

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF OREGON

3 EUGENE DIVISION

4
5 ADASA INC.,)
6)
7 Plaintiff,) No. 6:17-cv-01685-MK
8 vs.) July 12, 2023
9 AVERY DENNISON CORPORATION,) Eugene, Oregon
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13 TRANSCRIPT OF PROCEEDINGS

14 (Trial - Day 2)

15
16 BEFORE THE HONORABLE MUSTAFA T. KASUBHAI

17 UNITED STATES DISTRICT COURT MAGISTRATE JUDGE

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23 Court Reporter: Ryan White, RMR, CRR, CSR/CCR
24 United States District Courthouse
25 1000 SW 3rd Avenue, Room 301
Portland, Oregon 97204
(503) 326-8184

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Q. Now, previously you talked about how Accu-Sort segmented barcodes and carried that over. Does this SGTIN-96 standard discuss segmenting the serial number?

A. It does not. It leaves it open to the -- the person -- person's organization implementing the serialization process.

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So this slide, figure 20A, a portion of figure 20A, we show the EPC encoding where an administrator is going to select the number of bits in the RFID labels, the RFID tags that have been loaded into the RFID printer and coder. So that's under figure 20A. So an administrator might select 64 bits or 96 bits.

Additionally, in figure 31F or -- we have the RFID encoding type that's selected, and the administrator may select the SGTIN or SSCC or whatever is required for that account.

Q. And by selecting that length of bits and that formatting standard, would that specify what different fields were being encoded in the number that's encoded onto the RFID tag?

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Q. Now, you'll agree with me, sir, that your patent doesn't discuss data structures, does it?

A. It does not -- it does not explicitly speak to data structures.

Q. Thank you.

A. It speaks to --

Q. Thank you. You've answered my question.
Does your patent explicitly mention most significant bits?

A. It mentions least significant bits.

Q. That's not my question, sir. Just answer my question.
Does the patent use the words "most significant bits"?

A. It does not.

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Q. So you do not discuss the protocols for the different
standard types that then can be used within the binary data

1 structure, do you?

2 A. We do not discuss the EPCglobal schema standard, no.

3 Q. So you would have to go to another document to find
4 that structure; right?

5 A. You would have to go to the EPCglobal standards to
6 read the EPCglobal standards.

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C E R T I F I C A T E

I certify, by signing below, that the foregoing is a true and correct transcript of the record, taken by stenographic means, of the proceedings in the above-titled cause. A transcript without an original signature, conformed signature, or digitally signed signature is not certified.

DATED this 13th day of July, 2023.

// Ryan White

RYAN WHITE
Registered Merit Reporter
Certified Realtime Reporter
Expires 9/30/2025
Oregon CSR No. 10-0419
Expires 12/31/2023

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8 vs.) July 13, 2023
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13 TRANSCRIPT OF PROCEEDINGS

14 (Trial - Day 3)

15
16 BEFORE THE HONORABLE MUSTAFA T. KASUBHAI

17 UNITED STATES DISTRICT COURT MAGISTRATE JUDGE

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Q. So to understand your argument about Mr. Kuhno's patent, do you have some reason to disbelieve Mr. Kuhno's testimony that his patented system encoded RFID tags according to the SGTIN-96 standard?

A. In looking at the patent itself and what the patent discloses, it actually explicitly discloses that the encodings are beyond the scope of the patent and therefore does not disclose or discuss them.

1 Q. And it's up to the manufacturer, or some company that
2 it subcontracts with, to make RFID tags to decide how that
3 serial number space is used; right?

4 A. It is up to the company, or whoever's designated
5 appropriately, to determine the allocation of the serial
6 numbers.

7 Q. So that's not something that is required under the EPC
8 tag standard, a particular way of using the serial number space;
9 right?

10 A. It requires that they remain unique, but it does not
11 specify how the serial numbers must be assigned.

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DATED this 16th day of July, 2023.

// Ryan White

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Oregon CSR No. 10-0419
Expires 12/31/2023

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

ADASA INC.,	)	
	)	
Plaintiff,	)	No. 6:17-cv-01685-MK
	)	
v.	)	July 17, 2023
	)	
AVERY DENNISON CORP.,	)	Eugene, Oregon
	)	
Defendant.	)	

TRANSCRIPT OF PROCEEDINGS

(Jury Trial - Day 5)

BEFORE THE HONORABLE MUSTAFA T. KASUBHAI
UNITED STATES DISTRICT COURT MAGISTRATE JUDGE

COURT REPORTER:

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A. The patent is really written more like a user manual than -- it really is written very much like a user manual.

Q. And was the system at the time for this user manual patent, was it written to use existing standards in 2006 when it was first filed or was it talking about new systems?

A. In terms of the RFID technology, it's talking about existing systems.

Q. And was the Kuhno patent concerned with current standards or developing a new standard?

A. It was discussing using current standards.

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3 Q. And so did you see any disclosure of a binary encoding
4 in the Kuhno patent?

5 A. The Kuhno patent does not discuss the binary encodings
6 of the EPC.

7 Q. After reading the Kuhno patent, as one skilled in the
8 art, do you have any way of knowing how to actually produce the
9 serial number that goes on the label on the box?

10 A. There is no discussion of how to go from a decimal
11 number to a binary number that would ultimately be written.

12 Q. And why is that important to your analysis for this
13 case?

14 A. So this case is all about most significant bits, again,
15 looking at the RFID tag and the structure of that tag from a bit
16 level or specific memory location and information perspective.
17 And this passage from Kuhno explicitly says it is unconcerned
18 with that.

19 Q. And so does anywhere in this patent teach most
20 significant bits and least significant bits as those terms are
21 used in Claim 1 of the '967 Patent?

22 A. No, it does not.

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1 A. So, again, this is just saying for the broad, the
2 complete EPC encoding, you have a total of 64 bits. It doesn't
3 say how they're arranged or how the information is otherwise
4 encoded within those bits. It just says you have 64 bits.

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17 A. So as we discussed and showed, the Kuhno patent
18 explicitly avoids discussing the actual encodings or bit level
19 representations. It simply discusses numbers that are in
20 digital, decimal form, and all numbers are entered in decimal
21 form in the user interface, it discusses using them in decimal
22 form, and it completely avoids talking about how things are
23 encoded within the tags themselves, and explicitly says that it's
24 not going to talk about them. And, in fact, it does not talk
25 about them.

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DATED this 27th day of July 2023.

/s/ Kellie M. Humiston

Kellie M. Humiston, RMR, CRR
Official Court Reporter
Certificates Expire: 9/2024