can't be sure without more time. 5 Q. Okay. But it appears that that is yet 6 another typo. 7 A. Right. 8 Q. So let's talk about the supra piece that 9 you identified. 10 A. Yes. 11 Q. So looking at paragraph 159, could you show 12 me in your declaration where there is a section V.A 13 or a section VI.D.5 that does not exist? 14 MR. SHAPIRO: Objection. Form. Objection. 15 Form. 16 THE WITNESS: There is no V.A section. 17 There is no VI.D.5 section. I can confirm that. 18 That is a typo. 19 Q. Okay. We're going to go through each one 20 of these, but I just want to understand, Dr. Cameron, 21 you still stand behind the content of this 22 declaration? Because you have quite an impressive 23 pedigree, but I must say this declaration is 24 exceedingly sloppy. I just want to know -- 25 MR. SHAPIRO: Objection. Form.</p>
<p style="text-align: right;">30</p> <p>1 asked me, I believe, correct me if I'm wrong, whether 2 there are any typos in that statement. 3 Q. Correct. 4 A. So I was just sort of checking to make sure 5 the claim references were not typos, because a lot of 6 places reference numbers, right? So I don't believe 7 so on claim -- where it says claim 13 from 6, but I 8 do believe the supra parts are V.A and V.A.5 are 9 erroneous. Sorry. At the end of paragraph 159, 10 there is a parenthetical reference, I guess. It 11 says, "supra parts V.A & VI.D.5." 12 Q. And we'll talk about the supras, but I want 13 to hone in on one piece of this. When you referred 14 to Kimura in the middle of this paragraph, that's not 15 a typo; correct? We'll talk about the supra piece. 16 I just want to confirm that the reference to Kimura 17 there is intended. 18 MR. SHAPIRO: Objection. Form. 19 THE WITNESS: I do need a few more minutes 20 so I can look at that. 21 Q. Yeah. Sure. 22 A. I mean, I need more time, Alex. I'm trying 23 to be respectful of your time. I would need more 24 time to be sure, but at first glance, Section 10 25 begins, it looks like, on page 53, and that one is</p>	<p style="text-align: right;">32</p> <p>1 Argumentative. 2 MR. STEIN: You must let me finish the 3 question, Jason. You're welcome to object to 4 everything, including non-questions, but you have to 5 let me finish. 6 MR. SHAPIRO: Proceed. Did you ask a 7 question? 8 THE WITNESS: What's the question? 9 Q. I said that given your impressive pedigree, 10 are you not a bit embarrassed by the sloppiness of 11 this declaration? 12 MR. SHAPIRO: Objection. Form. 13 THE WITNESS: I mean, I've been asked to 14 provide my opinions on technical matters. Formatting 15 issues, I mean, I don't -- yeah. I don't really -- I 16 wouldn't say -- I'm not going to comment on whether 17 or not I feel anything about them. Just, they're 18 formatting errors. 19 Q. You're a professor; right? You receive 20 written work product from your students occasionally; 21 is that right? 22 MR. SHAPIRO: Objection. Form. 23 THE WITNESS: I do, yeah. I do receive 24 written work products from my students at times, yes. 25 Q. And how would you feel if they submitted</p>

<p>33</p> <p>1 something that was as sloppy as your sworn 2 declaration in this proceeding with this many 3 formatting errors? 4 MR. SHAPIRO: Objection. Form. 5 THE WITNESS: I would say that it's a 6 process. Like, when they submit something -- I mean, 7 they're students; right? So they submit things. We 8 work together collaboratively to, say, converge on 9 the documents. There are always -- I can't remember 10 any -- I've written over 100 papers. I can't 11 remember any time that I didn't go back later and see 12 a typo or even an error or a slight mistake that was 13 not relevant to the paper, but was not, you know -- 14 it means the paper wasn't perfect. So in that 15 regard, I still stand by this document. 16 Q. Okay. So let's look starting at page 67 of 17 your declaration, please. 18 A. Mm-hm. 19 Q. Do you see at the end of paragraph 155, 20 there is a statement, "supra part VI.D.1." 21 So could you show me where in your 22 declaration is part VI.D.1? 23 MR. SHAPIRO: Objection. Form. 24 THE WITNESS: So I went looking for the VI 25 section and I lost the reference you gave me for the</p>	<p>35</p> <p>1 why you didn't notice this before you executed your 2 declaration? 3 MR. SHAPIRO: Objection. Form. 4 THE WITNESS: Other than, you know, I guess 5 I paid more attention to other things. But I just 6 didn't notice. I mean, there's no other way to say 7 it. 8 Q. Okay. And do you know how often this error 9 recurs throughout your declaration? 10 MR. SHAPIRO: Objection. Form. 11 THE WITNESS: I don't know. I didn't go 12 through and try -- I mean, I identified one or two, 13 but then I didn't have the time to, you know -- after 14 it had been submitted, to have the time to go back 15 and check how many there are, if there are a number. 16 Q. Did you notify your counsel once you had 17 become aware of this error? 18 MR. SHAPIRO: Objection. Form. 19 THE WITNESS: I thought I wasn't supposed 20 to talk about conversations with counsel? Am I -- 21 MR. SHAPIRO: Well, you're correct. You 22 can't discuss your communications with counsel. 23 THE WITNESS: Say that again? Be clear. 24 MR. SHAPIRO: You can't reveal the content 25 of your communications with counsel.</p>
<p>34</p> <p>1 -- where was the original reference? VI.-- 2 Q. Yeah. Page 67 at the end of paragraph 155. 3 A. Okay. There it is. Okay. 155. Okay. So 4 I don't see a VI.D.1. 5 Q. Okay. Let's continue. So paragraph 156 on 6 page 67 of your declaration. At the end of that 7 paragraph you reference, "supra part VI.D.2." 8 Does that appear in your declaration? 9 MR. SHAPIRO: Objection. Form. 10 THE WITNESS: I don't see that. 11 Q. Prior to our conversation now, were you 12 aware of these missing references throughout your 13 declaration? 14 MR. SHAPIRO: Objection. Form. 15 THE WITNESS: What is the question there? 16 Q. Prior to our conversation right now, were 17 you aware of these missing references throughout your 18 declaration? 19 MR. SHAPIRO: Objection. Form. 20 THE WITNESS: Yes. I think I mentioned to 21 you when I started that I thought that that -- the 22 first one we looked at was erroneous because I had 23 noticed it after I signed it but, you know, before 24 this conversation. 25 Q. Do you have any, sort of, explanation for</p>	<p>36</p> <p>1 THE WITNESS: Right. So I feel like you're 2 asking me the content of a conversation with counsel. 3 Q. No. I'm merely asking you whether 4 something occurred or not. I'm not asking you the 5 content of the conversation. 6 MR. SHAPIRO: I'll do objection, privilege. 7 I'm just going to caution you not to reveal the 8 content of any communications you had with counsel. 9 You can answer the question. 10 THE WITNESS: Yeah. When I noticed that 11 the error was there, I did have a conversation with 12 counsel about it. 13 Q. Approximately when did that occur? 14 MR. SHAPIRO: Objection. Privilege. I'm 15 going to caution the witness not to reveal the 16 content of any communications with counsel. 17 THE WITNESS: I believe that was in the 18 lead up to the deposition. 19 Q. Do you have two to three years of 20 experience working on software and/or hardware used 21 to manage charging processes for electric vehicles? 22 MR. SHAPIRO: Objection. Form. 23 THE WITNESS: So my expertise, as my CV 24 reveals, is in computer hardware and software for 25 energy efficiency purposes. So what you're asking is</p>

Transcript of Dr. Kirk W. Cameron
Conducted on January 9, 2025

10 (37 to 40)

<p>37</p> <p>1 really not precise enough. Like, the aspects of 2 vehicles that, you know, use computers to manage 3 energy use, I have a deep level of experience with. 4 Q. I just need a direct answer to my question, 5 though, which I'll repeat. Do you have two to three 6 years of experience working on software and/or 7 hardware used to manage charging processes for 8 electric vehicles? Just that specific question? 9 MR. SHAPIRO: Objection. Form. 10 THE WITNESS: I've never worked with Tesla. 11 I've never worked on autonomous vehicles. So no. 12 Q. I'm going to ask the question one more 13 time. I didn't ask autonomous vehicles. 14 A. What did you say? 15 Q. Do you have two to three years of 16 experience working on software and/or hardware used 17 to manage charging processes for electric vehicles? 18 MR. SHAPIRO: Objection. Form. 19 THE WITNESS: Same answer. No. 20 Q. And do you have a bachelor's degree in 21 computer science or electrical engineering? 22 A. Yes. 23 Q. I think I saw in your CV you have a pretty 24 impressive experience, sort of, getting government 25 grants for various projects that you've worked on; is</p>	<p>39</p> <p>1 standards, regulations that you had to comply with in 2 order to bring that product into market? 3 MR. SHAPIRO: Objection. Form. 4 THE WITNESS: I'm not aware of any software 5 product that doesn't have to follow some sort of 6 regulations. We followed all of those regulations 7 that were applicable in that context. 8 Q. Those would have been something you would 9 have had to comply with in order to bring that 10 product into market? 11 MR. SHAPIRO: Objection. Form. 12 THE WITNESS: Yeah. For example, software 13 license agreements are dictated by outside entities. 14 So those kinds of things have to be -- you have to 15 work within the confines of the rules and 16 regulations. 17 Q. I want to turn to the patent for a minute. 18 So this is Exhibit 1001, already marked in the 19 proceeding. Do you have a copy of this in front of 20 you, Dr. Cameron? 21 A. Yes, sir. I do. 22 Q. Do you see column 1, lines 8 to 11? It 23 starts with, "the present invention." 24 A. Yes. 25 Q. It says, "The present invention is related</p>
<p>38</p> <p>1 that correct? 2 MR. SHAPIRO: Objection. Form. 3 THE WITNESS: Yeah. I don't necessarily 4 agree with the wording there. I mean, what is 5 impressive? What is -- you know, can you be more 6 specific? 7 Q. Sure. Some of those projects, have those 8 lead to sort of commercially viable products that 9 you've spun out of the university? 10 MR. SHAPIRO: Objection. Form. 11 THE WITNESS: Yes. 12 Q. And when you've had to create commercially 13 viable products, have you had to consult with 14 standards or regulatory bodies to ensure that your 15 product would meet, sort of, the regulations or 16 applicable standards for that area? 17 MR. SHAPIRO: Objection. Form. 18 THE WITNESS: I guess I don't understand 19 the question. You said something about having to 20 deal with or work with. What did you mean by that? 21 Q. So you were the founder, CEO and CTO of 22 MiserWare Inc.; correct? 23 A. That's correct. 24 Q. And so in that role with the product that 25 you produced at that company, were there applicable</p>	<p>40</p> <p>1 generally to an improved data processing system." 2 What does a patent mean when it says, 3 "related generally"? 4 MR. SHAPIRO: Objection. Form. 5 THE WITNESS: I think it's quite obvious. 6 I don't know why that's not obvious to you. It means 7 that it's related generally to an improved data 8 processing system. 9 Q. But then, that's juxtaposed with, "and in 10 particular to a method and apparatus for managing 11 electric vehicle charging transaction." 12 So what -- grammatically, what does that 13 sentence mean to you when it first says, "The present 14 invention is related generally to something", and 15 then after that it says, "in particular to something 16 more specific." 17 What does the grammatical structure there 18 mean to you? 19 MR. SHAPIRO: Objection. Form. 20 THE WITNESS: To me it means that, you 21 know, basically someone reading this to understand it 22 would need to be an expert in data processing 23 systems. Then, in particular, they're applying their 24 data processing system to a method and apparatus for 25 managing an electric vehicle charging transactions.</p>

<p>41</p> <p>1 Q. And then it continues. Column 1 line 11 of 2 Exhibit 1001, "more particularly." 3 What does it mean grammatically when it, 4 you know, segues from, related generally, to in 5 particular, and then to, more particularly? What 6 does that grammatical structure convey to you for 7 that sentence that begins on line 11 of column 1 of 8 the patent? 9 MR. SHAPIRO: Objection. Form. 10 THE WITNESS: I just want to be clear. 11 You're asking me -- I think you're asking me to take 12 these things out of context. But in the context is 13 where I can comment, right? So in the context of the 14 sentence that begins, "more particularly the present 15 invention is directed to a computer implemented 16 method, apparatus, and computer usable program", 17 those three things, computer implemented method, 18 apparatus, and computer usable program -- let me 19 check something. 20 This is hard to do without digital search, 21 by the way. It would be faster with such. 22 Q. Yeah. You've already represented that you 23 don't have any marks on the digital copy, so if you 24 prefer to use those that's okay with me, Dr. Cameron. 25 A. I'll try to answer this question without</p>	<p>43</p> <p>1 charging process for interrupt conditions that 2 terminate the charging process." 3 Q. We were talking previously about your 4 experience with a software company needing to comply 5 with regulations and such. So if you were to be 6 involved with electric vehicles, would there be 7 standards that you need to comply with in order to 8 bring a product like that to market? 9 MR. SHAPIRO: Objection. Form. 10 THE WITNESS: I think it depends on the 11 context here. So in this context, to me, this can be 12 software or hardware, but it's computer implemented 13 methods, apparatus, and computer usable program code. 14 So to the extent at which the context is such that 15 the number here -- let me backup. 16 Could you repeat that question? I think I 17 want to look at something else. 18 Q. I was comparing your experience, you know, 19 needing to comply with regulations for the company 20 you had with this context related to the patent at 21 issue here, and asking whether if you were to bring a 22 product to market in this field, whether there would 23 be standards or regulations you would need to comply 24 with? 25 MR. SHAPIRO: Objection. Form.</p>
<p>42</p> <p>1 it, but maybe in the succeeding questions. 2 Q. Sure. 3 A. So what I was looking to identify, which I 4 believe is true but I wanted to confirm by looking, 5 is that the -- those words in particular, the 6 computer implemented method, apparatus, and computer 7 usable programs, coincide with the claims. So I 8 believe that they do, without looking in more detail. 9 Claim 1 in particular says -- for example, says, 10 "computer implemented method." 11 There's another section. I think it's 15. 12 15 is about an apparatus. There's another one in 13 there too. They should be represented. So to me, 14 that's what more particularly means. It refers you 15 to the claims. 16 Q. Sure. But then, there's the rest of that 17 sentence too that starts on line 11 of column 1. It 18 says, "That method apparatus and computer usable 19 program are for something." 20 What does it say after that? 21 MR. SHAPIRO: Objection. Form. 22 THE WITNESS: If you don't mind, I'll read 23 the whole sentence. "The present invention is 24 directed to a computer implemented method, apparatus, 25 and computer usable program code for monitoring a</p>	<p>44</p> <p>1 THE WITNESS: Well, I mean, I think I have 2 to say that -- back to your point from earlier, my 3 expertise is in the software domain. I'm familiar 4 with the -- what's required when you produce software 5 and release it. That includes working with 6 regulatory folks. So I would have to be in the room 7 when they're doing the design to know whether or not 8 they would touch upon any regulatory or -- what did 9 you call it? I think you called it standards. Yeah. 10 Q. But that is a consultation you would have 11 in terms of operating a company is to make sure that 12 it complies with regulations and standards; is that 13 accurate? 14 MR. SHAPIRO: Objection. Form. 15 THE WITNESS: Yeah. You made a long 16 statement. Could you just turn it into a question? 17 Q. I said, that is a consultation you would 18 have in terms of operating a company in the electric 19 vehicle field, is to look into complying with 20 regulations and standards; is that accurate? 21 MR. SHAPIRO: Objection. Form. 22 THE WITNESS: I would say simply that I, 23 having done a company, would -- in whatever domain I 24 was in, I would try to be aware of all the regulatory 25 things that affect the design of the systems that we</p>

<p style="text-align: right;">45</p> <p>1 make.</p> <p>2 Q. Then let's turn to column 2 of the patent.</p> <p>3 If you could look at line 25, which begins with</p> <p>4 FIG.4. Do you see where it says, "in accordance with</p> <p>5 an illustrative embodiment?"</p> <p>6 That's on lines 25 to 27 of column 2 of the</p> <p>7 patent.</p> <p>8 A. Did you say 225?</p> <p>9 Q. Starting at 25 and then continuing to 27?</p> <p>10 A. I read, Figure 4 is the -- for reference,</p> <p>11 it's column 2, line 25 in the '391 patent. It says,</p> <p>12 "fig 4 is a system for managing a charging process of</p> <p>13 an electric vehicle in accordance with an</p> <p>14 illustrative embodiment."</p> <p>15 Q. So what is an illustrative embodiment in</p> <p>16 the context of the '391 patent?</p> <p>17 MR. SHAPIRO: Objection. Form.</p> <p>18 THE WITNESS: Figure 4. The easiest answer</p> <p>19 to that question is to refer you to that sentence.</p> <p>20 Figure 4 is an illustrative embodiment of the '391</p> <p>21 patent.</p> <p>22 Q. What does it mean for something to be an</p> <p>23 illustrative embodiment?</p> <p>24 MR. SHAPIRO: Objection. Form.</p> <p>25 THE WITNESS: An illustrative embodiment,</p>	<p style="text-align: right;">47</p> <p>1 Q. Sure. And should the examples in the</p> <p>2 patent be used to limit the scope of the claims?</p> <p>3 MR. SHAPIRO: Objection. Form.</p> <p>4 THE WITNESS: No.</p> <p>5 Q. Let's look at column 15, line 29 of the</p> <p>6 '391 patent, Exhibit 1001. So there it states -- let</p> <p>7 me confirm, Dr. Cameron, were you able to find that</p> <p>8 section?</p> <p>9 A. Yeah. Let me just confirm the numbers.</p> <p>10 15, line 29?</p> <p>11 Q. Correct.</p> <p>12 A. Okay.</p> <p>13 Q. And it states, "The terminology used herein</p> <p>14 is for the purpose of describing particular</p> <p>15 embodiments only and is not intended to be limiting</p> <p>16 of the invention."</p> <p>17 So is that true for figures 4 and 5 and the</p> <p>18 examples depicted there? That those are not intended</p> <p>19 to be limiting of the invention in the patent?</p> <p>20 MR. SHAPIRO: Objection. Form.</p> <p>21 THE WITNESS: I thought I answered that a</p> <p>22 moment ago. Is there a different answer that you're</p> <p>23 looking for? I don't know.</p> <p>24 Q. Well, it's just now in the context of</p> <p>25 column 15 a sort of reframing of the question with</p>
<p style="text-align: right;">46</p> <p>1 to me, is just an example.</p> <p>2 Q. And if we look at column 2, lines 28 to 29,</p> <p>3 this is a similar description for Figure 5 in which</p> <p>4 it's also referring to Figure 5 as an illustrative</p> <p>5 embodiment. So would your answer change if I asked</p> <p>6 you the same thing in the context of Figure 5, in</p> <p>7 terms of what it means for something to be an</p> <p>8 illustrative embodiment?</p> <p>9 MR. SHAPIRO: Objection. Form.</p> <p>10 THE WITNESS: According to column 13</p> <p>11 starting at lines 4, Figure 5 is a block diagram of</p> <p>12 interruptions in accordance with an illustrative</p> <p>13 embodiment. So ask your question again.</p> <p>14 Q. You had told me previously that an</p> <p>15 illustrative embodiment is an example; right?</p> <p>16 A. Mm-hm.</p> <p>17 Q. So does that also apply to when Figure 5 is</p> <p>18 described as an illustrative embodiment? That's also</p> <p>19 an example?</p> <p>20 MR. SHAPIRO: Objection. Form.</p> <p>21 THE WITNESS: Yeah. Let's be clear. It's</p> <p>22 an example in accordance, in this case, with the --</p> <p>23 in accordance to the diagram for interruptions. So</p> <p>24 yes, in that context. Yes. It's another example.</p> <p>25 But it is a different example from the first one.</p>	<p style="text-align: right;">48</p> <p>1 that additional context in mind, having read column</p> <p>2 15 lines 29 to 31.</p> <p>3 MR. SHAPIRO: Objection. Form.</p> <p>4 Q. And the question is, having read column 15,</p> <p>5 lines 29 to 31, do you agree that figures 4 and 5 are</p> <p>6 not intended to be limiting of the invention? And</p> <p>7 I'm quoting from column 15, line 30 to 31.</p> <p>8 MR. SHAPIRO: Objection to form.</p> <p>9 THE WITNESS: I find that question hard to</p> <p>10 answer because the -- if you look at Figure 45, which</p> <p>11 we just did -- I'll give you an example. If you look</p> <p>12 at Figure 5, device capabilities preference</p> <p>13 interruption and data services interruption are</p> <p>14 listed there. They're also defined clearly by the</p> <p>15 authors of the patent.</p> <p>16 So I would have to answer that question,</p> <p>17 you know, that in the context of that -- if the</p> <p>18 patent says, this is what it means, that's what it</p> <p>19 means. At least that's how I read it.</p> <p>20 Q. Sure. We'll get to that a little later. I</p> <p>21 just want to focus, if we can, on what I was</p> <p>22 referring to you in column 15, lines 29 to 31,</p> <p>23 though. So where it states, not intended to be</p> <p>24 limiting of the invention. I want to have an answer</p> <p>25 to my question about figures 4 and 5. So those -- we</p>

<p>49</p> <p>1 talked about the fact that those are illustrative 2 embodiments. You explained to me that those are 3 examples. I would like to connect that to what we 4 see? Column 15, lines 29 to 31 where it says, when 5 the patent is talking about an embodiment, that means 6 it's not intended to be limiting of the invention. 7 So I'm merely trying to connect what's in column 15 8 to what you talked to me about for figures 4 and 5. 9 That's the question. 10 MR. SHAPIRO: Objection. Form. 11 THE WITNESS: Yeah. I kind of understand 12 your question, but what I would say is that this 13 sentence says, the terminology used herein. It 14 doesn't say, figures 4 and 5, right? It doesn't say 15 the terminology, you know, used in the embodiments. 16 It just says, "used herein for the purpose of 17 describing particular embodiments." 18 So to me, that just means that terminology 19 can -- I'm sorry. Terminology is not intended to be 20 limiting of the invention, but that doesn't mean that 21 all terms -- like, back to my comment, that all terms 22 are limiting, I guess. I'm not sure if that answered 23 your question. 24 Q. Are you familiar with what's referred to as 25 intrinsic evidence in the context of patents?</p>	<p>51</p> <p>1 Q. And so in this paragraph 34 you state, "The 2 intrinsic evidence, which includes the patents 3 claims, written description, prosecution history, 4 materials incorporated by reference in the patent, 5 and prior art cited in the patent or its prosecution 6 history"; is that correct? 7 MR. SHAPIRO: Objection. Form. 8 THE WITNESS: Yeah, I don't understand that 9 question. You just said, is that correct? That 10 statement as it's written is correct. 11 Q. Okay. So you've discussed this standard J 12 1772 in your declaration; is that right? 13 MR. SHAPIRO: Objection. Form. 14 THE WITNESS: I want to qualify something I 15 said earlier. Can I do that? 16 Q. Yeah. 17 A. So if you look at paragraph 41, it does 18 mention 1772. I want to make sure this is clear in 19 my -- I don't think I said anything incorrect, but I 20 do want to make sure it's clear that I am of the 21 opinion that it wouldn't need the level of detail of 22 regulations for 1772 for a person of skill in the 23 arts to understand this patent and understand the 24 implications of the state of the art and so on. So 25 if I said anything in contradiction to that</p>
<p>50</p> <p>1 MR. SHAPIRO: Objection. Form. 2 THE WITNESS: You said I could use the 3 electronic search? 4 Q. Yeah. 5 A. Yeah. Give me a moment. I'm familiar with 6 it as much as I mention in paragraph 34 of my 7 declaration. I can read that if you would like, but 8 you can also look at it if you want. 9 Q. Yeah. So here in paragraph 34 you say, 10 courts. What courts are you referring to in 11 paragraph 34? 12 MR. SHAPIRO: Objection. Form. 13 THE WITNESS: So for terms like these, I 14 have to rely on counsel advice. So as it was 15 explained to me, courts give claim terms that are 16 ordinary in a custom meeting, as understood by one of 17 ordinary skill in the art at the time of the 18 invention in the content of the entire patent. So 19 the specific courts, I assume it means patent courts. 20 Q. Is it your understanding that this IPR is 21 in front of a court currently? 22 MR. SHAPIRO: Objection. Form. 23 THE WITNESS: I only know what I was asked 24 to do, which is to opine on the -- to opine as I did 25 in this declaration.</p>	<p>52</p> <p>1 statement, I would like to change it. 2 So you asked the question, did I mention 3 1772 in my document? The only places I mentioned it 4 are where I basically disagree with the opinion of -- 5 that that's a requirement for understanding this 6 patent. The patent itself, I believe, doesn't even 7 mention it, though I can check. 8 Q. But would it surprise you that some 9 portions of the intrinsic record do mention the 10 standard J 1772? 11 MR. SHAPIRO: Objection. Form. 12 THE WITNESS: Some portions of what 13 intrinsic record? In '391? 14 Q. The intrinsic record as you understand it 15 pursuant to your definition in paragraph 34, 16 including the prosecution history and the prior art 17 cited in the patent? 18 MR. SHAPIRO: Objection. Form. 19 Q. My pending question was, would it surprise 20 you if the intrinsic record does mention the standard 21 J 1772? 22 MR. SHAPIRO: Objection. Form. 23 THE WITNESS: Well, one of these documents 24 was the 1772 document. No. It wouldn't surprise me 25 at all. That document is in there.</p>

<p>53</p> <p>1 Q. In terms of the prior art that was cited on 2 the face of the patent, though. So that would have 3 been the prior art during original examination of 4 this application. So not just the materials from 5 this IPR. Would that surprise you? The earlier 6 materials in the intrinsic record. 7 MR. SHAPIRO: Objection. Form. 8 THE WITNESS: I think you need to restate 9 it for me. That was hard to parse. Say it again. 10 Q. I'm just asking you about your definition, 11 Dr. Cameron. In paragraph 34 you said, "The 12 intrinsic record includes the patents, claims, 13 written description, prosecution history, materials 14 incorporated by reference in the patent, and prior 15 art cited in the patent or its prosecution history." 16 So your definition in paragraph 34, does 17 that refer to the IPR? 18 MR. SHAPIRO: Objection to form. 19 THE WITNESS: You threw in the IPR. What 20 do you mean by IPR? Let's be clear. 21 Q. The sentence I -- 22 A. I guess I'm asking, are you referring to a 23 particular document, or are you referring to all the 24 documents? 25 Q. I'm referring to your sentence in</p>	<p>55</p> <p>1 the intrinsic record, you referred me to the record 2 of the IPR; right? Now I'm trying to understand if 3 you think the record of the IPR is part of the 4 intrinsic evidence as you've defined it in paragraph 5 -- 6 A. Oh. Yeah. You're right. 7 MR. SHAPIRO: Objection. Form. 8 THE WITNESS: I did not understand your 9 question. So to me, the -- I can't remember whether 10 I have the definition in the -- I'm just looking to 11 make sure if I have a definition in the declaration 12 for intrinsic. Sorry. 13 Q. I believe it's in paragraph 34, the one 14 we've been talking about here. You say, "consider 15 the intrinsic evidence which includes", and then you 16 give a list of what's included in the intrinsic 17 evidence? 18 MR. SHAPIRO: Objection. Form. 19 THE WITNESS: Right, but I think my list is 20 just an encompassing list of things you would look 21 at. It doesn't mean that in the patent itself that 22 those things are necessarily incorporated. You have 23 to read the patent to see if the intrinsic evidence 24 is there and -- yeah. So that's my definition. If 25 it's -- if I read the patent and there's things that</p>
<p>54</p> <p>1 paragraph 34, and I'm asking you whether your 2 sentence also covers the materials at issue in this 3 IPR that we are discussing today. 4 A. Okay. 5 MR. SHAPIRO: Objection. Form. 6 Q. There's still a pending question, Dr. 7 Cameron. Whether -- 8 A. Yeah. Yeah. I was parsing this 9 paragraph 34. Sorry. Give me a moment here. Again, 10 I don't understand this question in a sense, because 11 the fact is that all patents have all kinds of 12 references in them, and I don't remember reading 13 anything that said that every aspect of every patent 14 that they cite is, by reference, incorporated into 15 the patent. 16 So to the extent that materials are 17 incorporated into the patent, the answer is, in the 18 context. Yes. But not all of the materials 19 incorporated by reference in the patent are 20 referenced in the patent. For example, 1772 doesn't 21 appear by reference anywhere in the patent. 22 Q. I'm not sure you've understood my question. 23 So I'm just looking at your -- I'm trying to 24 understand your definition of the intrinsic evidence, 25 because when I asked you about J 1772 appearing in</p>	<p>56</p> <p>1 are intrinsic to it, and they may or may not be 2 referenced in the materials incorporated by 3 reference, then that to me defines the intrinsic 4 evidence. 5 Q. Did you read the file history of the '391 6 patent? 7 A. Yes. 8 MR. SHAPIRO: Objection. Form. 9 THE WITNESS: I have read the file history, 10 I believe. Let me make sure I have the right file. 11 Do you have a file name? What would that be called? 12 Q. Exhibit 1007. 13 A. There you go. The number. That's helpful. 14 Thank you. I said yes too fast, but let me just 15 double check. I have this in front of me if you need 16 me to look at it. Was there a question related to 17 1007? 18 Q. Yeah. 19 MR. SHAPIRO: Hey, Alex. We've been going 20 for over an hour now. This might be a good time to 21 take a short break. 22 MR. STEIN: Let me finish one question and 23 then we'll take a break, Jason. If that's okay with 24 Dr. Cameron. 25 THE WITNESS: That's fine.</p>

<p>57</p> <p>1 MR. SHAPIRO: Are we pulling up 1007, or is 2 it related to the deck. 3 MR. STEIN: I think we already did pull it 4 up, Jason. 5 MR. SHAPIRO: You have 1007 up? 6 THE WITNESS: Am I supposed to see 7 something? I don't know how the Zoom stuff works. I 8 don't have any documents coming from the Zoom. I 9 have my own copy. 10 Q. That's all I was referring to. 11 A. Okay. 12 MR. SHAPIRO: Just give me a moment because 13 I don't have a print out of it. I'll pull it up 14 electronically. 15 THE WITNESS: It's really long. It's 16 almost 200 pages. 17 MR. SHAPIRO: That's why I was suggesting 18 the break. So I could pull up the electronic. 19 MR. STEIN: This is kind of silly. We can 20 go ahead and take the break now. Ten minutes, Dr. 21 Cameron? Is that okay with you? 22 THE WITNESS: Yeah. Could you just say the 23 time we'll meet back? 24 MR. STEIN: Yeah. So that's ten minutes. 25 It would be 9:07 Pacific time.</p>	<p>59</p> <p>1 context means what I wrote in explanation of what a 2 person of ordinary skill in the arts would 3 understand. 4 Q. So you say, "Other times the nexus linking 5 two or more prior art references is just common 6 sense." 7 What would be an example of a nexus that is 8 just common sense? 9 MR. SHAPIRO: Objection. Form. 10 THE WITNESS: I don't have an example on 11 the ready. I would have to think about that. I 12 would say that common sense is just what it sounds 13 like. It's common among persons of ordinary skill in 14 the arts. A group of them would understand, you 15 know, something. 16 Q. Is it the data structure of a message which 17 you discuss in your declaration, is that something 18 that's fairly common in your field? 19 MR. SHAPIRO: Objection. Form. 20 THE WITNESS: Where are you referring to in 21 the claim? 22 Q. Did you refer to something called "a 23 message" at various points in your declaration? 24 A. I used the term message in my declaration, 25 yes. I'm asking if you would tell me -- you said</p>
<p>58</p> <p>1 MR. SHAPIRO: That will be fine. 2 (Recess taken.) 3 Q. Dr. Cameron, we just took a short break. 4 What did you do during the break? 5 A. I went to the bathroom, I acknowledged a 6 few of my colleagues en route and back, and then I 7 came back to my office. I was here about three 8 minutes after 12:00. 9 Q. Did you talk to your counsel during the 10 break? 11 A. I did not, sir. 12 Q. I want to talk about your understanding of 13 the doctrine of obviousness. Is obviousness a term 14 that you're familiar with? 15 A. So to the extent I wrote in my declaration, 16 yes. I believe that is in paragraph 55. 17 Q. Correct. In paragraph 58 you reference, 18 kind of in the middle of paragraph, something 19 referred to as, "common sense." 20 Do you see that? 21 A. Yes. 22 Q. What's your understanding of what common 23 sense means in the context of the obviousness 24 doctrine? 25 A. I would say that common sense in this</p>	<p>60</p> <p>1 something about the definition of that, so I was 2 going to ask you where you saw that in the 3 declaration. 4 Q. Well, we'll get there. 5 A. Okay. 6 Q. What I was wondering is, in terms of what 7 you understand as being common sense, I want to 8 understand how common messages are in your field of 9 expertise? 10 MR. SHAPIRO: Objection. Form. 11 THE WITNESS: Give me a moment to look at 12 the electronic version of my declaration. As defined 13 in my declaration, that's what I -- I don't think the 14 message in the declaration is -- sorry. The 15 definition of message in the declaration is 16 necessarily -- hm. I guess what I would say is that 17 the -- common sense, unfortunately kind of a 18 qualitative set of words; right? So it might mean 19 different things to different people. But in the 20 context of a person of ordinary skill in the arts as 21 I defined it in the declaration, someone who is in 22 the field of computer science would certainly know 23 what a message is. 24 Q. A message is a fairly common term in your 25 field; is that correct?</p>

<p>61</p> <p>1 A. Yes.</p> <p>2 Q. What about a message with a header? Is</p> <p>3 that something that's also fairly common in your</p> <p>4 field?</p> <p>5 A. Yes.</p> <p>6 Q. Are there examples of messages that do not</p> <p>7 have headers?</p> <p>8 MR. SHAPIRO: Objection. Form.</p> <p>9 THE WITNESS: What I wrote for my message</p> <p>10 definition is, "A message is a unit of data or</p> <p>11 information sent from one device to another that</p> <p>12 includes a header and a body."</p> <p>13 And so I'm trying to think to your</p> <p>14 question. So I would say there are lots of messages</p> <p>15 that have headers and body. It's software, so could</p> <p>16 I create something that had only a header or only a</p> <p>17 body? I could. But it's not common.</p> <p>18 Q. What about in the timeframe prior to</p> <p>19 August 19th, 2008? Would it have been feasible to</p> <p>20 create a message that did not have a header or did</p> <p>21 not have a body?</p> <p>22 MR. SHAPIRO: Objection to form.</p> <p>23 THE WITNESS: So a message by its very</p> <p>24 nature is a complicated more advanced form of</p> <p>25 communication. And so while you could create one, it</p>	<p>63</p> <p>1 Q. Does the patent tell you how to implement a</p> <p>2 message? The '391 patent.</p> <p>3 A. I have to search for a little bit on the</p> <p>4 '391 patent, if you would give me a moment. Looking</p> <p>5 quickly, I don't see any definition of message in the</p> <p>6 '391 patent.</p> <p>7 Q. Do you see any message of header -- any</p> <p>8 mention of header or body in the '391 patent at all?</p> <p>9 MR. SHAPIRO: Objection. Form.</p> <p>10 THE WITNESS: I haven't searched on header</p> <p>11 or body. I will in a second, but I will say that in</p> <p>12 column 5, line 9, the authors say, "Other computer</p> <p>13 systems that route data and messages."</p> <p>14 And so the routing piece there is exactly</p> <p>15 what would be included in a header. That's the meta</p> <p>16 information about the message. So to me, that</p> <p>17 indicates that they're dealing with headers and</p> <p>18 bodies, but let me check, to your question, as to</p> <p>19 whether body -- I don't see body and I don't see</p> <p>20 header mentioned. No. They're not mentioned in the</p> <p>21 '391.</p> <p>22 Q. So the -- sorry. That wasn't clear. I'm</p> <p>23 not sure it got picked up. But the words header and</p> <p>24 body, do they appear in the '391 patent?</p> <p>25 A. No, the word header does not appear. The</p>
<p>62</p> <p>1 doesn't mean it would be useful.</p> <p>2 Q. I just want to make sure I understand your</p> <p>3 testimony. But you're saying that prior to</p> <p>4 August 19th, 2008, you could have created a message</p> <p>5 without a header or a body; correct?</p> <p>6 MR. SHAPIRO: Objection. Form.</p> <p>7 THE WITNESS: Again, what I'll say is that</p> <p>8 in software, you can make any nonsensical data format</p> <p>9 you would like. And so under that definition, you</p> <p>10 can do many things. I'm not aware of any</p> <p>11 communication systems in computer science that are</p> <p>12 used for sophisticated systems that aren't messages.</p> <p>13 That includes prior to 2008.</p> <p>14 Q. What type of information in the pre</p> <p>15 August 2008 timeframe would have been included in the</p> <p>16 header of a message?</p> <p>17 MR. SHAPIRO: Objection. Form.</p> <p>18 THE WITNESS: Typically the header contains</p> <p>19 the meta information for the message. So it can be</p> <p>20 defined by the person who creates it, but in a</p> <p>21 typical sense it would have information about where</p> <p>22 the message was coming from, where the message was</p> <p>23 going. Things like IP addresses, for example. A</p> <p>24 message as defined by header and body is defined by</p> <p>25 the person who implements it.</p>	<p>64</p> <p>1 word body does not appear, when I searched just now.</p> <p>2 Q. Looking -- I wanted to go back to page 16</p> <p>3 of your declaration.</p> <p>4 A. 16? 16?</p> <p>5 Q. Yeah. 16.</p> <p>6 A. Okay. I'm on page 16 of the declaration.</p> <p>7 Q. Actually, sorry. Page 34 of your</p> <p>8 declaration. Paragraph 93. Just let me know when</p> <p>9 you get there.</p> <p>10 A. Sure. Page 34, paragraph 93; is that</p> <p>11 correct?</p> <p>12 Q. Yeah. Yes.</p> <p>13 A. Okay. Then I'm there.</p> <p>14 Q. This is the section of your declaration</p> <p>15 where you discuss your opinion related to requests</p> <p>16 and response being messages. That's what you state</p> <p>17 in the first sentence of paragraph 93; is that</p> <p>18 correct?</p> <p>19 A. Yes, sir.</p> <p>20 MR. SHAPIRO: Objection. Form.</p> <p>21 Q. And you cite here under paragraph 93 to</p> <p>22 some examples of -- you have a request 414, bullet</p> <p>23 point 1, request 414 in bullet point 2, and then</p> <p>24 response 418 in bullet point 3. So in forming your</p> <p>25 opinion that a request or a response needs to be a</p>

<p>65</p> <p>1 message, did you point to anything other than the 2 example in Figure 4 of the patent? 3 MR. SHAPIRO: Objection. Form. 4 THE WITNESS: Yeah. I'm a little confused 5 by the question. Are you referring just to response 6 and request, or something else? 7 Q. I'm referring to the opinions -- 8 A. Go ahead. Sorry. 9 Q. So the opinions you express in 10 paragraph 93, you say that "Requests signalling a 11 start response to terminate must be messages." 12 That's your first sentence; right? 13 A. Yes, sir. 14 Q. And then you say, "The specification 15 explains, and then you have three bullet points 16 underneath that on the bottom of page 34 up to the 17 top of page 35"; right? 18 A. Yes, I see those three bullet points. 19 Q. So in your declaration, when you take the 20 position you express in paragraph 93, do you point to 21 anything other than the example of Figure 4 in the 22 patent? 23 MR. SHAPIRO: Objection. Form. 24 THE WITNESS: I would have to check. 25 Q. Remember, my question was specifically</p>	<p>67</p> <p>1 What is request 414? 2 A. Exactly what it says there. Request 414 is 3 a message signalling the start of a charging process, 4 404. 5 Q. Is there anything else you could tell me 6 about what request 414 is? 7 MR. SHAPIRO: Objection. Form. 8 THE WITNESS: I mean, I can continue to 9 read what's in the patent if you would like. 10 "Request 414 is generated and sent by energy 11 transaction execution engine 416." 12 Q. And would you consider that sentence at 13 column 12, lines 3 to 4, to be a description of the 14 present invention? 15 MR. SHAPIRO: Objection. Form. 16 THE WITNESS: What does the present 17 invention mean? Do you have a specific claim number 18 in mind? 19 Q. Are you able to understand what the present 20 invention is? 21 MR. SHAPIRO: Objection. Form. 22 THE WITNESS: I mean, I certainly know what 23 an invention is, but what you're asking is whether -- 24 keep in mind, my understanding that I already shared 25 with you was that Figure 4, I believe, is an</p>
<p>66</p> <p>1 about your declaration in paragraph 93. 2 A. Oh. 3 MR. SHAPIRO: Objection. Form. 4 THE WITNESS: Let me try to -- you can 5 rephrase it if you want, but I think you're asking in 6 paragraph 93, what do I say about -- what references 7 do I make? If that's what we're confined to then, 8 yes. In 93 I reference 414 and then 418 it looks 9 like, and 416. Basically, Figure 4. Yeah. 10 Q. Okay. Now, I want to go -- I'm having a 11 little computer glitch here. Just a second? 12 A. I know a thing or two about computers, so I 13 understand. 14 Q. One of my monitors sometimes disappears. 15 It looks like I got it back now. So Dr. Cameron, I 16 want to look at the aspects that you cite in 17 paragraph 93 of your declaration. So in that 18 paragraph in the first bulleted Item Number 1 under 19 paragraph 93 you cite Exhibit 1001 at column 12, 20 lines 3 to 4; right? 21 A. Exhibit 1001 at 12, 3 to 4. That is what 22 it says there. Yes. 23 Q. So in that sentence it says, "Request 414 24 is a message signalling the start of charging process 25 404."</p>	<p>68</p> <p>1 illustrative embodiment that makes it an example. 2 And so what my statement says is, you know, in the 3 context of Figure 4, request 414 is a message 4 signalling the start of the charging process, and it 5 sounds like you're asking me to generalize that 6 across the entire patent, description, claims, 7 everything. 8 That seems, I don't know, ill advised, 9 which is why I asked for you to be more specific. 10 Q. Let's look at claim 1 for a minute, which 11 appears on column 16. 12 A. Column 16, line 44. That's where you are? 13 Q. One second, Dr. Cameron. Sorry. 14 A. Sure. Take your time. 15 Q. Column 16. Right. Claim 1 starts on 16 line 43. 17 A. Yeah. That's what I'm looking at. 18 Q. So in lines 46 to 47, claim 1 states, 19 "Responsive to receiving from an energy transaction 20 execution engine a request signalling the start of 21 the charging process." 22 Does claim 1 state a request 414? Is claim 23 1 limited to request 414 as one of the examples in 24 the patent? 25 MR. SHAPIRO: Objection. Form.</p>

<p>69</p> <p>1 THE WITNESS: Again, person of skill in the 2 art, which I am, when I read the thing you just read, 3 which is responsive to receiving from an energy 4 transaction execution engine, a request signalling 5 the start of the charging process, to me that is a 6 message. 7 Q. I would just politely ask you to answer my 8 question, though. Does claim 1 state that the 9 request that we recited in claim 1 at column 16, 10 lines 46 to 48 of the patent, does it say request 11 414? 12 MR. SHAPIRO: Objection. Form. 13 THE WITNESS: I do not see the number 414 14 mentioned in claim 1. 15 Q. And do you think it would be fair to limit 16 the scope of the claim to request 414, or is the 17 claim broader than that? 18 MR. SHAPIRO: Objection. Form. 19 THE WITNESS: Again, my opinion, my read 20 would be that claim 1 would refer to messages, which 21 is broader than request 414 but is in the context of 22 messages, other types of messages. 23 Q. What are some other types of messages 24 besides request 414? 25 MR. SHAPIRO: Objection. Form.</p>	<p>71</p> <p>1 to, what is the rudimentary charging scenario that is 2 being referred to in column 6, line 63 to 64? 3 MR. SHAPIRO: Objection. Form. 4 THE WITNESS: There's another reference 5 here. So back to column 1, line -- it looks like 58. 6 The sentence that starts with, "to date." So that 7 would put this in the context of 2008. "To date, 8 electric vehicle manufacturers and electric utility 9 companies have only planned and provided 10 infrastructure and methods for the most rudimentary 11 charging scenario in which the electric vehicle is 12 plugged into a common electric outlet." 13 So based on what they wrote, that would be 14 my understanding. 15 Q. So the rudimentary charging scenario 16 discussed in the '391 patent in column 1 and column 6 17 is when you plug a vehicle into a wall outlet? 18 MR. SHAPIRO: Objection. Form. 19 THE WITNESS: Into a common electric 20 outlet. 21 Q. Are you familiar with the Keith and Kimura 22 references that are at issue in this case? 23 A. Yes. I have read them both. 24 Q. Yeah. The Kimura reference is 25 Exhibit 1002.</p>
<p>70</p> <p>1 THE WITNESS: Give me a moment. 2 Q. Sure. 3 A. I don't have a ready example in the context 4 of this patent, but I'll read from column 6, line 63. 5 Tell me when you're there. 6 Q. Go ahead. 7 A. Okay. Actually, I'll read from 60 just to 8 have the whole sentence. This is column 6 starting 9 at line 60. Okay. "Currently, electric vehicle 10 manufacturers and electric utility companies have 11 only planned and provided infrastructure for the most 12 rudimentary charging scenarios, such as merely 13 plugging the electric vehicle into a common electric 14 outlet that is owned by the owner and operator of the 15 electric vehicle. The illustrative embodiment 16 recognize that charging electrical vehicles will 17 frequently be conducted under much broader and more 18 complex sets of circumstances." 19 So while I don't have another specific 20 example, the use of messages, in my professional 21 opinion, is to enable more complex scenarios of 22 communication exchanges. So anything that would be 23 an example of that would be an example of a message 24 in that context. 25 Q. In the specific paragraph you pointed me</p>	<p>72</p> <p>1 A. Yes. And Keith is 1005, I think. 2 Q. Correct. 3 A. Okay. 4 Q. So the charger in the Kimura system, or the 5 charging system in Kimura. Is that having the 6 vehicle be plugged into a common electric outlet? 7 MR. SHAPIRO: Objection. Form. 8 THE WITNESS: I'm going to need to search 9 this one. 10 Q. Sure. 11 A. You said Keith, first one? 12 Q. Kimura. 13 A. Oh. You said Kimura, first? Sorry. Okay. 14 That's 02. Okay. I mean, it's a pretty long patent. 15 Do you have any particular -- I didn't find common 16 electric outlet, or even outlet mentioned. I didn't 17 do a deep analysis. 18 Q. Well, based on your review and your 19 familiarity with Kimura, is it your understanding 20 that this is contemplating plugging a vehicle into a 21 common electric outlet? 22 MR. SHAPIRO: Objection. Form. 23 THE WITNESS: Based on my read, yes. If 24 you look at the abstract it says, "when a 25 communication" -- I'm sorry. "In a charging</p>

<p style="text-align: right;">73</p> <p>1 apparatus and method for charging a battery of a 2 battery driven electric vehicle." 3 My understanding is that would be -- I 4 hesitate to say common electric outlet. It's an 5 outlet, right? It starts as a common electric 6 outlet, but this patent describes using signals to 7 make for a slightly more sophisticated system in 8 terms of, like, the signal processing. 9 Q. Same question for the Keith reference, 10 Exhibit 1005. Based on your review and familiarity 11 with Keith, is it your understanding that Keith is 12 contemplating plugging a vehicle into a common 13 electric outlet? 14 MR. SHAPIRO: Objection. Form. 15 THE WITNESS: Once again, those words don't 16 appear. My understanding is these would be forms of 17 common electric outlets. 18 Q. Let's look at Keith, for example. So if we 19 go to -- 20 A. Can I ask a clarifying question? 21 Q. Sure. 22 A. I mean, I think that the word common is 23 open to interpretation, and so I want to make sure 24 that we're sort of aligned on what we think common 25 means here. I just want to point that out. It's</p>	<p style="text-align: right;">75</p> <p>1 MR. SHAPIRO: Objection. Form. 2 THE WITNESS: Where are you reading from? 3 Q. Column 6, line 63 to 65. 4 A. Okay. I think there's more context here 5 that we're missing from this conversation. Go back 6 to line 60 in column 6. I think I did read this. 7 Just in case I didn't, "Currently electric vehicle 8 manufacturers and electric utility companies have 9 only planned and provided infrastructure for the most 10 rudimentary charging scenarios, such as merely 11 plugging the electric vehicle into a common electric 12 outlet that is owned by the owner and operator of the 13 electric vehicle." 14 To me, this envisions -- I guess, there 15 could be different kinds of electric outlets. But at 16 the end of the day, they are driven by the vehicle 17 manufacturers and electric utility companies in their 18 planning and providing infrastructure. At the time, 19 2008, my understanding would be that the -- what is 20 it? The opportunities for charging would be limited 21 to -- it doesn't mean there aren't other things that 22 existed that could do it differently. It just means 23 that the commonly available would be what's described 24 here. 25 Q. And what would be an example of this common</p>
<p style="text-align: right;">74</p> <p>1 open to interpretation, right? 2 Q. Okay. Well, what did the '391 patent mean? 3 You pointed me to column 1 of the '391 patent and 4 column 6. So what did the '391 patent mean when it 5 referred to a common electric outlet? 6 A. I would take that back to the definition of 7 messages. In this context -- I mean, I can only use 8 it -- there's no such thing as proof by example, but 9 an example I would give would be -- a slightly less 10 common electric outlet would be one that, you know, 11 is part of a system where there are messages involved 12 in the communication, which is exactly what the -- 13 not exactly, but it's something that the '391 patent 14 talks about. 15 I believe that's what a person with skill 16 in the art would think when they saw common 17 electrical outlet in the '391 patent in 2008. 18 Q. I'm not sure I understood that answer, Dr. 19 Cameron. So specifically referring to column 1 and 20 column 6 of the '391 patent, when the patent says, 21 "Plugging the electric vehicle into a common electric 22 outlet that is owned by the owner and operator of the 23 electric vehicle, what is the '391 patent referring 24 to as a common electric outlet that is owned by the 25 owner and operator of the electric vehicle?"</p>	<p style="text-align: right;">76</p> <p>1 electric outlet that is owned by the owner and 2 operator of the electric vehicle? I tried to mention 3 one earlier that I thought was pertinent, but you can 4 let me know if that wasn't correct. I said plugging 5 it into a wall outlet at your house. That seems to 6 be what they're referring to; is that correct? 7 MR. SHAPIRO: Objection. Form. 8 THE WITNESS: It's not that I disagree with 9 the example. It's just not limited to that example. 10 Q. If we go to the Keith reference for a 11 minute. 12 A. Yeah. 13 Q. We look, for instance, at Figure 28 of 14 Keith which is Exhibit 1005. 15 A. Okay. I can see Figure 28. Is that what 16 you said? 17 Q. Yeah. Is Figure 28 the charge station and 18 receptacle of Keith's invention? 19 A. I would have to look further at Keith. 20 Q. Sure. 21 A. The description here is pretty limited to 22 the structural -- I'm looking at -- again, I haven't 23 looked through the entire patent clearly here, but I 24 searched the labels for 582 in Figure 28, and that 25 brings me to column 29, and starts at about line 15.</p>

<p>77</p> <p>1 I won't bore everybody by reading it, but 2 it basically describes each piece of that diagram, 3 and much of that appears to be a telescoping 4 stanchion. If you look at the figure, that's kind of 5 what it looks like; right? Let me go back to the 6 figure. Sorry. This one is long. 7 So it has what I would say is pretty cool 8 housing. That's what's described in that paragraph I 9 just referenced. But it doesn't say anything about 10 the electrical outlet. So let's go back to your 11 question. 12 Q. My question was whether Keith was showing 13 you a common electric -- I think it's pretty clear 14 that it's not, but I would like to hear your answer. 15 MR. SHAPIRO: Objection. Form. 16 THE WITNESS: The housing is the housing. 17 I mean, it doesn't mean that the electrical outlet is 18 particularly any different from things we used at the 19 time. 20 Q. Okay. And let's look at column 6, lines 30 21 to 32 of the Keith reference, Exhibit 1005. 22 A. I'm sorry. What was the column again? 23 Q. Column 6, line -- 24 A. Sorry. 25 Q. Yeah. No problem. 30 to 35.</p>	<p>79</p> <p>1 Q. I was just asking if you saw that. 2 A. Yeah. Yeah. I'm sorry. I see the 3 welcome, enter slowly, sentence that you just 4 referred to. Yes. 5 Q. So as a skilled person in this field, would 6 you understand that that message in Keith's column 6 7 here that we've been referencing, would that have a 8 header and a body? 9 MR. SHAPIRO: Objection. Form. 10 THE WITNESS: I don't think so. I can't be 11 sure, but I don't think so, in my opinion. 12 Q. Did you tell me before that you weren't 13 familiar with any examples of a message that would 14 not have a header or a body? So is this your very 15 first example of a message that doesn't have a header 16 or a body? 17 MR. SHAPIRO: Objection. Form. 18 THE WITNESS: They're calling it a message. 19 It might be, but it's in the context of this little 20 console. It's not in the context of a charging 21 network. 22 Q. Let's continue. So then column 6, line 31, 23 "At this point the charge station and the computer 24 vehicle 72 will attempt to establish communication 25 over an RS232 UART system."</p>
<p>78</p> <p>1 MR. SHAPIRO: Objection. Is there a 2 question? Objection. Form. 3 MR. STEIN: There wasn't a question, Jason. 4 THE WITNESS: He just said let's look at 5 it. 6 MR. STEIN: That hasn't stopped you from 7 objecting to stuff that isn't questions, but that's 8 fine. 9 MR. SHAPIRO: I can't always tell. 10 MR. STEIN: Lines 30 to 35. 11 THE WITNESS: I see lines 30 to 35. Wait. 12 You said 6. Sorry. 30 to 35 in column 6? 13 MR. STEIN: Yup. 14 THE WITNESS: Okay. I'm looking at that 15 now. 16 Q. Do you see there it refers to a suitable 17 message such as, welcome. Enter slowly, on lines 30 18 to 31 of column 6 of Keith Exhibit 1005? 19 A. Sorry. I'm reading the rest of the 20 paragraph for context here. Give me a moment. 21 Q. Sure. 22 A. It's not clear which figure this paragraph 23 is referring to. The paragraph before it mentions 18 24 through 35. Previously, you asked about Figure 5, I 25 think. 28. I'm sorry. 28.</p>	<p>80</p> <p>1 What does it mean for these two components 2 to establish communication over an RS 232 U art 3 system? 4 MR. SHAPIRO: Objection. Form. 5 THE WITNESS: So RS 232 is a serial 6 communication. That would be 1s and 0s sent across a 7 communication line. 8 Q. And that would not include headers and 9 bodies? 10 MR. SHAPIRO: Objection. Form. 11 THE WITNESS: I would say not typically. 12 You know, my example would be if I sent you a message 13 in morse code -- not a message. A transmission in 14 morse code or a signal in morse code, a series of 15 signals, then the signals are carrying 1s and 0s. It 16 would be up to you on the other side to figure out 17 what it means. Again, we're back to, this is not 18 part of, you know -- I don't see how this is relevant 19 to the '391 patent, which looks at interacting beyond 20 the local charging network. This is within -- you 21 said it yourself, between the computers and the -- 22 let me read it here. 23 It was between two computers via RS 32 24 station computer and vehicle charge computer, attempt 25 to establish communication over RS 232. So that's</p>

<p style="text-align: right;">81</p> <p>1 only in, you know -- are connected to each other.</p> <p>2 Q. So over this RS 232 standard mentioned in</p> <p>3 Keith, would you have messages exchanged with headers</p> <p>4 and bodies?</p> <p>5 MR. SHAPIRO: Objection. Form.</p> <p>6 THE WITNESS: Not like the ones envisioned</p> <p>7 in '391.</p> <p>8 Q. Again, I'm just asking about the RS 232</p> <p>9 standard contemplated in Keith headers and bodies</p> <p>10 over that communication protocol?</p> <p>11 MR. SHAPIRO: Objection. Form.</p> <p>12 THE WITNESS: Again, you asked me if I had</p> <p>13 ever seen anything like that. No. Not in the RS</p> <p>14 232, and not in the system described like this one</p> <p>15 is. So in this context, I would not expect these to</p> <p>16 have headers and bodies.</p> <p>17 Q. Okay. So you could have messages. They</p> <p>18 just wouldn't have headers or bodies?</p> <p>19 MR. SHAPIRO: Objection. Form.</p> <p>20 THE WITNESS: They would have signals. You</p> <p>21 wouldn't have messages.</p> <p>22 Q. Okay. So these messages would have</p> <p>23 signals, but they wouldn't have headers or bodies?</p> <p>24 MR. SHAPIRO: Objection. Form.</p> <p>25 THE WITNESS: I'm trying to parse that.</p>	<p style="text-align: right;">83</p> <p>1 MR. SHAPIRO: Objection. Form.</p> <p>2 THE WITNESS: I don't recall any mentions</p> <p>3 of signal transmissions in the '391 patent. If you</p> <p>4 could direct me to a place, I would take a look.</p> <p>5 Q. I want to introduce an exhibit here. We'll</p> <p>6 have to figure out how to do this. Just a second.</p> <p>7 So one of the exhibits in the proceeding is your CV.</p> <p>8 I believe that's Exhibit 2006, Dr. Cameron. Is that</p> <p>9 your understanding?</p> <p>10 A. Let me check. Sorry. 2006. Yes. That's</p> <p>11 my CV.</p> <p>12 Q. If you go to page 5 of your CV,</p> <p>13 Exhibit 2006, you have a section titled</p> <p>14 patent/disclosures. Do you see that?</p> <p>15 A. You said page 5? Yes. The bottom of the</p> <p>16 page. Patents/disclosures. Sure.</p> <p>17 Q. Yeah. And so the first listed item is a</p> <p>18 patent to you and to another person, Turner U.S.</p> <p>19 patent number 657?</p> <p>20 A. Yes, sir.</p> <p>21 Q. I would like to introduce that exhibit. I</p> <p>22 think I'll just need to e-mail it to everyone.</p> <p>23 Jason, I'm not sure how you would prefer to do it,</p> <p>24 but if that's okay with you.</p> <p>25 MR. SHAPIRO: I'm going to object to the</p>
<p style="text-align: right;">82</p> <p>1 Q. I'll phrase it again. So these messages</p> <p>2 that could be communicated over the RS 232 UART</p> <p>3 system, they would have signals but wouldn't have</p> <p>4 headers and bodies?</p> <p>5 MR. SHAPIRO: Objection. Form.</p> <p>6 THE WITNESS: I wouldn't call them</p> <p>7 messages. The authors do, but I would not call them</p> <p>8 -- not in my world. Not in the world of the '391.</p> <p>9 Not in that context. Those would not be messages.</p> <p>10 They would be signals.</p> <p>11 Q. Would they be requests in your world, or in</p> <p>12 the language of the '391 patent? Would those be</p> <p>13 requests that are being conveyed over the RS 232U art</p> <p>14 system?</p> <p>15 MR. SHAPIRO: Objection. Form.</p> <p>16 THE WITNESS: In the context of the '391</p> <p>17 patent? Sorry. Go ahead, Jason.</p> <p>18 MR. SHAPIRO: Objection. Form.</p> <p>19 THE WITNESS: In the context of the '391</p> <p>20 patent?</p> <p>21 Q. That was the question.</p> <p>22 A. Yeah. In the context of the '391 patent, a</p> <p>23 request is a message with a header and a body.</p> <p>24 Q. And in the context of the '391 patent, when</p> <p>25 is a request not a message?</p>	<p style="text-align: right;">84</p> <p>1 admissibility of the exhibit. It's --</p> <p>2 MR. STEIN: You can object, but how would</p> <p>3 you like us to get it in for discussion? You can</p> <p>4 object to its admissibility.</p> <p>5 MR. SHAPIRO: I would say why don't you --</p> <p>6 since we don't have the chat function available;</p> <p>7 right?</p> <p>8 MR. STEIN: Yeah.</p> <p>9 MR. SHAPIRO: Then e-mail it. That way we</p> <p>10 can all open it up.</p> <p>11 MR. STEIN: Okay. I'll send it to you,</p> <p>12 Jason. Dr. Cameron, what is your e-mail?</p> <p>13 THE WITNESS: The one you want to use is</p> <p>14 probably at the top of the CV. Let's see.</p> <p>15 Kirk.wcameron@gmail.com.</p> <p>16 MR. STEIN: Alternatively, I could just</p> <p>17 share the screen. It depends how you guys want to do</p> <p>18 it. I can e-mail it too.</p> <p>19 MR. SHAPIRO: Why don't we go ahead and</p> <p>20 e-mail it.</p> <p>21 THE WITNESS: Full disclosure, I have all</p> <p>22 my e-mail and stuff closed. So if you're going to</p> <p>23 send me an e-mail, I have to open my e-mail for a</p> <p>24 moment, download the file, and then --</p> <p>25 MR. SHAPIRO: But you do need to be able to</p>

<p style="text-align: right;">85</p> <p>1 look at it and scroll it.</p> <p>2 MR. STEIN: That's okay with me.</p> <p>3 THE WITNESS: Okay. I'm going to do that</p> <p>4 once you've told me it's sent. I'll try to minimize</p> <p>5 the time it's open and I'll put it back away.</p> <p>6 Q. And this I'll be marking as Exhibit 1020.</p> <p>7 I'll send it.</p> <p>8 (Exhibit 1020 marked for identification.)</p> <p>9 MR. STEIN: Michael, do you want a copy? I</p> <p>10 don't think you -- since we're on the record, that</p> <p>11 e-mail should come through. I'll keep going for now.</p> <p>12 MR. SHAPIRO: Well, let me -- I don't have</p> <p>13 the document yet.</p> <p>14 MR. STEIN: I'm not going to talk about the</p> <p>15 document, Jason. I don't want to waste my time here.</p> <p>16 Q. So Dr. Cameron, in your declaration you</p> <p>17 refer to certain lexicographies; right? Is that a</p> <p>18 term you understand?</p> <p>19 A. It's a term that was explained to me by</p> <p>20 counsel.</p> <p>21 Q. And what's the understanding that you have</p> <p>22 of the term lexicography?</p> <p>23 A. It appears in paragraph 35, I believe. Let</p> <p>24 me double check. My understanding, as I've written</p> <p>25 in paragraph 35, "that a patentee may also define his</p>	<p style="text-align: right;">87</p> <p>1 describes the sentence that I've written there. When</p> <p>2 someone also defines their own terms to disavow claim</p> <p>3 scope. I don't know that the to disavow claim scope</p> <p>4 is really pertinent there. It's more about the, may</p> <p>5 also define his or her own terms.</p> <p>6 Q. Okay. In that next sentence, "Embodiments</p> <p>7 and examples appearing in the specification will not</p> <p>8 generally be read into the claim."</p> <p>9 How do you know when it's a lexicography</p> <p>10 versus when you're doing what you have in your next</p> <p>11 sentence here in paragraph 35, and reading an</p> <p>12 embodiment and an example from the specification into</p> <p>13 the claims? How do you balance that? How do you</p> <p>14 know when it's lexicography versus when you're</p> <p>15 reading something from the specification into the</p> <p>16 claims?</p> <p>17 MR. SHAPIRO: Objection. Form.</p> <p>18 THE WITNESS: I'm trying to parse your</p> <p>19 sentence again. You said something about reading</p> <p>20 something from the specification into the claim. Is</p> <p>21 that the important part of your sentence, or the</p> <p>22 first part is the important part of your sentence.</p> <p>23 Q. I went on a little bit there. I apologize.</p> <p>24 I'm looking at your two sentences in paragraph 35 of</p> <p>25 your declaration. So the sentence that explains how</p>
<p style="text-align: right;">86</p> <p>1 or her own terms to claim scope. Normally</p> <p>2 embodiments and examples appearing in specification</p> <p>3 will not generally be read into the claims."</p> <p>4 I can read more, but I --</p> <p>5 Q. No. No. In one of your patents, which</p> <p>6 we'll look at in a minute, how would you think a</p> <p>7 patentee could set forth definitions?</p> <p>8 MR. SHAPIRO: Objection. Form.</p> <p>9 THE WITNESS: I would rather not comment on</p> <p>10 that until I see my patent. I wrote that thing</p> <p>11 20 years ago.</p> <p>12 Q. So the '391 patent, though, does it have a</p> <p>13 section called definitions anywhere?</p> <p>14 A. I have to Google that. I mean, I have to</p> <p>15 search it. As I recall, it doesn't. Let me actually</p> <p>16 search it. The word definition doesn't appear.</p> <p>17 Q. Okay. In your understanding of</p> <p>18 lexicography in the paragraph that you pointed me to,</p> <p>19 paragraph 35, you say, "I have been informed that a</p> <p>20 patentee may also define his or her own terms to</p> <p>21 disavow claim scopes."</p> <p>22 So do you understand disavowal to be the</p> <p>23 same thing as lexicography?</p> <p>24 MR. SHAPIRO: Objection. Form.</p> <p>25 THE WITNESS: I think lexicography</p>	<p style="text-align: right;">88</p> <p>1 you've been informed about what lexicography means is</p> <p>2 followed by a sentence that says, "Normally,</p> <p>3 embodiments and examples will not be read into the</p> <p>4 claims."</p> <p>5 So I want to understand, how do you balance</p> <p>6 that? How do you know when it's lexicography versus</p> <p>7 how do you know when you're reading an embodiment or</p> <p>8 example from the specification into the claims?</p> <p>9 MR. SHAPIRO: Objection. Form.</p> <p>10 THE WITNESS: So for this, I'm going to</p> <p>11 refer to the paragraphs under the claim construction</p> <p>12 section that start with paragraph 69. So we can go</p> <p>13 through each of them if you would like. Maybe the</p> <p>14 first one is representative. So data services</p> <p>15 interruption. Without some sort of something in the</p> <p>16 -- I think this is a good example. Without something</p> <p>17 written in the specification, it would be open to</p> <p>18 interpretation as to what that means, but in my</p> <p>19 reading of the patent, the authors were very clear</p> <p>20 that they wanted it defined, what a data services</p> <p>21 interruption is.</p> <p>22 So there are citations here to Exhibit 1001</p> <p>23 that I can go through if you would like, but those</p> <p>24 are in support of that opinion.</p> <p>25 Q. Okay. Yeah. I would like to explore that</p>

<p style="text-align: right;">89</p> <p>1 with you. Before we get to the specific citations 2 there, I want to look at the way that those figures 3 that you point to are introduced. So if you go to 4 column 2 of the '391 patent -- 5 A. Column 2 of the '391 patent. Okay. 6 Q. And you look at the brief description of 7 Figure 3 and the brief description of Figure 5, those 8 are both referred to as illustrative embodiments; is 9 that correct? 10 A. Figure 3 says -- 11 MR. SHAPIRO: Objection. Form. 12 THE WITNESS: We did cover this previously. 13 Figure 3 gives an illustrative embodiment. I believe 14 we said the same thing about illustrative embodiment 15 for Figure 5. 16 Q. Okay. If we go back to page 19, this is 17 where you pointed me in your declaration. Page 18 to 18 page 19, starting at paragraph 69 of your 19 declaration. When you're discussing what you believe 20 to be a lexicography, you're only citing to portions 21 describing figures 3 and Figure 5 in the '391 patent; 22 is that correct? 23 MR. SHAPIRO: Objection. Form. 24 THE WITNESS: What's the question? What 25 I'm doing in my declaration? Or was the question</p>	<p style="text-align: right;">91</p> <p>1 couldn't reconcile the text because I was looking at 2 the wrong place. Let me try this again. So I've 3 confirmed that the first sentence in the first 4 quotation matches. Do you want me to confirm the 5 rest of them? 6 Q. I don't think that's necessary. 7 A. I confirmed that that's exactly what it 8 says, yes. 9 Q. Okay. And I just want to understand why 10 you think this is a definition. Because you'll see 11 in column 13, line 11, it's referring to what you and 12 I have talked about as an illustrative embodiment, 13 and then it says, "this one example, device 14 capabilities interruptions is" -- and then it 15 continues the example. So please try to help me 16 understand why this is definitionally not just 17 exemplary. Because it looks to be very much 18 exemplary. 19 MR. SHAPIRO: Objection. Form. 20 THE WITNESS: So I have two more paragraphs 21 that describe this. In paragraph 70 and 71, they 22 describe my thinking. I can pull highlights from 23 that. 24 Q. Well, I really wanted to start with what I 25 pointed you to in the patent and have an answer to my</p>
<p style="text-align: right;">90</p> <p>1 related to the whole patent? 2 Q. Your declaration. 3 A. Okay. In the declaration, I can say that 4 specifically what's referred to as 308 in Figure 3, 5 506, I suspect that isn't Figure 5. Then, the second 6 paragraph -- the second sentence is, 308 which, 7 presumably, I don't have in front of me, refers to 8 Figure 3, I guess. I should double check that. 9 Oh. I'm looking at the wrong place. Give 10 me a moment. I just want to confirm that they're 11 actually referring to these figures. So yes, the 12 reference to 308 is in Figure 3 and the reference to 13 -- well, they're both in -- 508 is in Figure 5. So I 14 confirmed that. 15 Q. So starting with what's in your declaration 16 in paragraph 69, you've cited to column 13, lines 38 17 to 46 of the '391 patent; correct? 18 A. That's what it says. Yeah. 19 Q. Here, you're pointing to a statement. Is 20 it the second sentence in column 13, line 37. "Data 21 services interruption 506 is a set", and then it 22 continues. That's what you've reproduced in your 23 declaration on page 19; right? 24 A. I do want to check. I need a minute here. 25 I was looking at the wrong place. My apologies. I</p>	<p style="text-align: right;">92</p> <p>1 question. So specifically column 13, line 11, why is 2 that sentence that you've reproduced in your 3 declaration, why is that definitional when it very 4 much appears to be exemplary? It's an illustrative 5 embodiment referring to one reference in model 502, 6 and then it gives an example. So why do you believe 7 that to be definitional? 8 MR. SHAPIRO: Objection. Form. 9 THE WITNESS: You confused me again. You 10 said 13, line 11. Is that what you meant? Because 11 in my -- that might be why I was confused earlier, 12 because in my document I reference 38 to 46. 13 Q. Okay. Well, they -- 14 A. They're not exactly the same. That's why I 15 was confused earlier. 16 Q. Okay. Yeah. Same question, but thank you 17 for the correction. It refers to column 13, line 38. 18 A. 38. 19 MR. SHAPIRO: Objection. Form. 20 THE WITNESS: Please ask the question one 21 more time since we've been kind of distracted here 22 with other things. 23 Q. So the statement in column 13 starting at 24 line 38 that data services interruption 506 is, and 25 then it provides an example, please explain why you</p>

<p style="text-align: right;">93</p> <p>1 believe that to be definitional and not just an 2 example in the context of this one illustrative 3 embodiment? 4 MR. SHAPIRO: Objection. Form. 5 THE WITNESS: Oh. Okay. I understand. 6 Jason, did you have an objection? 7 MR. SHAPIRO: I objected to the form of the 8 question. 9 THE WITNESS: I mean, I've got to point out 10 to you that it says data services interruption is, 11 and even though it's referenced as 506 in Figure 5, 12 data services interruptions is a general term that's 13 referenced in the claims for this patent. So the 14 word, "is", that would be why I think it's a 15 definition. 16 Q. The word "is", is what makes it a 17 definition and not an example? 18 MR. SHAPIRO: Objection. Form. 19 THE WITNESS: Yeah. I don't like the form 20 of that either. I mean, the word "is" is just -- it 21 gives me an indication that the author is trying to 22 tell me what they mean by this type of interruption. 23 So I look at that and I think the author wants me to 24 think that this interruption is a set of one or more 25 interruptions caused by the inability for information</p>	<p style="text-align: right;">95</p> <p>1 MR. STEIN: I've been respectful of your 2 time but Jason has been quite interruptive. 3 MR. SHAPIRO: I'm just trying to make sure 4 that Dr. Cameron is comfortable because -- 5 MR. STEIN: Are you okay to continue, Dr. 6 Cameron, or do you want to pause? 7 THE WITNESS: Again, I want to emphasize 8 that I really do appreciate the thought. I can 9 continue through this line of questioning but then we 10 really probably should take a break. 11 Q. Okay. Thank you. Also referring now to 12 Figure 3, you have -- that's one of the figures that 13 we mentioned with reference to this discussion in 14 paragraph 69. Let me just find the section. It's 15 the same section, I guess. Column 13, line 38 again. 16 Sorry. Line 40. That's why I got lost. 17 So line 40 says, "Data service are sources 18 of data such as, for example, energy data services 19 308 in Figure 3." 20 Does the patent have other examples of 21 sources of data besides energy data services 308? 22 A. I mean, you're asking me across the entire 23 patent. I would have to look more carefully, but 24 what I do remember is that they are external 25 services. So third party services. And so my</p>
<p style="text-align: right;">94</p> <p>1 to be exchanged with data service sources. 2 That's why. Yeah. 3 Q. Are you overlooking the reference number 4 there, 506, since it's referring to something 5 specific in the figure. It's not using the phrase 6 data services interruption. It's saying data 7 services interruption 506 is. It's not using the 8 word on its own? 9 MR. SHAPIRO: Objection to form. 10 THE WITNESS: You're reading it differently 11 than I would or a person of skill in the art is. We 12 know already at this point in the patent that 13 Figure 5 is exemplary and to that means you read it 14 without the 506. In a sense, it's defining what data 15 services interruption is more generally. 506 is an 16 instantiation or example. 17 Q. Okay. And referring to -- 18 MR. SHAPIRO: Alex, we've been going well 19 over an hour. 20 MR. STEIN: I'm in the middle of a line of 21 questioning Jason. You've interrupted sufficiently 22 unless Dr. Cameron urgently needs a break. 23 Q. Are you okay to finish this line of 24 questioning, Dr. Cameron? 25 A. I am okay.</p>	<p style="text-align: right;">96</p> <p>1 understanding would be any third party service which 2 includes energy data services. I can point you to 3 references for the -- it's actually in the next 4 paragraph, isn't it? Oh. Yeah. We were looking at 5 that. My apologies. I didn't make the connection. 6 Q. That's okay. Let's look at Figure 3, which 7 is what's being referenced there. So in Figure 3, do 8 you see the box in the middle of the page, energy 9 device capability services 306? 10 A. Sorry. I was turning the page so I 11 couldn't quite hear you. Tell me again what you were 12 asking about. 13 Q. Energy device capability services 306. 14 A. Yes. You asked me if I saw the box. Yeah. 15 I see the box. 16 Q. Right. Could that box and what's 17 represented by that box be one of the sources of data 18 referred to at column 13, line 41 of the patent? 19 A. Let me see exactly what it says. I think I 20 remember, but -- 1340 or 41 you said, I think? So 21 you're asking me if energy data services would be in 22 306? 23 Q. No. So column 13, line 40 says, "Data 24 services sources are sources of data such as, for 25 example."</p>

<p style="text-align: right;">97</p> <p>1 Then, what I'm asking is if those sources 2 could also be from energy device capability services 3 306? 4 A. Not as intended by the '391 patent, based 5 on my read. We would have to look at the definition 6 of the energy device interruptions, which is in a 7 different section. 8 Q. What does it mean in that column 13, 9 line 41 when it says, "such as, for example"? 10 A. What does for example mean? Is that your 11 question? 12 Q. Correct. 13 A. It means that energy data services is an 14 example. 15 Q. And what are some other examples that might 16 be contemplated by the patent? 17 A. Oh. Okay. I can direct you to somewhere 18 else in the patent for that. 19 Q. Sure. 20 A. So a couple of references just to weather 21 conditions. So look at column 8, line -- it looks 22 like 8. 8 or 9. It's the whole sentence. "For 23 example, energy decisions may monitor available 24 incentives, weather conditions, travel route, traffic 25 information, and other real time data to identify the</p>	<p style="text-align: right;">99</p> <p>1 the data services 308 are. What I asked you is, with 2 this sentence, column 13, line 40 and continuing, was 3 another example of what a data service source might 4 be other than energy data services 308? 5 I understand that energy data services 308 6 is one example. You pointed me to in column 8 where 7 it lists out where the energy data services 308 might 8 come from. I'm asking you what are other examples of 9 data services sources besides 308? 10 MR. SHAPIRO: Objection. Form. 11 THE WITNESS: Yeah. I will need a minute 12 for this one. 13 Q. Sure. 14 A. Okay. So your question, again. I guess, I 15 don't understand why the definition for energy data 16 services, even if it references 308 as an example, is 17 not sufficient. 18 Q. Well, let's just go back to the sentence 19 we've been talking about. So column 13, line 40. 20 We're both there; right? 21 A. Let me get back there. I was looking at 22 the claims. 23 Q. Sure. 24 A. 13, line 40. 25 Q. That one says, "Data service sources are</p>
<p style="text-align: right;">98</p> <p>1 best electric vehicle charging options for a 2 particular trip." 3 Down on the same column down in 42 it says, 4 "Energy data services", referring to exactly what you 5 were asking about, "may include without limitation 6 whether information sources, traffic information 7 sources, map and travel information sources" -- I'm 8 sorry, Michael. I'm speaking too fast. Did you get 9 that? You are good. I'll read it again so you can 10 catch up. 11 "Energy data services may include without 12 limitation, weather information sources, traffic 13 information sources, map and travel information 14 sources, charging station price information sources, 15 or any other third party information sources." 16 So I would refer you back to my comment a 17 few minutes ago where I said, I know it's third 18 party. Right? Based on the patent. 19 That's a good reference for the third party 20 comment I made a few minutes ago. 21 Q. But again, you're pointing me just to 22 energy data services 308, and when I pointed you to 23 column 13, line 40, it's saying that energy data 24 services 308 is one example of a data service source. 25 All you pointed me to was another description of what</p>	<p style="text-align: right;">100</p> <p>1 sources of data such as, for example, energy data 2 services 308." 3 I'm trying to move past 308 and ask you 4 what's another data service source contemplated by 5 the patent? 6 MR. SHAPIRO: Objection. Form. 7 THE WITNESS: I think that -- I think that 8 next sentence is your best -- the best answer I can 9 give you quickly, which is, data services 10 interruption may be caused -- let me slow down for 11 Michael. May be caused by power outages, broken 12 transmission lines, or any other problems preventing 13 a data service from exchanging information with other 14 components of an electric vehicle transaction 15 infrastructure. 16 Q. Let's go back to Figure 3 just for a 17 moment. I know you're focusing on 308. So Figure 3 18 does depict 308. If you look at 308 in Figure 3, do 19 you see that there's an arrow going into that 20 depiction of energy data services 308? 21 A. Yeah. 22 Q. What does that arrow going into energy data 23 services 308 represent? 24 A. Well, I would direct your attention back to 25 Figure 1. You know, basically a data processing</p>

<p>101</p> <p>1 system. And so in a data processing system, we 2 create software that, you know -- for whatever reason 3 is connected to one another. So it just shows a 4 connection. It doesn't mean anything. I don't think 5 the patent speaks to direct exchange of information 6 between the energy device capability services and the 7 energy data services.</p> <p>8 Q. When you look at the phrase you pointed me 9 to in column 13, line 42 to 43, "The interruption 506 10 may be caused by power outages, broken transmission 11 lines, or any other problems preventing with other 12 components."</p> <p>13 So if we look at Figure 3 and we consider 14 that arrow going into the depiction of energy data 15 services 308, is there not a scenario you can 16 describe for me where some other problem would 17 prevent the information from getting to 308 in what 18 we see in Figure 3?</p> <p>19 MR. SHAPIRO: Objection. Form.</p> <p>20 THE WITNESS: You said is there not some 21 other problem, which is weird to say, but are there 22 no other problems that would prevent 308 from getting 23 data? What did you mean? Getting data?</p> <p>24 Q. I thought I was just reading from the 25 patent, but I must not be doing a good job of it. So</p>	<p>103</p> <p>1 interruption?</p> <p>2 A. No, because the energy data service -- I'm 3 going to have to look at the definition, but I 4 mentioned it earlier. These are third party data 5 services. So they would operate -- third party, by 6 its nature is not part of the transaction here, the 7 transaction infrastructure. Therefore, it would 8 communicate with the -- it even says that in the 9 sentence we just read. It communicates with the 10 transaction -- energy transaction infrastructure.</p> <p>11 Therefore, the outages and stuff that are 12 described would be happening within that shape 308 13 is. Somewhere, you know, a power plant goes down or 14 a tree falls on a power line or something.</p> <p>15 Q. Figure 3, if we go back to the brief 16 description here, column 2, line 23, Figure 3 is 17 showing us the energy transaction infrastructure; 18 right? That's what column 2, lines 23 to 24 says?</p> <p>19 A. Hold on. You went back to column 2, didn't 20 you?</p> <p>21 Q. Yes.</p> <p>22 A. Column 2, which line?</p> <p>23 Q. Lines 23 to 24.</p> <p>24 A. Oh. This is the figure description. 25 Sorry. 23 and 24. So the Figure 3 description here?</p>
<p>102</p> <p>1 column 13, line 43, it says, "any other problems", 2 right?</p> <p>3 You're reading the same thing I am? I'm 4 just reading the patent. It says --</p> <p>5 A. Okay. The last time you didn't read that 6 whole sentence. You're referring to the latter half 7 of the sentence, or any other problems preventing a 8 data service from exchanging information with other 9 components of an electrical vehicle transaction 10 infrastructure."</p> <p>11 Q. Yeah.</p> <p>12 A. That is the communication between the 13 energy data services and the entire infrastructure as 14 a single entity.</p> <p>15 Q. Okay. Does it include that arrow that we 16 talked about in Figure 3 that's going into the 17 depiction of 308 in Figure 3?</p> <p>18 MR. SHAPIRO: Objection. Form.</p> <p>19 THE WITNESS: This is an example. So it 20 can include -- they can draw arrows all over the 21 place here. They wouldn't necessarily have any 22 meaning in terms of then there's a communication line 23 there that can be used.</p> <p>24 Q. If that communication line were 25 interrupted, would that be a data service</p>	<p>104</p> <p>1 Q. Yes.</p> <p>2 A. Okay. Now ask your question that I have 3 the context here.</p> <p>4 Q. Figure 3, as the patent tells us in column 5 2, lines 23 to 24, is a diagram of an energy 6 transaction infrastructure; correct?</p> <p>7 A. Sorry. I keep flipping back and forth 8 here. Yes. That's the infrastructure.</p> <p>9 Q. Okay. And then, if we go back to the 10 portion of column 13 we've been talking about, column 11 13 line 42 where you pointed me to that last 12 sentence, "data services interruption 506 may be 13 caused by", and it's the last clause I really am 14 trying to focus on with you. "Any other problems 15 preventing a data service from exchanging information 16 with other components of an electric vehicle 17 transaction infrastructure."</p> <p>18 So if there's a communication failure with 19 anything that we see in Figure 3, would that not be 20 any other problem preventing a data service from 21 exchanging information with other components of the 22 infrastructure.</p> <p>23 MR. SHAPIRO: Objection to form.</p> <p>24 THE WITNESS: No. You're missing the 25 nuance, that the data services are third parties. So</p>

<p>105</p> <p>1 do you see the shape of energy data services in 308 2 and how it's different from all the other boxes? Do 3 you see that in Figure 3? It's not a box. It's a 4 cylinder. 5 Q. I have to politely ask you to answer the 6 question Dr. Cameron. I'm trying to get to the 7 break, but I just want to finish this question. 8 A. That's okay. I can go a little longer. I 9 promise you -- 308 is the third party set of 10 services. So where you go back to column 13, the 11 part of that sentence that says -- shoot. Let me 12 find it. 13 Q. 40 -- 14 A. "For any other problems preventing a data 15 service", that's the cylinder, "a data service from" 16 -- where was it? "From exchanging information with 17 other components of an electric vehicle transaction 18 infrastructure", they are talking about the entire 19 set of square boxes, not the cylinder. So the 20 cylinder is external to the system, because it's 21 third party, and it communicates with the apparatus, 22 which is only represented here in Figure 3. This is 23 a representative example. 24 The communication is between the energy 25 data services and the infrastructure.</p>	<p>107</p> <p>1 feel like I've -- I think I got to the heart of your 2 question and gave you my answer. I hope I did. No. 3 I withdraw that. I don't think there's ambiguity 4 here having read it again now with that frame of 5 mind. 6 Q. So your position is that when it says, "any 7 other problems preventing", it's only something 8 that's completely outside of the rest of the 9 infrastructure? That's what you're saying? It's 10 only something that's off-site at this third party 11 that can't be anything else that's local to the rest 12 of the infrastructure? 13 MR. SHAPIRO: Objection. Form. 14 THE WITNESS: I would limit it to being 15 third party; right? Whether it's off-site or not, on 16 site, who knows? 17 Q. And even though that portion of column 13 18 doesn't say third party, that's what you're saying? 19 Because it says "data service", that means third 20 party, so it has to be read to mean third party 21 problems? 22 MR. SHAPIRO: Objection. Form. 23 THE WITNESS: Well, tell me what your 24 definition of a third party is. Maybe we should 25 converge there. That could be contributed</p>
<p>106</p> <p>1 Q. Correct. So what does it mean -- column 2 13, line 43, when it says, "any other problems 3 preventing a data service from exchanging information 4 from other components?" 5 So anything that interrupts the ability of 6 the cylinder to communicate with the rest of the 7 infrastructure; correct? 8 MR. SHAPIRO: Objection. Form. 9 THE WITNESS: I think it's talking about 10 the -- I mean, there is some ambiguity here, but in 11 my opinion it's talking about that there's this set 12 of services. The examples we used already was 13 utility information, weather information. Right? 14 That's just two inside the energy data services. 15 Then, any other would be other examples 16 like that. Things that might affect an energy 17 transaction that you want to know about. Right? The 18 authors, I think, were thinking very broadly about 19 what that information could be. 20 Q. Then, you mentioned that there's some 21 ambiguity here in the portion of column 1 we've been 22 discussing, lines 43 to 46. Talk to me about what 23 that ambiguity is. 24 A. Well, I think the fact that -- let me look 25 at this again here. Actually, I withdraw that. I</p>	<p>108</p> <p>1 differently by different people. 2 Q. Well, again, I'm not going to flip the 3 script here, Dr. Cameron. I have to be the one 4 asking the questions right now. We can start with 5 what your understanding is. I don't want to open 6 another can of worms right now. I just wanted to 7 wrap up here and then take the break. 8 A. Okay. So let me be clear. A third party 9 is a party that's not party to the energy 10 transaction. Right? So that's why I think this 11 fits; right? So it would be, in your question, or 12 any other problems, it would be from third parties 13 that are not part of the energy transaction. 14 Q. That's a little confusing, Dr. Cameron. So 15 go to column 8. 16 A. Column 8? 17 Q. Yeah. Line 42. 18 A. 42. 19 Q. One of the examples of energy data services 20 308 that you read me was charging station price 21 information sources. Is the charging station not a 22 party to the transaction? 23 A. It says price information sources. I mean, 24 that doesn't have to be the charging station. Those 25 prices -- if you buy gasoline, are those prices set</p>

<p>109</p> <p>1 by the charging station? In my experience, they're</p> <p>2 set by the broader community of petroleum folks. So</p> <p>3 no. It's not limited to the charging station.</p> <p>4 Q. Okay. I think we can take the break.</p> <p>5 (Recess taken.)</p> <p>6 Q. Okay. Dr. Cameron, we just took a break</p> <p>7 for lunch. What did you do during the break?</p> <p>8 A. I had a lunch bar and used the facilities</p> <p>9 and said hello to a couple colleagues.</p> <p>10 Q. Okay. And did you talk with your counsel</p> <p>11 during the break?</p> <p>12 A. No, I did not talk with my counsel during</p> <p>13 the break.</p> <p>14 Q. Okay. I want to turn now to page 45 of</p> <p>15 your declaration, Exhibit 2005.</p> <p>16 A. Did you say 45?</p> <p>17 Q. Yeah.</p> <p>18 A. Okay.</p> <p>19 Q. Do you see right above the heading that</p> <p>20 starts with the number 3, a sort of footnote that's</p> <p>21 just floating in the middle of the page?</p> <p>22 A. Oh. Yeah. I'm sorry. Above 3. I was</p> <p>23 looking at 3. Yes, I see it.</p> <p>24 Q. What did you mean when you said, "PO does</p> <p>25 not concede that claim 1 or any other challenge</p>	<p>111</p> <p>1 MR. SHAPIRO: Objection. Form.</p> <p>2 THE WITNESS: It has some relevance, but</p> <p>3 it's not part of my opinion. It's actually something</p> <p>4 that I learned from counsel. So I would just --</p> <p>5 yeah. I would be fine striking it if you want to.</p> <p>6 It's something that should probably be in a legal</p> <p>7 document for the case, not the technical document.</p> <p>8 Q. As part of preparing your declaration, did</p> <p>9 you review the brief that the patent owner submitted?</p> <p>10 The patent owner's response?</p> <p>11 A. I would need a more -- I need to know which</p> <p>12 one you're referencing.</p> <p>13 Q. So on the cover page of your declaration</p> <p>14 you say, "Expert declaration of Dr. Kirk W Cameron in</p> <p>15 support of patent owner's response."</p> <p>16 Did you review something called the patent</p> <p>17 owner's response?</p> <p>18 A. If it was shared with me, I reviewed it.</p> <p>19 It looks like it was shared with me. What number is</p> <p>20 this? It's not an exhibit number. One of the files</p> <p>21 I read to you at the beginning that's at the top of</p> <p>22 the IPR 387 folder is called -- I read it to you. It</p> <p>23 was IPR 2024-00387, patent owner's response.</p> <p>24 Q. I want to go back -- let's go back to the</p> <p>25 patent. Exhibit 1001, column 13. I want you to take</p>
<p>110</p> <p>1 claims are representative?"</p> <p>2 A. Yeah. That actually refers back -- you can</p> <p>3 find the footnote. It'll take me a minute to find</p> <p>4 it. Maybe I can find it electronically.</p> <p>5 Q. I think you're looking for page 34.</p> <p>6 A. Yeah. There it is. It's also in the table</p> <p>7 of contents.</p> <p>8 Q. Okay. But what did you mean when you said,</p> <p>9 "PO does not concede"? Who is PO?</p> <p>10 A. I thought patent owner was the PO. I guess</p> <p>11 that's a slight misstatement because I didn't</p> <p>12 actually talk to the patent owner. I spoke with</p> <p>13 counsel.</p> <p>14 Q. So how were you able to make that statement</p> <p>15 that PO does not concede something?</p> <p>16 A. Yeah. I think that that's just something</p> <p>17 that I got from counsel. I probably should have</p> <p>18 eliminated it, because it's a legal statement that I</p> <p>19 don't really have the expertise to make. What page</p> <p>20 was it again? 39?</p> <p>21 Q. 45.</p> <p>22 A. 45.</p> <p>23 Q. So that just shouldn't be in your</p> <p>24 declaration? Is that what you're saying?</p> <p>25 A. I mean --</p>	<p>112</p> <p>1 a look at line 31. Let me know when you get there.</p> <p>2 A. Sure. Line number 31?</p> <p>3 Q. 31.</p> <p>4 A. I'm there.</p> <p>5 Q. Okay. Here it says, "Other parties may</p> <p>6 also specify preferences."</p> <p>7 What does the patent mean in column 13,</p> <p>8 line 31 when it refers to "other parties"?</p> <p>9 A. I have to look at something.</p> <p>10 Q. What are you needing to look at to figure</p> <p>11 out --</p> <p>12 A. I was trying to see where it talks about</p> <p>13 parties in my declaration.</p> <p>14 Q. Well, are you able to look at the patent</p> <p>15 though and tell me what the patent means in column</p> <p>16 13, line 31?</p> <p>17 MR. SHAPIRO: Objection. Form.</p> <p>18 THE WITNESS: Well, I want to see what I</p> <p>19 said in the declaration first because, you know --</p> <p>20 Q. Are you able to understand the patent</p> <p>21 without looking at your declaration?</p> <p>22 MR. SHAPIRO: Objection. Form.</p> <p>23 THE WITNESS: Of course I am.</p> <p>24 Q. Can you take a look at the patent and tell</p> <p>25 me what other parties means in column 13, line 31?</p>

<p>113</p> <p>1 MR. SHAPIRO: Alex, I'm going to caution 2 you not to harass or oppress the witness. Allow him 3 to answer the question as it was posed. 4 Q. The question is still pending, Dr. Cameron. 5 A. I'm still looking. I believe I talked 6 about this. That's why I want to see if I did or 7 not. Okay. I did talk about this in, it looks like, 8 paragraph 70. So ask your question again now that I 9 have that in front of me. 10 Q. Again, I was referring to the patent. It's 11 column 13, line 31. I asked you simple questions. 12 Just tell me what the other parties are in the 13 context of column 13, line 31 in the patent. 14 MR. SHAPIRO: Objection. Form. 15 THE WITNESS: I would fall back on the 16 patent's definition of the word parties, which I 17 believe is those involved in the energy transaction. 18 So then you could rephrase that as, those involved in 19 the energy transaction may also specify preferences. 20 I thought there was a place where they actually call 21 out examples. If you give me a second, I'll. 22 Q. I'm going to cough up a lung. I've had the 23 full trifecta of RSV, Covid, and the flu, recently. 24 MR. SHAPIRO: It's going around. That and 25 at least you didn't get the norovirus.</p>	<p>115</p> <p>1 It was going to be users, third parties, or the 2 utility company? Are those the examples you gave? 3 MR. SHAPIRO: Objection. Form. 4 THE WITNESS: I wish I could do a better 5 job here of -- let me try restarting. I'm having a 6 computer issue. Yeah. I'm speaking without being 7 able to find the reference. If I identify it and 8 it'll be different later I'll change it. For now, I 9 would say the user, the attendant at the, is it 10 called a gas station? I don't know. The charging 11 station, the charging facility. The utility company. 12 Other third parties, I believe. 13 Q. Okay. I want to go back to we were talking 14 about Figure 3 in the '391 patent. So I would like 15 to go back there together for a minute. 16 A. Sure. 17 Q. Please pull up Figure 3 of the '391 patent. 18 A. I have it here. Figure 3 on page -- 19 Q. Do you see the boxes labelled with 20 references 320 and 316? 21 A. I see 320, energy transaction interrupt 22 monitor, internal and external. What was the other 23 one? 316? 24 Q. 316. 25 A. 316. Energy transaction execution engine.</p>
<p>114</p> <p>1 MR. STEIN: That'll be the next one I get. 2 THE WITNESS: I thought it was in the 3 patent, but I'm checking to see if maybe it was in 4 here. There's a place where it talks about 5 transaction being -- 6 Q. I can help you here. Column 13, line 33, 7 references for the user or third parties. Is that 8 what you're referring to? So do the other parties 9 here can refer to the user or third parties, I 10 suppose? 11 MR. SHAPIRO: Objection. Form. 12 THE WITNESS: There's a place where they 13 call out the third parties as, like, the utility 14 company as a third party to the transaction because 15 they, you know, set the rights and stuff. For some 16 reason, my search has decided not to work. I'll do 17 my best. 18 Other parties may also specify preferences. 19 So you asked, what are other parties; correct? 20 Q. Correct. 21 A. So again, I can't find the reference 22 without looking deeper, but the -- my understanding 23 is it was people involved in the transaction that can 24 be on the side of the user, I guess. 25 Q. I guess you said there were some examples.</p>	<p>116</p> <p>1 I see those two. 2 Q. What is an energy transaction execution 3 engine? 4 A. I believe I defined that in my declaration. 5 So in the patent, for example, 122636, it defines 6 energy -- not defines. It describes an activity that 7 the energy transaction execution engine does to 8 terminate charging processes. So the way I would 9 describe it is it's -- it makes decisions, right? 10 It's an execution engine that makes decisions in the 11 system. So it takes inputs from various sources and 12 makes a determination. It does an analysis, makes a 13 determination, and basically does a -- takes some 14 step. 15 Q. What's the meaning of that bidirectional 16 arrow in Figure 3 between 320 and 316? 17 A. I need to look at what they say in the text 18 about Figure 3. Do you remember where that was? 19 Q. Column 7. 20 A. The moment I turned the page, I lost the 21 figure there. Let's see. 328, 316. Let me make 22 sure I have the right terminology. 23 Q. Sure. 24 A. Energy transaction interrupt monitor. 320. 25 Monitors, data transmissions, and conditions that</p>

<p>117</p> <p>1 result from the execution of the charging process. 2 Then, 320. Wait, that was 320. 318. 316. Energy 3 transaction execution engine 316 monitors and logs 4 the health and safety of the charging process. So 5 the question, I believe, is the arrow between 316 and 6 320? 7 Q. Yes. 8 A. I don't see anywhere in the patent where 9 they talk about a communication between 316 and 320. 10 Do you have a place you can refer me to? 11 Q. Just Figure 3. The bidirectional arrow. 12 A. There's only a bigger 3 not explained in 13 the text. As a person skilled in the art, I would 14 say there's some kind of signal transmission between 15 the energy transaction and -- that's related to those 16 things I just mentioned. So monitors data 17 transmissions and conditions that result from the 18 execution of the charging process. 19 So that would mean that the energy 20 transaction interrupt monitor is monitoring those 21 data transmissions and conditions, and it might send 22 a signal to various places. Again, this is a single 23 example implementation where if they don't specify in 24 the text, I have to assume that they'll do some sort 25 of communications. But it's not specified. But it's</p>	<p>119</p> <p>1 that and think, okay. It's monitoring things within 2 itself, and then part of -- outside to itself from 3 the system. 4 So it's monitoring those interrupts from 5 outside of its box and inside of its box. 6 Q. And what would happen to the interruption 7 monitoring described in the '391 patent if that 8 bidirectional arrow between 316 and 320 were 9 disrupted, as one of skill in the art? 10 MR. SHAPIRO: Objection. Form. 11 THE WITNESS: Well, you know, there's a 12 description. I think I just read it somewhere where 13 we were just reading. It talks about 324. If I 14 searched on 324, we would probably find that. What 15 column is this? So in column 9, lines -- starting at 16 line 61, it says, "The components shown in Figure 3 17 may be implemented in a data processing system 18 associated with an electric vehicle. In such case, 19 the components communicate and transfer data using 20 integration and service plus 324." 21 So when I look at this figure, even though, 22 like, as computer scientists when we draw these kinds 23 of figures, if you connect everything, this isn't 24 designed for you to implement. It's just trying to 25 give you an idea of what's happening in the</p>
<p>118</p> <p>1 probably related to their duties which I just read to 2 you. 3 Q. You said that bidirectional arrow is used 4 for monitoring data transmissions. Was that one of 5 the purposes that one in the skill of the art would 6 know seeing this bidirectional arrow in Figure 3? 7 MR. SHAPIRO: Objection. Form. 8 THE WITNESS: What I said was the box, not 9 the arrow. The text describes the boxes, not the 10 arrows. Right? So the text describes 320 as energy 11 transaction interrupt monitors. So it's doing work. 12 It's monitoring data transmissions and conditions 13 from the process. Energy transaction engine is -- 14 monitors and logs the health and safety of the 15 charging process. So when the patent describes what 16 they're doing, it doesn't describe that line of 17 communication. 18 Q. What does it mean in Box 320 in the 19 parenthetical when it says "internal and external"? 20 MR. SHAPIRO: Objection. Form. 21 THE WITNESS: Let me take a look. I don't 22 see internal mentioned in the text. Let me see if 23 external is mentioned in the text. Not in this 24 context. It's not mentioned in this context in 25 Figure 3. So person skilled in the art, I look at</p>	<p>120</p> <p>1 infrastructure. If you design it with all the arrows 2 connecting everything, you can't see the structural 3 or what we call the organizational design, or the 4 software architecture. 5 So to me, this is a software architecture 6 diagram, and so implicitly I would take it to mean 7 that integration and bus service services all of the 8 boxes in this diagram, including energy transaction 9 interrupt monitor, including energy transaction 10 execution engine, et cetera. 11 Q. As one of skill in the art, what would 12 happen if there was some disruption to that 13 integration and service bus 324 with respect to the 14 ability of 316 and 320 to communicate with one 15 another? 16 A. Well, based on this diagram, you would 17 presume that 316 and 320 could still communicate with 18 each other without the integration and service bus. 19 But yeah, I would just stop that there. I think I 20 answered your question. 21 Q. Okay. And what would happen -- as one of 22 skill in the art, what would happen if there was some 23 disruption to both the integration and service bus 24 324 and that bidirectional arrow between 316 and 320? 25 MR. SHAPIRO: Objection. Form.</p>

<p>121</p> <p>1 THE WITNESS: Okay. So if you're asking --</p> <p>2 okay. Let me just paint a scenario. You tell me if</p> <p>3 this is what you mean. Do you mean that 324 no</p> <p>4 longer allows any communications among anything that</p> <p>5 uses 324? That's the first part of your question; is</p> <p>6 that true?</p> <p>7 Q. Well, let's start with disruption. Do you</p> <p>8 understand what the word disruption means?</p> <p>9 A. Oh. Okay. Again, person skilled in the</p> <p>10 art. A disruption usually means a loss of service,</p> <p>11 right? Loss of connectivity or, like, when your</p> <p>12 cable goes out or something. That's typically a</p> <p>13 disruption. I don't remember whether the patent</p> <p>14 defines disruption.</p> <p>15 Well, it did say something about -- we</p> <p>16 talked about it earlier, right? We talked about</p> <p>17 disruption. Ordinarily a disruption is a loss of</p> <p>18 something and, oftentimes, in this context, it seems</p> <p>19 like it would be the loss of ability to communicate.</p> <p>20 Q. So applying that understanding of</p> <p>21 disruption in your perspective as one of skill in the</p> <p>22 art, what would happen if there were a disruption in</p> <p>23 the ability to communicate between 320 and 316?</p> <p>24 MR. SHAPIRO: Objection. Form.</p> <p>25 THE WITNESS: Sorry. Was there an</p>	<p>123</p> <p>1 would determine whether that would make any</p> <p>2 difference or not. Again, I wouldn't be able to make</p> <p>3 a determination on a hypothetical because I would</p> <p>4 need to know all the details of the design to say</p> <p>5 whether it would affect the system's performance,</p> <p>6 which is, I think, what I was being asked.</p> <p>7 Q. Are you able to determine those details of</p> <p>8 the design by reading only the '391 patent?</p> <p>9 MR. SHAPIRO: Objection. Form.</p> <p>10 THE WITNESS: Figure 3 is exemplary. So</p> <p>11 yeah, I don't have any idea of how they actually</p> <p>12 would design it. I know what the functionality</p> <p>13 should be.</p> <p>14 Q. What's some examples of the information you</p> <p>15 would need to know how to design this that's absent</p> <p>16 from what you see in the exemplary Figure 3?</p> <p>17 MR. SHAPIRO: Objection. Form. Relevance.</p> <p>18 THE WITNESS: Well, for example, even</p> <p>19 though you mentioned the weather data, 308 doesn't</p> <p>20 have anything that says anything about weather. This</p> <p>21 example may or may not be using weather data. So how</p> <p>22 could I possibly know without looking at the code</p> <p>23 itself whether it's considering weather, or even</p> <p>24 monitoring it. No one skilled in the art would know</p> <p>25 without a design in front of them.</p>
<p>122</p> <p>1 objection?</p> <p>2 MR. SHAPIRO: Just objection. Form.</p> <p>3 THE WITNESS: Okay. A disruption only</p> <p>4 between 320 and 316, to me, the system would still</p> <p>5 work. It just wasn't have the features that are</p> <p>6 added by the energy transaction interrupt monitor.</p> <p>7 Q. So let's use one of the examples we were</p> <p>8 discussing earlier about these data services sources,</p> <p>9 and one of them I think was weather. So the way this</p> <p>10 system is designed and, as you understand it as one</p> <p>11 of skill in the art, if there were some weather data</p> <p>12 trying to be conveyed through the interrupt monitor</p> <p>13 to the energy transaction execution engine, but those</p> <p>14 two components of the system were unable to</p> <p>15 communicate due to this disruption, what would happen</p> <p>16 to this system in the '391 patent?</p> <p>17 MR. SHAPIRO: Objection. Form.</p> <p>18 THE WITNESS: Well, once again, the weather</p> <p>19 data, to be clear, would come in via 308; right? So</p> <p>20 that information would be shared across the</p> <p>21 integration service bus, and if 316 and 320 went</p> <p>22 down, there would still be a communication -- an</p> <p>23 engine could still use this information in its</p> <p>24 decision making. The design of the decision making</p> <p>25 system or, what do you call it, a piece of software,</p>	<p>124</p> <p>1 Q. I want to go to column 8 of the patent,</p> <p>2 line 27.</p> <p>3 A. Column 8, line 47?</p> <p>4 Q. Yeah.</p> <p>5 A. Okay. I'm there.</p> <p>6 Q. Let's start at the top. Column 8, line 27</p> <p>7 identifies something called an energy device</p> <p>8 capability service 306. Do you see that?</p> <p>9 A. Yes. It looks like 28. Yeah.</p> <p>10 Q. And then later on in that same section of</p> <p>11 the patent, column 8 line 35 to 37, it mentions "any</p> <p>12 other information associated with the capabilities</p> <p>13 and requirements of the electric vehicles and the</p> <p>14 charging station."</p> <p>15 So what is that any other information that</p> <p>16 the patent is referring to?</p> <p>17 A. I don't see a charging station mentioned in</p> <p>18 column 8 at 35. Oh. At the very end. I see. I</p> <p>19 think you've got to go through that again. I'm not</p> <p>20 sure about the connection between what's earlier in</p> <p>21 the column and what's later in the column. Could you</p> <p>22 go through that again? Walk me through it.</p> <p>23 Q. There's this thing called energy device</p> <p>24 capability service 306.</p> <p>25 A. 306. Okay.</p>

<p>125</p> <p>1 Q. Yeah. It's describing what information can 2 be included in that service. Then, at the end of 3 that area in the patent, column 8, line 35 through 4 37, has what seems to be a broader statement about 5 this, any other information. I'm asking as one of 6 skill in the art what that means to you? 7 MR. SHAPIRO: Objection. Form. 8 THE WITNESS: Let me read that. I think 9 you drew my attention to the part that says, "any 10 other information." 11 Is that what you were pointing me to right 12 there? 13 Q. Yes. 14 A. And you want to know another example of 15 information? Is that what you asked? 16 Q. Yes. 17 MR. SHAPIRO: I object on the basis of 18 form. 19 THE WITNESS: Yeah. My definition that I 20 wrote in the declaration says, "Device capabilities, 21 interruptions originate from component of the 22 electric vehicle energy transaction infrastructure." 23 That's one of the three types of -- 24 Q. Was that your answer to my question about 25 column 8? This energy device capability service?</p>	<p>127</p> <p>1 the electric vehicle and the charging station. 2 That's exactly what they would be. So a capability 3 of the electric vehicle or a capability of the 4 charging station. 5 For example, the ability to charge. Right? 6 That's a capability of the -- there's an example. I 7 don't think they say that in there. 8 Q. I want to return to one other line of 9 questioning we had earlier, because I think I 10 identified the thing you were looking for. So do you 11 recall a few minutes ago we were talking about other 12 parties in column 13, line 31? 13 A. I remember, yeah. There was a reference I 14 couldn't quickly find. Go ahead. 15 Q. I think you were looking for where the 16 patent talks about additional parties. So I thought 17 I would circle back on that. So column 7, line 43. 18 Is that maybe what you were looking for? 19 A. Let me double check. I'm looking at column 20 8. I'm sorry. Yes, that's what I was looking for. 21 Thank you. The parties may include without 22 limitation the owner of the electric vehicle to be 23 charged, the operator of the electric vehicle, the 24 owner of the charging station, and an electric 25 utility company providing electricity to an electric</p>
<p>126</p> <p>1 Are you saying that this is related to the data 2 services interruption? 3 A. No. 4 MR. SHAPIRO: Objection. Form. 5 THE WITNESS: It's its own interruption, 6 device capability interruption. So let's see here. 7 Because if the question is related to energy device 8 capability. I wanted to confirm how I defined device 9 capability interruption. 10 Q. Yeah. 11 A. Other information, yeah. I'm coming back 12 to it. I'm sorry. I mean, there are quite a few 13 examples here. I'm not sure how many more you need. 14 Do you have a specific example in mind? 15 Q. So you see the same words I see; right? 16 Any other information. So I'm asking you as one of 17 skill in the art how you understand that phrase. I 18 know they have given some examples, but then they 19 have this open-ended statement at the end. I want to 20 know what that means to one of skill in the art. 21 MR. SHAPIRO: Objection. Form. 22 THE WITNESS: So looking specifically at 23 the words, any other information associated with the 24 capabilities and requirements, those are the key 25 words to me. The capabilities and requirements of</p>	<p>128</p> <p>1 power grid associated with the charging station. 2 That's the phrase I was looking for. Thank you. 3 Q. Okay. Now, I want to go -- let's circle 4 back to the new exhibit I was going to introduce. So 5 if you're able to check your e-mail. 6 A. I opened my e-mail. This will take a 7 moment, if you don't mind. Alex, your last name is 8 Stein? 9 Q. Yes. 10 A. That's the only e-mail I'm opening. 11 MR. SHAPIRO: Alex, before you question Dr. 12 Cameron about this new exhibit, I'm going to object 13 to the admissibility of the new exhibit as being 14 belatedly presented without proper authorization by 15 the board, not authenticated, irrelevant, potentially 16 hearsay depending on what you're relying on it for, 17 confusing, and a waste of time. 18 Q. Okay. Dr. Cameron, did you get the e-mail? 19 A. Yup. Let me close that out. I downloaded 20 it and I moved it to the same folder where everything 21 else was. Now I have it. It's called 22 EX1020-US8918657. 23 Q. That's correct. So please open up that 24 exhibit on your -- 25 A. Sure.</p>

<p>129</p> <p>1 Q. I can share my screen if you would like, 2 but if you have it we can just kind of do it in 3 parallel? 4 A. I have it open. I can see it. 5 Q. So the name that appears in the upper left 6 corner, Cameron, et al. Is that you, Dr. Cameron? 7 A. Yes. If you look at 75, the inventors, 8 Kirk Cameron, and Joseph Turner. 9 Q. So this document which we've marked as 10 Exhibit 1020, is this a document that looks authentic 11 to you? 12 A. I'm just scrolling through to see if it 13 looks different from what I remember. I haven't 14 looked at it in a few years. To the best of my 15 knowledge, I assume you got it off of a reputable 16 source like patents -- it looks like the patent I 17 remember. 18 Q. Okay. And if we go in this document, 19 Exhibit 1020, to column 9, and if you take a look at 20 line 54, do you see there's a whole section called 21 "definitions"? 22 A. 54. What was the column again? 9? 23 Q. Column 9. 24 A. Okay. 54. Yeah, I do see that. 25 Q. So in this Exhibit 1020, your patent, do</p>	<p>131</p> <p>1 think I can agree or disagree with that statement. 2 Q. So we did talk about some of the 3 lexicography that you think is present in the '391 4 patent. Just in your mind as one of skill in the 5 art, what you see here in this Exhibit 1020 with this 6 definition section and the explanation compared to 7 what you saw in the '391 patent, do you think those 8 are the same level of lexicography? 9 MR. SHAPIRO: Objection. Form. 10 THE WITNESS: Seem is a really strong word 11 here to, Alex. I'm sorry. They're certainly not 12 identical, right? 13 Q. What makes them different? 14 A. This one calls out definitions in the first 15 order. It says, "definitions." The other one does 16 not. 17 Q. Yeah. 18 A. I don't think it makes it any less 19 definitive. I've read lots of patents, as I'm sure 20 you have, and there's all kinds of styles in there. 21 Q. So in your mind, this definition section 22 that you have in your Exhibit 1020 is on par with the 23 way that you think lexicography occurred in the '391 24 patent? 25 MR. SHAPIRO: Objection. Form.</p>
<p>130</p> <p>1 you recall why you opted to include a section called 2 definitions? 3 A. The device of our attorney at the time. So 4 the reason, I think, was to remove ambiguity. 5 Q. If we look at same column, column 9, lines 6 56 to 64. 7 A. Yes. 8 Q. Your patent here, Exhibit 1020, makes it 9 abundantly clear that you're defining certain terms; 10 is that fair? 11 MR. SHAPIRO: Objection. Form. 12 THE WITNESS: Abundantly clear? I mean, I 13 don't agree necessarily with the words. I don't know 14 what abundantly means. Could you ask it more 15 directly? 16 Q. Sure. Column 9, line 61 says, "For the 17 purpose of interpreting a claim of any patent that 18 claims priority here to, each definition of that 19 patent functions as a clear and unambiguous disavowal 20 of the subject matter outside of that definition." 21 So these definitions that follow, would 22 these be something that you call your own 23 lexicography? 24 A. It's been 20 years since I've read this. 25 Without having some time to dive down on it, I don't</p>	<p>132</p> <p>1 THE WITNESS: That's a confusing way to 2 ask. What does "on par" mean? 3 Q. Are there any other differences you can 4 identify between the definitions you provided in your 5 Exhibit 1020 as compared to what you've opined on 6 from the '391 patent? 7 MR. SHAPIRO: Objection. Form. Relevance. 8 THE WITNESS: Yeah. I'm not sure of the 9 relevance here either. I'll just say that this is 10 the way that we decided to do it to make it clear to 11 the reader that however we were using certain terms, 12 and the authors of the '391 patent decided to do it a 13 different way. 14 Q. And in the context of the '391 patent, the 15 term that appears in the claim, "manual", does that 16 term have a plain and ordinary meaning to you as one 17 of skill in the art? 18 A. The answer is, yes. I can think of a 19 definition for a manual. However, is it the same 20 definition that the authors intended in the '391 21 patent is a different question. 22 Q. And what about the phrase that appears in 23 the claims? Manual override interruption. Does that 24 phrase have a plain and ordinary meaning to one of 25 skill in the art as of the pertinent time period in</p>

<p>133</p> <p>1 2008?</p> <p>2 A. So this one does take some referring back</p> <p>3 to my declaration for sure. There's a whole section</p> <p>4 on this, right? Starting on page 21. Ask your</p> <p>5 question again, now that I'm in context here. It's</p> <p>6 71 through 78 that I'm looking at.</p> <p>7 Q. Okay. So I asked you the -- in the</p> <p>8 language of the claims of the '391 patent, does the</p> <p>9 phrase, manual override interruption, have a plain</p> <p>10 and ordinary meaning to one of skill in the art as of</p> <p>11 the pertinent time period in 2008?</p> <p>12 A. I think you're hitting on the reason that I</p> <p>13 wrote so much about this in this section I'm</p> <p>14 referring to, because I'm not aware of a definition</p> <p>15 for manual override interruption that I could have</p> <p>16 readily applied to this without the author's</p> <p>17 guidance.</p> <p>18 Q. So is the answer no? You think manual</p> <p>19 interruption override does not have a plain and</p> <p>20 ordinary meaning?</p> <p>21 A. Again, I sort of, like, don't -- I mean,</p> <p>22 the question is a little confusing. Because if you</p> <p>23 ask ten random people an ordinary definition of</p> <p>24 something, they're going to give you ten different</p> <p>25 answers. My answer would be, no. Right? It doesn't</p>	<p>135</p> <p>1 All I can say here is that a request is</p> <p>2 basically a message. What the contents of the</p> <p>3 message, how it's structured and stuff, that's the</p> <p>4 details of the design.</p> <p>5 Q. Okay. Let's look at the patent claim</p> <p>6 specifically. So if we go to the patent,</p> <p>7 Exhibit 1001, column 16, line 46, when claim 1 says a</p> <p>8 request signalling the start of the charging process,</p> <p>9 does that have a plain and ordinary meaning to one of</p> <p>10 skill in the art as of the 2008 timeframe?</p> <p>11 A. Okay. Let me just read it. I would go</p> <p>12 back to my answer I just gave you, which is, like, a</p> <p>13 request is a request. Almost like it is when you and</p> <p>14 I talk. If you requested me to hand you this water</p> <p>15 bottle, that's a request. But the way you ask, the</p> <p>16 way it's constructed, this tells me nothing about how</p> <p>17 that works.</p> <p>18 Q. So reading the claim by itself, you can't</p> <p>19 figure out what the request is? Is that what you're</p> <p>20 saying?</p> <p>21 MR. SHAPIRO: Objection. Form.</p> <p>22 THE WITNESS: I'm checking something. What</p> <p>23 I was referring to, again, in 93 I say, request is a</p> <p>24 message signalling of the charging process. No more</p> <p>25 detail than that. That's also referenced in the</p>
<p>134</p> <p>1 have a plain and ordinary meaning. Someone else</p> <p>2 might answer that differently. It's subjective,</p> <p>3 right?</p> <p>4 Q. And what about for data services</p> <p>5 interruption? Does that phrase have a plain and</p> <p>6 ordinary meaning?</p> <p>7 A. No. Again, I spent time on that one as</p> <p>8 well for the same reasons. You ask ten people, you</p> <p>9 get ten different answers. The authors spent a lot</p> <p>10 of time trying to describe what they meant by data</p> <p>11 services interruption. That's why there's a whole</p> <p>12 section, Section 7A starting on 69.</p> <p>13 Q. And what about the word "request" as it</p> <p>14 appears in the claims of the '391 patent? Does that</p> <p>15 term have a plain and ordinary meaning?</p> <p>16 A. I'll use an example again in paragraph 89</p> <p>17 to the second sentence, it says "Data processing</p> <p>18 system includes transaction interrupt monitor that</p> <p>19 monitors a charging process for interruptions after</p> <p>20 receiving a request and starts monitoring a charging</p> <p>21 process."</p> <p>22 So if the question is, what does a request</p> <p>23 look like? What does it contain? How is it</p> <p>24 constructed? I have no idea without seeing the way</p> <p>25 they design it.</p>	<p>136</p> <p>1 patent at 12-3-4.</p> <p>2 Q. But what you just told me when I referred</p> <p>3 you to the claim, you said the way it's constructed,</p> <p>4 this tells me nothing about how that works. So I</p> <p>5 need to understand what you meant by that. And then</p> <p>6 you're referring me to your declaration. But I want</p> <p>7 to understand if you can get the meaning of request</p> <p>8 from the claim, or if you need to look outside the</p> <p>9 claim to understand its meaning.</p> <p>10 MR. SHAPIRO: Objection. Form.</p> <p>11 THE WITNESS: What I believe I said, and</p> <p>12 I'll correct myself if I'm wrong, is the request, the</p> <p>13 construction of the request is not clear from the</p> <p>14 claim. It doesn't mean I don't know what a request</p> <p>15 is in the claim. It's a request. Then, if I want</p> <p>16 more detail, I go to the -- to other sections of the</p> <p>17 '391, which I reference in 93.</p> <p>18 Q. Okay. When you look at the claim, you know</p> <p>19 it's a request. Then, you go to look at the</p> <p>20 specification and that's when you see there's an</p> <p>21 example of it as a message?</p> <p>22 MR. SHAPIRO: Objection. Form.</p> <p>23 Q. I'm trying to divide between what you</p> <p>24 understand from the claim and what we're getting from</p> <p>25 the specification, because that'll help me understand</p>

<p>137</p> <p>1 your opinions.</p> <p>2 A. I feel you. I hear you. I'll state it</p> <p>3 myself. In the claim, a request is a request, right?</p> <p>4 There are many ways to carry out the request. It</p> <p>5 signals the start of the charging process. If you</p> <p>6 feel like you need more detail for that, you go to</p> <p>7 the, you know, basically 12334, 124849, and that</p> <p>8 tells you that it's a message. But I would take you</p> <p>9 back to, again, what I said earlier about this</p> <p>10 deprecation of column 1, line -- I think it's 60.</p> <p>11 Column 6, line 63.</p> <p>12 Basically, the patent writers are focused</p> <p>13 on these complex operations. So that requires</p> <p>14 messaging, from what I said earlier and what I wrote</p> <p>15 in my declaration.</p> <p>16 Q. Sure. Let's go back to the cover of the</p> <p>17 '391 patent, Exhibit 1001.</p> <p>18 A. Cover of the '391 patent. Okay.</p> <p>19 Q. Do you see an identifier of 73 near the</p> <p>20 upper left corner in the indication of an assignee?</p> <p>21 A. Yes, sir, I do.</p> <p>22 Q. What does it list as the assignee?</p> <p>23 A. International Business Machines</p> <p>24 Corporation.</p> <p>25 Q. Do you have any connection to IBM?</p>	<p>139</p> <p>1 there's nothing that would keep me from being biased</p> <p>2 for or against IBM. I think the patent is not owned</p> <p>3 by IBM; right? It used to be with IBM. I don't know</p> <p>4 any of these people, these individuals that I would</p> <p>5 point out also.</p> <p>6 Q. And what do you know about the current</p> <p>7 assignee? Graphite Charging Company? What do you</p> <p>8 know about them as an entity?</p> <p>9 A. Almost nothing frankly. I worked through</p> <p>10 an expert witness firm and they connected me with</p> <p>11 what was first (inaudible) and what is now Devlin.</p> <p>12 I've never met or spoken with the patent owners, only</p> <p>13 with the attorneys representing them, and only in the</p> <p>14 context of the technical aspects of the --</p> <p>15 Q. Do you know whether that entity has ever</p> <p>16 produced an actual product that's been brought to</p> <p>17 market?</p> <p>18 MR. SHAPIRO: Objection to form.</p> <p>19 Relevance.</p> <p>20 THE WITNESS: I do not know.</p> <p>21 Q. Is it a company name that you've ever heard</p> <p>22 before you were involved with this case?</p> <p>23 A. No.</p> <p>24 Q. Do you have any knowledge or background as</p> <p>25 to how Graphite obtained this patent from IBM?</p>
<p>138</p> <p>1 A. Over the years -- I've been doing this for</p> <p>2 25 years. I did receive -- I think it's in my CV.</p> <p>3 If it's not, an IBM faculty award back in -- I don't</p> <p>4 remember the year. I would have to look at the CV.</p> <p>5 I've worked with IBM researchers. I know people</p> <p>6 there. My students have gone there.</p> <p>7 I haven't worked with them in a while.</p> <p>8 It's been years. But again, I would have to check</p> <p>9 some things to figure out how long ago, how long it's</p> <p>10 been. Yeah. That's probably how I would describe</p> <p>11 it. I've had publications with some people there,</p> <p>12 but they were many years ago.</p> <p>13 Q. And do you feel that any of those</p> <p>14 connections to IBM biases your ability to</p> <p>15 dispassionately evaluate the patentability of this</p> <p>16 patent, the '391 patent?</p> <p>17 A. I mean, I read the transcripts of the</p> <p>18 MacCarley deposition. There were a lot of questions</p> <p>19 about his connection to Tesla. I think they're a lot</p> <p>20 more direct than my connections have been in a long</p> <p>21 time with IBM. IBM is not on my critical path at</p> <p>22 all. I don't depend on them for research. Once in a</p> <p>23 while a student I know goes there. I haven't had a</p> <p>24 student go to IBM in many years.</p> <p>25 So no. I would say that there's no --</p>	<p>140</p> <p>1 MR. SHAPIRO: Objection. Form. Relevance.</p> <p>2 THE WITNESS: I'm trying to remember if</p> <p>3 there was anything in that long document, the 200</p> <p>4 page document, about it. But other than that, just</p> <p>5 seeing that the assignee has changed, no.</p> <p>6 Q. In the 200 page document you're referring</p> <p>7 to, that's the file wrapper/prosecution history;</p> <p>8 right? Exhibit 1007?</p> <p>9 A. Let me double check the number. I think</p> <p>10 so. It's the only one that's 191 pages. So yeah,</p> <p>11 that document.</p> <p>12 Q. I think that's about an hour. I don't want</p> <p>13 to run over. I know I've run over a couple of times.</p> <p>14 Let's pause here. Ten minutes, Dr. Cameron? Is that</p> <p>15 okay?</p> <p>16 A. Absolutely. Ten is great.</p> <p>17 Q. That's 3:15 for you. Thank you. Sorry.</p> <p>18 3:25.</p> <p>19 (Recess taken.)</p> <p>20 Q. So Dr. Cameron, let's take a look at</p> <p>21 page 22 of your declaration, Exhibit 2005. On this</p> <p>22 page, I would like you to look at paragraph 75, and</p> <p>23 there's an interpretation of what the word</p> <p>24 "instruction" means. Do you see that?</p> <p>25 A. I do. Page 22, paragraph 75.</p>

<p>141</p> <p>1 Q. That first statement you have in the first 2 sentence of paragraph 75, have you cited to any piece 3 of evidence that support that definition? Just in 4 that paragraph.</p> <p>5 A. Do you mean outside -- I see a reference on 6 page 23, but I'm not sure if that's for the 7 instruction. I'm just kind of glancing quickly. 8 There's another one at the end of page 23, but to the 9 instruction definition, it doesn't look like there's 10 a reference there. Yeah. I know why. It's a pretty 11 commonly used term.</p> <p>12 Q. What does it mean to be encoding of a 13 series of operational steps as compared to just a 14 series of steps but into coding?</p> <p>15 MR. SHAPIRO: Objection. Form.</p> <p>16 THE WITNESS: Let me explain how 17 instructions work. Typically, we think about them -- 18 they can be in various contexts, but a very common 19 context is an instruction that is basically a -- 20 something that a processor would operate on. So a 21 microprocessor. So an instruction is a series of 22 bits. A certain number of bits: 32, 64. It is 23 encoded in a way that is recognizable to the micro 24 architecture. So when we think about instructions in 25 computer science, we think about them as things that</p>	<p>143</p> <p>1 claims and they talk about manual override 2 interruption?</p> <p>3 Q. Did you get -- were you able to get the 4 lexicographic definition that you came up with in the 5 claims?</p> <p>6 A. Based on this, it looks like I used 12, 26 7 to 36 and 24 to 26. This is a pretty long section. 8 So did I answer your question or is there still a 9 question outstanding there?</p> <p>10 Q. That answers the question.</p> <p>11 A. Okay.</p> <p>12 Q. You also have on page 22, you have a 13 reproduction and a citation to Figure 7 of the '391 14 patent; right?</p> <p>15 A. Yes.</p> <p>16 Q. So it looks like informing your 17 lexicographic definition you relied on aspects of 18 Figure 4 and Figure 7; is that accurate?</p> <p>19 A. Not exclusively, but they certainly 20 informed my opinions.</p> <p>21 Q. Okay. If those were to be used 22 exclusively, what did you use to get the 23 lexicography?</p> <p>24 A. Well, I would bring you back to the text 25 that I just cited, that I cited in 74 and possibly</p>
<p>142</p> <p>1 are sort of -- they say -- one instruction might be 2 move, a move instruction. So a move instruction 3 might say, move this piece of data from this location 4 to this other location.</p> <p>5 Moving the data is a series of operations, 6 and so an instruction is a higher level abstraction 7 that allows you to embed or encode numerous 8 operations. That should align with my definition 9 here, but I'll double check. Yeah. To me, that 10 aligns with what I wrote in paragraph 75.</p> <p>11 Q. Earlier in the same section of your 12 declaration, Exhibit 2005, on page 21, paragraph 74, 13 you have a citation with some discussion of Figure 4 14 in the '391 patent; is that right?</p> <p>15 A. I see on page 21, paragraph 74, and there 16 is a quotation from '391.</p> <p>17 Q. In your declaration where you take the 18 position that manual override interruption had some 19 form of lexicography, do you rely on anything else 20 other than Figure 4 in the '391 patent and the 21 descriptions associated with Figure 4?</p> <p>22 A. Say that again. Do I rely on anything 23 else? I'm thinking about the claims here. The 24 claims talk about the manual override interruption. 25 Does that mean I relied on them if I looked at the</p>	<p>144</p> <p>1 75.</p> <p>2 Q. Those are the descriptions of Figure 4; 3 right?</p> <p>4 A. Are they? I thought they were lines in the 5 -- columns and lines. 12, 26 to 36 and 12. 24 to -- 6 so maybe -- okay. Maybe I'm confused. When you say 7 the figure, I think you mean the picture. But if you 8 also mean the description of the figure in the text, 9 then that's a different -- yeah. I wasn't 10 interpreting it that way.</p> <p>11 Q. I mean the latter. Let me reframe the 12 question. So informing your lexicographic definition 13 of manual override interruption expressed in your 14 declaration, did you rely on anything other than 15 Figure 4 and Figure 7 and the associated descriptions 16 for those figures in the '391 patent?</p> <p>17 A. In terms of the citations in that document 18 it looks like I relied solely on those. But I want 19 to take a moment and look at the -- see if I 20 mentioned it anywhere else. If it's mentioned in the 21 patent, then certainly I looked at it. This is for 22 the definition of instruction; correct?</p> <p>23 Q. I thought you --</p> <p>24 A. Oh. Manual override interruption. This is 25 what we're talking about. Okay. It's going to be</p>

<p>145</p> <p>1 difficult for me to answer that quickly and finitely. 2 The reality is that it's the entire document that 3 informs any time manual override interruption is 4 used. I selected these citations because they 5 support what I was saying -- what I say in the 6 document. 7 I find it hard to, like, tell you that I 8 didn't use anything else because it's the patent. If 9 it's mentioned in there, I'm thinking about it at 10 some point. 11 Q. If we go back to column 2 and you look at 12 the brief descriptions for Figure 4 and Figure 7 in 13 the patent, those are also illustrative embodiments. 14 Is that what the patent says? 15 A. You said for Figure 4 and 2? 16 Q. 7. 17 A. You just said 7 then? 18 Q. I'll read it again. If we go back to 19 column 2 and you look at the brief descriptions for 20 Figure 4 and Figure 7 in the patent, those are also 21 illustrative embodiments. Is that what the patent 22 says? 23 A. Oh. Yes. I'll read it to you. I'll 24 mention that in the figure -- where it describes 25 Figure 4, it says, "in accordance with an</p>	<p>147</p> <p>1 override interruption is an instruction. I don't 2 think that only applies to Figure 4. So I'm not sure 3 how to answer that. I think I answered your 4 question. 5 Q. So it does -- that paragraph does describe 6 Figure 4, but you're saying it also serves some other 7 purposes that you're opining on; is that fair? 8 A. Yes. It's much like the earlier discussion 9 we had, I think it was about Figure 3 in the same 10 way. Basically, I think the last sentence was I just 11 basically said that this discussion is similar to a 12 discussion we had earlier about, I believe it was 13 Figure 3. 14 Q. Then, I also want to -- this is a similar 15 question to what we talked about earlier, but in that 16 sentence you've pointed me to from Exhibit 1001 at 17 column 12, lines 26 to 36 where it says, "manual 18 override interruption 422 is an instruction." 19 So again, similar to what you told me 20 earlier, are you saying that you were omitting the 21 referenced numeral in order to find lexicography? 22 A. If I'm using this paragraph to tell me 23 what's happening in Figure 4, I don't omit the 24 numbers. If I'm using this paragraph to figure out 25 what a manual override interruption is, I don't need</p>
<p>146</p> <p>1 illustrative embodiment", and the same language for 2 figure 7, "in accordance with an illustrative 3 embodiment." 4 Q. And the paragraph you've reproduced on your 5 declaration at page 21, the citation to Exhibit 1001 6 at column 12, lines 26 to 36, does that description 7 include terminology that's used to describe the 8 illustrative embodiment of Figure 4? 9 A. I don't see any references that are not to 10 Figure 4. In terms of references in the -- but I'll 11 remind you of something I said earlier. When a 12 person of skill in the art reads this, they don't 13 always go to the figure. They might read it 14 necessarily without the figure and try to interpret 15 what's happening. So it's not limited to the figure. 16 It's just using the figure as exemplary as they have 17 written in the document, because that's what it said 18 in the document. 19 Q. Sure. But is it fair to say that that 20 paragraph that you've reproduced on page 21 from 21 column 12, lines 26 to 36, that is being used to 22 describe Figure 4? 23 A. Not exclusively. I mean, to me, it does 24 describe what's happening in Figure 4, but it also 25 talks about, you know, the fact that a manual</p>	<p>148</p> <p>1 to see the 422 reference. 2 Q. Okay. And is that answer also true for the 3 paragraph that we see on page 24 of your declaration 4 with respect to the preferences interruption 504 in 5 the paragraph we see on page 24 of your declaration? 6 A. I'm on page 24 under paragraph -- I mean, 7 under paragraph 79. The first sentence says, 8 "Preferences interruption 504 is a set of one or more 9 interruptions that are caused from a violation of a 10 user specified preference." 11 So yes, I would make the same statement 12 that, if I'm looking at a figure, I kind of interpret 13 it, you know, as referencing the figure. If I'm 14 thinking about it as -- if I'm trying to answer the 15 question for myself, what is a preference as 16 interruption, I use this without the 504. 17 Q. And one other clarification. 18 A. Did you break up or was it me? 19 Q. It's me. I'm struggling here with the 20 sicknesses. 21 A. I'm sorry to hear about that. 22 Q. On page 24 it also -- on the word, I just 23 want to see if you see any difference here, on that 24 paragraph you've reproduced from column 13, lines 22 25 to 36, it's in the plural, not the singular. It</p>

<p>149</p> <p>1 says, "preferences interruption 504", whereas the 2 claim term is in the singular. To you as one of 3 skill in the art in forming the opinion you formed 4 about lexicography, does that change anything for 5 you, or not? 6 MR. SHAPIRO: Objection. Form. 7 THE WITNESS: That's interesting. I 8 checked the claim. I didn't notice that. Which 9 claim was it. 10 Q. I believe it's in 1, 5, 8, 12, 15, and 20. 11 You would probably find it first in claim 1. Line 55 12 of column 16 says, "a preference interruption" 13 singular. 14 A. Interesting. You said it occurs again in 15 5? 16 Q. Yeah. Column 17, lines 9 and 10. That 17 number is a little off. Again, it's singular 18 reference. It repeats again in the other claims I 19 told. 20 A. Actually, I could have looked at my own 21 notes. It says in my notes, in my declaration, 22 recited in claims 1, 5, 8, 12 15, and 20. 23 Q. Yeah. 24 A. And in my quotation I wrote, preference 25 interruption. In the paragraph that I -- let me just</p>	<p>151</p> <p>1 and magazines in the world don't have errors or 2 typos, but they all do. I could find an error in 3 probably every single one I've ever read. 4 Q. But this one -- so even with the typo 5 correction, you're still saying for purposes of your 6 lexicography, you're not reading that reference 7 numeral 504 which separates the phrase, preferences 8 interruption from is a set in the paragraph you have 9 on page 24 of your declaration? 10 A. Based on what you just pointed out to me 11 about preference instead of preferences mentioned 12 elsewhere in the patent, I would read this as 13 preference interruption is a set of one or more 14 interruptions that are caused by a violation of a 15 user specified preference. If I'm defining it 16 without access to the figure. If I'm thinking about 17 the figure, what does each element of the figure 18 mean? I refer to label 504. 19 Q. Then, let's go to page 30 of your 20 declaration. 21 A. Page 30? 30? 22 Q. Yeah. 23 A. I'm there. 24 Q. In paragraph 88 you talk about how when 25 components are located remotely, you talk about how</p>
<p>150</p> <p>1 double check that paragraph actually says 2 preferences. Let me make sure that's not a typo. It 3 does say preferences. What does it say in the 4 figure? Figure 5, right? There it is. In the 5 figure it says, "preference" as well. 6 So I would read that as a typo, basically. 7 They meant to say preference interruption and they 8 said preferences. I don't think it has a meaningful 9 distinction. 10 Q. A typo in the patent? 11 A. Yeah. In that paragraph that's quoted 12 there in Exhibit 1001, 13, from 22 to 36. So I guess 13 it would be line 22. Is that where it appears? 14 Yeah. On line 22. 15 Q. And you appear to have pointed out one 16 other purported typo in the patent on page 27 of your 17 declaration at footnote 2. So I guess you've found 18 multiple typos in the patent? 19 A. 27? 20 Q. Yeah. 21 A. Yeah. Because they use these phrases for 22 the charging and other places. They say it 23 consistently in one way. Yeah. I was going to point 24 out to you, as I mentioned earlier, is you think that 25 literature, patents, publications in the top journals</p>	<p>152</p> <p>1 they can sort of transfer data. What about when the 2 components are located locally? How do you transfer 3 data in terms of the '391 patent? 4 MR. SHAPIRO: Objection. Form. 5 THE WITNESS: I don't think I offered an 6 opinion on the communication locally because the 7 patent is focused on, from the communication point of 8 view, the messaging point of view, from the external 9 -- access to external information from the energy 10 data services. So I would have to see the way that 11 they implement it. 12 Q. What about the integration and service bus 13 324 that we talked about earlier, which is in the 14 figure that you reproduced in Figure 30 of your 15 declaration? 16 MR. SHAPIRO: Objection. Form. 17 THE WITNESS: So let's see. Okay. Let's 18 be clear. There are two types -- I mean, again, from 19 a person of skill in the arts' point of view, 20 Figure 3 -- well, how do I say this? What's your 21 question? How do they communicate across integration 22 and service bus? Is that your question? 23 Q. No. When you're doing local communication, 24 is that one of the mechanisms that you would use? 25 MR. SHAPIRO: Objection. Form.</p>

<p>153</p> <p>1 THE WITNESS: Would what be?</p> <p>2 Q. The integration and service bus 324?</p> <p>3 A. Oh. I think that's mentioned in the</p> <p>4 patent. So keep in mind, you know, my contention is</p> <p>5 that this is in the context of a data processing</p> <p>6 system, which is similar to what's shown on -- I'm</p> <p>7 looking at the wrong thing. The data processing</p> <p>8 system, similar to one that's shown in Figure 1. So</p> <p>9 based on that and in the patent itself, in column 9</p> <p>10 at line -- we'll just start at 61. "The components</p> <p>11 shown in Figure 3 may be implemented in a data</p> <p>12 processing system associated within an electric</p> <p>13 vehicle. In such case, the components communicate</p> <p>14 and transfer data using integration and service bus."</p> <p>15 Q. Can the integration and service bus also be</p> <p>16 used to communicate with remotely located resources?</p> <p>17 MR. SHAPIRO: Objection. Form.</p> <p>18 THE WITNESS: Can you ask that again? What</p> <p>19 are you asking about the integration and service bus?</p> <p>20 Q. Can the integration and service bus 324 in</p> <p>21 the '391 patent be used to communicate with remotely</p> <p>22 located resources?</p> <p>23 MR. SHAPIRO: Objection. Form.</p> <p>24 THE WITNESS: Again, the same reference</p> <p>25 where I was in column 9, a little further down. 64.</p>	<p>155</p> <p>1 THE WITNESS: I would say -- well, let me</p> <p>2 look at my definition first before I say -- I think</p> <p>3 the patent does talk about this. I'm also trying to</p> <p>4 see where the patent talks about user interface. So</p> <p>5 your question depends somewhat on the definition of</p> <p>6 manual. Can you clarify what you mean by manual?</p> <p>7 Q. What's your understanding of the term</p> <p>8 manual?</p> <p>9 A. Again, it's a word that can be interpreted</p> <p>10 by lots of people in lots of different ways.</p> <p>11 Q. So pick a definition of what you think one</p> <p>12 of skill in the art would have reading the '391</p> <p>13 patent.</p> <p>14 A. Excuse me. I'll give an example. In</p> <p>15 paragraph, it looks like on page 26 of my statement,</p> <p>16 it basically says, "Additionally, a user may</p> <p>17 terminate the charging process by generating a manual</p> <p>18 override interruption, which is an instruction</p> <p>19 generated by the user with a user interface."</p> <p>20 So in this context, for the manual override</p> <p>21 interruption, this can be -- this is basically,</p> <p>22 again, person of skill in the arts might have, for</p> <p>23 example, a cell phone. They are using an app and the</p> <p>24 app has some settings or things that the user can</p> <p>25 change about the system that's -- what is it? The</p>
<p>154</p> <p>1 It just states that the integration and service bus</p> <p>2 is an internal communication system within the</p> <p>3 electric vehicle such as any wire to wireless</p> <p>4 communication system. A wire communication system</p> <p>5 includes limitation of the data bus or serial bus.</p> <p>6 Let me just keep reading and see if it says anything</p> <p>7 to your question.</p> <p>8 It does say in column 10, "If one or more</p> <p>9 components shown in Figure 3 are located remotely,</p> <p>10 the components may transfer data using any type of</p> <p>11 wired or wireless network connection to connect to a</p> <p>12 network such as network 102 in Figure 1", which I</p> <p>13 pointed out a minute ago.</p> <p>14 Q. Can an example of a data services</p> <p>15 interruption be manual inputs from a user via a user</p> <p>16 interface?</p> <p>17 MR. SHAPIRO: Objection. Form.</p> <p>18 THE WITNESS: I need to be really precise</p> <p>19 here because I wrote some definitions for that. Give</p> <p>20 me a moment. You're asking about data services</p> <p>21 interruption? Is that the one?</p> <p>22 Q. I'm asking if an example of that, as you</p> <p>23 understand the term, can be manual inputs from a user</p> <p>24 via a user interface?</p> <p>25 MR. SHAPIRO: Objection. Form.</p>	<p>156</p> <p>1 energy transaction event. Through that application,</p> <p>2 you know, they're giving it instructions, basically.</p> <p>3 The instructions are interpreted into</p> <p>4 source code or interpreted into more operations. So</p> <p>5 it's a series -- several or a group of instructions</p> <p>6 that actually -- even though it seems manual from the</p> <p>7 perspective of the user, they're pushing buttons on</p> <p>8 their phone. The reality is that it's a set of</p> <p>9 instructions that are being interpreted by a system.</p> <p>10 So in this context, that's how I view a</p> <p>11 manual operation or a manual override interruption.</p> <p>12 Q. Okay. So applying the definition you've</p> <p>13 just given me, can manual inputs for a user via a</p> <p>14 user interface qualify as a data services</p> <p>15 interruption?</p> <p>16 MR. SHAPIRO: Objection. Form.</p> <p>17 THE WITNESS: Data services interruption?</p> <p>18 That refers us back to -- starting at paragraph 79.</p> <p>19 Based on my definition for manual. Okay. Maybe ask</p> <p>20 the question again. Because now I'm thinking I'm --</p> <p>21 you know, yeah. There's manual interruption.</p> <p>22 There's data service instruction. But you asked the</p> <p>23 question about manual and user interface in the</p> <p>24 context of the data services interruption. So I'm</p> <p>25 slightly confused as to the actual question here.</p>

<p>157</p> <p>1 I'm in the right place now, but please go ahead.</p> <p>2 Q. Okay. I'll read it back. So applying the</p> <p>3 definition you've just given me for manual, can</p> <p>4 manual inputs from a user on a user interface qualify</p> <p>5 as a data services interruption in the context of the</p> <p>6 claims of the '391 patent?</p> <p>7 MR. SHAPIRO: Objection. Form.</p> <p>8 THE WITNESS: Yeah. I would circle back to</p> <p>9 the definition for a third party. According to the</p> <p>10 '391 patent, the data services interruption is tied</p> <p>11 to the third party information. So since a user is</p> <p>12 part of the energy transaction, they are not a third</p> <p>13 party. So everything in the data services</p> <p>14 interruption that I've seen, that I remember, is --</p> <p>15 everything I remember in the definition of the data</p> <p>16 service center interruption requires a third party.</p> <p>17 Q. Page 34 of your declaration.</p> <p>18 A. Can we time out for a second? I want to</p> <p>19 change my location. You can see the sun is in my</p> <p>20 face. I'll go on mute when I do that, if that's</p> <p>21 okay.</p> <p>22 (Recess taken.)</p> <p>23 A. I'm in a brand new building, and this is</p> <p>24 the first time I've spent significant time in the</p> <p>25 office. I haven't been here for the sunset yet. I</p>	<p>159</p> <p>1 just read it word for word.</p> <p>2 A. Which paragraph, then?</p> <p>3 Q. The top of page 36, the first complete</p> <p>4 sentence.</p> <p>5 A. Okay. Yeah. Okay. I did write that.</p> <p>6 Q. So how challenging would it be for a person</p> <p>7 of skill in the art to use a message instead of a</p> <p>8 signal?</p> <p>9 MR. SHAPIRO: Objection. Form. Relevance.</p> <p>10 THE WITNESS: Challenging is probably the</p> <p>11 wrong word here, unfortunately. That would be</p> <p>12 different for different people. Right? So --</p> <p>13 Q. Well, apply the level of ordinary skill</p> <p>14 that you've articulated.</p> <p>15 MR. SHAPIRO: Objection.</p> <p>16 Q. It's that person.</p> <p>17 MR. SHAPIRO: Objection. Form.</p> <p>18 THE WITNESS: I think I have to go to</p> <p>19 Kimura real quick. I'll use Figure 8 as an example.</p> <p>20 I have to look in more detail to remember what</p> <p>21 Figure 8 does, but it shows you there's a charger</p> <p>22 controller and a battery controller and they exchange</p> <p>23 signals. This places it pretty squarely in the world</p> <p>24 of electrical engineering and the world of embedded</p> <p>25 systems and electronic systems, where basically</p>
<p>158</p> <p>1 didn't realize I was going to be baked.</p> <p>2 Q. I'm in a new building too. I switched my</p> <p>3 office multiple times to get away from the sun.</p> <p>4 A. Live and learn. All good. Please, I'm</p> <p>5 sorry. My papers are kind of on the other side of</p> <p>6 the table. Did you say 34?</p> <p>7 Q. Yeah. Page 34.</p> <p>8 A. 34 of 2005; right? That's where I am.</p> <p>9 Q. Actually, I meant 36.</p> <p>10 A. Okay.</p> <p>11 Q. Page 36. At the top of page 36, you say</p> <p>12 "That petitioners are provided that would have been</p> <p>13 obvious to use messages instead of signals in</p> <p>14 Kimura."</p> <p>15 So my question is how difficult would it be</p> <p>16 to use messages instead of signals in Kimura as a</p> <p>17 person of skill in the art?</p> <p>18 MR. SHAPIRO: Objection. Form.</p> <p>19 THE WITNESS: I want to be precise. I</p> <p>20 didn't say the words that you just said. Hasn't</p> <p>21 shown any evidence. I said, "The petitioner failed</p> <p>22 to show that Kimura renders claim 1 obvious because</p> <p>23 Kimura does not teach or suggest these limitations."</p> <p>24 So just to be clear.</p> <p>25 Q. You must be on the wrong page, doctor. I</p>	<p>160</p> <p>1 signals are sent across lines like the ones indicated</p> <p>2 in the figure.</p> <p>3 I don't think it's obvious to someone who</p> <p>4 knows all about this kind of stuff that they would</p> <p>5 create messages in this context. Right? I mean,</p> <p>6 messages are in the realm of the software side of the</p> <p>7 world, not the hardware side of the world, which is</p> <p>8 where this comes from. So to me -- I don't even</p> <p>9 think it would have been obvious to someone of my</p> <p>10 background to implement this as messages, because</p> <p>11 there's just a lot of reasons that you would want to</p> <p>12 design it this way from a, you know, assembly</p> <p>13 standpoint.</p> <p>14 Like, the kind of things you're creating,</p> <p>15 the physical devices -- I'm sorry about my camera.</p> <p>16 These physical devices that connect to machines. So</p> <p>17 I don't see -- I stand by what I said, which is there</p> <p>18 is no evidence to suggest that it would have been</p> <p>19 obvious to replace signals with messages in Kimura.</p> <p>20 Q. And Kimura does describe various micro</p> <p>21 computers that are associated with the charger</p> <p>22 controller and the battery controller. Do you recall</p> <p>23 that?</p> <p>24 A. Yes.</p> <p>25 Q. Would those micro controllers have a</p>

<p>161</p> <p>1 capability of receiving messages? Putting aside -- 2 I'm not asking about obviousness. I'm asking you 3 about the capability. 4 MR. SHAPIRO: Objection. Form. 5 THE WITNESS: You're asking about 6 capability. Again, the design of the hardware in 7 these contexts is what we call application specific. 8 So in this case you would design a controller that 9 it's only job in the world is to have these 10 communications occur like shown in Figure 8. So you 11 would have no incentive -- there would be no value, 12 really, in bringing it up a level to messages where 13 all this complexity -- a lot of the times in these 14 systems you have real time constraints. 15 In that world you have to be fast about how 16 you do everything. In that world, you don't want to 17 use messages. There's actually disincentive for 18 using messages all together because it slows things 19 down, have you to introduce a whole other software 20 stack to be able to use them effectively. I feel 21 like there's a lot of disincentive to do it that way. 22 Q. I understand the disincentive, Dr. Cameron, 23 but I do just want to be more careful. My question 24 was just, does it have the capability? So it has 25 micro computers in Kimura. Do they have the</p>	<p>163</p> <p>1 being sent, not instructions in the context of the 2 '319 patent, but in the context of voltage and 3 current and what not that I've cited here in 66 and 4 67 and 8. 5 Q. Again, in Kimura, if you go to column 9, 6 line 56, Kimura a number of times talks about the 7 passage of information. So what's your understanding 8 of the term information? For example, column 9, 9 line 56. If the information on the performance of 10 the charger is not yet received. So what is that 11 information in the context of Kimura? 12 MR. SHAPIRO: Objection. Form. 13 THE WITNESS: Again, these are signals. So 14 if you have wires and you have one wire, you can send 15 1,0 or 1,1 across the wire. I can use it as an 16 on/off. That would be a signal to tell me what you 17 just said, which was -- what was the example you 18 used? 19 Q. Column 9, line 56. Information on the 20 performance of the charger? 21 A. Whether it's charging or not, that 22 information could be sent across a signal in one bit 23 of information, a 0 or a 1. 24 Q. I just want to make sure I'm clear on your 25 opinion. So Kimura has signals, Kimura has</p>
<p>162</p> <p>1 capability to receive messages? Again, I'm not 2 asking about disincentives. I'm not asking about 3 obviousness. I'm just asking about the capability? 4 MR. SHAPIRO: Objection. Form. 5 THE WITNESS: They have the capability to 6 accept signals but, as is, I would say no. They 7 don't have the ability to receive messages. That 8 requires a software stack. This was 1994. 9 Q. Let's look at Kimura column 6, line 63. 10 There it talks about charge instruction information? 11 A. Which line? 12 Q. 63. 13 A. 63. Okay. I see. There's a number 36. 14 Do you mean the charge? Is that where you are? 15 Q. Yeah. 16 A. Okay. Go ahead. 17 Q. Do you remember you told me earlier that an 18 instruction is an encoding of a series of operational 19 steps specifying the details to be executed according 20 to those operational steps? 21 A. I do. 22 Q. Is that also true for this instruction that 23 we see in Kimura? 24 A. Sorry. I'm reading the next paragraph as 25 well. So my read of this is these are also signals</p>	<p>164</p> <p>1 information, Kimura does not have messages. That's 2 what your testimony is? 3 MR. SHAPIRO: Objection. Form. 4 THE WITNESS: Kimura does not have messages 5 in the same -- I think I was very careful about how I 6 defined messages in the context of the 319 patent. 7 Kimura does not have messages in the same context as 8 the 319 patent. It's not applied in that way here 9 and it wouldn't have been obvious to anybody reading 10 or using the Kimura patent. Anybody can call 11 anything information or even a message. It doesn't 12 mean it's the same meaning as a message in 319, which 13 we talked at length about. 14 Any time I said 319 in the last few 15 minutes, I meant '391, for the record. Do you need 16 me to repeat other things, Michael? Do you want me 17 to? Are you okay with just substituting '391 for 18 what I said just a minute ago. 19 Q. I know you meant '391. That's fine. So 20 does Kimura have messages, or just not the same 21 messages that the '391 patent has that. I need to 22 understand all these different terms. So we talked 23 about signals, we talked information, we talked about 24 messages, but now it appears like you've given me a 25 more refined point, which is, Kimura might have</p>

<p>165</p> <p>1 messages. It just doesn't have messages of the '391 2 patent. 3 I want to understand those three things. 4 MR. SHAPIRO: Objection. Form. 5 THE WITNESS: Let me be clear. What I'm 6 saying is that if they use the word messages in 7 Kimura, to me it's not a message in my world and in 8 the world of '391. They may call it a message, but 9 to me it's not a message. 10 Q. And what's the difference? It's the 11 presence of a header and body; right? Is that the 12 differentiating point? 13 MR. SHAPIRO: Objection. Form. 14 THE WITNESS: Is that the differentiating 15 point? I would have to refer back to my declaration. 16 It's whatever I said in, I think it was 97, maybe. 17 94. 18 Q. Okay. It is paragraph 94, just to help you 19 along. 20 A. Thank you. I appreciate that. It saves us 21 time. 22 Q. You have it in the middle there. In the 23 data processing -- 24 A. Yeah. A unit of data information sent from 25 one device to another.</p>	<p>167</p> <p>1 but I am not doing it with a header and a body. 2 Q. Okay. So my question earlier is, is that 3 your point of differentiation? What you say in 4 Kimura is not a message because it doesn't have a 5 header and body? Because it appears like you're 6 admitting that it is a unit of something that is sent 7 from one device to another. It just lacks a header 8 and body? 9 MR. SHAPIRO: Objection. Form. 10 THE WITNESS: I mean, are data or 11 information singular or plural here? They both can 12 be both. 13 Q. What did you mean? You wrote that 14 definition. 15 A. Actually, I wrote the word unit. I 16 probably mean they're plural. If you take them in 17 the plural from a single signal transmission across a 18 wire is not a message in this context. 19 Q. So now I'm -- 20 A. I've never had to parse it this much. I'm 21 sorry. I'm trying my best in real time here. 22 Q. Sure. I need to make sure I understand 23 what you're saying. This definition you have in 24 paragraph 94, you've now added a plural requirement. 25 When you said a unit of data or information, that</p>
<p>166</p> <p>1 Q. I just want to peel back those layers with 2 you, though. You say that a message is a unit of 3 data or information sent from one device to another. 4 Hard stop there. In Kimura, for the conveyance of 5 information that we just looked at, does it have a 6 unit of data sent from one device to another? 7 A. I believe that Kimura uses signals. So 8 signals have a certain definition. They are a way of 9 carrying data, but they don't define what's the 10 content of the data. 11 Q. Okay. But let's stick to what you said, 12 though. You said a unit of data or information sent 13 from one device to another. So if you don't like the 14 word data or information, we'll come back to that in 15 a minute. But does it have a signal sent from one 16 device to another? 17 A. I think you're taking out of context if you 18 cut off header and body. Remember, the purpose of 19 the header is to contain meta information about the 20 transmission, including the source location and the 21 target location. Without that, a message isn't 22 starting anywhere or going to anybody. If I just 23 connect two wires together and send a 0 across a wire 24 or a 1 across a wire, I am sending a unit of data, a 25 single bit of information from one device to another,</p>	<p>168</p> <p>1 means plural data or information; is that right? 2 MR. SHAPIRO: Objection. Form. 3 THE WITNESS: I mean, I can only say what I 4 wrote, which is that it's a unit of data or 5 information. A unit by its very nature, in my 6 parlance, would a series of bits, not a single bit, 7 which is what a signal might be. 8 Q. Do you say anywhere in your declaration 9 that this was a plural requirement? What you've just 10 told me now? Is that in paragraph 94? 11 A. Okay. I want to be clear. I never said it 12 was a plural requirement. I asked you whether you 13 considered data or information to be plural, and you 14 asked me to say what I meant. When I answered that 15 question, I said I wrote unit, so that would mean 16 data and information would likely be a series of bits 17 or more. It's not a requirement. It just says that. 18 So I don't need to say it anywhere else in the 19 declaration in my opinion. 20 Again, to a person in skill in the art. 21 The first few words in that sentence is a data 22 processing system. So immediately a person skilled 23 in the art is thinking about something like figure -- 24 what is it? Figure 1. Those systems, those messages 25 are quite large. So my opinion, my professional</p>

<p>169</p> <p>1 opinion here as a person of skill in the art, that's</p> <p>2 what it means.</p> <p>3 Q. Let's go back to claim 1 for a second here.</p> <p>4 Claim 1 is column 16, line 47. It says, "A request</p> <p>5 signalling a start of the charging process. A person</p> <p>6 of skill in the art may be able to create a request</p> <p>7 signalling a start of the charging process with a</p> <p>8 single bit."</p> <p>9 A. I'm sorry. You started reading before I</p> <p>10 caught up to you. Where did you start?</p> <p>11 Q. Column 16, line 47.</p> <p>12 A. 47. Okay. Please proceed. I'm waiting</p> <p>13 for a question, I believe. Yes?</p> <p>14 Q. The question was still pending.</p> <p>15 A. Okay. Thanks. I just wanted to make sure</p> <p>16 I didn't leave you hanging.</p> <p>17 MR. SHAPIRO: Objection. Form.</p> <p>18 Q. Do you want me to repeat the question, Dr.</p> <p>19 Cameron?</p> <p>20 A. I never heard a question there. All I got</p> <p>21 was you said 47. Then, you started reading it but I</p> <p>22 didn't -- you were reading it. I thought you weren't</p> <p>23 giving a question. Maybe you did and I was too</p> <p>24 distracted trying to find my place.</p> <p>25 Q. Sure.</p>	<p>171</p> <p>1 A. 47.</p> <p>2 Q. I'll repeat the question if you would like</p> <p>3 me to.</p> <p>4 A. Go ahead. We covered this one earlier so</p> <p>5 I'm kind of -- I read the -- how far am I reading?</p> <p>6 Just that one response?</p> <p>7 Q. Just 47. Just the request at the start of</p> <p>8 the charging process. My question was pretty</p> <p>9 specific. Would a person of skill in the art be able</p> <p>10 to create a request signalling the start of the</p> <p>11 charging process with a single bit?</p> <p>12 MR. SHAPIRO: Objection. Form. Relevance.</p> <p>13 THE WITNESS: This doesn't seem relevant</p> <p>14 because it would be -- okay. If I was sending a</p> <p>15 signal bit of information in this system, it would be</p> <p>16 encapsulated in a message that would have a header</p> <p>17 and a body. So minimally, let's say you do it at the</p> <p>18 absolute most minimum, you would have one bit in the</p> <p>19 body but still have a header that would be many bits.</p> <p>20 So it would be impossible in the context</p> <p>21 that I described for '391 for a message to be a</p> <p>22 single bit.</p> <p>23 Q. Okay. So let me reframe it. Again, this</p> <p>24 is just looking at this one portion of the claim.</p> <p>25 Let's forget the word request for now. Because Dr.</p>
<p>170</p> <p>1 A. I need it repeated, yeah.</p> <p>2 Q. So I asked you, a person of skill in the</p> <p>3 art, would they be able to create a request a</p> <p>4 signalling the start of the charging process with a</p> <p>5 single bit?</p> <p>6 MR. SHAPIRO: Objection. Form.</p> <p>7 THE WITNESS: Okay. I'm reading what you</p> <p>8 referred me to. "Transmitting the charge inhibits</p> <p>9 signal to the charger via the third control line.</p> <p>10 When determining that the charge operation during the</p> <p>11 can occurrence of the communication have normality is</p> <p>12 ended so as to halt the charge during the occurrence</p> <p>13 of the communication of normality."</p> <p>14 Q. Dr. Cameron, I see what happened here. I</p> <p>15 was talking about the '391 patent, not Kimura.</p> <p>16 A. Oh. Sorry.</p> <p>17 Q. I wanted you to read column 16, line 47,</p> <p>18 which is the claim of the patent.</p> <p>19 A. Michael, do you still need me to go back?</p> <p>20 Okay. I'm sorry. Give me a second. You said go</p> <p>21 back to the claims. I thought you meant inside</p> <p>22 Kimura.</p> <p>23 Q. Glad we --</p> <p>24 A. Sorry to do this again. So column --</p> <p>25 Q. 16. Line 47.</p>	<p>172</p> <p>1 Cameron, I am trying to understand very hard to</p> <p>2 understand your opinion so we're able to be careful</p> <p>3 about how we present our positions in the brief. So</p> <p>4 we're being careful about understanding what your</p> <p>5 positions are.</p> <p>6 A. I want to help you get there. Sorry if</p> <p>7 I've been confusing.</p> <p>8 Q. I want to ignore the word request for just</p> <p>9 a moment. Where it says, "signalling a start of the</p> <p>10 charging process", starting from there in claim 1,</p> <p>11 signalling the start of the charging process, is that</p> <p>12 could be done with a single bit?</p> <p>13 MR. SHAPIRO: Objection. Form. Relevance.</p> <p>14 THE WITNESS: I think that one's hard for</p> <p>15 me to answer without an implementation in front of</p> <p>16 me.</p> <p>17 Q. So what would you need to know about the</p> <p>18 implementation in order to answer the question?</p> <p>19 MR. SHAPIRO: Objection. Form. Relevance.</p> <p>20 THE WITNESS: So I'm trying to ignore</p> <p>21 request as you asked. Signalling a start of the</p> <p>22 charging process. So what does the start of the</p> <p>23 charging process mean? If it's, like, a light</p> <p>24 switch, right, it's one implementation. On/off. If</p> <p>25 it's more of a, hey. Turn this computer on and boot</p>

<p>173</p> <p>1 up and, you know -- then it's more than just a single 2 bit. Those are two extreme examples. 3 From this context, I don't know. 4 Q. So again, because we are talking about the 5 claim of the patent. So it's understanding this 6 claim as one of skill in the art would, but just 7 looking at the language I've asked you to look at, 8 signalling a start of the charging process. So 9 understanding this claim as one of skill in the art 10 would do, thinking about that phrase, signalling a 11 start of the charging process, I would like to know 12 whether that is capable of being implemented by one 13 of skill in the art in this time period as a single 14 bit? 15 MR. SHAPIRO: Objection. Form. Relevance. 16 THE WITNESS: Do you want to read back the 17 question? Sorry. 18 Q. It's the same question. 19 A. I know. I know. It's hard. I'm sorry. 20 I'm not trying to be a problem here for you. I am 21 trying to help you understand my opinion. 22 Q. So again, it's claim 1. Column 16, 23 line 47. We're talking about the same phrase, 24 signalling a start of the charging process. Just 25 that language. Claim 1. As a person of skill in the</p>	<p>175</p> <p>1 one device to charge another device. 2 So to your question, signalling a start of 3 the charging process, I could do something as simple 4 as a light switch to start the charging process, 5 right? But that doesn't mean the devices don't still 6 go through some operational steps. So I don't 7 understand the question because, like, maybe the 8 light switch is only sending is 1 or a 0, but there's 9 a whole bunch of stuff that happens after the 1 or 0 10 is received. Do you see? 11 That's why the question is confusing to me. 12 Q. Okay. Let's look at column 12, lines 3 to 13 4 again of the '391 patent. 14 A. Column 12, lines 3 and 4? 15 Q. Yeah. 16 A. Okay. I'm there. 17 Q. Okay. So this is another sentence where 18 you're reading out the reference; right? We're 19 saying requests and then we're not reading 414 is a 20 message signalling the start of the charging process. 21 Is that how you're reading this? 22 MR. SHAPIRO: Objection. Form. 23 THE WITNESS: Yeah. So just to be clear, 24 if I'm reading it to interpret Figure 4 I read it 25 with the numbers. If I'm reading it in the context</p>
<p>174</p> <p>1 art would understand it, was it -- were they capable 2 of implementing that as a single bit in this time 3 period? 4 MR. SHAPIRO: Objection. Form. Relevance. 5 THE WITNESS: The time period of 2008; 6 right? 7 Q. On or before 2008. 8 A. On or before 2008. I'm really sorry to be 9 giving you such a problem with this one, Alex. 10 Separating it out from the request, right, it makes 11 it difficult. I would say that not in the context of 12 this -- all right. So let me try to use an example. 13 Okay. If we're talking outside the '391 patent, 14 right, and we're talking about signalling a start of 15 the charging process, let me use the light switch as 16 an example. 17 It's that, if I plug my light into the same 18 receptacle that -- I don't know if you see but 19 there's a power switch here. If I plugged a lamp 20 into that receptacle that's controlled by this 21 switch, which is on or off, then by sending just an 22 on or off message or signal, 0 or 1, I can 23 effectively turn on the light or turn the light off. 24 When you're charging something, it's kind of the same 25 thing. You're connecting a circuit. You're allowing</p>	<p>176</p> <p>1 of understanding what the intent is behind the 2 patent, then I'm reading without the numbers. 3 Q. Okay. And so again, looking at the '391 4 patent, looking at the words that are written here or 5 the pictures, and what you've just described to me 6 about this single bit paradigm and why there's some 7 additional information that needs to be conveyed, 8 show me where in the '391 patent it's explained what 9 structure, data, anything else, goes into this 10 message. Show me where it's written in the '391 11 patent. 12 MR. SHAPIRO: Objection. Form. 13 THE WITNESS: Without doing, like, a word 14 search to save you time, let me just refer you to 15 Figure 1. Okay? In Figure 1, this is the data 16 processing system. A system composed of computer 17 servers and clients and networks and storage requires 18 messaging for communications. So -- 19 Q. That wasn't my -- 20 A. But your question was, what's the evidence 21 that -- wait. Sorry. 22 Q. No, sir. My question was, I wanted you to 23 describe for me -- so I'm one of your students. I 24 want to build this '391 system. I want to construct 25 this message. So I want to know in the verbiage in</p>

<p>177</p> <p>1 the written text of the patent, what is the structure 2 of this message that I should be implementing? Does 3 the patent tell me, or does it not tell me? 4 MR. SHAPIRO: Objection. Form. Relevance. 5 THE WITNESS: As a student? Let me think 6 of how I would describe this to a student. I mean, I 7 would start with the description I gave in the patent 8 about data processing system, which I think is 80 9 something. I can pull that up separately. We've 10 talked about it already before. 11 I'll refer you back to it. Let me just 12 start there. So if you start with, again -- I'm 13 using Figure 1 exemplary because what you're talking 14 about is a message that is being transmitted 15 potentially between two of the things that you see in 16 Figure 1. In order for a client or a server to send 17 messages to each other, messages to a charging 18 station, or charging station to send messages to a 19 client, the -- a person skilled in the art would say 20 that well, if I'm sending it from a computer at the 21 charging station, that's just another computer on the 22 network. So I'm sending -- it has a header and it 23 has a body. It has basically the location, maybe 24 it's 110 in this picture, and the header tells me 25 where it goes into the network switch. It gets</p>	<p>179</p> <p>1 THE WITNESS: Well, I would need a lot more 2 information than just that; right? But what I will 3 say is, you know, I would need an explanation. I 4 need to know where they're coming from, what they're 5 saying. It's kind of an impossible question to ask, 6 the total validity or invalidity of a patent. 7 Q. So point me to where in your declaration 8 you explain that if you're incorrect and a request 9 does not need to be a message, and a signal is 10 sufficient to read on these claims, show me where in 11 your declaration you explain why the patents would 12 still be valid? 13 MR. SHAPIRO: Objection. Form. 14 THE WITNESS: Yeah. That's a hard question 15 to parse. So you are asking me to explain where I 16 put in the patent that if people disagree with me, 17 what happens to the patent? I don't think I was 18 asked to do that; right? I was asked just to opine 19 about the patent itself. 20 Q. Yeah. That's totally fine. I'm just 21 asking, is it in your declaration? If you weren't 22 asked to opine on it, that's a perfectly fine answer. 23 A. Thanks. Okay. I was just confused by the 24 question. 25 Q. Now I want to turn for a second to page 17</p>
<p>178</p> <p>1 basically channelled to client 110, right? 2 So it requires a body and a header. The 3 header will tell it how it's going to navigate, where 4 it's going to go, and that will be interpreted by the 5 network and get you to wherever you're going. Like, 6 a mailbox, if you think about it. The body tells you 7 that 1 or 0 that you're talking about. Whatever you 8 want to send. Whatever data you're going to send. 9 Q. Yeah. Okay. 10 A. That's how I would explain it to a student. 11 Q. None of that is in the patent. Let's talk 12 about a different question. 13 A. Well, Figure 1 is in the patent. I mean -- 14 Q. Let's talk about -- 15 A. I talked about data processing system a 16 lot. 17 Q. So if the board disagrees with you, they 18 say "we don't agree with Dr. Cameron. A request is 19 not a message. A request can be a signal." If they 20 take that position, which I understand you'll tell me 21 you disagree with, that's fine. But let's just say 22 they disagree with you. They say a request can be a 23 signal, if that's the case, is this patent invalid? 24 MR. SHAPIRO: Objection. Form. Outside 25 the scope.</p>	<p>180</p> <p>1 of your declaration. In paragraph 64 -- 2 A. 64 on page 17. Yes. I'm there. 3 Q. You explain that -- I guess this was one of 4 your understanding that was conveyed to you. "A 5 claim can be obvious through consideration of a 6 single reference without the need to combine 7 references." 8 So give me a little bit of an explanation 9 for what is your understanding here in the context of 10 this paragraph 64. 11 MR. SHAPIRO: Objection. Form. 12 THE WITNESS: Sorry. Was there an 13 objection? 14 MR. SHAPIRO: Objection. Form. 15 THE WITNESS: Okay. It's the rest of that 16 sentence. Basically, the elements of the claim that 17 are not found explicitly or implicitly, I guess, in 18 the reference can be supplied by the common sense of 19 one skilled in the art. So yeah. That's how I would 20 describe my understanding. I guess I used the word 21 inherently here. I think that means the same as 22 implicitly. If not, I'll use inherently. 23 Q. Okay. I think we're running up against 24 another hour. Would you like to break for a little 25 bit? I don't think we'll have many more questions</p>

<p>181</p> <p>1 after this break.</p> <p>2 A. Do you think it'll be less than an hour? I</p> <p>3 want to be good for Michael.</p> <p>4 Q. I think so.</p> <p>5 A. Okay. If it's okay with Jason, we'll keep</p> <p>6 going.</p> <p>7 MR. SHAPIRO: You said you're going to be</p> <p>8 probably less than an hour?</p> <p>9 MR. STEIN: After the break, yeah.</p> <p>10 MR. SHAPIRO: Let's take a five minute</p> <p>11 break, then.</p> <p>12 THE WITNESS: Okay. Sounds good.</p> <p>13 (Recess taken.)</p> <p>14 Q. Okay. Dr. Cameron, let's take a look at</p> <p>15 page 48 of your declaration. Do you see</p> <p>16 paragraph 120 you have a reference to the CFR</p> <p>17 acronym? Let me know if you see that.</p> <p>18 A. That is something that I saw that I later</p> <p>19 thought -- yeah. It's a typo. Yeah. I don't speak</p> <p>20 for the legal stuff here. So that whole sentence</p> <p>21 could be stricken.</p> <p>22 Q. Okay. I do struggle a little bit when</p> <p>23 you're calling that a typo, though. I would love to</p> <p>24 understand what it actually is. A typo can't be a</p> <p>25 whole paragraph that appears in your deposition.</p>	<p>183</p> <p>1 is more minor, but do you see how the typeface is</p> <p>2 different than the rest of your declaration?</p> <p>3 A. One second. 69? I'm trying to get to it.</p> <p>4 Q. Page 69, paragraph 165.</p> <p>5 A. I think my fingers don't have any more --</p> <p>6 let's see. 165.</p> <p>7 MR. SHAPIRO: Is there a question there?</p> <p>8 THE WITNESS: He said he was pointing</p> <p>9 something out to me. That the font change is</p> <p>10 different. I think Alex was just being kind and</p> <p>11 pointing out the font was different. Am I right?</p> <p>12 Q. Yes.</p> <p>13 MR. SHAPIRO: Objection. Form. Relevance.</p> <p>14 Q. Okay. The last thing I want to talk about</p> <p>15 briefly, and then we'll wrap up, is Exhibit 1008, if</p> <p>16 you have that in front of you?</p> <p>17 A. Exhibit 1008?</p> <p>18 Q. 1008.</p> <p>19 A. Yeah. I'm pretty sure I do. Give me a</p> <p>20 second. I feel terrible about all the trees that</p> <p>21 were killed in the making of this. Here we go.</p> <p>22 1008. Yeah. This is the Pellegrino patent.</p> <p>23 Q. Yeah. Are you familiar with this</p> <p>24 Pellegrino patent?</p> <p>25 A. I did read it at least one time, and I saw</p>
<p>182</p> <p>1 A. That's called an error, if you prefer.</p> <p>2 Whatever you want to call it. Yeah.</p> <p>3 Q. Do you think that was some sort of</p> <p>4 copy/past error? This was moved somewhere else to</p> <p>5 your declaration somehow?</p> <p>6 MR. SHAPIRO: Objection. Form. Relevance.</p> <p>7 THE WITNESS: There are so many iterations</p> <p>8 that I do. Not that many, but a certain number of</p> <p>9 them. I am consulting with the attorneys. So</p> <p>10 possibly, but I don't know. I just don't -- I mean,</p> <p>11 if I knew I would not have left it in there, of</p> <p>12 course.</p> <p>13 Q. Do you know what the CFR is?</p> <p>14 MR. SHAPIRO: Objection to form.</p> <p>15 Relevance.</p> <p>16 THE WITNESS: I do not. I assume just</p> <p>17 based on context that it's some sort of case law. In</p> <p>18 fact, just to go further, Alex, I would strike that</p> <p>19 entire paragraph 120.</p> <p>20 Q. That's something that is really sort of on</p> <p>21 your counsel, Dr. Cameron, but I hear what you're</p> <p>22 saying.</p> <p>23 A. Yeah. I understand. Thank you.</p> <p>24 Q. One other thing I'll throw at you too.</p> <p>25 Page 69 of your declaration, paragraph 65. This one</p>	<p>184</p> <p>1 it -- it was referred to me by the document in terms</p> <p>2 of the -- I think it was the historical. Am I right?</p> <p>3 Was this the historical?</p> <p>4 Q. Yeah. This was the primary reference that</p> <p>5 was cited during prosecution of the application that</p> <p>6 led to the '391 patent.</p> <p>7 A. That's where I remember seeing it. Thank</p> <p>8 you. Yeah.</p> <p>9 Q. So the question I want to ask about this</p> <p>10 reference is, is it your opinion that the Pellegrino</p> <p>11 reference discloses a message in the way that you've</p> <p>12 articulated that term in the context of the claims of</p> <p>13 the '391 patent?</p> <p>14 MR. SHAPIRO: Objection. Form.</p> <p>15 THE WITNESS: Let's take a look in here.</p> <p>16 MR. SHAPIRO: Objection. Outside the</p> <p>17 scope.</p> <p>18 THE WITNESS: Do you have a place in the</p> <p>19 Pellegrino patent you want to direct my attention to</p> <p>20 or do you want me to look at the whole patent here?</p> <p>21 Q. It's more of a general question. You can</p> <p>22 take your time.</p> <p>23 A. I don't see the word message or messaging</p> <p>24 used. I see signal used in claim 17. So I'll focus</p> <p>25 on that.</p>

<p>185</p> <p>1 Q. Okay. Just to make sure I'm following, are 2 you still thinking, Dr. Cameron?</p> <p>3 A. I was reading claim 17 and 18. I finished 4 17 but I'm just staring at 18. That'll be the last 5 thing I read before I can come back to you. Okay. 6 Yeah. Maybe rephrase the question just slightly. I 7 think I know what you're asking, but I want to hear 8 it one more time.</p> <p>9 Q. Is it your opinion that the Pellegrino 10 reference that was discussed during prosecution of 11 the application that led to the '391 patent teaches a 12 message in the way that you've articulated that term 13 for the claims of the '391 patent?</p> <p>14 MR. SHAPIRO: Objection. Form. Relevance. 15 Outside the scope.</p> <p>16 THE WITNESS: My read of Pellegrino that 17 it's focused on the -- if I recall correctly, the 18 charging transaction. There are signals that are 19 happening in claims 17 and 18 that acknowledge what 20 -- it looks like binary approval or disapproval via 21 basically a single signal. So that would not fit the 22 definition of message that I gave you for '391.</p> <p>23 Q. Okay. Approximately how much time did you 24 spend preparing for the deposition today?</p> <p>25 MR. SHAPIRO: Objection. Vague.</p>	<p>187</p> <p>1 A. Okay. So I would have started preparing 2 the declaration towards the -- before the extension 3 and then after the extension. So I think if I add 4 all these hours up, it's probably also in the tens of 5 hours.</p> <p>6 Q. Just to be clear, though, because now -- 7 that's okay. I strike my little thought there. 8 Paragraph 190 of your declaration, Dr. Cameron.</p> <p>9 A. Paragraph 190.</p> <p>10 Q. You say in paragraph 190 that your analysis 11 may continue and you may require additional 12 information or obtain supplemental insights. Do you 13 have any additional analysis, additional information, 14 or supplemental insights that you've formed 15 subsequent to this declaration?</p> <p>16 MR. SHAPIRO: Objection. Form.</p> <p>17 THE WITNESS: No, not subsequent to me 18 signing this declaration. Yeah.</p> <p>19 Q. Okay. And then, as we talked about at the 20 beginning, all of your testimony today was under the 21 penalty of perjury. Is there anything that you feel 22 the need to correct before we conclude?</p> <p>23 A. It's been a marathon. Not that I can think 24 of, no. I tried to correct things as I went along. 25 If I think of something, I'll bring it up.</p>
<p>186</p> <p>1 THE WITNESS: That's a little vague. 2 Because does all the prep time leading up to that 3 include? Just the last few days? How do I interpret 4 that question?</p> <p>5 Q. Anything that you did outside of writing 6 the declaration, and only to prepare for our 7 conversation today?</p> <p>8 MR. SHAPIRO: Objection. Form. Relevance.</p> <p>9 THE WITNESS: How long did I prepare for 10 our conversation today, and outside of writing -- not 11 including the writing of the document? It's tens of 12 hours. A few dozen hours. Somewhere in there.</p> <p>13 Q. Approximately how much time did you spend 14 writing the declaration itself?</p> <p>15 MR. SHAPIRO: Objection. Form. Relevance.</p> <p>16 THE WITNESS: The declaration was a -- 17 maybe you can -- maybe you guys can remember. I 18 can't remember, because we're doing these two cases 19 simultaneously. Did we get an extension for this 20 case at some point? That affects my memory of what I 21 remember spending time on this. At some point, did 22 we get an extension for the declaration?</p> <p>23 Q. I believe there's been extensions in both 24 of the cases, but this one has had the longer 25 extension.</p>	<p>188</p> <p>1 Q. Thank you for your time, Dr. Cameron. I 2 know depositions aren't fun. But thank you for 3 sticking with me. I have no other questions.</p> <p>4 A. Okay. Thank you.</p> <p>5 MR. SHAPIRO: Let's take a break so the 6 patent owner can decide if they want to do redirect. 7 We'll need, like, 20 minutes or so. Come back at, 8 like, 5:25?</p> <p>9 THE WITNESS: That's good. 10 (Recess taken.)</p> <p>11 EXAMINATION BY MR. SHAPIRO</p> <p>12 Q. Dr. Cameron, during your deposition Mr. 13 Stein asked you about the materials that you 14 considered in Section 5 of your declaration. Could 15 you turn to Section 5 of your declaration on page 7?</p> <p>16 A. Yes.</p> <p>17 MR. STEIN: Objection. Leading.</p> <p>18 THE WITNESS: You said page 7, right?</p> <p>19 Q. Section 5, entitled "materials considered", 20 which begins on page 7 of your declaration. Are you 21 there?</p> <p>22 A. I have in front of me. Yes.</p> <p>23 MR. STEIN: Same objection. Leading the 24 witness.</p> <p>25 Q. Dr. Cameron, this section doesn't list</p>

Transcript of Dr. Kirk W. Cameron
Conducted on January 9, 2025

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<p>189</p> <p>1 Exhibit 1009, which is Dr. MacCarley's declaration. 2 Did you review Dr. MacCarley's declaration before you 3 signed your declaration? 4 MR. STEIN: Objection. Leading. 5 Objection. Scope. This was not discussed during the 6 cross-examination. 7 THE WITNESS: I reviewed everything that 8 was given to me, and I believe I saw that declaration 9 before I wrote this. 10 Q. And in regards to paragraph 34 of your 11 declaration, Mr. Stein asked you about the meaning 12 of, quote, "intrinsic record", unquote, in that 13 paragraph of your declaration. Did you review the 14 entire -- I'm sorry. He asked you -- let me restate 15 that. 16 Mr. Stein asked you about the meaning of, 17 quote, "intrinsic evidence", unquote, in paragraph 34 18 of your declaration. Did you review the entire 19 intrinsic evidence before signing the declaration? 20 MR. STEIN: Objection. Leading. 21 THE WITNESS: I'm a little confused by the 22 question. Is the intrinsic evidence that you're 23 referring to a particular document or a list of 24 documents? 25 Q. In paragraph 34 of your declaration.</p>	<p>191</p> <p>1 DECLARATION UNDER PENALTY OF PERJURY 2 3 I, DR. KIRK CAMERON, do hereby certify 4 under penalty of perjury that I have read the 5 foregoing transcript of my deposition taken January 6 9, 2025; that I have made such corrections as appear 7 noted on the Deposition Errata Page attached hereto 8 and signed by me; that my testimony as contained 9 herein, as corrected, is true and correct. 10 11 Dated this ____ day of _____, 12 2025, at _____, 13 California. 14 15 _____ 16 KIRK CAMERON 17 18 19 20 21 22 23 24 25</p>
<p>190</p> <p>1 A. Yeah. 2 Q. Did you make a statement that you were 3 informed to determine the meaning of the claims -- to 4 determine the meaning of the claims, courts consider 5 the intrinsic evidence which includes the patents, 6 claims, written description -- do you see all that? 7 A. Yes. 8 Q. So my question is, did you review the 9 entire intrinsic evidence before signing your 10 declaration? 11 MR. STEIN: Objection. Leading. 12 THE WITNESS: Yes. That's what's listed 13 there, yes. 14 MR. SHAPIRO: That's all I have for now. 15 I'll reserve the remaining amount of my time for 16 re-redirect if there's recross. 17 MR. STEIN: Nothing further. We're all 18 set. Thanks for your testimony, Dr. Cameron. I 19 appreciated the conversation. Thank you. 20 THE WITNESS: Thanks, Alex. 21 MR. SHAPIRO: Thank you, Dr. Cameron. 22 Thank you, Michael. I need a rough draft. Also, we 23 would like to give the witness an opportunity to 24 review and provide corrections. 25 (Proceedings concluded at 2:31 P.M.)</p>	<p>192</p> <p>1 STATE OF CALIFORNIA) 2) 3 COUNTY OF LOS ANGELES) 4 5 I, Michael Cagliata, Certified 6 Shorthand Reporter No. 14491, do hereby 7 Certify: 8 That prior to being examined, the witness 9 named in the foregoing deposition was by me duly 10 sworn to testify the truth, the whole truth, and 11 nothing but the truth; 12 That said deposition was taken down by me 13 in shorthand and thereafter reduced to print by 14 means of computer-aided transcription; and the same 15 is a true, correct, and complete transcript of said 16 proceedings. 17 I further certify that I am not 18 interested in the outcome of the action. 19 Witness my hand this 9th day of January, 2025. 20 21 <i>M. Cagliata</i> 22 Michael Cagliata, CSR #14491, RPR 23 Certified Shorthand Reporter 24 in and for the State of California 25</p>

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193

1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2

3 I, Michael Cagliata, Certified Reporter and
4 Notary Public within and for the State of California
5 do hereby certify:

6 That DR. KIRK CAMERON, the
7 witness whose deposition is hereinbefore set forth,
8 was duly sworn by me before the commencement of such
9 deposition and that such deposition was taken before
10 me and is a true record of the testimony given by such
11 witness.

12 I further certify that the adverse party,
13 was represented by counsel at the
14 deposition.

15 I further certify that the deposition of
16 DR. KIRK CAMERON, occurred remotely
17 (IN HIS OFFICE IN ALEXANDRIA, VIRGINIA.)
18 on Thursday, January 9, 2025, commencing at
19 7:28AM to 2:31PM.

20

21 IN WITNESS WHEREOF, I have hereunto set my
22 hand this 22 day of January, 2025.

23 My commission expires:

24

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