

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ABBOTT LABORATORIES AND
ABBOTT DIABETES CARE INC.,

Petitioner,

v.

ALTIVERA LLC,

Patent Owner,

Case No. IPR2024-00425

U.S. Patent No. 7,969,307 B2

DEPOSITION OF MAJID SARRAFZADEH

Thursday, September 26, 2024

9:00 a.m. - 12:24 p.m. PST

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Stenographically Reported By: Cara Foster, RPR,
CA CSR No. 11973

1 Deposition of MAJID SARRAFZADEH, conducted virtually via
2 Zoom videoconference.
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8 Pursuant to notice, before Cara Foster,
9 Registered Professional Reporter and Stenographic
10 Certified Shorthand Reporter Number 11973, in and for
11 the State of California.
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A P P E A R A N C E S

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ABBOTT DIABETES CARE INC.:

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Rodger Carreyn, LW

I N D E X

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P R O C E E D I N G S

* * *

THE STENOGRAPHER: We are going on the record.
The time is 9:00 a.m.

I would first like to introduce myself. My
name is Cara Foster. I am your CSR and RPR for today.
My license numbers are 11973 and 47135.

Before I swear in the witness, would counsel
place their appearances on the record, please?

MR. KROHN: This is David Pekarek Krohn of
Perkins Coie on behalf of Patent Owner, Altivera LLC.

Chris Hanewicz and Rodger Carreyn from Perkins
Coie are also on the call.

MR. PETERS: Steven Peters of Latham & Watkins
on behalf of Petitioner and the witness.

MAJID SARRAFZADEH,
was called for examination, and after having been duly
sworn in under penalty of perjury by the stenographic
certified shorthand reporter, was examined and testified
as follows:

EXAMINATION

BY MR. KROHN:

Q. Dr. Sarrafzadeh, as I said, my name is
Dave Pekarek Krohn. I represent Altivera LLC, the
Patent Owner, in the IPR. I also represent Gentag

1 Incorporated in the related district court litigation.

2 I know you've been deposed a number of times,
3 but I want to go through a couple of, sort of, ground
4 rules to set the context.

5 First, I'll do my best to ask clear questions.
6 But if you don't understand any question that I ask,
7 please ask me to clarify, and I will do so.

8 Does that make sense?

9 A. Yes, it does.

10 Q. During today's deposition, your attorney may
11 object to some of my questions. But even if he objects,
12 we still need you to answer the question unless your
13 attorney specifically instructs you not to answer the
14 question.

15 Does that make sense?

16 A. Yes, it does.

17 Q. I can tell from your responses of, "Yes, it
18 does," that you are used to giving audible answers, so I
19 appreciate that. The court reporter can't really take
20 down nods of the head or shakes of the head and things
21 like uh-huh or huh-uh are very difficult to track
22 properly.

23 Does that make sense?

24 A. It makes a lot of sense. Thank you.

25 Q. Also, I will do my best to wait for you to

1 finish your answer before I ask another question. And I
2 would ask, similarly, that you wait for me to finish my
3 question before you start your answer so the court
4 reporter can take down what we're saying without us
5 talking over each other.

6 Does that make sense?

7 A. I'll make my every effort to do exactly that.

8 Q. We can take a break whenever you want. I just
9 ask that if there's a question pending that you answer
10 that question before we take a break.

11 Does that make sense?

12 A. Yes, it does.

13 Q. Is there any reason you cannot give truthful
14 testimony today?

15 A. I cannot think of any.

16 Q. There's no medication or health condition that
17 would prevent you from giving truthful testimony
18 today?

19 A. I don't believe there are any.

20 Q. Did you prepare for this deposition?

21 A. Yes.

22 Q. And who did you prepare for this deposition
23 with?

24 A. What do you exactly mean by "prepare"? My
25 education? My research? My study? Can you be more

1 direct?

2 Q. Right. So what I'm talking about is, you
3 prepared a declaration in this case, in this IPR; is
4 that right?

5 A. That's correct.

6 Q. And then you were noticed that you were going
7 to be giving a deposition in this case; correct?

8 A. That is correct.

9 Q. Once you got that notice, what did you do to
10 prepare for this deposition?

11 A. Thank you for clarifying your question.

12 I certainly reviewed some of the materials that
13 I thought might be relevant. By way of example, my
14 declaration, that's one thing that I did. I also met
15 with the counsel to go over certain things.

16 Q. When you say "counsel," was that Mr. Peters?

17 A. Mr. Peters was the primary there, yes.

18 Q. Was that in person or was that over the
19 phone?

20 A. None.

21 Q. Was it a web call or something like that?

22 A. It was a web call.

23 Q. And other than Mr. Peters, who else was on that
24 web call?

25 A. Mr. Giri Pathmanaban was there and Mr. Akalski,

1 I believe.

2 MR. PETERS: Just for the record,
3 Giri Pathmanaban and Joseph Akalski.

4 THE WITNESS: Exactly. Thank you.

5 BY MR. KROHN:

6 Q. And was there just one call or were there
7 multiple calls?

8 A. There were multiple video calls.

9 Q. And how long were each of these calls?

10 MR. PETERS: Just to caution the witness not to
11 disclose, you know, confidential/privileged
12 communications with counsel.

13 Go ahead and you can answer that question.

14 THE WITNESS: Which of them? They were a few
15 hours, give or take.

16 BY MR. KROHN:

17 Q. Other than outside counsel, was there any
18 preparation with anyone else?

19 A. One of the calls, there was somebody just, I
20 think, listening. I wouldn't call it "preparation". It
21 was from Abbott. I don't recall the gentleman's name,
22 again, because he wasn't really talking.

23 MR. PETERS: Again, I caution the witness not
24 to disclose communications with attorneys.

25 THE WITNESS: Right.

1 MR. KROHN: So, Steve, maybe I'll just check
2 with you.

3 Was this person a lawyer, an in-house counsel
4 for Abbott, or were they some other employee for Abbott?

5 MR. PETERS: In-house counsel.

6 BY MR. KROHN:

7 Q. Okay. Other than that one person, were there
8 any other people in these preparation sessions?

9 A. I do not recall. I do not believe there was
10 anybody else attending these sessions.

11 Q. Were you shown any documents during your
12 preparation that refreshed your recollection about
13 anything?

14 A. I had every document myself, as far as I
15 recall.

16 Q. Were all the documents that you reviewed
17 exhibits that had already been filed in the IPR, as far
18 as you know?

19 A. As far as I know, that's correct.

20 Q. Did you bring any documents or items with you
21 today?

22 A. I did.

23 Q. And what are those?

24 A. I have a hard binder, and I have an electronic
25 version. I assume that would qualify as documents. And

1 they include my declaration and a few patents and
2 related documents.

3 Q. Maybe just quickly -- your declaration, that's
4 Exhibit 1003 to the IPR; is that right?

5 A. I believe that's correct.

6 Q. And what patents do you have in your binder?

7 A. May I tell you the exhibit number? Would that
8 help?

9 Q. Yes, that would be helpful. Sure.

10 A. Thank you.

11 I have Exhibit Number 1001, this is the hard
12 copy binder. I have Exhibit 1005 in my hard copy
13 binder. I have Exhibit 1006. I have Exhibit 1007. I
14 have Exhibit 1009. I have Exhibit 1016. I have what is
15 labeled as '307 PRP, Preliminary Response, and I have
16 Exhibit '307 ID.

17 Q. The '307 ID, is that the institution's
18 decision, is that what you are referring to?

19 A. That is correct.

20 Q. So as we go through today, I will -- for the
21 benefit of the court reporter, I will be putting some
22 exhibits into the chat. But to the extent that they are
23 exhibits that you already have, either in hard copy or
24 in an electronic copy, feel free to review those. They
25 should all match.

1 A. Okay. I appreciate that. Thank you.

2 Q. Do you have any notes, written or highlighting
3 or anything on any of the exhibits in your hard
4 binder?

5 A. There are no notes or highlighting.

6 One thing I forgot to mention, there is also a
7 table of contents to all of these exhibits that says --
8 for example, Exhibit 1001, is the name of the patent.
9 So a table of contents for the whole binder.

10 Q. I appreciate that.

11 The electronic copies you have, are there any
12 electronic documents that you have beyond what's in the
13 hard binder?

14 A. Yes. For example, I have "prosecution
15 history." It's basically everything or almost
16 everything that is stated on pages 9, 10, and 11 of my
17 report. It's probably not all of them but maybe some
18 portion of them.

19 Q. Thank you.

20 And other than those documents, you don't have
21 any other electronic documents on your computer for this
22 deposition; is that right?

23 A. Well, there are -- this is my laptop. There
24 are documents from my work, from my classes, and et
25 cetera.

1 Q. Understood.

2 Related to the documents that you referred to
3 as electronic copies of the table from pages 9, 10, and
4 11 of your declaration, are there any notes or
5 highlighting or comments or anything like that on the
6 electronic copies?

7 A. I don't believe there are any.

8 Q. Other than Zoom and maybe a PDF reader, is
9 there anything else running on your computer right
10 now?

11 A. I'm sure there are all sorts of background
12 processes going on.

13 Q. Are there any other user applications running
14 on your computer right now?

15 A. How do you define a "user application"?

16 Q. Are you using Windows or are you using a Mac
17 right now?

18 A. I'm using Windows.

19 Q. So in the task bar it usually shows
20 applications that are running.

21 Are there any -- other than Zoom and perhaps a
22 PDF reader, are there any other applications shown in
23 the task bar right now?

24 A. There is my web browser icon that is off so it
25 is not running. There is also my email client that the

1 icon shows. But again, I turned that off, closed it,
2 and it's not running. And there are some maybe audio
3 apps and/or video apps. Again, they are all closed and
4 not running. And there is a Zoom icon and app that is
5 running.

6 Q. Thank you.

7 A. Sure.

8 Q. I want to talk about glucose meters. And in
9 particular, I want to talk about traditional glucose
10 meters that use test strips.

11 You are familiar with glucose meters that use
12 test strips; correct?

13 A. Yes.

14 MR. PETERS: Object to scope.

15 BY MR. KROHN:

16 Q. And such a glucose meter is a medical device;
17 right?

18 A. It depends on your definition of "a medical
19 device".

20 Q. What's your definition of "a medical device"?

21 A. It depends in various contexts, they are
22 defined differently. Sometimes we go from a user device
23 definition, to a hospital-based definition, and et
24 cetera.

25 Q. And what's the difference in definition for a

1 user device definition, users a hospital-based
2 definition?

3 MR. PETERS: Object to form.

4 THE WITNESS: I have not taught about all the
5 differences, but those are the terms I have seen a
6 user-or-consumer-based device and other variations of
7 it. So if you give me a definition, I'll be happy to
8 discuss it.

9 BY MR. KROHN:

10 Q. Well, you reviewed and analyzed the Beck
11 reference.

12 Does that sound familiar?

13 A. There is a reference that's called "Beck," and
14 I have reviewed and analyzed it.

15 Q. And that's Exhibit 1007; correct?

16 A. That's correct.

17 Q. And Beck refers to use of the term "medical
18 device"; correct?

19 A. Where are you referring to in Beck?

20 Q. Let me drop into the chat Exhibit 1007, which
21 is this Beck reference, just so the court reporter has
22 access to it.

23 And, again, feel free to review the one I put
24 in the chat or your hard copy or your electronic copy
25 that you already have.

1 A. Sure.

2 Q. So, for example, the title of Beck is "Remote
3 Medical Device Access"; correct?

4 A. You read the title correctly.

5 Q. And by my account, I see the term "medical
6 device" showing up in Beck 308 times.

7 Does that sound about right?

8 A. That's what I get to, yes.

9 Q. So what -- when you reviewed Beck, what was the
10 definition you applied or that you believed a person in
11 the ordinary skill in the art would apply to the term
12 "medical device"?

13 MR. PETERS: Object to form.

14 THE WITNESS: Beck says, "Patients commonly use
15 medical devices to monitor various biological and/or
16 physical condition." It says, for example, "Patients
17 with diabetes often utilize a blood glucose meter to
18 monitor their blood glucose level periodically." He
19 further talks about examples of analyzing blood, urine,
20 saliva.

21 Beck also in this context talks about blood
22 pressure, blood gasses, blood coagulation, electrolytes,
23 and the like. These are examples of what Beck believes
24 a medical device is.

25 BY MR. KROHN:

1 Q. And as an example, in paragraph 34, Beck
2 specifically refers to glucose meters operable to
3 measure blood glucose levels of blood applied to test
4 strips.

5 Do you see that?

6 A. Is it on the left column?

7 Q. It's on the top of the right column in
8 paragraph 34.

9 A. Beck states starting at the end of the left
10 column that, "in an exemplary embodiment." So one
11 example, "The medical device 130 includes a glucose
12 meter such as the glucose meter manufactured by Roche
13 Diagnostics Corporation which are generally operable to
14 measure blood glucose level of blood applied to test
15 strips." This is an example of what he provides, and he
16 does state that's an example.

17 Q. An example of a medical device; right?

18 MR. PETERS: Objection. Mischaracterizes
19 Beck.

20 THE WITNESS: So he says again, "In
21 an exemplary embodiment, the medical device 130 includes
22 a glucose meter such as a glucose meter manufactured by
23 Roche that uses a test strip."

24 BY MR. KROHN:

25 Q. So you agree that Beck has a glucose meter as

1 an example of a medical device; right?

2 MR. PETERS: Same objection -- no, sorry. I
3 will withdraw that objection.

4 THE WITNESS: I agree that Beck says one
5 example of a medical device is a glucose meter such as
6 the one manufactured by Roche Diagnostics that uses test
7 strips. That's what it says.

8 BY MR. KROHN:

9 Q. I understand what it says, and I understand
10 that you can read what it says. But you are a proposed
11 expert here; right?

12 A. Correct.

13 Q. And so you can provide analysis of what Beck
14 says; correct?

15 A. Correct.

16 Q. And, in fact, you did provide analysis of what
17 Beck says in your declaration; right?

18 A. I have done analysis of certain things related
19 to Beck. That's correct.

20 Q. So based on what you just read, do you agree or
21 do you not agree that Beck uses a glucose meter as an
22 example of a medical device?

23 MR. PETERS: Object to form.

24 THE WITNESS: I agree that Beck says as an
25 example there is a medical device that includes a

1 glucose meter such as the glucose meter manufactured by
2 Roche that uses blood applied to a test strip. That I
3 agree with.

4 BY MR. KROHN:

5 Q. You agree that it says that. And so now my
6 question is, do you agree that -- withdraw the question.

7 Are you familiar with these kinds of glucose
8 meters?

9 MR. PETERS: Object to form.

10 THE WITNESS: I have used certain glucose
11 meters that uses a test strip where blood is drawn.

12 BY MR. KROHN:

13 Q. And when you say you've used them, in what
14 capacity have you used them?

15 A. By way of example, I've used it on myself for
16 curiosity.

17 Q. Do you know anything about how these glucose
18 meters operate -- strike that.

19 Do you know any of the technical details about
20 how these glucose meters determine the blood glucose
21 level in the blood?

22 MR. PETERS: Object to form. Scope.

23 THE WITNESS: This is not something that I have
24 opined on in my report. I need to go back and analyze
25 and refresh.

1 BY MR. KROHN:

2 Q. You don't think that your report deals with how
3 glucose meters work?

4 MR. PETERS: Object to form.

5 THE WITNESS: There are aspects of working on a
6 glucose meter that I have discussed. And if you point
7 me to the right portion of my declaration, or I'm happy
8 to go there, certain aspects have been discussed.

9 BY MR. KROHN:

10 Q. Beyond what's in your report, do you have any
11 knowledge of how a glucose meter works?

12 MR. PETERS: Object to scope.

13 THE WITNESS: That's not something that I have
14 analyzed for today. Therefore, what I am ready to
15 discuss is what is in my declaration already.

16 BY MR. KROHN:

17 Q. So just to be clear, my question was, do you
18 have any knowledge of how a glucose meter works and you
19 responded that's not something you analyzed for today.

20 So you haven't analyzed whether you have any
21 knowledge of how a glucose meter works?

22 A. Again, I have used a glucose meter. I have
23 read about them. This is part of my research area, but
24 I need to think about the working of them, by way of
25 example as I mentioned. And as Beck says, there is

1 blood that is applied to a test strip that gets analyzed
2 and a number is shown typically on the screen of these
3 glucose meters.

4 Q. And these test strips are not just little
5 pieces of paper; correct?

6 MR. PETERS: Object to form. Scope.

7 THE WITNESS: What do you mean by "a piece of
8 paper"?

9 BY MR. KROHN:

10 Q. What is in the test strip?

11 MR. PETERS: Object to form. Scope.

12 THE WITNESS: I need to go back and refresh my
13 mind on the composition, chemical and otherwise, of
14 these test strips. That's not something I discussed in
15 my declaration.

16 BY MR. KROHN:

17 Q. Do you understand that the test strips have
18 chemicals on them?

19 MR. PETERS: Object to form. Scope.

20 THE WITNESS: I understand there are things on
21 these test strips. I need to go back and review the
22 composition of what they are.

23 BY MR. KROHN:

24 Q. Do you understand that the test strip when
25 interacting with blood, there's a chemical reaction that

1 produces a small amount of electrical current?

2 MR. PETERS: Object to form.

3 THE WITNESS: Again, that's not something that
4 I have analyzed for today. I've used glucose meters in
5 the past. I have analyzed them in the past. I need to
6 go back and refresh my mind as to the inner workings of
7 the Roche type of glucose meter that is discussed on
8 page 4 of this reference.

9 BY MR. KROHN:

10 Q. Do you understand these test strips are sensors
11 that detect the amount of glucose in the blood; right?

12 MR. PETERS: Object to form.

13 THE WITNESS: That's not something that I have
14 opined in my report. I need to think about that.

15 BY MR. KROHN:

16 Q. So what is your definition of a "sensor"?

17 A. A sensor is an element that by way of example
18 it's a 3D accelerometer that receives information about
19 the environment and produces an output.

20 Q. And under that view, would the test strips in
21 the glucose meter described in Beck be sensors?

22 A. I have provided a number of examples of sensors
23 in my report. For example, an EEG and an EKG and these
24 are some that the '307 patent referred to, there is no
25 construction of the term sensors that has been provided

1 in the '307 patent. So I have to go back and think
2 about it, whether it applies to the test strip or not.

3 Q. So let's talk about EKGs because you brought
4 those up.

5 There is an EKG machine; correct?

6 MR. PETERS: Object to form.

7 THE WITNESS: What do you mean by "an EKG
8 machine"?

9 BY MR. KROHN:

10 Q. Why don't you describe what an EKG is and how
11 it works?

12 A. An EKG consists of a number of leads. Let's
13 take a 12-lead example. It has a number of electrodes
14 that are connected to the body. There are two or
15 sometimes three electrodes that are called a "reference
16 electrode" or a "reference sensor" so you have that.

17 There is typically a ground lead or sensor that
18 normally connects to the leg of an individual. Signals
19 are detected from a human body, and they are transformed
20 into a signal that provides information about the health
21 of an individual's heart.

22 Q. So you have the leads and at the end -- I just
23 want to make sure I understand.

24 You have the leads. At the end of the leads
25 are the electrodes; is that right?

1 A. There are leads that gets connected to the body
2 that are capable of picking up signals.

3 Q. And then those on the other end of the leads,
4 what's connected -- what are the leads connected to?

5 A. The leads are typically connected to a wire.

6 Q. Okay. And then the wires are then connected to
7 what?

8 A. They go typically to a system that can pick up
9 these signals that is obtained from an individual's
10 body.

11 Q. And what is that -- you say "a system." And
12 when I think of a system, I think of multiple
13 components.

14 What is the component they are actually
15 attached to -- the wires are attached to?

16 A. There is a connector that they are attached to
17 by way of example.

18 Q. And then what's the connector connected to?

19 A. Again, there is a system that reads the data
20 that comes from the body and analyzes it.

21 Q. So the system that reads the data that comes
22 from the body and analyzes it, does that have a display
23 on it, for example?

24 MR. PETERS: Object to form.

25 THE WITNESS: It may or it may not.

1 BY MR. KROHN:

2 Q. Does it have, for example, a printer where --
3 as you've seen in medical TV shows where it's printing
4 out the heart beats, is that the thing that the
5 connector is connected to?

6 MR. PETERS: Object to form.

7 THE WITNESS: The connector connects to a
8 device. The device may have a printer directly or may
9 be connected to a different printer or not. There are
10 many forms of EKGs in the market, in the past, present,
11 and there are different levels of and types of them.

12 BY MR. KROHN:

13 Q. So you referred to it as a device that the
14 connector is connected to. Is that device a medical
15 device?

16 MR. PETERS: Object to form.

17 THE WITNESS: Well, all I can say is it's a
18 device. There are different types of them. Sometimes
19 they are consumer-based devices. Sometimes they are
20 medical devices. It depends on your definition and
21 characterization.

22 BY MR. KROHN:

23 Q. So in your mind, a consumer-based device is not
24 a medical device, is that what you're saying?

25 MR. PETERS: Object to form.

1 THE WITNESS: I'm saying that it depends on the
2 context. You cannot provide a general definition.
3 Different patents, for example, construes terms
4 differently and uses them differently. So it is
5 inappropriate to provide a blanket statement.

6 BY MR. KROHN:

7 Q. So considering back, which again is Exhibit
8 1007, which we've talked about that refers to a medical
9 device.

10 Would the device that the EKG connectors are
11 connected to, would that be a medical device in the view
12 of Beck?

13 MR. PETERS: Object to form.

14 THE WITNESS: For example, Beck says, "While
15 the medical device of 130 of exemplary embodiment
16 includes a glucose meter, the medical device 130 could
17 be implemented to monitor and/or analyze other
18 biological/physiological parameters or conditions such
19 as body fluid or bodily function, by way of example
20 blood, urine, and saliva. Body signals,
21 electrocardiogram signals, brain waves, blood pressure
22 waves, and/or other bodily stimuli, by way of example
23 respiration."

24 So we talked earlier about an EKG that is
25 described at a high level here.

1 BY MR. KROHN:

2 Q. And so again, does that mean that you believe
3 that an EKG machine would be a medical device as Beck
4 uses the term medical device?

5 A. Well, again, as I mentioned, Beck is very clear
6 in the context and framework of what Beck is discussing
7 that there could be other systems that can perform
8 electrocardio signals, brain waves, and blood pressure
9 waves.

10 Q. And just to be clear, I think you've said
11 electrocardiogram signals and Beck actually says
12 electrocardio signals; is that right?

13 A. That's the exact wording that he uses.

14 Q. Again, I don't know that you've quite answered
15 the question which is:

16 Based on what you've just read, do you believe
17 that an EKG machine would be a medical device in view of
18 Beck?

19 A. Well, Beck is very clear on this. It says,
20 while the medical device 130 -- it's in the main figure
21 that it has, 130 is a box that says, "Medical device
22 could be implemented to monitor or analyze other
23 biological/physiological patterns or conditions such as
24 body fluid or bodily function, blood urine, saliva, body
25 signal, electrocardio system, where an EKG can be used

1 for that, brain waves or EEG can be used for that blood
2 pressure waves, and/or other body stimuli such as
3 respiration, to obtain measurements of blood pressure,
4 blood gasses, blood coagulation, electrolytes,
5 cardiovascular activity, drug levels, respiration rate
6 stress, et cetera."

7 Q. Thank you.

8 And I think when you were reading that you
9 added some words, which I think were helpful, which is
10 you said body signal, electrocardio system where an EKG
11 can be used; correct?

12 A. Yes, I did say an EKG is a device that can look
13 at cardiovascular activities that Beck refers to.

14 Q. And that Beck refers to as an example of a
15 medical device; right?

16 A. Well, I read Beck and that's very clear what it
17 says.

18 Q. You've said it's very clear, but I'm still
19 trying to get sort of a yes or know answer.

20 Do you believe that an EKG machine is a medical
21 device in view of Beck?

22 A. Well, Beck says again, "While the medical
23 device of 130 of the exemplary embodiment includes a
24 glucose meter, the medical device 130" -- again,
25 highlighting medical device -- "could be implemented to

1 monitor and/or analyze any other
2 biological/physiological parameters or condition."

3 I'm going to skip over some of them, and then
4 it talks about a cardiovascular activity system,
5 electrolytes, blood coagulation, and EKG can be used for
6 some of these systems.

7 MR. PETERS: My apologies. I was on mute.

8 I objected to form and asked and answered.

9 BY MR. KROHN:

10 Q. Taking a step back to talking about the glucose
11 meters.

12 You said you'd have to analyze whether -- you'd
13 have to go back and analyze whether the test strips were
14 sensors.

15 Do you remember that?

16 A. I did say that, yes.

17 Q. If they aren't sensors, are there any sensors
18 disclosed in Beck?

19 A. As I discussed in paragraph 261 and all the way
20 to the end of 268, Becks talks about a medical device
21 130 of the system. It's generally operable to monitor
22 and/or one more biological condition and it communicates
23 with the client-computing device.

24 It says, "An exemplary embodiment of the
25 medical device 130 includes a glucose meter such as a

1 glucose meter manufactured by Roche." We already went
2 through that paragraph.

3 And it talks about other examples of a system
4 that a POSITA would be familiar with. For example, a
5 system that does blood pressure waves. And the
6 electrodes that are used, for example, in an EKG are
7 sensors and sensor elements that is discussed in Beck.

8 Q. For the glucose meter -- because you -- in 262
9 you have that whole paragraph -- or much of that
10 paragraph quoted in your declaration. And then, as you
11 said, you talked about an EKG.

12 But is anything in that paragraph disclosing a
13 sensor for the glucose meter or is it only the sensors
14 for the EKG machine that you believe are disclosed by
15 Beck?

16 A. Please repeat the question.

17 Q. So I understand that you've said that an EKG
18 machine would have leads that are sensors.

19 A. Right.

20 Q. Putting that aside, the paragraph that you just
21 read also talks about a glucose meter.

22 A. Right.

23 Q. Do you believe that this paragraph discloses
24 any sensors for the glucose meter?

25 A. For example, when it talks -- when it says why,

1 "The medical device 130 of the exemplary embodiment
2 includes a glucose meter, the medical device could be
3 implemented to monitor and/or analyze other things." So
4 a Glucose meter, one understands that does have a
5 sensor.

6 Q. And what is the sensor for the glucose meter?

7 A. Your question again, please?

8 Q. Where is the sensor for the glucose meter?

9 A. For example, when you have a continuous glucose
10 meter, the lead that goes in the body, that is -- that
11 includes a type of sensor.

12 Q. But this paragraph doesn't refer to continuous
13 glucose monitoring, does it?

14 A. It refers to a glucose meter.

15 Q. It specifically refers to a glucose meter that
16 uses test strips; correct?

17 A. One of the examples is a glucose meter that has
18 a test strip.

19 Q. So do you believe that this glucose meter with
20 a test strip described in this paragraph discloses a
21 sensor?

22 A. Yes, the part of the glucose meter with the
23 test strip that senses information about the blood is
24 part of a sensor.

25 Q. And is the part of the glucose meter that

1 senses information about the blood, is that in the test
2 strip or is that in the meter?

3 A. I do know that the glucose meter with a test
4 strip must sense the blood and, therefore, provide
5 information on the glucose level.

6 Where do you draw the circle around the sensor
7 of it? I have to look to the inner workings of these
8 glucose meters.

9 But, definitely, they do have a sensor because
10 they sense the blood and that's part of the definition
11 of what a sensor is.

12 Q. No matter where you draw that circle, that
13 circle would include the test strip as part of the
14 sensor; correct?

15 A. One could consider the test strip as part of
16 the sensing system.

17 Q. Switching gears. This will seem a little out
18 of left field, but you are familiar with computer
19 network communications; correct?

20 A. Yes.

21 Q. Are you familiar with the request-response
22 paradigm?

23 A. I might have come across that in my research.
24 If you want to elaborate on it. The name sounds
25 familiar.

1 Q. So, for example, a lot of communications over
2 the web using http use the request-response paradigm.

3 Is that something you are familiar with?

4 A. That's something I have come across in my
5 30-plus years of research and working.

6 Q. And the way that the request-response paradigm
7 works is the client computer sends requests to a server
8 computer which then sends back a response.

9 Is that your understanding?

10 A. I have to go back and review. I haven't
11 reviewed the response paradigm recently, and I haven't
12 discussed that in my report.

13 Q. So when you didn't -- when you referred to the
14 requirement of -- hold on. Let's strike all that.

15 Let me put -- just so we have it, I'm going to
16 put your declaration into the chat for the benefit of
17 the court reporter. And then I'm going to ask you to go
18 to paragraph 56 of your declaration, which is
19 Exhibit 1003.

20 A. Yes.

21 Q. So you gave an opinion on the construction of
22 the term, "wherein the remote server authenticates said
23 unique sensor ID associated with said unique wireless
24 device ID and communicates to said wireless device
25 processed information relating to said sensor data and

1 software related to the unique sensor ID, thereby by
2 allowing said wire device to interpret said sensor
3 anywhere worldwide"; correct?

4 A. That's what the word meaning top of page 25
5 says.

6 Q. And that's the limitation that you have an
7 opinion about, the construction of that limitation;
8 correct?

9 A. In paragraph 56, I start providing an opinion
10 on that construction with a number of paragraphs
11 following that with an analysis, examples, and
12 discussion. That is correct.

13 Q. In paragraph 56, you have italicized and bolded
14 in response to the authentication.

15 Do you see that?

16 A. Yes.

17 Q. And so you believe that the processed
18 information and software related to the unique sensor ID
19 are transmitted from the remote sensor in response to
20 the authentication; correct?

21 MR. PETERS: Object to form.
22 Mischaracterizes.

23 THE WITNESS: What I believe is exactly what I
24 interpret the boldface under section A on top of page
25 25. And I say, "A POSITA would understand this

1 limitation, in view of a specification and prosecution
2 history, to mean wherein the remote server authenticates
3 a unique sensor ID associated with a unique wireless
4 device ID and in response to the authentication it
5 communicates to a wireless device. (1) processed
6 information relating to the sensor data and (2) software
7 related to the unique sensor ID necessary for the
8 wireless device to interpret the sensor anywhere
9 worldwide."

10 And following that, I provide a number of
11 discussions and analyses related to my construction.

12 BY MR. KROHN:

13 Q. And nowhere in that analysis did you consider
14 the request-response paradigm of network communications;
15 correct?

16 MR. PETERS: Object to form.

17 THE WITNESS: Again, that's -- this considers
18 what one would understand and how communication will
19 happen in this system and what the notion of
20 authentication is.

21 I do go on by saying that, "The language of the
22 claim limitation itself requires that the remote server
23 communicates to said wireless device processed
24 information related to said sensor data and software
25 related to the unique sensor ID in response to

1 authentication of said unique server ID associated with
2 said unique wireless device."

3 Following that, I go through a number of
4 discussions of what authentication is, how does the
5 specification deal with that, and why is it I draw the
6 conclusion for the construction that I provided in
7 paragraph 56.

8 MR. KROHN: So I'm going to object to that last
9 statement as nonresponsive, and I'm going to ask you
10 again.

11 BY MR. KROHN:

12 Q. Nowhere in your analysis did you consider the
13 request-response paradigm of network communications;
14 correct?

15 MR. PETERS: Object to form. Asked and
16 answered.

17 THE WITNESS: In my analysis, I considered the
18 way the network works as described by the '307 patent.
19 I considered a number of discussions and analyses. By
20 way of example, looking at, say, Figure 21 and the
21 discussion associated with that on network
22 communication. Figure 20, description of that, and the
23 corresponding description in the specification related
24 to that, and a number of other things on network
25 communication.

1 I also considered what the meaning of how would
2 a POSITA understand this limitation in view of the spec
3 and the patent itself.

4 BY MR. KROHN:

5 Q. So going back to the sensor element which is --
6 I think we were talking about paragraph 251 of your
7 declaration.

8 A. Okay. I'm on paragraph 251.

9 Q. And I think you said that the test strip could
10 be considered part of the sensing system or something
11 along those lines; is that accurate?

12 MR. PETERS: Object to form.

13 THE WITNESS: What I said was that the sensing
14 strip of the Roche type medical device does provide a
15 sensing capability. So that could be part of a sensor
16 element.

17 BY MR. KROHN:

18 Q. So can you point to any actual sensor for the
19 glucose meter described in paragraph 34 of Beck and
20 listed in paragraph 251 of your declaration?

21 A. Yes. The sensor, one of ordinary skill in the
22 art would understand is what senses, for example,
23 biological information.

24 Then it talks about electrocardio signals,
25 brain waves, blood pressure, and a glucose monitor. A

1 POSITA would understand that they would necessarily
2 sense information either related to the environment or
3 someone's body or biological information and, therefore,
4 that's the sensing that one would understand.

5 Q. So you said it would necessarily include a
6 sensor, but you can't point to any actual component that
7 is a sensor specifically for the glucose meter; is that
8 right?

9 MR. PETERS: Object to form.

10 THE WITNESS: So I describe in paragraph 257
11 that "A POSITA would have known that in order for Beck's
12 medical device to measure biological or physiological
13 parameters, such as glucose, cardiovascular activity, or
14 electrolytes, the medical device would necessarily
15 include at least one sensor element."

16 And I teach this to both undergrad and grad
17 students, and they actually build systems very similar
18 to these in my lab or in the companies that I've had.

19 I also go on by saying that, "Heller discloses
20 an analyte monitor that includes a sensor, a sensor
21 control unit, and a substrate for monitoring an analyte
22 such as blood glucose." This part includes a sensor, a
23 sensor controlled unit, and a substrate is a direct
24 quote from Heller.

25 BY MR. KROHN:

1 Q. Understood.

2 So you are finding the sensor element for at
3 least a glucose meter from Heller because, as you say,
4 Beck does not describe the details of the sensors?

5 MR. PETERS: Object to form.

6 THE WITNESS: What I did mention is that after
7 quoting in paragraph 256 of my report of what body
8 signals are, what are typical devices that one would use
9 to detect that them, I say that, "A POSITA would know
10 that in order for Beck's medical device to measure
11 biological or physiological parameters, such as glucose,
12 cardiovascular activity, or electrolytes, the medical
13 device would necessarily include at least one sensor
14 element."

15 And earlier today we had a detailed discussion.
16 For example, we talked about an EKG. A 12-lead EKG that
17 has both a reference sensor element and a sensor, and
18 how it connects to the body to detect by way of
19 cardiovascular activities.

20 BY MR. KROHN:

21 Q. So I'm going to drop into the chat what I do
22 not think you have right now, and so I'd ask this be
23 marked **Exhibit 2008**. Let me know when you're able to
24 open that up?

25 (**Exhibit 2008** marked for identification.)

1 THE WITNESS: Since this is the first I'm going
2 to the chat, is this a link that you have included in
3 the chat?

4 BY MR. KROHN:

5 Q. Yes. It should show up just as a document.
6 Let me know when you're able to open that.

7 A. Yes, I see that. Am I correct that it ends
8 with number 135?

9 Q. It is. It's a file. It's a PDF file named
10 530135.PDF. It is 62-pages long. And on the first page
11 it says, "Nokia 1100 User Guide."

12 MR. PETERS: Just to preserve our objections, I
13 object to the scope, relevance, and authenticity. I
14 also object to the document as hearsay.

15 But go ahead and proceed.

16 BY MR. KROHN:

17 Q. Do you have that document?

18 A. The document is open now. It's a PDF with a
19 number of pages.

20 Q. Are you familiar with the Nokia 1100 phone?

21 A. I am familiar with Nokia phones. I have used
22 them in the past in my work. I don't exactly remember
23 the number 1100.

24 Q. If you go to page 10 of the PDF, it shows you a
25 schematic picture of the phone.

1 Does that look familiar at all?

2 A. I see a schematic of a phone on the top right.
3 It's similar to phones I have seen in my lifetime.

4 Q. Did you ever own a phone similar to this?

5 A. I've owned a lot of phones in my lab because of
6 the testing we perform so maybe. Personally -- again
7 maybe, I have had phones from the days that I used to
8 work at Motorola so possibly.

9 Q. And you see there's a copyright Nokia 2004 at
10 the bottom of this page.

11 Do you see that?

12 A. I see the wording "copyright," with the
13 copyright sign, and it says "Nokia 2004."

14 Q. Do you have any understanding of whether or
15 whether or not the Nokia 1100 was launched in 2003?

16 A. I don't have personal knowledge of when exactly
17 it was launched. I do see the copyright "Nokia 2004."
18 If there was any discussion related to that, it would be
19 in my declaration.

20 Q. Do you know whether or whether or not the Nokia
21 1100 had geolocation capabilities?

22 A. I do understand that geolocation capabilities
23 was available at that time. I have referenced an FCC
24 report in my declaration that talks about the
25 requirement of geolocation and GPS capabilities. So it

1 would have been obvious for somebody to add that
2 capability to a phone of this nature around this time
3 frame. Whether this exact phone had geolocation
4 capabilities, I need to analyze that further.

5 Q. So you said you've done testing in your lab of
6 phones over the years; is that accurate?

7 A. That's accurate. Yes.

8 Q. Did you do any testing of phones in 2003?

9 A. I think my testing goes back to 2002, 2003,
10 yes.

11 Q. In 2003, did you test any cellular phones that
12 did not have geolocation features?

13 A. That did not? It's been a while. I have to go
14 back and check all the testing we've done about 20 years
15 ago.

16 Q. What about 2004, 2005, would you have the same
17 answer, do you know whether any of the phones you tested
18 did not have geolocation features?

19 A. Again, this is more than 20 years ago. I need
20 to go back and look at my lab notes from back then to
21 verify which exact phones, models, and capabilities and
22 features I have and have not tested.

23 Q. Do you know if any of the phones you tested
24 then did have geolocation features?

25 A. Again, as I've mentioned in my declaration, it

1 would have been obvious to add geolocation to any of the
2 phones in that time frame.

3 This is more than 20 years ago. Whether I
4 specifically tested one with geolocation, I need to go
5 back and consult my notebook for the 2004 time frame to
6 verify the testings that was performed in my lab.

7 Q. When were you retained by Abbott Laboratories
8 and Abbott Diabetes Care?

9 A. In this matter? In this IPR, is that what
10 you're referring to?

11 Q. In any legal matter related to U.S. Patent
12 7,969,307?

13 A. I do not know the exact date. I would guess
14 that maybe it was late last year or early this year time
15 frame.

16 Q. Have you been retained -- strike that.
17 You've been retained to provide a declaration
18 and testify in the IPR; correct?

19 A. In the discussion that we had that was first --

20 MR. PETERS: I'll caution the witness not to
21 disclose any communication with attorneys. That's
22 privileged.

23 THE WITNESS: I've had a discussion about the
24 '307 patent.

25 BY MR. KROHN:

1 Q. Have you been retained in connection with the
2 related district court case in which Altivera and Gentag
3 are Plaintiffs and Abbott Laboratories and Abbott
4 Diabetes Care are Defendants?

5 MR. PETERS: Object to scope and privilege.
6 And I'll instruct the witness not to answer that
7 question.

8 I might circle back with you on that, David.
9 If we could come back to that after the break.

10 BY MR. KROHN:

11 Q. Are you going to follow your attorney's advice
12 not to answer?

13 A. Yes.

14 Q. Have you reviewed any documents from the
15 district court case?

16 A. Some of these patents, let's say, '307 might be
17 part of the district court. I can't answer one way or
18 another.

19 Q. Let me rephrase.

20 Other than the documents we've already
21 discussed that have been filed in the IPR, have you
22 reviewed any documents from the district court case?

23 A. I can't answer one way or the other. I do not
24 know sitting here today.

25 Q. Have you done any analysis of whether any

1 Abbott product practices any claims of the '307
2 patent?

3 A. Sitting here today, I do not recall.

4 Q. You don't recall either way whether you've done
5 that analysis or have not done that analysis?

6 A. I think, generally speaking, that's fair.
7 Maybe or maybe not, I've done a high-level thinking
8 about it, but nothing that really comes to mind sitting
9 here today.

10 Q. You haven't been involved in preparing any
11 documents purporting to show that any Abbott product
12 does not practice any claims of the '307 patent; is that
13 right?

14 MR. PETERS: Object to scope. Calls for
15 privileged communication work-product and instruct the
16 witness not to answer.

17 BY MR. KROHN:

18 Q. As far as you know, you haven't been involved
19 in preparing any documents that have been filed or
20 served in the district court case involving whether any
21 Abbott product practices any claims of the '307 patent;
22 is that right?

23 MR. PETERS: Same instruction. Same
24 objection.

25 THE WITNESS: Based on my attorney's

1 instruction, I will not respond to that.

2 BY MR. KROHN:

3 Q. Getting back to the IPR.

4 When did you start drafting your declaration?

5 A. I'm looking at the signature page of my
6 declaration. January 15, 2024. So based on that, I
7 would think that I was actually retained late last year,
8 the last two quarters Q3 or Q4 of 2023, not 2024, as I
9 might have suggested.

10 I would say maybe a few months before January
11 of 2024 I started drafting the declaration. That's just
12 a guesstimate sitting here today. It's been a while.

13 Q. And what was the -- without getting into
14 communications with your attorneys or tentative
15 communications, what was the process for drafting your
16 declaration?

17 A. The process was after analyzing the patents,
18 prior arts, and thinking about them, I provided a first
19 draft of the declaration to the attorneys.

20 Then we would have discussion, and I would
21 "dictate" what needs to be written, they will put it in
22 a declaration, send it back to me, and I would edit and
23 adjust. It was a back and forth process, but every
24 opinion in the declaration is mine and that's why I
25 signed it on the last page.

1 Q. In the first draft that you sent to your
2 attorneys, what sections were in that first draft?

3 A. It's been a while. It's almost a year.

4 MR. PETERS: Sorry. Sorry. I was on mute.
5 That calls for work-product. I'm going to instruct the
6 witness not to answer.

7 BY MR. KROHN:

8 Q. What was -- you didn't find any of the prior
9 art references included in your declaration; correct?

10 MR. PETERS: Object to form.

11 THE WITNESS: I did research in this area for
12 more than 30 years. I have a huge library of related
13 works, patents, and publications. I might have come up
14 with some of these prior arts. Maybe they also had it,
15 the attorneys. Those are the possibilities.

16 BY MR. KROHN:

17 Q. If you could go to page 9 of your declaration.

18 A. Yes.

19 Q. Paragraph 14 you say, "In forming the opinions
20 expressed in this declaration, while drawing on my
21 experience in the field of remote diagnostic monitoring,
22 I reviewed the following documents."

23 Do you see that?

24 A. Yes.

25 Q. So this is a list of documents that you used in

1 forming your opinion; correct?

2 A. As I mentioned, I have reviewed the following
3 documents for my declaration.

4 Q. What's Exhibit 1008?

5 A. I have to go back and check whether it was
6 supposed to be a placeholder for my declaration or
7 not.

8 Q. Okay. If it was not a placeholder for your
9 declaration, what document would it have been?

10 A. That's really all I could think of. The only
11 times in several places I have used "reserved" was for
12 my own declaration.

13 Q. So Exhibit 1013 was also potentially your
14 placeholder for your declaration?

15 A. That's all I recall sitting here today that
16 these "reserved" were related to my declaration.
17 Sitting here today, I do not recall if it was a typo or
18 not.

19 Q. And the same answer for Exhibit 1025?

20 A. I think those are fair. This could be simply a
21 typo.

22 Q. And you said you had -- before we talked about
23 the documents that were on your computer, and you said
24 that they were generally the ones listed on pages 9, 10,
25 and 11.

1 A. Right.

2 Q. Do you have anything on your computer marked as
3 Exhibit 1008, 1013, or 1025?

4 MR. PETERS: Object to form. Scope.

5 THE WITNESS: I don't believe so.

6 BY MR. KROHN:

7 Q. Going on to paragraph 15, you say you assume
8 that the invention occurred January 27, 2004.

9 Do you see that?

10 A. Correct.

11 Q. You didn't include any analysis indicating the
12 date of the invention was later than January 27, 2004;
13 correct?

14 A. Paragraph 15 says that, "My opinions are
15 additionally guided by my appreciation of how a person
16 of ordinary skill in the art would have understood the
17 claims of the '307 patent at the time of the alleged
18 invention, which I have been asked to assume is
19 January 27, 2004."

20 Q. So you didn't do any analysis of when the
21 actual date of the invention was?

22 MR. PETERS: Object to form.

23 THE WITNESS: Any analysis that I have provided
24 is somewhere in my report. But as this paragraph says,
25 is that I've been asked to assume January 27, 2004, is

1 the alleged invention time.

2 MR. KROHN: We've been going for about an hour
3 and 15 minutes. I'm happy to keep going or if this is a
4 good time to take a break, that works for me as well.

5 THE WITNESS: I'm happy to do whatever the
6 court reporter needs.

7 MR. KROHN: I'm good taking a 10-minute break.
8 Is that okay?

9 MR. PETERS: Sounds good.

10 (Off the record: 10:18 a.m. - 10:28 a.m.)

11 BY MR. KROHN:

12 Q. Dr. Sarrafzadeh, if you could go to paragraph
13 57 of your declaration, please?

14 A. Yes.

15 Q. So this paragraph deals with your proposed
16 construction of the claim language we were talking about
17 before; correct?

18 A. It is related to the limitation that is on top
19 of page 25 with the "Label A" all in boldface.

20 Q. And your view is that the processed
21 information -- by requiring the processed information
22 software to be communicated in response to
23 authentication, you are asserting that there would be an
24 authentication request and then the response to that
25 authentication request would include the processed

1 information and software; is that what you mean by
2 that?

3 MR. PETERS: Object to form.

4 THE WITNESS: What I do mention is that because
5 the processed information relates to said sensor data
6 and because the software relates to the unique sensor
7 ID, it follows that the remote server must first receive
8 and authenticate said unique sensor ID associated with
9 said unique wireless device before it can communicate to
10 the wireless device, processed information relating to
11 the said sensor data, and software related to the unique
12 sensor ID. That's what I mean.

13 BY MR. KROHN:

14 Q. So you just used the word "before" which I
15 think is important.

16 And what I'm trying to understand is, beyond
17 the processed information and software related to the
18 sensor ID coming after the authentication, what else
19 does "in response to authentication" mean?

20 A. Exactly as it says that the remote server must
21 first receive and authenticate said unique sensor ID
22 associated with said unique wireless device ID before it
23 can communicate to the wireless device processed
24 information relating to said sensor data and software
25 related to the unique sensor ID.

1 Q. So one has to come before the other in your
2 view; correct?

3 A. In response to defines a causal relationship,
4 as I have discussed in the rest of paragraph 57.

5 So as I mentioned in paragraph 57 is,
6 "Authentication of the unique sensor ID is a condition
7 precedent to the communication to said wireless device
8 of software relating to it. Moreover, the claim
9 language," that says, "thereby allowing said wireless
10 device to interpret said sensor anywhere in the world
11 plainly requires a causal relationship between the
12 authentication of the sensor and the interpretation of
13 the sensor data by the wireless device. Without such
14 download of processed information and software, the
15 wireless device cannot interpret the sensor. And the
16 scope of the claim does not cover the situations where
17 authentication of the sensor ID and communication of
18 software relating to it do not take place." That's my
19 opinion.

20 Q. But what I'm trying to understand still is what
21 you mean by "in response to" because -- let me give you
22 a hypothetical.

23 If I authenticate at 2 o'clock p.m. I sent off
24 authentication and I authenticate, that has occurred.
25 And then I use the app for some other things. There's

1 some back and forth. And then at 5:00 that night, three
2 hours later after a bunch of communication back and
3 forth, I then receive processed information and
4 software, is that still in response to the
5 authentication?

6 MR. PETERS: Object to form.

7 THE WITNESS: What is clear what "response to"
8 means is what I've stated here. I say, "because the
9 processed information relates to said sensor data and
10 because the software relates to the unique sensor ID, it
11 follows that the remote server must first receive and
12 authenticate said unique sensor ID associated with said
13 unique wireless device before it can communicate to the
14 wireless device processed information relating to said
15 sensor data and software related to the unique sensor
16 ID."

17 BY MR. KROHN:

18 Q. Right. So all that says is one has to happen
19 before the other. And I'm trying to understand does "in
20 response to" mean more than what happens before the
21 other?

22 A. "In response to" is exactly what's stated here
23 in terms of this limitation of the claim.

24 Q. That's the only limitation I'm worried about
25 right now.

1 A. Sure.

2 Q. So what you just read about the one happening
3 before the other, is that all that "in response to"
4 means is what happens before the other or does "in
5 response to" mean something else?

6 MR. PETERS: Object to form. Asked and
7 answered.

8 THE WITNESS: "In response to" means that
9 "Authentication of the unique sensor ID is a condition
10 precedent to the communication to said wireless device
11 of software relating thereto. Moreover, the claim
12 language" -- just looking at the claim language --
13 "thereby allowing said wireless device to interpret said
14 sensor anywhere worldwide plainly requires a causal
15 relationship between the authentication of the sensor
16 and the interpretation of the sensor data by the
17 wireless device."

18 BY MR. KROHN:

19 Q. But again, in my hypothetical, there would
20 still be a causal relationship. I could do something at
21 2 p.m., I do the authentication, and then I get the data
22 and the software back three hours later, is that still
23 in response to?

24 MR. PETERS: Object to form.

25 THE WITNESS: Again here -- first of all, your

1 hypothetical is missing many things about the system,
2 type of device. You need to provide a comprehensive
3 description.

4 But what is clear is that the claim language
5 that says "thereby allowing said wireless device to
6 interpret said sensor anywhere in the world plainly
7 requires a causal relationship between that
8 authentication of the sensor and the interpretation of
9 the sensor data by the wireless device."

10 BY MR. KROHN:

11 Q. But there's nothing in particular that you mean
12 by "in response to" other than one is happening after
13 the other.

14 I'm trying to understand what you mean by "in
15 response to" and you just keep reading the same thing.
16 And I'm trying to understand, other than the before and
17 after relationship, what else, if anything, does "in
18 response to" mean?

19 MR. PETERS: Object to form. Asked and
20 answered.

21 THE WITNESS: In response to, as it's clearly
22 stated in paragraph 57 and beyond says, "Authentication
23 of the unique sensor ID is a condition precedent to the
24 communication to said wireless device of software
25 relating thereto."

1 And I elaborate by saying the claim language
2 which says, "Thereby allowing said wireless device to
3 interpret said sensor anywhere worldwide plainly
4 requires a causal relationship between the
5 authentication of the sensor and the interpretation of
6 the sensor data by the wireless device."

7 And to kind of clarify further, I mentioned
8 that, "Without such download of processed information
9 and software, the wireless device cannot interpret said
10 sensor. And the scope of the claim doesn't cover the
11 situation where authentication of sensor ID and
12 communication of software relating to it does not take
13 place."

14 BY MR. KROHN:

15 Q. So paragraph 59, you talk about the
16 specification as further evidence for your proposed
17 construction; correct?

18 A. I think paragraph 56 through 64 has a number of
19 discussion, analysis, and justification related to the
20 construction I have proposed in paragraph 56.

21 Q. And in 59, the very end of page 27, you quote
22 from the '307 specification and you bold and italicize
23 the word "subsequently".

24 Do you see that?

25 A. Yes.

1 Q. "Subsequently" does not mean "in response to",
2 does it?

3 A. It says, "Subsequently," meaning after that,
4 "the ID of the RFID sensor is matched to a given class
5 of sensor, for example a glucose sensor, and the
6 software and/or instructions for the analyses are
7 downloaded into the reader as shown in function 738."
8 And this is quoted from column 18 of the '307 patent.
9 That's plainly what the patent says.

10 Q. Right. So when you were reading that you said
11 "subsequently" meaning after, right? Subsequent means
12 after; correct?

13 A. Subsequently here means that the ID of the
14 RFID. After that, "Subsequently, the ID of the RFID
15 sensor is matched to a given class of sensor" and we see
16 that in Figure 22 also.

17 Q. But subsequently doesn't mean in response to,
18 right, it means after?

19 MR. PETERS: Object to form. Asked and
20 answered.

21 THE WITNESS: As I mentioned, subsequently --
22 it says, "Subsequently, the ID of the RFID sensor is
23 matched to a given class of sensor."

24 BY MR. KROHN:

25 Q. So do you know what subsequently means or do

1 you not know what subsequently means?

2 A. That's plain language. It's exactly what it
3 says.

4 MR. PETERS: Object to form.

5 THE WITNESS: And I have provided an example of
6 what subsequently means in relation to Figure 22.

7 BY MR. KROHN:

8 Q. So subsequently means after as you said;
9 right?

10 MR. PETERS: Object to form. Asked and
11 answered.

12 THE WITNESS: It says "subsequently" so let --
13 it says, "But if the software is not available, then the
14 device must first obtain it from a given remote database
15 reader function 720." 720 it says is a dial-up remote.
16 A base connected up to the Internet. And then as we see
17 from the flowchart, "Subsequently, the ID of the RFID
18 sensor is matched to a given class of sensor."

19 BY MR. KROHN:

20 Q. Going on to paragraph 61, you cite a section of
21 the prosecution history where the applicant stated, "The
22 present invention in Claim 65 actively recites
23 limitation wherein in the remote device communicates the
24 unique sensor ID and unique wireless ID to remote server
25 which uses this information to send the wireless device

1 the information or software."

2 Do you see that?

3 A. Oh, the block code I have on top of page 29.

4 Q. Exactly.

5 A. I do see that.

6 Q. And you believe this quote shows the
7 applicant's understanding of the construction of the
8 limitation we've been discussing; correct?

9 A. I said that, "The applicant confirmed that the
10 remote server uses the received unique information to
11 send the necessary software, which means that the
12 necessary software is sent in response to authentication
13 of the unique sensor ID."

14 Q. That's not exactly -- I don't think you read
15 your opinion quite right.

16 You said, "The applicant confirmed the remote
17 server uses the received unique sensor/wireless ID to
18 send the necessary software"; correct?

19 A. It does say that, yes. The paragraph speaks
20 for itself. Paragraph 61.

21 Q. So as is listed in the block quote, your
22 understanding is the limitation requires that the
23 wireless device communicates the unique sensor ID and
24 unique wireless ID to the remote server; correct?

25 A. The block quote says, "The remote device

1 communicates the unique sensor ID and the unique
2 wireless ID to a remote server." It does not use the
3 word "authenticate". I assume the inventors know what
4 authentication means because they have used it in their
5 claim language.

6 Further, when you go further down in the
7 prosecution history on the same page and the page after
8 that it says, "This doesn't teach a claim limitation the
9 remote server load software onto the wireless device
10 relative to a particular sensor ID that was relayed to
11 the server from the wireless device as claimed by the
12 present invention."

13 The claim invention talks about authenticating
14 the sensor ID. It goes on by saying in the same
15 prosecution history page and the page after, it talks
16 about limitation of uploading software or receive data
17 based on the transmittal of the sensor ID that of the
18 combination phase.

19 Q. And so I think what you're saying, and I just
20 want to confirm.

21 You're saying that even though that block quote
22 doesn't refer to authentication, your understanding of
23 that block quote is that it is the applicant's view of
24 what at least part of authentication requires;
25 correct?

1 A. I did not say that. You misquoted me.

2 Q. Okay. So you are using this quote from the
3 prosecution history to support your view of the
4 construction that the information is sent in response to
5 authentication; correct?

6 A. I'm using this quota for -- as part of my
7 justification, starting with paragraph 57 and ending in
8 paragraph 64. And also understanding that the applicant
9 and the POSITA would understand what authentication
10 means.

11 And in this block, among other things, one of
12 the conclusions I'm drawing is, they are not using the
13 word "authentication". The word "authentication" is
14 used in the claim language itself and it's related to,
15 going back to the same element on page 25 of my report,
16 where it says, "Wherein the remote server authenticates
17 said unique sensor ID associated with said unique
18 wireless device."

19 So it only talks about authenticating the said
20 unique sensor ID. And everything else is trying to
21 explain, discuss, and analyze the construction I've
22 provided in paragraph 56.

23 Q. Right. If the language from the prosecution
24 history doesn't refer to authenticate, why do you think
25 it's relevant to this claim language that does use the

1 word "authenticate"?

2 A. It is to describe that they do mention about
3 sending information of the unique sensor ID and the
4 unique wireless ID to a remote server. And it goes back
5 to the notion of authentication knowing what that means.

6 There are other places in the prosecution
7 history. In fact, the same page as pages 65 and 66 of
8 the prosecution history where it also talks about only
9 the unique sensor ID.

10 So this is all to say that as a POSITA would
11 read, the limitation on top of page 25 it says, "The
12 remote server authenticates said unique sensor ID
13 associated with said unique wireless device." So the
14 only authentication the claim language talks about is
15 that of the unique sensor ID.

16 Q. Associated with the unique wireless device ID;
17 right?

18 A. Associated but it does not say that
19 it authenticates the wireless device. It's just
20 associated with. The only authentication, as a POSITA
21 myself would understand from this limitation, is that it
22 authenticates the said unique sensor ID.

23 Q. For the purposes of this IPR, the claim
24 construction requiring "in response to" doesn't actually
25 affect any of your opinions invalidity for this IPR; is

1 that correct?

2 MR. PETERS: Object to form.

3 THE WITNESS: I do not understand your
4 question.

5 BY MR. KROHN:

6 Q. So are there any grounds on which you have
7 rendered an opinion of invalidity where the limitation
8 is not met -- where any limitation is not met if the
9 limitation at the top of page 25 is not construed the
10 way that you believe it should be construed?

11 MR. PETERS: Object to form.

12 THE WITNESS: You had a couple of negatives in
13 your question. Would you like to rephrase?

14 BY MR. KROHN:

15 Q. What is the relevance of your proposed claim
16 construction to your opinions of "invalidity"?

17 A. So my declaration speaks for itself. I have
18 discussed this construction in various parts of my
19 report.

20 Q. And if you're wrong about the construction and
21 it gets its plain and ordinary meaning and doesn't get
22 your proposed construction from 56, how, if at all, does
23 that affect your invalidity opinions?

24 MR. PETERS: Objection. Form. Calls for a
25 legal conclusion.

1 THE WITNESS: By way of example, first and
2 foremost, the declaration speaks for itself. All the
3 analysis is provided.

4 Also, perhaps this is what you're asking. In
5 paragraph 326, I say that, "For example, Beck teaches
6 that the server computing device 110 attempts to
7 authenticate the user, the client-commuting device 120,
8 and/or the medical device via various authentication
9 schemes. Beck explains that authentication is based
10 upon the network address of the client-computing device,
11 the serial number of the medical device 130, stored
12 authentication" by the example of PGP, and paragraph 65
13 of Beck it talks about that.

14 So there are other constructions that I have
15 discussed in my report. Although, I believe the correct
16 construction is what I've provided in paragraph 56.

17 BY MR. KROHN:

18 Q. You're talking about paragraph 326? I want to
19 make sure I'm in the right place.

20 A. Yes. Initially, that's what I started talking
21 about.

22 Q. Where in 326 --

23 A. 326, 327, and beyond all the way to 332.

24 Q. So where in any of that do you refer to an
25 alternate construction?

1 A. So it talks about the user attempts to
2 authenticate the user, the client-computing device,
3 and/or the medical device via various authentication
4 schemes.

5 So this certainly covers my construction,
6 paragraph 56, but it has other analyses related to the
7 client-computing device. I discuss that in more detail
8 in paragraph 326, all the way to 332.

9 Q. Do you understand the difference between
10 "network-based geolocation solutions" and "handset-based
11 geolocation solutions"?

12 MR. PETERS: Object to form.

13 THE WITNESS: Where are you referring to in my
14 report?

15 BY MR. KROHN:

16 Q. Without looking at your report, you don't know
17 the difference between "network-based geolocation
18 solutions" and "handset-based geolocation solutions"?

19 MR. PETERS: Object to form.

20 THE WITNESS: A number of patents construe the
21 terms and description differently. Generally speaking,
22 anything that is network-based, you do it based on the
23 network. If you are doing it with a handset, like a
24 cell phone, you do it with a handset phone, such as a
25 cell phone.

1 BY MR. KROHN:

2 Q. So if it is a network-based geolocation
3 solution, there's no circuitry hardware, firmware, or
4 software in the handset that allows that geolocation; is
5 that correct?

6 MR. PETERS: Object to form.

7 THE WITNESS: I have not opined on that. As I
8 said, by the time of 2004, it was obvious to include
9 geolocation means whether it was GPS based or non-GPS
10 based in a handset phone, such as a cell phone.

11 BY MR. KROHN:

12 Q. And some of that is based on this FCC report;
13 correct?

14 A. Some of it is based on FCC. As I say in
15 paragraph 14, some of it is in -- as I say, "In forming
16 the opinions expressed in this declaration, while
17 drawing on my experience in the field of remote medical
18 diagnostic monitoring." So it draws on my experience of
19 30-plus years in the field.

20 Q. Right. Based --

21 A. And other codes, documentation that I have
22 provided and discussed in the entirety of my
23 declaration.

24 Q. But part of it is based on the FCC report;
25 right?

1 A. I have talked about the FCC report, yes, in my
2 report.

3 Q. And the FCC report deals with both
4 handset-based geolocation and network-based geolocation;
5 correct?

6 A. Where are you referring to in the FCC report?

7 Q. You don't remember whether the FCC report deals
8 with both handset-based geolocation and network-based
9 geolocation?

10 A. I do recall --

11 MR. PETERS: Object to form.

12 THE WITNESS: I do recall that the FCC report
13 talks about geolocation capabilities.

14 BY MR. KROHN:

15 Q. But you don't remember it talking about
16 handset-based geolocation capabilities versus
17 network-based geolocation capabilities; right?

18 MR. PETERS: Object to form.

19 THE WITNESS: As I mentioned, I believe that
20 Beck discloses, by way of example, its client-computing
21 device that can be an Internet enabled cell phone. I
22 have mentioned that cell phones before the priority date
23 of '307 included a geolocation feature. That's where I
24 mentioned that "In 1999, FCC had already began a
25 concerted effort to require cell phone carriers to

1 outfit cell phones with automatic location
2 identification through GPS or non-GPS geolocation
3 features."

4 And I mentioned that Beck's client-computing
5 device and Internet enabled cellular phone would have
6 included GPS, non-GPS geolocation functionality, it
7 would have been obvious to include them for a POSITA
8 reading these patents.

9 BY MR. KROHN:

10 Q. So the first sentence of paragraph 96 you say,
11 "In addition, cellular phones available before the
12 priority date of the '307 patent included geolocation
13 capability"; right?

14 A. Paragraph 96 you said?

15 Q. Yes.

16 A. I was not looking at paragraph 96.

17 Q. Oh, sorry. Look at paragraph 96. Do you see
18 that it says, "Cellular cell phones available prior to
19 the priority date of the '307 patent includes the
20 geolocation capability"? You see that?

21 A. Correct.

22 Q. When you say "geolocation capability" there,
23 are you including network-based geolocation?

24 A. What I'm including is that government agencies,
25 such as FCC in the U.S., were pushing to make automatic

1 location identification, ALI technology, a standard in
2 all cellular devices.

3 Q. Right, but that FCC report that you cite talks
4 about both network-based geolocation and handset-based
5 geolocation.

6 So I'm asking what you meant when you wrote
7 "included geolocation capability."

8 Were you including in geolocation capability
9 network-based geolocation?

10 A. What I was including is what one of the
11 ordinary skill, a POSITA, would understand by this
12 report by knowing the field, my experience, as I
13 mentioned earlier, that FCC were pushing automatic
14 location identification standard in all cellular
15 devices. So, therefore, it would have been obvious to
16 include them in cellular devices. That's what I'm
17 using.

18 Q. But that doesn't answer the question.

19 When you say "geolocation capability" -- those
20 are your words in paragraph 96, right, "geolocation
21 capability", that's what you wrote; right?

22 A. Yes.

23 Q. So do you mean by "geolocation capability", is
24 that including network-based geolocation and
25 handset-based geolocation?

1 MR. PETERS: Objection. Asked and answered.

2 THE WITNESS: In relation to this limitation of
3 geolocation, whether GPS or non-GPS, I'm using the fact
4 of what a POSITA would understand at the time. And by
5 way of example, the Federal Communications Commission in
6 the United States was pushing to make automatic location
7 identification technology standard in all cellular
8 devices. Therefore, it would have been obvious to have
9 geolocation capability in cellular devices in the
10 corresponding time frame around 2004 and even before
11 that.

12 BY MR. KROHN:

13 Q. So when you're saying that, are you including
14 network-based geolocation or not?

15 A. I am including the fact that one of ordinary
16 skill in the art reading this in 2004 or even a few
17 years before that would understand that cellular devices
18 would have been obvious to have geolocation capability.
19 That's what I'm using for my discussion.

20 Q. And you keep saying "geolocation capability".
21 Does that geolocation capability include
22 network-based geolocation or not?

23 MR. PETERS: Objection. Asked and answered.

24 THE WITNESS: As I mentioned, the cellular
25 devices would have been obvious to have geolocation

1 capabilities using at least two methodologies GPS and
2 non-GPS, and that's the analysis that I'm using for my
3 obviousness discussion in various places in my report,
4 including, but not limited to, when I discuss Beck and
5 also Bandy.

6 BY MR. KROHN:

7 Q. Do you have an opinion on whether network-based
8 geolocation solutions would meet the geolocation means
9 limitation of the '307 patent?

10 A. My opinion is that geolocation capabilities,
11 including GPS and non-GPS, would have been obvious by
12 2004. There is a report by the Federal Communications
13 Commission talking about that. There are a number of
14 other references that I have talked about where it talks
15 about geolocation capabilities, and I have discussed
16 them in my report. I'm using that for the obviousness
17 of doing GPS based or non-GPS based geolocation.

18 Q. So is network-based geolocation GPS based or
19 non-GPS based?

20 A. So here, using FCC's result and a number of
21 other results and references that I do talk about, is
22 the fact that cellular devices had geolocation
23 capability. That's what I'm using as an obvious
24 discussion in my report.

25 Q. That doesn't answer the question.

1 Is network-based geolocation GPS based or
2 non-GPS based?

3 A. As I mentioned in a number of places in my
4 report, including, but not limited, to paragraph 96 and
5 when I talk about the particular references related to
6 on Beck and Bandy, I do talk about GPS capability of
7 cellular devices, and a POSITA would understand that you
8 could include them in cellular systems, cellular phones
9 by way of example.

10 Q. So you don't know whether network-based
11 geolocations are GPS based or non-GPS based; right?

12 A. What I have done an analysis of is that
13 cellular devices would have GPS capabilities. These GPS
14 capabilities are both GPS based and triangulation based,
15 the non-GPS technology, and I've shown a number of
16 references as prior art which do talk about that.

17 Q. Other than the FCC report, what piece of prior
18 art do you reference?

19 A. For example, in paragraph 351 of my report, I
20 talk about Lovejoy. And I say, "Lovejoy teaches that
21 its disclosed personal monitoring device includes
22 geolocating capabilities, GPS, or the radar responsive
23 tags." That's from Lovejoy, I believe, column 4.

24 Then I say that, "Lovejoy goes on to explain
25 that in situations where line of sight to forward GPS

1 satellite can be guaranteed and greater size and weight
2 are acceptable. GPS can be utilized for geolocating."
3 So when you are using satellites, that's where you are
4 doing GPS.

5 And then I mention why Beck in view of Lovejoy
6 does include geolocation capabilities.

7 Q. Are you familiar with the abbreviations e.g.
8 and i.e.?

9 A. For example, i.e. status is Latin for "that
10 is".

11 Is that what you are referring to?

12 Q. Exactly. In fact, I appreciate it. I wasn't
13 aware of the Latin.

14 But there's a difference between using the
15 abbreviation e.g. and using the abbreviation i.e.;
16 correct?

17 A. Yes.

18 Q. And when you say "i.e.," you mean one thing is
19 the other, right, as opposed to being an example of the
20 other; is that your understanding?

21 A. Generally speaking, that's the case. You have
22 to look at the context. Sometimes that's used
23 differently in writing.

24 Q. But when you use it, what do you mean i.e. to
25 mean?

1 A. Generally speaking, that's what I mean, but you
2 have to look at the context of the paragraph.

3 Q. So let's look at paragraph 195 in your
4 declaration.

5 A. Yes.

6 Q. The last sentence you say, "Bandy discloses
7 that the sensor identification numbers used to identify
8 (i.e. authenticate) the sensor."

9 A. Correct.

10 Q. So is it your view that "identification" is the
11 same as "authentication"?

12 A. So you have to read this in context. The
13 context of what goes on in paragraph 194, all the way to
14 paragraph 201, talks about using this information for
15 authentication.

16 Just having the ID and receiving the ID by
17 itself does not mean authentication. So you have to
18 read paragraph 195, specifically i.e. that I mentioned,
19 in view of everything else included in paragraph 194
20 through 201 and beyond.

21 Q. So does that mean identify does or does not
22 mean authenticate?

23 MR. PETERS: Object to form. Asked and
24 answered.

25 THE WITNESS: As I mentioned, just having

1 somebody's ID doesn't necessarily mean authenticate.
2 Authenticate means authenticate as we discussed in
3 relation to the '307 patent and the figure that we
4 discussed.

5 BY MR. KROHN:

6 Q. So what does the "i.e." in that sentence mean
7 then?

8 A. I.e., again as I mentioned before, you have to
9 read that in context, in relation to paragraph 194
10 through 201.

11 For example, when I say, "Bandy discloses
12 communication information and software for the sensor to
13 the wireless sensor reader, for example Bandy states
14 that some or all of the necessary information to handle
15 and analyze the sensor is retrieved from the processor.
16 And software may also be downloaded directly and
17 transparently into the cell phone or reader to train the
18 wireless device to recognize and analyze that type of
19 RFID sensor."

20 And then Bandy in relation to paragraph 195 and
21 196 states that, "When the necessary processing and
22 analysis information is downloaded from a remote
23 location, only the ID of the RFID is necessary providing
24 the highest streamline solution for the universal sensor
25 analyses for the wireless devices such as cell phones."

1 So this, in particular, is that Bandy confirms
2 that the unique idea of the RFID is used to identify and
3 download the software and other information that is used
4 to process data from the sensor.

5 And I go on in paragraph 197 and 198 to discuss
6 that further.

7 So again, in summary, just having the ID is not
8 by itself an authentication process.

9 Q. Thank you for the context.

10 So based on that context, what do you mean when
11 you say, "Bandy discloses that the sensor identification
12 number is used to identify (i.e. authenticate) the
13 sensor"?

14 A. So identification and matching, as described
15 elsewhere in my report, is what constitutes an
16 authentication.

17 Having just the ID is not authentication as we
18 discussed, say, in relation to the prosecution
19 history.

20 Q. So if you were going to write this again -- if
21 you were going to revise this, would you use "i.e."
22 again or would you use a different term?

23 MR. PETERS: Object to form.

24 THE WITNESS: Reading this in context, I think
25 the way I have written it, it's fine.

1 BY MR. KROHN:

2 Q. I'm going to drop into the chat what is
3 Exhibit 1017 which is the FCC report that we've talked a
4 little bit about.

5 Before we look at the FCC report -- and we may
6 not actually have to -- but let's go back to your
7 declaration, paragraph 211, and then there's a footnote
8 4.

9 Do you see that?

10 A. I apologize, which paragraph then?

11 Q. Page 96. It's the footnote on page 96.

12 A. Okay. I see that.

13 Q. And you state, "FCC report is requiring
14 carriers to begin selling location-capable handsets no
15 later than March 1, 2001."

16 A. Correct.

17 Q. The FCC does not require all handsets sold as
18 of March 1, 2201 to be location capability; correct?

19 A. Reading the FCC report, a POSITA would
20 understand that it would have been obvious to include
21 GPS capabilities in a cell phone. And by that I mean,
22 GPS or non-GPS geolocation features.

23 Q. If you can go to paragraph 220 of your
24 declaration.

25 A. 221 you said?

1 Q. 220.

2 A. I'm there. Please proceed.

3 Q. The last sentence of that paragraph you have a
4 quote from Bandy that starts "is affixed to a person."

5 Do you see that?

6 A. There is a quote that starts "is affixed to a
7 person."

8 Q. You say that Bandy -- you say, "In those
9 applications," meaning Bandy's applications, "the sensor
10 is affixed to a person (or animal)."

11 Do you see that?

12 A. You read the first part of the quote correctly.
13 "Is affixed to a person (or animal)."

14 Q. But "sensor" is not the term that Bandy uses,
15 is it?

16 A. By way of example, column 6 of Bandy, talks
17 about priority of sensor elements 291A to 291N, 292A
18 through 292N, as in Nancy, 294A through 294N, and you
19 see that in Figure 2 of Bandy.

20 Q. But that's not where you're quoting in your
21 declaration. You're not quoting from column 6. You're
22 quoting from column 20 where it refers to "A smart card
23 or badge is affixed to a person (or animal)"; correct?

24 A. Bandy is a patent. All the columns/figures
25 could be related. And, of course, when it talks about a

1 sensor affixed to a -- in those applications, the sensor
2 is affixed to a person in view of the entirety of Bandy,
3 including what I quoted from column 6, gives you an
4 understanding that one could take a sensor and attach it
5 to a person in reusable or non-reusable format.

6 Q. Does Bandy talk about non-reusable smart cards
7 or badges?

8 A. That was my commentary.

9 Q. And again, Bandy doesn't say "affixing a
10 sensor" it says "affixing a smart card or badge."

11 That's the language in column 20; right?

12 MR. PETERS: Object to form.

13 THE WITNESS: You read the language of column
14 20 in view of the rest of the specification and,
15 therefore, a POSITA would understand that here Bandy is
16 talking about a sensor.

17 BY MR. KROHN:

18 Q. Even though Bandy in that same sentence talks
19 about sensor elements separate from the smart card or
20 badge, doesn't it?

21 MR. PETERS: Object to form.

22 THE WITNESS: A sensor has a sensor element in
23 it and other things.

24 BY MR. KROHN:

25 Q. Right, but it refers -- in that same sentence

1 it refers to "smart card or badge, sensor elements, and
2 RF addressable sensor," right, as three distinct
3 things?

4 A. Are you equating sensor element with sensor?

5 Q. I am not equating anything.

6 I'm just saying in that sentence it refers to
7 smart cards or badges; right?

8 A. Yes.

9 Q. It refers to sensor elements?

10 A. Yes.

11 Q. And it refers to RF addressable sensor;
12 right?

13 A. And I'm saying, the sensor. In those
14 applications, the sensor -- I'm not saying the sensor
15 element. I'm saying, "In those applications, the sensor
16 is affixed to a person (or animal) such that the sensor
17 elements of RF addressable sensor are proximate to the
18 surface of the skin. RF addressable sensor may include
19 low power sensors to monitor certain conditions or
20 characteristics such as the individual's vital
21 functions."

22 Q. Right. And if you -- and that's referring to
23 Figure 11, right?

24 It's using numbers that refer to items in
25 Figure 11; right?

1 A. Let me verify that.

2 So this is from column 20, column 19 of Bandy
3 starting at line 55, it talks about the smart cards and
4 remote diagnostic monitoring. It says, "The present
5 invention can also be used for remote diagnostic
6 monitoring according to an example in the embodiment of
7 the present invention."

8 So the sensors and sensor elements that is
9 discussed earlier in Bandy, by way of example, what is
10 discussed in Figure 2, this is an example of that and
11 this particular numbering that starts with 11, by way of
12 example 1103, does refer to Figure 11.

13 Q. Right. And so --

14 A. Sorry. If I may finish?

15 Q. Please.

16 A. But please note that it also refers to previous
17 figures because this is an example as Bandy says of the
18 embodiment of the patent.

19 Q. Right. And so if you look at Figure 11 and
20 column 20, the smart card or badge is item 1103;
21 right?

22 A. Yes.

23 Q. And the RF addressable sensor is 1110; right?

24 A. Okay. Sure. That's in one example that is on
25 top of column 20 of Bandy. It says, "RF addressable

1 sensor 110 may include low power sensor to monitor
2 certain conditions or characteristics such as the
3 individual's vital functions, the smart card or badge
4 1103 is placed within the read range of the wireless
5 sensor reader."

6 Q. So they are distinct things, the smart card or
7 the badge in the RF addressable sensor; right? Those
8 are two different things?

9 A. It says, "RF addressable sensor may include low
10 power sensors. The smart card or badge placed within
11 the read range of the wireless sensor network."

12 Q. Right. And so you took out in your
13 declaration, instead of referring to a smart card or
14 badge, which is what the language in the patent that
15 you're referring to that you're quoting from uses, and
16 you replaced that with a different term that's separate
17 from the smart card or badge; right?

18 MR. PETERS: Object to form. Mischaracterizes
19 reference in the report.

20 THE WITNESS: Not at all. The report says, "In
21 those applications" and among other things it's
22 referring to the application of column 19 of Bandy.
23 "The sensor is affixed to a person (or animal) such that
24 the sensor element of the RF addressable sensor or
25 proximate to the surface of the skin, RF addressable

1 sensor may" -- again the word is RF addressable
2 sensor -- "may include low power sensor to monitor
3 certain conditions or characteristics as the
4 individual's vital functions."

5 BY MR. KROHN:

6 Q. Bandy discloses only smart cards and badges as
7 having sensors; right?

8 MR. PETERS: Object to form.

9 THE WITNESS: Bandy discloses many things in
10 Figure 2. It's a general system that contains
11 sensors.

12 BY MR. KROHN:

13 Q. Other than a general system, what other devices
14 other than smart cards and badges does Bandy disclose as
15 containing sensors?

16 A. Well, we have to go through every paragraph of
17 Bandy to see all possibilities of what it considers as a
18 system as having sensors. A number of those examples
19 are provided in my report.

20 Q. So where in your report do you have an example
21 of Bandy disclosing a sensor contained in something
22 other than a smart card or badge?

23 A. By way of example in column 19, Bandy is
24 talking about a gas sensor. And one of the ordinary
25 skill in the art would understand that the form factor

1 of a gas sensor is not a badge, it's a box. In fact,
2 they talk about a box in this patent. And it talks
3 about looking at the number of molecules released. This
4 is mostly in column 19.

5 So Bandy does disclose a number of monitors
6 that can make yourself, the invention provided in Bandy,
7 parts of which is included in Figure 2 of Bandy.

8 Q. Do you refer to the gas sensor in your
9 declaration?

10 A. Your question was, is there any other form
11 factor than a badge? My answer is yes, by reading
12 Bandy, that's what one of the ordinary skill in the art
13 would understand that a number of systems, monitors can
14 make you solve the invention of Bandy, let's say, in
15 Figure 2. And this is just one example because that was
16 the question you asked me.

17 Q. That actually wasn't the question I asked.

18 I said, you had said that there were a number
19 of those examples provided in your report. And so I
20 asked:

21 So where in your report do you have an example
22 of Bandy disclosing a sensor contained in something
23 other than a smart card or badge?

24 MR. PETERS: Object to form, if there's a
25 question pending.

1 MR. KROHN: I'm asking the same question
2 because he didn't answer it before.

3 BY MR. KROHN:

4 Q. Where in your report do you have an example of
5 Bandy disclosing a sensor contained in something other
6 than a smart card or badge?

7 A. By way of example -- because your question was
8 specific to my report -- in paragraph 130 of my report,
9 I mention that, "With reference to Figure 10, showing an
10 embodiment of a sensor network for the remote monitoring
11 of shipping containers, Bandy states that the RF
12 addressable sensors 1010 include chemical sensor
13 elements, radiological sensor elements, biological
14 sensor elements, or any combination of the above."

15 Then it goes on by saying that, "With reference
16 to Figure 11, Bandy discloses a remote diagnostics
17 monitoring system that includes some system such as a
18 chemical composition and biological composition and
19 other combination."

20 And one would understand that a chemical sensor
21 is not -- is something that can be used in various
22 format attached or not attached to a person.

23 Q. If you could go to photograph 235 of your
24 declaration.

25 A. Please proceed.

1 Q. Portions of Heller that you -- so you say,
2 "Heller discloses methods for affixing a medical device,
3 Heller's on-skin sensor control unit to the skin of a
4 patient, including through the use of an adhesive
5 patch."

6 Do you see that?

7 A. I do say in paragraph 235 that, "Heller
8 discloses methods for affixing a medical device.
9 Heller's on-skin sensor control unit to the skin of a
10 patient, including through the use of an adhesive
11 patch."

12 Q. You understand that Heller discloses both a
13 patch and a receiver/display; correct?

14 MR. PETERS: Object to form.

15 THE WITNESS: Where are you referring to?

16 BY MR. KROHN:

17 Q. You don't remember whether Heller includes a
18 patch and a receiver/display?

19 MR. PETERS: Object to form. Relevance.

20 THE WITNESS: There are multiple things
21 included in Heller. I just want to know if you are
22 using the term correctly, and that's why I am asking
23 where are you referring to.

24 BY MR. KROHN:

25 Q. So in Heller -- for example, we can look at

1 page 4, starting at line 20. You see that it says the
2 analyte -- this is Exhibit 1016 for the record.

3 You see it says, "The analyte monitoring system
4 also includes a display unit that has a receiver for
5 receiving data from the sensor control unit"?

6 Do you see that?

7 A. You are referring to page 4, you said, of
8 Heller?

9 Q. Yes. Starting around line 20.

10 A. Okay. There are two different paging numbers.
11 One on top says "4" and on the bottom says "page 5".
12 Which numbering are you using?

13 Q. I'm using the number on the bottom, which is
14 also the page of the PDF.

15 A. Perfect. I appreciate that. Let's start over,
16 if you don't mind. I'm at page 4. On the bottom it
17 says "page 4004."

18 Q. Around line 20 it says, "The analyte monitoring
19 system also includes a display unit that has a receiver
20 for receiving data from the sensor."

21 Do you see that?

22 A. I see that, yes.

23 Q. So what I'm trying to understand is, if you go
24 back to paragraph 235 of your declaration, you say that
25 a person of ordinary skill in the art would have

1 understood that under certain biological and
2 physiological conditions described in Beck, would
3 require affixing Beck's medical device to the person,
4 and then you talk about Heller. And then you say, "A
5 POSITA would have been motivated to incorporate Heller's
6 disclosed methods for affixing a medical device to the
7 skin of a user to Beck's system."

8 Do you see that?

9 A. I do.

10 Q. So I'm trying to understand what that result in
11 combination would include.

12 Would it include Heller's sensor unit?

13 MR. PETERS: Object to form.

14 BY MR. KROHN:

15 Q. Let me rephrase.

16 Would it include Heller's sensor control unit?

17 MR. PETERS: Object to form.

18 THE WITNESS: So as I mentioned, "A POSITA
19 would have been motivated to incorporate Heller's
20 disclosed methods for affixing a medical device to the
21 skin of a user to the Beck's system."

22 For example, "A POSITA would have been
23 motivated and/or found it obvious to integrate Heller's
24 adhesive patch into Beck's medical device so as to
25 attach it to the skin of a person."

1 BY MR. KROHN:

2 Q. I understand it. So now I'm trying to
3 understand what that combination would be.

4 So would that combination include Heller's
5 sensor control unit?

6 MR. PETERS: Same objection.

7 THE WITNESS: Here again, it's talking about
8 taking a medical device and affixing the medical device
9 to the skin of a user to Beck's system.

10 So the notion of affixing a medical device to
11 the skin of a user to Beck's system, that's specifically
12 what this paragraph 235 or at this part of it, is
13 talking about.

14 In general, paragraph 225, all the way to 238,
15 talks about other motivations to combine Beck and
16 Heller.

17 BY MR. KROHN:

18 Q. I understand you have these rationale for
19 combining these references.

20 What I'm asking is, what would the result in
21 combination look like and what would it include?

22 Would it include, for example, Heller's sensor
23 control unit?

24 MR. PETERS: Object to form.

25 THE WITNESS: What is said is that, "A POSITA

1 would have been motivated to incorporate Heller's
2 disclosed methods."

3 What is that disclosed method? It's affixing a
4 medical device to the skin of a user to Beck's system.

5 BY MR. KROHN:

6 Q. And then Heller's -- and when you say "medical
7 device" there --

8 When you say "Heller's adhesive patch," do you
9 mean the sensor control unit?

10 A. It says, "Heller's disclosed methods for
11 affixing a medical device." What the medical device is
12 and attaching or affixing that to the skin of a user,
13 you could use that exact same thing with the Beck's
14 system.

15 Q. And Heller's disclosed methods for affixing a
16 medical device, that's affixing the sensor control unit;
17 right?

18 A. Heller talks about affixing a medical device.
19 So "A POSITA would have been motivated to incorporate
20 Heller's disclosed method for affixing a medical device
21 to the skin of a user to Beck's system."

22 For example, "A POSITA would have been
23 motivated and/or found it obvious to integrate Heller's
24 adhesive patch into Beck's medical device so as to
25 attach it to the skin of a person."

1 Q. Where does Heller refer to attaching a medical
2 device to the skin of a patient?

3 A. Again, what I indicated in paragraph 235 is
4 that, "A POSITA would have been motivated to incorporate
5 Heller's disclosed method for affixing a medical device
6 to the skin of a user to the Beck's system. For
7 example, a POSITA would have been motivated and/or found
8 it obvious to integrate Heller's adhesive patch into
9 Beck's medical device so as to attach it to the skin of
10 a person."

11 Q. Right, but you said "Heller's disclosed methods
12 for affixing a medical device" -- I'm sorry. Strike
13 that.

14 You said, it says "Heller's disclosed methods
15 for affixing a medical device," that was the answer to
16 one of my questions.

17 And so I'm asking, where in Heller does it
18 disclose a method for affixing a medical device?

19 A. So the answer should have been viewed in the
20 context of paragraph 235 as a whole, where I talk about
21 Heller discloses methods for affixing a medical device.
22 That is Heller's on the skin sensor control unit to the
23 skin of a patient, including through the use of an
24 adhesive patch. This is in column 51, 54, and different
25 parts of column 54 of Heller.

1 I say, "Therefore a POSITA would have been
2 motivated to incorporate Heller's disclosed method for
3 affixing a medical device to the skin of a user to
4 Beck's system. For example, a POSITA would have been
5 motivated and/or found it obvious to integrate Heller's
6 adhesive patch into Beck's medical device so as to
7 attach it to the skin of a person."

8 This is the analysis and conclusion I'm drawing
9 in paragraph 235.

10 Q. Right. So again, you are saying the medical
11 device from Heller is the on-skin sensor control unit;
12 right?

13 A. What I'm saying is that "A POSITA would have
14 been motivated to incorporate Heller's disclosed method
15 for affixing a medical device to the skin of a user to
16 Beck's system."

17 So you can take a medical device of Beck and
18 attach it to or affix it to the skin of a user.

19 Q. So you don't know which particular elements of
20 Heller you would incorporate into which particular
21 elements of Beck; is that correct?

22 MR. PETERS: Object to form.

23 THE WITNESS: That's not what I said.

24 What I did say is that the general notion that
25 I've described in paragraph 235, and actually a few

1 paragraphs before that, for example, when I talk about
2 skin sensor of Heller, where Heller itself says that
3 typically includes an adhesive on the bottom surface of
4 a mounting unit that adhere to the skin of a patient or
5 by providing coupled mounting unit and housing of an
6 on-skin sensor on an adhesive patch.

7 And a number of other discussions related to
8 both Beck and Heller and the kind of system that Beck
9 considers, I mentioned that, a POSITA would have
10 understood that at Beck's disclosure of a medical
11 device, numbered 130, such as a glucose meter or other
12 sensor that measures physiological data would include or
13 could be proved through inclusion of a reference sensor
14 element and why that's disposable skin patch.

15 So I have talked about a sensor element, and
16 here it has to do with the disposable skin patch. I
17 mentioned that the circuitry, such as a sensor
18 electrode, would be limited on a substrate. That is in
19 discussion of the substrate that I'm referring to.

20 But bringing all of this back together, I
21 conclude partly by saying "A POSITA would have been
22 motivated to incorporate Heller's disclosed method for
23 affixing a medical device to the skin of a user to
24 Beck's system. For example, a POSITA would have been
25 motivated and/or found it obvious to integrate Heller's

1 adhesive patch into Beck's medical device so as to
2 attach it to the skin of a person."

3 BY MR. KROHN:

4 Q. So once you've done that, once you've
5 integrated Heller's adhesive patch into Beck's medical
6 device, do you have an opinion about what components
7 would be in that combination?

8 MR. PETERS: Object to form.

9 THE WITNESS: As clearly said in paragraph 235,
10 and I just mentioned the conclusion, is that "A POSITA
11 would have been motivated and/or found it obvious to
12 integrate Heller's adhesive patch into Beck's medical
13 device so as to attach it to the skin of a person."

14 BY MR. KROHN:

15 Q. So in that resulting combination, do you or do
16 you not have an opinion about what components would
17 exist in that result in combination?

18 MR. PETERS: Same objection. Asked and
19 answered.

20 THE WITNESS: Again, in further discussion in
21 elaboration of what I just said, I mentioned that the
22 provision of sensor electro/substrate and adhesive
23 patches, as providing well-known implementation detail,
24 that a POSITA would be motivated to use in implementing
25 Beck's medical device, medical diagnostics sensor for

1 measuring glucose or other biological/physiological
2 parameters. Doing so would amount to nothing more than
3 combining prior arts elements according to known methods
4 to yield predictable results.

5 "For example, Heller discloses that using the
6 reference to temperature sensors in conjunction with
7 glucose, measurement is nearly one known way of
8 implementing such a test device to have greater accuracy
9 because it allows the sensor to account for change in
10 the relationship between sensor current and analyte
11 level."

12 So this is what I'm referring to and concluding
13 as using the prior art combination to known methods.

14 BY MR. KROHN:

15 Q. Do you have an opinion on whether using those
16 known methods to provide this combination would or would
17 not include the display unit/receiver of Heller?

18 MR. PETERS: Same objection.

19 THE WITNESS: Again, as clearly said, "A POSITA
20 would have been motivated or found it obvious to
21 integrate Heller's adhesive patch." So let's underline
22 that, "Heller's adhesive patch into Beck's medical
23 device so to attach it to the skin of a person." That's
24 my opinion.

25 BY MR. KROHN:

1 Q. I understand that's what your declaration says.
2 I'm trying to understand your analysis that's in your
3 declaration and to clarify the statements that's in your
4 declaration.

5 So I am asking, do you have an opinion one way
6 or the other about whether this combination that you say
7 would have been obvious to a POSITA would or would not
8 include the display unit/receiver of Heller?

9 A. It could include the medical devices that Beck
10 talks about. In fact, I've gone through this process in
11 my own research. I've taken issue that has a printed
12 circuit board. I've seen other technologies that uses a
13 flexible circuit board. And I've used one for the other
14 i.e. I used a flexible printed circuit board to include
15 everything that was included in a smart shoe. And
16 that's what I'm referring to here in paragraph 235 and
17 related paragraph of combination of Beck and Heller.

18 Q. Going to paragraph 270 -- strike that.

19 You said that you include the medical devices
20 that Beck talks about. Do you remember saying that?

21 A. In what context? I've said a lot of things
22 today.

23 Q. You just said it. I asked you whether or not
24 it would include the display unit or the receiver of
25 Heller, and you said it would include the medical

1 devices that Beck talks about.

2 What are the medical devices that Beck talks
3 about that you're referring to?

4 A. Which paragraph are we on?

5 Q. Of your declaration?

6 A. Yes.

7 Q. We were on paragraph 235.

8 A. Okay. Thank you.

9 So the medical devices of Beck, I say, "A
10 POSITA would have been motivated and/or found it obvious
11 to integrate the adhesive patch of Heller into Beck's
12 medical devices and in doing so would amount to nothing
13 more than then combining prior art elements according to
14 known methods to yield predictable results."

15 Q. If you go to paragraph 270 of your declaration.

16 A. Sure.

17 Q. You say at your conclusion, "A POSITA would
18 have understood that a serial number or identification
19 code for the medical device is a unique ID number that
20 would uniquely identify the medical device and
21 corresponding sensor."

22 Do you see that?

23 A. I do.

24 Q. Beck doesn't refer to a corresponding sensor,
25 does it?

1 MR. PETERS: Object to form.

2 THE WITNESS: With reference to Figure 1,
3 starting in paragraph 23 of Beck, it talks about a
4 client-computing device and the medical device and the
5 interaction between them and that will establish a
6 correspondence.

7 BY MR. KROHN:

8 Q. But it doesn't refer to the sensor having a
9 unique identifier, right, or serial number? It refers
10 to the medical device as having a serial number;
11 correct?

12 A. It talks about item identification called
13 retrieved from the medical device, a serial number
14 retrieved from the medical device, and other information
15 retrieved from the medical device.

16 Q. And nowhere in which you just read does it talk
17 about a sensor; right?

18 A. We established earlier that a medical device as
19 a sensor. Therefore, the sensor of the medical device
20 or sensor lead as it's normally called in a number of
21 places. So is the sensor associated, a sensor of
22 medical device.

23 Q. We talked earlier on about the definition of
24 medical device. And you think you said -- and I don't
25 want to misquote you -- but I think you said something

1 about the context matters for that definition, whether
2 it's sort of a user device or sort of a hospital device.

3 Do you remember talking about that?

4 A. I recall that you wanted me to define a medical
5 device and classify whether certain things are medical
6 devices. And I said in some contexts, not everywhere,
7 in certain patents, the inventors may distinguish
8 between a user-based system, home-based system,
9 consumer-based system, and hospital-based system. And I
10 asked you to define and distinguish them which you
11 didn't. So that context I do remember.

12 Q. So do you think that the authors of Beck make
13 any sort of distinction?

14 A. They refer to these as "medical devices". I
15 have not analyzed and paid attention to if they actually
16 make a distinction between different types of medical
17 devices. When they talk about a glucose monitor and the
18 like, they simply call it a medical device.

19 Q. So in your view, a medical device, as talked
20 about in Beck, is it limited to either a user device or
21 a hospital-based device?

22 A. That's not something that I have analyzed and
23 discussed in my declaration. Beck simply calls them a
24 medical device.

25 MR. KROHN: We've been going for quite a while.

1 Can we take 15-minute break?

2 MR. PETERS: Is it about lunchtime for you,
3 Majid?

4 THE WITNESS: No, I'm fine. I appreciate it
5 though.

6 MR. PETERS: 15 minutes sounds good.

7 MR. KROHN: Great. Thanks so much.

8 (Off the record: 12:07 p.m. - 12:24 p.m.)

9 MR. KROHN: No further questions.

10 MR. PETERS: Okay. Thank you for your time,
11 Dr. Sarrafzadeh. I have no questions.

12 THE WITNESS: It was a pleasure. Thank you
13 all.

14 THE STENOGRAPHER: Mr. Peters, would you like a
15 copy?

16 MR. PETERS: I will take whatever Patent Owner
17 will be ordering.

18 MR. KROHN: I would like a rough tonight or
19 tomorrow morning and a final by a week from tomorrow,
20 October 4th.

21 THE STENOGRAPHER: We are going off the record
22 at 12:24 p.m.

23 * * *

WITNESS'S CHANGES OR CORRECTIONS

Deponent: MAJID SARRAFZADEH

NOTE: If you are adding to your testimony, print the exact word/words you want to add. If you are deleting words from your testimony, print the exact word/words you want to delete. Specify with "Add" or "Delete" and sign below.

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Pursuant to Section 2025.520 of the Code of Civil Procedure of the State of California, I hereby certify that I have read my Statement Under Oath transcript, made those changes and corrections that I deem necessary, and approve the same as now true.

Date: _____ Signature: _____

DECLARATION UNDER PENALTY OF PERJURY

Case Name: ABBOTT LABORATORIES VS. ALTIIVERA LLC

Date of Deposition: Thursday, September 26, 2024

I, MAJID SARRAFZADEH, hereby certify under penalty of perjury under the laws of the State of _____ that the foregoing is true and correct.

Executed this _____ day of _____, 20____, at _____.

MAJID SARRAFZADEH

CERTIFICATE OF STENOGRAPHIC REPORTER

I, CARA M. FOSTER, a Stenographic Certified Shorthand Reporter and Registered Professional Reporter, hereby certify that the witness in the foregoing deposition:

That MAJID SARRAFZADEH, the witness whose deposition is hereinbefore set forth, was duly sworn by me before the commencement of such deposition and that such deposition was taken before me on Thursday, September 26, 2024, commencing at 9:00 a.m. - 12:24 p.m. PST, and is a true record of the testimony given by such witness.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of September, 2024.



Cara M. Foster
RPR, CSR No. 11973

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a.m (5)

ABBOTT (15)

abbreviation (2)

abbreviations (1)

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acceptable (1)

access (2)

account (2)

accuracy (1)

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actively (1)

activities (2)

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Akalski (2)

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alleged (2)

allowing (5)

allows (2)

alternate (1)

ALTIIVERA (1)

ALTIVERA (5)

amount (4)

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anolyte (6)

analyze (11)

analyzed (10)

analyzes (2)

analyzing (2)

and/or (18)

animal (5) answer (21) answered (11) answers (1) anybody (1) apologies (1) apologize (1) app (2) APPEAL (1) appearances (1) applicant (4) applicant's (2) application (2) applications (9) applied (5) applies (1) apply (1) appreciate (6) appreciation (1) approve (1) apps (2) area (2) art (12) arts (3) aside (1) asked (17) asking (7) aspects (2) asserting (1) associated (13) assume (5) attach (9) attached (5) attaching (2) attempts (2) attending (1) attention (1) attorney (3) attorneys (6) attorney's (2) audible (1) audio (1) authenticate (16) authenticates (6) authenticating (2) authentication (44) authenticity (1) authors (1) automatic (4)	available (4) aware (1) < B > B2 (1) back (30) background (1) badge (15) badges (4) Bandy (39) Bandy's (1) bar (2) base (1) based (24) basically (1) beats (1) Beck (65) Becks (1) Beck's (26) began (1) behalf (2) believe (19) believed (1) believes (1) benefit (2) best (2) beyond (6) binder (7) biological (9) biological/physiological (4) bit (1) blanket (1) block (6) blood (34) BOARD (4) bodily (3) body (16) bold (1) bolded (1) boldface (2) bottom (5) box (3) brain (4) break (6) bring (1) bringing (1) brought (1) browser (1)	build (1) bunch (1) < C > CA (1) California (2) call (7) called (5) calls (8) capabilities (16) capability (17) capable (1) capacity (1) Cara (5) card (13) cardiovascular (6) cards (5) CARE (4) Carreyn (2) carriers (2) Case (9) causal (6) caution (3) cell (11) cellular (16) certain (10) certainly (2) CERTIFICATE (1) Certified (3) certify (4) cetera (3) change (1) CHANGE/ADD/DELETE (1) CHANGES (2) characteristics (3) characterization (1) chat (8) check (3) chemical (5) chemicals (1) Chris (1) Christopher (1) circle (4) circuit (3) circuitry (2) cite (2) Civil (1) claim (19)	claimed (1) claims (4) clarify (3) clarifying (1) class (4) classes (1) classify (1) clear (9) clearly (3) client (2) client-commuting (1) client-computing (7) closed (2) coagulation (3) code (3) codes (1) COIE (3) column (20) columns/figures (1) combination (14) combine (1) combining (3) come (5) comes (3) coming (1) commencement (1) commencing (1) commentary (1) comments (1) Commission (2) commonly (1) communicate (3) communicated (1) communicates (7) communication (12) communications (10) companies (1) component (2) components (3) composition (4) comprehensive (1) computer (8) computing (1) concerted (1) conclude (1) concluding (1) conclusion (5) conclusions (1) condition (7)
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conditions (6)	court (12)	dial-up (1)	EEG (2)
conducted (1)	cover (2)	dictate (1)	effort (2)
confidential/privileged (1)	covers (1)	difference (4)	either (4)
confirm (1)	CSR (3)	differences (1)	EKG (20)
confirmed (2)	curiosity (1)	different (10)	EKGs (2)
confirms (1)	current (2)	differently (5)	elaborate (2)
conjunction (1)	< D >	difficult (1)	elaboration (1)
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connection (1)	data (20)	directly (2)	electro/substrate (1)
connector (5)	database (1)	disclose (6)	electrocardio (5)
connectors (1)	date (7)	disclosed (16)	electrocardiogram (2)
connects (3)	Date: _____	discloses (15)	electrode (2)
consider (3)	____Signature (1)	disclosing (4)	electrodes (4)
considered (4)	Dave (1)	disclosure (1)	electrolytes (5)
considering (1)	David (3)	discuss (6)	electronic (8)
considers (3)	day (2)	discussed (19)	element (14)
consists (1)	days (1)	discussing (2)	elements (14)
constitutes (1)	deal (1)	discussion (13)	Eleventh (1)
construction (20)	deals (4)	discussions (4)	email (1)
constructions (1)	decision (1)	display (6)	embodiment (9)
construe (1)	declaration (54)	disposable (2)	employed (1)
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construes (1)	Defendants (1)	distinction (2)	enabled (2)
consult (1)	define (3)	distinguish (2)	ends (1)
consumer-based (3)	defined (1)	district (6)	entirety (2)
contained (3)	defines (1)	document (6)	environment (2)
containers (1)	definitely (1)	documentation (1)	equating (2)
containing (1)	definition (15)	documents (19)	Esq (2)
contains (1)	delete (2)	doing (5)	establish (1)
contents (2)	deleting (1)	download (3)	established (1)
context (16)	depends (4)	downloaded (3)	et (3)
contexts (2)	Deponent (1)	Dr (3)	evidence (1)
continuous (2)	deposed (1)	draft (3)	exact (7)
control (11)	DEPOSITION (13)	drafting (3)	exactly (12)
controlled (1)	describe (4)	draw (3)	Examination (3)
copies (3)	described (8)	drawing (4)	examined (1)
copy (7)	description (4)	drawn (1)	example (70)
copyright (4)	detail (2)	draws (1)	examples (8)
Corporation (1)	detailed (1)	drop (3)	Executed (1)
correct (57)	details (2)	drug (1)	exemplary (6)
CORRECTIONS (2)	detect (3)	duly (2)	Exhibit (22)
correctly (3)	detected (1)	< E >	exhibits (5)
correspondence (1)	determine (1)	e.g (2)	exist (1)
corresponding (4)	device (160)	earlier (6)	experience (4)
counsel (7)	devices (25)	early (1)	expert (1)
couple (2)	DIABETES (5)	East (1)	explain (2)
coupled (1)	diagnostic (4)	edit (1)	explains (1)
course (1)	Diagnostics (4)	education (1)	expressed (2)
			extent (1)

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fact (8)
 factor (2)
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 FCC's (1)
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 features (6)
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functions (3)
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 Joseph (1)
 justification (2)

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keep (3)
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 know (25)
 knowing (2)

knowledge (4)	lunchtime (1)	monitor (13)	objections (1)
known (6)	LW (2)	monitoring (11)	objects (1)
Krohn (92)		monitors (2)	obtain (2)
< L >	< M >	months (1)	obtained (1)
lab (5)	Mac (1)	morning (1)	obvious (20)
Label (1)	machine (7)	motivated (17)	obviousness (2)
labeled (1)	Madison (1)	motivations (1)	occurred (2)
LABORATORIES	Main (2)	Motorola (1)	o'clock (1)
(5)	MAJID (9)	mounting (2)	October (1)
language (16)	manufactured (5)	multiple (4)	OFFICE (1)
laptop (1)	March (2)	mute (2)	Oh (2)
late (2)	marked (3)		Okay (12)
LATHAM (2)	market (1)	< N >	Once (3)
Latin (2)	marriage (1)	name (6)	ones (1)
launched (2)	match (1)	named (1)	on-skin (4)
laws (1)	matched (4)	Nancy (1)	open (3)
lawyer (1)	matching (1)	nature (1)	operable (3)
lead (3)	materials (1)	nearly (1)	operate (1)
leads (9)	matter (4)	necessarily (5)	opined (3)
left (3)	matters (1)	necessary (8)	opinion (15)
leg (1)	mean (29)	need (11)	opinions (6)
legal (2)	meaning (6)	needs (2)	opposed (1)
level (6)	means (17)	negatives (1)	order (2)
levels (3)	meant (1)	network (10)	ordering (1)
library (1)	measure (4)	network-based (17)	ordinary (9)
license (1)	measurement (1)	night (1)	outcome (1)
lifetime (1)	measurements (1)	nods (1)	outfit (1)
limitation (20)	measures (1)	Nokia (9)	output (1)
limited (4)	measuring (1)	non-GPS (12)	outside (1)
line (6)	medical (108)	nonresponsive (1)	owned (1)
lines (1)	medication (1)	non-reusable (2)	Owner (5)
link (1)	meet (1)	normally (2)	
list (1)	mention (6)	note (2)	< P >
listed (3)	mentioned (22)	notebook (1)	p.m (7)
listening (1)	met (3)	notes (4)	PAGE (30)
litigation (1)	meter (43)	notice (2)	Pages (6)
little (3)	meters (13)	noticed (1)	paging (1)
LLC (5)	method (7)	notion (4)	paid (1)
LLP (2)	methodologies (1)	Number (37)	paper (2)
load (1)	methods (14)	numbered (1)	paradigm (6)
location (6)	mind (5)	numbering (2)	paragraph (84)
location-capable (1)	mine (1)	numbers (4)	paragraphs (2)
long (2)	minutes (2)	NW (1)	parameters (5)
look (12)	Mischaracterizes (3)		part (16)
looking (6)	misquote (1)	< O >	particular (8)
lot (4)	misquoted (1)	Oath (1)	parties (2)
Lovejoy (5)	missing (1)	object (64)	partly (1)
low (4)	models (1)	objected (1)	parts (3)
	molecules (1)	Objection (10)	patch (19)

patches (1)	possibly (1)	publications (1)	referenced (1)
PATENT (29)	potentially (1)	purporting (1)	references (6)
patents (9)	power (4)	purposes (1)	referred (4)
Pathmanaban (2)	practice (1)	Pursuant (2)	referring (17)
patient (5)	practices (2)	pushing (3)	refers (15)
Patients (2)	precedent (3)	put (4)	refresh (3)
patterns (1)	predictable (2)	putting (2)	refreshed (1)
PDF (6)	Preliminary (1)		Registered (2)
Pekarek (3)	preparation (4)	< Q >	related (30)
penalty (3)	prepare (4)	Q3 (1)	relates (4)
pending (2)	prepared (1)	Q4 (1)	relating (10)
people (1)	preparing (2)	qualify (1)	relation (6)
Perfect (1)	PRESENT (6)	quarters (1)	relationship (8)
perform (2)	preserve (1)	question (26)	relative (1)
performed (1)	pressure (7)	questions (5)	relayed (1)
periodically (1)	prevent (1)	quickly (1)	released (1)
perjury (3)	previous (1)	quite (3)	relevance (3)
PERKINS (3)	primary (1)	quota (1)	relevant (2)
person (24)	print (2)	quote (11)	remember (8)
personal (2)	printed (2)	quoted (3)	Remote (28)
Personally (1)	printer (3)	quoting (5)	rendered (1)
Peters (89)	printing (1)		repeat (1)
Petitioner (3)	prior (9)	< R >	rephrase (3)
PGP (1)	priority (4)	radar (1)	replaced (1)
phase (1)	privilege (1)	radiological (1)	report (46)
phone (17)	privileged (2)	range (2)	Reported (1)
phones (17)	probably (1)	rate (1)	Reporter (12)
photograph (1)	Procedure (1)	rationale (1)	represent (2)
physical (1)	proceed (3)	reaction (1)	request (2)
physiological (4)	process (6)	read (19)	request-response (5)
pick (1)	processed (16)	reader (7)	requests (1)
picking (1)	processes (1)	reading (8)	require (3)
picture (1)	processing (1)	reads (2)	requirement (2)
piece (2)	processor (1)	ready (1)	requires (7)
pieces (1)	produces (2)	really (4)	requiring (3)
place (4)	product (3)	reason (1)	research (6)
placed (2)	Professional (2)	recall (10)	reserved (2)
placeholder (3)	properly (1)	receive (5)	respiration (3)
places (5)	proposed (6)	received (2)	respond (1)
plain (2)	prosecution (10)	receiver (3)	responded (1)
plainly (5)	proved (1)	receiver/display (2)	Response (29)
Plaintiffs (1)	provide (10)	receives (1)	responses (1)
please (9)	provided (13)	receiving (3)	responsive (1)
pleasure (1)	provides (2)	recites (1)	rest (2)
point (3)	providing (4)	recognize (1)	result (4)
portion (2)	provision (1)	recollection (1)	resulting (1)
Portions (1)	proximate (2)	record (8)	results (3)
POSITA (35)	PRP (1)	refer (11)	retained (5)
possibilities (2)	PST (2)	reference (14)	retrieved (4)

reusable (1)	shakes (1)	starting (6)	talked (11)
review (4)	shipping (1)	starts (3)	talking (15)
reviewed (10)	shoe (1)	State (5)	talks (33)
revise (1)	Shorthand (3)	stated (5)	task (2)
RF (12)	show (2)	statement (3)	taught (1)
RFID (8)	showing (2)	statements (1)	teach (2)
Right (70)	shown (5)	STATES (6)	teaches (2)
Roche (7)	shows (5)	status (1)	technical (1)
Rodger (2)	sight (1)	STENOGRAPHER (3)	technologies (1)
rough (1)	sign (2)	Stenographic (4)	technology (3)
RPR (3)	signal (3)	Stenographically (1)	tell (2)
rules (1)	Signals (10)	step (1)	temperature (1)
running (7)	signature (1)	Steve (1)	tentative (1)
< S >	signed (1)	Steven (2)	term (10)
saliva (3)	similar (3)	steven.peters@lw.com (1)	terms (4)
SARRAFZADEH (11)	similarly (1)	stimuli (2)	test (30)
satellite (1)	simply (3)	stored (1)	tested (4)
satellites (1)	sitting (6)	streamline (1)	testified (1)
saying (20)	situation (1)	Street (2)	testify (1)
says (60)	situations (2)	stress (1)	testimony (5)
schematic (2)	size (1)	strike (5)	testing (5)
schemes (2)	skill (8)	strip (16)	testings (1)
scope (12)	skin (30)	strips (13)	Thank (12)
screen (1)	skip (1)	students (1)	Thanks (1)
section (3)	small (1)	study (1)	thereto (2)
sections (1)	smart (19)	Subsequent (1)	thing (6)
see (32)	software (33)	subsequently (15)	things (18)
seen (4)	sold (1)	substrate (4)	think (28)
selling (1)	solution (2)	suggested (1)	thinking (2)
send (4)	solutions (5)	Suite (2)	thought (1)
sending (1)	solve (1)	summary (1)	three (4)
sends (2)	somebody (2)	support (1)	Thursday (3)
sense (9)	somebody's (1)	supposed (1)	time (13)
senses (3)	someone's (1)	Sure (9)	times (3)
sensing (5)	sorry (6)	surface (3)	title (2)
sensor (189)	sort (5)	swear (1)	today (16)
sensor/wireless (1)	sorts (1)	Switching (1)	today's (1)
sensors (21)	sound (2)	sworn (2)	tomorrow (2)
sent (4)	sounds (3)	system (38)	tonight (1)
sentence (7)	speaking (4)	systems (5)	top (10)
separate (2)	speaks (3)	< T >	track (1)
September (4)	spec (1)	table (3)	TRADEMARK (1)
serial (5)	specific (1)	tags (1)	traditional (1)
served (1)	specifically (7)	take (13)	train (1)
server (19)	specification (6)	taken (2)	transcript (1)
sessions (2)	Specify (1)	talk (16)	transformed (1)
set (3)	standard (3)		transmittal (1)
	start (4)		transmitted (1)
	started (2)		transparently (1)

TRIAL (1)
triangulation (1)
true (3)
truthful (2)
trying (11)
turned (1)
TV (1)
two (5)
type (5)
types (3)
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typically (5)
typo (2)

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U.S (3)
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undergrad (1)
underline (1)
understand (42)
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Understood (6)
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UNITED (2)
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use (17)
User (23)
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utilize (1)
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wrote (2)

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years (8)
yield (2)

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