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

APPLE INC.,

Petitioner,

vs.

Case IPR2024-01048
U.S. Patent No. 10,547,648

S.M.R. INNOVATIONS
LTD and Y.M.R. TECH
LTD,

Patent Owners.

DEPOSITION OF KARL GINTER
Taken on behalf of the Petitioner

August 5, 2025

Sandra Tippins, CCR

(The deposition began at 12:00 p.m.)

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QUESTIONS BY:	PAGE NO.
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(No exhibits were marked by the reporter or
attached.)

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Case IPR2024-01048
U.S. Patent No. 10,547,648

S.M.R. INNOVATIONS
LTD and Y.M.R. TECH
LTD,

Patent Owners.

DEPOSITION OF KARL GINTER, produced,
sworn, and examined on the 5th day of August, 2025,
between the hours of nine o'clock in the forenoon
and five o'clock in the afternoon of that day, via
Zoom, before SAUNDRA TIPPINS, a Notary Public, and
Certified Court Reporter within and for the States
of Missouri and Kansas, in a certain cause now
pending before the U.S. Patent and Trademark
Office, Before the Patent Trial and Appeal Board,
wherein APPLE INC. is the Petitioner, and S.M.R.
INNOVATIONS LTD and Y.M.R. TECH LTD are the Patent
Owners.

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

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Also Present:

Mr. Kevin Rongish

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

9 * * * * *

10 KARL GINTER,
11 of lawful age, produced, sworn and examined on
12 behalf of Petitioner, deposes and says:

13 EXAMINATION

14 QUESTIONS BY MR. HART:

15 Q Good morning, Mr. Ginter. I'm Paul
16 Hart, representing Petitioner Apple today.

17 To get us started, can you state your full
18 name for the record.

19 A **Karl Lloyd Ginter.**

20 Q Have you been deposed before,
21 Mr. Ginter?

22 A **I have been.**

23 Q Approximately how many times?

24 A **Order of a dozen.**

25 Q Okay. I'm going to go through some

1 very quick ground rules just as a refresher this
2 morning.

3 It is my job to ask clear questions. If
4 you do not understand my question, please let me
5 know so I can rephrase or clarify.

6 Probably the most important rule today is,
7 based on the fact that the court reporter can
8 only capture one of us speaking at a time, so I
9 will do my best not to speak over you, and I just
10 ask that you try not to speak over me.

11 To that end, if I cut you off while you're
12 still answering one of my questions, please let
13 me know so I can allow you to finish your answer.

14 Is that all understood?

15 **A Understood.**

16 Q Is there any reason, medical or
17 otherwise, you might not be able to answer my
18 questions fully and truthfully today?

19 **A No.**

20 Q All right. Let's start with your
21 background.

22 Where did you go to college, Mr. Ginter?

23 **A University of Maryland.**

24 Q And what was your degree?

25 **A Computer studies, I believe, was what**

1 **it eventually ended up being.**

2 Q What did you start studying?

3 A **I started off as computer science,**
4 **doing computer science, but dropped out, did**
5 **business for 20 years, and then came back and**
6 **finished the degree off while I was waiting for**
7 **something to happen.**

8 Q I see. When did you start your
9 college studies?

10 A **1978, I believe.**

11 Q And when did you conclude with a
12 degree?

13 A **2020. Or I'm sorry, 1997.**

14 Q And again, what was the title of that
15 degree that you earned in 1997?

16 A **I believe it was computer studies.**

17 Q Is that different from computer
18 science?

19 A **Vaguely. I mean, the distinction**
20 **escapes me, but, you know, it was -- I went back**
21 **for night school and took a couple of classes, all**
22 **the B.S. classes I hadn't taken the first time.**

23 Q I see. What year did you drop out
24 after you originally began your university
25 studies?

1 A Multiple times. So I guess I dropped
2 out call it 2000, 2000-ish, 2001, or I don't
3 remember. I don't remember the -- I dropped out
4 once then. I dropped out back about 1980. I
5 dropped out again in about 1986, seven, something
6 like that. I go back to school between business
7 ventures.

8 Q Can you give me kind of a just a
9 high-level list? Let's start, so you began your
10 studies at university in the seventies. Is that
11 correct?

12 A Yeah, in the seventies. Went for --
13 went for like three years. Ran out of money, and
14 since I was paying my own way through.

15 Went and worked full time for a while.
16 Started a company. Went back. Taught for --
17 taught for -- at the same time was also doing
18 teaching as a teaching assistant.

19 And then when that -- when I finished up
20 with that, I went back, because I got married and
21 needed to support family. And then she -- and I
22 dropped out because my wife was working full time
23 and I needed -- she also wanted to go to school,
24 so I needed to support her.

25 And then went back again kind of in the

1 '84/'85 timeframe. Dropped out again after a
2 couple of years. One of my businesses took off.
3 And wash, rinse, repeat.

4 Q Back to -- sorry, go ahead.

5 A Yeah, so basically it was in '87 I
6 went back. Kind of didn't go back and went back
7 again in early -- in like '94, '95, something like
8 that. And actually went back to the night school
9 side. And that's where I got the degree.

10 And then I've taken classes off and on
11 since then.

12 Q No other degrees since the 1997
13 computer studies. Correct?

14 A No, not at all.

15 Q Okay. Prior to your computer studies
16 degree in 1997 --

17 A Uh-huh.

18 Q -- what was your experience with
19 technology generally?

20 A I was a fairly senior technologist,
21 working in systems integration and in generally
22 writing, writing code.

23 I started off working at NASA back when I
24 was -- when I got out of high school. I worked
25 at NASA part time while I was in school the

1 first -- the first time. I also worked for the
2 University of Maryland at the time.

3 I then left -- I left the NASA gig when
4 the contract ended and went over and ended up
5 doing business systems. And this was in the year
6 just about the time the PC came out. So it takes
7 you back a long way.

8 But then everybody was all interested in
9 what things they could do for computer, they
10 could do with computers. So I created a company
11 out of my -- out of a consulting practice I'd
12 been running for a couple of years at the end of
13 '84. Ran that company for ten, roughly ten
14 years, ten, twelve years, something like that.

15 And then, you know, did a bunch of other
16 companies at the same time. I'm a serial
17 entrepreneur. I create companies like most
18 people do other things.

19 Q The company you started around 1984,
20 which lasted for approximately ten years, what was
21 the name of that company?

22 A K.L. Ginter & Associates.

23 Q What was the nature of that business?

24 A Computer consulting.

25 Q Okay.

1 **A We built technological solutions for**
2 **people and then deployed them.**

3 **Q What types of technological solutions**
4 **did you build and deploy?**

5 **A Oh, let's see. We built real world**
6 **control systems. Example customers would be like**
7 **Bethlehem Steel, with their continuous caster, and**
8 **up in Baltimore. We also did similar projects**
9 **with three or four other companies.**

10 **We did some amount of basically what I**
11 **would consider data processing systems, generally**
12 **automated some piece of somebody's business.**
13 **Also did a bunch of satellite work. Did a bunch**
14 **of work in -- for telecom companies.**

15 **That was an extension out of a gig that I**
16 **did which I didn't mention earlier because it**
17 **wasn't all that important, where I worked for a**
18 **company called TDX, which was a dial around**
19 **telephone provider back in the early eighties.**
20 **One of those things I did while I was married to**
21 **support -- that supported my wife's going through**
22 **college.**

23 **Q I believe you described TDX as a dial**
24 **around telecom provider. Is that right?**

25 **A Yeah, uh-huh.**

1 Q So that would be just traditional PSTN
2 rotary phone technology. Is that correct?

3 A Well, the world was digital by then.

4 Q Okay.

5 A I mean, it was an analogue signaling
6 on the front, on the lines, but it was digital in
7 that you didn't do -- you didn't count clicks
8 anymore. You filtered tones and tried to figure
9 out what the DTMF was.

10 Q I see.

11 A Okay? Just to be clear, that, you
12 know, there were several evolutions of telephone.

13 Q Okay. So there was a central office
14 that interpreted the tone, the tone DTMF tones in
15 order to determine what numbers the user was
16 dialing?

17 A That's correct, yes.

18 Q Okay.

19 A You also could interpret pulse, but
20 most people by that point had gone to touchtone.

21 Q Okay. And there was SS7 signaling in
22 the network at the time?

23 A Yes.

24 Q Okay. Was voice digitized at the
25 central office for backhaul transport at the time?

1 **A I don't believe that we were**
2 **digitizing voice within our facility. I think we**
3 **were digitizing voice on the connecting line,**
4 **where we switched, and then the voice would be**
5 **digitized elsewhere.**

6 Q Okay. You provided an analogue voice
7 to another backhaul provider that might have
8 digitized it?

9 **A Yeah. So TDX basically bought lines**
10 **from the long lines companies at wholesale and**
11 **then resold at the time those lines.**

12 Q Okay. Mr. Ginter, you've had a long
13 and winding road here. I didn't intend to spend
14 so much time your background.

15 **A You haven't even touched most of it.**

16 Q All right. So were you still running
17 K.L. Ginter & Associates when you went back for
18 the final time to obtain your computer studies
19 degree in --

20 **A I'm still running K.L. Ginter &**
21 **Associates today.**

22 Q Okay. You suggested that from '84 for
23 about ten years --

24 **A Yes.**

25 Q -- it was operational. Did it wind

1 down in the mid-nineties?

2 **A I backed it down in the early to**
3 **mid-nineties because I went to work as a**
4 **consultant for a company called Electronic**
5 **Publishing Resources, which was in the digital**
6 **rights management space.**

7 **And we invented a bunch of digitalized**
8 **rights management. As you go back and look at**
9 **your case files, you'll see that Apple is a**
10 **licensee of the successor company for that.**

11 **Q And that digital rights management is**
12 **software that protects copyrighted materials. Is**
13 **that right?**

14 **A It does, but it also deals with how**
15 **you encode digital media and things like that.**

16 **Q Okay. So the '648 patent at issue in**
17 **this proceeding --**

18 **A Uh-huh.**

19 **Q -- traces back to a priority filing in**
20 **2002?**

21 **A Yes.**

22 **Q In your experience up to approximately**
23 **2002, did you have any networking experience?**

24 **A I did a lot of networking. Part of**
25 **the contract work that we did included networking.**

1 But, you know, back in the days we did a
2 lot of what is now a 10BASE2, which is thinnet.
3 We did some, some work on thicknet. We did --
4 and then we evolved along with the standards as
5 we evolved into wireless.

6 I'm still, still doing networking and have
7 been for the last 30 years, 40 years.

8 Q What is -- is it 10BASE2 that you
9 referred to?

10 A Right. Digits 10, BASE, B-A-S-E, and
11 then the number 2. There are three or four
12 standards there. There's 10BASE5, 10BASET,
13 10BASE2. And that depends upon what the physical
14 media that you -- that you carried on it.

15 Q I see. And what were the available
16 physical media at the time for --

17 A Well, at the time there was a cable,
18 which was what we call thicknet, which is about
19 the diameter of my thumb. It's coaxial. So you
20 can see my thumb now. I can hold up a ruler for
21 reference if you wish.

22 But then there's 10BASET, which is
23 standard thin wire, which would be thin wire
24 coaxial. And then there's twisted -- over
25 twisted pair, which is what most people refer to

1 as -- as the kind of the current standards.

2 There have been five or six generations of
3 twisted pair. And then as wireless became more
4 prevalent, you ended up with five or six
5 competing standards in the, in the wireless
6 domain, dominated by the 802 family, which is the
7 same, the same kind of technologies only over
8 wireless.

9 And then there are a number of other ones,
10 TDMA and things like that in some of the
11 telephony range, in telephony and in data
12 transfers.

13 Q Let's focus on the wireless standards
14 for now.

15 Up to around 2002, what wireless
16 networking standards did you work on, if any?

17 A Up until about 2000, I was familiar
18 with at the time 802.11 in its early phases
19 because that's all it was at the time. So it was
20 802 -- I think it was 802.11a, but I frankly don't
21 remember. I could go look it up if it becomes
22 important, but it's A or B or whatever.

23 And I was familiar with, from some of the
24 satellite work I did with TDMA, was familiar with
25 what at the time what was the nascent personal --

1 **what became the nascent personal -- personal LAN**
2 **technologies. There were three or four of those,**
3 **and they ended up being all merged together.**

4 Q Do you recall what those personal LAN
5 technologies were prior to them being merged
6 together?

7 A **I don't remember off the top of my**
8 **head.**

9 Q Okay.

10 A **They kind of evolved into 802.15.**

11 Q Is there a -- is there a name for
12 802.15 that --

13 A **Now days it's called Bluetooth.**

14 Q Bluetooth. Okay, very good.

15 A **But before then it was -- it had a**
16 **dozen different names, and most of them were lost,**
17 **are lost in the mists of time.**

18 Q HomeRF is a term you've talked
19 about --

20 A **Uh-huh.**

21 Q -- in your declaration. You work on
22 HomeRF at all in the --

23 A **I'm familiar with it but did not**
24 **actually do an implementation of it.**

25 Q Okay. Very good. You're a fast

1 talker. Court reporter's nightmare.

2 How about phonecall experiences pre-2002?

3 I know we've talked about your work for TDX.

4 **A Uh-huh.**

5 **Q** How about any wireless telephone calls
6 in any cellular telephony or wireless home phone,
7 you know, DECT-type home phone?

8 **A Yes. I'm trying to remember the dates**
9 **on it, though, because that's the piece -- the**
10 **piece I don't remember is whether or not the dates**
11 **are where the dates are.**

12 **We did an implementation interfacing to a**
13 **DECT controller, but as I said, I don't remember**
14 **when we did it. It would have been in the**
15 **early -- in the early 1990s.**

16 **Q** And if I open up the range to your
17 whole career, did you have any experience with
18 cellular telephony?

19 **A Oh, yes, lots.**

20 **Q** What timeframes were you working in
21 cellular telephony?

22 **A I did off and on during the 1990s as**
23 **an independent consultant. I did, before then,**
24 **was doing cellular modem work, building up**
25 **configurations that use cellular modems, not the**

1 actual internal pieces, back in the days when
2 there were kind of two different competing
3 standards.

4 And because of my telephone background, I
5 did a lot of kind of figuring out how to build
6 architectures that use cellular technologies, but
7 by then they weren't letting me necessarily write
8 code. I was at that point a fairly senior
9 architect.

10 Q I see. And have you done any work
11 with home wireless telephony?

12 A Yes. I have one implemented in my
13 house right now.

14 Q How about from an engineering
15 perspective?

16 A From an engineering, I mean, as I
17 said, I mentioned that we'd done some DECT
18 integration and things like that.

19 So DECT is kind of the -- is one of the
20 home standards that once it went digital from --
21 the early original stuff was all an analogue, you
22 know, the early wireless. There you were just,
23 you know, on FM or something like that.

24 Q Have you had any experience with
25 streaming media in your career?

1 **A** Oh, yes. That was one of the major
2 things around digital rights management. I have
3 actually done a bunch of that, have done a bunch
4 of encoding of streaming media at various times,
5 and also the integration of configuring the
6 integration of digital rights management
7 components into streaming media.

8 **Q** And what timeframes are we talking
9 about for this work?

10 **A** This would have been in the nineties
11 and early 2000s.

12 **Q** Okay.

13 **A** The networks didn't really support it,
14 support streaming before then. You had to go to
15 one of the fast packet protocols to get any kind
16 of streaming.

17 **Q** And what types of -- sorry. I think I
18 spoke over you there. Go ahead and finish your
19 answer.

20 **A** So it was gonna be things like frame
21 relay, which is a telephone, telephone protocol.

22 **Q** What types of endpoint devices were
23 receiving streaming media in that timeframe?

24 **A** In which timeframe?

25 **Q** Up to the early 2000s is I believe the

1 timeframe mentioned.

2 A Okay, so there were -- the standard
3 video camera type, early video conferencing
4 technologies. Polycom, I believe, had one of the
5 early ones. There were several others.

6 And then there were also, as the networks
7 evolved where we could handle more capacity on
8 the networks, as I mentioned in the early -- in
9 the mid-1990s, the networks just weren't up to
10 it. You know, and then as you had some -- we did
11 some -- we did a project in the late eighties, I
12 think it was, for a gasoline company, where we
13 were encoding camera video and then uploading it
14 over their satellite network. And I was part of
15 the -- I was part of the team that worked on
16 that.

17 Then I've done a bunch of -- a bunch of
18 that kind of stuff later on. But that's past the
19 cutoff date of 2002.

20 Q Okay. Let's switch gears a bit and
21 talk about the challenged patent in this
22 proceeding, which I'll refer to as the '648
23 patent.

24 If I refer to it as the '648, will you
25 know what I'm talking about?

1 **A I would understand what that means.**

2 Q Very good. And just a bit of
3 housekeeping, I understand you have printed hard
4 copies of many of the documents at issue in this
5 case. Is that right?

6 **A I do.**

7 Q Okay. Can you give me just a rundown
8 of what you have there so I can stay organized?

9 **A I have a copy of my declaration. I**
10 **put the document down on the keyboard. I have a**
11 **copy of the design patent, the '182 patent. I**
12 **have a copy of Fillebrown pub number ending in**
13 **134. I have a copy of the PTAB petition. And**
14 **those are the ones that I have in front of me.**

15 Q Okay. Do you have the '648 patent?

16 **A I don't, but I have it up -- I can**
17 **pull it up.**

18 Q Okay. Are those printed copies, clean
19 copies, that you have there?

20 **A Yeah. Oh, yeah. I printed them out**
21 **this morning for you.**

22 Q Very good. Well, go ahead and pull up
23 your electronic copy of the '648 patent for this
24 next line of questions.

25 **A Okay.**

1 Q Let me know when you're ready.

2 A Hang on. I need the glasses. Okay,
3 '648 patent is now pulled up. Go for it.

4 Q All right. Very good. Can I have you
5 turn to column seven in the '648 patent, please.

6 A Column seven, okay, got it.

7 Q Right. And starting around line 33 in
8 column seven, the '648 patent discusses an
9 announcer device.

10 Do you see that?

11 A I see that, yes.

12 Q Are you familiar with the announcer
13 device that's described in the '648 patent?

14 A I've read -- I understand what it is
15 from the context of the '648 patent.

16 Q Okay.

17 A I don't necessarily, you know, haven't
18 necessarily implemented one.

19 Q Sure. And just in the context of the
20 '648 patent's disclosure, what is the function of
21 the announcer device that this patent describes?

22 MR. ALEXANDER: Objection, outside
23 the scope. Mr. Hart, is this something that
24 Mr. Ginter opined on?

25 MR. HART: He certainly opined on

1 the '648 patent, on the meaning of the claims in
2 the '648 patent. And this is a description that
3 supports those claims. So I'm trying to get to
4 the bottom of what the patent is describing here.

5 MS. ALEXANDER: Right. Is
6 announcer device one of the terms that's used in
7 the claims of the '648 patent?

8 MR. HART: I don't believe the
9 claims expressly call out announcer device.

10 MR. ALEXANDER: Okay, well, as I
11 believe you must be aware, there is pending
12 District Court litigation that involves patents
13 where I believe the announcer device is a claim
14 term, and those claims have not been construed.

15 And you're aware that your deposition here
16 is limited to the scope of what Mr. Ginter opined
17 on, and it's not appropriate to seek testimony on
18 litigation issues that he has not opined on in
19 this IPR proceeding.

20 So I object to that question. That's not
21 appropriate for this deposition.

22 Q (By Mr. Hart) Mr. Ginter, you can
23 answer.

24 MR. ALEXANDER: No. Actually
25 instruct him not to answer, Mr. Hart, unless you

1 can point me to something in his declaration in
2 this proceeding to which this question relates to.

3 It appears to me that you're attempting to
4 get testimony that's relevant to the litigation,
5 not this IPR proceeding. But if you can point me
6 to something in his declaration regarding the
7 term "the announcer device," I'm happy to hear
8 that.

9 MR. HART: Certainly. I'm not, as
10 you know, I'm not counsel in the litigation, and
11 so I am not entirely familiar with the entirety of
12 what's happened there. But I am familiar with his
13 declaration, with his opinions in this case,
14 interpreting the claims of the '648 patent that
15 Apple has challenged in this proceeding.

16 He certainly is interpreting the scope of
17 those claims based on the description in the
18 specification. He's also interpreting those
19 claims based on the file history for the '648
20 patent.

21 The PTAB, the board, the merits panel in
22 this proceeding, specifically pointed to the
23 announcer device as relevant description
24 supporting Claim 1 and the limitations in Claim 1
25 that the parties are disputing.

1 And so it is entirely proper for me to ask
2 Mr. Ginter about the disclosure in the '648
3 patent related to the announcer device.

4 MR. ALEXANDER: I asked you to
5 point me to something in Mr. Ginter's declaration
6 relating to the announcer device. Are you able to
7 do that?

8 MR. HART: Absolutely. I just
9 answered your question.

10 If you would like to withdraw Mr. Ginter's
11 opinions interpreting the claims of the '648
12 patent, which are supported by the '648 patent
13 disclosure, you know, that's your prerogative.
14 But I'm absolutely within my rights and within
15 the rules to ask him questions about the '648
16 patent disclosure as they relate to the claims
17 we've challenged in this proceeding.

18 MR. ALEXANDER: No. That's not
19 true. It's your right to depose him on his
20 declaration. You know very well that you're not
21 allowed to go outside the scope of his testimony,
22 which is why I asked you to point to something in
23 his declaration that this relates to.

24 Now, you said you -- but I didn't hear it.
25 So I apologize if I missed it. Can you point me

1 to something in his declaration to which this
2 question relates?

3 MR. HART: Yeah. Starting on page
4 13 of Mr. Ginter's declaration, he discusses the
5 meaning of Claim 1 and specifically limitations
6 (b) and (d) in Claim 1.

7 The subsequent pages, he discusses the
8 disclosure in the '648 patent supporting those
9 limitations in Claim 1, including quoting from
10 the '648 patent, column 11, lines 62 to 67 on
11 page 15 of his declaration.

12 He talks about the institution decision
13 from the board. He talks about the file history
14 underlying the '648 patent, all of which inform
15 his understanding of the claims we have
16 challenged, including limitations (b) and (d) in
17 Claim 1 of the '648 patent.

18 Now, the board expressly pointed to the
19 announcer device disclosure as supporting their
20 interpretation of Claim 1, and specifically
21 Claim 1 as it relates to limitations (b) and (d).
22 I'm trying to get to the bottom of what the
23 announcer device is in the '648 patent, how the
24 patent describes that announcer device, what
25 it -- what its role is, and how it relates to the

1 claims that we have challenged and that we are
2 discussing.

3 It is directly relevant to Mr. Ginter's
4 opinions regarding the scope of Claim 1.

5 MR. ALEXANDER: I don't see --
6 I've searched his declaration. I don't see that
7 he uses the words "announcer device" anywhere. Am
8 I wrong about that? There's nothing that you've
9 pointed me to that says anything about the
10 announcer device.

11 MR. HART: I'm not sure that he
12 does talk about the announcer device expressly.

13 MR. ALEXANDER: Do you have any
14 questions about his declaration?

15 MR. HART: These are all questions
16 about his declaration. Are you refusing to allow
17 me to explore the specification of the '648 patent
18 that supports the claims that we have challenged
19 in this proceeding?

20 MR. ALEXANDER: I'm refusing to
21 allow you to try to get testimony relevant to
22 claim terms in patents that are not at issue in
23 this proceeding and that Mr. Ginter hasn't opined
24 on.

25 MR. HART: Again, the announcer

1 device is directly relevant to the claim in the
2 '648 patent. This is the specification that
3 supports these claims.

4 MR. ALEXANDER: What limitation in
5 these claims is the announcer device relevant to
6 from your perspective? Perhaps that would help me
7 understand your questioning.

8 MR. HART: You can look, as I've
9 stated multiple times, page -- the board in its
10 institution decision expressly pointed to the
11 patent's disclosure of an announcer device as
12 relevant to its interpretation of limitations (b)
13 and (d), which the parties are disputing here.

14 Page 19 of the board's institution
15 decision says, According to the specification
16 announcer 30, which is the component that
17 identifies devices as available prior to the
18 wireless signaling, is only preferably provided.

19 Mr. Ginter is opining on the meaning of
20 the limitations that describe identifying
21 available devices and signaling available
22 devices. The board has already concluded that
23 the specifications discussion of an announcer
24 device is directly relevant to those limitations.

25 MR. ALEXANDER: Okay, well, I'll

1 allow you to re-ask your question, but let me be
2 very clear. We allowed this deposition to go
3 forward despite the fact that Apple did not comply
4 with the notice rules. And I am going to insist
5 that it be limited to the issues addressed in
6 Mr. Ginter's declaration and relative to this
7 proceeding, not the litigation, which involves
8 other patents.

9 Q (By Mr. Hart) Mr. Ginter, let me
10 re-ask my question after that discussion.

11 What is the function of the announcer
12 device described in the '648 patent?

13 A It appears from the language and on
14 line 35 that -- I'll quote directly from the
15 spec -- is responsible for announcing to the
16 environment the availability of a current device
17 for accepting routed media and may also accept
18 indicated device type in -- may also indicate
19 device type and use conditions, dot, dot, dot,
20 down to the -- down to the period on 39.

21 Does that answer -- does that answer your
22 question for you?

23 Q I'm sorry. Did you -- did you answer
24 the question other than reading directly from the
25 specification or --

1 **A I said, I mean, the specification is**
2 **clear what the announcer device is. You asked**
3 **what it did, and the specification is quite clear.**

4 **Q You just read from the specification?**

5 **A I just read from the specification.**

6 **Q Okay. Does the announcer device**
7 **described in the patent broadcast the types of**
8 **media it can support?**

9 **A It may do that, yes.**

10 **Q And does the patent describe it doing**
11 **that?**

12 **MR. ALEXANDER: Objection, outside**
13 **the scope of testimony.**

14 **Q (By Mr. Hart) You can answer,**
15 **Mr. Ginter.**

16 **A Okay. It says that it may indicate**
17 **the device type and use conditions enabling**
18 **surrounding, dot, dot, dot, thus enabling**
19 **surrounding devices to avoid say sending video to**
20 **a fax machine.**

21 **So it does not say that it indicates the**
22 **device type. It indicates the type of media that**
23 **it may accept.**

24 **Q Do use conditions capture supported**
25 **media types?**

1 MR. ALEXANDER: Objection, outside
2 the scope of testimony.

3 A It's implied by the specification, but
4 it's not expressly stated.

5 Q (By Mr. Hart) Does the announcer
6 device broadcast when it becomes available to
7 receive rerouted media?

8 MR. ALEXANDER: Objection. What
9 is this relevant to in Mr. Ginter's declaration?

10 MR. HART: Courtney, we've covered
11 this.

12 MR. ALEXANDER: No. This is
13 directly relevant to a patent that is not at issue
14 in this proceeding in claim construction disputes
15 that the parties have. So I'm very concerned.

16 I understand you're not litigation
17 counsel, but that doesn't mean that you haven't
18 been instructed by litigation counsel. And I'm
19 very concerned that your questions do not relate
20 to this proceeding, but they do relate to other
21 patents in the litigation that are not at issue
22 here.

23 MR. HART: So, Courtney, we've
24 covered this, and I will reiterate. Your expert
25 in this proceeding has opined on the meaning at

1 least of limitations (b) and (d) in Claim 1.
2 Those limitations are all about determining
3 available devices and signaling available devices.

4 The only disclosures that talk about this
5 in the patent are about the announcer devices and
6 the scout devices, from what I can tell.

7 The board has already found that the
8 announcer device description here is the support
9 for these claim limitations and relied on this
10 description to interpret the claim of the patent.
11 I don't know how I can probe your expert's
12 opinions on the meaning of the challenged claims
13 without discussing the specification that
14 supports those claims.

15 What would you like me to do?

16 MR. ALEXANDER: The specific
17 questions you're asking do not relate to his
18 testimony on Claims 1(b) and 1(d).

19 MR. HART: Of course they do.
20 We've covered this. This is the description that
21 describes making announcements, communicating
22 about availability of devices, about compatibility
23 of devices. This is it. I mean, it's a short
24 specification. The board --

25 MR. ALEXANDER: I don't believe

1 Mr. Ginter testified about compatibility. Am I
2 wrong?

3 MR. HART: Well, the limitations
4 that he's opined on, (b) and (d), certainly talk
5 about compatible to handle the available media.

6 MR. ALEXANDER: I don't believe
7 that that is what his testimony related to. Am I
8 wrong?

9 MR. HART: Yes, you are absolutely
10 wrong, Cortney.

11 MR. ALEXANDER: Can you point to
12 me where his testimony on this depends on the
13 compatibility language?

14 MR. HART: Yes. Limitation 1(b)
15 recites identifying one or more available devices
16 compatible to handle the media content and
17 connected to the LAN. He has --

18 MR. ALEXANDER: You're quoting the
19 limitation there. Where does his testimony as to
20 his opinions in this matter depend on the
21 compatibility aspect of this claim language?

22 MR. HART: He has opined on the
23 meaning of limitations 1(b) and 1(d) and their
24 relation to one another. We are entirely within
25 the rules to explore the meaning of these

1 limitations in their entirety.

2 MR. ALEXANDER: I disagree,
3 because it doesn't relate to his testimony as to
4 the meaning of these limitations. I think you're
5 abusing the rules. I'd be happy to be corrected
6 by any sort of authority, but you're limited to
7 his actual opinions.

8 MR. HART: Cortney, let me say
9 this. You are wasting time. You are wrong on the
10 merits. You are wasting time. We have a time
11 limited -- by agreement a time-limited deposition
12 that I intend to abide by of three and-a-half
13 hours today given the length of the subject matter
14 here.

15 If you turn to paragraph 40 in
16 Mr. Ginter's declaration, the ending sentence
17 states, A POSITA would have found it logical to
18 signal one or more devices that are available and
19 compatible about the availability of content at
20 the mobile -- mobile device.

21 His opinions directly implicate the
22 compatibility. The claim language expressly
23 calls out compatibility. I'm going to explore
24 the support for these limitations.

25 MR. ALEXANDER: The support for

1 the limitations, the written description support,
2 is not an issue in this proceeding.

3 MR. HART: Is it your position
4 that Mr. Ginter has not relied on the
5 specification to interpret the meaning of
6 limitations 1(b) and 1(d) in Claim 1?

7 MR. ALEXANDER: I don't believe
8 that his opinion -- that parts of the aspects of
9 the language that he's construed do not relate to
10 this issue that you're asking about.

11 And you're saying, you're talking about
12 exploring specification support, which is a
13 written description issue that's not relevant to
14 this proceeding, but it does relate to issues
15 that Apple has raised in the litigation, which
16 goes back to my concern that perhaps the real
17 reason we got a late request for his deposition
18 actually relates to the litigation and not the
19 IPR proceeding.

20 MR. HART: Well, that's incorrect
21 speculation, but I'm not going to get into the
22 timing here. We requested his deposition over a
23 month out from the -- from the deadline, and there
24 was just a bunch of back and forth and objections
25 and refusals to provide availability from you that

1 led us to depose him --

2 MR. ALEXANDER: We have a record
3 on that that shows what you're saying is not true.

4 MR. HART: -- within a week of our
5 deadline.

6 If you look at paragraph 38 in his
7 declaration, he's talking about an example that
8 he contends is captured by the scope of Claim 1,
9 where a cellphone reroutes an incoming call to a
10 nearby table phone. This is Mr. Ginter relying
11 on the specification to interpret the scope of
12 the challenged claims in this case. There is --

13 MR. ALEXANDER: I have not
14 complained about you asking him about the passage
15 quoted at paragraph 38 of his declaration.

16 MR. HART: Sure. But you are
17 complaining and refusing to allow me to ask him
18 questions about the other support in the
19 specification that might inform the meaning of
20 these claims.

21 You can't -- you can't have your expert
22 opine on the scope of the claims, talk about only
23 the portions of the specification that he likes,
24 and then refuse my questions --

25 MR. ALEXANDER: What you've

1 done -- you're worried about wasting time. Let me
2 interject.

3 You are not asking about the actual claim
4 construction opinions he has provided.

5 MR. HART: I absolutely am
6 interested in the specification that supports
7 these claims. And please don't interrupt me while
8 I'm attempting to clarify what's happening here.

9 MR. ALEXANDER: You keep saying
10 generally that you're interested in the
11 interpretation of the claims. I understand you
12 are. I understand Apple's very interested in
13 that. But what you're interested in doesn't
14 appear to relate to the actual testimony that
15 Mr. Ginter provided in his declaration.

16 MR. HART: Well, I think the board
17 is going to have to resolve the meaning of these
18 claims, and I think you've made a very clear
19 record that you are going to obstruct our attempt
20 to explore the support for the meaning of these
21 claims from Mr. Ginter.

22 And so, you know, that is what it is.
23 You've instructed him not to answer improperly.
24 I think the board will take that and will apply
25 it when weighing his opinions as to the meaning

1 of the scope of these claims.

2 And, you know, that just may be what it
3 is, given the time we have remaining in the
4 schedule of this proceeding.

5 MR. ALEXANDER: You may -- you can
6 ask him -- I haven't objected to a single question
7 about his declaration, Mr. Hart.

8 MR. HART: You've absolutely
9 instructed him not to answer, and you've wasted a
10 ton of time on the record here today, given our
11 time limited deposition. So let me --

12 MR. ALEXANDER: What is the
13 question that I instructed him not to answer?

14 MR. HART: I'd have to go back
15 through the transcript. You absolutely instructed
16 him not to answer earlier before we have got into
17 this long --

18 MR. ALEXANDER: That was about the
19 announcer device, and you ended up asking the
20 question, and he had answered it.

21 MR. HART: Then I asked two
22 questions, and you immediately jumped down my
23 throat and said I can't ask any more questions
24 about the announcer device.

25 Look, it's pretty clear what's happening

1 here. I need to make a record. I need to ask my
2 questions. We're not going to waste the entire
3 three and-a-half hours on the record with these
4 sideshows.

5 I understand that you have concerns about
6 the stayed litigation and what might happen in
7 that stayed litigation down the road related to
8 another patent. That's not my litigation. That
9 is not my case. But I need to ask my questions
10 relevant to the '648 patent and the challenged
11 claims in this case.

12 MR. ALEXANDER: I don't believe
13 there's a single question that I've instructed him
14 not to answer that you weren't ultimately able to
15 ask. If you believe otherwise, let me know.

16 MR. HART: I'm going to -- I'm
17 going to move on.

18 Q (By Mr. Hart) Mr. Ginter, are you
19 familiar with the scout device described in the
20 '648 patent in column eight?

21 A I have read the specification and
22 understand what it claims to do.

23 Q What is the general role of the scout
24 device in the '648 patent?

25 MR. ALEXANDER: Objection, outside

1 scope of witness testimony.

2 MR. HART: Is scout device also an
3 issue in the litigation parties are disputing?

4 MR. ALEXANDER: You want to talk
5 about the litigation and the claim terms at issue
6 in that?

7 MR. HART: I'm just asking a
8 question. I'm trying to determine what the
9 pressure points are here.

10 I'm just asking my questions to understand
11 what these claims mean, and you keep interjecting
12 with objections. But I suppose if you're not
13 instructing him not to answer, I'll just
14 reiterate my question.

15 Q (By Mr. Hart) Mr. Ginter, what is the
16 general role of the scout device in the '648
17 patent?

18 MR. ALEXANDER: Objection, outside
19 scope.

20 Q (By Mr. Hart) You can answer.

21 A The scout device at the top, as
22 described at the top of column eight, is
23 responsible for scanning the environment to find
24 other devices and determine their status,
25 typically if they are busy. For the reporter,

1 **this is a direct quote from the spec.**

2 **The scout is also responsible for**
3 **obtaining any specific use conditions from**
4 **announcers of the devices being detected. And it**
5 **can be activated periodically and/or upon demand.**

6 **It's basically columns -- column eight,**
7 **one through six.**

8 Q Does the described scout device
9 actively scan the local environment for other
10 devices?

11 A **You want me to find that for you?**

12 MR. ALEXANDER: Objection, outside
13 the scope of testimony.

14 Q (By Mr. Hart) Does the described
15 scout device send out any kind of signaling or
16 messages to a local wireless networking
17 environment looking for other devices?

18 A **I did not -- I do not recall anything**
19 **from the specification that says that it -- that**
20 **it actively probed the environment.**

21 Q Okay.

22 A **The language says that it scans the**
23 **environment.**

24 Q And how do you interpret scanning the
25 environment, as column eight in the '648 patent

1 describes that?

2 **A I believe that's passive listening.**

3 Q Do you believe there is any
4 description of the '648 patent of a scout device
5 that actively scans the device or scans the
6 environment?

7 **A I don't recall any from having read**
8 **it, but, you know, there could be some inclusion**
9 **that could be tucked away from the corner that I**
10 **didn't see.**

11 **If you have a specific one, you can point**
12 **me at it, and I'll tell you what I think it**
13 **means.**

14 Q Let's turn to your declaration.

15 **A Okay.**

16 Q Exhibit 2009, which I believe you have
17 a hard copy of it. Is that right?

18 **A I have a hard copy of my declaration.**
19 **I was not given it as an exhibit, but it's my**
20 **printed copy.**

21 Q Without the exhibit branding?

22 **A Yeah, without the exhibit branding.**

23 Q All right, very good.

24 **A I didn't see the need to waste a half**
25 **a tree on another printing.**

1 Q No, no. That seems like the right
2 call.

3 Mr. Ginter, you are quite a bit quieter
4 than you were before. Is there -- maybe during
5 the next break let's take a look at settings and
6 see if we can't increase your volume some for
7 Sandra.

8 **A Remember I mentioned something beeped,**
9 **and I have a feeling that something automatically**
10 **changed volume.**

11 Q Got it. All right.

12 (Recess.)

13 Q (By Mr. Hart) All right, welcome
14 back, Mr. Ginter.

15 **A Thank you.**

16 Q Thank you for resolving the audio
17 issues for all of us.

18 **A Yeah. So what happened was I**
19 **mentioned there was a weird beep. The beep was**
20 **that the computer -- that the microphone somehow**
21 **switched from my headset to my laptop, which would**
22 **account for the problem.**

23 Q You sound much better. All right, so
24 we were -- we had your declaration, which is
25 Exhibit 2009.

1 **A Right.**

2 Q We were at paragraph 33 before the
3 break. Could I have you turn back to that
4 paragraph.

5 **A Sure. Thirty-three, paragraph 33, got**
6 **it.**

7 Q All right, very good. On this
8 paragraph, you quote limitations (b) and (d) --

9 **A Uh-huh.**

10 Q -- in the '648 patent. I'm going to
11 read those into the record so I can ask my
12 questions.

13 For Claim 1(b), you quote that limitation
14 as, quote, Identifying one or more available
15 devices to compatible to handle the media content
16 and connected to the LAN, end quote.

17 For Claim 1(d) that recites, quote,
18 Wirelessly signaling the one or more available
19 devices, indicating an availability of a media
20 content at the mobile device, end quote.

21 Do you see that?

22 **A I do.**

23 Q What does the claim mean when it says
24 wirelessly signaling in Claim 1(d)?

25 MR. ALEXANDER: Objection, outside

1 the scope of testimony.

2 Q (By Mr. Hart) You can answer,
3 Mr. Ginter.

4 A Okay. I was waiting to be told what
5 to do here.

6 Q I'll try do a better job of letting
7 you know when you can move forward with your
8 answer.

9 A If I could get you to repeat the
10 question then?

11 Q Sure. What does it mean when the
12 claim says wirelessly signaling in Claim 1(d)?

13 A I would read that as saying it sent a
14 transmission from -- that it isn't a transmission
15 that was received by some number of devices, and
16 that it would indicate that there was something
17 available and add the device.

18 Q Does it need to do more than inform
19 those receiving devices that media content is
20 available, or is informing enough?

21 MR. ALEXANDER: Objection, outside
22 scope of testimony.

23 Q (By Mr. Hart) You can answer.

24 A Okay. It is unclear whether or not it
25 would need to -- it would need to be -- it would

1 **include -- it would need to include anything else.**
2 **It depends on the protocols being used.**

3 Q In paragraph 34, you address the
4 antecedent language issue in these --

5 A **Uh-huh.**

6 Q You note that Claim D's reference to
7 the one or more available devices relies on Claim
8 1(b) for antecedent basis with respect to the
9 phrase "one or more available devices."

10 Do you see that?

11 A **I do.**

12 Q Am I understanding your opinion
13 correctly that the one or more devices in Claim
14 1(d) is the same one or more available devices
15 from Claim 1(b)?

16 Let me rephrase that. I believe I might
17 have -- based on the realtime, I think I might
18 have missed the word "available" unintentionally.

19 Am I understanding your opinion correctly
20 that the one or more available devices in Claim
21 1(d) is the same one or more available devices
22 from Claim 1(b)?

23 A **Is your question that the one -- the**
24 **1(d) devices were the ones identified by 1(b)? Is**
25 **that your question?**

1 Q What is your interpretation of the
2 relationship --

3 A That was my interpretation. That's
4 why I was asking.

5 Q I think I correctly understand your
6 opinion --

7 A Yeah.

8 Q -- to the relationship of 1(b) and --

9 A Uh-huh.

10 Q Turning to paragraph 36 on the next
11 page of your declaration, you discuss the '648
12 patent's prosecution.

13 Do you see that?

14 A Yes. Okay, go for it.

15 Q You discuss an amendment made during
16 prosecution in which the applicant amended Claim
17 1(d) to recite the one or more available devices.

18 Do you see that?

19 A I do.

20 Q And in the next paragraph, paragraph
21 37, you state that, A POSITA would have understood
22 this exchange -- and I believe you're referring to
23 the exchange in the prosecution process -- to
24 indicate that the inventors were confirming that
25 in Claim 1(d), the wireless signaling is directed

1 specifically at the one or more devices identified
2 in Claim 1(b).

3 Do you see that?

4 A I see -- I see -- I see what you're
5 saying about there. Can you please repeat your
6 question?

7 Q Sure. I just wanted to refer you to
8 the paragraph that my next --

9 A I got that.

10 Q So what is the import of using the
11 article "the" before one or more available devices
12 in Claim 1(d)?

13 A My understanding from claim
14 construction is that the "the" requires --
15 identifies something that was previously defined,
16 I believe the term is antecedent basis, earlier in
17 the claim.

18 Q What is the antecedent for Claim
19 1(d)'s the one or more available devices, just to
20 be clear?

21 A I believe that that would be the --
22 the one or more available devices compatible to
23 handle the media content and connect with the LAN
24 that were identified in 1(b).

25 Q And 1(b) doesn't use the word "the,"

1 correct, before one or more available devices?

2 **A No.**

3 Q Only 1(d) uses the article "the"
4 before that phrase. Right?

5 **A That would be correct, yes.**

6 Q Okay. Is that important to your --

7 **A Well, well, so the issued claim is --**
8 **it says, The one or more available devices,**
9 **correct. I just want to be clear about what**
10 **the -- what the language on the claim is.**

11 **So the language in 1(d) has the word --**
12 **has "the" in front of one or more available, and**
13 **1(b) does not.**

14 Q And so you interpret 1(b) to be the
15 antecedent one or more available devices to 1(d)'s
16 the one or more available devices. Is that right?

17 **A That is correct, yes.**

18 Q What is the import of the article
19 "the" in D? What does that inform? How does that
20 inform the meaning of these two limitations and
21 their relationship to one another?

22 **A The relationship is that you have to**
23 **have identified one or more available devices**
24 **before you can specify the one or more available**
25 **devices.**

1 Q Before you can signal the one or more
2 available devices?

3 A Before you can do anything with the
4 one or more available devices.

5 Q Okay. Both claim -- do you have the
6 claim language in front of you?

7 A I do.

8 Q Okay. Both Claim 1(b) and Claim 1(d)
9 recite the phrase "media content." Correct?

10 A That's correct, yes.

11 Q And just to read both limitations back
12 into the record for these questions, 1(b) recites,
13 Identifying one or more available devices
14 compatible to handle the media content and
15 connected to the LAN.

16 A Uh-huh.

17 Q (d) recites, Wirelessly signaling the
18 one or more available devices indicating an
19 availability of a media content at the mobile
20 devices?

21 A Yes.

22 Q Is the media content recited in Claim
23 1(b) the same media content recited in Claim 1(d)?

24 A I do not believe so.

25 Q And how do they differ?

1 **A I would -- I would have called the**
2 **media content in 1(b) to be the type of the media**
3 **content that the device is capable of handling,**
4 **because that's what the spec -- the spec actually**
5 **says.**

6 **And the actual content and then the**
7 **wirelessly signaling in 1(d) is talking about the**
8 **availability of a specific media -- of that there**
9 **is a specific media content available. It**
10 **doesn't necessarily say that it names it, but it**
11 **says that it's available.**

12 **Q So you interpret the phrase "media**
13 **content" differently in 1(b) and 1(d). Am I**
14 **understanding that correctly?**

15 **A No. I interpret the phrase**
16 **"compatible to handle the media content" as being**
17 **a type -- as being equivalent to the word "media**
18 **type."**

19 **Q Okay. So the media content in 1(b),**
20 **you interpret as media type?**

21 **A I interpret the collective -- the**
22 **collective phrase "compatible to handle the media**
23 **type, the media content," to mean media type.**

24 **Q So Claim 1(b) uses the article "the"**
25 **before media content.**

1 What is the antecedent for media content
2 that Claim 1(b) is based on?

3 **A I believe there is the one -- there's**
4 **a media content referenced in the first line of**
5 **the claim method of informing a device about an**
6 **availability of media content.**

7 Q And so you believe that's called a
8 preamble for Claim 1?

9 **A Uh-huh.**

10 Q Do you think the preamble provides the
11 antecedent for media content that is then
12 referenced in Claim 1(b)?

13 **A It's unclear whether or not it**
14 **provides that antecedent. I mean, I didn't opine**
15 **on that, so I don't know.**

16 Q Okay.

17 **A I've not done -- I have not done a**
18 **formal claim construction analysis on all this. I**
19 **have primarily looked at the -- I've looked at the**
20 **technical issues and applied my general knowledge**
21 **of patents to the things I know.**

22 Q Well, you have opined on the meaning
23 of limitations 1(b) and 1(d), haven't you,
24 Mr. Ginter?

25 **A I agree, but I haven't opined on**

1 **whether or not they have -- whether or not 1(b)**
2 **has proper antecedent basis. That's the job of**
3 **the patent office.**

4 **I'm assuming that it is properly valid.**

5 Q I'm not asking about whether there's
6 proper or not. I'm just asking for your
7 interpretation of the claim.

8 How does the claim work, and what does the
9 claim mean when it uses these phrases the way it
10 uses them?

11 MR. ALEXANDER: Object to form.
12 Mr. Ginter did not opine on antecedent basis for
13 the term "media content" in Claim 1(b).

14 Q (By Mr. Hart) Mr. Ginter, the media
15 content recited in Claim 1(d), can you remind me
16 how you interpret that phrase and what that is a
17 reference to in your opinion.

18 MS. ALEXANDER: Objection, outside
19 the scope of witness testimony.

20 Q (By Mr. Hart) You can answer,
21 Mr. Ginter.

22 A **Okay. I believe that that is a media**
23 **content that is available for, for something on**
24 **the original mobile device.**

25 Q And that is different from the media

1 content referred to in Claim 1(b). Correct?

2 MR. ALEXANDER: Objection, outside
3 the scope of witness testimony.

4 Q (By Mr. Hart) You can answer.

5 A I believe you -- the comment would be
6 asked and answered. But I believe I was very
7 clear already that it's the -- the complete term
8 "compatible to handle the media content," which I
9 interpret to mean media type.

10 Q So let's take a look at the preamble,
11 which you introduced into the conversation.

12 The preamble states, A method of informing
13 a device about an availability of media content
14 at a mobile device connected to the local area
15 network.

16 Do you see that, Mr. Ginter?

17 A I do.

18 Q So the reference there to media
19 content is available media content at a mobile
20 device. Correct?

21 MR. ALEXANDER: Objection, outside
22 the scope of witness testimony.

23 A Repeat your question for a minute
24 because I got confused there.

25 Q (By Mr. Hart) The reference in the

1 preamble to media content is available media
2 content at a mobile device. Correct?

3 **A It is -- yeah, I believe. I would**
4 **agree with that statement. It is about the**
5 **availability.**

6 You could actually theoretically in that
7 model say it's not available, but because the
8 language is not -- is not clear. But in general
9 usage, I would interpret that to be -- I would --
10 that it is sending an availability, and in
11 general usage also in the context of the spec.

12 Q In Claim 1(d), just to go back to that
13 one, refers to indicating an availability of a
14 media content at the mobile device. Correct?

15 **A Uh-huh.**

16 Q Okay. And so both the preamble's
17 recitation of media content and Claim 1(d)'s
18 recitation of media content are referring to
19 available media content at a mobile device.
20 Correct?

21 **A One -- yes. The first -- the preamble**
22 **refers to general availability. The 1(d) refers**
23 **to a specific availability.**

24 Q And what's the distinction you're
25 drawing between general availability and specific?

1 **A** **I have a music library of a hundred**
2 **thousand songs. Some of them are in the cloud.**
3 **Some of them are on my laptop. All are available.**
4 **But only a third of them are actually physically**
5 **on my laptop.**

6 **So if I were to announce that I could**
7 **announce the entire music library in the**
8 **preamble, and then I would have -- I would**
9 **announce a specific song as being available in**
10 **the -- in 1(d), a specific piece of content.**

11 **Q** **In the preamble which recites a method**
12 **of informing a device about an availability of**
13 **media content at a mobile device --**

14 **A** **Uh-huh.**

15 **Q** **-- am I right that you're interpreting**
16 **that as not suggesting that the informing is about**
17 **a specific piece of media content that is**
18 **currently at the mobile device?**

19 **MR. ALEXANDER: Objection, outside**
20 **the scope of the witness' testimony.**

21 **Q** **(By Mr. Hart) You can answer,**
22 **Mr. Ginter.**

23 **A** **You could -- it could mean informing**
24 **of a specific content, or it could be the**
25 **informing of a collection of content. The**

1 **language itself is gonna be governed by what's**
2 **described in the spec.**

3 Q What is described in the spec related
4 to that concept?

5 MR. ALEXANDER: Objection, outside
6 the scope of the witness testimony. Mr. Ginter
7 did not opine on the meaning of the preamble to
8 this claim.

9 Q (By Mr. Hart) You can answer,
10 Mr. Ginter.

11 A **It'll take me a moment to find the**
12 **appropriate. I don't believe that -- I believe**
13 **the spec is somewhat silent on that.**

14 Q Okay.

15 A **But the general context I would read**
16 **to be, it could be either one or for the preamble.**
17 **And for 1(d), as I said, it is a specific piece of**
18 **content. That's the way I interpreted it.**

19 Q All right. Let's turn to paragraph 38
20 in your declaration, Mr. Ginter.

21 A **Okay.**

22 Q It starts on page 14.

23 A **I see that.**

24 Q And on page 15, you quote a specific
25 example from the specification, column 11, line 62

1 to 67.

2 **A All right.**

3 Q And you state in paragraph 38 that,
4 It's my opinion that this understanding -- with
5 your understanding with respect to the
6 interpretation of claim B and claim D, is
7 consistent with the remainder of the
8 specification.

9 For example, the specification provides
10 the following example in which the mobile device
11 is plainly described as identifying an available
12 device before signaling that device about
13 content.

14 Do you see that?

15 **A Yeah.**

16 Q So in this example from the
17 specification that you quote, a cellphone receives
18 a call, and while ringing, it indicates on its
19 display that a nearby phone is available, the
20 person approves routing the call to that nearby
21 phone, and the nearby phone rings or flashes to
22 indicate the rerouted call.

23 Did I get that right?

24 **A I believe -- I believe that you read**
25 **it accurately.**

1 Q Okay. And again, you contend that
2 this example is consistent with Claim 1 or your
3 interpretation of Claim 1. Correct?

4 A I believe so, yes.

5 Q Okay. In this example, how does the
6 cellphone know that there is a nearby phone that
7 is available?

8 A I believe that the phone, and you
9 talked about the -- let me get the exact name of
10 it, because you called it out in seven, I believe
11 it was.

12 Okay, you talked about this briefly, about
13 the scout, and that the scout -- the device would
14 use the scout to determine what devices were in
15 the area and what they could handle. And then
16 they would -- it would then make a determination
17 that a nearby phone was available.

18 And then it would then proceed to prompt a
19 user for asking how to do it. And then it would
20 route the -- it would then route the call to
21 that, to that phone.

22 Q I believe when we were speaking about
23 the scout device earlier, you noted that the scout
24 device is described as passively scanning, or you
25 interpreted the scout device as a passively

1 scanning device that receives messages from other
2 devices indicating their unavailability.

3 Did I get that correct?

4 **A Yes. That was what I said, yes.**

5 Q And so the scout device in this
6 example would be part of the cellphone that
7 received the call. Correct?

8 **A That would be my interpretation, yes.**

9 Q And it would have previously received
10 announcements from other devices indicating their
11 availability to handle rerouted phonecalls. Is
12 that right?

13 **A I believe so. And in particular it**
14 **would have received it from the phone that -- the**
15 **alleged nearby phone that was given in the**
16 **example.**

17 Q Okay. Does the -- does the
18 specification contemplate the cellphone actively
19 communicating with that nearby phone to confirm
20 the nearby phone is available?

21 MR. ALEXANDER: Objection, outside
22 the scope of testimony.

23 **A Can you define "actively**
24 **communicating"?**

25 Q (By Mr. Hart) Sure. Does the

1 specification contemplate the scout device in the
2 cellphone transmitting any messages to other
3 nearby phones to confirm their availability?

4 MR. ALEXANDER: Objection, outside
5 the scope of the testimony.

6 Q (By Mr. Hart) Sorry. For the record,
7 Mr. Alexander is going to put objections into the
8 record. Unless he instructs you not to answer,
9 please feel free to answer my questions.

10 A Okay. Given the earlier exchange, I
11 felt the necessity for caution.

12 Q No. That's probably a reasonable
13 interpretation of the legal process. But moving
14 forward, you can go ahead and answer my questions
15 unless instructed otherwise.

16 A Okay. So now that we're done with
17 that, can you restate the question for me?

18 Q Does the specification contemplate the
19 scout device in the cellphone transmitting any
20 messages to other nearby phones to confirm their
21 availability?

22 MR. ALEXANDER: Objection, outside
23 the scope of the direct testimony.

24 A I do not recall anything indicating
25 the scout particularly did the transmission, but

1 it did not say that there were not other things,
2 other parts of the specification that where other
3 devices in the specification that would have done
4 any necessary transmission.

5 Q (By Mr. Hart) In this specific
6 example that you quote in paragraph 38 of your
7 declaration, it does not expressly discuss how
8 the cellphone knows there is a nearby and
9 available phone. Correct?

10 A That piece of the specification does
11 not in the example B, but if I recall, in the
12 earlier scenarios, scenarios one and two, and in
13 particular scenario one, it actually says that,
14 you know, gives the same interpretation that I
15 gave at line -- in step four, which is the
16 incoming -- the cellphone detects the fixed
17 landline phone is available and then does a pop-up
18 and then does some kind of transmission.

19 Q I want to make sure I'm looking at the
20 right spot. Can you tell me line number and --

21 A I'm sorry. 11, 25.

22 Q And you're noting that in step four of
23 this example, when a cellphone receives a call, it
24 detects that there is a nearby land -- fixed line
25 phone and monitor available?

1 **A** **Uh-huh, correct. And that same**
2 **interpretation is also repeated in the detection**
3 **description of 3(b), which is line -- same column,**
4 **line 54.**

5 **Q** **I believe that's 3(a).**

6 **A** **Well, no. So -- yeah, no 3(b) is the**
7 **one that says it detects the phone, but the phone**
8 **was busy.**

9 **Q** **I'm sorry. Scenario three, option A,**
10 **you were reading from there?**

11 **A** **Yes. That's correct.**

12 **Q** **We're going to come back to that one**
13 **in just a minute.**

14 **A** **Okay.**

15 **Q** **Let's stick with the example for**
16 **now --**

17 **A** **Okay.**

18 **Q** **-- that you discussed in or quoted in**
19 **paragraph 38 of your declaration.**

20 **A** **Uh-huh, sure.**

21 **Q** **Does the -- does this example tell us**
22 **when the cellphone learns that a nearby phone is**
23 **available? And specifically temporally in the**
24 **process, does it tell us when in the overall**
25 **process the cellphone learned of a nearby and**

1 available phone?

2 A Only within the -- so I read option A
3 and option B as being continuations of earlier in
4 the -- of the earlier scenarios, as various
5 branches of those scenarios.

6 Q Uh-huh.

7 A So in option B in particular, it does
8 not describe the step of detecting it. But since
9 that's already in the other scenarios, I read that
10 in as being given.

11 So in scenario 1.4, where the phone
12 detected that it was there, in one point -- in
13 scenario three, option AC, I'm sorry, B and
14 determines that the phone was there and busy.

15 So they have -- they have multiple cases
16 of where -- where the phone was detected. I read
17 the entire scenario as a unit.

18 Q Well, I think scenario three starting
19 at line 46 in that column.

20 A Uh-huh.

21 Q And through the end of option A is a
22 good place to start, given its continuity.

23 A Uh-huh.

24 Q So let's walk through that example.

25 A Sure.

1 Q So starting at line 46, the patent
2 describes a scenario three. It states, In step
3 one, a person, say Smith, carrying a cellphone is
4 sitting in a hotel lobby. Step two, in the lobby
5 there are four land/fixed line phones.

6 A **Uh-huh.**

7 Q Three, a phonecall arrives at the
8 person's cellphone.

9 Did I get that right?

10 A **Yeah. I'm fine with that.**

11 Q Okay. And then option A starts, and
12 there is a first step indicated as A, which
13 states, The person points his phone at one of the
14 land/fixed line phones. And then step B says, The
15 cellphone detects -- let me start that over.

16 Step B is, The cellphone detects the said
17 phone as busy. Correct?

18 A **Uh-huh. That's correct.**

19 Q So in this part of the scenario three,
20 option A process --

21 A **Uh-huh.**

22 Q -- the cellphone user receives a call,
23 points their cellphone at a nearby desktop phone
24 --

25 A **Uh-huh.**

1 Q -- and receives an indication from
2 that phone that the desktop phone is not
3 available, is busy. Is that right?

4 A **That would appear to be the case, yes.**

5 Q Okay.

6 A **And there's some other things you**
7 **could read into that that's over on the IR link,**
8 **because pointing at it is an IR thing.**

9 Q Temporally, the cellphone is receiving
10 an indication that the phone is not available
11 after the cellphone has received a voice call.
12 Correct?

13 A **That is the latest read, yes, given an**
14 **IR that's probably required with a PAN**
15 **implementation, not necessarily.**

16 Q Continuing on in this option A
17 example, step C recites, The person points his
18 phone at another land/fixed line phone. Step D,
19 The phonecall is routed to that available
20 land/fixed phone. Step E, The chosen land/fixed
21 phone rings or flashes to indicate the rerouted
22 call.

23 A **Yes.**

24 Q So after pointing a cellphone at a
25 first desktop phone and learning that it is not

1 available, the user points their cellphone at a
2 different desktop phone, gets an indication that
3 it is available, and reroutes the call to that
4 available desktop phone. Is that right?

5 **A That's the way -- yeah. That's what**
6 **it says.**

7 Q Okay. Does this example scenario
8 three option A that we just discussed, is that
9 consistent with Claim 1 of the '648 patent?

10 **A I believe it is, subject to the -- as**
11 **I said, the earlier proviso that I said is that**
12 **there is -- it is an IR link. You would, if you**
13 **didn't have IR, if you had an actual PAN, you**
14 **wouldn't do -- be doing the pointing, P-A-N, all**
15 **caps. And actually technically it's a WPAN, being**
16 **for wireless PAN.**

17 Q And so the fact that the cellphone
18 communicates with a first desktop phone and learns
19 that that first desktop phone is not available,
20 that's okay in the context of Claim 1?

21 **A Oh, yeah.**

22 Q Okay.

23 **A And the reason for that is that**
24 **Claim 1 is identifying one or more available**
25 **devices. It doesn't say how many times you have**

1 to query a device. So it's silent on that.

2 So you could theoretically do any number
3 of -- any number of pointings if you're going to
4 play in the IR world, any number of pointings and
5 until you find one.

6 Q So Claim 1 allows the mobile device to
7 communicate with other available devices; it just
8 requires the mobile device to at least signal one
9 available device. Is that right?

10 A It would require that it identify at
11 least one available device. It doesn't
12 necessarily have -- it would not -- 1(b) does not
13 have to -- does not require the actual signal.

14 Q But 1(d) does require signaling at
15 least one available --

16 A Yeah. 1(d) requires that there's a
17 corresponding signal back, saying hi, I have stuff
18 for you.

19 Q All right. Turn to paragraph 40,
20 which starts at the bottom of page 15 in your
21 declaration, Exhibit 2009.

22 A Yes. That goes on to the bottom of --
23 onto to the top 16, if I recall.

24 Q That's right.

25 A Okay.

1 Q And here you're discussing the
2 institution decision from the board?

3 A Yes.

4 Q That order is finding that the claims
5 require signaling one or more available devices
6 but do not exclude also signaling devices that
7 might be unavailable.

8 And at the bottom, the last sentence in
9 paragraph 40, you state, A POSITA would have
10 found it logical to signal one or more devices
11 that are available and compatible about the
12 availability of content at the mobile device and
13 not to broadcast signal all devices that were
14 known.

15 Do you see that?

16 A Uh-huh.

17 Q And so we kind of just touched on
18 this, but I want to make sure I understand your
19 interpretation of the claims.

20 Is it your opinion that Claim 1(d)
21 mandates signaling only known available devices
22 to the exclusion of signaling potentially
23 unavailable devices?

24 A If I could reread Claim 1 for a
25 minute. So now can I get to you. Please repeat

1 **the question.**

2 Q Yes. Is it your opinion that Claim
3 1(d) mandates signaling only known available
4 devices to the exclusion of signaling potentially
5 unavailable devices?

6 A **The claim is silent on if it signals**
7 **unavailable devices, because it's only focusing on**
8 **the -- on the functional path. If the device was**
9 **not available, it would probably ignore the**
10 **signal.**

11 You know, such as my car, which is -- can
12 talk to my phone, and my headset, which talks to
13 my phone. However, only one of them is going to
14 work here in my office because my car is not in
15 range.

16 Q Got it.

17 A **So my phone could signal my car all**
18 **day and it would get nothing, and I would be**
19 **completely unaware of whether it did or not.**

20 Q In the scenario three option A example
21 that we just walked through, the mobile device
22 does actively signal a first unavailable desktop
23 phone after receiving a call. Correct?

24 A **I believe that -- I believe that to be**
25 **true, yes.**

1 Q And then subsequently signals an
2 available desktop phone, learns that it is
3 available, and then routes the call to it.
4 Correct?

5 A **I believe so, yes.**

6 Q Now, in that example, the mobile
7 device is determining current non-stale
8 availability of those desktop phones, right, by
9 signaling them after the call is received?

10 A **Define non-stale, please.**

11 Q Sure. So let me -- let me lay a
12 little foundation here.

13 I believe we've talked about this earlier,
14 when you described the scout device as passively
15 scanning the environment.

16 A **Uh-huh.**

17 Q Listening for messages from other
18 nearby devices?

19 A **Right.**

20 Q Indicating their availability or
21 nonavailability?

22 A **Uh-huh.**

23 Q That process for at least some devices
24 will occur before a phonecall is received by the
25 mobile device that the mobile device wants to

1 reroute. Correct?

2 **A It's conceivable that it would, yes.**

3 Q And if it -- if it received
4 availability information from a nearby device
5 minutes before receiving a call, isn't it true
6 that that availability information may be stale
7 and may no longer reflect the availability status
8 of that nearby device?

9 MR. ALEXANDER: Objection, outside
10 the scope of the witness testimony.

11 **A So the -- it depends on how long --**
12 **how long the device caches it, caches that data,**
13 **and for that the specification is silent.**

14 Q (By Mr. Hart) So the specification
15 allows the mobile device to determine current
16 non-stale availability information after
17 receiving the phonecall, but does not specify how
18 long before the phonecall is received
19 availability information may have been received
20 from nearby devices. Is that right?

21 **A 'Em.**

22 Q I can break that up into two pieces.

23 **A I was going to ask you to do that.**

24 Q The specification allows the mobile
25 device to determine current non-stale availability

1 information after the mobile device receives a
2 phonecall that it wants to potentially reroute.
3 Correct?

4 MR. ALEXANDER: Objection, outside
5 the scope of the direct testimony.

6 A I believe that -- I believe that
7 scenario one and scenario two illustrate and
8 scenario three illustrate that. Scenario one and
9 scenario three illustrate that it -- that it makes
10 a -- that it can make a determination after,
11 receive and make a determination after the
12 phonecall starts.

13 Q (By Mr. Hart) All right. Does the
14 specification allow for the mobile device to use
15 kind of its cached availability information to
16 make a determination as to which devices are
17 nearby and available without actively reaching
18 out?

19 MR. ALEXANDER: Objection, outside
20 the scope of the direct testimony.

21 A It is implied that the device stores
22 much of that type of information in the device
23 library.

24 Q (By Mr. Hart) Does the specification
25 provide any guidance as to how recent that data

1 needs to be in order for the mobile device to
2 rely on it when signaling devices it believes to
3 be available?

4 MR. ALEXANDER: Objection. Does
5 Mr. Ginter testify on the meaning of the term
6 "available"?

7 MR. HART: Yes. I think his
8 opinions on 1(b) are entirely about what
9 availability means in the context of these two
10 limitations, yes.

11 MR. ALEXANDER: I disagree. And
12 again, you're asking questions that are relevant
13 to issues in the litigation. Definiteness is not
14 an issue in this proceeding. Mr. Ginter did not
15 identify a construction for the term "available."

16 And I object to you attempting to obtain
17 testimony relevant to litigation proceedings on
18 patents that are not at issue in this proceeding.

19 MR. HART: We've been through
20 this.

21 Q (By Mr. Hart) Mr. Ginter, you can
22 answer.

23 MR. HART: And just to respond
24 briefly, his entire opinion is about what the
25 availability concept is in claims 1(b) and 1(d).

1 I'm not asking him to define "availability" with
2 these questions. I'm asking for the
3 specifications to support -- what the
4 specification describes with respect to the
5 concepts in limitations 1(b) and 1(d). So these
6 are wholly appropriate.

7 MR. ALEXANDER: The objection
8 stands.

9 A Is there an instruction, or should I
10 answer it?

11 Q (By Mr. Hart) There's no instruction.
12 I could repeat the question if that would be
13 helpful.

14 A That was going to be my next question.
15 Yes.

16 Q Sure. Does the specification provide
17 any guidance as to how recent that data needs to
18 be in order for the mobile device to rely on it
19 when signaling devices it believes to be
20 available?

21 A I don't -- I do not -- I do not recall
22 anything in the specification that indicates that.
23 However, it was -- would be well understood to
24 those people who work with these things that that
25 is situational dependent, situationally dependent,

1 **depending on, you know, a mobile phone is gonna be**
2 **very different than my printer in the next room.**

3 Q Is it true that one way to ensure you
4 are dealing with non-stale data that can be relied
5 on is to confirm availability after the mobile
6 device receives the media to reroute?

7 A **It is a mechanism that you can use to**
8 **confirm availability. Other ways to do it is just**
9 **to go ahead and just reach out and, you know,**
10 **reach out and send stuff to the device and see**
11 **what happens. You know, different protocols do**
12 **different things.**

13 Q Sure. Okay. Turning to page 17 in
14 your declaration --

15 A **Uh-huh.**

16 Q -- which begins with paragraph 42,
17 you're discussing the board's institution decision
18 here from 42 to 44.

19 A **Uh-huh.**

20 Q And you quote the board in paragraph
21 42 as saying -- this is halfway through paragraph
22 42 -- The claim does not appear to require
23 identifying i.e. determining whether devices are
24 available, but merely requires identifying devices
25 that happen to be available.

1 Do you see that?

2 **A Yes.**

3 Q And you disagree with that
4 interpretation of the claims. Is that right?

5 **A Right, yeah. I would disagree with**
6 **that, with requiring the device -- let me make**
7 **sure I'm phrasing it right, because there's**
8 **multiple nouns in here.**

9 Right, it does not require -- what it does
10 not require is that the device is instantaneously
11 available, only that it is physically there and
12 able to be communicated with, or it is something
13 that you can -- a device you can further
14 communicate with.

15 Q And this may have been a result of my
16 somewhat kind of general foundational question,
17 but was your answer describing your interpretation
18 of the claim or your interpretation of the board's
19 interpretation of the claim?

20 **A My interpretation of the board's**
21 **interpretation of the claim.**

22 Q What is your interpretation of what
23 the claim requires with respect to that?

24 **A My interpretation is that you do**
25 **not -- that available -- I need to get to the**

1 claim itself -- so that 1(b) identifies there is a
2 device that may or may not be able to
3 instantaneously satisfy the request, but it does
4 not know that -- that it is physically able to do
5 that today, right now.

6 It may be, you know, take a case of a
7 printer. Printer may be out of paper. Okay?

8 And then 1(d), when it's talking to the
9 available devices, it's saying -- it is silent to
10 whether or not the device is actually able to
11 process it and says I have some media for you.

12 Q So 1(b) in your understanding does not
13 require confirming that the device is in the
14 present moment active and available and able to
15 service the rerouting.

16 Did I get that right?

17 A Active, available, not going into the
18 question of what available means, and the ability
19 to service.

20 I'm willing to agree with you on that the
21 device is there and that it does not say -- 1(b)
22 does not say that it actually has to be able to
23 do the work right now, if that's clear. I'm
24 trying to avoid the word "available" because that
25 seems to be a great contentious word.

1 Q I'm not sure we can avoid the word
2 "available." Both limitations are talking about
3 available. I read your opinion to turn on, you
4 know, the meaning of available. So let me -- let
5 me ask it this way.

6 What does the mobile device -- what
7 information does the mobile device need to come
8 away with after performing method step 1(b)?

9 **A It needs to come away with that the**
10 **target device, which is what it's going to try to**
11 **send something to, is there, is responding, as**
12 **opposed to it's just there, and that it is capable**
13 **of accepting the media type that I want to send**
14 **it. Okay?**

15 And that's -- that's kind of a minimum
16 set --

17 Q Okay.

18 **A -- I think it has to have. It may**
19 **want -- depending on the protocol, it may want**
20 **other things.**

21 Q And your interpretation of limitation
22 1(b) is that the mobile device, after performing
23 1(b), doesn't necessarily know whether that device
24 that can actively communicate --

25 **A Uh-huh.**

1 Q -- is available to service the
2 rerouting that it's going to request of it?

3 A I believe that not only in 1(b), but
4 it also is in -- as described in the scenarios
5 that way, the scenarios we already went over,
6 where they've tried to call a phone and the phone
7 said no, I'm busy. Then they try to reroute to a
8 second phone.

9 So I think you have the same -- that's all
10 consistent there.

11 Q Let's go back to scenario three,
12 option A, where the person points a cellphone
13 after receiving the call phones the cellphone at a
14 desktop phone and learns that that desktop phone
15 is busy.

16 A Yes.

17 Q Has limitation 1(b) been satisfied up
18 to that point in the process?

19 A It either happens as part of 1(b), as
20 part of scenario three, scenario three, and this
21 is the section that says the cellphone detects
22 that the phone is busy.

23 This is a -- is a passive -- remember I
24 commented earlier that it was an IR. So this is
25 the passive scenario. So you don't know about it

1 until you actually point the phone at it and
2 start interrogation, which is different than what
3 you would have in a WPAN.

4 But in the case of what we're talking
5 about here, they point the phone at it, that goes
6 through some kind of -- some kind of
7 interrogation, and then it determines that the
8 phone is actually busy as kind of a last step in
9 that.

10 So it's doing -- it's kind of doing 1(b).
11 And then -- let me make sure I have them on the
12 right numbers here. The page break on this is
13 funny, and that's why I'm having trouble here.

14 And then it tells the phone that I have
15 content, and then the phone says I'm busy. That
16 would be the way I would read it.

17 But it may get that earlier on in one --
18 if the -- depending on the protocol you use on
19 it. It could get that earlier in the process,
20 but it would not happen until -- you certainly
21 would have to know that by the time you do -- by
22 the time you get around to doing 1(d). It would
23 make sense to do that.

24 Q Sorry. What would you have to do by
25 the time you get around to --

1 **A** **I have to -- I have to identify the**
2 **device and know it's responding in 1(b). It would**
3 **be nice to know and I'd have to know -- I'd really**
4 **want to know the type of media it would take. And**
5 **it would be nice to know if it were busy or not**
6 **instantaneously available.**

7 **But that's not required. The last step is**
8 **not required.**

9 **Q** **This is a good transition point. Why**
10 **don't we take another ten-minute break and come**
11 **back on the record at I guess one, 3:02 your time.**

12 **A** **Very good.**

13 **(Recess.)**

14 **Q** **(By Mr. Hart) Welcome back,**
15 **Mr. Ginter. Can I have you turn to paragraph 59**
16 **of your declaration, Exhibit 2009.**

17 **A** **All right. Okay.**

18 **Q** **So starting here and extending for**
19 **about ten pages, you discuss the petition's**
20 **proposed combination of Zhang, Fillebrown and**
21 **Pasanen?**

22 **A** **Uh-huh.**

23 **Q** **Now, there's a lot of detail in this**
24 **section. I want to start with the basics.**

25 **What is your understanding of the**

1 combination proposed by Petitioner of Zhang,
2 Fillebrown and Pasanen that you were analyzing in
3 this section?

4 A Okay, so let me get to the right
5 places here. The combination is that it is a --
6 it is a combination that affects the -- that does
7 over a -- over a WiFi medium, an 802.11 medium, or
8 something equivalent to that, but wireless,
9 wireless and not necessarily IR.

10 That allows you to -- trying to find the
11 right words for it. That allows you to create a
12 network of content. And Zhang does that. And
13 then to redirect that content so that it plays on
14 a plurality of devices. Zhang also allows you to
15 wander around between places and have -- be able
16 to have the content follow you, which is kind of
17 cool.

18 Pasanen adds cellular phone to the, to the
19 whole thing. And then Fillebrown has a couple of
20 features, if that's -- if that's a high enough
21 level summary for you.

22 Q Let's dig down a little bit. So I'm
23 correct -- or correct me if I'm wrong, but
24 Petitioner proposed receiving a cellphone call
25 from the cellular network and rerouting the audio

1 to a local helper device, audio device?

2 A Yes. That's correct.

3 Q Using WiFi or HomeRF?

4 A Uh-huh. That's Zhang, Zhang in light
5 of Pasanen.

6 Q Okay. I've been trained on the
7 pronunciation of that reference, so I may revert
8 to called it Zhang, but I think we're discussing
9 the same.

10 A Zhang is fine. I know which one you
11 mean.

12 Q Very good. Cellphone comes in or
13 cellphone call comes into the mobile device. That
14 gets rerouted over either WiFi or HomeRF to a
15 helper device?

16 A Uh-huh.

17 Q In this combination, what is the
18 rerouting device that receives the call and routes
19 it off to a helper device?

20 A Well, I believe it is -- it is in --

21 Q Let me phrase that --

22 A I'm trying to find the right way to
23 say it. Go on. Say what you were going to say.

24 Q For clarity, what I'm really getting
25 at here is to make sure we're talking about the

1 same disclosures coming from the correct
2 references.

3 Is it the cellphone that Zhang describes
4 in the combination that you've analyzed that
5 receives the cellphone call and reroutes it to a
6 local device over WiFi or HomeRF?

7 A No. I believe that it is that the
8 call is gonna come in on a device, but I don't
9 necessarily believe in Zhang that it -- that
10 it's -- it's a -- it's a -- it's going to be a
11 streaming call. I think Zhang requires that it be
12 static media, is the impression I got.

13 Q I'm specifically asking about the
14 combination, as you understand it.

15 A Oh, in the combination, if you're
16 talking -- you said just Zhang. So Zhang in light
17 of Pasanen, it is the cellphone -- the call comes
18 in over the cellphone and gets rerouted using the
19 mechanism of Zhang.

20 But it is not -- Zhang by itself is not
21 quite -- doesn't quite get there.

22 Q Okay. So Pasanen is providing the
23 concept of receiving a cellphone on Zhang's
24 cellphone?

25 A Yes. Receiving a call and then doing

1 **something with it.**

2 Q Okay, very good. I think we're on the
3 same page with that.

4 A **Yeah.**

5 Q The recipient device that Zhang's
6 phone passes the audio off to --

7 A **Uh-huh.**

8 Q -- where does that -- where that
9 device is described, is that one of the helper
10 servers in Zhang's disclosure?

11 A **I believe so, yes.**

12 Q And the network used to reroute that
13 call, I believe you've already testified, but let
14 me make sure so we're on the same page, that is
15 Zhang's network, either 802.11 or HomeRF.
16 Correct?

17 A **Yes, uh-huh. One of the -- what's**
18 **important there is it's one of the digital**
19 **networks.**

20 Q Sure. Okay. So the proposed
21 combination is using the hardware for Zhang
22 including the cellphone and the helper server as
23 well as the network from Zhang 802.11 or HomeRF?

24 A **That's correct, yes.**

25 Q At the end of this first paragraph in

1 the section, paragraph 59 --

2 A Okay.

3 Q -- you note that, Petitioner asserts
4 that the combination would have involved routing
5 the phonecall from the mobile device to a helper
6 server using IEEE, 802.11 or HomeRF.

7 Do you see that?

8 A Yeah. We just said that.

9 Q Okay. I can't deviate from the
10 outline or I'll get in trouble with somebody.

11 A Okay.

12 Q 802.11 is a set of standards commonly
13 referred to as WiFi. Correct?

14 A Uh-huh, yes.

15 Q What is HomeRF?

16 A It was a competing standard that
17 played in the same room. If I recall, and it's
18 been a number of years since I've dealt with it,
19 it was basically, it was basically -- it was
20 basically a peer to 802.11 and has fallen out of
21 use.

22 But at the time it was one of the half
23 dozen protocols that were available for home
24 networking over wireless.

25 Q Do you recall how it differed from

1 802.11?

2 A Not off -- not without going back and
3 looking at the references. I couldn't tell you
4 that off the top of my head.

5 Q Have you ever personally worked with
6 HomeRF?

7 A I believe I've worked on a project
8 that specified it, but I have not actually played
9 with the wires and the configurations.

10 Q In paragraph 65 of your declaration,
11 which starts on page 27 --

12 A Uh-huh.

13 Q -- end of this paragraph, which is on
14 page 28, you note that, HomeRF is a half duplex
15 scheme utilizing a combination of 802.11 FH and
16 DECT, D-E-C-T, transmission?

17 A Yes.

18 Q What is 802.11 FH?

19 A I don't see where you're talking about
20 802.11 FH.

21 Q So it's on --

22 A There it is. There it is, okay. I
23 don't -- I don't -- I don't remember off the top
24 of my head. I looked it up a while back. It
25 wasn't something I've ever really used. I've used

1 802.11 in both in asynchronous, and I guess a
2 better word is ad hoc mode, and in base station
3 mode.

4 Q I've seen some references in the R2
5 802.11 to frequency hopping.

6 A Okay. Frequency hopping is a
7 different thing. It was a fun implementation of
8 802.11 way back in the day. It was designed to
9 mitigate interference.

10 One of the big problems that 802.11 has is
11 that it's tied to a single channel. And same
12 problem with TDMA. So you're tied to a channel.
13 If you go and look in your WiFi device, now you
14 have some number of dozens of channels that the
15 base station can pick from, and that if you get
16 too much interference on it, the base station
17 will try to change to a different channel. And
18 this causes, as you can guess, a number of
19 interesting outcomes.

20 But it's also well known that things that
21 is -- that are not -- that don't conform to the
22 802.11 standard oftentimes will cause
23 interference with that channel.

24 So, for example, an FM transmitter such as
25 you would find in a wireless microphone would --

1 may well cause interference with an 802.11 in
2 some microwaves, also lead to electronic
3 emissions into that same band, and will cause
4 your 802.11 to go away in the 2 gigahertz range.

5 But frequency hopping is a technique where
6 you, on a regular interval, bounce around across
7 a couple of -- a number of different frequencies.
8 In a synchronized way, it reduces -- it was
9 originally done by the military to reduce
10 footprint signature, but also to get around
11 jamming. So there was an attempt to make 802.11
12 frequency agile. It died out.

13 Q What is DECT?

14 A DECT is a home -- I don't remember
15 what DECT stands for, but it's basically a home
16 short range telephony protocol designed for mobile
17 handsets. I'm talking to a DECT device right now.
18 That is talking from my headset to the base
19 station, which talks to my computer, which then
20 talks over the internet to you.

21 But basically it's a TDMA-based protocol.
22 And for the reporter, that's Tom, Delta, Michael,
23 Alpha, all caps.

24 Q In footnote four on page 28 of your
25 declaration --

1 **A Uh-huh.**

2 Q -- Exhibit 2016, which you state is a
3 true and correct copy of a technical overview of
4 HomeRF --

5 **A Uh-huh.**

6 Q -- by the HomeRF Working Group, which
7 you obtained from the website of Wayne Caswell,
8 former marketing and communications chairman of
9 the HomeRF Working Group.

10 **A Yeah.**

11 Q Do you have a copy of Exhibit 2016?

12 **A I don't have a copy close.**

13 Q Okay.

14 **A Let me look and see --**

15 Q I can drop one into the chat if that
16 would be helpful, if you don't think you can find
17 one.

18 **A Drop it in the chat. It'll be faster**
19 **than me finding it.**

20 Q All right.

21 **A Okay, got it.**

22 Q Very good. Do you recall how you
23 found this document?

24 **A I was looking -- I went on Google and**
25 **searched for it, and searched for it, you know,**

1 kind of the universal answer to everything.

2 But primarily what I was looking for was
3 what was the frame format, because I remembered
4 that there were incompatible issues between
5 analogue communications and HomeRF. And I wanted
6 to confirm that that -- my suspicion was this one
7 also suffered the same, the same challenges as
8 the other.

9 So as I said, I mentioned the 802.11
10 interference problem. Would HomeRF be interfered
11 in the same way?

12 Q And, I'm sorry, just to make sure I
13 understood that last answer from you, you were
14 looking to see if HomeRF was fully digital?

15 A Well, I was looking to see whether or
16 not it was -- whether it was going to be digital
17 and interfered with in the same way that 802.11 is
18 if you put a -- if you put a -- another signal in
19 the area.

20 Q What is the other signal you were
21 concerned about?

22 A I was concerned about any arbitrary FM
23 signal. I mean, the big issue there is just, is
24 it something that's gonna be frequency immune,
25 immune to interference or not? Because I frankly

1 **don't know that much about it.**

2 Q About HomeRF?

3 A **I mean, I know this added to my**
4 **knowledge. I mean, I knew all the terms in it,**
5 **but I had never taken apart a HomeRF packet**
6 **before.**

7 Q Let's look at the first page of
8 Exhibit 2016.

9 A **Uh-huh.**

10 Q The center left cell here looks like
11 it's a pdf of something that might have been a
12 PowerPoint presentation.

13 A **That's what it was originally, yes.**

14 Q The center left cell or slide on the
15 first page --

16 A **Uh-huh.**

17 Q -- that notes that HomeRF provides
18 support for total quality voice streaming media,
19 and it also mentions data throughput.

20 A **Uh-huh.**

21 Q Is it correct that HomeRF supports all
22 three of voice calls, streaming media and data
23 communications?

24 A **I don't know.**

25 Q Okay.

1 **A I believe it is true because this guy**
2 **was somebody who is an authority on it. Past**
3 **that, I've never actually -- I don't know because**
4 **I've never actually done it.**

5 Q The slide to the right -- we may be
6 able to short-circuit some of these questions, but
7 let me walk through to confirm.

8 This depicts a central control point
9 connected to a number of nodes?

10 **A Yep.**

11 Q There's a node that's a cordless
12 handset. Another one is an audio headset.
13 There's a laptop. And all those nodes are
14 connected to that central control point. Correct?

15 **A That's what the picture depicts.**

16 Q Okay. Do you know whether all
17 communication in HomeRF traverses a central hub,
18 as depicted here?

19 **A I don't know, but it is a logical**
20 **conclusion from the knowledge of what HomeRF is --**
21 **how HomeRF's frames are structured.**

22 Q The cell on the bottom right corner of
23 this first page depicts a network layer view?

24 **A Yeah, uh-huh.**

25 Q And it has annotations indicating the

1 data path, the media path and the voice path as
2 they traverse --

3 **A Yeah.**

4 Q -- their respective portions of the
5 network stack?

6 **A Uh-huh.**

7 Q It looks like all three of those data
8 media and voice are traversing a common physical
9 layer. Is that your interpretation of this slide?

10 **A That is my interpretation, yes.**

11 Q And does that mean that all three type
12 of data are transmitted and received using the
13 same hardware in HomeRF?

14 **A It's not clear that it's the same
15 hardware, but it's whatever the physical layer is
16 deciding to do.**

17 Q Okay.

18 **A I mean, you've overgeneralized what
19 physical layer is. Generally I would agree with
20 you, but I mean, to be specific, it's not.**

21 Q If we go down one page --

22 **A Uh-huh.**

23 Q -- to this document and look at the
24 center right, that slide is titled MAC layer
25 basics. And it looks like we have kind of timing

1 structure for the frames --

2 A Uh-huh.

3 Q -- of HomeRF?

4 A So what were you asking about HomeRF?
5 I don't understand the question.

6 Q I'm sorry. I haven't asked a question
7 yet. I wanted to make sure -- I was looking at
8 realtime trying to make sure I was understanding
9 you here.

10 I want to look at this, knowing what we
11 just saw, that data, media and voice all traverse
12 the same physical layer or share a common
13 physical layer?

14 A Uh-huh.

15 Q Does this suggest, you know, the
16 structure of -- the temporal structure of data
17 communications, that the data in voice calls are
18 transmitted and received together from a common
19 receiver transmitter?

20 A It would suggest that. And basically
21 they're in a common framing --

22 Q Okay. So --

23 A -- is what I interpret this to say, is
24 that the common framing contains both of those.

25 Q I see. Okay. If we go all the way

1 down to page seven in this document.

2 **A You skip all the fun stuff. Okay, go**
3 **on.**

4 Q In the top right cell there --

5 **A Uh-huh.**

6 Q -- a two-chip solution is what's being
7 described, and it depicts a single card with an
8 RFIC integrated base band chip.

9 **A Uh-huh.**

10 Q Flash memory?

11 **A Yeah.**

12 Q Do you know whether these HomeRF
13 chipsets were capable of supporting data streaming
14 media and total quality voice as is described in
15 this document?

16 **A I don't know that. I have never -- as**
17 **I said, in the past, I have not. I specified, but**
18 **I don't know what is actually down in the**
19 **nitty-gritty pieces.**

20 Q For a HomeRF voice path, the quality
21 voice that we see referenced in this document --

22 **A Yes.**

23 Q -- was the audio digitized in HomeRF?

24 **A Yes.**

25 Q Was the audio also encoded in HomeRF

1 before being sent in these frames?

2 **A Define encoded, please.**

3 Q Sure. Was there a CODEC that took --
4 converted an analogue audio into something like
5 G.711 or -- we're going to quickly exceed my
6 knowledge base.

7 **A That would be G.711, but yes, I**
8 **understand what you're saying.**

9 Q Okay. So G.711 is a known CODEC,
10 standardized CODEC, used for phonecalls?

11 **A It is, yes.**

12 Q Okay.

13 **A And basically the way DECT works is**
14 **that it takes a -- takes voice in, it encodes it,**
15 **it packages it onto this shared, shared wireless**
16 **LAN layer, and then when it comes out the other**
17 **side, it is decoded, and then put on -- then**
18 **generally put on the wire, or in some cases like**
19 **my -- the setup I have here, I can actually**
20 **intercom between two phones. So there it would be**
21 **switched around and sent back out, sent back out**
22 **over the wire, and then decoded in the handset.**

23 Q So in order to communicate voice on a
24 DECT channel in HomeRF, the audio would need to be
25 digitized and encoded?

1 **A Yes.**

2 Q Okay. Are you familiar with ADPCM?

3 **A I recognize the initials. Beyond**
4 **that, no.**

5 Q Okay.

6 **A I mean, I may know it by a longer**
7 **name, but not by the initials.**

8 Q That's fair. I may be able to --
9 adaptive differential pulse code modulation is
10 what I have in my notes.

11 Does that sound familiar?

12 **A That I am familiar with.**

13 Q Okay. And in that, the CODEC that is
14 applied in DECT then would be applied in any
15 HomeRF voice call?

16 **A It is one of the CODECs that can be**
17 **used, yes.**

18 Q Do you know whether Exhibit 2016
19 describes HomeRF as it existed in 2002?

20 **A The signaling protocol certainly has**
21 **not changed, but I do not know about some of the**
22 **higher-level stuff with it. I know that the**
23 **signaling protocol will not have changed at all.**

24 Q And so that would include the frame
25 structure and encoding the audio for a voice call?

1 A That's correct, yes. Well, the
2 encoding, as I said, is whatever you happen to do
3 with -- whatever you happen to do with it.

4 According to at the top of page two,
5 left-hand slide, it says that that's doing an
6 FSCK modulation management, encoding actually
7 onto the wire. But it's silent as to what the
8 digital encoding is.

9 Most of these -- in most cases, it uses
10 one of the adaptive protocols, like the one you
11 mentioned.

12 Q Sorry if I'm being a little slow on
13 the uptake here.

14 Can you walk me through the -- your
15 comment about the top of page two, left-hand side
16 that says --

17 A That's the previous note we were
18 talking about where you had the MAC layer on the
19 left-hand side and the physical layer on the
20 right-hand side, and you had a HomeRF frame.

21 And so then the question comes down to how
22 do you -- how do you encode the stuff onto that
23 wire?

24 And you -- DECT uses a -- generally uses a
25 variable encoding scheme, because the whole thing

1 about voice calls is that you want the call to be
2 relatively true to -- relatively as good as you
3 can get fidelity-wise.

4 So the stuff that comes in over a wireless
5 phone, over a PCM phone or GSM phone, for
6 example, is gonna be this variable rate encoded
7 thing, which you then decode into -- back into
8 voice, or you decode into -- or you decode into
9 something -- or you trans-code it into something
10 else, like a G.711. And then you do something
11 with that -- with that signal.

12 So the piece that I was mentioning is that
13 in each of the -- so you integrate the stuff into
14 the frame, into the framing, and then you
15 transmit it over the physical layer, and you
16 encode that -- you encode it again using FSCK.

17 And since we were talking about CODECs, I
18 wanted to be clear that there was multiple
19 encoding steps of various types here. Does that
20 make sense?

21 Q It does now, yes.

22 A Okay.

23 Q So the voice data is encoded and
24 placed into these frames. Then the frames,
25 including the voice data and potentially other

1 date, is modulated using a scheme like FSK?

2 A That's right.

3 Q By the transceiver?

4 A By whatever the transceiver does, yes.

5 Q And then blasted out as RF energy into
6 the home network?

7 A Yeah. And then received in reverse.

8 Q Got it. All right, very good. I
9 think that is all I have for you today,
10 Mr. Ginter. I appreciate your time.

11 A Okay.

12 MR. ALEXANDER: We'll take a
13 break. We may have some more followup.

14 (Recess.)

15 EXAMINATION

16 QUESTIONS BY MR. ALEXANDER:

17 Q Mr. Ginter, I have just a couple of
18 questions for you.

19 A Sure.

20 Q Can you look at the '648 patent,
21 please.

22 A Okay. Hang on a second. Get over to
23 it. Okay, got it.

24 Q So are you there?

25 A I need to get my glasses. Okay.

1 Q Once you have the '648 patent, can you
2 turn to column 11, please.

3 A Okay. I'm there.

4 Q And I'd like to direct your attention
5 to scenario three that begins around line 46.

6 A Uh-huh.

7 Q And then specifically option A that
8 begins at line 51.

9 A Right.

10 Q Do you recall offering some testimony
11 about this passage in the specification earlier?

12 A I did.

13 Q So in step A, the person points his
14 phone at one of the land/fixed line phones.

15 Do you see that?

16 A I do, yes.

17 Q Do you see in step B where it says,
18 The cell phone detects the said phone as busy?

19 A Uh-huh.

20 Q Do you understand that in that
21 process, the cell phone is detecting whether that
22 phone is present?

23 A I believe that that -- that is what
24 the phone is initially detecting, yes.

25 Q Have you done an analysis of the

1 specification and prosecution history of the '648
2 patent to reach an opinion on whether identifying
3 something as present necessarily satisfies the
4 claim language about identifying that device as
5 available?

6 **A I have not.**

7 Q And have you offered an opinion on the
8 appropriate construction of the term "available"?

9 **A I have not.**

10 Q Could you turn to your declaration,
11 please.

12 **A Okay.**

13 Q And could you turn to paragraph 42.

14 **A Paragraph 42. We were just here in**
15 **the last question. Yes.**

16 Q All right. You don't have to read it
17 out loud, but I'd like you to read paragraphs 42
18 through 44, and let me know once you've had a
19 chance to do that.

20 **A (Witness looking at exhibit.) I have**
21 **read that.**

22 Q Okay. Does the testimony stated in
23 paragraphs 42 through 44 accurately state your
24 testimony?

25 **A Yes.**

1 Q With your testimony here during this
2 deposition, did you intend to offer any testimony
3 inconsistent with your opinions expressed in
4 paragraphs 42 through 44?

5 A **No. I believe that -- I believe what**
6 **I said was consistent.**

7 MR. HART: Objection, leading.

8 Q (By Mr. Alexander) Did you intend
9 today to offer any testimony inconsistent with
10 your testimony stated in paragraphs 42 through
11 44?

12 MR. HART: Objection, form.
13 Objection, leading.

14 A **No, I did not intend to offer anything**
15 **that was -- that contradicted what was originally**
16 **done in my declaration.**

17 Q (By Mr. Hart) Do you believe you
18 offered any testimony inconsistent with
19 paragraphs 42 through 44?

20 A **I don't believe so.**

21 MR. HART: Objection, leading.

22 A **I don't believe so.**

23 MR. ALEXANDER: Mr. Hart, I'm
24 happy to have a discussion with you about the
25 leading. I don't think that's leading. But if

1 you have a specific problem with it, I'd like to
2 understand your objection so I can try to rephrase
3 the question to avoid your objection.

4 MR. HART: Well, certainly the
5 form objection is based on the ambiguity of your
6 question. The witness elaborated on these
7 paragraphs and provided additional testimony. You
8 know, you can't just wipe that away off the
9 transcript by asking him to confirm that he did
10 not intend to say what he said.

11 So I'm not sure what the intent of that
12 was. I don't really understand what it means
13 based on your question.

14 But the leading questions, I mean, you've
15 been asking nothing but yes or no questions since
16 we got back on the record as your redirect, which
17 is improper.

18 MR. ALEXANDER: I don't think a
19 yes or no question is necessarily leading, but I
20 thank you for stating your position.

21 Q (By Mr. Alexander) Mr. Ginter, could
22 you read paragraph 43 of your declaration,
23 please.

24 A Sure. Out loud or?

25 Q Out loud, please.

1 **A Okay. It appears that the institution**
2 **decision that interprets claim 1(b) as though it**
3 **said identifying the one or more devices may or**
4 **may not be available. This would effectively**
5 **nullify the term "available" and make its use**
6 **superfluous.**

7 **For example, to use an analogy, consider a**
8 **parking lot attendant who is told to go into the**
9 **lot and identify a blue car. If he looked off**
10 **into a dark corner of the lot and said I can tell**
11 **there's a car over there, but I have no idea if**
12 **it's blue or not, he would surely not have**
13 **fulfilled the task. He would not have actually**
14 **identified a blue car, even if the car happened**
15 **to be blue. End of paragraph.**

16 **Q Can you explain why you believe that**
17 **it would be incorrect to interpret Claim 1(b) as**
18 **though it said identifying one or more devices**
19 **that may or may not be available?**

20 **A Sure. So I'll use the case of -- I'll**
21 **use an example of Bluetooth. And I believe I've**
22 **mentioned this earlier in the discussion.**

23 **But so I can have multiple devices**
24 **registered with the -- with, for example, the**
25 **handset. And those devices may or may not be**

1 anywhere close. And I used the example of my
2 headset and my truck earlier today.

3 So in both, that would be a case of where
4 my truck would be known about but would not be
5 available because it was not actively responding.

6 In the second case, I may have a -- it
7 depends on where you define the word "available."
8 I may have a device that is present and has --
9 but is currently busy but could certainly service
10 the request. And, you know, in both cases those
11 are things that could work out.

12 And to service the request is probably the
13 more -- the one that's a little bit, you know,
14 may be ambiguous in the world, because whether or
15 not, you know, digital request immediate or not.

16 Q I think, Mr. Ginter, I don't have any
17 further questions.

18 A Okay.

19 EXAMINATION

20 QUESTIONS BY MR. HART:

21 Q Mr. Ginter, in paragraph 42, you
22 discuss the board's institution decision and their
23 conclusion.

24 A Uh-huh.

25 Q About the meaning of limitation 1(b)

1 with respect to identifying devices as available.

2 How did you interpret the board's -- the
3 meaning the board attributed to the term
4 "available"?

5 A My understanding, my reading of the
6 board's piece, I actually set out in paragraph 44
7 for you. But that the -- they were using the
8 definition, which means -- which I would use the
9 words "instantly available."

10 But, for example, even with a phone, your
11 phone may not be -- you may be on a call, but you
12 have call waiting. And therefore you are
13 available but not necessarily instantly
14 available.

15 And I think the board went over -- I think
16 the board over-construed the word "available."

17 Q Okay. So in your opinion, the claims,
18 specifically limitation 1(b), does not require
19 that the mobile device identifies another device
20 that is instantly available to serve as a sync for
21 rerouted media. Is that right?

22 MR. ALEXANDER: Objection. Object
23 to outside of scope of direct.

24 A Repeat the question if you want me to
25 answer it.

1 Q (By Mr. Hart) Sure. In your opinion,
2 limitation 1(b) does not require that the mobile
3 device identifies another device that is
4 instantly available to serve as a sync for
5 rerouted media. Is that right?

6 A I do not --

7 MR. ALEXANDER: Same objection.

8 A I don't believe that it requires that
9 it be fully available.

10 Q (By Mr. Hart) Okay. If the mobile
11 device identifies another device that it can
12 communicate with --

13 A Uh-huh.

14 Q -- has it identified that device as
15 available?

16 MR. ALEXANDER: Objection, outside
17 the scope of the direct testimony.

18 A Define "communicate with," please.

19 Q (By Mr. Hart) Sure. Send a message
20 to and receive a message from.

21 A Depends on -- that comes back to
22 implementation dependency of, what does the
23 message -- what is the message you're sending?

24 Q Well, what do you believe is required
25 of those messages for the mobile device to have

1 identified another device that is available
2 pursuant to limitation 1(b)?

3 MR. ALEXANDER: Objection, outside
4 the scope of the direct testimony.

5 A So the issue comes down to in 1(b)
6 there's two parts to that: Available devices and
7 compatible devices.

8 If you look at the claim language, it says
9 one or more available devices compatible with.
10 Are you asking me about the available,
11 availability side, or the compatibility side, or
12 something else?

13 Q (By Mr. Hart) Let's assume for the
14 sake of this question that the mobile device
15 knows that the device it is communicating with is
16 compatible. So we're just talking about
17 availability.

18 A Okay.

19 Q What is required of the communication
20 between the mobile device and the other device
21 known to be compatible in order for the mobile
22 device to have identified that device as available
23 pursuant to limitation 1(b)?

24 A Okay.

25 MR. ALEXANDER: Objection, outside

1 the scope of the witness' direct testimony.

2 A You have to have established that
3 there is a round trip communication, that the
4 device is actually present and turned on and
5 working.

6 And, you know, and then that's pretty much
7 what you have to -- what you have to establish.

8 Q (By Mr. Hart) Okay. Nothing more
9 from Petitioner Apple. Thanks again for your
10 time, Mr. Ginter.

11 THE REPORTER: Do you want to
12 order a copy of transcript?

13 MR. ALEXANDER: I'll follow up
14 with you by email if I want to order one.

15 THE REPORTER: Is there a
16 provision for signature?

17 MR. ALEXANDER: We'll reserve the
18 right to read and sign. Thank you.

19 (The witness was excused, and
20 the deposition ended at 3:14 p.m.)
21
22
23
24
25

CERTIFICATE OF REPORTER

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



Certified Court Reporter
State of Missouri No. 254

Certified Shorthand Reporter
State of Kansas No. 1613

1 I, KARL GINTER, do hereby certify:
2 That I have read the foregoing deposition;
3 That I have made such changes in form
4 and/or substance to the within deposition as
5 might be necessary to render the same true and
6 correct;
7 That having made such changes thereon, I
8 hereby subscribe my name to the deposition.
9 I declare under penalty of perjury that
10 the foregoing is true and correct.
11
12 Executed the _____ day of _____,
13 20____, at
14 _____.
15
16 _____.
17
18
19 My Commission Expires:
20 _____
21 Notary Public:
22 _____
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24
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In Re: APPLE INC. v. S.M.R. INNOVATIONS, ET AL.

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Reporter: Sandra Tippins

Lexitas Legal
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Kansas City, Missouri 64108

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

August 7, 2025

MR. CORTNEY ALEXANDER
KENT RISLEY
cortneyalexander@kentrisley.com

In Re: Apple vs. S.M.R., et al.

Dear Mr. Alexander:

Please find enclosed a copy of the deposition
of KARL GINTER, taken on August 5, 2025,
in the above-referenced case. Also enclosed is
the original signature page and errata sheets.

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

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

Thank you for your attention to this matter.

Sincerely,

Saundra Tippins

CC: Mr. Paul R. Hart

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