

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

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4 BIZLINK TECHNOLOGY, INC.,
5 Petitioner,
6 v.

7 ANDERSON POWER PRODUCTS, INC.,
8 Patent Owner.

9 Case IPR2024-00687

10 -----
11 Deposition of
12 DR. CHARLES ELDERING
13 Conducted virtually via Zoom
14 Friday, February 28, 2025
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18 Pages: 1 - 189

19 Reported by: THERESA A. VORKAPIC,
20 CSR, RMR, CRR, RPR
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2 Deposition of Dr. Charles Eldering,
3 conducted virtually via Zoom, pursuant to notice
4 before Theresa A. Vorkapic, a Certified Shorthand
5 Reporter, Registered Merit Reporter, Certified
6 Realtime Reporter, Registered Professional
7 Reporter and a Notary Public in and for the State
8 of Illinois.

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E X H I B I T S

(Retained by Counsel.)

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P R O C E E D I N G S

THE REPORTER: Would you raise your right hand, please.

(The witness was duly sworn.)

MR. GILFORD: Let's go ahead and do appearances for the record.

I'm Ben Gilford of Greenberg Traurig, LLP appearing on behalf of patent owner Anderson Power Products, Inc.

MR. RAJAN: And I'm Kai Rajan from Finnegan appearing on behalf of petitioner BizLink.

DR. CHARLES ELDERING,
called as a witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. GILFORD:

Q Good morning, Dr. Eldering. Nice to meet you. Like I said, I'm Ben Gilford.

Dr. Eldering, would you mind telling us where you are connecting to today's deposition from?

1 A I'm in an office at the -- I believe it's
2 1875 Explorer Street in Reston, Virginia in the
3 Reston Town Center, which is the Finnegan offices.

4 Q Okay. And is anybody else in the room
5 with you today?

6 A Yes, Counsel, Kai Rajan is in the room
7 with me today.

8 Q Anyone else?

9 A No.

10 Q And do you have any notes or documents
11 with you today?

12 A I have a binder to my right which contains
13 an unmarked copy of my declaration and the
14 exhibits. And other than that, I have no notes,
15 electronic paper or otherwise with me.

16 Q When you said "the exhibits," which
17 exhibits are you referring to?

18 A They are the exhibit referred to in my
19 declaration. I can give you the specific numbers
20 if you so desire, but I believe they correspond to
21 the exhibits in one of the introductory
22 paragraphs.

1 Q Okay. At the very least, it sounds like
2 you have your declaration, correct?

3 A That is correct.

4 Q And do you have a copy of the subject
5 patent, I believe it was previously marked
6 as 1001?

7 A Yes, I do.

8 Q Okay. Great.

9 And is there any reason why the testimony
10 you offer today would not be truthful?

11 A There is not any reason.

12 Q You've been deposed before, correct?

13 A Yes, I have.

14 Q Approximately how many times have you been
15 deposed before?

16 A Well over 50.

17 Q Has your testimony or opinions ever been
18 excluded?

19 A They have not.

20 Q Have you ever been a witness against
21 Anderson Power Products, Inc. before?

22 A I have not.

1 Q Had you heard of Anderson Power Products,
2 Inc. before this case?

3 A I have not.

4 Q Outside of your work on this IPR
5 proceeding, have you ever done any work for
6 BizLink Technology, Inc.?

7 A I have not.

8 Q Have you ever previously provided
9 testimony or opinions on behalf of BizLink

10 A I have not.

11 Q Had you heard of BizLink before this case?

12 A I had -- I did not hear of BizLink before
13 this case.

14 Q Did you do anything to prepare for today's
15 deposition?

16 A Yes, I did.

17 Q What did you do?

18 A I reviewed the materials and in particular
19 my declaration and the exhibits and met with
20 counsel.

21 Q When you say you met with counsel, do you
22 recall when you met with counsel to prepare for

1 today's deposition?

2 A Yes. I arrived in Reston on Tuesday. I
3 met with counsel on Tuesday and Wednesday. I did
4 not meet with counsel, per se, live, yesterday,
5 Thursday, although we touched base briefly.

6 Q So if I understand you correctly, you met
7 with counsel Tuesday and Wednesday and touched
8 base with counsel briefly yesterday; is that
9 correct?

10 A Tuesday afternoon and Wednesday, yes.

11 Q Okay. And yesterday you said it was a
12 touch-base; is that correct?

13 A We had a brief -- I believe it was a brief
14 call via Zoom.

15 Q So let's start with the meeting you had
16 with counsel on Tuesday. Who did you meet with on
17 Tuesday?

18 A I met with Kai Rajan principally,
19 although, as I recall his colleague Ming joined
20 via Zoom briefly.

21 Q Was anybody else on that call?

22 A No, there was not.

1 Q And approximately how long did you meet
2 with counsel on Tuesday?

3 A Approximately four and-a-half hours.

4 Q Now, let's talk about the meeting you had
5 with counsel on Wednesday. Who was at that
6 meeting?

7 A That was -- Mr. Rajan was there for the
8 entirety of the meeting, and Mr. Josh Goldberg
9 attended for part of the meeting.

10 Q And was anybody else participating in that
11 meeting?

12 A No.

13 Q Okay. And approximately how long did you
14 meet with counsel on Wednesday?

15 A From approximately 10 to 5 or 5:30.

16 Q So about seven hours or so?

17 A That would be accurate, yes.

18 Q And I believe you mentioned you had a
19 brief call -- a brief Zoom call with counsel
20 yesterday; is that right?

21 A That is correct.

22 Q Who participated in that Zoom call?

1 A That was Mr. Rajan and myself.

2 Q Anybody else?

3 A No.

4 Q And approximately how long was that Zoom
5 call?

6 A I believe it was between 20 and
7 30 minutes.

8 Q Did you review any documents in
9 preparation for today's deposition?

10 A As I stated, I reviewed my declaration and
11 the accompanying exhibits.

12 Q Did you review any other documents besides
13 those in preparation for today's deposition?

14 A No, I believe those were the entirety.
15 I'm going to look at my exhibit list just to
16 confirm that. Is that okay?

17 Q Go ahead. When you say "exhibit list," is
18 this the exhibit list in your declaration?

19 A Yes, I'll...

20 Yes. In addition to these exhibits, I
21 also reviewed the petition for the IPR associated
22 with this matter. I reviewed the patent owner's

1 response, and I reviewed the institution decision,
2 and I'm at least aware of a -- that there was
3 discussion regarding claim construction. I don't
4 recall -- in the District Court litigation. I do
5 not recall if I specifically reviewed any
6 materials related to that, although, I am aware of
7 it.

8 Q When you say, "the patent owner's
9 response," are you referring to Anderson's patent
10 owner preliminary response brief?

11 A I apologize. The preliminary response
12 brief would be the appropriate title for that
13 document.

14 Q Okay. And I believe you said you reviewed
15 the petition and the institution decision; is that
16 right?

17 A That is correct.

18 Q Did you review the petition before it was
19 filed in this proceeding?

20 A Well, I certainly reviewed my declaration
21 which accompanied the petition. I can't recall
22 specifically if I reviewed the petition as I was

1 reviewing my declaration. It would -- I can say
2 that it would be my normal procedure that I would
3 see the petition, although, my primary
4 responsibility is the declaration.

5 I would have likely reviewed a draft at
6 one time to make sure it was consistent, there was
7 nothing inconsistent with my declaration and the
8 petition.

9 Q If I understood you correctly, though, you
10 can't recall one way or the other whether you
11 reviewed the petition before it was filed; is that
12 accurate?

13 A As I sit here now, I can't recall
14 specifically what review I made of the petition.

15 Q Have you spoken to anyone other than
16 BizLink's attorneys about today's deposition?

17 A Besides notifying my wife that I was
18 working and would be at a deposition and not at
19 the beach, I have not let anyone else -- I have
20 not discussed the matter with anyone else.

21 Q Understood.

22 Have you spoken to anyone other than

1 BizLink's attorneys about this IPR proceeding or
2 the subject patent?

3 A I have not.

4 Q Did you speak with anybody at BizLink
5 about today's deposition?

6 A I did not.

7 Q Have you ever spoken with anybody at
8 BizLink

9 A I have not.

10 Q Have you spoken to anyone at Anderson
11 Power Products about this IPR proceeding or the
12 subject patent?

13 A I have not.

14 Q Have you ever spoken with anybody at
15 Anderson Power Products?

16 A Well, to my knowledge, I mean, if I have
17 run into someone from that company, I don't recall
18 that. I don't recall ever having met anyone from
19 Anderson Power Products, might have occurred
20 somewhere in my distant past, but I certainly
21 don't recollect meeting anyone from the company.

22 Q You have a Bachelor of Science degree in

1 physics from Carnegie Mellon University; is that
2 right?

3 A That is correct.

4 Q And you obtained that degree in 1981?

5 A That is correct.

6 Q And you also have a Master of Science in
7 solid state science and technology from Syracuse,
8 right?

9 A That is correct.

10 Q And you obtained that degree in 1985?

11 A Yes.

12 Q And you have a Ph.D. in electrical
13 engineering from UC Davis, correct?

14 A That is correct.

15 Q And you obtained that degree in 1989?

16 A That is correct.

17 Q Do you have any other degrees that I've
18 missed?

19 A I do not.

20 Q You held summer and part-time jobs as a
21 lab technician while you were an undergraduate; is
22 that right?

1 A That is correct.

2 Q And I believe you were frequently
3 responsible for installing connectors on cables
4 that were used for interconnecting web equipment;
5 is that correct?

6 A Yes, that was one of my first jobs.

7 Q Okay. You weren't designing or developing
8 electrical connectors while you were an undergrad,
9 correct?

10 A I was not.

11 Q You worked for the US Air Force from 1981
12 to 1986, correct?

13 A That is correct.

14 Q And you didn't design or develop any
15 electrical connectors while working for the Air
16 Force, right?

17 A That is correct.

18 Q You worked as a researcher at UC Davis
19 from 1986 to 1990, correct?

20 A That is correct.

21 Q And you didn't design or develop any
22 electrical connectors while working at UC Davis,

1 right?

2 A There was frequent utilization of a
3 variety of connectors, but I was not responsible
4 for any designs, per se.

5 Q Okay. So the answer is no, you didn't
6 design any -- or develop any electrical connectors
7 while working at UC Davis?

8 A That is correct.

9 Q Okay. I understand your research at UC
10 Davis was in nonlinear optical materials; is that
11 right?

12 A That is correct.

13 Q What is a nonlinear optical material?

14 A So a nonlinear optical material would be a
15 material in which the index of refraction can vary
16 with the electric field, and so instead of
17 transmitting light -- simply transmitting the
18 light through it, it exhibits phenomena. The two
19 most common examples would be you can place an
20 electric field across the material and cause a
21 change in the index of refraction, typically in
22 one -- along one axis, and that would be -- the

1 material's electro-optic -- and/or electro-optic
2 and you could -- that can be used to modulate so
3 you can steer light.

4 And the other phenomena in a nonlinear
5 material would be that you could put in a -- you
6 can put in a certain -- a particular wavelength
7 light, imagine an infrared beam and that it will
8 generate some percentage of that light will
9 actually be converted into one-half that
10 wavelength, so it'll actually generate -- in this
11 case the materials we used you would strike them
12 with a very powerful IR beam and they would
13 generate -- emit some green light out of it.

14 So they don't exhibit linear response to
15 the electric fields and that these nonlinear
16 properties, which are fairly small, can be used
17 for things like manipulating light or generating
18 different frequency light.

19 Q So you use them for like fiberoptic
20 cables?

21 A Well, no. I mean, a fiberoptic cable
22 itself is going to be linear, but if you want

1 to -- so a nonlinear -- an example of a nonlinear
2 optic material that's used in communications would
3 be a lithium niobate modulator such that you take
4 a laser, maybe a semiconductor laser and the
5 light's coming out of the laser and instead of
6 trying to put a signal on the laser, you put a
7 piece of nonlinear optical material on the exit
8 and you apply the signal like a TV, like, these
9 were used in the cable industry, so you apply the
10 actual CATV spectrum, what you'd expect to get in
11 your receiver at your cable box, you apply it to
12 the lithium niobate and it can modulate the light
13 sometimes let's say more efficiently than direct
14 modulation of the laser.

15 So that would be an example where the
16 lithium niobate because of its nonlinear optical
17 property which results in it's got an
18 electro-optic property is being used to modulate a
19 laser that's just being used to generate one
20 coherent beam.

21 Q Okay. I was along with you, but I have no
22 idea what any of this stuff is but it sounds

1 interesting.

2 Anyway, I guess going back to your
3 research at UC Davis, now, again, we were talking
4 about your research with nonlinear optical
5 materials, right? We've been talking about that a
6 little bit?

7 A Yes.

8 Q And I understand that production of the
9 these materials frequently involved the use of
10 high voltage sources that would occasionally cause
11 arcing; is that right?

12 A Yes.

13 Q But you didn't design or develop anything
14 to help prevent this arcing, did you?

15 A I would say that the equipment I designed
16 and experimented with directly resulted in the
17 arcing.

18 Q Got it.

19 A It was a line of experimentation we
20 decided not to continue because of the arcing.

21 Q Okay. And you worked at Alcatel from 1990
22 to 1993; is that right?

1 A That is correct.

2 Q You didn't design or develop any
3 electrical connectors while working at Alcatel,
4 correct?

5 A I did not.

6 Q You worked at General Instrument
7 Corporation from 1993 to 1995; is that right?

8 A That is correct.

9 Q And you didn't design or develop any
10 electrical connectors while working at General
11 Instrument Corporation, correct?

12 A I was not directly involved with the
13 design of -- I was involved with coaxial cable
14 connectors extensively, and the work I did was
15 related to noise and -- or some of the work I did
16 was related to noise in coaxial cable systems much
17 of which comes from connectors and terminations,
18 so I was involved in the analysis of such
19 connectors, and -- but I -- we did not at General
20 Instrument design connectors, per se.

21 Q So the answer is no, you did not design or
22 develop any electrical connectors while working at

1 General Instrument Corporation; is that right?

2 MR. RAJAN: Objection. Form.

3 BY THE WITNESS:

4 A The answer I gave was that I was not
5 involved directly with the design, but the testing
6 that we did was used to give feedback to RF
7 engineers involved in both the cable -- in the
8 development of the cable systems and impacted the
9 selection of connectors or the design of those
10 connectors.

11 BY MR. GILFORD:

12 Q Okay. But so the record is clear, you did
13 not design any electrical connectors while working
14 at General Instrument Corporation; is that right?

15 A As I said, I did not personally or
16 directly design, but the work I did influenced
17 choice of connectors and provided feedback to the
18 design parameters.

19 Q You worked at Next Level Communications
20 from 1995 to 1997, right?

21 A That's correct.

22 Q And you didn't design or develop any

1 electrical connectors while working at Next Level
2 Communications, right?

3 A That is correct, yes.

4 Q You worked at Technology, Patents &
5 Licensing, Inc. from 1997 to 2013, right?

6 A That is correct, yes.

7 Q And you didn't design or develop any
8 electrical connectors while working at Technology,
9 Patents & Licensing, Inc., correct?

10 A Well, some of my work there involved
11 coaxial cable connectors in particular and
12 enforcement of patents related to those
13 connectors, so at that time I became heavily
14 involved with a company called PPC, and I was
15 involved in the enforcement of their patents and
16 the design of their connectors.

17 Q Are you -- is it your testimony today that
18 you did design electrical connectors while working
19 at Technology, Patents & Licensing, Inc.?

20 A I was not a design engineer, but my work
21 was related to and -- was related to the design of
22 coaxial cable connectors by my client PPC.

1 Q Okay. But you weren't personally
2 designing or developing electrical connectors
3 while working at Technology, Patents & Licensing,
4 Inc.; is that right?

5 MR. RAJAN: Objection. Form.

6 (Discussion was had off the record.)

7 BY THE WITNESS:

8 A Could you repeat the questions, please.

9 BY MR. GILFORD:

10 Q You were not personally designing or
11 developing electrical connectors while working at
12 Technology, Patents & Licensing, Inc.; is that
13 correct?

14 MR. RAJAN: Objection. Form.

15 BY THE WITNESS:

16 A As I stated, I worked closely with my
17 client, PPC, in the enforcement of their connector
18 patents and provided feedback that could have been
19 utilized in their designs.

20 BY MR. GILFORD:

21 Q Okay. But please answer my question.
22 Again, my question was: You were not personally

1 designing or developing electrical connectors
2 while working at Technology, Patents & Licensing,
3 Inc., were you?

4 MR. RAJAN: Objection. Form.

5 BY THE WITNESS:

6 A Yes. As I stated, my work at Technology,
7 Patents & Licensing included working with my
8 client, PPC, in the enforcement of their
9 intellectual property and contributed to
10 information and feedback that could have been and
11 was utilized in their designs.

12 BY MR. GILFORD:

13 Q I'm going to keep asking the question
14 until you give me a straight answer.

15 So the question was: You were not
16 personally designing or developing electrical
17 connectors while working at Technology, Patents &
18 Licensing, Inc., were you?

19 MR. RAJAN: Objection. Form.

20 BY THE WITNESS:

21 A In my capacity at Technology, Patents &
22 Licensing, Inc., I participated in the enforcement

1 of patents related to coaxial cable connectors
2 with that information that I gathered being
3 utilized by mechanical engineers at PPC in the
4 design of connectors.

5 BY MR. GILFORD:

6 Q So somebody at PPC was using your
7 information for the design of connectors; is that
8 what you're saying?

9 MR. RAJAN: Objection. Form.

10 BY THE WITNESS:

11 A That is correct.

12 BY MR. GILFORD:

13 Q Okay. But you personally were not
14 designing or developing connectors while you were
15 working at Technology, Patents & Licensing, Inc.,
16 were you?

17 MR. RAJAN: Objection. Form.

18 BY THE WITNESS:

19 A I personally collected information and
20 provided analysis that could have and was used by
21 the PPC engineers.

22 BY MR. GILFORD:

1 Q You're not answering my question. Do you
2 not understand my question? Do you understand
3 what personally designing or developing connectors
4 means?

5 MR. RAJAN: Objection. Form.

6 BY THE WITNESS:

7 A Could you repeat the question, please?

8 BY MR. GILFORD:

9 Q Sure.

10 The question was: You personally were not
11 designing or developing connectors while working
12 at Technology, Patents & Licensing, Inc., were
13 you?

14 MR. RAJAN: Objection. Form.

15 BY THE WITNESS:

16 A Again, to the extent that I analyzed
17 intellectual property, patents and products
18 related to connectors, I provided information to
19 my client. I certainly met with design engineers.
20 That information was certainly used in their
21 design process.

22 I did not personally operate CAD machines.

1 I did not personally operate the manufacturing
2 machines, but I was involved with the analysis and
3 the considerations that go into the design of
4 coaxial cable connectors.

5 BY MR. GILFORD:

6 Q So you gave information to other people
7 who then maybe used the information to potentially
8 design or develop electrical connectors; is that
9 what you're saying?

10 MR. RAJAN: Objection to form.

11 BY THE WITNESS:

12 A That is accurate.

13 BY MR. GILFORD:

14 Q Okay. But you yourself were not the one
15 designing or developing the electrical connectors
16 at that time, correct?

17 MR. RAJAN: Objection. Form.

18 BY THE WITNESS:

19 A As I have stated, I did not operate CAD
20 software nor did I fabricate prototypes, although,
21 I was certainly exposed to such devices and
22 participated in testing.

1 Q Okay.

2 MR. GILFORD: We're going to move on but
3 obviously we object to all the answers in this
4 line of questioning as nonresponsive, and we'll
5 reserve our rights to bring Dr. Eldering back for
6 further deposition time if the board sees fit.

7 BY MR. GILFORD:

8 Q You worked at Expanse Networks and Expanse
9 Bioinformatics from 2000 to 2021; is that right?

10 A That is correct, yes.

11 Q You didn't design or develop any
12 electrical connectors while working at Expanse
13 Networks and Expanse Bioinformatics, correct?

14 A I did not.

15 Q And you've been currently working at
16 SitNet LLC from 2022 to the present; is that
17 right?

18 A That is correct.

19 Q And you haven't designed or developed any
20 electrical connectors while working at SitNet LLC;
21 correct?

22 A That is correct.

1 Q You've also been working at CAsE Analysis,
2 Inc. from 2013 to the present; is that right?

3 A That's correct.

4 Q And you haven't designed or developed any
5 electrical connectors while working at CAsE
6 Analysis, Inc., right?

7 A I have been involved with the design of
8 fiberoptic connectors. I have been involved with
9 the design of some electrical connectors in my
10 capacity at CAsE.

11 Q What did you mean you have been involved
12 with the design of some electrical connectors in
13 your capacity while at CAsE?

14 A I'm currently working on a matter
15 involving Ethernet connectors, and I am involved
16 with analysis of such connectors.

17 Q Okay. We'll come back to that, but other
18 than the current work you're involved in with
19 Ethernet connectors, at any other time while
20 employed at CAsE Analysis, Inc. did you design or
21 develop electrical connectors?

22 A Other than that, I mean, again, I'm trying

1 to be clear. I have been involved in the design
2 of some fiberoptic connectors, but I think we are
3 agreeing that those are not electrical connectors,
4 so aside from that work, the only -- excuse me.
5 At CAsE I've also been involved with the analysis
6 of coaxial cable connectors as well as Ethernet
7 connectors.

8 Q When you say "the analysis of coaxial
9 cable connectors," that's not the same thing as
10 designing or developing a coaxial cable connector,
11 correct?

12 MR. RAJAN: Objection. Form.

13 BY THE WITNESS:

14 A Could you repeat the question, please?

15 BY MR. GILFORD:

16 Q You mentioned -- you mentioned analysis of
17 coaxial cable connectors, correct?

18 A Yes.

19 Q That's not the same thing as designing or
20 developing a coaxial cable connector, is it?

21 MR. RAJAN: Objection. Form.

22 BY THE WITNESS:

1 A To the extent the analysis involves
2 determination of parameters that are critical to
3 the performance of the connector, that information
4 can be used in the design process, but I am not
5 personally responsible for making the changes to
6 the connectors.

7 BY MR. GILFORD:

8 Q Okay. In what time frame while at CAsE
9 Analysis, Inc. were you analyzing coaxial cable
10 connectors?

11 A I have been involved with the client that
12 I initially was involved with at Technology,
13 Patents & Licensing. That entity was purchased by
14 Belden and I worked through Belden's attorneys on
15 various matters involving both the coaxial cables,
16 various types of equipment related to connectors
17 and Ethernet connectors, all part of the Belden
18 product line.

19 Q Let's specifically talk about the analysis
20 of coaxial cables that you'd mentioned previously.
21 In what time frame were you analyzing coaxial
22 cables?

1 A One second, please. I'm going to refer to
2 my CV.

3 Referring to my CV, the first eight cases
4 are cases involving either PPC or its parent
5 company Belden, and as I recall, some of those
6 cases involved coaxial cables -- excuse me,
7 connectors, coaxial cable connectors. Although,
8 from the titles of the cases I can't specifically
9 tell you which ones of those involve the
10 connectors and which ones involve other equipment
11 related to the telecommunications cabling or
12 connectors.

13 Q So your involvement with coaxial cable
14 connectors was as part of litigation support; is
15 that correct?

16 MR. GILFORD: Objection to form.

17 BY THE WITNESS:

18 A With respect to the coaxial cable
19 connectors, yes, not with respect to fiberoptic
20 connectors.

21 BY MR. GILFORD:

22 Q Okay. But, again, you agree fiberoptic

1 connectors are not electrical connectors; is that
2 right?

3 A We can characterize it that way, that's
4 fine.

5 Q Okay. And you had also mentioned
6 something about some recent work you've been doing
7 with Ethernet connectors; is that right?

8 A That is correct, yes.

9 Q All right. When did your work on Ethernet
10 connectors begin?

11 A I believe a case was filed in Delaware
12 maybe two to three years ago, and I became
13 involved in that case.

14 Q So, again, while working at CASE Analysis,
15 Inc., your involvement with Ethernet connectors
16 was in connection with litigation support; is that
17 right?

18 A Yes, that's correct.

19 Q Okay. I understand you've worked with
20 John Mezzalingua Associates. Mezzalingua is
21 spelled M-e-z-z-a-l-i-n-g-u-a. And I believe you
22 worked with them at various times from 2004 to the

1 present; is that correct?

2 A Yes. And just to help you understand,
3 that is actually PPC Broadband, and that is the
4 entity that was purchased by Belden.

5 Q So if I refer to them as PPC Broadband,
6 that would mean the same thing to you?

7 A Yes.

8 Q Okay. You haven't designed or developed
9 any electrical connectors in connection with your
10 work with PPC Broadband, correct?

11 MR. RAJAN: Objection. Form.

12 BY THE WITNESS:

13 A Well, that was the client that I was
14 referring to that my analysis can and is used by
15 design engineers so I participate in that manner,
16 although, I do not personally operate the CAD
17 software nor do I fabricate prototypes or nor am I
18 involved in the manufacturing of those devices.

19 BY MR. GILFORD:

20 Q Did you primarily do litigation consulting
21 for PPC Broadband?

22 A If not exclusively, I have done other

1 projects for them, although, the majority of the
2 work is litigation support.

3 Q Have you been employed anywhere else other
4 than the various places we've been discussing?

5 A I -- I'm an adviser to Dealmakers which
6 happens to be my wife's event company. I
7 certainly wouldn't say "employed" as I've never
8 received any compensation, but I do work with them
9 in an advisory capacity and help out when called
10 upon.

11 Q Do you work anywhere else other than what
12 we've been discussing?

13 A No.

14 Q And it's fair to say you've never
15 personally designed or developed an electrical
16 connector; is that right?

17 MR. RAJAN: Objection. Form.

18 BY THE WITNESS:

19 A Well, I think that's a -- I have in my
20 various experiences both professionally and
21 personally, I'm a ham radio operator, I've
22 developed -- I've had to build connection systems,

1 and some of those have certainly been custom
2 connectors but they were not commercial products,
3 but I certainly in my experience I've had to
4 fabricate and adapt connectors frequently for
5 either instrumentation or, you know, let's say ham
6 radio purposes.

7 BY MR. GILFORD:

8 Q The question I asked was a little bit
9 different.

10 What I asked was whether you've -- what I
11 asked was you've never designed or developed an
12 electrical connector; is that right?

13 MR. RAJAN: Objection. Form.

14 BY THE WITNESS:

15 A Well, that's an overly broad statement so
16 my answer was that I have certainly developed and
17 designed connectors for various applications but
18 they were not products that were subsequently
19 produced.

20 MR. GILFORD: Let's go off the record for
21 a minute.

22 THE REPORTER: Off the record.

1 (Discussion was had off the record.)

2 MR. GILFORD: Let's go back on the record.

3 BY MR. GILFORD:

4 Q So, Dr. Eldering, would you mind grabbing
5 what was previously marked as Exhibit 1001 in this
6 case. Let me know when you got it.

7 A I have it.

8 Q You've seen this document before, right?

9 A Yes, I have.

10 Q And Exhibit 1001 is US Patent No.
11 8,808,017, correct?

12 A Yes, it is.

13 Q And if I refer to this patent as the '017
14 patent, you'll know what I'm referring to, right?

15 A Yes, I will.

16 Q You reviewed the claims of the '017 patent
17 before, right?

18 A Yes, I have.

19 Q So let's go ahead and talk about Claim 1
20 of the '017 patent. So if you could flip there
21 for me.

22 A Yes.

1 Q Let me know when you got it up.

2 A I'm ready.

3 Q Okay. So I'm looking at about the fourth
4 line down in Claim 1 and do you see where Claim 1
5 of the '017 patent recites: "The first electrical
6 contact having a connecting surface"?

7 A Yes, I see that.

8 Q What do you understand the term
9 "connecting surface" to mean in the context of
10 Claim 1 of the '017 patent?

11 A Could you repeat the question, please?

12 Q What do you understand the term
13 "connecting surface" to mean in the context of
14 Claim 1 of the '017 patent?

15 A It is my understanding that the connecting
16 surface has a -- I ascribed -- excuse me. Let me
17 start again.

18 I ascribed a plain and ordinary meaning to
19 a connecting surface which was consistent with,
20 for example, the Contact No. 22 of Winkler in
21 which the connecting surface is as described by
22 Winkler an elongated flat portion and as such

1 understood the connecting surface to contain at
2 least an elongated flat portion such as that shown
3 in Winkler.

4 Q You mentioned you ascribed the plain and
5 ordinary meaning to the term "connecting surface."

6 What is, in your opinion, the plain and
7 ordinary meaning of the term "connecting surface"?

8 A I did not perform nor would I have
9 performed a claim construction analysis, but I
10 would have ascribed a plain and ordinary meaning
11 in the context of the patent and the prosecution
12 history which teaches that the connecting surface
13 is that surface on which a mated connector would
14 establish an electrical connection and is
15 consistent with the connecting surface described
16 by Winkler as an elongated flat portion 32 for the
17 surface of Kataoka that I have illustrated in pink
18 in my report on Page 88.

19 Q So if I understand you correctly, it's
20 your opinion that the plain and ordinary meaning
21 of the term "connecting surface" is a surface on
22 which a mated connector would establish an

1 electrical connection?

2 A No, as I stated, I did not perform a claim
3 construction, so I used the plain and ordinary
4 meaning as it appeared to me and would be
5 understood by a POSA based on the specification
6 and the prosecution history, and that that
7 connecting surface is illustrated in at least
8 Winkler and in Kataoka and encompasses at least --
9 creating a surface that is used to establish an
10 electrical connection.

11 Q So as you sit here today, can you provide
12 in words what the plain and ordinary meaning of
13 the claim term "connecting surface" is?

14 MR. RAJAN: Objection. Form.

15 BY THE WITNESS:

16 A As I have stated, I did not do a claim
17 construction analysis and was able to understand
18 the term connecting surface based on the
19 specification and the prosecution history and
20 found that it was present in both the Winkler and
21 Kataoka references.

22 BY MR. GILFORD:

1 Q Okay. So it's fair to say that as we sit
2 here today, you cannot provide in words what the
3 plain and ordinary meaning of connecting surface
4 is?

5 MR. RAJAN: Objection. Form.

6 BY THE WITNESS:

7 A Could you repeat the question, please?

8 BY MR. GILFORD:

9 Q Yes. It's fair to say that as we sit here
10 today, you cannot provide in words what the plain
11 and ordinary meaning of connecting surface is?

12 MR. RAJAN: Objection. Form.

13 BY THE WITNESS:

14 A As we sit here today, I was and am able to
15 discern the plain and ordinary meaning of
16 connecting surface from the specification of the
17 '017 and its prosecution history and am of the
18 understanding that the connecting surface in the
19 Claim Element 1-C is equivalent to the connecting
20 surface shown in both the Winkler and Kataoka
21 references, and I did not need to perform a
22 further analysis of that claim term.

1 BY MR. GILFORD:

2 Q Okay. You mentioned that you were and
3 able to discern the plain and ordinary meaning of
4 connecting surface, but can you tell us on the
5 record what the plain and ordinary meaning of
6 connecting surface is?

7 MR. RAJAN: Objection. Form.

8 THE WITNESS: I believe you are asking me
9 to do something analogous to what I understand is
10 a Markman claim construction and I have not
11 performed such an analysis on that term nor would
12 I be able to do that on the fly for a number of
13 reasons including one of which is that I am not a
14 patent attorney.

15 BY MR. GILFORD:

16 Q Fair enough.

17 So let's turn back to Claim 1 and I'm
18 looking at about Line 29 of column 4. Do you see
19 where Claim 1 of the '017 patent recites: "The
20 second electrical contact being configured to
21 laterally engage with the connecting surface of
22 the first electrical content"?

1 A Yes, I do see that.

2 Q What do you understand the term "laterally
3 engaged" to mean in the context of Claim 1 of the
4 '017 patent?

5 MR. RAJAN: Objection to form.

6 BY THE WITNESS:

7 A Could you repeat the question, please?

8 BY MR. GILFORD:

9 Q What do you understand the term "laterally
10 engage" to mean in the context of Claim 1 of the
11 '017 patent?

12 MR. RAJAN: Objection. Form.

13 BY THE WITNESS:

14 A Thank you.

15 I understand the term to indicate such
16 that consistent with what is shown in Winkler and
17 Kataoka that when connectors are mated, the
18 contact member which is the electrical contact of
19 each connector can engage laterally with one
20 another.

21 BY MR. GILFORD:

22 Q When you say "can engage laterally with

1 one another," what do you mean by that?

2 MR. RAJAN: Objection. Form.

3 BY THE WITNESS:

4 A To be specific and give you an example, I
5 would refer to Figure 4 of Winkler that shows a
6 cross-sectional view of the mated connectors and
7 shows lateral engagement in which it is my
8 understanding that the lateral engagement involves
9 engagement along a lateral axis, that axis being
10 perpendicular to the longitudinal axis describing
11 the connectors aligned with the cables and the
12 longitudinal axis being that along which the
13 connectors slide to mate.

14 BY MR. GILFORD:

15 Q If I understand you correctly it's your
16 understanding that the term "laterally engage"
17 means engagement along a lateral axis?

18 MR. RAJAN: Objection. Form.

19 BY THE WITNESS:

20 A Could you repeat the question, please?

21 BY MR. GILFORD:

22 Q Is it your understanding that the term

1 "laterally engage" means engagement along a
2 lateral axis?

3 MR. RAJAN: Objection. Form.

4 BY THE WITNESS:

5 A It is my understanding that the term
6 "laterally engage" encompasses in the context of
7 Claim 1 at least that the connector elements,
8 connecting terminals move laterally or
9 perpendicular to the longitudinal axis to engage.

10 BY MR. GILFORD:

11 Q When you say "the longitudinal axis," what
12 are you referring to?

13 A Yes, one second, please. I understand the
14 question. The term "longitudinal axis" can be
15 understood from at least the '017 patent and,
16 although, I would need to check, I believe the
17 longitudinal term may be used in several pieces of
18 the prior art but with specific reference to the
19 '017 patent, the patent Claim 1, the second
20 element following the preamble refers to a
21 connecting surface that is substantially parallel
22 with a longitudinal axis of the insulating housing

1 and terminates in a leading end of the first
2 electrical contact and as such a person of skill
3 in the art at the time would understand the
4 longitudinal axis to be the axis along which the
5 cable and the long direction of the connector run
6 and is the axis along which the connectors are
7 moved to cause assembly and connection.

8 Q When you said earlier something about the
9 connector elements move laterally, what did you
10 mean by that?

11 MR. RAJAN: Objection to form.

12 BY MR. GILFORD:

13 Q Let me ask it -- let me ask it a little
14 bit of a different way.

15 If you go to Figure 2-A of the '017
16 patent, let me know when you've got it up.

17 A I'm ready.

18 Q Do you see at the top left of Figure 2-A
19 there is an arrow pointing to the left?

20 A Yes.

21 Q And is that arrow showing the connector
22 elements moving laterally?

1 MR. RAJAN: Objection to form.

2 BY THE WITNESS:

3 A So to answer your question, I'm referring
4 to both Figure 2-A as well as Figure 1-A that has
5 a similar arrow which, although, I do not see
6 described in the specification, I believe it is
7 clear to a person of skill in the art would have
8 been clear to a person of skill in the art at the
9 time based both on general knowledge and the fact
10 that the patent calls for the -- a connecting
11 surface that is substantially parallel with the
12 longitudinal access of the insulating housing and
13 based on the discussion of the interaction of the
14 two connector pieces, that that arrow that you
15 have just asked about in Figure 2-A is the
16 longitudinal, not lateral axis.

17 BY MR. GILFORD:

18 Q So in your opinion what do you believe the
19 lateral axis would be?

20 A The lateral axis would be the axis in the
21 plane of the paper extending vertically --
22 actually to be technically accurate runs

1 vertically up and down perpendicular to the arrow
2 shown in Figure 2-A. If that's not being clear, I
3 will -- I can -- I can draw that for you if you
4 prefer.

5 Q I'm saying I understand your position. Is
6 lateral engagement the only possible type of
7 engagement between two electrical contacts?

8 MR. RAJAN: Objection to form.

9 BY THE WITNESS:

10 A Could you repeat the question, please?

11 BY MR. GILFORD:

12 Q Is lateral engagement the only possible
13 type of engagement between two electrical
14 contacts?

15 MR. RAJAN: Objection to form.

16 BY THE WITNESS:

17 A Are you asking with respect to a
18 particular claim element, and if so, which claim
19 element?

20 BY MR. GILFORD:

21 Q Well, the claim specifically requires
22 lateral engagement, right?

1 A So you're referring to --

2 Q Claim 1 of the '017 patent expressly
3 requires lateral engagement, right?

4 MR. RAJAN: Objection to form.

5 BY MR. GILFORD:

6 Q Well, the claim element discusses
7 specific -- it says: "The second electrical
8 contact being configured to laterally engage with
9 the connecting surface of the first electrical
10 contact when the first connector is mated with the
11 second connector."

12 So I think it's -- it is clear to me, and
13 it is my opinion that a person -- a POSITA would
14 understand that the claim is requiring or the
15 claim is requiring a structure that is configured
16 to laterally engage, and as I've explained, that
17 lateral engagement is along an axis, the lateral
18 acquisition which is perpendicular to the
19 longitudinal axis.

20 BY MR. GILFORD:

21 Q My question was a little bit different. I
22 asked is it possible to have other types of

1 engagement between two electrical contacts besides
2 lateral engagement?

3 MR. RAJAN: Objection to form.

4 BY THE WITNESS:

5 A And you're asking in the abstract
6 without -- not with regard to the claim and the
7 specification?

8 BY MR. GILFORD:

9 Q Well, obviously the claim says "lateral
10 engagement" and I'm asking is it in general
11 possible to have other types of engagement between
12 two electrical contacts besides lateral
13 engagement?

14 MR. RAJAN: Objection to form.

15 BY THE WITNESS:

16 A Well, if you're asking me if two objects
17 can be described as engaging along various axes, I
18 sure think so. Two balls in space can engage, or
19 maybe balls are a bad example, but if you took two
20 structures in space you could do lots of things
21 along X, Y and Z axes, but the patent specifically
22 talks about lateral engagement.

1 BY MR. GILFORD:

2 Q Is it possible to have vertigo -- excuse
3 me. Strike that.

4 Is it possible to have vertical engagement
5 between two electrical contacts?

6 MR. RAJAN: Objection to form.

7 BY THE WITNESS:

8 A That question doesn't make any sense to me
9 because you've introduced vertical. If
10 vertical -- in the discussion we're having, if I
11 hold this piece of paper up and the longitudinal
12 axis is horizontal, then the vertical axis is the
13 lateral axis, so I don't understand.

14 BY MR. GILFORD:

15 Q Does lateral means side to side?

16 MR. RAJAN: Objection to form.

17 BY THE WITNESS:

18 A Well, the meaning ascribed in the patent
19 is that there's a lateral -- a person of skill in
20 the art at the time would understand that the
21 lateral engagement discussed in the patent is
22 along an axis that is perpendicular to the

1 longitudinal axis.

2 BY MR. GILFORD:

3 Q Sorry. Are you saying there is somewhere
4 in the '017 patent that says lateral engagement is
5 perpendicular to the longitudinal axis?

6 A Could you repeat the question, please?

7 Q Is it your opinion that somewhere in the
8 '017 patent the patent expressly discloses that
9 lateral engagement means along an axis that is
10 perpendicular to the longitudinal axis?

11 MR. RAJAN: Objection to form.

12 BY THE WITNESS:

13 A Well, it is my -- I understand. Thank
14 you.

15 It is my understanding and opinion that
16 the patent is quite clear with respect to the
17 longitudinal axis that is even labeled in
18 Figure 1-A and Figure 2-A and describes that axis,
19 and then it describes the second electrical
20 contact being configured to laterally engage and
21 that that engagement is along a lateral axis that
22 a person of skill in the art would have no

1 confusion that that lateral axis is perpendicular
2 to the longitudinal axis.

3 Q My question was a little bit different. I
4 asked if there is somewhere in the '017 patent
5 that expressly discloses that lateral engagement
6 means along an axis that is perpendicular to the
7 longitudinal axis?

8 MR. RAJAN: Objection to form.

9 BY THE WITNESS:

10 A Could you repeat the question, please?

11 BY MR. GILFORD:

12 Q Is there somewhere in the '017 patent that
13 expressly discloses that lateral engagement means
14 along an axis that is perpendicular to the
15 longitudinal axis?

16 MR. RAJAN: Objection to form.

17 BY THE WITNESS:

18 A Yes. I think the claim itself is an
19 explicit teaching that there is a longitudinal
20 axis, in fact the words longitudinal access -- the
21 words longitudinal axis are used, and when the
22 patent talks about laterally engage I think it's

1 explicit that engagement occurs along a lateral
2 axis, and it is explicit and would be understood
3 that that axis is perpendicular to the
4 longitudinal axis. It would be contrary to any
5 engineering commonsense to understand it
6 otherwise.

7 BY MR. GILFORD:

8 Q So I was pointing to the claim itself. Is
9 there anywhere else in the '017 patent that you
10 believe expressly discloses that lateral
11 engagement means along an axis that is
12 perpendicular to the longitudinal axis?

13 MR. RAJAN: Objection to form.

14 BY THE WITNESS:

15 A I'm going to check once more, but -- and I
16 would have to do a search, but I do not know if
17 the terms longitudinal nor lateral, although,
18 clear from the teaching of the specifications and
19 the figures, those terms appear in the
20 specification outside of the claims.

21 BY MR. GILFORD:

22 Q What types of engagement are possible

1 besides lateral engagement?

2 MR. RAJAN: Objection to form.

3 BY THE WITNESS:

4 A In the context of the '017 patent, the
5 types of engagement taught are engagement of
6 the -- again, the '017 patent discusses and
7 teaches connector halves, if you will, that are
8 mated and unmated and that mating and unmating can
9 be understood to be a combination of movement of
10 the connector pieces along the longitudinal axis
11 with corresponding engagement of connector
12 surfaces along the lateral axis.

13 BY MR. GILFORD:

14 Q My question was a little bit different.

15 I asked: What other types of engagement
16 are possible besides lateral engagement?

17 MR. RAJAN: Objection to form.

18 BY THE WITNESS:

19 A Are you asking in general again or with
20 respect to the '017 patent?

21 BY MR. GILFORD:

22 Q In general. I'll re-ask the question.

1 Generally speaking, what types of
2 engagement are possible besides lateral
3 engagement?

4 MR. RAJAN: Objection to form.

5 BY THE WITNESS:

6 A I'm not sure I know how to answer that,
7 but I will -- I mean, again, if we were sitting in
8 outer space and we wanted to engage two objects,
9 there's many axes, dimensions and rotational
10 engagements that could be utilized that have
11 nothing to do with the '017 patent.

12 BY MR. GILFORD:

13 Q But, again, generally speaking, what types
14 of engagement are possible besides lateral
15 engagement?

16 MR. RAJAN: Objection.

17 BY THE WITNESS:

18 A Put two objects in space. I don't
19 understand the question.

20 BY MR. GILFORD:

21 Q What do you not understand about it?

22 A You've not given any constraints so we're

1 talking about two objects have any surfaces that
2 could be rotated together, I could envision an
3 infinite number of engagements along axes and
4 including rotation, do anything you want in outer
5 space, take a 3D printer to the International
6 Space Station and start fabricating stuff and
7 don't even have to worry about gravity.

8 BY MR. GILFORD:

9 Q Well, lateral engagement is one type of
10 engagement, correct?

11 Was there an answer?

12 A I did not answer the question. Do you
13 want to repeat the question?

14 Q Lateral engagement is one type of
15 engagement; is that right?

16 A Well, with -- you've not -- I don't
17 understand the --

18 Q It's one type of engagement that's
19 possible between two objects, correct?

20 MR. RAJAN: Objection to form.

21 BY THE WITNESS:

22 A Without reference to a coordinate system,

1 it's a meaningless question and I don't know how
2 to answer it.

3 BY MR. GILFORD:

4 Q Okay. Fair enough.

5 MR. GILFORD: We're at a good stopping
6 point for a break. Do you want to keep going or
7 do you want to take a break?

8 THE WITNESS: Let's keep going.

9 MR. GILFORD: Okay.

10 THE REPORTER: Sorry. I wouldn't mind
11 taking a quick break.

12 THE WITNESS: I'm sorry. I should not
13 have answered for other parties. I apologize.

14 MR. GILFORD: Let's go off the record,
15 then.

16 (A recess was had.)

17 BY MR. GILFORD:

18 Q Dr. Eldering, let's go back to Claim 1 of
19 the '017 patent.

20 A Yes.

21 Q Looking at about Line 33, do you see where
22 Claim 1 of the '017 patent recites: "A first

1 insulating barrier within the first connector"?

2 A Yes, I do.

3 Q And then if you look down a few lines you
4 see where Claim 1 of the '017 patent recites: "A
5 second insulating barrier extending beyond the
6 second electrical contact within the second
7 connector"?

8 A Yes, I do.

9 Q If the limitation, a first insulating
10 barrier within the first connector was instead
11 written as a first insulating barrier extending
12 beyond the first electrical contact within the
13 first connector, would your interpretation of
14 Claim 1 of the '017 patent change?

15 MR. RAJAN: Objection to Form.

16 BY THE WITNESS:

17 A I don't know. I never considered that. I
18 don't -- I'd have to study that.

19 BY MR. GILFORD:

20 Q Okay. That's not something you
21 considered?

22 MR. RAJAN: Objection to form.

1 BY THE WITNESS:

2 A One second and then I am going to ask you
3 to repeat the question just to make sure I
4 understand it. Could you repeat the question,
5 please?

6 BY MR. GILFORD:

7 Q I'm going to ask a little bit of a
8 different question.

9 Do you understand that different terms or
10 phrases of a claim are presumed to have different
11 meanings?

12 MR. RAJAN: Objection to form.

13 BY THE WITNESS:

14 A Could you repeat the question, please?

15 BY MR. GILFORD:

16 Q Is it your understanding that different
17 terms or phrases of a patent claim are presumed to
18 have different meanings?

19 MR. RAJAN: Objection to form.

20 BY THE WITNESS:

21 A I think that's an aspect of patent law
22 that -- I'm not a patent attorney. I'm not

1 qualified. I don't have an opinion regarding
2 that.

3 I understand that claim terms can and
4 frequently do have different meanings, but it
5 depends on the context of the claim.

6 BY MR. GILFORD:

7 Q To your understanding does the phrase "a
8 first insulating barrier within the first
9 connector" have a different meaning than "a first
10 insulating barrier extending beyond the first
11 electrical contact within the first connector"?

12 MR. RAJAN: Objection to form.

13 BY THE WITNESS:

14 A I certainly see and acknowledge that the
15 claim terms have different language.

16 BY MR. GILFORD:

17 Q Was there anything else you wanted to
18 provide in your answer?

19 A Well, could you repeat the question,
20 please and I'll make sure my answer is complete.

21 Q Sure.

22 To your understanding, does the phrase "a

1 first insulating barrier within the first
2 connector" have a different meaning than the
3 phrase "a first insulating barrier extending
4 beyond the first electrical contact within the
5 first connector"?

6 MR. RAJAN: Objection to form.

7 BY THE WITNESS:

8 A I apologize. I didn't understand the
9 question. So you're referring exclusively to that
10 one claim term?

11 BY MR. GILFORD:

12 Q Well, basically I'm asking, you know, you
13 have the first claim term which is "a first
14 insulating barrier within the first connector."

15 Do you see that?

16 A Yes, I see that language.

17 Q And then there's another limitation
18 slightly below that that says: "A second
19 insulating barrier extending beyond the second
20 electrical contact within the second connector."

21 Do you see that? Do you see that
22 limitation?

1 A I apologize. So you're referring to the
2 claim -- there's a claim element, it's claim
3 element -- I believe it's E "a first insulating
4 barrier within the first connector extending
5 beyond and covering the leading end of the first
6 electrical contact" and the subsequent element is
7 "a second insulating barrier extending beyond the
8 second electrical contact" and it goes on within
9 the second connector and then there's more
10 language to that element.

11 Q Sure. And I'm only asking about specific
12 portions of that language.

13 A Okay. Say it again.

14 Q Once again, the first portion I'm talking
15 about is a first insulating barrier within the
16 first connector.

17 Do you see that?

18 A Yes.

19 Q And the second portion I'm talking about
20 is a second insulating barrier extending beyond
21 the second electrical contact within the second
22 connector.

1 Do you see that?

2 A Yes, I do.

3 Q So other than the fact that one of those
4 limitations used the term "first" and the other
5 one uses the term "second," what, if any,
6 difference -- strike that.

7 What do you understand the difference to
8 be between those two limitations?

9 MR. RAJAN: Objection to form.

10 BY THE WITNESS:

11 A Well, it's my understanding that those
12 elements represent claim structures differently
13 with the first element claiming a first insulating
14 barrier within the first connector extending
15 beyond and covering the leading end of the first
16 electrical contact, and the other claim element
17 claiming a second insulating barrier extending
18 beyond the second electrical contact within the
19 second connector and that one looks at the
20 structures respectively described by those -- that
21 claim language, and that structure may be the same
22 structure covered by both of the -- that

1 structure, a structure -- excuse me.

2 One would need to look at, as I have done
3 with respect to the prior art, the structures to
4 see if they are covered by those descriptions
5 which clearly use some different language.

6 BY MR. GILFORD:

7 Q Yes, I understand they use different
8 language. So my question is: You know, with the
9 understanding that the two limitations use
10 different language, what is the difference between
11 those two limitations?

12 MR. RAJAN: Objection to form.

13 BY THE WITNESS:

14 A The difference between the two limitations
15 is that the first one discusses a first insulating
16 barrier within the first connector extending
17 beyond and covering the leading end of the first
18 electrical contact, and the other element
19 describes a second insulating barrier extending
20 beyond the second electrical contact within the
21 second connector.

22 BY MR. GILFORD:

1 Q Other than just repeating the claim
2 language back to me, can you provide any
3 meaningful distinction between the two
4 limitations?

5 MR. RAJAN: Objection to form.

6 BY THE WITNESS:

7 A In my report I provided and would be happy
8 to review the analysis of those claim terms
9 independently with respect to the prior art
10 looking at each of those terms in the prior art.
11 I did not perform a comparison of those claim
12 terms nor am I able to do so now.

13 BY MR. GILFORD:

14 Q Let's go back to Claim 1 of the '017
15 patent, and do you see where Claim 1 recites:
16 "Blocking substantially all through air arcing
17 paths"?

18 A Yes, I do see that.

19 Q To your understanding, what is a through
20 air arcing path?

21 A Could you repeat the question, please?

22 Q To your understanding, what is a through

1 air arcing path?

2 A In the context of the '017 and in the
3 prior art as a POSITA would understand, prior to
4 such as Schoepf, et al., the through air arcing
5 path is a path that could be considered a direct
6 path -- or a subset of which could include a
7 direct path or be an indirect path along which an
8 arcing can occur.

9 (Reporter clarification.)

10 BY THE WITNESS:

11 A What I meant to say, let me clarify,
12 Schoepf characterizes a most direct path and what
13 I was -- what it is my opinion that a through air
14 arcing path can include the most direct path but
15 can include other paths along which arcing can
16 occur.

17 BY MR. GILFORD:

18 Q So if I understand you correctly, a
19 through air arcing path is a path along which
20 arcing can occur?

21 MR. RAJAN: Objection. Form.

22 BY THE WITNESS:

1 A Could you repeat the question, please?

2 BY MR. GILFORD:

3 Q Is it fair to say that a through air
4 arcing path is a path along which arcing can
5 occur?

6 MR. RAJAN: Objection to form.

7 BY THE WITNESS:

8 A What I have not performed a detailed
9 analysis of that term through air arcing path, but
10 my answer was and is intended to explain that the
11 prior art such as Schoepf, S-c-h-o-e-p-f, et al.,
12 discuss situations in which an electrical arc
13 takes, as Schoepf describes it, a most direct path
14 between terminals and that electrical arcing has
15 been generally understood especially in the
16 context of connectors to occur when a path exists
17 and that a through air arcing path in the context
18 of the connectors includes at least paths along
19 which an arc may initiate.

20 BY MR. GILFORD:

21 Q And I believe you said you agree that a
22 through air arcing path can include indirect path

1 along which arcing can occur; is that right?

2 A Again, I did not perform an analysis to
3 define the through air arcing paths. One second
4 and I'll answer your question. I did not -- let
5 me clarify.

6 I did not perform an analysis of that term
7 to determine which paths are cut off and I would
8 need to perform such an analysis but that it is
9 clear that the through air arcing paths discussed
10 include paths between the first and second
11 electrical contacts along which arcing may occur.

12 Q Does electrical arcing always occur
13 through the air?

14 MR. RAJAN: Objection to form.

15 BY THE WITNESS:

16 A Could you repeat the question, please?

17 BY MR. GILFORD:

18 Q Does electrical arcing always occur
19 through the air?

20 MR. RAJAN: Objection to form.

21 BY THE WITNESS:

22 A Are you asking with respect to the '017

1 patent or --

2 BY MR. GILFORD:

3 Q It's a general question that you should be
4 able to answer as an expert. Would you like me to
5 repeat it?

6 A Sure.

7 Q Does electrical arcing always occur
8 through the air?

9 MR. RAJAN: Objection to form.

10 BY THE WITNESS:

11 A Referring to my report and in the general
12 context of electrical arcing outside the specific
13 context of connectors, I show illustrations in
14 Paragraph 28 of several scenarios when a voltage
15 is placed along two spaced plates resulting in an
16 electrical field between the plates, and as I
17 discuss in those figures and as a POSITA would
18 understand, the electric field between the two
19 parallel capacitive plates is E over VD where E is
20 the electrical field, V is the voltage and D is
21 the distance between the two plates.

22 The electric field increases as the

1 voltage increased or if the distance between the
2 two plates is decreased, and I subsequently
3 discuss in the following paragraph when the
4 breakdown voltage is exceeded an arc occurs.

5 And to conclude and answer your question,
6 anytime the breakdown voltage is exceeded and that
7 breakdown voltage will be different for different
8 materials between the plates, arcing could occur.

9 Q You didn't quite answer my question. The
10 question was: Does electrical arcing always occur
11 through the air?

12 MR. RAJAN: Objection to form.

13 BY THE WITNESS:

14 A As I discuss in my report beginning with
15 Paragraph 27, electrical arcing occurs, and this
16 is in the abstract and not with respect to
17 connectors, when the electric field in the example
18 I show in Figure 28 exceeds the breakdown voltage
19 and the breakdown voltage will be different for
20 different materials, for air we'll have one
21 breakdown voltage which when exceeded will result
22 in arcing, but other materials can exhibit -- do

1 exhibit different breakdown voltages which when
2 exceeded will result in arcing in those other
3 materials or can result in arcing in those other
4 materials.

5 BY MR. GILFORD:

6 Q Let me ask you this: If electrical arcing
7 does occur, does that mean the electrical arcing
8 occurred through a through air arcing path?

9 MR. RAJAN: Objection to form.

10 BY THE WITNESS:

11 A Could you repeat the question, please?

12 BY MR. GILFORD:

13 Q If electrical arcing occurs, does that
14 mean the arcing occurred through a through air
15 arcing path?

16 MR. RAJAN: Objection to form.

17 BY THE WITNESS:

18 A I think you changed the question. Now
19 you're asking about a through air arcing path? I
20 thought you were asking about an arcing path in
21 general.

22 BY MR. GILFORD:

1 Q If electrical arcing takes place, does
2 that mean it took place through a through air
3 arcing path?

4 MR. RAJAN: Objection to form.

5 BY THE WITNESS:

6 A Well, if you're asking in the abstract,
7 again, I would refer you to Paragraph 28 where I
8 show examples of in this case capacitors, two
9 space plates which are capacitors and there is an
10 electric field. Again, as I discussed, once the
11 breakdown voltage is exceeding -- is exceeded,
12 arcing can occur which would result in an arcing
13 path through the material between the capacitive
14 plates which could be air, in which case there
15 would be an arc through the air, or it could be
16 another material, it could be a gas, it could be a
17 dielectric for which the breakdown voltage has
18 been exceeded in which case the arc would occur
19 through that material which could be other than
20 air.

21 BY MR. GILFORD:

22 Q Electrical arcing must occur through some

1 sort of path, correct?

2 MR. RAJAN: Objection. Form.

3 BY THE WITNESS:

4 A Could you repeat the question, please?

5 BY MR. GILFORD:

6 Q Electrical arcing must occur through some
7 sort of path; is that right?

8 MR. RAJAN: Objection to form.

9 BY THE WITNESS:

10 A I believe it is the case that in order for
11 an arc to form, there the arc itself is comprised
12 or caused by the flow of electrons and those
13 electrons are flowing between the two -- the
14 electrons flow between the two parts, typically
15 conductors, which are involved in the arc and
16 there will be a path between that the arc follows
17 and that is the -- defined by the path over which
18 the electrons are traveling.

19 BY MR. GILFORD:

20 Q Let's go back to the claims of the '017
21 patent and I'm looking specifically at Claims 2
22 and 4. Do you see where Claim 2 recites: A

1 contact tensioning mechanism that presses the
2 second electrical contact against the engaging
3 surface of the first electrical contact?

4 A Yes, I do see that.

5 Q And do you see Claim 4 recites a barrier
6 tensioning mechanism that presses the first and
7 second insulating barriers against each other?

8 A Yes, I do see that.

9 Q In your opinion, is there a difference
10 between a mechanism that presses one thing against
11 another versus a mechanism that presses two things
12 against each other?

13 MR. RAJAN: Objection to form.

14 BY THE WITNESS:

15 A Could you repeat the question, please?

16 BY MR. GILFORD:

17 Q Is there a difference between a mechanism
18 that presses one thing against another versus a
19 mechanism that presses two things against each
20 other?

21 MR. RAJAN: Objection, form.

22 BY THE WITNESS:

1 A Well, I think that's very contextually
2 related, so in the abstract outside the context of
3 the '017, I don't know how to answer that
4 question.

5 BY MR. GILFORD:

6 Q As you sit here today, you don't know
7 whether there is a difference between a mechanism
8 that presses one thing against another and a
9 mechanism that presses two things against each
10 other?

11 MR. RAJAN: Objection to form.

12 BY THE WITNESS:

13 A I don't understand the question.

14 BY MR. GILFORD:

15 Q Okay. Fair enough.

16 Go ahead and flip to Column 1 of the '017
17 patent.

18 A Yes.

19 Q And I'm looking at Lines 61 to 63. Do you
20 see where the '017 patent says: "The insulation
21 barrier of the present invention thereby protects
22 users from electrical burns and extends the useful

1 life of the connector"?

2 Do you see that?

3 A I do, yes.

4 Q Do you have an understanding of what an
5 electrical burn is?

6 A Could you repeat the question, please?

7 Q Do you have an understanding of what an
8 electrical burn is?

9 A It is my understanding that an electrical
10 burn comprises the harm caused to in the context
11 of humans operating equipment that can be caused
12 by both temperature and current and would result
13 in harm to the skin such as a burn, first-,
14 second-, third-degree burn.

15 Q So an electrical burn is caused by current
16 flowing through a human's body, correct?

17 MR. RAJAN: Objection to form.

18 BY THE WITNESS:

19 A That's not what I said. I said that can
20 be caused by the exposure -- thermal exposure
21 related to electricity or directly by the current.

22 BY MR. GILFORD:

1 Q Is an electrical burn different than a
2 thermal burn?

3 A Could you repeat the question, please?

4 Q An electrical burn is different than a
5 thermal burn, correct?

6 MR. RAJAN: Objection. Form.

7 BY THE WITNESS:

8 A Well, I believe there is a thermal burn
9 component to electrical burns.

10 BY MR. GILFORD:

11 Q What do you mean by that?

12 A If you were to have -- as an example, if
13 you were to have lightning strike nearby you but
14 you were not struck by the lightning, you might
15 not be electrocuted. I mean, it's a better
16 situation if the lightning were to strike near you
17 rather than be directly struck by the lightning
18 but you may have burns over you which are
19 considered electrical burns due to that lightning.

20 Q Would you consider the burns to be
21 electrical burns if the current doesn't actually
22 flow through you, wouldn't they just be thermal

1 burns at that point?

2 A No, I don't think they'd be -- I think if
3 you were rushed to the hospital because lightning
4 came nearby you and you survived because you were
5 not a direct path and a conductor to that
6 lightning, I don't think the people taking you to
7 the hospital would tell the doctors you had a
8 thermal burn. They would tell you, you know,
9 lightning struck nearby, it would be considered an
10 electrical burn.

11 BY MR. GILFORD:

12 Q Are you a medical doctor?

13 A I am not.

14 Q Okay. Let's go ahead and put the '017
15 patent to the side and go ahead and pick up your
16 declaration?

17 A Yes, I have that.

18 Q Have any of your opinions changed since
19 you drafted this declaration?

20 A They have not.

21 Q Did your declaration contain any errors
22 that you would like to correct?

1 A Yes, on Page 79, there's a reference --

2 Q Sorry, when you say 79, are you referring
3 to the numbers on the bottom?

4 A I apologize. I'll give you a paragraph
5 number in one second. It is Paragraph 124.

6 Q Yes.

7 A In the caption below the figure, I think
8 that that reference to Figure 10 in Poliak should
9 be to Figure 11 in Poliak.

10 Q Any other errors in your declaration that
11 you would like to correct?

12 A I believe I spotted one minor typo but as
13 we sit here I can't -- I can't recall where it is
14 so I do not have anything else to correct at this
15 time.

16 Q Let's go ahead and turn to Paragraph 15
17 and I'm going to use the page numbers at the
18 bottom left of each page, do you see where it says
19 page whatever of 147?

20 A Understood.

21 Q Okay. So go ahead and turn to
22 Paragraph 15 on Page 13.

1 A I'm there.

2 Q Do you see where you wrote in the first
3 two sentences of Paragraph 15: "I have been
4 advised and understand that a patent claim is
5 unpatentable as anticipated under 35 USC
6 Section 102 if each element of that claim is
7 present either explicitly or inherently in a
8 single prior art reference. I have also been
9 advised and understand that to be an inherent
10 disclosure, the prior art reference must
11 necessarily disclose the limitation."

12 Do you see that?

13 A I do see that.

14 Q What do you understand an explicit
15 disclosure to be?

16 A Well, I'm not a patent attorney so I'm not
17 able to give you a legal answer with respect to
18 the term "explicitly," but I will say that a 35
19 USC 102 reference should teach each element of the
20 claim, although again, that's not -- I'm not
21 giving you my definition of "explicitly" nor am I
22 prepared to do so.

1 Q Do you understand that there is a
2 difference between an explicit disclosure and an
3 inherent disclosure?

4 A Yes, I do.

5 Q What do you understand the difference to
6 be?

7 A I'm not a patent attorney and I'm not
8 qualified to go into an explanation of the case
9 law on that. I don't know the case law.

10 Q Fair enough.

11 Do you see where you wrote in
12 Paragraph 15: "To be an inherent disclosure, the
13 prior art reference must necessarily disclose the
14 limitation"?

15 A Yes, I do.

16 Q What did you mean by "necessarily disclose
17 the limitation"?

18 A Well, again, my general understanding is
19 that the reference must teach the limitation which
20 encompasses necessarily disclose. A POSITA would
21 be able to read the reference and understand that
22 the claim element was present.

1 Q What does it mean for a claim element to
2 necessarily be disclosed, in your opinion?

3 A Well, I think what that sentence is saying
4 is that the prior art reference must necessarily
5 disclose meaning it's got to have it, it's got to
6 teach it. So necessarily disclose is meaning it's
7 got to be there and it's got to be understandable
8 to a person of skill in the art at the time.

9 Q Go ahead and turn to Paragraph 25 on
10 Page 19. Let me know when you're there.

11 A I'm there.

12 Q And I'm looking at the second-to-last
13 sentence in that paragraph, do you see where you
14 wrote: "It is my opinion that such a person of
15 ordinary skill in the art (POSITA) would have had
16 at least a bachelor's degree in electrical
17 engineering or a similar field and at least two
18 years of experience working with electrical
19 circuits including electrical power connectors"?

20 Do you see that?

21 A Yes, I do.

22 Q When you say "a similar field," what are

1 you referring to?

2 A Well, a similar field would be considered
3 to be fields typically in science or engineering,
4 could include physics as an example, fields in
5 which the individual would have had exposure to
6 electrical circuits and the concepts of connectors
7 and things that relevant to connectors.

8 Q Would a mechanical engineering degree be
9 considered a similar field?

10 A I would say if -- yes, with the
11 understanding that the individual with the
12 mechanical engineering degree had exposure to
13 coursework that involved electricity and
14 connectors.

15 Q Okay. So going back to this sentence
16 we've been talking about, do you see where you
17 wrote: "Working with electrical circuits"?

18 Do you see that?

19 A Yes, I do.

20 Q What did you mean by "working with
21 electrical circuits"?

22 A That means experience in the area of

1 circuit configuration, utilization or creation of
2 electrical circuits, for example.

3 Q Does using electrical circuits qualify as
4 working with electrical circuits?

5 MR. RAJAN: Objection.

6 BY THE WITNESS:

7 A Could you repeat the question, please?

8 BY MR. GILFORD:

9 Q In your opinion does using electrical
10 circuits qualify as working with electrical
11 circuits?

12 MR. RAJAN: Objection to form.

13 BY THE WITNESS:

14 A In my opinion, using electrical circuits
15 would only qualify as working with -- would
16 qualify as working with electrical circuits if
17 such use involved the inspection, analysis or
18 construction of those circuits.

19 BY MR. GILFORD:

20 Q In your opinion, would installing
21 electrical circuits qualify as working with
22 electrical circuits?

1 MR. RAJAN: Objection to form.

2 BY THE WITNESS:

3 A Could you clarify what you mean by
4 "installing"?

5 BY MR. GILFORD:

6 Q Setting up.

7 MR. RAJAN: Objection.

8 BY THE WITNESS:

9 A I will answer your question. So with
10 respect to the term "installing" that would
11 depend. If a user -- if you're considering
12 "installing" being plugging a plug into the wall,
13 I would not consider that sufficient, but if
14 "installing" meant wiring a piece of equipment
15 with a power connector, I would think that would
16 be relevant and sufficient.

17 BY MR. GILFORD:

18 Q In your opinion, would someone with a
19 bachelor's degree in electrical engineering who
20 only has two years of experience using or
21 installing electrical circuits qualify as a
22 POSITA?

1 A I would need more information,
2 particularly with regards to the using and
3 installing portions of that.

4 Q Sure.

5 What more information would you need to be
6 able to make that determination?

7 A As I previously discussed, the using or
8 installing in my opinion would require exposure to
9 the aspects of design, construction and
10 implementation of those electrical circuits and
11 not merely plugging equipment into a wall socket.

12 Q In your opinion, does experience with the
13 design of electrical circuits -- is that a
14 requirement in order to qualify as a POSITA under
15 your definition?

16 MR. RAJAN: Objection to form.

17 BY THE WITNESS:

18 A Could you repeat the question, please?

19 BY MR. GILFORD:

20 Q In your opinion, is experience designing
21 electrical circuits a requirement in order to
22 qualify as a POSITA under your definition?

1 MR. RAJAN: Objection to form.

2 BY THE WITNESS:

3 A The requirement is two years of experience
4 working with electrical circuits which could
5 include design but not necessarily.

6 BY MR. GILFORD:

7 Q Does an electrical circuit always have an
8 electrical connector?

9 MR. RAJAN: Objection to form.

10 BY THE WITNESS:

11 A Could you repeat the question, please?

12 BY MR. GILFORD:

13 Q Does an electrical circuit always have an
14 electrical connector?

15 MR. RAJAN: Objection to form.

16 BY THE WITNESS:

17 A Well, an electrical circuit always has
18 electrical connections. Those connections can be
19 realized with connectors, but conceivably one
20 could take two wires and splice them together or
21 solder them and that's not generally understood to
22 be a connector.

1 BY MR. GILFORD:

2 Q In your opinion, would someone with a
3 bachelor's degree in electrical engineering who
4 has two years of experience working with
5 electrical circuits but no experience with
6 electrical connectors qualify as a POSITA?

7 MR. RAJAN: Objection to form.

8 BY THE WITNESS:

9 A Could you repeat the question, please?

10 BY MR. GILFORD:

11 Q In your opinion, would someone with a
12 bachelor's degree in electrical engineering who
13 has two years of experience working with
14 electrical circuits but no experience with
15 electrical connectors qualify as a POSITA?

16 MR. RAJAN: Objection to form.

17 BY THE WITNESS:

18 A Well, as I've described here, I said that
19 a POSITA would have had at least a bachelor's
20 degree in electrical engineering or a similar
21 field and at least two years' experience working
22 with electrical circuits including electrical

1 power connectors.

2 BY MR. GILFORD:

3 Q So in your opinion in order to qualify as
4 a POSITA the person must have at least some
5 experience with electrical connectors; is that
6 correct?

7 MR. RAJAN: Objection to form.

8 BY THE WITNESS:

9 A I think that's a fair statement, yes.

10 BY MR. GILFORD:

11 Q To qualify as a POSITA, how much
12 experience must someone have working with
13 electrical connectors?

14 MR. RAJAN: Objection to form.

15 BY THE WITNESS:

16 A They would have had at least a bachelor's
17 degree in electrical engineering or similar field
18 and at least two years' experience working with
19 electrical circuits including electrical power
20 connectors.

21 BY MR. GILFORD:

22 Q Right. And how much of their work with

1 electrical circuits must specifically have been
2 with electrical connectors in order to qualify as
3 a POSITA?

4 MR. RAJAN: Objection to form.

5 BY THE WITNESS:

6 A Well, that would depend, and as I've
7 stated, additional relevant work experience can
8 compensate for less education and vice versa.

9 BY MR. GILFORD:

10 Q Okay. So let's assume somebody has a
11 bachelor's degree in electrical engineering and
12 only has two years of experience working with
13 electrical circuits, in that case, how much of
14 that person's two years of experience working with
15 electrical circuits must specifically have been
16 with electrical connectors in order for them to
17 qualify as a POSITA?

18 MR. RAJAN: Objection to form.

19 BY THE WITNESS:

20 A I don't know. That's a very fact-specific
21 question. I would need to see the person's
22 résumé. I mean, they might have had a very

1 intensive experience working with high voltage
2 connectors for a short period of time that could
3 qualify them as a POSITA, and as I've described,
4 additional relevant work experience can compensate
5 for less education and vice versa.

6 BY MR. GILFORD:

7 Q So you couldn't answer that question
8 unless it you, Dr. Eldering, personally saw that
9 person's résumé; is that what you're saying?

10 MR. RAJAN: Objection to form.

11 BY THE WITNESS:

12 A I maintain that my definition of a person
13 of ordinary skill in the art they would have at
14 least a bachelor's degree in electrical
15 engineering or a similar field and at least two
16 years of experience working with electrical
17 circuits including electrical power connectors
18 with the consideration that additional relevant
19 work experience can compensate for less education
20 and vice versa is accurate and that any individual
21 could -- experiences could be analyzed by an
22 attorney such as yourself to see if they qualified

1 as a POSITA, but I myself cannot give you a
2 specific recipe for qualifying each and every
3 individual outside the definition that I've given.

4 BY MR. GILFORD:

5 Q So to use your language, you,
6 Dr. Eldering, cannot give us a specific objective
7 recipe to determine whether a person qualifies as
8 a POSITA; is that true?

9 A Well, again, I maintain that my definition
10 of a POSITA having at least a bachelor's degree in
11 electrical engineering or a similar field and at
12 least two years of experience working with
13 electrical circuits including electrical power
14 connectors is accurate with the consideration that
15 additional relevant work experience can compensate
16 for less education and vice versa is accurate, but
17 it would be a very specific fact-specific inquiry
18 that is conducted as you have conducted with me to
19 determine if the parties agree that the person is
20 qualified as a POSITA, and I am not qualified to
21 do such -- to give you a recipe for such
22 qualification.

1 BY MR. GILFORD:

2 Q Would you mind going to Paragraph 38 of
3 your declaration and I'm looking at the first
4 sentence there on the top of Page 27.

5 A Yes, I'm there.

6 Q Do you see where you wrote: "By 1943,
7 inventors had already determined that electrical
8 arcing could be mitigated and avoided by simply
9 using insulating materials around the contacts..."
10 and it goes on.

11 Do you see that?

12 A Yes, I do.

13 Q How do insulating materials mitigate or
14 avoid electrical arcing?

15 A Such materials have high to extremely high
16 breakdown voltages and as such when the electric
17 field passes through that material, the electrons
18 in the material do not become liberated and cannot
19 form an arc.

20 Q What do you mean by "high to extremely
21 high breakdown voltages"?

22 A I'm sorry. Could you repeat the question,

1 please?

2 Q Sure.

3 You used the phrase "high to extremely
4 high breakdown voltages" and I was asking what you
5 meant by that.

6 A Sure, I'll answer that.

7 In the examples I've given in my report,
8 and I'm going to refer to Page 20, Paragraph 37,
9 I've cited that the breakdown voltage of air is
10 30 kilovolts per centimeter.

11 So simply stated, if you were to place
12 30 kilovolts across a one-centimeter gap with air
13 in it you are likely to experience arc, whereas if
14 you use another material -- and now I'm referring
15 to Page 21 -- having a much higher breakdown
16 voltage, the example I've given is a solid
17 dielectric in the range of 5 to 10 mega volts per
18 centimeter, you would not create an arc even if
19 you got to 30 or 40 -- let's say you got to
20 50 kilovolts, you would be guaranteed an arc with
21 air, but if you use a dielectric material you will
22 be very far from the breakdown voltage and would

1 not obtain an arc, and that is what the inventors
2 in 1943 had determined that using dielectrics or
3 insulating materials around the contacts would
4 mitigate the arcing.

5 Q Is breakdown voltage proportional to the
6 electrical resistance of a material?

7 A Could you repeat the question, please?

8 Q Is the breakdown voltage of a material
9 proportional to the electrical resistance of the
10 material?

11 MR. RAJAN: Objection to form.

12 BY THE WITNESS:

13 A I do not believe that the relationship is
14 as simple as being proportional, but it's
15 certainly the case that materials with high
16 breakdown voltages tend to have higher
17 resistivities.

18 MR. GILFORD: Okay. Fair enough. I'm at
19 a good stopping point. Let's go off the record
20 for a moment, Theresa.

21 (A lunch recess was had from 12:08 p.m. to
22 12:50 p.m. CST.)

1 DR. CHARLES ELDERING,
2 called as a witness herein, having been previously
3 duly sworn and having testified, was examined and
4 testified further as follows:

5 EXAMINATION (Resumed)

6 BY MR. GILFORD:

7 Q Dr. Eldering, welcome back.

8 We were talking about Page 27 of your
9 declaration, and, again, when I'm referencing a
10 page, I'm referencing a page number in the bottom
11 left.

12 Let's go ahead and talk about Paragraph 40
13 on Page 27 of your declaration. I'm looking at
14 the first sentence there, do you see where you
15 wrote: "The '017 patent purports to address the
16 technical problem of electrical arcing..." and it
17 goes on.

18 Do you see that?

19 A Yes, I do.

20 Q Is it fair to say that the '017 patent is
21 directed to the technical problem of electrical
22 arcing?

1 A Could you repeat the question, please?

2 Q Is it fair to say that the '017 patent is
3 directed to the technical problem of electrical
4 arcing?

5 A No. That's a -- I would say more
6 accurately the '017 purports to address the
7 technical problem of electrical arcing that can
8 occur when connecting or disconnecting electrical
9 power connectors while current is flowing.

10 Q Okay. So it's fair to say that the '017
11 patent is directed to the technical problem of
12 electrical arcing that can occur when connecting
13 or disconnecting electrical power connectors while
14 current is flowing; is that fair to say?

15 A That's the statement that I've made in my
16 declaration that I stand by, but to clarify, the
17 patent is directed at arcing and connectors. It
18 particularly points out about how the problem
19 occurs when current is flowing and it doesn't
20 address arcing in, for example, power transformer
21 on a telephone pole which is a bit of a different
22 problem.

1 Q When the '017 patent references arcing,
2 it's referring to electrical arcing; is that fair
3 to say?

4 A Well, it says specific -- it is discussing
5 electrical arcing, yes.

6 Q Okay. Let's go ahead and turn to
7 Paragraph 46 of your declaration on Page 33.

8 A I'm there.

9 Q And you see that the first sentence in
10 Paragraph 46 it says: "I have been asked for
11 purposes of this declaration to apply the plain
12 and ordinary meaning of the claim terms..." and it
13 goes on.

14 Do you see that?

15 A Yes, I do.

16 Q Is it fair to say in your declaration you
17 applied the plain and ordinary meaning to every
18 claim term?

19 MR. RAJAN: Object to form.

20 BY THE WITNESS:

21 A Could you repeat the question, please?

22 BY MR. GILFORD:

1 Q In your declaration, you apply the plain
2 and ordinary meaning to every claim term; is that
3 right?

4 MR. RAJAN: Objection to form.

5 BY THE WITNESS:

6 A Well, I would say more specifically I've
7 not done a claim construction for any particular
8 terms and I have applied the plain and ordinary
9 meaning to the claim terms as they would have been
10 understood by a person of ordinary skill in the
11 art at the earliest priority date of the '017
12 patent.

13 BY MR. GILFORD:

14 Q Are there any terms in the challenged
15 claims of the '017 patent where you did not apply
16 the plain and ordinary meaning?

17 A Could you repeat the question, please?

18 Q Are there any terms in the challenged
19 claims of the '017 patent where you did not apply
20 the plain and ordinary meaning?

21 A No, there are not.

22 Q Okay. And is it fair to say in your

1 declaration you did not propose any express
2 constructions for any of the terms of the '017
3 patent?

4 A I did as I had been asked which was to
5 apply the plain and ordinary meaning of the claim
6 terms as they would have been understood by a
7 person of ordinary skill in the art at the
8 earliest priority date of the '017 patent.

9 Q Who asked you to apply the plain and
10 ordinary meaning to every claim term?

11 A Counsel did.

12 Q Okay. Were there any express
13 constructions that you wanted to raise that you
14 were told not to raise?

15 MR. RAJAN: I caution the witness not to
16 reveal privileged information.

17 BY THE WITNESS:

18 A Could you repeat the question, please?

19 BY MR. GILFORD:

20 Q Were there any express claim constructions
21 that you wanted to raise in your declaration that
22 you were instructed not to raise?

1 MR. RAJAN: Same caution.

2 BY THE WITNESS:

3 A I was able to perform my work by applying
4 the plain and ordinary meaning of the claim terms
5 as they would have been understood by a person of
6 ordinary skill in the art at the earliest priority
7 date of the '017 patent.

8 BY MR. GILFORD:

9 Q That didn't quite answer my question.

10 My question was: Were there any express
11 claim constructions that you wanted to raise in
12 your declaration that you were instructed not to
13 raise?

14 MR. RAJAN: I caution the witness not to
15 reveal any privileged information.

16 BY THE WITNESS:

17 A I was able to do my work applying the
18 plain and ordinary meaning and as such -- of the
19 claim terms, and as such did not need to raise
20 issues with respect to specific alternate
21 constructions.

22 BY MR. GILFORD:

1 Q At any point were there terms in the '017
2 patent that you believe should not be given their
3 plain and ordinary meaning that you were
4 instructed to instead give their plain and
5 ordinary meaning?

6 A Could you repeat the question, please?

7 Q Sure.

8 Were there any terms in the challenged
9 claims of the '017 patent that you believed should
10 not be given their plain and ordinary meaning but
11 you were instead instructed to give those terms
12 their plain and ordinary meaning?

13 MR. RAJAN: Objection to form.

14 THE WITNESS: Excuse me?

15 BY THE WITNESS:

16 A I was able to do my work by applying the
17 plain and ordinary meaning of the claim terms as
18 would have been understood by a person of ordinary
19 skill in the art at the earliest priority date of
20 the '017 patent.

21 BY MR. GILFORD:

22 Q At any point in time did you believe that

1 there were terms in the '017 patent that should
2 not being given their plain and ordinary meaning?

3 MR. RAJAN: Objection to form.

4 BY THE WITNESS:

5 A No, I was able to do my work and
6 understand that the claim terms by applying the
7 plain and ordinary meaning of those claim terms as
8 they would have been understood by a person of
9 ordinary skill in the art at the earliest priority
10 date of the '017 patent.

11 BY MR. GILFORD:

12 Q You ultimately gave the terms their plain
13 and ordinary meaning. I'm asking something a
14 little different. I'm asking if at any point in
15 time you believed that certain terms should not be
16 given their plain and ordinary meaning?

17 MR. RAJAN: Objection to form.

18 BY THE WITNESS:

19 A No. I was able to do my work by applying
20 the plain and ordinary meaning of the claim terms
21 as they would have been understood by a person of
22 ordinary skill in the art at the earliest priority

1 date of the '017 patent.

2 BY MR. GILFORD:

3 Q Can you go ahead and flip to Paragraph 67
4 on Page 44.

5 A I'm there.

6 Q And I'm looking at the first sentence on
7 Paragraph 67. Do you see where you wrote: "In my
8 opinion Winkler discloses 1[c]"?

9 A I do see that, yes.

10 Q Is it your opinion that Winkler expressly
11 discloses limitation 1[c]?

12 MR. RAJAN: Objection to form.

13 BY THE WITNESS:

14 A Could you repeat the question, please?

15 BY MR. GILFORD:

16 Q Is it your opinion that Winkler expressly
17 discloses limitation 1[c]?

18 MR. RAJAN: Objection to form.

19 BY THE WITNESS:

20 A It is my opinion that Winkler discloses
21 the claim term 1[c] through its teaching of
22 contact member 22, the first electrical contact

1 and the corresponding connecting surface, i.e., a
2 elongated flat portion 32 as taught in Winkler.

3 BY MR. GILFORD:

4 Q Sir, you understand there is a difference
5 between express disclosure and inherent
6 disclosure, right? We talked about it earlier.
7 You recall that discussion?

8 A I do recall that discussion.

9 Q And you understand there is a difference
10 between express disclosure and inherent
11 disclosure, right?

12 A Yes, I do.

13 Q Okay. So my question was: Is it your
14 opinion that Winkler expressly discloses
15 limitation 1[c]?

16 MR. RAJAN: Objection to form.

17 BY THE WITNESS:

18 A Well, I don't know the legal definition
19 you're giving to express an express disclosure,
20 but it is clear to me and it is my opinion that
21 Winkler teaches, discloses, illustrates contact
22 member 22 the first electrical contact with a

1 connecting surface that is the elongated flat
2 portion of 32 which is identically the claim
3 element 1[c] of the first electrical contact
4 having a connecting surface that is substantially
5 parallel with a longitudinal axis of the
6 insulating housing.

7 BY MR. GILFORD:

8 Q That didn't answer my question at all and
9 we're not moving on until you give me a straight
10 answer.

11 Are you arguing that Winkler expressly
12 discloses limitation 1[c]?

13 MR. RAJAN: Objection to form.

14 BY MR. GILFORD:

15 Q It's a yes-or-no question. If you can't
16 answer it, we're going to bring you back with
17 sanctions and you guys are going to pay for the
18 next deposition. That's a promise.

19 MR. RAJAN: Counsel, he --

20 BY MR. GILFORD:

21 Q The question was: Are you opining that
22 Winkler expressly discloses limitation 1[c]?

1 MR. RAJAN: Objection to form.

2 BY THE WITNESS:

3 A As consistent with my prior answer, it is
4 my opinion that that claim element is present in
5 Winkler and that Winkler discloses through its
6 text and illustration -- and I've made an explicit
7 mapping of the claim term to Winkler in which
8 Winkler's contact member 22 is the first
9 electrical contact that has a connecting surface
10 which is in Winkler's language the elongated flat
11 portion of 32.

12 So I believe it is clear I am not making a
13 legal determination if you are asking for such.

14 BY MR. GILFORD:

15 Q You're still not answering my question.

16 Are you arguing that Winkler expressly
17 discloses limitation 1[c] or are you arguing that
18 Winkler inherently discloses limitation 1[c]?

19 MR. RAJAN: Objection to form.
20 Argumentative.

21 BY THE WITNESS:

22 A Well, it was my task to determine if that

1 claim element 1[c] was present either explicitly
2 or inherently in the Winkler reference and I
3 determined that Winkler teaches element 1[c], and
4 I was very specific in the mapping of the contact
5 member 22 of Winkler to the first electrical
6 contact in the connecting surface that is the
7 elongated flat portion 32 of Winkler to the
8 connecting surface.

9 BY MR. GILFORD:

10 Q Are you opining that Winkler expressly
11 discloses limitation 1[c] or are you opining that
12 Winkler inherently discloses limitation 1[c]?
13 Answer the question, please?

14 MR. RAJAN: Objection to form. Asked and
15 answered.

16 BY THE WITNESS:

17 A As I've stated, it was my task to
18 determine if the claim element was present either
19 explicitly or inherently in the prior art
20 reference and with respect to Winkler in element
21 1[c].

22 I found that Winkler discloses 1[c] and

1 teaches very clearly and I've made a very clear --

2 BY MR. GILFORD:

3 Q Answer the question. I need you to answer
4 the question. The question was: Are you saying
5 that it's expressly disclosed or inherently
6 disclosed?

7 MR. RAJAN: Counsel, please don't
8 interrupt the witness. Please let him finish
9 giving his answer before you ask --

10 MR. GILFORD: Well, he's not answering the
11 question, Counsel. He's not answering it and we
12 need an answer.

13 BY MR. GILFORD:

14 Q It's a yes-or-no question.

15 Are you arguing express disclosure or
16 inherent disclosure for limitation 1[c]?

17 MR. RAJAN: Objection to form.

18 BY THE WITNESS:

19 A Consistent with the task that was laid out
20 for me which was to determine if the claim element
21 was present either explicitly or inherently in the
22 prior art reference, I was able to take the

1 Winkler reference and make a specific mapping
2 between the elements of Winkler, specifically to
3 contact member 22 of Winkler to the first
4 electrical contact in the claim language and the
5 elongated flat portion 32 of Winkler to the
6 connecting surface in claim element 1[c].

7 BY MR. GILFORD:

8 Q You're still not answering the question.
9 So, I mean, even you said you were asked to
10 determine if the claim element was present either
11 explicitly or inherently in the prior art
12 reference.

13 Do you recall just saying that a second
14 ago?

15 A Yes, I do.

16 Q So which of those two did you determine
17 that Winkler discloses? Is it an explicit
18 disclosure or is it an inherent disclosure for
19 limitation 1[c]?

20 MR. RAJAN: Objection to form.

21 BY THE WITNESS:

22 A I believe that that is a legal distinction

1 which I am not prepared to comment on, but I am
2 very clear, I was clear in my analysis and it is
3 my opinion and it is abundantly clear that Winkler
4 discloses element 1[c] through the contact member
5 22 of Winkler which is the first electrical
6 contact of the claim language and the elongated
7 flat portion 32 of Winkler which is the connecting
8 surface.

9 BY MR. GILFORD:

10 Q So you can't tell me sitting here today
11 whether it's your opinion that Winkler expressly
12 discloses limitation 1[c] or inherently discloses
13 limitation 1[c]?

14 MR. RAJAN: Objection to form.

15 BY THE WITNESS:

16 A I'm not prepared to perform nor am I
17 qualified to perform a legal analysis, but I
18 maintain that clear teaching of Winkler of element
19 1[c] by the mapping of the contact member 22 of
20 Winkler to the first electrical contact of the
21 claim language in the mapping of the elongated
22 flat portion 32 of Winkler to the connecting

1 surface.

2 BY MR. GILFORD:

3 Q You agreed earlier that to be an inherent
4 disclosure the prior art reference must
5 necessarily disclose the limitation, right?

6 A I'm sorry. Could you repeat that
7 question, please?

8 Q You agreed earlier that for it to be an
9 inherent disclosure the prior art reference must
10 necessarily disclose the limitation; isn't that
11 true?

12 A Yes, I have been advised and understand
13 that to be an inherent disclosure, the prior art
14 reference must necessarily disclose the
15 limitation.

16 Q And if we look through the analysis you
17 provided for limitation 1[c] for Winkler, so
18 that's Paragraph 67 through 71, the word
19 "necessarily" doesn't appear anywhere in those
20 paragraphs, does it?

21 A I don't see it. I'm assuming you're
22 asking because it's not there.

1 Q That's correct. It's not there, is it?

2 A I'm going to confirm once more, but...

3 I don't see the word necessarily in that
4 text.

5 Q Okay. So it's fair to say that in your
6 analysis of limitation 1[c] at no point did you
7 opine that Winkler necessarily discloses
8 limitation 1[c]?

9 MR. RAJAN: Objection to form.

10 BY THE WITNESS:

11 A I explained and documented the presence of
12 element 1[c] in Winkler by mapping specific claim
13 terms such as contact member -- excuse me, the
14 connecting surface of the claim element to the
15 contact member 22 of Winkler and the connecting
16 surface to the elongated flat portion 32 of
17 Winkler and continued with my analysis of mapping
18 the claim terms to the Winkler reference as
19 described in Paragraphs 67 through 70.

20 Q You still didn't answer my question. My
21 question was: At no point in your analysis of
22 limitation 1[c] did you opine that Winkler

1 necessarily discloses limitation 1[c]; isn't that
2 correct?

3 MR. RAJAN: Objection to form.

4 BY MR. GILFORD:

5 Q You couldn't opine that because the word
6 "necessarily" doesn't even appear in here, does
7 it?

8 MR. RAJAN: Objection.

9 BY THE WITNESS:

10 A I did not perform a legal analysis with
11 regards to "necessarily," but what I did provide
12 was a very specific mapping between the elements
13 of Claim 1[c] in Winkler including mapping of
14 contact member 22 of Winkler to the first
15 electrical contact claim term and the mapping of
16 the elongated flat portion 32 of Winkler to the
17 connecting surface as well as the subsequent
18 mappings shown in Paragraphs 67 through 70.

19 BY MR. GILFORD:

20 Q You're still not answering my question.
21 We're going to object to your responses in this
22 entire line of questioning as nonresponsive and

1 we'll reserve our rights to bring you back here
2 for additional deposition time, but we can move on
3 because --

4 MR. RAJAN: Counsel, he's answered your
5 question directly several times and there will be
6 no additional deposition based on --

7 MR. GILFORD: Well, the record speaks for
8 itself, Counsel.

9 MR. RAJAN: It does. Move on.

10 BY MR. GILFORD:

11 Q So let's go back to Paragraph 67, and I'm
12 looking at the second sentence there, do you see
13 where you wrote: "The contact member 22 of
14 Winkler (the first electrical contact) has a
15 connecting surface, i.e., a elongated flat portion
16 32."

17 Do you see that?

18 A I'm sorry. Could you -- try again. I
19 apologize.

20 Q Do you see the second sentence of
21 Paragraph 67 in your declaration?

22 A Starting with "as shown in Figure 2"?

1 Q Nope. Above that. The first sentence
2 that says: "In my opinion, Winkler discloses
3 1[c]."

4 A I'm sorry. I apologize. I'm with you
5 now. I gotcha.

6 Q In your opinion, Winkler's elongated flat
7 portion 32 is the claim connecting surface; is
8 that right?

9 A I think the language I used, which I
10 maintain is accurate, is: "The contact member 22
11 of Winkler has a connecting surface including the
12 elongated flat portion 32."

13 Q It says: "i.e., elongated flat portion."
14 Do you know what i.e. means?

15 A I do.

16 Q It doesn't mean including, it means that's
17 what you're saying the connecting surface is;
18 isn't that true?

19 A Well, I think I've been clear in the
20 sentence below I show "as shown in Figure 2 of
21 Winkler, the contact member 22" highlighted it in
22 blue above includes an elongated flat portion 32.

1 Q You're saying the alleged connecting
2 surface of Winkler is the elongated flat portion
3 32, that's what you're saying, right?

4 A I said what I said in my report, "As shown
5 in Figure 2 of Winkler, above, contact member 22
6 (highlighted in blue, above) includes an elongated
7 flat portion 32. The elongated flat portion 32 is
8 a 'connecting surface' as claimed because a
9 contact member (which is a terminal) from a mated
10 connector establishes an electrical connection
11 with elongated flat portion 32."

12 Q So the answer is yes, you're opining that
13 Winkler's elongated flat portion 32 is the claim's
14 connecting surface?

15 MR. RAJAN: Objection to form.

16 BY THE WITNESS:

17 A Could you repeat the question, please?

18 BY MR. GILFORD:

19 Q The answer is yes, you are opining that
20 Winkler's elongated flat portion 32 is the claimed
21 connecting surface; isn't that right?

22 A What I said and I maintain is: "As shown

1 in Figure 2 of Winkler, above, contact member 22
2 (highlighted in blue, above) includes an elongated
3 flat portion 32. The elongated flat portion 32 is
4 a 'connecting surface' as claimed because a
5 contact member (which is a terminal) from a mated
6 connector establishes an electrical connection
7 with elongated flat portion 32."

8 BY MR. GILFORD:

9 Q Are you opining that Winkler's elongated
10 flat portion 32 is the claimed connecting surface?

11 MR. RAJAN: Objection to form.

12 BY MR. GILFORD:

13 Q It's a yes-or-no question and you should
14 easily be able to answer it.

15 A Well, to be precise, I will answer as I've
16 stated in my report. "As shown in Figure 2 of
17 Winkler, above, contact member 22 (highlighted in
18 blue, above) includes an elongated flat portion
19 32. The elongated flat portion 32 is a
20 'connecting surface' as claimed because a contact
21 member (which is a terminal) from a mated
22 connector establishes an electrical connection

1 with elongated flat portion 32."

2 BY MR. GILFORD:

3 Q Answer this question with a yes or no.

4 Is it your opinion that Winkler's
5 elongated flat portion 32 is the claimed
6 connecting surface?

7 A It is my opinion that: "As shown in
8 Figure 2 of Winkler, above, contact member
9 (highlighted in blue, above) includes an elongated
10 flat portion 32. The elongated flat portion 32 is
11 a 'connecting surface' as claimed because a
12 contact member (which is a terminal) from a mated
13 connector establishes an electrical connection
14 with elongated flat portion 32."

15 Q You're reading directly from your
16 declaration at Paragraph 67; is that right?

17 A That's correct.

18 Q You weren't able to give me a yes-or-no
19 answer to my question, were you?

20 MR. RAJAN: Objection.

21 BY THE WITNESS:

22 A I'm answering consistent --

1 BY MR. GILFORD:

2 Q You were not able to give me a yes-or-no
3 answer, were you?

4 MR. RAJAN: Objection.

5 BY THE WITNESS:

6 A Can you repeat the question, please?

7 BY MR. GILFORD:

8 Q I asked you to give me a yes-or-no answer
9 to the question: Is it your opinion that
10 Winkler's elongated flat portion 32 is the claimed
11 connecting surface?

12 You were unable to give me a yes-or-no
13 answer, were you?

14 MR. RAJAN: Objection to form.

15 BY THE WITNESS:

16 A I gave you an answer which is consistent
17 with my analysis that I maintain is correct.

18 BY MR. GILFORD:

19 Q Okay. Well, again, the record speaks for
20 itself here so we can move on.

21 Let's go to Page 46.

22 A I'm there.

1 Q I'm looking at the annotated figure at the
2 top of Page 39 of your declaration, do you see
3 that?

4 A Hold on. I'm on the wrong page.

5 I'm sorry, say that again? Page 46? I'm
6 with you on Page 46 I think you referred to.

7 Q Yes. So Page 46, I'm using again the
8 bottom left numbers.

9 A Understood.

10 Q Are you at that page?

11 A I am.

12 Q And I'm looking at the annotated figure at
13 the top of that page, are you with me?

14 A I am.

15 Q Do you see just below that annotated
16 figure there's a three-line underlined caption?

17 A Yes.

18 Q And do you see where you wrote,
19 "identifying a connecting surface in pink"?

20 Do you see that?

21 A Yes, I do.

22 Q And what you've underlined in pink in the

1 figure at the top of Page 46 of your declaration,
2 that's what you're calling the claimed connecting
3 surface; is that right?

4 A I am mapping the connecting surface --
5 excuse me. I'm mapping the pink region to the
6 connecting surface language of the claim.

7 Q Got it.

8 So just so the record is clear, if I
9 understand you correctly, you are mapping what you
10 have shown in pink in the figure at the top of
11 Page 46 of your declaration to the claimed
12 connecting surface; is that right?

13 MR. RAJAN: Objection to form.

14 BY THE WITNESS:

15 A Well, I would maintain as I've stated in
16 the report, I've identified a connecting surface
17 in pink.

18 BY MR. GILFORD:

19 Q And what you've identified in pink at the
20 top of Page 46 of your report is what you're
21 mapping to the claimed connecting surface, right?

22 A I've identified a connecting surface in

1 the prior art that I believe maps to the
2 connecting surface in pink both in -- as shown in
3 Figure -- excuse me, in that preceding paragraph
4 which is Paragraph 68 and in the illustration in
5 Paragraph 67.

6 Q Well, there's two different pink lines in
7 those paragraphs or those figures; isn't that
8 right?

9 A That's correct.

10 Q So which of those two lines are you
11 relying on for the connecting surface?

12 A The analysis I presented, which I maintain
13 is accurate, illustrates the connecting surface in
14 pink as shown in Paragraph 67 which has an
15 elongated flat portion 32 which is a connecting
16 surface as claimed because a contact member which
17 is a terminal from a mated connector establishes
18 an electrical connection with elongated flat
19 portion of 32, and that the connecting surface of
20 Winkler's contact member 22 terminates in a
21 leading end of the first electrical contact as
22 claimed.

1 Q Is it your opinion that Winkler's convex
2 end portion 34 is the claimed leading end?

3 A As I've stated in my report in
4 Paragraph 69 as shown in Figure 2 of Winkler,
5 contact member 22 has a leading end called a
6 convex portion 34.

7 Q Okay. You're not opining that Winkler's
8 convex end portion 34 is the claimed connecting
9 surface, are you?

10 MR. RAJAN: Objection to form.

11 BY THE WITNESS:

12 A Could you repeat the question, please?

13 BY MR. GILFORD:

14 Q You're not opining that Winkler's context
15 end portion 34 is the claimed connecting surface,
16 are you?

17 MR. RAJAN: Objection to form.

18 BY THE WITNESS:

19 A It is my opinion that the patent owner
20 itself appears to suggest that an electrical
21 contact with a convex end meets the claimed
22 connecting surface that is substantially parallel

1 with a longitudinal axis of the insulating housing
2 and terminates in a leading end of the first
3 electrical contact and that Winkler's convex end
4 portion constitutes substantially the same
5 structure that the patent owner alleges meets
6 claim element 1[c].

7 BY MR. GILFORD:

8 Q That doesn't remotely come close to
9 answering my question.

10 So my question was: You're not opining
11 that Winkler's context end portion 34 is the
12 claimed connecting surface, are you?

13 MR. RAJAN: Objection to form.

14 BY THE WITNESS:

15 A It is my opinion that Winkler's contact
16 member 22 constitutes the claimed -- the first
17 electrical contact having a connecting surface
18 that is substantially parallel with the
19 longitudinal axis of the insulating housing and
20 terminates in a leading end of the first
21 electrical contact. It is therefore my opinion
22 that Winkler discloses claim element 1[c].

1 BY MR. GILFORD:

2 Q You're still not answering my question.

3 So are you opining the convex end portion 34 is
4 the leading end, the connecting surface or both?

5 A It is my opinion that Winkler shows a
6 contact member 22 that includes an elongated flat
7 portion 32 and that that elongated flat portion 32
8 is a connecting surface as claimed because a
9 contact member which is a terminal from a mated
10 connector establishes an electrical connection
11 with elongated flat portion 32 and that the
12 connecting surface of Winkler's contact member 22
13 terminates in a leading end of the first
14 electrical contact as claimed.

15 BY MR. GILFORD:

16 Q You're still not answering my question.

17 I'm asking about convex end portion 34.

18 Are you opining that convex end portion 34
19 is the claimed connecting surface?

20 MR. RAJAN: Objection to form.

21 BY THE WITNESS:

22 A It is my opinion that the connecting

1 surface of Winkler's contact member 22 terminates
2 in a leading end of the first electrical contact,
3 and as shown in Figure 2 of Winkler contact member
4 22 has a leading end called a convex end portion
5 34.

6 BY MR. GILFORD:

7 Q You're still not answering my question.
8 I'm not going to keep banging my head against the
9 wall trying to get you to say something you're
10 clearly not going to answer so we'll move on. I
11 object to this entire line of answers as
12 completely nonresponsive and we'll reserve our
13 rights to bring you back for additional deposition
14 time.

15 MR. RAJAN: For the record, Dr. Eldering
16 has answered all the questions clearly and there
17 is no need to --

18 BY MR. GILFORD:

19 Q So let's go to Page 50 of your
20 declaration.

21 A I'm there.

22 Q I'm looking at Paragraph 74. And I'm

1 looking at the first sentence, do you see where
2 you wrote: "In my opinion Winkler discloses
3 1[f]"?

4 A Yes, I do.

5 Q Are you opining that Winkler inherently
6 discloses limitation 1[f] or are you opining that
7 Winkler expressly discloses limitation 1[f]?

8 MR. RAJAN: Objection. Form.

9 BY THE WITNESS:

10 A As I previously told you, I'm not prepared
11 nor qualified to give you a legal opinion, but it
12 is clear from my analysis and I maintain that
13 Winkler discloses 1[f] through its disclosure of
14 identical connectors 10 and 12 that are configured
15 to be mated as shown in Figure 2 below and that
16 when the connectors 10 and 12 are mated, contact
17 member 22, the electrical contact of each
18 connector engaged laterally with one another.

19 BY MR. GILFORD:

20 Q You're not answering my question.

21 As we sit here today do you know whether
22 you're opining in your own declaration whether

1 Winkler inherently discloses limitation 1[f] or it
2 expressly discloses limitation 1[f]?

3 MR. RAJAN: Objection.

4 BY THE WITNESS:

5 A As I have previously stated, I am not
6 prepared to nor qualified to give you a legal
7 analysis, but it is clear from my work and it is
8 my opinion that Winkler discloses 1[f] through its
9 disclosure of identical connectors 10 and 12 that
10 are configured to be mated as shown in Figure 2
11 below, that when connectors 10 and 12 are mated,
12 contact member 22, the electrical contact of each
13 connector engaged laterally with one another.

14 MR. GILFORD: I'll object to your answer
15 as again nonresponsive, but we can move on.

16 BY MR. GILFORD:

17 Q So let's flip to the next page, Page 51,
18 and I'm looking at Paragraph 75. Three lines down
19 do you see where you mention "interlocking
20 engagement"?

21 A Yes, I do see that.

22 Q What do you mean by "interlocking

1 engagement"?

2 MR. RAJAN: Objection to form.

3 BY THE WITNESS:

4 A One second. Apologies. What I meant by
5 that they are placed in interlocking engagements
6 with each other when fully engaged is that they
7 are configured such that they when slidingly
8 engaged with an identical terminal in the second
9 connector, the resiliently support terminals are
10 shaped to effect lateral depression of each other
11 into their respective pockets during initial
12 engagement and to effect interlocking engagement
13 with each other when fully engaged said insulating
14 sockets enclosing said pockets when the connectors
15 are engaged.

16 BY MR. GILFORD:

17 Q So what does "interlocking engagement"
18 mean?

19 MR. RAJAN: Objection. Form.

20 BY THE WITNESS:

21 A What it means is that the two spring press
22 contact members are slidingly engaged with one

1 another such that as the connectors approach full
2 engagement, the springs 36 effect upward movement
3 of the terminals in their pockets to present the
4 curved portions 34 in hooked or interlocked
5 relation to each other.

6 BY MR. GILFORD:

7 Q So what's "interlocked relation" to each
8 other mean?

9 MR. RAJAN: Objection to form.

10 BY THE WITNESS:

11 A The interlocking engagement includes the
12 terminals becoming laterally engaged through the
13 forces applied to them from the mechanical
14 structures, in this case, including the springs
15 36.

16 BY MR. GILFORD:

17 Q What does "interlocking engagement" mean?

18 MR. RAJAN: Objection.

19 BY MR. GILFORD:

20 Q Let me re-ask it.

21 You use in quotes earlier in Paragraph 75
22 "interlocking engagement with each other when

1 fully engaged."

2 What does it mean for the contact members
3 to be in "interlocking engagement with each other
4 when fully engaged"?

5 MR. RAJAN: Objection to form.

6 BY THE WITNESS:

7 A Well, as described by Winkler, they're
8 slidingly engaged with an identical terminal in
9 the second connector, said resiliently supported
10 terminals being shaped to effect lateral
11 depression of each other into their respective
12 pockets during initial engagement and to effect
13 interlocking engagement with each other when fully
14 engaged, which I think is clear from the figure
15 that when the two connectors are mated, the forces
16 acting on the contact members are such that the
17 longitudinal force causes them to ride over each
18 other and the lateral forces cause them to result
19 in a lateral engagement which is interlocking
20 because the connector is assembled and the
21 forces -- the lateral forces maintain the
22 connector such that it would -- it will not fall

1 apart. It would require force in a longitudinal
2 direction to pull them apart to break the
3 interlocking engagement.

4 BY MR. GILFORD:

5 Q You keep using "interlocking engagement"
6 to define interlocking engagement. I just want to
7 know what interlocking engagement means.

8 MR. RAJAN: Objection to form, asked and
9 answered.

10 BY THE WITNESS:

11 A Yes, I will attempt to answer your
12 question without using that term.

13 The connector elements and in particular
14 the contact members are designed such that when
15 the connector is assembled through sliding
16 engagement, which is two identical terminals being
17 slidingly engaged with each other, the resiliently
18 supported terminals are shaped to effect lateral
19 depression of each other which involves lateral
20 forces and results in them if you can -- if as a
21 POSA would understand, picturing Figure 4 with a
22 connector -- the respective connector halves being

1 mated, the contact members would ride over each
2 other and that lateral forces would cause them to
3 overlap such that they could -- they would not
4 fall apart in the longitudinal direction and the
5 connector would remain mated.

6 BY MR. GILFORD:

7 Q But the Winkler reference expressly says
8 that -- it expressly says, "interlocking
9 engagement with each other when fully engaged."

10 Do you see that?

11 A Yes, I do.

12 Q That's a quote you took from Winkler,
13 isn't it?

14 A That's accurate, yes.

15 Q What do you understand fully engaged to
16 mean, fully connected, right?

17 MR. RAJAN: Objection to form.

18 BY THE WITNESS:

19 A I'm going to refer to Figure 4 again --
20 excuse me, Figure 2.

21 BY MR. GILFORD:

22 Q Right. Figure 2 is an example of fully

1 engaged, right?

2 A I'm sorry, if you're going to interrupt me
3 then why don't we just until -- I'll wait until
4 you're done interrupting and then we'll pick up
5 again. Go ahead and keep interrupting.

6 Q Figure 2 is what -- is what is -- let me
7 start over.

8 Figure 2 of Winkler shows the connectors
9 fully engaged, right?

10 A Figure 2 is a cross-sectional view of a
11 pair of two full connectors joined together.

12 Q The connectors are fully engaged in what's
13 shown in Figure 2, right?

14 A In Figure 2, the end portions have, as a
15 POSA would understand, during assembly the end
16 portions have rode over each other, displaced each
17 other and then arrived at a configuration where
18 they were laterally engaged.

19 Q You haven't answered my question.

20 My question is: Are the contacts as shown
21 in Figure 2 of Winkler fully engaged?

22 MR. RAJAN: Objection to form.

1 BY THE WITNESS:

2 A Figure 2 is a cross-sectional view of a
3 pair of two pole connectors joined together which
4 can be understood from inspection of Figure 4 that
5 the contact members have ridden over each other
6 and are an engaged position.

7 BY MR. GILFORD:

8 Q Fully engaged as shown in Figure 2?

9 A What Figure 2 shows is that they have
10 ridden over each other which could be understood
11 as fully engaged.

12 Q So the position of the electrical contacts
13 in Winkler's Figure 2 is the fully engaged
14 position, correct?

15 MR. RAJAN: Objection to form.

16 BY THE WITNESS:

17 A I think that one would understand that
18 Figure 2 because it is a cross-sectional view of a
19 pair -- of two pole connectors joined together and
20 from inspection of Figure 2 a person of skill in
21 the art would understand for several reasons
22 including the position of the contact members as

1 well as the surrounding pockets that the
2 connectors themselves are fully engaged with each
3 other.

4 BY MR. GILFORD:

5 Q Okay. You would agree that in this fully
6 engaged position of Figure 2, Winkler says that
7 the electrical contacts are in interlocking
8 engagement or interlocked relation to each other,
9 right?

10 MR. RAJAN: Objection to form.

11 BY THE WITNESS:

12 A Well, Winkler himself says, "interlocking
13 engagement with each other when fully engaged."

14 BY MR. GILFORD:

15 Q What does "interlocking engagement with
16 each when fully engaged" mean?

17 MR. RAJAN: Objection to form.

18 BY THE WITNESS:

19 A Well, again, if you look at Figure 2, a
20 person of skill in the art would understand from
21 both Figure 2 and the accompanying text that when
22 the connectors are slid together, are pushed

1 together in the longitudinal direction, that those
2 contact members have to ride over each other,
3 there is some lateral displacement and then when
4 they're in their -- when the connector is fully
5 assembled, they are finished riding up over each
6 other and then they remain in the position shown
7 in the figure in which they are in interlocking
8 engagement with each other.

9 BY MR. GILFORD:

10 Q You keep saying shown in the figure where
11 they are in interlocking engagement with each
12 other. What does that mean? You just keep using
13 the term "interlocking engagement" to describe
14 interlocking engagement?

15 MR. RAJAN: Objection to form.

16 BY THE WITNESS:

17 A Would it be easier if you put the figure
18 up on the screen and I talked through it?

19 BY MR. GILFORD:

20 Q No. Do you have the figure in front of
21 you?

22 A I'll describe it again, no problem.

1 Q No, but you keep using -- you keep talking
2 about them riding over each other. When they're
3 riding over each other they're not fully engaged,
4 right?

5 MR. RAJAN: Objection to form.

6 BY THE WITNESS:

7 A When the two spring press contact members
8 are slidingly engaged and they displace each other
9 as they're being engaged and then they move into
10 the final position as shown in Figure 2.

11 BY MR. GILFORD:

12 Q The final position is the fully engaged
13 position, right?

14 MR. RAJAN: Objection to form.

15 BY THE WITNESS:

16 A In Figure 2 they are shown in the
17 interlocking engagement with each other when fully
18 engaged.

19 BY MR. GILFORD:

20 Q Final position is the fully engaged
21 position; is that right?

22 MR. RAJAN: Objection to form.

1 BY THE WITNESS:

2 A They are -- the connectors are shown fully
3 mated, and that would be at the point at which
4 they are fully mated and the contacts have rode
5 over each other and the surrounding materials are
6 now pushed against each other, the housings and
7 pockets, then they are fully engaged.

8 BY MR. GILFORD:

9 Q I still don't think you're answering my
10 question. But anyways, Figure 2 shows the
11 connectors or the electrical contacts fully
12 engaged, correct?

13 MR. RAJAN: Objection to form.

14 BY THE WITNESS:

15 A Yes, Figure 2 is a cross-sectional view of
16 a pair of two pole connectors joined together and
17 in that joined together position, the contact
18 members 22 are in interlocking engagement with
19 each other because they are fully engaged.

20 BY MR. GILFORD:

21 Q Isn't it true that Winkler itself uses --
22 he says, "hooked or interlocked in relation to

1 each other," do you see that? I'm reading at the
2 bottom of Paragraph 75 where you directly quoted
3 from Winkler, do you see where it says, "...to
4 present the curved portions 34 in hooked or
5 interlocked relation to each other."

6 Do you see that?

7 A I see that, yes.

8 Q So what does it mean for the curved
9 portions 34 to be in hooked relation to each
10 other?

11 MR. RAJAN: Objection to form?

12 BY THE WITNESS.

13 A What it means for the curved portions 34
14 to be in hooked or interlocked relations to each
15 other is that those portions are placed in a
16 configuration through the assembly in the
17 longitudinal direction such that there are lateral
18 forces which prevent those terminals from moving
19 in the longitudinal direction.

20 BY MR. GILFORD:

21 Q What do you mean by "lateral forces"?

22 A Through the design of Winkler which

1 results in lateral engagement, Winkler utilizes a
2 curved leaf spring carried by said terminal in
3 engagement with the forward portion of the bottom
4 surface of the contacting portion of said terminal
5 member, said rigid terminal being mounted to yield
6 laterally when slidably engaged with an identical
7 terminal in the second connector, said resiliently
8 supported terminals being shaped to effect lateral
9 depression of each other into their respective
10 pockets during initial engagement and to effect
11 interlocking engagement with each other when fully
12 engaged such that as shown in Figure 2, once the
13 blue contact member rides over the orange contact
14 member, the lateral forces arising from the spring
15 cause them to move into position such that no
16 longitudinal -- the connector cannot easily move
17 longitudinally unless you overcome the forces
18 generated by the springs that are pushing the
19 contact members together in interlocking
20 engagement.

21 BY MR. GILFORD:

22 Q Well, isn't it actually more accurate to

1 say that there's longitudinal forces keeping the
2 two components of the connector together?

3 MR. RAJAN: Objection to form.

4 BY THE WITNESS:

5 A Could you repeat the question, please?

6 BY MR. GILFORD:

7 Q There is longitudinal forces that keep the
8 connector in the configuration shown in Figure 2,
9 right?

10 MR. RAJAN: Objection to form.

11 BY THE WITNESS:

12 A That is not correct, no.

13 BY MR. GILFORD:

14 Q The curved portions 34, they contact each
15 other in the longitudinal direction, don't they?

16 MR. RAJAN: Objection to form.

17 BY THE WITNESS:

18 A The convex end portion -- the convex end
19 portion results in contact along the convex
20 surface which includes a lateral portion, and in
21 the curved area includes a longitudinal portion
22 which results in a contact, but it does not itself

1 generate any longitudinal forces.

2 BY MR. GILFORD:

3 Q So the answer is yes, the two curved
4 portions 34 contact each other in a longitudinal
5 direction as shown in Figure 2, right?

6 MR. RAJAN: Objection to form.

7 BY THE WITNESS:

8 A The convex end portions are in contact
9 with both each other and the connecting surface
10 and the convex end portion is a curve, hence, it's
11 convex and that curve is described by components
12 along the longitude and lateral directions so that
13 there is contacts along the curve and it does have
14 components both longitudinal and lateral.

15 BY MR. GILFORD:

16 Q Let's go to Page 53 of your declaration
17 and I'm looking at the last sentence of
18 Paragraph 76. Do you see where you wrote:
19 "Therefore, it is my opinion that receiving pocket
20 42 constitutes the claimed 'first insulating
21 barrier'?"

22 Do you see that?

1 A I see the language, yes.

2 Q So it's fair to say that in your opinion
3 Winkler's receiving pocket 42 constitutes the
4 claimed first insulating barrier; is that right?

5 A I think you said the same thing which is
6 my opinion that receiving pocket 42 constitutes
7 the claimed first insulating barrier.

8 Q In looking at the top of Page 53 of your
9 declaration you provided two annotated figures
10 from Winkler, do you see those figures?

11 A Yes, I do.

12 Q In both of those figures you highlighted a
13 portion of the figure in red, do you see that?

14 A Yes, I do.

15 Q In your opinion, is the claimed first
16 insulating barrier what's shown in red in
17 annotated figures at the top of Page 53 of your
18 declaration?

19 MR. RAJAN: Objection to form.

20 BY THE WITNESS:

21 A Could you repeat the question, please?

22 BY MR. GILFORD:

1 Q Is it your opinion that the claimed first
2 insulating barrier is what's shown in red in the
3 annotated figures at the top of Page 53 of your
4 declaration?

5 MR. RAJAN: Objection to form.

6 BY THE WITNESS:

7 A Well, as I've shown, I've illustrated --
8 I've annotated Figure 2 to show receiving pocket
9 42 in red, and it is my opinion that receiving
10 pocket 42, which would be in red as shown above,
11 constitutes the claimed first insulating barrier.

12 BY MR. GILFORD:

13 Q So the answer is yes, what you've shown in
14 red in the annotated figures at the top of Page 53
15 is what you're saying is the claimed first
16 insulating barrier?

17 MR. RAJAN: Objection to form.

18 BY THE WITNESS:

19 A Yes, it's my opinion that Winkler's
20 receiving pocket is a first insulating barrier
21 that covers the leading end of the first
22 electrical contact as claimed.

1 BY MR. GILFORD:

2 Q Let's go to Page 54 of your declaration,
3 I'm looking at Paragraph 78.

4 A I'm there.

5 Q And do you see where you wrote: "Second
6 connector 12 also includes a terminal receiving
7 pocket 42 that is a second insulating barrier
8 extending beyond the second electrical contact for
9 the same reasons as discussed above with respect
10 to the first connector 10 for 1[g]"?

11 Do you see that?

12 A I do see that, yes.

13 Q So if I understand you correctly, it's
14 your opinion that the receiving pocket 42 of the
15 second connector 12 is the claimed second
16 insulating barrier, is that a correct
17 understanding?

18 MR. RAJAN: Objection to form.

19 BY THE WITNESS:

20 A Yes, the second connector 12 also includes
21 a terminal receiving pocket 42 that I have colored
22 in green in the annotated Figure 2 that is a

1 second insulating barrier extending beyond the
2 second electrical contact.

3 BY MR. GILFORD:

4 Q Got it. And if I understand you correctly
5 you believe that receiving pocket 42 of the second
6 connector 12 is the claimed second insulating
7 barrier for the same reasons you discussed above
8 with respect to limitation 1[g]; is that right?

9 A That is correct, yes.

10 Q Okay. Let's go ahead to turn to Page 55
11 of your declaration.

12 A I'm there.

13 Q I'm looking at Paragraph 79, first
14 sentence.

15 Do you see where you wrote: "In my
16 opinion, Winkler discloses 1[i]"?

17 A Yes.

18 Q Are you opining in your declaration that
19 Winkler expressly discloses limitation 1[i] or are
20 you opining that Winkler inherently discloses
21 limitation 1[i]?

22 MR. RAJAN: Objection to form.

1 BY THE WITNESS:

2 A As we previously discussed, I'm not
3 prepared nor qualified to give you a legal
4 analysis with regards to that, but in my opinion,
5 Winkler discloses 1[i] through its disclosure of a
6 first connector having a first insulating barrier
7 and first electrical contact and second electrical
8 connector having a second insulating barrier and
9 second electrical contact as annotated in Figure 2
10 of Winkler below.

11 BY MR. GILFORD:

12 Q Okay. So as we sit here today, you cannot
13 tell me whether you're opining that Winkler
14 expressly discloses limitation 1[i] or inherently
15 discloses limitation 1[i]; is that accurate?

16 MR. RAJAN: Objection to form.

17 BY THE WITNESS:

18 A As I've stated, I did not perform nor am I
19 qualified to perform a legal analysis with respect
20 to that, but it is my opinion that Winkler
21 discloses 1[i] through its disclosure of a first
22 connector having a first insulating barrier and a

1 first electrical contact and a second electrical
2 connector having a second insulating barrier and
3 second electrical contact.

4 BY MR. GILFORD:

5 Q Let's turn to Page 56 of your declaration
6 and I'm looking at the figure towards the middle
7 there.

8 Do you see that?

9 A Yes.

10 Q And this figure does not appear anywhere
11 in Winkler, does it?

12 A This figure is an annotated diagram based
13 on Figure 2, so it is comprised of the elements of
14 Figure 2. This figure, identical figure does not
15 appear in the Winkler reference.

16 BY MR. GILFORD:

17 Q Yeah. And even taking away the
18 annotations, you know, like the coloring and
19 stuff, even if you were to take away those
20 annotations, you still wouldn't be able to find
21 this figure anywhere in Winkler, would you?

22 MR. RAJAN: Objection to form.

1 BY THE WITNESS:

2 A I don't understand the question.

3 BY MR. GILFORD:

4 Q Well, do you have Winkler with you?

5 A Yes, I do.

6 Q So let's talk about Winkler which was
7 previously marked as Exhibit 1004.

8 A Yes.

9 Q So I mean, we can go through every single
10 figure in Winkler, there is it not a ton of them,
11 but, for example, you know, Figure 1, you know,
12 what -- I guess let's focus on Figure 2.

13 So you're saying what you have on Page 56
14 of your declaration is I believe you're saying
15 it's an annotated diagram based on Winkler's
16 Figure 2; is that right?

17 A I'm sorry, could you repeat that, please?

18 Q Yeah. So on Page 56 of your declaration,
19 you say that the annotated diagram shown here is
20 based off of Figure 2 of Winkler; is that right?

21 A That's correct.

22 Q So let's specifically talk about Figure 2

1 of Winkler, and I want you to look towards the
2 middle where the -- kind of basically looking at
3 the components that you've colored red and green.

4 A Yes.

5 Q And you see in Winkler's Figure 2 how
6 those two components are shown in relation to each
7 other?

8 A Yes, I do.

9 Q In other words, the components you've
10 labeled -- the components you've shown in red and
11 green in the annotated figure of Page 56 of your
12 declaration, if you actually look at Winkler,
13 those two components are not touching or
14 overlapping with each other, right?

15 MR. RAJAN: Objection to form.

16 BY THE WITNESS:

17 A I don't understand the question.

18 BY MR. GILFORD:

19 Q Sure. Well, let's start with your
20 declaration.

21 So here you have a figure that you've
22 annotated where the green component and the red

1 component appear to be at least somewhat directly
2 over each other, do you see that?

3 MR. RAJAN: Objection to form.

4 BY THE WITNESS:

5 A Could you be more specific when you say
6 "directly over each other"?

7 BY MR. GILFORD:

8 Q Let me ask you this. Who created this
9 figure that you have on Page 56 of your
10 declaration?

11 A Counsel's graphic folks created this based
12 on my instructions.

13 Q Okay. This was a figure created
14 specifically for the purposes of this IPR
15 proceeding, right?

16 A That is correct, yes.

17 Q Okay. You're not going to find this
18 figure anywhere in Winkler, right?

19 MR. RAJAN: Objection to form.

20 BY THE WITNESS:

21 A To be accurate, my instruction was to take
22 Figure 2 and annotate it such that it would show

1 what would happen if the two connectors were
2 separated by simply moving them in the
3 longitudinal direction, and counsel created such
4 an illustration by simply taking the elements of
5 Figure 2 directly out of Winkler and moving the
6 elements of the connector on the right further
7 towards the right and moving the elements of the
8 connector on the left, if you will, a first
9 connector and a second connector, and essentially
10 pulling them apart to create the annotated
11 diagram.

12 BY MR. GILFORD:

13 Q So in order to create the annotated
14 diagram on Page 56 of your declaration, you had to
15 pull apart the different halves of Winkler
16 Figure 2, right?

17 MR. RAJAN: Objection to form.

18 BY THE WITNESS:

19 A Well, the process that was utilized at my
20 instruction was to select the elements associated
21 with I'm going to call it the right connector and
22 select the elements associated with the left

1 connector and do nothing more than move them in
2 the longitudinal direction to represent what would
3 happen to the connector in Figure 2 when it was
4 pulled apart or conversely when it was being
5 assembled.

6 BY MR. GILFORD:

7 Q Okay. In other words, Winkler's Figure 2
8 doesn't actually show the two halves of the
9 connector pulled apart as you've shown in Page 56
10 of your declaration, right?

11 A Winkler's Figure 2 is a cross-sectional
12 view of a pair of two pole connectors joined
13 together, and at my instruction counsel produced
14 the annotated diagram on Page 56 to show what they
15 would look like, what they do look like in a
16 partially disconnected state, and that was done by
17 selecting elements of the first connector 10 and
18 separately selecting the elements of the second
19 connector 12 and moving those elements associated
20 with the connectors in a longitudinal direction in
21 their respective longitudinal directions which is
22 opposite each other to create the annotated

1 diagram.

2 BY MR. GILFORD:

3 Q Okay. I understand.

4 So staying on the same page, Page 56, and
5 go down to the bottom of the page I'm in
6 Paragraph 81?

7 A Yes.

8 Q I'm looking at the last two sentences?

9 A Yes.

10 Q Do you see where you wrote: "As shown in
11 the diagram above, the first and second insulation
12 barriers block substantially all through-air
13 arcing paths between the first contact member and
14 the second contact member. Therefore, it is my
15 opinion that Winkler meets 1[i]."

16 Do you see that?

17 A I do see that, yes.

18 Q Now, in your analysis of limitation 1[i]
19 you didn't cite to any text passages from Winkler;
20 is that correct?

21 A Could you repeat the question, please?

22 Q In your analysis of limitation 1[i], is it

1 fair to say that you did not cite to any textual
2 passages from Winkler?

3 A With regards to my mapping of claim
4 element 1[i] beginning on Page 55, I did not cite
5 to particular sections of Winkler but Winkler's
6 teaching in general, and specifically as an
7 example Column 3, Line 14 through Column 3,
8 Line 39 provide a discussion as to how the
9 connector is assembled and how the components of
10 the connector interact which is consistent with
11 the annotated diagram based on Figure 2 that I
12 show on Page 56.

13 Q Okay. But to be clear, you didn't cite to
14 Column 3, Lines 14 to 39 anywhere in your analysis
15 here of limitation 1[i], did you?

16 A No, I believe that my analysis is clear
17 based on the figures and general teachings of
18 Winkler and consistent with the example I just
19 gave you and other sections of the specification
20 and the figures of Winkler.

21 Q Point me to where in your limitation 1[i]
22 analysis that you cited to Column 3, Lines 14 to

1 39 of Winkler.

2 A As I previously stated, I did not cite
3 specific sections of Winkler, but I relied on
4 Winkler as a whole and gave you an example of
5 relevant text that would explain or explain to me
6 and would explain to a POSA at the time or a
7 POSITA at the time of how the connector operated.

8 Q You didn't think it was important to cite
9 to Column 3, Lines 14 to 39 of Winkler in your
10 declaration's analysis of limitation 1[i], did
11 you?

12 MR. RAJAN: Object to form.

13 BY THE WITNESS:

14 A I didn't hear the question. Could you
15 repeat it, please?

16 BY MR. GILFORD:

17 Q You did not think that it was important to
18 cite to Column 3 Lines 14 to 39 of Winkler in your
19 analysis of limitation 1[i], did you?

20 MR. RAJAN: Objection. Form.

21 BY THE WITNESS:

22 A I did not think that it was necessary, and

1 that Column 3 citation I gave you is just an
2 example, but I think it is the case clearly that
3 my analysis relies on Winkler in general as well
4 as the specifics of what is shown in the figures
5 and taught in the patent.

6 BY MR. GILFORD:

7 Q To be clear, the only portion of Winkler
8 that you actually cite to in your declaration in
9 your analysis of 1[i] is Winkler's Figure 2, isn't
10 that correct?

11 A Could you repeat the question, please?

12 Q The only portion of Winkler that you
13 actually cited to in your declaration in your
14 analysis of limitation 1[i] is Winkler's Figure 2;
15 isn't that correct?

16 A I specifically cited to and refer to
17 Figure 2 in the context of the teachings of
18 Winkler as a whole and what a POSITA would
19 understand of the art as a whole.

20 Q Can you point me to somewhere in your
21 declaration's analysis of limitation 1[i] where
22 you cited to something in Winkler other than

1 Figure 2?

2 A As I've stated, I specifically cited
3 Figure 2 of Winkler but relied on the general
4 teachings of Winkler, although, I did not feel the
5 need to cite specific sections of Winkler beyond
6 Figure 2 in my analysis of element 1[i].

7 Q So we were supposed to guess which other
8 teachings of Winkler you thought were relevant to
9 your 1[i] analysis?

10 MR. RAJAN: Objection.

11 BY THE WITNESS:

12 A No. I gave explicit teachings of Winkler
13 beginning on Page 34 in which I discussed Winkler.
14 I utilized Figure 2 as an example citing it to
15 specifically, and then I specifically talked about
16 in Paragraph 50 that both connectors are provided
17 with an insulating housing surrounding and
18 enclosing terminals for maximum insulating
19 protection.

20 I went on to discuss the insulated housing
21 including contact and disclosing Pockets 42 and
22 44, I described that. And I also pointed out that

1 Winkler recognizes that arcing at the extreme ends
2 thereof during contact members disengagement can
3 occur and that one would understand reading my
4 report and in particular the background section on
5 Winkler on Pages 34 and 35 that the analysis of
6 element 1[i], although citing specifically
7 Figure 2, was also based on the general teachings
8 of Winkler as described earlier in the report.

9 Q I didn't catch that last part. You said
10 something about -- where in your 1[i] analysis do
11 you cite back to earlier in your report?

12 A I believe that it would be clear or it is
13 clear that my analysis of 1[i] while specifically
14 relying on Figure 2 of Winkler, and the annotated
15 figure that was developed would be read in context
16 of the general discussion of Winkler occurring on
17 Pages 34 and 35, whether or not specific reference
18 was made to that earlier section of the report,
19 and that the characterization and teachings of
20 Winkler would be generally understood with respect
21 to the analysis of 1[i] even in light of the
22 analysis relying specifically on Figure 2 and the

1 annotated figure shown on Page 56.

2 Q In your 1[i] analysis, at no point in time
3 did you expressly cite back to an earlier portion
4 of your report; isn't that accurate?

5 A No, because a reader would understand that
6 the analysis of 1[i] was performed in the context
7 of Winkler as described on Pages 34 and 35.

8 Q Where did you expressly cite back to an
9 earlier portion of your report in your 1[i]
10 analysis? It's not there, is it?

11 A I just said that I did not because a
12 reader would understand that the analysis of 1[i]
13 was taken in the context of Winkler as described
14 on Page 34 and Page 35.

15 Q Well, I asked you -- I said at no point in
16 time did you expressly cite back to an earlier
17 portion of your report; isn't that accurate, and
18 you said no?

19 A I apologize.

20 Q So the answer was yes, at no point in time
21 did you expressly cite back to an earlier portion
22 of your report in your 1[i] analysis; is that

1 correct?

2 A I did not cite back to an earlier portion
3 of my report in my analysis of 1[i] because a
4 reader would understand that that analysis was
5 developed in the general context of Winkler as put
6 forth on Pages 34 and 35 of my report.

7 Q Would you mind please flipping to Page 60
8 of your report and I'm looking at Paragraph 89.
9 Let me know when you're there.

10 A I'm here. I'm there.

11 Q I'm looking at the first sentence. Do you
12 see where you wrote: "Winkler discloses the
13 barrier tensioning mechanism of Claim 4"?

14 Do you see that?

15 A Yes, I do.

16 Q Are you opining that Winkler expressly
17 discloses the barrier tensioning mechanism of
18 Claim 4 or are you opining that Winkler inherently
19 discloses the barrier tensioning mechanism of
20 Claim 4?

21 MR. RAJAN: Objection to form.

22 BY THE WITNESS:

1 A I am not prepared nor qualified to perform
2 a legal analysis to answer that -- to make that
3 distinction, but through my analysis it is clear
4 to me and my opinion that Winkler discloses the
5 barrier tensioning mechanism of Claim 4 as shown
6 in the diagram where the outer portions of each
7 connector housing in Winkler or narrow openings in
8 the connectors such that the first and second
9 insulating barriers are pressed together when the
10 connectors are partially disconnected.

11 BY MR. GILFORD:

12 Q As we sit here today, you cannot tell
13 me whether in your report you are opining that
14 Winkler expressly or inherently discloses the
15 barrier tensioning mechanism of Claim 4; isn't
16 that correct?

17 A I am -- didn't -- I did not perform nor am
18 I qualified to perform a legal analysis regarding
19 that, but I have determined and maintain that
20 Winkler discloses the barrier tensioning mechanism
21 of Claim 4 as shown where the outer portions of
22 each connector housing in Winkler form narrow

1 openings in the connectors such that the first and
2 second insulating barriers are pressed together
3 when the connectors are partially disconnected.

4 BY MR. GILFORD:

5 Q Going back to Paragraph 89, I'm looking at
6 the second sentence now, do you see where you
7 wrote: "As shown in the diagram below, outer
8 portions of each connector housing in Winkler form
9 narrow openings in the connectors..." and it goes
10 on.

11 Do you see that?

12 A I do see that.

13 Q What did you mean by "outer portions of
14 each connector housing"? I guess let me ask it
15 this way: When you say in your declaration "outer
16 portions of each connector housing," are you
17 referring to the portions highlighted in red,
18 green and pink in the annotated figure at the
19 bottom of Page 60 of your declaration?

20 A Could you repeat the question, please?

21 Q When you say in your declaration that
22 Paragraph 89 "outer portions of each connector

1 housing," are you referring to the portions
2 highlighted in red, green and pink in the
3 annotated figure at the bottom of Page 60 of your
4 declaration?

5 A Yes, I understand.

6 The outer portions in particular
7 correspond to the -- excuse me.

8 The outer portions of each connector
9 housing in Winkler comprise at least the pink
10 highlighted portions which form barrier tensioning
11 mechanisms because they cause the first insulating
12 barrier in red and the second insulating barrier
13 in green to press against each other.

14 Q What about the red and green portion?

15 A Excuse me?

16 Q When you say the outer portions of each
17 connector housing in Winkler, are you also
18 referring to the red and green portions that
19 you've highlighted in the annotated figure at the
20 bottom of Page 60?

21 A The outer portions which comprise the
22 barrier tension mechanism are those elements in

1 pink of each connector housing that serve as
2 barrier tension mechanisms because they cause the
3 first insulating barrier and second insulating
4 barrier to press against each other.

5 Q What you're showing in the annotated
6 figure at the bottom of Page 60, you're also
7 saying that those red and green highlighted
8 portions are outer portions of the connector
9 housing, right?

10 MR. RAJAN: Objection to form.

11 BY THE WITNESS:

12 A Could you repeat the question, please?

13 BY MR. GILFORD:

14 Q I'm looking at the annotated figure at the
15 bottom of Page 60 of your declaration and what
16 you've shown in red and green in that figure
17 you're also calling outer portions of each
18 connector housing, correct?

19 MR. RAJAN: Objection to form.

20 BY THE WITNESS:

21 A No, that's not what I said. I said the
22 outer portions of each connector housing in

1 Winkler form narrow openings in the connectors
2 such that the first and second insulating barriers
3 are pressed together when connectors are partially
4 disconnected and that the pink highlighted
5 portions of each connector housing are the barrier
6 tensioning mechanisms.

7 BY MR. GILFORD:

8 Q You referred to narrow openings in the
9 connectors in your declaration at Paragraph 89.
10 The narrow openings in the connectors that you're
11 referring to is the space between the portion
12 you've highlighted in pink and the portion you've
13 highlighted in red, correct?

14 MR. RAJAN: Object to form.

15 BY THE WITNESS:

16 A I don't understand the question.

17 BY MR. GILFORD:

18 Q Well, what are the narrow openings you're
19 referring to? You say "narrow openings in the
20 connectors," so what are the narrow openings
21 you're referring to?

22 A The openings are -- or the narrow openings

1 are the terminal receiving -- excuse me. That's
2 not correct. One second.

3 The narrow openings correspond to the
4 sockets 54, 56 which are of a size such to snugly
5 receive the pockets 42, 44 and as shown in the
6 annotated diagram, the pink highlighted portions
7 of each connector housing are barrier tensioning
8 mechanisms because they cause the first insulating
9 barrier and the second insulating barrier to press
10 against each other.

11 Q Narrow openings, if you look on the left
12 side of your annotated figure, one narrow opening
13 is between what you've shown in red and what
14 you've shown in pink?

15 MR. RAJAN: Objection to form.

16 BY MR. GILFORD:

17 Q Do you see there is a gap between what
18 you've highlighted in red and what you've
19 highlighted in pink and the portion shown in green
20 is inside of that gap?

21 A Yes, I see that.

22 Q Isn't that the narrow opening you're

1 referring to?

2 A Well, the openings are the sockets 54, 56
3 which are of a size such to snugly receive the
4 pockets 42 and 44 of a second and identical
5 connector.

6 Q Where do you mention the pockets 54 and 56
7 anywhere in your Claim 4 analysis?

8 A Could you repeat the question, please?

9 Q Where do you mention pockets 54 and 56 in
10 your Claim 4 analysis?

11 A Well, the analysis does not specifically
12 mention the pockets because the analysis is
13 directed at mapping the barrier tensioning
14 mechanism of Claim 4 which as I have shown in the
15 diagram, the outer portions of each connector
16 housing in Winkler form narrow openings in the
17 connectors such that the first and second
18 insulating barriers are pressed together when the
19 connectors are partially disconnected and that the
20 pink highlighted portions of each connector
21 housing are barrier tension mechanisms because
22 they cause the first insulating barrier and the

1 second insulating barrier to press against each
2 other.

3 Q The figure shown at the bottom of Page 60
4 of your declaration was created for the purposes
5 of this IPR proceeding; is that correct?

6 MR. RAJAN: Objection to form.

7 BY THE WITNESS:

8 A That figure was created by Counsel's
9 graphics team at my direction for the purposes of
10 this proceeding.

11 BY MR. GILFORD:

12 Q And you rely on this figure in your Claim
13 4 analysis; is that correct?

14 A That is correct.

15 MR. GILFORD: Okay. I'm at a good
16 stopping point for a short break. Could we go off
17 the record.

18 (A recess was had.)

19 BY MR. GILFORD:

20 Q Let's go to Page 64 of your declaration.
21 I'm looking at Paragraph 96.

22 A I'm there.

1 Q I'm looking at the second sentence of
2 Paragraph 96. Do you see where you wrote:
3 "Winkler 2 and Winkler are by the same inventor
4 Edward D. Winkler and both are in the same
5 technical field of electrical connectors as the
6 '017 patent"?

7 Do you see that?

8 A Yes, I do.

9 Q Is it your opinion that the technical
10 field of the '017 patent is electrical connectors?

11 MR. RAJAN: Objection to form.

12 BY THE WITNESS:

13 A It's certainly the case that all of these,
14 the '017, Winkler, and Winkler 2 fall in the field
15 of electrical connectors, but that's stated as a
16 broad -- that's stated broadly and they are in
17 that same field of electrical connectors so it's
18 an accurate statement, yes.

19 BY MR. GILFORD:

20 Q So broadly speaking the technical field of
21 the '017 patent is electrical connectors; is that
22 fair to say?

1 MR. RAJAN: Objection to form.

2 BY THE WITNESS:

3 A Broadly stated, yes, that's accurate.

4 BY MR. GILFORD:

5 Q Okay. Let's go to Page 105 of your
6 declaration.

7 A I'm there.

8 Q I'm looking in Paragraph 150, it looks
9 like the second to last sentence, do you see where
10 you wrote: "The first insulating member 43a also
11 covers the right-hand end of first connecting
12 terminal 4a which is the leading end of the first
13 electrical contact when the connectors are mated"?

14 Do you see that?

15 A No, I apologize. I didn't start with you.
16 You're on Page 104, right?

17 Q 105.

18 A 105. Where on 105?

19 Q So you see where Paragraph 151 starts?

20 A Yes, yes, on 105.

21 Q Look up two sentences.

22 A Sorry, got it, my apologies.

1 Q So I'll make sure we're on the same page
2 and just re-ask the question.

3 A Thank you.

4 Q Do you see where you wrote on Page 105 of
5 your declaration: "The first insulating member
6 43a also covers the right-hand end of first
7 connecting terminal 4a which is the leading end of
8 the first electrical contact when the connectors
9 are mated"?

10 Do you see that?

11 A Yes, I do.

12 Q And if you look up further up the page on
13 105, do you see there is an annotated figure from
14 Kataoka?

15 A Yes.

16 Q Can you point me in that annotated figure
17 where the leading end of the first electrical
18 contact is?

19 MR. RAJAN: Objection to form.

20 BY THE WITNESS:

21 A Yes. I've illustrated in blue the first
22 connecting terminal 4a with the leading end being

1 the region towards the right where the -- the
2 section towards the right where terminal 4a
3 eventually concludes and then you'll see the
4 insulating member.

5 So the leading end is the portion towards
6 the right of first connecting terminal 4a.

7 BY MR. GILFORD:

8 Q Is the leading end where the blue
9 annotation ends and the red annotation begins?

10 MR. RAJAN: Objection to form.

11 BY THE WITNESS:

12 A The leading end is the portion towards the
13 right that encompasses the end of first connecting
14 terminal 4a.

15 Q When you say "the portion towards the
16 right that encompasses the end of first connecting
17 terminal 4a," are you referring to where the blue
18 ends and where the red begins?

19 MR. RAJAN: Objection to form.

20 BY THE WITNESS:

21 A Well, it is that the right-hand end which
22 encompasses the portions of the terminal 4a which

1 lead up to and into the first insulating member
2 43a.

3 BY MR. GILFORD:

4 Q So in this annotated figure near the top
5 of Page 105, can we see the leading end of the
6 first connecting terminal 4a?

7 A Yes, you can see it as the right-hand end
8 of first connecting terminal 4a.

9 Q Okay. Are you saying that the leading end
10 is kind of in the general vicinity of where
11 reference numeral 11 is pointing to?

12 A I believe it's in the general vicinity of
13 the right-hand end of the blue portion which is 4a
14 or 4a through 4c which leads into the first
15 insulating member indicated in red.

16 Q I'm still having trouble figuring out
17 where you're saying the leading end is. So is the
18 leading end of terminal 4a inside of the first
19 insulating member 43a?

20 MR. RAJAN: Objection to form.

21 BY THE WITNESS:

22 A Well, that leading end is the right-hand

1 end of the first connecting terminal 4a in blue as
2 shown in the figure.

3 BY MR. GILFORD:

4 Q But where is the right-hand end of the
5 first connecting terminal 4a located?

6 A At the right-hand end which would be if
7 you start where -- if you look up at the figure
8 and you'll see it's labeled 4a through 4c and
9 there is a line pointing down, that would be the
10 left-hand end, and as you move towards the right
11 and you get towards the right side of that
12 terminal, then the right-hand end is the -- the
13 leading end is the right-hand end of the first
14 connecting terminal 4a in blue.

15 Q Okay. So the leading end of the
16 connecting terminal 4a is shown in blue at the
17 right-hand end of this figure?

18 A That's accurate.

19 Q Okay. Let's go to Page 108 of your
20 declaration.

21 A I'm there.

22 Q I'm looking at Paragraph 155, the first

1 sentence, do you see where you wrote: "In my
2 opinion, Kataoka discloses 1[i]"?

3 A Yes, I do.

4 Q In your declaration are you opining that
5 Kataoka expressly discloses limitation 1[i] or are
6 you opining that Kataoka inherently discloses
7 1[i]?

8 MR. RAJAN: Object to the form.

9 BY THE WITNESS:

10 A I am not prepared nor qualified to provide
11 an analysis and make that distinction, but it is
12 my opinion that Kataoka discloses 1[i] through its
13 disclosure of second insulating member 43b, the
14 second insulating barrier of second connector
15 portion 3, the second connector which is
16 configured as to be in close proximity with first
17 insulating member 43a, the first insulating
18 barrier of the first connector portion 2, the
19 first connector.

20 BY MR. GILFORD:

21 Q As we sit here today you cannot tell me
22 one way or the other whether you're opining

1 Kataoka expressly discloses limitation 1[i] or
2 inherently discloses limitation 1[i]; is that
3 correct?

4 MR. RAJAN: Objection to form.

5 BY THE WITNESS:

6 A I did not perform nor am I qualified to
7 perform such an analysis, but I maintain that
8 Kataoka discloses 1[i] as the second insulating
9 member 43b, the second insulating barrier of
10 second connector portion 3, the second connector
11 which is configured to be in close proximity with
12 first insulating member 43a, the first insulating
13 barrier of the first connector portion 2, the
14 first connector.

15 BY MR. GILFORD:

16 Q Flip to Page 111, please.

17 A I'm there.

18 Q And I'm looking at the figure on this
19 page, do you see that figure?

20 A Yes, I do.

21 Q This figure doesn't appear anywhere in
22 Kataoka, does it?

1 MR. RAJAN: Objection to form.

2 BY THE WITNESS:

3 A Well, this figure as with the -- this
4 figure is based on Figure 3 of Kataoka and is an
5 annotated diagram showing the connectors in a
6 partially disconnected configuration. This
7 annotated diagram itself does not appear in
8 Kataoka.

9 BY MR. GILFORD:

10 Q If you were to look at Figure 3 of
11 Kataoka, you wouldn't find the connectors in this
12 partially disconnected configuration, would you?

13 MR. RAJAN: Objection to form.

14 BY THE WITNESS:

15 A Figure 3 in Kataoka is a cross-sectional
16 view showing the connector after the first
17 connector portion is fitted to the second
18 connector which is an assembled state and as such
19 formed the basis to create the annotated figure
20 shown on Page 111 which that annotated figure does
21 not appear in Kataoka.

22 BY MR. GILFORD:

1 Q Who created the annotated figure on
2 Page 111 of your declaration?

3 A The graphics team created that at my
4 direction.

5 Q Okay. And you rely on the annotated
6 figure in Page 111 of your declaration in your
7 analysis of limitation 1[i]; is that correct?

8 A That is correct.

9 Q Go ahead and flip to the next page,
10 Page 112 of your declaration.

11 A I'm there.

12 Q Again, I'm looking at the annotated figure
13 that's shown on Page 112.

14 Do you see that figure?

15 A I do.

16 Q Again, this figure doesn't appear anywhere
17 in Kataoka, right?

18 MR. RAJAN: Objection to form.

19 BY THE WITNESS:

20 A Well, to be clear, this figure is based
21 on -- excuse me. This figure is based -- one
22 second.

1 The figure on Page 112 is based on
2 Figure 3 of Kataoka but annotated to show the
3 connector in a partially assembled state and then
4 showing simply an enlargement of that annotated
5 figure below it and as such neither of these
6 figures on 112 appear directly in Kataoka.

7 BY MR. GILFORD:

8 Q So the figure you produced here on
9 Page 112 of your declaration, this figure was
10 created specifically for the purposes of this IPR
11 proceeding; is that correct?

12 MR. RAJAN: Objection to form.

13 BY THE WITNESS:

14 A That would be accurate, yes.

15 BY MR. GILFORD:

16 Q And who created this figure on Page 112 of
17 your declaration?

18 A The graphics team created these figures at
19 my direction.

20 Q And you rely on this figure on Page 112 of
21 your declaration in your analysis of limitation
22 1[i]; is that right?

1 A That is accurate.

2 MR. GILFORD: I'm about done. How about
3 we take, like, a five-minute break just for me to
4 go back through my notes and then we'll at least
5 try to wrap up on my end. Does that sound good?

6 MR. RAJAN: Sounds good here.

7 MR. GILFORD: Okay. Let's go off the
8 record then.

9 (A recess was had.)

10 BY MR. GILFORD:

11 Q Dr. Eldering, we took several breaks
12 throughout the day. During any of those breaks
13 did you discuss the substance of today's testimony
14 with anybody?

15 A I did not.

16 MR. GILFORD: I have no further questions
17 at this time. However, patent owner will be
18 leaving this deposition open. Dr. Eldering
19 provided evasive and nonresponsive testimony
20 throughout the day and refused to answer basic
21 direct questions.

22 As some nonlimiting examples Dr. Eldering

1 refused to identify whether he's opining that
2 certain limitations are expressly or inherently
3 disclosed. Dr. Eldering refused to identify
4 whether he's opining that Winkler's convex N
5 portion 34 is the claimed connecting surface.

6 Dr. Eldering also refused to explain what
7 interlocking engagement means.

8 Patent owner reserves its right to seek
9 appropriate relief from the board, but with those
10 caveats, I have nothing further at this time.

11 MR. RAJAN: No questions from petitioner,
12 however, I will note on the record that
13 Dr. Eldering gave complete testimony today. He
14 answered all questions fully and directly and
15 there's no reason to keep this deposition open and
16 this deposition will be closed when we go off the
17 record.

18 Patent owner has had every opportunity to
19 ask Dr. Eldering for his testimony and his
20 opinions based on his report and he did that, and
21 if patent owner chooses to end the deposition now,
22 then it is considered closed.

1 MR. GILFORD: Anything further, Counsel?
2 Counsel?

3 MR. RAJAN: Sorry, what did you say? I
4 didn't hear that.

5 MR. GILFORD: Anything further? I didn't
6 want to cut you off.

7 MR. RAJAN: No, nothing further for
8 petitioner, no.

9 MR. GILFORD: Okay. Yep, we stand by our
10 position that I've made on record. So yes,
11 nothing further for today. Thank you all.

12 (Deposition concluded at 3:08 p.m. CST.)
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1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2 I, Theresa A. Vorkapic, Certified
3 Reporter and Notary Public within and for the
4 State of Illinois do hereby certify:

5 That Charles Eldering, the witness whose
6 deposition is hereinbefore set forth,

7 Was duly sworn by me before the
8 commencement of such deposition and that such
9 deposition was taken before me and is a true
10 record of the testimony given by such witness.

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

14 I further certify that the deposition of
15 Charles Eldering, occurred virtually on Friday,
16 the 28th day of February, 2025, commencing at 9:57
17 a.m. to 3:08 p.m. CST.

18 I further certify that I am not related
19 to any of the parties to this action by blood
20 or marriage, I am not employed by or an attorney
21 to any of the parties to this action, and that I
22 am in no way interested, financially or otherwise,

1 in the outcome of this matter.

2 IN WITNESS WHEREOF, I have hereunto set
3 my hand this 3rd day of March, 2025.

4
5 
6

7 Theresa A. Vorkapic

8 My commission expires November 6, 2027.

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