

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

3 APPLE INC.,

4 Petitioner,

5 vs.

Case IPR2024-00398

U.S. Patent No. 11,265,680

6 THL HOLDING COMPANY,
7 LLC,

8 Patent Owner.

9 DEPOSITION OF MARTIN FEUERSTEIN, PH.D.
10 Taken on behalf of the Petitioner Garmin Ltd.

11 December 10, 2024

12 Sandra Tippins, CCR

13 (The deposition began at 11:00 a.m.)
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QUESTIONS BY: PAGE NO.
MS. RAW 5

INDEX OF EXHIBITS MARKED

EXHIBIT NO.	DESCRIPTION OR BEGINNING BATES NUMBER	PAGE
(No exhibits were marked. The '397 Patent was attached.)		

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

APPLE INC.,

Petitioner,

vs. Case IPR2024-00398
U.S. Patent No. 11,265,680

THL HOLDING COMPANY,
LLC,

Patent Owner.

DEPOSITION OF DR. MARTIN FEUERSTEIN,

produced, sworn, and examined on the 10th day of
December, 2024, between the hours of nine o'clock
in the forenoon and five o'clock in the afternoon
of that day, via Zoom, before SAUNDRA TIPPINS, a
Notary Public, and Certified Court Reporter within
and for the States of Missouri and Kansas, in a
certain cause now pending before the U.S. Patent
and Trademark Office, Before the Patent Trial and
Appeal Board, wherein APPLE INC. is the Petitioner,
and THL HOLDING COMPANY, LLC is the Patent Owner.

A P P E A R A N C E S (by Zoom)

For the Petitioner:

MR. JOHN S. LeROY
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The Court Reporter:

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Lexitas Legal
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Kansas City, Missouri 64108

1
2 IT IS HEREBY STIPULATED AND AGREED,
3 by and between counsel for parties that the
4 deposition of DR. MARTIN FEUERSTEIN may be taken in
5 shorthand by Sandra Tippins, a notary public and
6 shorthand reporter, and afterwards transcribed into
7 typewriting; and the signature of the witness is
8 expressly reserved.

9 * * * * *

10 THE REPORTER: Would you like an
11 electronic transcript?

12 MR. LeROY: Yes.

13 * * * * *

14 DR. MARTIN FEUERSTEIN,
15 of lawful age, produced, sworn and examined on
16 behalf of Petitioner Garmin Ltd., deposes and
17 says:

18 EXAMINATION

19 QUESTIONS BY MS. RAW:

20 Q Good morning, Dr. Feuerstein.

21 A **Good morning.**

22 Q Can you please state your name and the
23 location you're at for the record.

24 A **My name is Martin J. Feuerstein, and**
25 **I'm in Woodinville, Washington.**

1 Q Okay. And do you understand that you
2 are here today with respect to a declaration you
3 provided in IPR 202400398, which relates to U.S.
4 patent number 11,265,680?

5 A Yes.

6 Q Okay. Have you -- I believe you've
7 had your deposition taken before. Is that
8 correct?

9 A Yes.

10 Q Approximately how many times have you
11 been deposed at this point?

12 A I would have to check for an exact
13 number, but probably around ten.

14 Q And about how many of those were in
15 the context of an IPR versus in litigation?

16 A Most all of them have been relation to
17 litigation. I've done -- written some IPRs. I
18 can't recall -- I don't believe I've had a
19 declaration, excuse me, deposition related to
20 IPRs.

21 Q Okay. That's helpful context. So I
22 just like to go over a few reminders at the
23 beginning of a deposition so we're all on the same
24 page. It's fundamentally not different from being
25 deposed in litigation.

1 We have a court reporter, so I'd just ask
2 that you be careful not to speak over me, and
3 I'll do the same and try my darnedest not to
4 speak over you, so that's it's easy for the court
5 reporter to record the testimony today.

6 And I also like to take a break about
7 every hour, but if you need a break sooner than
8 that, please let me know. I'm happy to take
9 breaks whenever you need them. I'd just ask that
10 if there's a pending question, you go ahead and
11 answer that question before we go on break. Is
12 that fair?

13 **A That's -- that's fine.**

14 **Q** Okay. If there is any reason why you
15 do not understand one of the questions that I ask
16 you today, I would ask you to let me know that so
17 that I can clarify my question and the record will
18 be clear.

19 Would you do that for me today?

20 **A Yes, I will.**

21 **Q** Okay. And similarly, if you do answer
22 one of my questions, I'll assume that you
23 understood the question that I asked. Is that
24 fair?

25 **A That's fair.**

1 Q Is there any reason why you can't
2 provide complete, truthful and accurate testimony
3 today?

4 A No, there's not.

5 Q So I understand that you've brought
6 some materials relating to this IPR to the
7 deposition with you today. Is that correct?

8 A Yes.

9 Q Okay. Are those materials in paper
10 form or electronic form?

11 A On my laptop, I have a directory that
12 has pdf copies of the exhibits that were given to
13 me. I also on the floor next to me have two
14 binders with hard copies. My preference is to use
15 the pdfs, but I do have those as backup.

16 Q Perfect. And I have no preference as
17 to which one you use. That's completely up to
18 you.

19 Can you confirm that both the electronic
20 and hard copies you have are clean copies? They
21 don't have writing or highlighting on them?

22 A Yes. I confirm that there's no
23 alterations to any of them.

24 Q Perfect. And during the deposition
25 today, for clarity of the record, I'm going to

1 refer to those documents and IPR by how they're
2 referred to in the IPR. So for example, the
3 petition is paper one. Your declaration, I
4 believe, is Exhibit 2002. And I'm going to use
5 that terminology throughout the deposition today.

6 But if at any point you're unclear as to
7 what document I'm referring to, please let me
8 know. I just want to make sure we have a clear
9 record. Is that fair?

10 **A Yes. I'll be glad to do that. I**
11 **would ask since I have the directory in front of**
12 **me, some questions I'm assuming I may want to open**
13 **various patents. Do you want me to articulate**
14 **what I'm opening, or am I free to open multiple**
15 **documents?**

16 **Q** You're free to open whatever you need
17 to. I would just ask that you let me know what it
18 is you're looking at, just so that the record is
19 clear as to, you know, what you're referring to
20 when you provide answers. Is that fair?

21 **A Yes. Thank you.**

22 **Q** All right, perfect. Can you confirm
23 that there's -- other than this conferencing
24 window and then also any of the documents we
25 discuss, that there's nothing else open on your

1 computer? You don't have email or a chat service
2 open?

3 **A Let me check here. Let me close the**
4 **meeting invite so I don't have email open.**

5 **Okay, so the only windows open I have are**
6 **the Zoom window and then the directory with the**
7 **binder or with the documents.**

8 **Q Perfect. Can you please pull up your**
9 **declaration, so Exhibit 2002.**

10 **A Okay, I have Exhibit 2002, my**
11 **declaration, open.**

12 **Q Okay. And you signed this declaration**
13 **under oath, under penalty of perjury. Correct?**

14 **A Yes, that's correct. I've signed on**
15 **October 31st of 2024.**

16 **Q And have any of your opinions set**
17 **forth in this declaration changed since you signed**
18 **the declaration?**

19 **A No.**

20 **Q Sitting here today, are you aware of**
21 **any inaccuracies in the declaration you submitted**
22 **in this IPR?**

23 **A No, I'm not.**

24 **Q About how many hours did you spend**
25 **working on this particular declaration?**

1 **A** **I don't recall off the top of my head**
2 **exact numbers. I was working on two related IPRs,**
3 **so I didn't separate those hours.**

4 **I would estimate for the two declarations**
5 **together, 70 to 80-hour kind of range, split**
6 **approximately equally between them.**

7 **Q** **Okay. Did you do the first draft of**
8 **this declaration, or did you work from a draft**
9 **that counsel provided you?**

10 **A** **No. I did the first draft. My normal**
11 **process is to put together notes from my analysis**
12 **and then refine those into the report and**
13 **declaration. So that was what I did. I created**
14 **the initial draft.**

15 **Q** **Can you please go to paragraph 19 of**
16 **your declaration.**

17 **A** **(Witness complies.) Okay, I'm at**
18 **paragraph 19.**

19 **Q** **Do you see that paragraph 19 has a**
20 **table that lists five different references?**

21 **A** **Yes, I do.**

22 **Q** **Okay. And are these the only**
23 **references that you considered in providing the**
24 **opinions in this declaration?**

25 **A** **These are the prior art patents that**

1 were asserted. Obviously I also read and reviewed
2 Apple's petition, Dr. Buehrer's report, documents
3 like that.

4 Q Okay. So you reviewed, for example,
5 all of the exhibits to the petition, not just the
6 ones that are listed in paragraph 19 of your
7 report?

8 A There are a number of -- a large
9 number of exhibits to the petition. I reviewed
10 the main ones that were referenced in
11 Dr. Buehrer's report, the Apple petition, and I've
12 looked at the other ones as well.

13 Q Okay. In that table in paragraph 19,
14 the first exhibit number, 1004, Kalliola, so there
15 were multiple Kalliolas in the -- attached to the
16 petition.

17 Did you review all of the Kalliola
18 references or just this one that's listed here?

19 A I know that I've looked at multiple
20 Kalliolas, certainly the one that's listed here.
21 If you could point me to -- if there are more than
22 two -- I know I've reviewed at least two.

23 If there are others, if you want to point
24 me to those, I'd be glad to look at those and
25 assess whether I've reviewed those.

1 Q Sure. So I believe you are correct
2 that there are only two. What I'm trying to
3 figure out, so the Kalliola reference listed here,
4 the 2008 number, I'm trying to figure out if
5 that's the primary Kalliola that you were relying
6 on in forming your opinions or not.

7 A Give me a second to check. I used the
8 reference that -- it's primary, the one that was
9 cited in Dr. Buehrer application report as
10 Exhibit 1004, which is 2007/0197229A1. It's also
11 the Kalliola version that's in the document, pdf
12 package that I have. I think that is different
13 than what's listed as this 2008/0068265A1 that's
14 in the declaration, I guess the other -- other
15 Kalliola.

16 Q Okay. So in general, in your
17 declaration when you're -- well, I suppose your
18 declaration doesn't refer to much, so strike that.
19 Okay.

20 So in forming your opinions for this IPR,
21 you were focused on the Exhibit 1004 Kalliola,
22 which is the 2007 Kalliola. That's --

23 A Yes, that's correct.

24 Q Can you please go to paragraph 20 of
25 your declaration.

1 **A Yes, I'm at paragraph 20.**

2 Q Okay. In paragraph 20, you state that
3 it's your understanding that February 26th of 2010
4 is the priority date for the '680 patent.

5 Do you see that?

6 **A Yes, I do.**

7 Q Is that understanding based on your
8 own personal analysis, or is that something that
9 counsel told you to assume?

10 **A I believe that date was what counsel**
11 **told me to assume based on what the parties had**
12 **asserted or agreed to.**

13 Q Okay. Did you do a separate analysis
14 of what the appropriate priority date for any
15 claim in the '680 patent is?

16 **A I did a large body of analysis for the**
17 **two IPRs. I would have to go back and check**
18 **whether I did any independent or separate**
19 **validation of the priority date of February 26,**
20 **2010.**

21 Q If you did any separate analysis of
22 the priority date, would that be found in your
23 declaration somewhere?

24 **A I would have to read through the rest**
25 **of my declaration to be sure, but I don't believe**

1 **there's any discussion of that in -- in my**
2 **declaration.**

3 Q Okay. So assuming that the priority
4 date is February 26 of 2010, would you agree that
5 Bluetooth existed before the priority date of the
6 '680 patent?

7 A That's a very general question. Is
8 that something that -- or a particular assertion
9 from Dr. Buehrer's report or Apple's petition or
10 my declaration? Does that show up somewhere that
11 you could point me to?

12 Q So I'm just asking generally based on
13 your experience in this technology area, including
14 around the priority date of the -- of the '680
15 patent, whether you would agree that Bluetooth
16 existed at that time.

17 A I would put out, there are multiple
18 versions of Bluetooth or multiple revisions. If
19 this is related to a specific version or feature
20 or functionality, I would have to go look and
21 research that.

22 I do believe that in general, Bluetooth
23 technology existed at that time.

24 Q Okay. Would you agree that around the
25 priority date of the '680 patent, using Bluetooth

1 to pair devices was something that had already
2 been done?

3 **A** There are a number of different uses
4 and what I call configuration modes for Bluetooth.
5 Some involve pairing. Some don't involve pairing.
6 The Bluetooth standard has evolved with many
7 different iterations over time. So I would have
8 to doublecheck the time sequencing in relation to
9 pairing. It may well have, but I'd want to check
10 that.

11 **Q** Okay. Do you think it would be
12 important to rendering opinions relating to what a
13 POSITA would understand the priority date of this
14 patent to know whether Bluetooth was already being
15 used to pair devices?

16 MR. LeROY: Objection to the form
17 of the question.

18 **A** You're asking a very general question
19 about pairing in relation to Bluetooth. As I've
20 said, there are many different versions of
21 standards, many evolutions related to Bluetooth
22 and other variations of Bluetooth, specifically
23 pairing functionality.

24 So if you were asking about a particular
25 version of the standard, I'd have to go look up

1 the dates of those. But certainly a POSITA would
2 understand Bluetooth's general existence and
3 pairing functionality as a whole.

4 Q Would a POSITA around the time of the
5 '680 patent also be familiar with a Bluetooth
6 pairing menu?

7 MR. LeROY: Objection to form.

8 A Pairing menu could mean different
9 things in different contexts. Is there a
10 particular implementation of that? Is there
11 something in Dr. Buehrer's report or the Apple
12 petition or my declaration that you'd like me to
13 look at in relation to that so that I could answer
14 appropriately?

15 Q (By Ms. Raw) Yeah. I'd be that happy
16 to clarify.

17 So would you agree that a POSITA around
18 the time of this '680 patent's priority date
19 would be familiar with menu items that are used
20 in a Bluetooth pairing process?

21 MR. LeROY: Same objection.

22 A I repeat what I said before. There
23 are many different ways or types and menus of
24 doing pairing. A POSITA would also certainly be
25 aware of menus for different options and in

1 **general pairing.**

2 **But if there's a specific implementation**
3 **of menu that you want to point me to, I'd be glad**
4 **to take a look at that.**

5 Q (By Ms. Raw) Would you agree that
6 around the priority date of the '680 patent,
7 mobile devices with touchscreens for user input
8 were common?

9 MR. LeROY: Object to the form of
10 the question.

11 A Your question uses the word "common,"
12 which is very subjective. I believe that a POSITA
13 would understand that touchscreens existed and
14 might use the word "in use."

15 Common, you know, if you want to give me
16 some definition of that, is that a percentage of
17 some market, of the cellular market, that kind of
18 thing, I could give a more informed answer about
19 whether they were commonly in use.

20 Q (By Ms. Raw) But you would at least
21 agree that by the priority date of the '680
22 patent, mobile devices with touchscreens already
23 existed?

24 MR. LeROY: Same objection.

25 A I would agree that devices existed.

1 **Mobile devices is a very sort of broad, imprecise**
2 **term, if that means wireless cellular handsets, if**
3 **it means other kinds of devices that may not apply**
4 **to all categories of devices.**

5 Q **(By Ms. Raw) Have you ever heard of**
6 **the term "soft button"?**

7 A **Yes, I've heard of the term "soft**
8 **button."**

9 Q **What's your understanding of what a**
10 **soft button is?**

11 A **The meaning would be informed by, in**
12 **some cases depend on, the context of what type of**
13 **devices are being discussed. But in general, sort**
14 **of what I've described as the plain and ordinary**
15 **meaning of the word, a button would obviously be**
16 **something that a user would typically depress in**
17 **some way.**

18 And soft would imply, you know, software,
19 you know, interactive with software, perhaps
20 software-generated button that a user might
21 interact with through depressing like a software
22 like image of a button, software-generated image.

23 Q **Have you ever heard the word "soft**
24 **button" used to refer to part of a touchscreen**
25 **that a user can interact with?**

1 MR. LeROY: Objection, form.

2 A As I said, there are many different
3 contexts in understanding what's meant by soft
4 button. In general, that could apply to
5 touchscreens.

6 Q (By Ms. Raw) Is there a different
7 term that you would more commonly use to refer to
8 a part of a touchscreen that a user can interact
9 with?

10 A There are a number of different ways
11 for users to interact with touchscreens. You
12 know, there might be various whatever, icons,
13 toolbars, you know, menus, things like that.

14 So your question was more of a general
15 interaction, but those might include buttons or
16 depictions of buttons.

17 Q So I guess I'm just -- I'm just asking
18 if there's a term that you've most often seen in
19 the industry to refer to a menu item or kind of a
20 button on a touchscreen that a user depresses to
21 indicate that they're selecting that button or
22 menu item.

23 A So your question sort of mixes buttons
24 and menu items. So it is a little bit confusing
25 to me, because, you know, for menus there might be

1 pull-downs, you know. There might be, you know,
2 icons for selection. There might be drag.

3 You know, there's many different ways that
4 in software you might present things in relation
5 to a menu. Not all of those would be soft
6 buttons.

7 Q So if a user wants to pick a menu item
8 on a touchscreen, would that menu item to a POSITA
9 commonly be referred to as a soft button?

10 MR. LeROY: Objection, out of
11 scope.

12 A In some context potentially it could
13 be, but there are many different ways that menus
14 can be rendered. Some of those might not involve
15 buttons or soft buttons.

16 Q (By Ms. Raw) All right. Turning back
17 to your declaration, so it looks to me -- and
18 you're welcome to check this, of course. It
19 looks to me that the only paragraphs of
20 Dr. Buehrer's declaration that you specifically
21 cite are paragraphs 22 and 168.

22 A In the interest of time, I did a quick
23 check of my declaration, not an exhaustive one,
24 but that may be correct, that it's just paragraphs
25 22 and 168, although there is many parts of my

1 discussion that apply to other broader context of
2 Dr. Buehrer's report.

3 And so I would not say that my analysis
4 presented in the declaration in any way just
5 addresses those two paragraphs.

6 Q Okay. So I'm looking at paragraph 54
7 of your declaration, which cites paragraph 168 of
8 Dr. Buehrer's declaration. And let me know when
9 you're there.

10 A Okay, I'm at paragraph 54 of my
11 declaration.

12 Q Was it you who chose to focus on
13 paragraph 168 or THL's counsel?

14 A In my analysis of Dr. Buehrer's report
15 and associated material, like Apple's petition, I
16 chose to excerpt that paragraph for various
17 reasons, but an important one that I describe in
18 my declaration is that I disagreed with
19 Dr. Buehrer's statements and interpretation in
20 relation to Vauclair, particularly his statement
21 that the pairing was generated by the graphical
22 user interface, and then the analysis which he
23 presents that I state in my declaration that I
24 disagree with. I think he's misinterpreted
25 Vauclair.

1 Q So then likewise you made this
2 decision to not specifically cite any other
3 paragraphs of Dr. Buehrer's declaration other than
4 paragraph 22?

5 MR. LeROY: Objection to form.

6 A There are, you know, many other
7 paragraphs or pieces of Dr. Buehrer's declaration
8 that relate to this and other aspects. I chose to
9 excerpt this particular paragraph because it
10 highlighted what I believe is a misinterpretation,
11 and I'd probably characterize it as a fundamental
12 misinterpretation, of Dr. Buehrer when he was
13 analyzing Vauclair.

14 And that misinterpretation, I think,
15 informs Dr. Buehrer's opinions on other aspects
16 that he states in his declaration that I also
17 disagree with.

18 Q (By Ms. Raw) So you're again welcome
19 to check me. I did a search of your declaration,
20 and I didn't see any citation to paragraph 174 of
21 Dr. Buehrer's declaration.

22 A Let me pull up that paragraph. Okay,
23 so I'm at paragraph 174 of Dr. Buehrer's report.
24 If you could repeat the question.

25 Q Yeah. So I noticed that your

1 declaration did not cite paragraph 174 of
2 Dr. Buehrer's declaration.

3 Do you agree with that?

4 **A I agree that my declaration doesn't**
5 **directly cite paragraph 174 of Dr. Buehrer's**
6 **declaration, but I also note that Dr. Buehrer**
7 **talks about Vauclair. And I in my declaration**
8 **critique as part of his analysis of Vauclair,**
9 **which applies to paragraph 174 and some of the**
10 **other paragraphs in relation to Vauclair in**
11 **Dr. Buehrer's declaration.**

12 Q And do you see that the first sentence
13 of paragraph 174 of Dr. Buehrer's declaration
14 says, Generating processor signals in response to
15 receiving user input via the device's user
16 interface, e.g. the graphical user interface, was
17 a fundamental concept well before the '680 patent?

18 Do you see that sentence?

19 **A Yes, I do.**

20 Q And you don't specifically rebut that
21 statement in your declaration. Correct?

22 **A I don't directly comment on or rebut**
23 **Dr. Buehrer's statement as the first sentence of**
24 **his paragraph 174. But I noted in my declaration**
25 **I have disagreements with Dr. Buehrer about**

1 various aspects, for example, with the Vauclair
2 and his interpretation of where processor signals
3 are generated, user -- graphical user interfaces.

4 And certainly reading this sentence, I
5 would want to analyze -- you know, he makes a
6 statement about fundamental concept, which
7 obviously is subjective.

8 So I wouldn't sitting here today say that
9 I agree with his statement. And my declaration
10 certainly highlights some of the types of
11 differences of opinion that I had with
12 Dr. Buehrer about graphical user interfaces,
13 processor signals, related -- items related to
14 that sentence in this paragraph as a whole.

15 Q Does your declaration provide any
16 specific analysis of the state of the art at the
17 time of the '680 priority date?

18 MR. LeROY: Object to the form of
19 the question.

20 A My declaration doesn't provide an
21 explicit analysis of the state of the art at the
22 time of the priority date of the invention. But I
23 do describe the experience of a POSITA at the time
24 of the invention, and my opinions in the report
25 are certainly informed by the state of the art and

1 the prior art at the time of the invention.

2 Q Do you see that in Dr. Buehrer's
3 report starting at paragraph 51, there's a section
4 titled Overview of the Technology?

5 A Yes. I see his section, Roman numeral
6 VII, starting at paragraph 51 as overview of the
7 technology.

8 Q And would you agree that your
9 declaration doesn't specifically disagree with any
10 part of this overview of the technology summary in
11 Dr. Buehrer's declaration?

12 A Would you mind repeating the question?

13 Q Sure. Would you agree that your
14 declaration does not specifically disagree with
15 anything in this overview of the technology
16 section of Dr. Buehrer's declaration?

17 A I wouldn't agree with that wording.
18 My declaration doesn't specifically state
19 disagreements with Dr. Buehrer about this specific
20 section, background section of his report. But
21 there are a number of items in that section that I
22 have disagreements with Dr. Buehrer on that I
23 didn't specifically point out in my declaration,
24 partly in the interest of brevity.

25 Q Can you please turn to paragraph 171

1 of Dr. Buehrer's declaration.

2 A (Witness complies.) Okay, I'm at
3 paragraph 171, I guess section C, motivation to
4 combine.

5 Q Do you see that paragraph 171 through
6 176 Dr. Buehrer provides motivation to combine
7 aspects of Kalliola with aspects of Vauclair?

8 A Yes, I see that.

9 Q And your declaration does not cite
10 paragraphs 171 through 176 of Dr. Buehrer's
11 declaration. Correct?

12 MR. LeROY: Objection to form.

13 A My declaration doesn't specifically
14 cite those particular paragraphs of Dr. Buehrer's
15 report, but my declaration addresses the general
16 issues that Dr. Buehrer raises here.

17 And specifically, you know, I've talked
18 about my disagreements with Dr. Buehrer, for
19 example about his interpretations of Vauclair in
20 relation to these particular paragraphs on
21 motivation to combine.

22 Vauclair and Kalliola both are in unison
23 about having separate disparate input and output
24 devices or components. And, you know, Kalliola,
25 for example, lists in one instance in

1 specification a touchscreen, but it never
2 describes that use of that touchscreen in a way
3 that meets the claim limitations at issue of
4 '680.

5 When Dr. Buehrer in these example
6 paragraphs and I believe in other places in the
7 declaration talks about combining or augmenting
8 Vauclair, Dr. Buehrer never provides an analysis,
9 a rationale of how to do that or why to do that.

10 And, you know, consistent with my
11 declaration, a POSITA at the time of the
12 invention, if they were amending or augmenting
13 Kalliola's WCD, would do it in the way that
14 Vauclair describes. So Vauclair has that
15 specific description about keypad and generating
16 processor signals.

17 So it's my opinion that a augmenting or
18 combination of Kalliola with Vauclair would use
19 Vauclair's approach for that pairing signal and
20 the keypad, for example.

21 Q (By Ms. Raw) Where in your
22 declaration do you talk about combining Vauclair
23 and Kalliola?

24 A In my -- looking at page 26, my
25 section Roman numeral VIII, analysis of asserted

1 grounds, I talk about, for example, ground A is
2 ground one. Proposed combination fails to teach
3 limitation 1D Roman numeral V.

4 Then I talk about in ground one, the
5 petition asserts that claims one, four, seven and
6 eight are obvious over the combination of
7 Kalliola and Vauclair. And then I go through an
8 analysis, including the disagreements that I have
9 with Dr. Buehrer's interpretation of Vauclair.

10 And so that's one section where I discuss
11 that.

12 Q Is there -- are there any paragraphs
13 in your report where you discuss whether a POSITA
14 would have been motivated to combine Vauclair and
15 Kalliola?

16 A My declaration doesn't specifically
17 talk about motivation to combine, but I address
18 the issues with the combination -- and again, my
19 disagreements with Dr. Buehrer about his
20 interpretation particularly of Vauclair.

21 Q Can you please turn to the petition,
22 paper one, at page 20.

23 MR. LeROY: I'm sorry, what page?

24 MS. RAW: Page 20.

25 A Okay, I am at Apple's petition for

1 **'680 on page 20.**

2 Q (By Ms. Raw) Okay. Do you see at the
3 number four in the middle of the screen it lists
4 limitation 1C, a touchscreen?

5 A **Yes, I see that section.**

6 Q Okay. And do you see that in the
7 section of the petition maps limitation 1C to
8 Kalliola's WCD?

9 A **Yes. I see that this paragraph under**
10 **section 4 generally maps Kalliola's WCD to claimed**
11 **touchscreen.**

12 Q In your declaration, you do not
13 dispute that Kalliola discloses that its WCD has a
14 touchscreen. Correct?

15 A **In my declaration, I don't**
16 **specifically comment on the touchscreen for**
17 **Kalliola, but I note in my review of Kalliola,**
18 **it's paragraph 51. This is out of Kalliola**
19 **Exhibit 1004.**

20 Q Fifty-one of Kalliola?

21 A **Paragraph 51 of Kalliola's patent**
22 **specification. In that paragraph, Kalliola**
23 **describes a number of things, if you will, in**
24 **relation to his figure 3 for input and output.**
25 **And he says, Examples of such components include**

1 **keypads, touchscreens and microphones.**

2 **Then it goes on to talk about output**
3 **devices, light emitting diodes, tactile emitters,**
4 **audio speakers, that kind of thing.**

5 **So in the list of things, he does have**
6 **touchscreens. In my review, that's the only time**
7 **that he uses touchscreens that he doesn't explain**
8 **anything about the use of those, particularly in**
9 **relation to the '680 patent claims.**

10 **Q In your declaration, the word**
11 **"touchscreen" only appears in paragraph 35 when**
12 **you're quoting the '680 patent.**

13 **Can you confirm you agree with that?**

14 **A Yes. I find the word combination**
15 **"touchscreen" twice in my report, both in that --**
16 **both in an excerpt from the '680 patent.**

17 **Q The word "touchscreen" does not appear**
18 **in any of your analysis in your declaration. Is**
19 **that correct?**

20 **A That's correct. The word**
21 **"touchscreen" does not appear elsewhere in my**
22 **declaration, but I know from Dr. Buehrer's**
23 **declaration, I certainly have disagreements with**
24 **him about, for example, graphical user interface.**

25 **He kind of at least discusses graphical**

1 user interfaces in relation to touchscreen, and
2 my report, my declaration, describes my -- some
3 of my differences and disagreements with
4 Dr. Buehrer about graphical user interface,
5 processor signals, particularly how he interprets
6 interpreting Vauclair.

7 Q Is it relevant to the opinion that you
8 present in your declaration that Kalliola's WCD
9 can use a touchscreen for input?

10 A Yes. I would say that it's relevant
11 in the sense that Kalliola, for example, in his
12 figure 3, so that's figure 3 out of Kalliola
13 specification, has a user interface 350 that
14 consists of two distinct separate components or
15 elements, user input 360 and a user output 370.
16 And that separation of the input and output
17 elements is consistent with Vauclair as well.

18 And again, it's my disagreements with
19 Dr. Buehrer about interpreting Vauclair I think
20 apply, you know, in general to Kalliola in the
21 fact that they have that separation of user
22 input, of input/output.

23 And any combination of Kalliola's WCD with
24 Vauclair would use, as I said before, would use
25 Vauclair's implementation of the pairing.

1 Q Where in your declaration do you
2 discuss Kalliola's user input 360 and user output
3 370?

4 A Starting at page 26 of my declaration
5 in Roman numeral VIII, analysis of asserted
6 grounds, I start with ground one, proposed
7 accommodation fails to teach limitation. And I
8 describe, for example, page 27, figure 1 from
9 Vauclair, which has a separate display and a
10 separate user input.

11 So I describe my interpretations, my
12 disagreements with Dr. Buehrer about his
13 interpretations of those. And that applies to
14 Kalliola as well, who has a distinct separate
15 input and output essentially analogous in that
16 respect to figure 1 of Vauclair that I described.

17 Q You would agree that your declaration
18 doesn't actually say that Vauclair's input and
19 output are the same or related to Kalliola's input
20 and output. Right?

21 MR. LeROY: Objection, form of the
22 question.

23 A Could you repeat the question?

24 Q (By Ms. Raw) Sure. Let me rephrase.
25 You would agree that your declaration

1 doesn't actually talk about Vauclair's
2 input/output relative to Kalliola's input and
3 output?

4 MR. LeROY: Objection to the form
5 of the question.

6 A I don't agree that my declaration
7 doesn't address that. I talk about Vauclair, but
8 in the context of this combination of Kalliola and
9 Vauclair, as I described, that comes from the
10 petition and Dr. Buehrer's report as well.

11 Q (By Ms. Raw) Would you agree that you
12 don't cite to figure 3 of Kalliola specifically
13 in your report?

14 A I agree that I do not in my
15 declaration directly cite figure 3 of Kalliola's
16 specification, but I discuss Vauclair's separation
17 of the input and output, which is analogous to
18 Kalliola's separation in figure 3 and other places
19 in his -- in that specification.

20 Q Would you agree that your declaration
21 also doesn't specifically reference user input 360
22 or user output 370 of Kalliola?

23 A I agree that my declaration doesn't
24 specifically describe or cite user input 360, user
25 output 370, from Kalliola, but I do have analysis

1 and discussion of Vauclair's display 26 and user
2 input 28, which are certainly analogous components
3 or elements in Vauclair.

4 MS. RAW: We have been going about
5 an hour, so let's take a quick break.

6 (Recess.)

7 Q (By Ms. Raw) Will you please turn to
8 page 22 of the petition.

9 A (Witness complies.) Okay, I'm at page
10 22.

11 Q Do you see that beginning at page 22
12 the petition discusses limitation 1D-I, a
13 processor coupled to the memory and to the
14 touchscreen?

15 A Yes, I see that.

16 Q And do you see that the petition maps
17 limitation 1D-I to processor 300 in Kalliola's
18 WCD?

19 A Yes. I see that in general the
20 petition provides that mapping.

21 Q And in your declaration, you don't
22 specifically dispute that Kalliola discloses a
23 processor coupled to a touchscreen. Correct?

24 A That's correct. I don't directly
25 discuss that processor coupled to the memory in

1 **the touchscreen in my declaration.**

2 Q Will you please turn to page 23 of the
3 petition.

4 A **(Witness complies.) Okay, I'm at 23.**

5 Q And do you see that on page 23 at six,
6 it identifies limitation 1D-II wherein the
7 processor executes the operational instructions
8 that cause the processor to present a graphical
9 user interface via the touchscreen?

10 A **Yes, I see that.**

11 Q Do you see that the petition maps
12 limitation 1D-II to the processor 300 in
13 Kalliola's WCD executing software instructions?

14 A **Yes. I see the petition generally**
15 **makes that mapping.**

16 Q Okay. And in your declaration, do you
17 not specifically dispute that Kalliola discloses a
18 processor executing operational instructions that
19 cause the processor to send a graphical user
20 interface via the touchscreen?

21 A **Yes. In my declaration I don't**
22 **directly discuss limitation 1D Roman numeral II.**

23 Q Okay. And you would agree that you
24 had the opportunity to respond to the mapping of
25 this limitation and you chose not to?

1 **A I agree that my declaration doesn't**
2 **include a discussion of this mapping of limitation**
3 **1D Roman numeral II. I chose what to put in my**
4 **report for -- partly for the sake of brevity.**

5 Q Okay. Now, looking at page 24 of the
6 petition, do you see the large image which is
7 figure 5 of Kalliola in the middle of that page?

8 **A I'm at page 22, and I see the excerpt**
9 **from -- a figure from Kalliola.**

10 Q Would you agree that Kalliola's
11 touchscreen has a graphical user interface?

12 MR. LeROY: Objection, form.

13 **A Your question is asking about a**
14 **touchscreen, but you've referred me to this**
15 **particular figure 5 I guess excerpted from**
16 **Kalliola. Is there some context, something in the**
17 **specification, something in Dr. Buehrer's report**
18 **that identifies it as a -- as a touchscreen?**

19 I see in Kalliola that in one instance he
20 lists the possibility of a touchscreen, among
21 other things like keypads. So if there's
22 something specific in relation to this figure
23 that you would like me to address?

24 Q Sure. Let me rephrase.

25 Would you agree that the figure 5 shows a

1 device that has a screen?

2 A I would say that the figure 5, first
3 of all, is very hard -- it's a very grainy sort of
4 a crude rendering of an image that looks like
5 probably some kind of a device. I see what looked
6 like maybe it's hard to tell, buttons, keypad kind
7 of things in portions of it.

8 And again, it's kind of very hard to tell
9 what's -- what the intended rendering is here.
10 But there is potentially like the display in the
11 center of it.

12 Q Would you agree that the display shown
13 in figure 5 includes a graphical user interface?

14 MR. LeROY: Objection, form.

15 A I would say again that from this
16 excerpt from Kalliola, figure 5 is a very grainy,
17 crude image. It's hard to tell exactly what is
18 intended by some of the aspects of this -- of this
19 image.

20 What's displayed could be, you know, it's
21 a like a pdf image that's displayed on a screen.
22 In that case, it wouldn't be a graphical user
23 interface.

24 I mean, in general the graphical user
25 interface would have graphical screen elements or

1 visual indicators, like windows, icons, task
2 bars, pointers, that kind of a thing.

3 It's possible that this is a graphical
4 user interface. It's possible that it's some
5 other kind of image that's displayed.

6 Q Can you please look at paragraph 51 of
7 Kalliola for me.

8 A (Witness complies.) Okay, I'm at
9 paragraph 51 of Kalliola.

10 Q Do you see that in the third sentence
11 referring to figure 3 in this case it says, Figure
12 3 shows that user interface 350 includes a user
13 input 360?

14 A Yes. I see that sentence.

15 Q Okay. And user input 360, as we
16 looked at earlier in the very next sentence, can
17 include a touchscreen. Correct?

18 A Kalliola in the next two sentences
19 says, User input 360 may include one or more
20 components that allow a user to input information.
21 Examples of such components include keypads,
22 touchscreens and microphones. So the list
23 includes a touchscreen.

24 Q And here Kalliola is disclosing that
25 the user interface 360 includes and includes as

1 one example a touchscreen? You would agree with
2 that?

3 A Yes, as one example in addition to,
4 you know, keypads, microphones, yes.

5 Q Would you agree that the term
6 "graphical user interface" as that term is used in
7 the -- sorry, strike that.

8 Would you agree that a graphical user
9 interface as that term is used in the '680 patent
10 claims includes what a user can see on a display?
11 Strike that. I want to rephrase.

12 Would you agree that a graphical user
13 interface as that term is used in the '680 patent
14 claims includes what a user can see on a
15 touchscreen display?

16 A As a POSITA would understand at the
17 time of the invention, a graphical user interface
18 or GUI would be a way of presenting to the user
19 graphical screen elements that would be visual
20 indicators, like icons, windows, pointers, task
21 bars, things like that. That's consistent with
22 the '680 patent, which has numerous examples that
23 conform to that.

24 The graphical screen elements would be
25 displayed on a screen or display, which

1 potentially could be a touchscreen, but not
2 everything that could be displayed. There could
3 be examples that don't -- where a display or
4 screen has content that might be, for example,
5 text space, purely text space, which would not be
6 considered a graphical user interface.

7 So I think it really depends on what the
8 content of the screen or display is.

9 Q Would you agree that a graphical user
10 interface can include portions of a touchscreen
11 that a user can interact with?

12 MR. LeROY: Objection to form.

13 A A POSITA at the time of the invention
14 would understand that a graphical user interface
15 is a way of presenting to users graphical screen
16 elements that include visual indicators, like
17 windows, icons, pointers, task bars, those types
18 of things.

19 A graphical user interface could be
20 displayed on the screen or a display. So they
21 could be displayed on a touchscreen.

22 Q (By Ms. Raw) Would you agree that
23 soft buttons on a touchscreen display are part of
24 a graphical user interface?

25 MR. LeROY: Object to the form of

1 the question, scope.

2 A I don't recall anything in my
3 declaration opinions related to soft buttons. I
4 don't recall anything in Dr. Buehrer's declaration
5 or the Apple petition.

6 Is there something you'd like to point me
7 to in relation to soft buttons that could help me
8 answer the question?

9 Q (By Ms. Raw) Sure. I can rephrase
10 the question.

11 Would a POSITA at the time of the
12 invention have understood a soft button on a
13 touchscreen display to be part of the graphical
14 user interface?

15 MR. LeROY: Objection to the form
16 of the question, scope.

17 A Again, is there something that you
18 could point me to in terms of an example of a soft
19 button? You've asked a very broad, general sort
20 of hypothetical question.

21 You know, there are many different types
22 of devices with different displays. Some of them
23 are, you know, incredibly simple that
24 conceptually could have a soft button that's not
25 considered a graphical user interface, and then

1 there are other seemingly more complicated types
2 of displays that might have soft buttons that
3 might fit into the context of a graphical screen
4 element, visual indicators, like the windows,
5 pointers, icons, that kind of thing that could be
6 part of a graphical user interface.

7 Q (By Ms. Raw) Would a POSITA at the
8 time of the '680 patent have been familiar with
9 how menu items on a touchscreen work?

10 A In computing and devices in general,
11 there are many, many different ways of doing
12 menus. I would say that, you know, menus predate
13 touchscreens and graphical user interfaces. An
14 old teletype terminal or cathode-ray tube type
15 display could display menus.

16 So you've asked a very broad, general
17 question about what POSITAs would understand. So
18 if you can help me, are there specific like
19 menus, graphical menus? What's the context of
20 the question, would help me to answer that?

21 Q Would a POSITA at the time of the
22 invention have understood that when a user selects
23 the menu button on a touchscreen, a signal is
24 generated?

25 MR. LeROY: Objection to the form

1 of the question.

2 **A** Your question about a POSITA
3 understanding selections from menu buttons
4 generating a signal, there are many different
5 types of menus that might involve making
6 selections that do various things or do nothing
7 sometimes. It may or may not generate signals of
8 any type.

9 And you haven't defined, what kind of a
10 signal is this that you're describing? Is this a
11 wireless radio signal? Is it a digital line? If
12 you could, help me understand the specifics of
13 the question, because I don't recall that in my
14 declaration or in Dr. Buehrer's report.

15 **Q** (By Ms. Raw) Let's look at page 25 of
16 the petition.

17 **A** (Witness complies.) Okay, I'm at page
18 25.

19 **Q** Do you see that on page 25 at seven is
20 the claim limitation 1D-III wherein the processor
21 operates in association with the graphical user
22 interface to?

23 Do you see that?

24 **A** Yes, I do.

25 **Q** Okay. And would you agree that the

1 graphical user interface that we're talking about
2 here in 1D-III is the same graphical user
3 interface presented via the touchscreen per
4 limitation 1D-I?

5 **A Give me a second. I'm just trying to**
6 **pull up the whole claim together so I see all**
7 **the --**

8 Q Not an issue.

9 **A Actually if you know what page that's**
10 **on in the petition.**

11 Q Oh, in your declaration, it might be
12 helpful to refer to --

13 **A I found it in my declaration on page**
14 **24.**

15 Q All right, yeah.

16 **A Could you repeat the question?**

17 Q Would you agree that the graphical
18 user interface we're talking about here in 1D-III
19 is the same graphical user interface presented via
20 the touchscreen per limitation 1D-I? Sorry, let
21 me restate the question. I had an error.

22 Would you agree that the graphical user
23 interface we're talking about here in 1D-III is
24 the same graphical user interface presented via
25 the touchscreen in claim limitation 1D-II?

1 **A Okay, could you repeat the question**
2 **just to be sure that I follow the --**

3 Q Would you agree that the graphical
4 user interface that we're talking about in 1D-III
5 is the same graphical user interface presented via
6 the touchscreen per claim limitation 1D-II?

7 **A I agree that the 1D-II, a graphical**
8 **user interface, is the claim 1D-III, the graphical**
9 **user interface.**

10 Q So you agree that it's the same
11 graphical user interface in both of those
12 limitations?

13 **A Yes, in general I would agree that's**
14 **the same graphical user interface.**

15 Q And in the petition at page 25 -- let
16 me know when you're there.

17 **A Okay, I'm at page 25.**

18 Q So on the second sentence under the
19 heading for 1D-III it says, A POSITA would have
20 understood or found obvious that for each claimed
21 step, Kalliola's processor alone or Kalliola's
22 processor as modified, whichever may be the case
23 for the claim step, operates in association with
24 the graphical user interface to perform the
25 claimed step.

1 Do you see that?

2 **A I see that.**

3 Q Okay. In other words, for no claim
4 step is the petition relying on Vauclair alone.

5 Do you understand that?

6 **A Could you say that again or ask that**
7 **again?**

8 Q So for no claim step or claim
9 limitation is the petition relying on Vauclair
10 alone.

11 Do you understand that?

12 **A You have directed me to one page, one**
13 **claim limitation. And now you're asking about any**
14 **claim limitation. So all of them? Is that the**
15 **question?**

16 Q Let me clarify. That's fair.

17 Do you understand that claim limitation
18 1D-III requires the processor to operate in
19 association with the graphical user interface to
20 perform a series of claim steps that follow in
21 the claim?

22 MR. LeROY: Objection to the form
23 of the question.

24 **A I understand limitation Claim 1D-III**
25 **says, Wherein the processor operates in**

1 association with the graphical user interface to,
2 colon, and then there are a number of other
3 limitations after that, including 1D-IV, generate
4 a pairing signal. And then there are other, you
5 know, wherein and then generate, wherein present.

6 So there are -- I agree that it leads into
7 other limitations of the claim.

8 Q Would you agree that according to
9 Claim 1, the processor had to operate in
10 association with the graphical user interface to
11 complete steps 1D-IV through the end of the claim?

12 A I don't believe that's something that
13 I gave an opinion on in my declaration or
14 something specific in -- that I recall from
15 Dr. Buehrer's declaration or Apple's petition.

16 Is there something you could point me to
17 in relation to the question?

18 Q Yes. So do you think it would be
19 important for a POSITA, understanding the
20 limitations of Claim 1, to have an understanding
21 of whether -- the per 1D-III the processor must
22 operate in association with the graphical user
23 interface to perform steps 1D-IV through the end
24 of the claim?

25 MR. LeROY: Object to the form of

1 the question.

2 **A Could you repeat the question?**

3 **Q (By Ms. Raw)** Do you think it would be
4 important for a POSITA to understand whether in
5 Claim 1, per 1D-III, the processor must operate
6 in association with the graphical user interface
7 to perform the claim steps that follow?

8 **MR. LeROY:** Objection to the form
9 of the question.

10 **A I see in some of the claim steps that**
11 **follow, for example 1D-V, there are wireless**
12 **transceivers that are doing various things, and**
13 **claim step 1D-VII, plurality in wireless**
14 **transmitters transmitting RF signals, and 1D-IX,**
15 **wireless transceivers receiving signals.**

16 **So if your question is does the processor**
17 **perform all of the subsequent limitations**
18 **that's -- I'm confused. Is that the question**
19 **that you're asking?**

20 **Q So it would be whether the processor**
21 **in association with the graphical user interface**
22 **must follow the following limitations.**

23 **A So to make sure I understand, your**
24 **question is, does the processor perform wireless**
25 **transceiver functions, communicate RF signals,**

1 **transmit RF signals, receive RF signals?**

2 Q So I don't think that's the question.

3 A Okay.

4 Q So do you have the '680 patent with
5 you?

6 A I do. I don't believe it was in the
7 materials that are in the folder that I have, but
8 I do have a copy of the '680 patent.

9 Q If it's in your folder, it's probably
10 labeled as Exhibit 1001.

11 A Oh, you're right. Thank you. I'm
12 sorry, I missed it.

13 Q So let's go to the patent itself. I
14 think it'll make the question more clear because
15 of the indentation in the claim in the '680 patent
16 itself.

17 A Okay. So I have the patent open.
18 Okay, could you ask the question again?

19 Q So do you see at column 37, line 60 in
20 Claim 1 where it says, Wherein the processor
21 operates in association with the graphical user
22 interface to?

23 A Yes, I do.

24 Q Okay. So is it your understanding
25 that the processor operates in cooperation with

1 the graphical user interface to, and then at line
2 62 generate a pairing signal, and then at column
3 38, line four, generate a first location request
4 signal, and then about line ten presents a
5 display?

6 **A Okay, yes, I see those.**

7 Q Okay. So the question is whether you
8 understand that the processor must operate in
9 association with the graphical user interface to
10 perform the following steps, which include
11 generate a pairing signal, generate a first
12 location request signal and present a display?

13 **A Yes. In general I agree the graphical**
14 **user interface the processor operates in**
15 **association with the graphical user interface to**
16 **accomplish those.**

17 Q Looking back at page 25 of the
18 petition.

19 **A Okay, I'm at page 25.**

20 Q Okay. We read the second sentence
21 under heading seven a little bit ago.

22 Do you recall that?

23 **A Yes.**

24 Q So you understand that for no -- none
25 of the following claim steps in the '680 patent,

1 including as we just discussed generate a pairing
2 signal, generate a first location, request signal,
3 present a display, is the Petitioner relying on
4 Vauclair alone.

5 Do you understand that?

6 **A I understand the question. Let me**
7 **check.**

8 **From the petition, Apple's petition, I**
9 **find that for what's labeled as limitation 1D-V,**
10 **wherein at least one of the plurality wireless**
11 **transceivers, dot, dot, dot, for that limitation,**
12 **the reliance is on Vauclair alone.**

13 Q Okay. So you read 1D-V of the
14 petition to allow Vauclair and not Vauclair in
15 combination with Kalliola?

16 **A The petition under what's labeled as**
17 **section nine on page 37, covering 1D-V, only lists**
18 **Vauclair.**

19 Q Okay. So you read 1D-V of the
20 petition as maps to Vauclair alone and not
21 Vauclair in combination with Kalliola. Is that
22 right?

23 MR. LeROY: Objection, form of the
24 question.

25 **A My opinion supports either**

1 interpretation. If Apple's petition listing
2 Vauclair alone under 1D-V is the interpretation
3 that Apple intended, my declaration response about
4 signal generated by that user interface and
5 discussions in my declaration are valid.

6 If this limitation is instead intended to
7 be a combination of Kalliola and Vauclair, then
8 my interpretations are the same.

9 Q (By Ms. Raw) Okay. So you're saying
10 your opinions would not change regardless of
11 whether the petition relies on Vauclair alone for
12 1D-V or it relies on Vauclair in combination with
13 Kalliola.

14 Is that what you're saying?

15 A Yes, that's correct. As my
16 declaration is clear, I talk about Vauclair in
17 relation to pairing signal generated by the
18 graphical user interface.

19 And as I mentioned earlier in this
20 deposition, Vauclair and Kalliola both are in
21 unison about input and output devices or
22 components being separate. So, and when Kalliola
23 talks about, for example, the touchscreen,
24 Kalliola never explains, states how that could be
25 implemented in a way that meets the claim

1 limitations, the claim functions.

2 Dr. Buehrer never presents any kind of
3 analysis, a rationale for how and why to combine
4 those for this and other limitations.

5 And a POSITA at the time of the invention,
6 if there were to be a combination of Vauclair's
7 pairing in relation to Kalliola's WCD, a POSITA
8 would understand and perform that based on
9 Vauclair's teachings in relation to pairing using
10 the keypad.

11 So therefore my interpretation would be
12 the same.

13 Q Can you go to page 29 of the petition,
14 please.

15 A Okay, I'm at page 29.

16 Q Do you see at eight there is the
17 heading 1D-IV, Generate a pairing signal in
18 response to a first indication from a user to pair
19 the mobile communication device to at least one
20 remote device?

21 Do you see that?

22 A Yes.

23 Q And so according to Claim 1, what must
24 generate the pairing signal?

25 MR. LeROY: Objection to the form

1 of the question.

2 A According to the structure of Claim 1
3 of '680, a processor coupled to memory and to the
4 touchscreen wherein the processor executes the
5 operational instructions that cause the processor
6 to present a graphical user interface via the
7 touchscreen, wherein the processor operates in
8 association with the graphical user interface to,
9 colon, generate a pairing signal for the
10 limitation that you asked about.

11 So the processor described in the
12 immediately prior limitation, so I believe that's
13 1D-V.

14 Q (By Ms. Raw) All right. I think you
15 said 1D-V. You mean 1D-III?

16 A I'm sorry, yes. Thank you for
17 correcting me, 1D-III.

18 Q I wanted to make sure the record was
19 clear.

20 Do you see also that limitation 1D-V
21 includes, Limitation responds to the pairing
22 signal generated by the graphical user interface?

23 A Is there a page in the petition?
24 Okay. So you're asking about 1D-V, heading nine,
25 on page 37?

1 Q You can look there. But I'm just
2 asking if you see that limitation 1D-V includes
3 the language, Responds to the pairing signal
4 generated by the graphical user interface.

5 A **I see that limitation 1D-V says,**
6 **Wherein the at least one of the plurality of**
7 **wireless transceivers responds to the pairing**
8 **signal generated by the graphical user interface**
9 **by communicating RF signals to pair the mobile**
10 **communications device to the at least one remote**
11 **device.**

12 Q Is there a difference in your mind
13 between a graphical user interface generating a
14 pairing signal and a processor operating in
15 association with a graphical user interface
16 generating a pairing signal?

17 MR. LeROY: Object to the form of
18 the question.

19 A **Yes. There could be. There are many**
20 **different ways of implementing graphical user**
21 **interfaces and processors. There are different**
22 **sort of hardware architectures. There might be**
23 **various micro-controllers. There are many systems**
24 **that might have multiple microprocessor units or**
25 **micro-controllers.**

1 **So there could be differences between**
2 **graphical user interface and processor in**
3 **association with a GUI.**

4 Q Does your answer change if we're
5 talking specifically about the context of Claim 1
6 of the '680 patent or no?

7 A **No, my answer doesn't change. The**
8 **various architectures and partitionings for**
9 **processors, graphical user interfaces and systems.**

10 Q In the petition at page 29, the first
11 sentence under heading eight, do you see that the
12 first sentence under heading eight notes, The
13 patent owner's construction of generating a
14 pairing signal, which is processor signal, to
15 initiate a wireless device pairing sequence?

16 Do you see that?

17 A **Yes, I do.**

18 Q Did you also accept that construction
19 of generating or generate a pairing signal for
20 purposes of your analysis in this petition?

21 A **At paragraph 48 of my declaration, I**
22 **say that, I understand that in the parallel**
23 **District Court litigation, the patent owner**
24 **proposed construing the term "pairing signal" as a**
25 **processor signal to initiate a wireless device**

1 pairing sequence, and the petition applied that
2 construction.

3 The board applied that construction in its
4 decision on institution, and therefore I used
5 that interpretation in my analysis below.

6 MS. RAW: We've been going about
7 an hour. Let's take another break.

8 (Recess.)

9 Q (By Ms. Raw) Welcome back,
10 Dr. Feuerstein. Can you please pull up the '680
11 patent.

12 A (Witness complies.) Okay, I have the
13 '680 patent.

14 Q Can you go to column 15. We'll be
15 looking at line 62. Are you there?

16 A Yes. I'm at column 15, line 62.

17 Q So starting at 61, do you see that it
18 says, In pairing, one or both devices 70 and 72
19 initiate the pairing procedure. For example, a
20 user interface such as user interface 132 or 142,
21 generates a pairing signal in response to an
22 indication from a user to pair the devices.

23 Do you see that disclosure?

24 A Yes, I do.

25 Q What are some examples according to

1 the '680 patent of an indication from a user?
2 Have you identified any examples of what a POSITA
3 would understand an indication from a user to
4 refer to in the context of the '680 patent?

5 A Yes. Give me just a second as I'm
6 reading the '680 patent or part of it.

7 Okay, could you ask the question again?

8 Q Yes. What are some examples of what
9 an indication from a user refers to in the context
10 of the '680 patent?

11 A There are several relevant passages in
12 the '680 patent that shed light in indication.
13 One example is column eight at lines 27 through
14 about 30 -- through 33, where it says, User
15 interfaces 132 and 142 each can contain one or
16 more push buttons, a sound emitter, a light
17 emitter, a touchscreen or other display screen, a
18 thumbwheel, trackball, and/or other user interface
19 devices.

20 Another example is at column 33 at line 64
21 continuing to column 34, line one, where the
22 specification says that, In step 400, data is
23 generated to present for display on a handheld
24 wireless communications device a graphical user
25 interface that receives an indication of a user

1 to locate at least one personal object and then
2 generates a location signal in response thereto.

3 Another example is further down in column
4 34 at lines 10 through 14 where it says, The
5 graphical user interface can include a menu that
6 indicates the plurality of personal objects. The
7 indication of the user to locate the at least one
8 personal object can include a selected one of the
9 plurality of personal objects.

10 Another example of user indications in
11 general would be column 23 at lines 33 to 37
12 where it says in particular that, 911 signal can
13 be generated in response to a user interaction
14 with a user interface 142 of the adjunct device
15 100, such as by the user pressing an emergency
16 call button on the adjunct device.

17 So those are some examples that would shed
18 light on user indication in general and pairing
19 in particular.

20 Q Would you agree that a POSITA reading
21 the '680 patent would understand that pushing a
22 button on a device could be an indication from a
23 user?

24 A Yes. I think a POSITA would
25 understand, for example, as I quoted from column

1 8, at line 27 to 33, the spec says, User
2 interfaces 142, 132, each can contain one or more
3 push buttons. So that would be one possible
4 mechanism.

5 Q Would a POSITA understand that another
6 possible indication from a user could be a user
7 pushing on a portion of a touchscreen?

8 A Yes. A POSITA would understand that
9 the specification lists a touchscreen as an option
10 among push buttons, thumbwheels, trackballs or
11 other interface devices.

12 Q I'm looking at the disclosure in
13 column 8 that you referred to at lines about 28 to
14 32. And there it says that, User interfaces 132
15 and 142 each can contain, and then it as one
16 example lists a touchscreen. Right?

17 A Yes. It lists touchscreen, along with
18 push buttons and trackballs, thumbwheels, other
19 devices, yes.

20 Q So if we go back to column 15.

21 A Okay.

22 Q So at line 62 where it refers to a
23 user interface such as user interface 132 or 142,
24 that could be a user interface such as a
25 touchscreen. Right?

1 **A Yes. That would be one of the example**
2 **embodiments listed in the specification for '680.**

3 Q So then is it consistent with the '680
4 patent for a user interface, such as a
5 touchscreen, to generate a pairing signal in
6 response to a user pressing part of the
7 touchscreen to pair the devices?

8 MR. LeROY: Object to the form of
9 the question.

10 **A Would you ask the question again?**

11 Q (By Ms. Raw) Sure. Would it be
12 consistent with the disclosures of the '680
13 patent for a user interface, such as a
14 touchscreen, to generate a pairing signal in
15 response to an indication from a user, such as
16 the user touching a portion of the touchscreen to
17 pair the devices?

18 A It would be consistent with the '680
19 patent, for example, for a processor coupled to
20 the touchscreen where a processor presents a
21 graphical user interface via the touchscreen and
22 processor operates in association with the
23 graphical user interface and the touchscreen to
24 generate a pairing signal.

25 Q Still looking at this disclosure in

1 column 15 starting at line 62, this is -- you
2 would agree that this is disclosing that a user
3 interface such as a touchscreen generates a
4 pairing signal. Right?

5 A From that passage in context of the
6 specification as a whole and the figures opposing
7 to what at the time of the invention would
8 understand that user interface 132 or 142 operate
9 in systems that have, for example, processors or
10 processing modules.

11 And the specification makes clear that
12 there are multiple possibilities for the user
13 interface, for example buttons. Touchscreen is
14 one option.

15 And for example, it wouldn't make sense to
16 a POSITA that a button alone would generate
17 something; that that would be in association with
18 or cooperation with, for example, a processing
19 module, a processor.

20 Q Can you explain -- I didn't follow
21 your explanation for what wouldn't make sense to
22 the POSITA, something about a button alone
23 generating something.

24 Can you clarify that portion of your
25 answer?

1 A Well, that the -- let me pull up the
2 right part of this specification here. Referring
3 to column eight at lines 30 -- or excuse me, 28
4 through 33, the specification makes clear that
5 these user interfaces 132 and 142 could contain
6 things like push buttons, a touchscreen, other
7 display screen, other inputs, like thumbwheel,
8 trackball.

9 And my point was that a POSITA would
10 understand that these user interfaces, for
11 example a very simple one like a button, is just
12 an electrical contact; that that would operate in
13 conjunction with other parts of the system, like
14 processing modules, processor, to generate a
15 signal.

16 Q Okay. Can you go to column 17 of the
17 '680 patent, line 59.

18 A Okay, I'm at that position.

19 Q Do you see that this paragraph is
20 discussing figure 18?

21 A I do.

22 MR. LeROY: Can you tell me what
23 that citation was, please?

24 MS. RAW: Column 17, starting at
25 line 59, and it's discussing figure 18.

1 Q (By Ms. Raw) All right. Do you see
2 that the second sentence in that paragraph
3 explains, In particular, a screen display 170 is
4 shown for display via a graphical user interface
5 generated by a location application of handheld
6 wireless communication device 110, and continues.

7 As shown, the graphical user interface
8 includes a menu that indicates the plurality of
9 personal objects that each correspond to one of a
10 plurality of remote devices, such as devices 70
11 or 72 or devices 80 through 85.

12 Do you see that disclosure?

13 A I do.

14 Q And do you understand that here the
15 '680 patent says that the graphical user interface
16 includes the menu?

17 A Yes. I see that the spec says
18 graphical user interface that includes a menu.

19 Q Can you go to figure 18, please.

20 A (Witness complies.) Okay, I'm at
21 figure 18.

22 Q Do you see that figure 18 shows a hand
23 selecting an option on a menu?

24 A Yes, I see that.

25 Q So per the disclosures of the '680

1 patent, the hand is selecting a menu option that
2 is part of the graphical user interface.

3 Would you agree with that?

4 **A That's consistent with the**
5 **specification and what's shown in figure 18.**

6 Q Can you please pull up Vauclair.

7 **A Okay, I have Vauclair.**

8 Q And for the record, Vauclair is
9 Exhibit 1005 in the IPR. Can you go to paragraph
10 36 of Vauclair.

11 **A (Witness complies.) Okay, I'm at**
12 **paragraph 36.**

13 Q I'm looking at the last sentence of
14 paragraph 36, which says, For example, to initiate
15 the process, the user may select a pairing option
16 from a menu using the user input 28.

17 Do you see that?

18 **A Yes, I do.**

19 Q Do you agree that Vauclair discloses
20 presenting a user with pairing options on a menu?

21 **A I agree that Vauclair specification**
22 **describes user selecting pairing options that are**
23 **presented from a menu. Vauclair is silent about**
24 **whether that's a graphical user interface or not.**

25 Q What would be an example of a pairing

1 option on a menu that's not part of the graphical
2 user interface?

3 **A** **As I said in response to earlier**
4 **questions, a POSITA at the time of the invention**
5 **would understand that a graphical user interface**
6 **presents the graphical screen elements, which**
7 **would be visual indicators, like windows, icons,**
8 **pointers, task bars, things like that.**

9 **It's certainly possible to have displays**
10 **that do not present those graphical screen**
11 **elements, visual indicators. For example, a pure**
12 **text space display might not be considered a**
13 **graphical user interface.**

14 **Q** **When you say a pure text space**
15 **display, are you just meaning a display that has**
16 **only text and no pictures, or are you referring to**
17 **something else?**

18 **A** **No. In general, you know, a text**
19 **space display having just characters, and as I**
20 **mentioned not having a graphical screen element,**
21 **visual indicators that would delineate a graphical**
22 **user interface.**

23 **Q** **Right. Can we go back to figure 18 of**
24 **the '680 patent.**

25 **A** **Okay. Okay, I'm at figure 18 of '680.**

1 Q Okay. And that's the figure we were
2 just looking at that has a finger selecting
3 something on a menu. Right?

4 A Yes.

5 Q Okay. Would you consider this a text
6 space display or a graphical user interface?

7 A In this example, from figure 18, I
8 would say that there's more than text being
9 displayed. There's like a box showing around the
10 menu item number six, Bob's phone.

11 So this would have in general more than
12 just text involved in the user interaction.

13 Q So what's -- are there any disclosures
14 in the '680 patent that distinguish between --
15 strike that. All right.

16 Let's go back to Vauclair.

17 A Okay.

18 Q It's paragraph 30.

19 A Okay, I'm at paragraph 30.

20 Q Can you see that in paragraph 30,
21 Vauclair discloses that user input 28 may be a
22 keypad and one or more scroll buttons?

23 A Yes, I see that.

24 Q So Vauclair's user input 28 is
25 referring to hardware. Right?

1 **A Yes. In general, a keypad or scroll**
2 **buttons in this context would be -- would be**
3 **hardware elements, include hardware elements.**

4 Q And in the context of Vauclair, user
5 input 28 is not a verb referring to actions of a
6 user. Right?

7 **A In the context of Vauclair, both in**
8 **the spec and in figure 1, user input 28 is a**
9 **component or element in what figure 1 describes as**
10 **a host.**

11 Q So 28 is not a verb referring to the
12 actions of a user, right, in the context of
13 Vauclair?

14 **A Yes. In Vauclair, when user input 28**
15 **is referenced, that's indication of that element**
16 **or component.**

17 Q Is it your opinion in your declaration
18 that Vauclair user input 28 is what generates the
19 pairing signal?

20 MR. LeROY: Could you please read
21 that question back?

22 Q (By Ms. Raw) Is it your opinion in
23 your declaration that Vauclair's user input 28 is
24 what generates the pairing signal?

25 MR. LeROY: Objection to the form

1 of the question.

2 Q (By Ms. Raw) I'm looking at paragraph
3 52 of your declaration, if that helps.

4 A Yes. My opinion, as stated in my
5 declaration, it's Vauclair's user input 28 that
6 generates the pairing signal in response to user
7 input. It communicates that signal to the control
8 circuitry.

9 Q Would you agree that Vauclair's user
10 input 28 converts data from the form in which it's
11 been received into electronic signals that can be
12 interpreted by the computer?

13 MR. LeROY: Objection to the form
14 of the question.

15 A Would you repeat the question?

16 Q (By Ms. Raw) Would you agree that
17 Vauclair's user input 28 converts data from the
18 form in which it's been received into electronic
19 signals that can be interpreted by the computer?

20 A You've asked a very general question.
21 I don't recall opining on that in my declaration
22 or anything in Dr. Buehrer's declaration or the
23 Apple petition in relation to that.

24 Is there something you can point me to
25 since data in the form that it received

1 **electronic signals?**

2 Q Do you have Exhibit 1037 in your
3 folder? It should be a dictionary entry called
4 GRAF, G-R-A-F.

5 A **Okay. I have the dictionary open.**
6 **And which definition are you pointing me to?**

7 Q It's the definition of input device.
8 It's on the right column.

9 A **Okay.**

10 MR. LeROY: I'm sorry, Lydia, what
11 exhibit?

12 MS. RAW: 1037 to the petition.

13 MR. LeROY: Can you just give me a
14 moment to get to it?

15 MS. RAW: Yes. Let us know when
16 you're there.

17 A **Okay, I have it open.**

18 Q (By Ms. Raw) So do you see that
19 there's a definition of input device on page six
20 of Exhibit 1037?

21 A **Yes.**

22 Q Okay. And this dictionary defines
23 input device as, Device or set of the device
24 through which data is brought into another device,
25 is the first definition. And I'm pointing to the

1 second definition which is, A device such as a
2 card reader or terminal keyboard that converts
3 data from the form in which it has been received
4 into electronic signals that can be interpreted by
5 the computer.

6 Do you see that definition?

7 **A Yes.**

8 Q So my question was, would you agree
9 that the Vauclair's user input 28 converts data
10 from the form in which it's been received into
11 electronic signals that can be interpreted by the
12 computer?

13 MR. LeROY: Objection to the form
14 of the question.

15 **A The definition that you pointed to in**
16 **Exhibit 1037, you pointed to the second of the**
17 **input device definitions, device that converts --**
18 **or excuse me, a device such as a card reader or**
19 **terminal, keyboard, that converts data from the**
20 **form in which it has been received into electronic**
21 **signals that can be interpreted by a computer.**

22 **I look at Vauclair. That's possible that**
23 **that definition could fit. Vauclair talks about**
24 **keypad, scroll buttons, but, you know, other**
25 **possible inputs as well.**

1 **You know, I note that the dictionary that**
2 **you've referenced has another definition, number**
3 **one, which seems like a primary definition is, A**
4 **device or set of devices through which data is**
5 **brought into another device, which is kind of a**
6 **broader and more encompassing definition of input**
7 **device.**

8 **So it's possible that Vauclair as user**
9 **input fits into that category as well.**

10 Q Earlier today in a few of your
11 responses, you referred to Vauclair having
12 disparate input and output devices or components.

13 Do you recall that?

14 **A Yes.**

15 Q What would be an example of a device
16 where the inputs and outputs are the same?

17 MR. LeROY: Objection to the form
18 of the question.

19 **A Could you repeat the question?**

20 Q (By Ms. Raw) What would be an example
21 of a device where the inputs and outputs are the
22 same?

23 **A When you prefaced the question a**
24 **minute ago, you gave some quotes or paraphrases**
25 **from me with some context about disparate or**

1 separate input and output. Those statements that
2 I made were in relation to Claim 1 of '680, which
3 requires responds to the pairing signal generated
4 by the graphical user interface. As I detail in
5 my declaration, Vauclair has explicit, separate
6 display 26 and user input 28.

7 And the question is, where does -- where
8 is the pairing signal generated? And it's clear
9 in Vauclair, as my declaration explains, that
10 it's user input 28.

11 So I have spent exhaustive time trying to
12 think about what's -- is your question indicating
13 a combined input/output? I didn't need to.

14 Q Must the input and output be the same
15 to meet Claim 1 of the '680 patent?

16 A No. The question is where does the --
17 where is the pairing signal generated? And it's
18 clear in Vauclair that it comes from a separate
19 user input 28.

20 Q Claim 1 of the '680 patent at
21 limitation 24 requires the pairing signal to be in
22 response to the first indication from a user.
23 Right?

24 A Yes. Claim 1D-IV says, Generate a
25 pairing signal in response to a first indication

1 from a user to pair the mobile communications
2 device to at least one remote device.

3 Q Okay. And we discussed earlier that
4 the indication from the user could be the user
5 pushing a button. And pushing a button or tapping
6 a touchscreen, those would be user -- a user
7 attracting the user input. Right?

8 MR. LeROY: I'm sorry, Lydia.
9 Could you please repeat that question?

10 Q (By Ms. Raw) So we discussed earlier
11 that the indication from the user could be a user
12 pushing a button. It could be a user tapping a
13 touchscreen. And those would be examples of
14 input. Right?

15 MR. LeROY: Objection, form of the
16 question.

17 A Yes. In the context of '680, '680
18 teaches at column eight, lines 28 to 33, the user
19 interface is 132, 142. Each can contain one or
20 more push buttons, sound emitter, light emitter,
21 touchscreen, or rather display screen, thumbwheel
22 trackball, or other user interface devices, some
23 of which would be -- could be user input.

24 Q (By Ms. Raw) Would a device in the
25 context of this '680 claim where the from --

1 strike that.

2 MS. RAW: We've been going about
3 an hour. Let's take a quick break.

4 (Recess.)

5 Q (By Ms. Raw) Can you please open your
6 declaration to page 26?

7 A **Did you say 26?**

8 Q Correct.

9 A **Okay, I'm at page 26.**

10 Q Okay. Do you see that the heading on
11 page 26, heading A, is ground number one. The
12 proposed combination fails to teach limitation
13 1D-V.

14 Do you see that?

15 A **Yes.**

16 Q And this is -- 1D-V is the only
17 limitation that you specifically analyze in your
18 declaration. Correct?

19 MR. LeROY: Objection to form.

20 A **In my declaration, the only limitation**
21 **I specifically describe is 1D-V. But obviously**
22 **the claim terms and limitation of 1D-V relate to,**
23 **tie into the other claim limitations of Claim 1**
24 **and fit in the framework of Claim 1 in its**
25 **entirety.**

1 Q (By Ms. Raw) You don't specifically
2 provide an opinion on whether any claim
3 limitations other than 1D-V are met or not met in
4 your declaration?

5 A I don't present any specific opinions
6 on other claim limitations, but again, claim 1D-V
7 fits in the context of the claim terms in claim
8 1D-V, interrelate to the rest of Claim 1 and the
9 other limitations.

10 Q Could you please turn to paragraph 52
11 of your declaration.

12 A (Witness complies.) Okay, I'm at that
13 paragraph.

14 Q Do you see that the second sentence of
15 that paragraph states, But the user input 28 in
16 Vauclair does not include the claimed graphical
17 component?

18 A Yes, I see that sentence.

19 Q Is that still your opinion today?

20 A Yes, it is.

21 Q And in the first sentence you state,
22 It is the user input 28, e.g., a keypad and one or
23 more scroll buttons that generates the pairing
24 signal.

25 Do you see that portion of sentence one?

1 **A Yes.**

2 Q And is that still your opinion today?

3 **A Yes, it is.**

4 Q And in the final sentence of that
5 paragraph which starts with the word "but," you
6 see it says, But it is the user input 28, not the
7 display 26 through which the user may select the
8 pairing option.

9 Do you see that?

10 **A Yes.**

11 Q Okay. And is that still your opinion
12 today?

13 **A Yes, it is.**

14 Q Can you please turn to paragraph 50 of
15 your declaration.

16 **A Okay, I'm at 50.**

17 Q And here you quote limitation 1D-V
18 which recites, Wherein the at least one of the
19 plurality of wireless transceivers responds to the
20 pairing signal generated by the graphical user
21 interface by communicating RF signals to pair the
22 mobile communication device to the at least one
23 remote device.

24 Do you see that?

25 **A Yes.**

1 Q And in your declaration, you only
2 specifically discuss the portion of this
3 limitation which is bold and italicized there,
4 which is pairing signal generated by the graphical
5 user interface. Correct?

6 A Yes, that's correct.

7 Q Okay. In your declaration, you don't
8 present an opinion one way or the other on whether
9 the remaining limitations of 1D-V, which is not in
10 bold italic, are met by the combination of
11 Kalliola and Vauclair. Correct?

12 A That's correct.

13 Q I'm going to read a statement that the
14 board made. Well, strike that.

15 So did you, in reviewing your opinions in
16 this IPR, did you consider the board's
17 institution decision for the '381 patent? That's
18 the one where the board did not institute the
19 IPR.

20 A I'd have to look through the records
21 that I reviewed, but I almost recall a detailed
22 reviewing of the IPR PTAB decisions for '398,
23 '399.

24 Q Have you reviewed U.S. patent number
25 8,768,381, which is in the same patent family as

1 the '680?

2 A I would have to check. I don't have
3 the patent numbers all in my head, and I do other
4 work besides these particular cases. Is that -- I
5 believe it was a third patent asserted.

6 So yes, I have reviewed that if it's -- if
7 that's the patent.

8 Q I'll represent to you that Claim 1 in
9 the '381 patent begins with, A wireless device for
10 locating at least one remote object, the wireless
11 device comprising a graphical user interface that
12 generates a pairing signal.

13 Does that sound familiar to you?

14 A It does, but obviously interpreting
15 that would involve the claim and the stack and the
16 prosecution history, and I don't have that in top
17 of my head at the moment today.

18 Q And do you recall that the
19 specification for the '381 and the '680 patent
20 we're talking about here today are the same
21 specification?

22 A I don't recall today if that's the
23 case.

24 Q Okay. So in the context of the '381's
25 limitation, a graphical user interface that

1 generates a pairing signal, the board in its
2 institution decision for that patent made some
3 statements about Vauclair. I'm going to read one
4 of those statements, and my question is just going
5 to be whether you agree with that statement about
6 Vauclair or disagree with that statement about
7 Vauclair.

8 MR. LeROY: Lydia, I'm sorry, do
9 you have what I understand is the board's decision
10 on the '381 patent you're reading from?

11 MS. RAW: I do.

12 MR. LeROY: I think you're reading
13 from it to the witness. Can you just -- would you
14 mind marking as an exhibit so we can all read
15 together?

16 MS. RAW: I can attach it in the
17 chat.

18 Q (By Ms. Raw) Okay. For the record,
19 this is paper 6 from IPR2024-00397 relating to
20 patent 8,768,381. You need to let me know when
21 you have it open.

22 A I will. I apologize. It's taking me
23 a second to get it out of the chat.

24 Q No worries. It seems to take too long
25 to upload most of the time.

1 **A I believe I have that document up in**
2 **front of me, yes. It's '397.**

3 Q Will go to page 19, please.

4 **A Okay. I'm on page 19.**

5 Q Looking at the first sentence of the
6 second paragraph which starts with the word
7 "further," do you see that?

8 **A I see that sentence in that paragraph.**

9 Q So the question will be whether you
10 agree or disagree with the statement. But the
11 statement is, Further, merely presenting menu
12 options on the display of Vauclair, even with an
13 option selected by a user input of a number for a
14 menu item on a display or by user inputs using a
15 scroll bar to navigate and make a selection of a
16 menu option -- menu item display does not teach or
17 suggest that it is the display, parentheses,
18 graphical user interface, that generates a signal.

19 MR. LeROY: Objection to the form
20 of the question, scope.

21 **A You're asking something that I didn't**
22 **render an opinion on and wasn't asked to take a**
23 **look at. As I mentioned earlier in this**
24 **deposition, for the '398 and '399, I spent**
25 **probably 70 to 80 hours combined reviewing the**

1 entire relevant record, which included for those
2 two the board decisions.

3 Today, sitting here today, I can't render
4 an opinion on this one sentence without kind of
5 understanding the context. As I mentioned, this
6 particular patent that's relevant to, I've looked
7 at quite a long time ago.

8 So I'm not able today to give a agree or
9 disagree to that one sentence in its much larger
10 context.

11 Q Okay. In Vauclair, does user
12 selection of an option on a menu teach or suggest
13 that the display generates a signal?

14 MR. LeROY: Objection to the form
15 of the question.

16 A Could you repeat the question?

17 Q (By Ms. Raw) In Vauclair, does user
18 selection of an option on a menu teach or suggest
19 that the display generates a signal?

20 A As I stated in my declaration,
21 excerpted from Vauclair, Vauclair teaches the user
22 input 28, which may, for example, include a keypad
23 and one or more scroll buttons, allowing the user
24 to select from available menu options to send a
25 signal to the control circuitry.

1 Q The question was whether in Vauclair,
2 user selection of a menu option on a display
3 teaches or suggests that the display generates a
4 signal?

5 MR. LeROY: Objection to the form
6 of the question.

7 A I expressed my opinion in my
8 declaration that I just read part of the excerpt
9 from Vauclair.

10 Is there something in Apple's petition or
11 Dr. Buehrer's declaration that expresses an
12 opinion that you'd like me to respond to?

13 Q (By Ms. Raw) Is it true that in your
14 declaration, you present the opinion that it is
15 not the display that generates a signal, even
16 where a user is selecting a menu option on the
17 display?

18 MR. LeROY: Objection to the form
19 of the question.

20 A As I described in my declaration at
21 paragraph 52, in Vauclair, user input 28, a keypad
22 or one or more scroll buttons generates the
23 pairing signal, in response to user input
24 communicates that signal to the control circuitry,
25 and then paraphrasing a bit, but the user input 28

1 in Vauclair does not include the claimed graphical
2 component.

3 Q (By Ms. Raw) So in other words, for
4 the opinions in your declaration, a user
5 selecting a menu item on a display is not enough
6 to show that the claim is met, claim element
7 1D-V?

8 MR. LeROY: Objection to the form
9 of the question.

10 A That's not the opinion that I stated.
11 In the context of my declaration, Vauclair,
12 responding to Dr. Buehrer's declaration, the Apple
13 petition, my conclusion was, contrary to the claim
14 requirement, the pairing signal in that context is
15 not generated by the graphical user interface.

16 MS. RAW: No further questions.

17 MR. LeROY: Can you give us just
18 five minutes.

19 (Recess.)

20 MR. LeROY: We don't have any
21 questions for Dr. Feuerstein.

22 THE REPORTER: Do you want to read
23 and sign?

24 MR. LeROY: Yes, please.

25 (The witness was excused, and

1 the deposition ended at 3:09 p.m.)
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1 CERTIFICATE OF REPORTER

2 I, Sandra Tippins, Certified Court Reporter
3 (Missouri) and Certified Shorthand Reporter
4 (Kansas), do hereby certify that the witness whose
5 testimony appears in the foregoing deposition was
6 duly sworn by me pursuant to Section 492.010 RSMo;
7 that the testimony of said witness was taken by me
8 to the best of my ability and thereafter reduced to
9 typewriting under my direction; that I am neither
10 counsel for, related to, nor employed by any of the
11 parties to the action in which this deposition was
12 taken, and further that I am not a relative or
13 employee of any attorney or counsel employed by the
14 parties thereto, nor financially or otherwise
15 interested in the outcome of the action.

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21 Certified Court Reporter
22 State of Missouri No. 254

23 Certified Shorthand Reporter
24 State of Kansas No. 1613
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I, DR. MARTIN FEUERSTEIN, do hereby certify:

That I have read the foregoing deposition;

That I have made such changes in form
and/or substance to the within deposition as
might be necessary to render the same true and
correct;

That having made such changes thereon, I
hereby subscribe my name to the deposition.

I declare under penalty of perjury that
the foregoing is true and correct.

Executed the _____ day of _____,
20____, at

_____.

My Commission Expires:

Notary Public:

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Errata Sheet

Witness: DR. MARTIN FEUERSTEIN

In Re: APPLE INC. v. THL HOLDING COMPANY, LLC

Upon reading the deposition and before subscribing thereto, the deponent indicated the following changes should be made:

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Reporter: Sandra Tippins

Lexitas Legal
1608 Locust Street
Kansas City, Missouri 64108

Phone (816) 221-1160 * Fax (816)221-1160

December 12, 2024

MR. JOHN S. LeROY
BROOKS KUSHMAN
150 West Second Street, Suite 400N
Royal Oak, Michigan 48067

In Re: Apple Inc. vs. THL Holding Company, LLC

Dear Mr. LeRoy:

Please find enclosed your copy of the deposition
of DR. MARTIN FEUERSTEIN, taken on December 10,
2024, in the above-referenced case. Also enclosed
are the original signature page and errata sheets.

Please have the witness read your copy of the
transcript, indicate any changes and/or
corrections desired on the errata sheets, and sign
the signature page before a notary public.

Please return the errata sheets and notarized
signature page to Production Department, 1608
Locust Street, Kansas City, Missouri, 64108,
for filing within 30 days of receipt of this
letter.

Thank you for your attention to this matter.

Sincerely,

Saundra Tippins

CC: Ms. Lydia Raw

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