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

TESLA, INC., Petitioner,	)	
vs.	)	Review Case No. IPR2025-00032
	)	U.S. Patent No. 11,563,338
CHARGE FUSION TECHNOLOGIES, LLC, Patent Owner.	)	

VIDEOCONFERENCE DEPOSITION OF DR. STEVEN GOLDBERG
TAKEN ON BEHALF OF THE PETITIONER
NOVEMBER 3, 2025

VIDEOCONFERENCE DEPOSITION OF DR. STEVEN GOLDBERG, produced, sworn, and examined on the 3rd day of November 2025, between the hours of 9:00 o'clock in the forenoon and 6:00 o'clock in the evening of that date via Zoom videoconference, before KARA D. INCE, a Certified Court Reporter within and for the State of Missouri, in a certain cause now pending UNITED STATES PATENT AND TRADEMARK OFFICE, BEFORE THE PATENT TRIAL AND APPEAL BOARD, wherein TESLA, INC., is the Petitioner and CHARGE FUSION TECHNOLOGIES, LLC, is the Patent Owner.

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* * * * *

(The deposition commenced at 10:00 a.m.)

THE COURT REPORTER: We are on the record. My name is Kara Ince. I am a Missouri Certified Court Reporter, CCR License No. 1348. Today's date is November 3, 2025. Will the witness please raise their right hand.

DR. STEVEN GOLDBERG,

of lawful age, being produced, sworn, and examined on behalf of the Petitioner, deposes and says:

MS. RAW: Let's begin with introductions just for the record. So I'm Lydia Raw from Erise IP representing Tesla, Inc., the Petitioner today.

MR. TECCE: And my name is Fred Tecce from Altima Advisors, and I represent the patent owner.

EXAMINATION

BY MS. RAW:

Q. Okay. Good morning, Dr. Goldberg.

A. Good morning.

Q. Can you just state your location for the record today.

A. I'm in Cupertino, California, C-U-P-E-R-T-I-N-O.

Q. Okay. And I understand you've been deposed many times; is that correct?

A. That's correct.
Q. And many of those depositions were virtual; is that correct?
A. A number of them were, yeah, after the pandemic.
Q. Okay. So just a few ground rules, which I'm sure are very familiar to you. We do have a court reporter today who is taking down what everyone's saying. Because of that, I'm going to be really intentional to not talk over you, and I'd ask you to do the same just so that we have a clear record, and we make the court reporter's job easier; fair?
A. That's -- that sounds like a good plan.
Q. All right. And I usually take breaks about every hour. If you want to take breaks sooner than that, just let me know. I just ask if I have a pending question, that you go ahead and answer that pending question before we take a break; all right?
A. That sounds good too.
Q. All right. And if for any reason today you can't understand one of my questions or there's something about it you need clarification on, I ask that you let me know so that I can provide that clarification, and we can have a clear record.

Can you do that for me?

A. Yes, I can.

Q. All right. And, finally, if you do provide an answer to my question, I'm going to understand that you did understand my question; is that fair?

A. Yes.

Q. All right. Is there any reason you couldn't provide complete truthful testimony today?

A. There is not.

Q. All right. Do you have anything that you've brought with you to your deposition today? Any paper or electronic copies of anything?

A. Okay. So my understanding -- I did get an email that was forwarded to me -- I think, from your side -- that asked that I have electronic -- clean electronic copies of my declaration; so I have a PDF. The patent, I have a PDF of that, and I have PDFs of all the prior art that was asser- -- or offered up in the case.

On my desk, I do have some papers, but nothing is visible related to this case. I've got my notebooks stacked up away from me. I'm just looking at the screen, and I'll take guidance from you as to what to look for.

Q. Okay. Perfect.

And I know you've done a lot of IPRs before; so all those documents that you just mentioned that you have in PDF, you understand that they either have a paper number or an exhibit number on them? Are you familiar with that labeling?

A. Oh, well, mine don't because I -- mine are just on my computer, but I do understand that there are exhibit numbers associated with them.

(Deposition Exhibit No. 2002 was marked for identification.)

BY MS. RAW:

Q. Okay. So, for example, the PDF of your declaration that you have?

A. Is Exhibit 2002, maybe, something like that.

Q. Yes.

A. Some of the I summarized -- some I memorized.

Q. Okay. Does it say -- does your copy say "Exhibit 2002" at the bottom of it?

A. One moment. I'm just going to minimize the video screen. I'll move over so I can open up simultaneously what you just asked for.

Okay. What I have in front of me, it's --

it does have in the lower right-hand corner "Exhibit 2002." Counsel did send me this copy. So ...

Q. Perfect. Perfect.

And all of those PDFs that you have, they're all clean; right? They have no notes or highlighting that you've added to them?

A. Oh, no, I mean, I --

Q. Perfect.

A. -- I probably -- they're the ones I downloaded from Google or something. They don't -- I don't mark on any PDFs, no.

Q. Okay. Perfect.

All right. So how I do IPR depositions, I just ask that if at any point you want to reference any of these documents in that clean folder of PDFs you have, that's fine, just let me know so that I know what you're looking at, and the record is clear as to what you're looking at; is that fair?

A. It is.

Q. All right. Perfect.

So hit- -- sitting here today, are you aware of any inaccuracies in your declaration in this case?

A. Well, I -- I committed one to memory,

Paragraph -- it's not an inaccuracy. It's a grammatical error. So there's no issue with the -- the -- it just -- how it's read. So if you go to Exhibit 2002, Paragraph 30, I stated in the second sentence, "I disagree with," and then later, said, "Is irrelevant." You can just eliminate "I disagree with."

Q. Okay.

A. It's just I -- I doubly stated my position. That's all I know of.

Q. Okay. All right. Can you, please, look at Paragraph 16 of your declaration.

A. Yes.

Q. Okay. And Paragraph 16 lists the documents that you considered in preparing this declaration; correct?

A. Yes.

Q. Are there any other documents that you considered in writing this declaration that aren't either listed here or, specifically, referenced, for example, in a footnote later in the declaration?

A. Well, sitting here today, I -- everything that I looked at should be -- should be either listed here in Paragraph 16 or other places in the -- in the -- in the document. I don't --

sitting here, I don't know of any others that I didn't mention.

Q. Okay. Can you turn to Paragraph 24, please.

A. Sure. Okay.

Q. All right. Do you see that Paragraph 24 sets out that counsel told you to assume the priority date is July 11 of 2008?

A. I see that sentence, yes.

Q. Is that accurate? Is that the priority date you applied for purposes of your declaration?

A. I -- I don't -- there's no reason for me to think that that's not a true statement. It's in my report. I stand by my report.

Q. Okay. Before July 11 of 2008, had you done any work on electric vehicles?

A. Well, there weren't a lot of -- I worked at Trimble Navigation where I worked on tracking systems and communications systems and location systems for vehicles, and I worked on lots of different fleets. I don't recall if any of them were electric or not.

But during that period of time, I was very closely tied to the -- in that position, to the automotive industry and to the fleet tracking

industry, and there may have been electric vehicles. That wasn't the focus of what I was doing at that time.

Q. Okay. When was your first experience working on an electric vehicle?

A. Would you say -- okay. I guess I want to understand the question, please.

When you say "working on," what -- what do you mean by that?

Q. Sure. When was the first time that you had a job where either analyzing or designing something for an electric vehicle was part of your job?

A. Well, a lot of the things that I worked on would have worked on gasoline or internal combustion engine vehicles or electric vehicles. So a lot of the things that I did related to both.

So if you're asking did I work on something that could be used in electric vehicles years ago, I'm -- so communication systems, tracking systems, whatever.

Q. So -- well, I was asking specifically was when you first worked on something that was used on an electric vehicle, not that could have been used on an electric vehicle.

A. Well, I don't -- again, I mean, in many of the jobs I worked -- I -- you know, where I was employed, the products were purchased by vendors that could have put them in any vehicles. So I don't know what the end users used my products for. I never worked for an automotive company. I was a board member of automotive companies, but as an engineer, I never worked for an automotive company; so therefore, I don't know what people used my products for. So I couldn't tell you.

Q. Okay. Have you ever worked on the design of an electric vehicle charging system?

A. Well -- so, again, as an engineer, I'm trying -- I'm trying to recall. The first thing that comes into my mind, I was on the board of directors of Lucid Motors for five years, from 2013 to 2018. And I was -- I wasn't involved with engineering; I was on the board of directors. But I'm a technical guy, and it was a startup company. And there were many conversations about charging and charging systems that happened between me and management and sometimes at the board level, just in terms of what features the car was going to have. So I did at that time.

Prior to that -- I don't -- I -- I don't

recall. I might point out that from 2009 to present day, my day job has been -- well -- I -- I was the -- my first CEO position was in -- I'm sorry -- in approximately -- let's see -- I'll have to look back at my resume, but it's just right around 1997, 1998.

But I was the CEO of four early-stage companies, and one of the investors in one of the companies invited me to join their firm as a venture capitalist, where I was kind of the deep tech guy. And from about 2009 to present day, I look at hundreds and hundreds of different technologies that I've looked at a lot of electric vehicle deals, and that's been one of the things that I've looked at.

And during that -- during evaluations of whether or not we make an investment, I was often the person who did the technical diligence on the vehicles.

Now, you're asking me about -- you asked me different questions at different times. You asked me if I've ever -- many, many, many times I've worked on electric vehicle analysis in terms of did the technologies perform the way they promised and that sort of thing.

But most of that happened after 2009,

after I joined as a venture capitalist. Before that, I did consulting with ventures -- with the venture folks. I just don't remember if it was ever about electric systems.

Q. Have you ever designed a graphical user interface for an electric vehicle?

A. I don't think so, no.

Q. Okay. Have you ever designed an HVAC system for an electric vehicle?

A. Well, I don't think so, no.

Q. Okay. In Paragraph -- back to your declaration, in Paragraph 17 through 23?

A. I'm sorry.

Q. So I'm at -- in your declaration, starting at paragraph 17?

A. Yes, I'm there.

Q. Okay. Perfect -- perfect.

So in Paragraph 17 through 23 of your declaration, do you see that that's the legal framework section of your declaration?

A. I do.

Q. Okay. And just confirming, that accurately sets out the legal framework you applied when rendering your opinions in this case; is that correct?

A. Well, these -- this is all guidance I had received from counsel. I either used the words I understand or I've been informed. I'm not an attorney, and I -- I'm assuming that it's accurate and is -- generally from my -- I've done this many, many times. I -- I'm generally comfortable with what -- what's presented here.

Q. Okay. In Paragraph 24, which was the paragraph we looked at a moment ago about the level of a person of ordinary skill in the art.

Do you see that paragraph?

A. I do.

Q. Do you see that your definition doesn't mention electric vehicles in it?

A. What -- are you referring to the first sentence of Paragraph 25?

Q. Apologies. Yes. Let me reask that. Thank you for clarification.

So in Paragraph 25, do you see that you set out -- it begins, "In my opinion, and for purposes of this petition, a POSITA at the time of the claimed invention of the '338 Patent would have had," and, then, you set out a definition of POSITA.

Do you see that?

A. I do.

Q. Okay. Do you see that that definition doesn't refer to an electric vehicle?

A. Well, I disagree. It says, "Testing of automotive systems."

Q. Are automotive systems necessarily a reference to electric vehicles?

A. Automotive systems is a very broad term. I didn't come today with a construction of automotive systems, but my -- my general understanding is that it refers to all automotive systems.

Q. Sure.

So -- and I want to make sure I'm understanding you accurately. You're saying automotive systems can include electric vehicles --

A. Of course.

Q. -- right?

A. Of course, they can.

Q. Okay. But automotive systems could also include gas-powered vehicles; correct?

A. It could. Yeah.

Q. Okay. So is it fair to say that in the definition of POSITA set out in Paragraph 25, that definition could be met by someone that doesn't necessarily have electric vehicle experience?

A. Well, what I said there was automotive systems, embedded systems or equivalent -- yeah. I think -- I think the important point to note here is electric vehicles are -- consist of electric motors and batteries, which people with an engineering degrees generally spend some time talking about electromagnetics, charging, batteries, current flow, concept of charge and current.

So I think the combination of the engineering discipline and automotive systems kind of covers the areas that would include electric vehicles.

Q. Are you familiar with how to measure the charge capacity of a battery?

A. That -- am I familiar with -- I'm certainly familiar with techniques. Didn't come prepared to give an engineering presentation.

So I guess the short answer would be, yes, it's a combination of -- and just -- just for the record, I'm on the board of directors of a lithium ion battery company for electric vehicles, Solid Power. I'm sure you saw that in my resume. So I -- I just came back from a board meeting from -- on that company. And the issues of battery capacity, energy density, charging rate, these are things that

I talk about all the time.

So am I familiar -- there's electrochemistry involved. There's, you know, conductivity of the materials. It's a fairly complex issue. So am I familiar with it? Yes. I'm not an electric chemist.

Q. Okay. Would you agree that a POSITA that's a -- the priority date of the '338 Patent would also have been familiar with how to measure the capacity of a battery?

A. I'm not sure I understand the question.

Q. Sure.

So at the time of the '338 Patent, would a POSITA have been familiar with how to measure the charge capacity of a battery?

A. Again, the question sort of -- I'm not sure what, specifically, you'd like -- when you say "measure the capacity," are you saying measure the amount of -- of charge in the battery, or measure the theoretical capacity of a given battery chemistry, which is more of an electric chemistry question, which doesn't have anything to do with these patents.

So I'm not sure, are you -- respectfully, I'm just trying to understand. Are you asking the

context of these patents as it relates to capacity? Are you asking in terms of an electric chemist saying a given lead acid or a lithium ion or some type of battery would have a certain capacity, again, which in my mind is outside the scope of these patents. I'm just not sure what your question is.

Q. Yeah. Thank you for that clarification. That -- that actually quite helps me understand what your issue is.

So my question would be whether a POSITA would be able to measure the total capacity of a battery at the time of the '338 Patent?

MR. TECCE: Object to the form.

A. I would give the same answer. I'm -- total capacity is the same as capacity. The capacity is, you know, kind of what the -- what the technology will achieve. Total capacity is almost redundant.

BY MS. RAW:

Q. Okay. So, then, would a POSITA have been capable of measuring the capacity of a battery at the time of the '338 Patent?

A. Are you -- again, I don't understand the question.

Are you asking in the -- in the context of electric chemistry if a POSITA would be able to go into a lab, analyze the chemicals, analyze the materials and make a determination of what the capacity of a given battery was that came off a production line, or are you asking about was the battery charged to capacity and had a certain amount of charge within it?

Q. The second one. So I'm asking about if a POSITA has a battery in a vehicle they're working on and that battery is at max charge, would that POSITA be able to measure how much that max charge is for that battery?

A. I -- again, I'm struggling with the question because I'm used to using the term POSITA in a certain context in terms of a POSITA -- I work -- as you know, I've worked on many patent cases for 17 years or so, and I always use the concept of POSITA, a person of ordinary skill in the art, understanding the patent when they read it, and understanding we all use -- and they read it, could they understand how it was built, did they understand the language, you know, that sort of thing.

I'm -- I'm confused as to your question,

would a POSITA been able to design a battery with a certain capacity -- I -- I just don't understand how that relates to a POSITA, what a POSITA does.

As a matter of fact, in Paragraph 24, I say, "In determining the characteristics of a hypothetical POSITA of the '338 Patent, I considered several factors, including types of problems encountered in the art, solutions to these problems, the rapidity of which the innovations are made, the education level of the active workers."

I didn't say anything about being able to sit down and design a battery.

Q. My question had nothing to do with the design of the battery; so let's see if I can clarify that further.

My question is: Whether a POSITA working on a vehicle that has a battery in it could measure that maximum charge that that battery is capable of holding?

MR. TECCE: Object to the form.

A. The question is -- and, respectfully, is malformed. You don't measure the capacity. You -- you can determine the capacity based on the chemistry. You would measure an amount of charge.

So the question, the way it was asked,

isn't correct -- again, respectfully, isn't correct from an electrical engineering perspective.

BY MS. RAW:

Q. Could a POSITA, working on a vehicle with a battery in it, measure how much charge is in the battery when the vehicle -- or when the battery is charged to its maximum charge?

MR. TECCE: Object to the form.

A. So it's -- it sort of depends on the battery chemistry. Some battery chemistries, you can do it by the actual amount of voltage that's on the battery -- you could -- that relates in some way to the capacity. There's probably -- it's probably correlated some way to the actual rate of discharge at a given time. It's a fairly -- the bottom line is: Without knowing the specifics, it's kind of a hypothetical. I just don't know.

BY MS. RAW:

Q. Have you ever owned an electric vehicle?

A. I have not.

Q. Okay. Have you ever rented an electric vehicle?

A. My son has an electric vehicle; so I -- I ... And, again, I've -- I've been on the -- I was on the board of an electric vehicle company for

five years and, you know, know quite a bit about them.

Q. Have you ever charged an electric vehicle?

A. Me, personally? I don't think I've ever plugged in a plug to an electric vehicle, no.

Q. Okay. Is the capacity of a battery impacted by how old the battery is?

A. It is.

Q. Is the capacity of a battery impacted by the temperature?

A. It is.

Q. Okay. And if you'll go to Paragraph 29 of your declaration, please.

A. Yes.

Q. All right. Do you see that the last sentence -- the last complete sentence on page 15 of your declaration says, The '338 Patent makes clear that charge amount, i.e., the claimed amount of charge is different from charge level, which may include distance of travel.

Do you see that sentence?

A. I do.

Q. Is it your opinion that charge amount is always different from charge level?

A. In the context of the patent, they're

different.

Q. Okay. What is a charge level in the context of the '338 Patent?

A. I'm going to open up the '338 Patent now.

Q. Okay.

MS. RAW: I'll state, for the record, that in the IPR, this is Exhibit 1001.

(Deposition Exhibit No. 1001 was marked for identification.)

BY MS. RAW:

Q. When you get there, can you, please, tell me what column you're at.

A. I will. I'm looking now. I'm doing an electronic search on charge; so I can quickly get to the places I need to find.

Q. Okay. That's why I love the electronic copies.

A. Me -- me too -- me too.

So could you ask the question again.

Q. Yep.

What is a charge level in the context of the '338 Patent?

A. Well, I'll just start -- I'm not reading from the patent -- I'll just start by saying that a person of ordinary skill in the art -- well, early

on in the patent, it talks about charging, and I guess it's just important -- there are -- I acknowledge that there's a lot of terms that are one-word different in this patent, you know; charging level, charging range level, charging, amount of charge. So it's -- it's very important just to have a high level -- my opinion, and a POSITA reading this patent, we first kind of look at a high-level understanding of the entire concept. So the battery has charge. There's a certain number of coulombs, a measure of charge in the battery, and when you're -- when you're charging the battery, you put electric current in, which is so many coulombs per second. And, then, when you charge the battery -- even Mr. Andrews, in his deposition, talked about -- and I can go to the quote -- but he -- it -- just, generally speaking, talked about the amount of charge as being the energy -- the number of coulombs -- the charge in the battery.

So there's no -- there doesn't seem to be any difference between, the two experts at least, on what's in the battery is charge. So when you say "charge level," if you're not referring to a specific sentence in the patent, I can just say outside the patent, there's as a person of ordinary

skill in the art or someone with greater than person -- greater than a POSITA understanding, is the level would relate to the amount of charge in the battery.

Q. Okay. What's in the context of the '338 Patent does a charge range?

A. There's a section about that in the -- in the patent. Again, in the patent, if you go to Figure -- well, let me just see if I can find that in the patent itself.

Okay. The top of Column 15, Line 1, it does talk about the user -- I'm quoting from the patent -- The user may also or alternatively view and/or change the desired charge range level -- level, 720, an estimate of how far the vehicle can trav- -- an estimate of how far the vehicle can travel on a given charge amount, which may be a general average and/or maybe computed based on a specific itinerary or past driving habits, can be determined, and it goes on.

So, here, it talks about it -- and if you go to Figure 7, and look at that Identifier 720, which is this -- they talk about charge range level -- it's related to the amount of charge, but it's an estimate, and it's determined.

Q. So looking at Figure 7, would you agree that 720 shows that a user set a charge range of 110 miles?

A. No.

Q. Okay. What do you disagree with in my sentence?

A. You have to go back to the -- the patent where it talks about that's a computed -- that's an estimated and computed number based on the amount of charge and the charge level.

Q. Okay. So in your view, 110 miles is not what the user chose to set in the context of Figure 7?

A. That's an estimated number based on just same answer.

Q. Okay.

A. One second, please, too. Here, I'm going to -- go ahead.

Q. Okay. Would it have been within the skill level of a POSITA to create a charging system that could charge a vehicle so it had enough charge to go 110 miles?

A. Again, I think as a POSITA reading this patent, it's very important to understand the context of the patent. And, again, I -- I talked

about this -- this is not exactly the answer to your question, but it's related -- and that is: All of these definitions apply to the embodiments and the invention and the patent, and, for example, we have a situation -- if you go to Paragraph 33 ...

Q. Paragraph 33 of what?

A. Of my declaration. Sorry. Maybe it's not. It's, like, Paragraph 33, 34, and 35. I won't read them at the moment, but the whole concept here is that you have a system that encompasses all the embodiments of the patent by entering mileage. It doesn't relate at all to how long you would keep the air conditioning on to support a temperature for a pet, for example. It's inconsistent with that embodiment.

So, in my opinion, a POSITA would read these definitions to understand how they would work in the concept -- in the concept of the patent and the embodiments of the patent.

Q. Okay. Because I'm still unclear what your answer is to the question I'm -- I asked, I'm going to ask it again.

So would it have been within the skill of a POSITA to create a charging system that could charge a vehicle so it had enough charge to go

110 miles?

MR. TECCE: Object to the form.

A. Again, you're kind of -- you're ask- -- I didn't -- define a POSITA -- you know, when you talk about designing a system from scratch, it requires -- the POSITA -- I gave a definition of a hypothetical POSITA, and I'll go back to that. Let me -- I'm in my report again. I think I'm going back to Paragraph 24 or 23.

(Reporter admonishment.)

THE WITNESS: I was talking to myself. I apologize. I will speak up.

THE COURT REPORTER: Thank you.

THE WITNESS: You're welcome.

A. Yeah, I -- again, I'm not an attorney. I -- it wasn't my expectation that a POSITA reading this patent would independently have the ability to design some hypothetical arbitrary system, which I think is your question. I -- I understand that a POSITA has to understand the patent, has to be able to take the invention, and has to be able to create it, and design it based on the patent, there has to be some guidance. It seemed like the question you're asking is: Sitting in a closed room with no other information, would a POSITA be able to design

some system? That's a pretty high bar for an ar- -- some hypothetical system. I --

BY MS. RAW:

Q. Will you, please, go to the Claim 1 of the '338 Patent.

A. Yes.

I'm there.

Q. Okay. All right. So I'm looking at Limitation Age, which is the limitation that begins at Line -- what is that?-- 52 of Column 29.

A. I'm there.

Q. So is the -- okay. Perfect.

Okay. I'm looking at the last clause of that limitation, which begins on Line 59. It says, And wherein, the vehicle charge indicator element further comprises a slider by which an amount of charge may be specified.

Do you see that?

A. I do.

Q. Okay. Could the amount of charge that's specified be a maximum charge amount?

A. Let me -- my understand- -- I'm not an attorney -- but if the word "maximum" isn't in there, then a person of ordinary skill in the art wouldn't read it that way. I don't know what you're

saying. You can't limit the claim more than it's limited.

Q. So my question is not whether it's limited to a max charge amount.

My question is: Whether, consistent with this limitation, a slider could be used to set a maximum charge amount?

A. In what context? Are -- you're giving me a hypothetical question about maximum charge amount. What are you referring to?

Q. So I'm trying to understand how you have interpreted these claims for purposes of the opinions you've provided in your declaration.

So if I'm trying to determine whether something were to infringe Limitation 1H, and that system had a slider, and someone set the slider to an amount of charge, and that amount of charge was the maximum amount of charge they wanted their vehicle to have, would that be something that would meet limitations 1H in your view?

A. Well, you're asking me a hyp- -- hypothetical --

MR. TECCE: Object to form.

(Reporter clarification.)

MR. TECCE: I said object to the form --

THE COURT REPORTER: Thank you.

MR. TECCE: -- which is the only objections in which I'm entitled.

A. And my understanding of your question is that it's a hypothetical question about someone doing something, and would it infringe.

I guess, I'd have to look at. I'd have to look at the context of what's happening. That's what I did here. My opinions are in my report and -- and, again, given the context of my report, it's in rebuttal to prior art -- prior art -- I'm sorry, to prior art that applies -- that the Petitioner has applied and to -- Mr. Andrews has applied to this IPR. That's what I responded to.

I do understand, I recall, generally speaking, you know, if the prior art reads on the patent, I guess, that's the same as infringing, but I'm not -- I'm not a lawyer; so I'm not going to go there; so I'm not sure -- I didn't really evaluate infringement of a given product. I looked at whether the prior art anticipated and/or found obvious the patent claims.

BY MS. RAW:

Q. Where Limitation 1H refers to a slider by which an amount of charge may be specified, is that

broad enough to encompass a slider being set to a minimum charge amount?

MR. TECCE: Object to the form.

A. Well, again, I'm very happy to refer to opinions that are in my report. You're asking me reasonable questions, but the opinions that I gave are the opinions in my report. And so you're asking me a hypothetical, which may not be an unreasonable question, but if it's not something that's in my report, then I'd have to take a second to look at it. And I'm not sure exactly how I would frame an answer to that question. I can look through my entire report. I'm not sure you want me to take all that time.

BY MS. RAW:

Q. Okay. So, then, is it fair to say that, sitting here today, you just don't have a specific opinion on whether the phrase "slider by which an amount of charge may be specified" could refer to a maximum amount of charge or a minimum amount of charge, for example?

MR. TECCE: Object to the form.

A. Yeah, I didn't say that either. I said I have a number of opinions in my report, and I was happy to go and look to see if -- if they address

your question. I didn't say I didn't have an opinion.

BY MS. RAW:

Q. Okay. Sitting here today, are -- do you recall providing an opinion on that question?

A. I certainly recall providing a number of opinions related to amount of charge. I also understand the -- the subtleties in this case are important. And I talked about that just a few moments ago, that the word "charged" shows up in a number of phrases, number of definitions. And I just want to be very careful as to be consistent as to what my opinion is.

My opinions are in my report. If you'd like me to take some time, I will see if that -- those opinions respond to your questions.

Q. Would you agree that it is valuable for the operator of an electric vehicle to know how much charge their electric vehicle has?

MR. TECCE: Same -- I'm sorry.

THE COURT REPORTER: Was there an objection?

MR. TECCE: Yeah. Object to the form.

THE COURT REPORTER: Thank you.

A. Valuable is kind of a -- a -- a word that

has lots of connotations. Valuable in what sense?

And respectfully, I'm not trying to be difficult, but we're -- we're trying to be accurate here. Valuable -- I don't know what you mean by valuable.

BY MS. RAW:

Q. Would you agree that it is valuable for a vehicle operator to know whether or not their car's battery is sufficiently charged to get them home?

MR. TECCE: Object to the form.

A. I think -- I think there's information in -- in at least the patent or one of the pieces of prior art that kind of talk about that concept. I mean, I -- look, I understand that if you have an electric vehicle and you'd like to know is it charged enough to get, you know, to get you to your destination, I would think that's important.

BY MS. RAW:

Q. Okay. Would that piece of information be important regardless of whether you're sitting in your vehicle or you're standing outside your vehicle?

A. Now, that's a hypothetical question that opens up all kind of things in this case, and we both know that there are -- there's a number of

different scenarios brought forth by prior art that relate to that question.

And so I will say I -- I directionally understand the question, but I think specifically, I -- it's important -- I've actually -- there's several comments -- or there are several opinions in my report about how important it is to understand, depending on where you are.

If you're in a charging -- if you're in a -- parking space next to -- directly next to a charger and you pulled into that space for the reasons of charging, it has a different meaning than in some other situation. So ...

Q. Am I correct -- and please let me know if I'm not -- that in your view, the term "amount of charge," as used in this patent, would include setting a percent charge?

A. Let me just go to my report.

If you look at my Paragraph 31.

Q. Okay.

A. And I'm just reading from my report.

"Further, it is my opinion that Figure 7 supports only the construction that, quote, amount of charge, unquote, must be a percentage of the charge of the battery."

Q. Okay. And if a vehicle's amount of charge was 50 percent charged, would the driver of that vehicle know how far they can go on 50 percent charge?

A. Well, I've also said -- let me -- several places in my report -- I think the point is -- keep in mind that in several places, in my report, in Letendre -- I think, in those two places specifically, in the piece of prior art by the gentleman Letendre, is that the -- the distance that can be traveled for the amount of charge is a function of a number of variables, including driving habits, inclines, outdoor climate, the usage of air conditioning or other battery depleting factors; so distance is either estimated or calculated based on an amount of charge.

I'm on my Paragraph 35 right now.

Q. Okay. So if the vehicle's amount of charge was 50 percent charge, would the driver know whether that's enough to get them home or not?

A. In what context are you asking the question? I'm not sure.

Are we talking about the invention of the '338? One of the pieces of prior art? I don't -- in what context?

Q. Let me rephrase.

So I'm trying to understand, under your opinion that setting a slider to 50 percent charge is setting an amount of charge, I'm trying to understand what information that would provide to the POSITA about the distance the vehicle can go.

A. Okay. Well, let's just go back to the patent, then. Best place to go, usually.

So if you, again, to paragraph -- to Column 15, the top, line 1, and so on. Again, the second sentence, an estimate of how far the vehicle can travel on a given charge amount can be determined.

So -- and it says, "a user may determine a desired distance to travel. And may set the charge range" -- and it says, "To max the desired distance."

So, again, the user is entering charge level or amount of charge, and the -- and there's an estimate computed or determined. That's all I'm saying.

Q. Can you look back at Claim 1 of the '338 Patent.

So the final limitation of Claim 1, which is Limitation N, refers to a predefined threshold.

Do you see that?

A. The one that says, "Send an alert"?

Q. Yes. It's also right before that, where it says, "Determine that an amount of charge residing in a battery if the electric vehicle has reached a predefined threshold."

A. Yes, I do.

Q. Okay.

A. I see that.

Q. What is a predefined threshold?

A. In the context of the patent?

Q. In the context of the claims of the '338 Patent.

A. Okay. I'm -- I'm just doing an electronic search to see if the patent has any specific language. Sometimes the search thing doesn't work so well.

Well, so in Column 15, lines -- it starts on line -- line 53. The user -- the 52 starting -- "The user may turn, quote, all alerts on, unquote, for example, and/or may individually activate small Roman numeral i charge thresholds. For example, minimum, maximum, and/or desired charge thresholds, small Roman numeral ii, rate thresholds." And -- and then so on.

So it does talk about thresholds. And predetermined, I think, is a commonly used word.

Q. Okay. So you would agree, then, the context of the '338 Patent, a charge threshold could be, for example, a minimum or a maximum; is that right?

A. If you're asking me what the patent says, the patent says, "For example, rate -- charged thresholds, for example, minimum, maximum, and/or desired charged thresholds."

Q. Okay. What is your understanding of the relationship between the predefined threshold and Limitation 1N, and the amount of charge set by the user in Limitation 1H, if any?

MR. TECCE: I'm sorry, Kara, can I have the question read -- oh, wait a second. I can see it on the screen. I apologize for one second.

Thank you. Go ahead.

A. Well, could you ask the question again, please.

BY MS. RAW:

Q. Yeah. What's your understanding of the relationship between the predefined threshold in Limitation 1N and the amount of charge set by the user -- using the slider in Limitation 1H?

A. I heard the question. I understand it.

If you look at the bottom of page -- of -- in the patent, Column 15, the very last full paragraph.

So you asked me what's the context. My understanding of that particular limitation in Claim 1, it relates to this portion of the patent.

As shown in Figure 7, The, quote, main, unquote, menu item 706 may comprise a, quote, pet in the car, unquote, button 732. The, quote, pet in car, unquote, button 732 may, for example, automatically set alerts and/or change parameters to set levels conducive to maintaining the comfort and safety of a pet left in a parked Vehicle. In such a manner, for example, a user may safely leave a pet in a parked vehicle by establishing and/or setting charging parameters designed to keep the NC on to maintain a cool vehicle and/or keep the heat on to maintain a warm vehicle, and so on.

Q. Okay. So in your opinion, is there a relationship between the charge threshold in Limitation 1N and the amount of charge set by the slider in Limitation 1H?

MR. TECCE: Object to the form.

A. Well, the -- limitation itself says

"charge," and, then, there's some language, "the predefined threshold." So it's the charge reaching a threshold.

So I didn't -- I don't think I have an opinion related to the exact question you ask in my report.

But if you're asking, are they related? They are, just by the -- just based on the language in the claim.

Does charge relate to amount of charge? Of course, it's related. And so is -- and this claim, this limitation is saying, "charge having a pre-" -- "charge reaching a predefined threshold of charge." They're all related.

BY MS. RAW:

Q. In your view, is the predefined threshold in Limitation 1N the same as the amount of charge that was set by a slider in Limitation 1H or not?

MR. TECCE: Object to the form.

A. Well, I only read the claim as the claim reads. I -- again, I either would say I didn't respon- -- I didn't create an opinion based on your question. I -- my opinions relate to the claim as it's stated, and to the prior -- and is a rebuttal to the prior art that was presented. That's what I

did.
BY MS. RAW:
Q. Okay.
MS. RAW: Okay. Let's -- been -- we've been going about an hour. Let's take a quick break.
(A recess was taken from 11:02 a.m. to 11:12 a.m.)
BY MS. RAW:
Q. All right. Looking still at Claim 1 of the '338 Patent -- so I'm looking at the beginning of Limitation 1H, that's the one that begins at Line 52.
Do you see where it says, Wherein, there at least one of the one or more charging preferences is defined by user input received via a photographical user interface, and adapted to display a vehicle charge indicator element.
Do you see that?
A. I do.
Q. Okay. When the claim uses the phrase "adapted to display," what is it saying must be adapted to display that vehicle charge indicator element?
A. I heard your question. Give me a moment to think about it.

Well, I would read this -- so my response to you would be: I would -- it is my job, as an expert, to read this as a person of ordinary skill in the art. I understand that humans are all different and people's grammar is all different, and I'm not an attorney, but I would read this as -- it relates to what -- and we all understand what it generally relates to -- it relates to Figure 7. It talks about a -- a display -- a "vehicle charge indicator element"; okay? And I think that's a key component of this limitation, is this -- and it uses the word, "graphical user interface," which is a term of the art, and a vehicle charge indicator element. And, then, the -- the limitation actually discusses what that indicator element is comprised of, and it has a first portion indicative of amount of charge residing in a battery -- I'm not reading exactly -- and a second portion indicative of an uncharged capacity, and wherein the charge indicator element further comprises a slider of which an amount of charge may be specified.

So when I read that, I read: It's related to charging preferences defined by the user. There's a graphical user interface, and I think the question really is -- you asked about adapted --

that the graphical user interface is comprised -- is -- includes -- or it displays a vehicle charge indicator that is comprised of the elements that I noted a moment ago. So I would read it as a person of ordinary skill would read it.

Q. Okay. So, then, you would agree that -- well, strike that.

So, then, the phrase "adapted to display," the vehicle charge indicator element is saying that the graphical user interface is adapted to display the vehicle charge indicator element; is that fair?

A. I'm just going to check my report. I -- I don't think I have anything about the term "adapted." I think I read right over it. I see it. I didn't read over it. I read the entire claim and the entire limitation.

(Witness is reviewing document.)

A. So, for example, in response to your question, if I go to Paragraph 111 of my declaration -- and I don't have the -- I do have the petition in front of me, which I could look at. I know it wasn't one of the pieces of art that I mentioned I would have on my computer. I have it. It's a clean copy. It's not marked up or anything.

BY MS. RAW:

Q. Uh-huh.

A. But Paragraph 111, This is clear -- I don't remember this exactly, but I -- I think it's important here -- This is clear under petitioner's assertion for Claim 8 where Petitioner states, The GUI in the modified system is adapted to display an alert.

So it looks as though Petitioner uses the term "adapted" in a way that I -- I think a person of ordinary skill would read the claim element of Claim 1. And I -- I could go to -- one second, please. I'll just -- I can go to the petition, I think, at page 73. Yeah, I just want to point out, I use it in a broad sense just like Petitioner does.

Q. Does Claim 1 require the same battery to propel the vehicle and to run the air conditioning?

A. Again, there -- so understand the question -- understand the question.

I do have opinions about some of the prior art. Ziegler and -- I think it's Galvez-Ramos are -- are prior art systems that have secondary batteries.

And so you asked me: Does the patent preclude those? I would tell you that the patent --

I don't think -- I'd have to reread the patent again completely to see if there's any mention of a secondary battery. I literally -- I don't think it's in my report as to whether the patent has that in there or whether it precludes it. I'd have to read it again.

I mostly -- as I said earlier, I've rebutted -- my report is really rebuttal to Mr. Andrews and to the petitioner's opinions about -- about the patent.

So I think, again -- I guess, I- -- I'd have to stop there. I'd have to -- I'd have to think about it because the -- the patent, if I go back to the very -- one second, please -- if you go to the background of the patent, Column 1, it really talks about improvements in battery technology provide a potential of econo- -- economically viable electric-powered modes of transportation, and it goes on. Oft -- one oft cited drawback of such electrical vehicles is the need to plug them in regularly to replenish their electrical charge.

A person of ordinary skill reading that -- obviously, I think the intention is to -- to talk about sort of the ordinary use of an electric -- not -- ordinary implementation of an electric

vehicle. The owner of an electric vehicle -- I'm reading from the patent -- As a result, the owner of an electric automobile must oftentimes adhere to a schedule of charging that renders the automo- -- unusable for protracted stretches of time. They're talking about having the battery charged, and I would -- I think the focus of the patent is charging of the battery. It's the -- the battery used in driving the vehicle.

I -- again, without reading the -- the -- the patent completely, I don't know if it opens up the opportunity of a secondary battery, which I think was your question.

Q. Okay. Can you turn to Figure 7 of the '338 Patent, please.

A. Figure 7. Yep.

Q. Do you see near the bottom of Figure 7, it says, Alerts, colon, and then there's an All Alerts On box?

A. I do.

Q. Okay. Would you agree that a "pet in car" is not the only type of alert described in the '338 Patent?

MR. TECCE: [Indiscernible.]

THE WITNESS: I'm sorry, was ...

THE COURT REPORTER: Was there an objection?

MR. TECCE: No. I was trying to read the question back.

A. I think we -- we go to Para- -- Column 15, I think that's where we were before. Where -- where it talks about alerts. Let's see. Yes.

It was -- started on Line 52 of 15. It talks about a lot of different alerts, yeah. I think that was your question.

BY MS. RAW:

Q. Can you, please, go to Column 9 of the '338 Patent. It would be --

A. I might point out the issue of alerts, as I responded to them, relate to the claims of the patent; okay? So I just want to point out that, for example, I think it -- the patent actually -- I don't think it labels it in Claim 1; so it's the last limitation. The one that you've been talking about with the predefined threshold, talks about sending an alert. I think a person of ordinary skill in the art reading Claim 1, would have a context for that alert. You didn't ask me that question. I just want to point out that although the specification talks about a number of alerts,

the claims are the claims, and that's what I believe the -- the Petitioner was addressing when talking about the -- you know, when bringing those prior art -- pieces of prior art to bear on the anticipation or -- or obviousness of the claim.

So I just want to point out, yes, in the spec, but the -- the term "alert" has to be used in the context of the patent and the limitations, and that's how I interpreted it. So I'll just stop.

Q. Okay. I am in the '338 Patent, very end of Column 9, that very last sentence that goes onto Column 10. Let me know when you're there.

A. I'm there.

Q. Okay. Do you see that says, In some embodiments, the vehicle sensor, 454, may comprise a communication device, such as a Bluetooth and or passive inductive vice -- device that is operable to detect the presence of the vehicle for 60 utilizing wireless interrogation methodologies.

Do you see that?

A. I do.

Q. Okay. Are you familiar with Bluetooth?

A. I am.

Q. Are you familiar with the range of Bluetooth?

A. Well, I'm familiar with the communications technologies that relate -- Bluetooth in itself doesn't have a range. Bluetooth is a modulation and -- and a -- and a communications technology. It -- the -- the range would have -- would have -- the range is a variable, depending on the type of antenna, the actual power that's used, the actual location, the presence of other objects. There's a -- a litany of -- of considerations that need to be made to determine what the range of Bluetooth is.

Q. Okay. Are some -- at the time of the patent, were some Bluetooth systems -- would they have a range of 30 feet or greater? Was that possible to do technologically at the time?

A. I think, generally speaking, Bluetooth was always kind of in that zone. It- -- it's defined as a -- somewhere between a personal area network technology and a local area network technology. So I think, generally speaking, that number that you gave of 30 feet is in the zone.

And let me just clarify, it's in the zone of what might be reasonable. It's -- it doesn't define the limits, yeah.

Q. In your report, do you recall providing certain opinions on -- about properly aligning a

vehicle with a charger so that it's capable of charging?

A. I do recall that.

Q. Okay.

A. I -- I think I was also referencing Mr. Andrews' discussion, but I think there was some language in my report that discusses that.

Q. Okay. Do you also recall in Ferro that one of the options for providing an indication to charge was telling an attendant that you're there to charge?

(Reporter clarification.)

THE COURT REPORTER: I didn't understand the end of that question.

"Telling an attendant" ...

MS. RAW: Yeah.

BY MS. RAW:

Q. That you're there to charge? We can go to it, if that's easier.

A. Yeah. I -- I --

Q. Do you have Ferro?

A. I mean, I understand your question. It's a reasonable question. I think you'd have to show it to me if you wanted me to respond.

Q. Yeah. Do you -- do you have a copy of

Ferro with you?

A. I do. I do.

Q. Okay.

MS. RAW: For the record, that's Exhibit 1004, and will be in Paragraph 109.

(Deposition Exhibit No. 1004 was marked for identification.)

A. Okay. I'm on my way there now.

I'm there.

BY MS. RAW:

Q. Okay. Do you see that in -- hang on, let me make sure I have the line -- there we go -- do you see that in Paragraph 109, about halfway through, there's a sentence that begins, Electric Vehicle 400 may indicate an intention to begin a charging transaction?

A. I do see that, where you're reading, yes.

Q. Okay. And, then, if you go down a few lines, one of the examples is: Informering -- excuse me -- informing an operator or attendant of Charging Station 403?

A. I do.

Q. If I inform the operator of the charging station that I intend to charge my vehicle, does that necessarily say anything about whether my

vehicle is positioned properly to use a charger?

A. I understood your question. I'm thinking about my answer.

I think -- so just reading Ferro, again, this is not the patent. This is what Ferro is saying, and I'll point out that Ferro is being used as a prior art reference to address obviousness or -- or anticipation claims in the -- in the patent.

The first 10 words of that same sentence, "Electric Vehicle 400 may indicate an intention to begin a charging transaction."

So I have to think about this again. It's kind of a -- it's not a hypothetical question; it's a question about what does this paragraph mean. I probably want to read the two or three paragraphs before and the two or three paragraphs after, but in the interest of time, it does say, "May indicate an intention to begin a charge." That seems to imply that you're ready to go. Just reading that right there and in an answer to your question. Reading that sentence, that's how I first look at it.

Q. Okay. So you -- you're reading "intention to charge" as saying the vehicle's properly positioned to charge?

A. I think that adds language there that isn't there. So I -- I can't respond to that. I -- I'd have to look at the context -- a person of ordinary skill reading Ferro, there's a lot in here about this transaction planner and about the intent.

I know that Mr. Andrews and Petitioner have also talked, you know, specifically, about this, and I responded to that in my opinions taking -- if this is something that I referred to in my report, if you take me there I can discuss my position but, otherwise, I'm not sure I'm prepared to organize a new opinion based on just looking at one sentence.

Q. Okay. Can you go back to Claim 1 of the '338 Patent, please?

A. Yes. I'm there.

Q. Okay. I'm looking at Limitation 1M, so that's the one in Column 30 that begins with, "Operate the temperature control system." It's at line 9.

A. I see it.

Q. Okay. So Limitation 1M is, "Operate the temperature control system of the electric vehicle in accordance with the selected mode of operation for a duration of time."

Do you see that?

A. I do.

Q. Are you aware of any limitations on how long or how short that duration of time must be?

A. I understood your question. Let me ...

I'm going back to my report for a moment.

I'm now looking at Mr. Andrews' declaration.

Q. Okay.

(Witness is reviewing document.)

A. And Mr. Andrews doesn't seem to take issue with duration of time; so I -- I didn't -- I addressed it as he used it.

BY MS. RAW:

Q. Okay. Can you please go back to Claim 1 of the '338 Patent.

A. Yes.

Q. Okay. The very last limitation, which is, "Send an alert to an operator of the electric vehicle indicative of the charge residing in the battery having reached the predefined threshold."

Do you see that?

A. I do.

Q. Is it your view that sending a text message to the phone of the operator of the electric

vehicle could count as sending an alert in the context of this limitation?

A. Give me one moment, please.

(Witness is reviewing document.)

A. Well, there is a -- there is a claim wherein the alert is sent to a smartphone. It doesn't say what format the alert is in that claim, in Claim 26, for example.

BY MS. RAW:

Q. Okay. So Claim 8, for example, would be the dependent claim -- depending from Claim 1, which says, "The electrical charging system of Claim 1 wherein the alert is sent to a smartphone."

Is that what you mean?

A. I'm just simply saying -- I'm not an attorney. My understanding is that all of the claims are part of the patent.

I -- I just understand that you read this specification and you read all the claims, and all of that information is important to an expert in terms of understanding the patent.

Q. Okay.

A. So I was just pointing out that sending an alert to the smartphone implies to me that the inventors understood that smartphones can get

alerts -- I'm assuming it would be in the form of a notification, a text, an email, something.

And given the word "alert," that's also -- I know can be construed in different ways. And so I'm assuming in this particular case would be to get someone's attention, given that it's the pet in the car embodiment, that it would probably be a text or some sort of notification rather than an email, which is not particularly timely.

Q. Okay.

A. Let me just point out also, I'm looking through the patent. I didn't provide an opinion about texts or emails. There's a lot there, and I do understand that there's a lot of construction related to those things.

And I would just point out I don't recall -- in this case, I don't think alert is defined any more than what a person of ordinary skill would read in the patent.

And so I'm just looking through to see if -- if the term "alert" is defined the way you did with the texts. And I -- I don't recall, but I'd have to look again.

Q. Okay. But your opinion would be at least that sending an alert to the operator of the

electric vehicle could include sending an alert to the smartphone of the operator; is that fair?

A. Well, it's in one of the limitations. It's in one of the claims.

Q. So, then, the answer's, yes?

MR. TECCE: Object to form.

A. I guess I'll -- I'll repeat.

I didn't study what format the alert would be. You asked me could it be sent to someone holding a smartphone? I'm not sure I -- could you repeat the question --

BY MS. RAW:

Q. Yes.

A. -- again.

Q. Your opinion would be, at least, that sending an alert to an operator of the electric vehicle could include sending an alert to the smartphone of the operator; is that fair?

A. And I answered by saying Claim 8 actually says, "The electrical charging system of Claim 1, wherein the alert is sent to a smartphone." That's claimed in the patent.

Q. Okay. So is there any reason why you're unable to just say the answer to my question is yes?

MR. TECCE: Object to the form.

A. I just don't know what context your question is. I'm just saying, in the patent, it's stated as a claim.

BY MS. RAW:

Q. Okay. If an alert is sent to a smartphone but the smartphone's battery died, would that still count as sending an alert to an operator of the electric vehicle?

A. Well, let me be clear, if I understand the question.

There's a very big difference in communications between the transmitter and the receiver. The transmitter has no knowledge of whether there's a receiver there or not. So this is in an -- it's a hypothetical question, and I'm just telling you the way physics work is that if you're not in eyesight of the person with the receiver, and you don't know what format -- you -- you can -- well, I'll give an example -- well, I'll use the example.

You can -- you can send a text if the person -- you -- it's sent. The system may not acknowledge it. Or if it's dead or broken or whatever, you might get a message back that says "undeliverable." But you certainly can send it.

If you're asking about how does that play in the context of the patent, that's completely different, and I -- I don't think I have an opinion about that, about whether a smartphone is dead or not.

Q. Okay. What's your understanding of what a graphical user interface is in the context of the '338 Patent?

A. I actually brought a reference to bear. It's -- I think it's Exhibit 2004.

Q. One second.

(Deposition Exhibit No. 2004 was marked for identification.)

BY MS. RAW:

Q. Okay.

A. And it's basically a paper that just talks about -- well, the title of the paper is "A source code-based model to generate graphical user interfaces."

I did not come today -- nowhere in my report do I have a claim -- a construction of graphical user interface. That wasn't part of the work that I did.

A person of ordinary -- so I -- I couldn't provide you with a definition, per se.

Do I know what -- do I know it when I see it? I do. It's graphical. It's something a user would use.

And interface, it's something a user would interact with. And so that's how I see it. I think it's fairly intuitive, graphical user interface. And there are pictures as examples of graphical user interfaces in this paper, Figure 2 of this paper.

Let's see if there's others.

Figure 5 of the patent. Figure 6 of the patent. Figure 9 of the patent.

I think we all know them when we see them.

BY MS. RAW:

Q. Can you go back to Claim 1 of the '338 Patent, please.

A. Yes. I'm there.

Q. Okay. I'm looking at Limitation K. That's at the top of Column 30, and it starts with, "Display via."

Do you see that limitation?

A. I do.

Q. Okay. Do you see that the beginning of Limitation K says, "Display via the graphical user interface, an indication of a status of the selected mode of operation of the electric vehicle"?

A. I -- I see that, yes.
Q. Okay. When it refers to a status of the selected mode of operation, could that status be on or off?
A. You're asking me a hypothetical question.
Could a -- a GUI button be on or off, the answer is yes. And I would call that the status of the button, in a hypothetical case.
Q. Okay.
A. I just want to be clear, though, that -- because we've been talking about alerts, the patent -- and I -- I talked about this in my report. I'd be glad to call out the section and paragraph -- display is discussed separately from sending an alert.
And I actually do have opinions in my report related to the distinction between a display and an alert. So I just want to make that clear, that you have been talking about alerts, and now we're talking about displaying.
Those are, in the patent, in the limitations, two separate things.
MS. RAW: Let's take a quick break. When we come back, I'll probably be wrapping up, Fred, for your context.

MR. TECCE: Great. Thank you.

(A recess was taken from 11:48 a.m. to 11:59 a.m.)

MS. RAW: All right. I have no further questions.

THE COURT REPORTER: Doctor, would you like to read and sign?

MR. TECCE: We'll -- let me talk to counsel. My inclination is to waive it, but let me talk to lead counsel.

MS. RAW: Yep.

THE COURT REPORTER: Mr. Tecce, how would you like your transcript?

MR. TECCE: Regular turn around is fine.

THE COURT REPORTER: Would you also like a rough draft?

MR. TECCE: No thanks.

(The deposition concluded at 12:02 p.m.)

CERTIFICATE OF REPORTER

I, Kara D. Ince, a Certified Court Reporter for the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; 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.



Kara D. Ince
Missouri Supreme Court
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