In the Matter of:	)	Investigation No.
CERTAIN VIDEO CAPABLE ELECTRONIC	)	337-TA-1380
DEVICES, INCLUDING COMPUTERS,	)	
STREAMING DEVICES, TELEVISIONS,	)	
AND COMPONENTS AND	)	
MODULES THEREOF	)	

OPEN SESSIONS

Pages: 322 through 1019 (with excerpts)

Place: Washington, D.C.

Date: September 10, 2024

1 UNITED STATES INTERNATIONAL TRADE COMMISSION
2 Washington, D.C.
3 BEFORE THE HONORABLE CAMERON R. ELLIOT
4 Administrative Law Judge
5 _____
6 In the Matter of:) Investigation No.
7 CERTAIN VIDEO CAPABLE ELECTRONIC) 337-TA-1380
8 DEVICES, INCLUDING COMPUTERS,)
9 STREAMING DEVICES, TELEVISIONS,)
10 AND COMPONENTS AND)
11 MODULES THEREOF)
12 _____
13
14 International Trade Commission
15 500 E Street, S.W.
16 Washington, D.C.
17
18 Tuesday, September 10, 2024
19
20 EVIDENTIARY HEARING - VOLUME II
21
22 The Hearing commenced in Courtroom A, pursuant to the
23 notice of the Judge, at 9:00 a.m. Eastern.
24
25 Reported by: Karen Brynteson, FAPR, RMR, CRR

1 MR. SWAIN: Excellent. Thank you, Your Honor.
2 MS. CIELUCH: And, Your Honor, if I may quickly,
3 I believe the objection discussion should be on the
4 confidential record. So we should also clear that up.
5 JUDGE ELLIOT: Meet and confer and see what you
6 can agree to.
7 MS. BREWER: Thank you, Your Honor.
8 As their first witness, Respondents call Dr. Eli
9 Saber.
10 Whereupon--
11 ELI SABER,
12 having been first duly sworn/affirmed, was examined and
13 testified as follows:
14
15 THE WITNESS: I do.
16 JUDGE ELLIOT: Have a seat.
17 DIRECT EXAMINATION
18 BY MS. BREWER:
19 Q. Good afternoon, Dr. Saber. Can you please
20 introduce yourself?
21 A. Yes. Eli Saber.
22 Q. Dr. Saber, did you prepare demonstratives to
23 assist with your testimony today?
24 A. I did.
25 Q. Is RDX-0098C the demonstratives you prepared?

in the bitstream, the decoder should discard all bits until a group of pictures start code is found," which then it will start decoding, so it will get the closed_gop flag and will start decoding that particular sequence.

Q. So does MPEG-1 teach limitations 8c and 10c?

A. Yes, it does.

Q. Let's go to slide 45 and turn to the limitation related to decoding identifier values.

What identifier values does MPEG-1 teach?

A. Well, MPEG-1 teaches a temporal_reference, as I referred to earlier, which is -- as you can see from the excerpt at the top of the screen, it's a 10-bit unsigned integer that is incremented by one, and it identifies basically the frames in display order.

Q. So is that a numbering scheme?

A. That is a numbering scheme.

Q. Does MPEG-1 teach decoding the temporal_reference values?

A. Yes. The temporal_reference values would be decoded from the bitstream.

Q. So does MPEG-1 teach limitations 8d and 10d?

A. Yes, it does.

Q. Let's look at slide 46 and turn to the limitation related to resetting the identifier value.

What does MPEG-1 say about resetting the

1 temporal_reference?
2 A. Well, that same excerpt I showed earlier is again
3 here on this screen. But in this case I highlighted the
4 relevant part, so you can see where it says, for the
5 temporal_reference, for the earliest picture in display
6 order in each group of pictures, the temporal_reference is
7 reset to 0.
8 Q. According to the claims, what has to perform the
9 resetting step?
10 A. The decoder.
11 Q. Can you explain how the decoder operates to
12 implement this resetting in MPEG-1?
13 A. Yes. So the reset value would be set by the
14 encoder and sent into the bitstream. The decoder would
15 decode the reset value from the bitstream and set a local
16 variable to 0 and would start incrementing that local
17 variable as it is decoding the frames in display order.
18 Q. Is this operation by the MPEG-1 decoder
19 sufficient to meet the resetting step?
20 A. Yes, it is.
21 Q. What evidence are you relying on for that
22 opinion?
23 A. I'm relying on the specification for the '321
24 patent that we have been discussing.
25 Q. If we go to slide 47, what does the specification

1 CERTIFICATE OF REPORTER

2 TITLE: Certain Video Capable Electronic Devices

3 INVESTIGATION NO: 337-TA-1380

4 HEARING DATE: September 10, 2024

5 LOCATION: Courtroom A

6 NATURE OF HEARING: Evidentiary Hearing

7 I hereby certify that the foregoing/attached transcript is a true, correct and complete record of the
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24 Signature of the Court Reporter

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MODULES THEREOF	)	

OPEN SESSIONS

Pages: 1020 through 1307 (with excerpts)

Place: Washington, D.C.

Date: September 11, 2024

1 UNITED STATES INTERNATIONAL TRADE COMMISSION
2 Washington, D.C.
3 BEFORE THE HONORABLE CAMERON R. ELLIOT
4 Administrative Law Judge
5 _____
6 In the Matter of:) Investigation No.
7 CERTAIN VIDEO CAPABLE ELECTRONIC) 337-TA-1380
8 DEVICES, INCLUDING COMPUTERS,)
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11 MODULES THEREOF)
12 _____
13
14 International Trade Commission
15 500 E Street, S.W.
16 Washington, D.C.
17
18 Wednesday, September 11, 2024
19
20 EVIDENTIARY HEARING - VOLUME III
21
22 The Hearing commenced in Courtroom A, pursuant to the
23 notice of the Judge, at 9:00 a.m. Eastern.
24
25 Reported by: Karen Brynteson, FAPR, RMR, CRR

1 MR. SWAIN: Nothing from Complainants, Your
2 Honor.
3 MS. BREWER: Apologies. I jumped the gun a
4 little bit. So...
5 JUDGE ELLIOT: I'm sorry, Dr. Saber let me just
6 remind you, sir, you are still under oath.
7 THE WITNESS: Yes, sir.
8 JUDGE ELLIOT: Go ahead.
9 Whereupon--
10 ELI SABER,
11 having been previously duly sworn/affirmed, was examined and
12 testified as follows:
13 DIRECT EXAMINATION -- Resumed
14 BY MS. BREWER:
15 Q. Good morning, Dr. Saber.
16 A. Good morning.
17 Q. How are you doing this morning?
18 A. I'm doing very well.
19 Q. So when we wrapped up yesterday, we had just
20 finished your invalidity opinion on MPEG-1?
21 A. That is correct.
22 Q. So now we're going to jump into your second
23 invalidity opinion on Kim.
24 If we could bring up RDX-98C.52.
25 So starting -- does Kim qualify as prior art to

1 Q. So does Kim teach limitations 8d and 10d?
2 A. Yes, it does.
3 Q. Turning to slide 61, does Kim teach resetting the
4 identifier value for the first frame of the independent
5 sequence?
6 A. Yes, it does. So you can see I mentioned the
7 IAD, and this is the box that's highlighted in red on the
8 screen. So it's 0000 for the sequence in green that you see
9 there on the screen. And that would be reset to 000 at the
10 start of the next sequence.
11 Q. So does Kim teach limitations 8e and 10e?
12 A. Yes, it does.
13 Q. And in your opinion, does Kim invalidate claims 8
14 and 10 of the '321 patent?
15 A. Yes, it does.
16 Q. Does Nokia have any response to your analysis of
17 Kim under Figure 5A?
18 A. No, they do not.
19 Q. If we go to slide 62, what is Nokia's argument
20 that Kim does not invalidate the claims?
21 A. Kim is -- sorry. Nokia is pointing to Figure 5B.
22 And arguing that there are multiple I-frames in that figure.
23 So the -- let's say the number 2 I-frame or 3 I-frame is not
24 the start of an independent sequence.
25 Q. What is your response to Nokia's argument?

1 O P E N S E S S I O N
2 MR. HAYNES: Your Honor, John Haynes for Nokia.
3 CROSS-EXAMINATION
4 BY MR. HAYNES:
5 Q. Good morning, Dr. Saber.
6 A. Good morning, sir.
7 Q. Let me see if I can start out with a few things
8 that we can agree on. Okay?
9 A. Absolutely.
10 Q. We heard a lot yesterday and today from you about
11 how MPEG-1 was known.
12 A. Yes.
13 Q. That was known before the '321 patent, right?
14 A. Yes, sir.
15 Q. And that would have been known and the details of
16 MPEG-1 would have been known to the members of the Joint
17 Video Team that were working on developing the H.264
18 standard, right?
19 A. Yes, sir.
20 Q. Those are experts in the field, right?
21 A. Yes, sir.
22 Q. They would have known the intimate details of how
23 MPEG-1 worked. In fact, some of those people probably
24 developed MPEG-1 in the first place, right?
25 A. Yes, sir.

it sees that it's a 0, it's not going to know from that 0 whether what it's looking at is the first picture in decoding -- sorry, in decoding order or not, right?

A. Generally speaking, yes.

Q. Because it could be some other value, if I rearranged the pictures in decoding order, right?

A. That's correct.

Q. So that temporal reference number doesn't actually tell the decoder what the decoding order is, right?

A. The temporal reference indicates the display order.

Q. Correct. I think we agree on that. Okay.

Back to where we were. Now we're looking at the final limitation, again, this resetting. Now, you would agree with me that claim element 8e and 10e requires resetting the identifier value by the decoder as opposed to the encoder, right?

A. That's correct.

Q. And you would agree with me that just reading a number from the bitstream where the encoder has reset it, that would not satisfy claim elements 8e and 10e, in your opinion, right?

A. It would be obvious to reset it, but, yes.

Q. That wasn't my question, sir. It would not meet the claim limitation to just read a value that was reset by

an encoder, because the claim requires that the resetting be done by the decoder, right, sir?

A. That's correct.

Q. Okay. We also saw this slide yesterday. This is your C.47, my 34C.15. And you use this as an example of saying that what is described in MPEG-1 is also described in the patent, right?

A. That's correct.

Q. But what you pointed to in the patent that matches what's in MPEG-1 is talking about what the encoder does, right?

A. That's correct. That's in the context of the encoder.

Q. Right. It's not talking about what the decoder does, right?

A. That's correct.

Q. Okay. All right.

This is your slide 27 that we talked about yesterday. Do you recall this generally?

A. Yes.

Q. And when you talked about this slide, as you can see from the title of your slide, you say JVT proposals changed the syntax of MPEG's GOPs, not function." Right?

A. You read it correctly.

Q. And, actually, I was going to help you out in

1 CERTIFICATE OF REPORTER

2 TITLE: Certain Video Capable Electronic Devices

3 INVESTIGATION NO: 337-TA-1380

4 HEARING DATE: September 11, 2024

5 LOCATION: Courtroom A

6 NATURE OF HEARING: Evidentiary Hearing

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DEVICES, INCLUDING COMPUTERS,	)	
STREAMING DEVICES, TELEVISIONS,	)	
AND COMPONENTS AND	)	
MODULES THEREOF	)	

OPEN SESSIONS

Pages: 1592 through 1761 (with excerpts)

Place: Washington, D.C.

Date: September 13, 2024

1 UNITED STATES INTERNATIONAL TRADE COMMISSION
2 Washington, D.C.
3 BEFORE THE HONORABLE CAMERON R. ELLIOT
4 Administrative Law Judge
5 _____
6 In the Matter of:) Investigation No.
7 CERTAIN VIDEO CAPABLE ELECTRONIC) 337-TA-1380
8 DEVICES, INCLUDING COMPUTERS,)
9 STREAMING DEVICES, TELEVISIONS,)
10 AND COMPONENTS AND)
11 MODULES THEREOF)
12 _____
13
14 International Trade Commission
15 500 E Street, S.W.
16 Washington, D.C.
17
18 Friday, September 13, 2024
19
20 EVIDENTIARY HEARING - VOLUME V
21
22 The Hearing commenced in Courtroom A, pursuant to the
23 notice of the Judge, at 9:00 a.m. Eastern.
24
25 Reported by: Karen Brynteson, FAPR, RMR, CRR

1 JUDGE ELLIOT: Okay.
2 MR. FRIST: It is the same --
3 JUDGE ELLIOT: Overruled.
4 Whereupon--
5 OMID KIA,
6 having been previously duly sworn/affirmed, was examined and
7 testified as follows:
8 MR. FRIST: May I proceed, Your Honor?
9 JUDGE ELLIOT: Yes.
10 DIRECT EXAMINATION
11 BY MR. FRIST:
12 Q. Dr. Kia, were you in the courtroom when
13 Dr. Storer and Dr. Saber gave their opinions regarding
14 validity of the '818 and '321 patents?
15 A. Yes, I was.
16 Q. Do you agree with their conclusions?
17 A. No, I do not.
18 Q. All right. Let's start with the '818 patent. Do
19 you understand that Respondents have argued that the
20 asserted claims are obvious in light of VCEG-N52 and Sriram?
21 A. Yes, that is my understanding.
22 Q. What does VCEG and VCEG-N52 stand for?
23 A. VCEG is the Video Coding Experts Group. And N52
24 is just a numbering scheme to keep track of submissions.
25 Q. Why is the Video Coding Expert Group referred to

A. As I described earlier, by placing parameters that are more likely to change in a separate parameter, it improves compression but by not having to transmit parameters that do not change. So it saves bits in transmission and achieve higher compression efficiency.

Q. Does the invention of the '818 patent reduce complexity in the decoder?

A. Yes, sir, it does.

Q. How so?

A. So in reading, parsing, using the parameter set as the semantics and syntax shows, there are processing elements in forming those parameters. So both the encoder and the decoder do not repeatedly have to process those parameters to be placed in headers.

So you do that once and that's it. So if the parameters don't change, you do not have to perform extra processing. It's a simpler process.

Q. Thank you, Dr. Kia.

I would like to jump forward and start discussing validity of the '321 patent. Okay?

A. Okay.

Q. We have limited time today so for today I would like to just focus on your opinions related to the Kim reference. Is that fair?

A. That's correct.

Q. What type of system is the Kim reference directed to?

A. It's a system for time lapsed recording and reproduction.

Q. What is time lapse?

A. Time lapse is a generic process where not all the images are stored. There are events that occur and as Kim discloses that it is used for security systems for monitoring and recording activities, so activities such as a door opening captures an image. A person goes in the field of view, captures an image, light turns on, captures an image.

So those images are recorded into the system.

Q. Does the time lapse system of the Kim reference record images for the purpose of being played back in a continuous video?

A. No, it does not.

Q. Why not?

A. Well, because if you even play back this time lapse when a door opens, when a face appears, that's not a continuous video sequence. That is pleasant to watch. It is very rough. It is very jagged. It changes rapidly. So that's not a normal video sequence.

Q. If we can turn to slide 13. Do you see Figure 4, Dr. Kia?

A. Yes, sir, I do see that.

Q. Do you recall there was a bit of discussion about Figure 4 in Dr. Saber's examination?

A. I remember that, yes.

Q. Okay. What is the action that starts the operations of Figure 4?

A. The action that starts it up there where it says start in an oblong button, a user initiates a retrieval of the image by indicating which image they want to see and if it is a P-frame, it initiates the decoding of the P-frame.

Q. Okay. What is the result of performing the operations of Figure 4 on a user selected image frame?

A. So the outcome of that, that's at the very end, callout box 39, it outputs an image into the screen.

Q. Does Figure 4 produce a single image or a sequence of images?

A. It produces a single image.

Q. Does Kim disclose repeating Figure 4 to create a sequence of images?

A. No, it does not.

Q. Do you understand that Dr. Saber has opined that it would be obvious to repeat Figure 4 for a sequence of images?

A. I understand that's what he said, yes.

Q. Do you agree with Dr. Saber?

A. No, I do not.

Q. Why not?

A. Well, in repeating this process, there is problems that would arise that was not there to begin with.

Q. What types of problems would arise?

A. Well, for example, as -- let's just say we start with an I-frame. It goes through the process. It goes to the left of S32 and displays the I-frame after decoding the I-frame. The next P-frame comes along and it goes and decodes it. Now, the I-frame is gone. And after S32, where it says yes, it goes and has to go find the I-frame yet again, decode it yet again and go back.

This is very time-consuming. It is very process intensive and has to do that repeatedly for each P-frame. If a user even solves that and finds a way to store the I-frame knowing that it is going to reuse it, then another problem pops up is that when -- what are you going to do when the next I-frame comes along? How are you going to know to replace that?

All of these problems are not present in Kim as it stands with a single image retrieval.

Q. Thank you, Dr. Kia.

Do you agree, though, that Kim discloses storing pictures as a sequence?

A. Yes, I understand that. I understand that's the

process, yes.

Q. Why does the Kim reference disclose storing pictures as a sequence?

A. Well, it is a time lapse recording device. You take a picture at a time. There is no other thing that it does in the middle. So it just takes pictures, stores it, takes a picture, stores it. And that is a sequential process so when it records it into the median, which I believe it says optical disk, it appears as a set of images one after the other.

Q. Can you explain your opinion as to how Kim discloses storing pictures in a sequence but does not render obvious decoding a video sequence?

A. Well, decoding a sequence requires a fluidity between the frames. You need to be able to compress and be able to process it. There are both requirements that need to be met.

Q. Thank you, Dr. Kia. Let's jump to slide 16.

Do you see on slide 16 is a demonstrative that Dr. Saber used in his direct examination the other day?

A. I do see that.

Q. And here Dr. Saber was analyzing limitations 8b and 10b?

A. Yes, sir, I remember that.

Q. Do you agree with Dr. Saber that these

limitations are rendered obvious by Kim?

A. I do not agree, no.

Q. Do you understand that Dr. Saber pointed to the series of zeros in that red box as the indication of the first frame in these elements?

A. I remember that is what he said, yes.

Q. Do you agree with Dr. Saber that those are an indication of a first image frame to be decoded?

A. No, I do not agree.

Q. Okay. In Kim, who chooses the image to be decoded?

A. That's the user.

Q. And if the user selects the image to be decoded, why does the 000 not indicate the first image frame in decoding order?

A. Well, that's because when the user selects an image such as P2, the system goes and retrieves P2 and starts initializing -- starts decoding right away. Once it knows that it is a P-frame, then it makes a decision that I need to go retrieve that I-frame. That's what the IAD arrow is, X001. So it knows that IAD address is X001, gets the I-frame and then decodes the I-frame.

It is the user that selects the picture to decode.

Q. Does Figure 4 disclose checking this series of

zeros to determine which frame to use to start decoding?

A. No, it does not.

Q. All right. Dr. Kia, let's jump to slide 17.

Do you recall Dr. Saber's testimony regarding this demonstrative and the limitations 8c and 10c?

A. Yes, I understand that's what he said, yes.

Q. Do you agree with Dr. Saber that these limitations are rendered obvious by Kim?

A. I do not agree, no.

Q. In Kim, what determines where the decoding starts?

A. With Kim, again, it is the user. The user selects the image.

Q. If a user selects to decode a P-frame, what type of frame is decoded first?

A. The P-frame is decoded first.

Q. And if we look at Figure 4, where would the decoding of the frame begin?

A. That would be in step S30 where it says reverse quantization, reverse transformation.

Q. How is Kim's user focus design different than the claim requirement that decoding start from an image identified in the bitstream?

A. So in Kim, the user initiates the decoding process at a specific image. What is claimed is when --

1 when access is requested, that you go to what is the
2 indication and start decoding from the indication.
3 Q. Thank you, Dr. Kia. Let's jump to the last
4 element, which is limitations 8e and 10e.
5 Do you recall this demonstrative from Dr. Saber's
6 testimony?
7 A. Yes, sir, I remember that.
8 Q. Do you agree with Dr. Saber that these
9 limitations are rendered obvious by Kim?
10 A. No, I do not agree with that.
11 Q. For the functionality of resetting the identifier
12 that Dr. Saber pointed to in his testimony, did he point to
13 functionality in the encoder or the decoder?
14 A. He pointed to the functionality at the encoder.
15 Q. Does the claim require the resetting to occur in
16 encoder or a decoder?
17 A. The claims are required to perform that step at
18 the decoder.
19 Q. So given the Kim's disclosure of resetting the
20 identifier at the encoder, how does that inform your opinion
21 regarding whether these limitations would have been obvious
22 or not?
23 A. Yeah. Confirms my opinion that it would not be
24 obvious.
25 Q. And why wouldn't it be obvious?

A. Well, for several reasons. One is that one of ordinary skill in the art looking at Kim, that it sets that to zero in the encoder, that value serves no function in the decoding. The IAD is the address to reference an I-frame. For an I-frame, that IAD does not serve any purpose. Its sole purpose is to reference where the I-frame is for the P-frames.

So it would not be obvious to add functionality that was not there.

Q. Thank you, Dr. Kia. Let's jump to one last slide and to summarize your opinions, does the Kim reference render obvious the limitations on this screen that have a big X next to them?

A. No, they do not. No, Kim does not.

Q. Thank you, Dr. Kia.

MR. FRIST: I will pass the witness.

JUDGE ELLIOT: Very well.

Mr. Klein, how long do you expect to be?

MR. KLEIN: Between myself and Ms. Brewer, about 25 minutes, Your Honor.

JUDGE ELLIOT: All right.

MS. BREWER: We might actually be closer to 15, 20.

JUDGE ELLIOT: Can you turn your microphone on, please?

1 CERTIFICATE OF REPORTER

2 TITLE: Certain Video Capable Electronic Devices

3 INVESTIGATION NO: 337-TA-1380

4 HEARING DATE: September 13, 2024

5 LOCATION: Courtroom A

6 NATURE OF HEARING: Evidentiary Hearing

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