Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

WI-LAN, INC.	)	
		DOCKET NO. 6:10cv521
-vs-	)	
		Tyler, Texas
ALCATEL-LUCENT USA, INC.,		8:47 a.m.
ET AL	)	July 9, 2013

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WI-LAN, INC.	)	
		DOCKET NO. 6:13cv252
-vs-	)	
HTC CORPORATION,		
ET AL	)	

TRANSCRIPT OF TRIAL
MORNING SESSION
BEFORE THE HONORABLE LEONARD DAVIS,
UNITED STATES CHIEF DISTRICT JUDGE, AND A JURY

COURT REPORTERS: MS. SHEA SLOAN
MS. JUDY WERLINGER
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same structure, right? We have a separate overlay code generator, a separate orthogonal code generator, and two separate encoders, right?

A. In this example, yes.

Q. Okay. And if we look at -- I didn't color-code these -- on the receiver side, we see orthogonal code generator, overlay code generator, and two de-spreaders, right?

A. That's right. Yes, we do.

Q. Okay. If we look at the next figure, we see the same thing, same structure: Orthogonal code generator, overlay code generator, two de-spreaders on the receive side, right?

A. That's right. In this example, we do.

Q. Okay. If we go to Figure 12, we see another example. We see overlay code -- it's a little different format. Overlay code over here, RW code, which is the orthogonal code, separate place, and two separate encoders, right?

A. Yes, we do.

Q. Okay. In fact, we could go through every example in the patent, and that's the structure we're going to see, right?

A. In those embodiments, yes.

Q. In every one of the embodiments in the patent,

that's what we're going to see, right?

A. Yes.

Q. Okay. And, in fact, the patent even lists examples of how the code works.

So if we look at Column 10, right -- and that's how patents are organized, in columns and line numbers, right?

It says Column 10 of the '326 patent?

A. Yes.

Q. If we look down below, we see it's got a table, and this is the RW codes or the orthogonal codes, right?

A. Yes, that's right.

Q. All right. And then you have a separate table with additional codes for the overlay, which we find in Column 15, Table 2, the overlay codes, a separate table of codes for the overlay, right?

A. That's right. In this example, we do.

Q. All right. And the way that would work, just like the structure we saw in the claims, is that you would first use -- or you would use the orthogonal codes, and then you would use the overlay codes in whatever order you want, right?

MR. BORGMAN: Objection, Your Honor. May we approach?

THE COURT: Yes, you may.

(Bench conference.)

MR. BORGMAN: This is a limine issue, Your Honor. We've got a limine motion and order about suggesting that the claims require something different than the claim construction or saying things that are contrary to the claim construction order.

Mr. Arovas's question just went to the order in which the overlay codes and the orthogonal codes have to be applied. And in your order, it says that they can be applied simultaneously; they do not have to be applied in seriatim.

MR. AROVAS: I say in any order, but I'm happy to reask the question and say simultaneously. That wasn't the intent.

THE COURT: All right. Reask the question.

(Bench conference concluded.)

Q. (By Mr. Arovas) Okay. So going back to what we were talking about, so when we look at the examples in the specification, you see there's a set of orthogonal codes, a different set of overlay codes; and you can apply them in any order or simultaneously, but there's two sets, right?

A. In -- in this embodiment, yes.

Q. Okay. And, in fact, if we were to go through the entire specification, we wouldn't find any example that uses one code to both contain the orthogonal and the overlay code, right?

A. Well, there's examples in there about how codes can be mixed together.

Q. Okay. Here's my question, okay? It's a fact that there isn't any example or embodiment in any of the patents-in-suit that disclose the orthogonal code and the overlay code to be a single code, correct?

A. The answer to that is no -- I beg your pardon. The -- you are correct.

Q. I'm correct. There isn't a single example that uses the orthogonal code and the overlay code to be a single code, right?

A. That's right. There's examples of how you can mix codes together, but you are correct.

Q. Okay. So now let's turn to some of your allegations where you compare the claims to -- and I'll just leave this up here in case we need to refer to it -- when you compare the claims to the accused products, okay?

So first let's talk about Alcatel-Lucent. And so I think you explained on direct, as you did in your deposition, that you were relying on the same

It's a fact that when this single OVSF code goes into this single structure that it performs a single spreading operation, right?

A. No, no. You're -- you're mischaracterizing it.

Q. Well, let me ask it again.

Is it the case that in the Ericsson products, that there is a single spreading operation performed with the OVSF code?

A. No, there's not.

Q. Okay.

MR. AROVAS: Let's play Clip 34.

(Video playing.)

QUESTIONS: Now, the Ericsson accused products spread a data item to be transmitted in a single spreading operation, correct?

ANSWER: There is a single spreading operation that includes the functions of the first encoder and second encoder, as outlined in the claims.

QUESTIONS: But it's a single spreading operation; is that fair to say?

ANSWER: Whilst it includes both of those separate functions, it is a single spreading operation.

(End of video clip.)

Q. (By Mr. Arovas) Okay. So isn't it the case,

under oath, in your deposition, you said that it's a single spreading operation? Right?

A. I did, but I tried to put that in context on my --

Q. I understand your position that one can be two, okay; and that you say that there's two functions. But let's just talk about the spreading operation. It is a fact that this single structure performs a single spreading operation with a single OVSF code; isn't that right?

A. I feel uncomfortable answering this as a yes or no, but yes.

Q. Okay. And, in fact, if we go to the Alcatel-Lucent product, you would see the same thing: Single structure, single OVSF code, single spreading operation, correct?

A. Performing the --

Q. I understand your position, that two-in-one, but let's just -- but let's just talk about how the products work.

Single structure, single OVSF code, single spreading operation in the Alcatel-Lucent products, correct?

MR. BORGMAN: Your Honor, may we approach?

THE COURT: Yes, you may.

(Bench conference.)

MR. BORGMAN: We are getting back to the motion in limine involving the simultaneous operation.

In the Court's claim construction, the Court held that the claims do allow simultaneous operations.

Mr. Arovas' question says I understand that's your position, but he's suggesting that that's not allowed by the Court.

MR. AROVAS: That's not our position at all. Our position is there are two encoders. There are two sets of codes. Whether you apply them at the same time or not, is not the point.

The point is, it's one code, one encoder applied once. I think it's fair cross-examination.

THE COURT: Okay. You can clean it up on cross-examination.

MR. BORGMAN: All right.

(Bench conference concluded.)

Q. (By Mr. Arovas) Okay. Let's pick up where we left off, and I want to be crystal-clear: I'm not talking about order here.

You can use one code first, another code -- you can use the orthogonal code first and the overlay

codes second; the overlay code -- I'm sorry -- the orthogonal first -- you can use the orthogonal first, the overlay second; the overlay first, the orthogonal second. You can do them simultaneously.

I'm not suggesting anything about order, okay?

A. Okay.

Q. Okay. But what we know is for both the Ericsson and the Alcatel-Lucent products, as well as the handset products, the structure that's the encoder/decoder, single structure, uses single OVSF code, and a single spreading operation, correct?

A. Well, yes.

Q. Thank you.

So now let's talk very briefly about where those codes are or where they sort of physically reside in the products. And it's correct, isn't it, that the Defendants' products basically have an on-the-fly system where they generate the codes as they need them, right?

A. Yes, they do.

Q. Okay. So whether you're talking about the Alcatel-Lucent products, the Ericsson products, or the HTC or Sony Mobile products, it's a fact that none of those products store at any one point in time the entire set of orthogonal codes, correct?

A. I mean, that's not required by the claims,