Exhibit H

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


 3
    WI-LAN, INC.                )
 4                                   DOCKET NO. 6:10cv521
       -vs-                    )
 5                                   Tyler, Texas
    ALCATEL-LUCENT USA, INC.,        8:51 a.m.
 6  ET AL                      )     July 8, 2013


 7  ****************************************************


 8  WI-LAN, INC.                 )
                                     DOCKET NO. 6:10cv252
 9       -vs-                    )


10  HTC CORPORATION,
    ET AL                        )

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14                    TRANSCRIPT OF TRIAL
                       MORNING SESSION
15          BEFORE THE HONORABLE LEONARD DAVIS,
       UNITED STATES CHIEF DISTRICT JUDGE, AND A JURY
16


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18


19


20  COURT REPORTERS:        MS. SHEA SLOAN
                            MS. JUDY WERLINGER
21                             211 W. Ferguson
                            Tyler, Texas   75702
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23


24  Proceedings taken by Machine Stenotype; transcript was
    produced by a Computer.
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1 same services, but to be able to be delivered to

2 customers without having to run all the wires.

3   After all, it's very expensive to dig up

4 streets and lay down wires and do those things. I just

5 lived through Hurricane Sandy, and I watched my entire

6 neighborhood get rewired over a 10-day period. So I can

7 attest to the fact that it's very painful to install

8 wired infrastructure. And that wireless is -- the only

9 thing I worked on for 10 days during Sandy was my cell

10 phone. And I was lucky that my tower was up.

11   Q.   So let's go to the solution that you came up

12 with.

13   And what was the name of the product that

14 replaced the AS-60 just so we're using the right

15 terminology?

16   A.   Initially, it was called that AS-600, but I

17 think it was re-branded to the AS-4000.

18   Q.   All right. So we'll refer to the system you

19 came up with as the AS-4000; is that all right?

20   A.   That's fine.

21   Q.   So in the AS-4000, did -- did you and Martin

22 decide to use dedicated code channels on a

23 user-dedicated basis?

24   A.   No, we didn't. We were basing the use of

25 codes on the type of data that was being transmitted,

1 the availability within the space of code in time. We

2 used the -- you were introduced to this. We used both

3 the combination of codes, of variable lengths of those

4 codes using Walsh functions to make that happen, and in

5 time, so time slots.

6   So the idea was we would look at the data and

7 what was going on in the system, and we would schedule

8 those based on what was happening. So it was all -- you

9 know, all three of those elements that were really

10 important in the patent. That was a large difference

11 from what was available in the day or what people were

12 working on.

13   You'll see people talk about variable codes

14 but not variable time. Time but not variable codes. We

15 were working on all three of those aspects at that time.

16   Q.   All right. Well, let's look at one of the

17 figures from your patent.

18   A.   Do we need to erase this?

19   Q.   I got it.

20   A.   Thank you.

21   Q.   And so this is Figure 15A from your '326

22 patent. Is this what you're talking about in terms of

23 sharing the resources across codes and time?

24   A.   Yeah. Let's -- if everybody on the jury can

25 take a look, this space across here (indicating) is the

1 code space, okay? And each one of these vertical lines

2 is both -- is a code that's being used over time. You

3 can see time is being ticked off over here, okay?

4   Then within this timeframe, you can subdivide

5 it into smaller fragments of data or larger fragments of

6 data, okay? And even you can subdivide it using the

7 orthogonal codes into short codes here. Each of them

8 has a purpose in the system.

9   The flexibility allows you to -- for example,

10 the very small ones can be used for voice calls. If I

11 had one of our older systems, we could nail up a channel

12 just like you see here. And then we could send a fax,

13 like you see right here (indicating), okay?

14   The idea behind this whole thing was a degree

15 of flexibility, because there were many types of data.

16 And in some cases, our customers might be doing two

17 phone calls, sending a fax, because they had a third

18 line, and running two or three computers. And they may

19 add another computer.

20   So it really was never based on what the

21 customer actually had as a quality of service or

22 business service level. That's something different.

23 That's at a higher level, that business-level decision

24 of how much data or how many channels you could get.

25   What was really taken a look at -- because

1 this is a radio system and we were worried about it at

2 the radio level -- is how do we put all this together

3 and service all those different kinds of users, some of

4 which we never even knew of?

5   No one was streaming video back in 1995, okay?

6 No one was even looking at that. You might have

7 downloaded a video file, but you never streamed it. You

8 didn't stream audio at the time, yet all those

9 capabilities are possible with the way we developed

10 this -- this product, okay?

11   Q.   All right. So let's -- let's take a couple of

12 those things, because I want to understand how your

13 system worked.

14   A.   Okay.

15   Q.   If I was connected to the DSC system, could I

16 receive a fax and an e-mail at the same time on my

17 system?

18   A.   Yes.

19   Q.   And how would the system do that? Would it

20 assign me multiple codes, multiple time channels? How

21 did it work?

22   A.   It could do it either way. It could assign

23 you multiple codes, if the only resources you had left

24 were small time slots and just codes.

25   It can also assign you a larger amount of code

1 or, again, a medium amount, say like what we have here.

2 Several of these channels together can be put together.

3 And the scheduling is almost unlimited.

4   In practicality, we came up with rules that

5 made sense to pack these things. Again, the efficiency

6 and use is important, but you had a trade-off. You

7 could do things in time or in code space, and that

8 allows you to be very efficient in how you used the

9 Spectrum.

10   Q.   Now, sir, you heard this morning a discussion

11 of the concept of TDMA.

12   A.   Yes.

13   Q.   Did you hear that?

14   A.   Yes, I did.

15   Q.   And do you -- could you explain to the jury or

16 state for the jury, what does TDMA stand for?

17   A.   Time division multiple access.

18   Q.   And at the time, in 1995, were you aware of

19 TDMA systems that were in the marketplace?

20   A.   Yes. In fact, TDMA systems on wired networks

21 had been in existence for over 30 years. So T --

22   Q.   I'm sorry.

23   A.   I mean, TDMA has been available for a very

24 long time.

25   Q.   All right. And in the TDMA systems that

1 you're aware of or were aware of in 1995, were they like

2 the -- the dedicated locked-up channel CDMA approach, in

3 that they gave dedicated time slots; or were they

4 flexible and they could just assign any old time slot at

5 any instant in time?

6   A.   It depended on the system. Most of the

7 systems at the time were fixed-channel allocation.

8 In the wireless side, they did allow -- they fixed that

9 you got it for a certain period of time until your phone

10 call went off, and they were allocating it in that

11 manner.

12   But in general, it was always a fixed slot,

13 never variable on a frame-by-frame basis from the start

14 of your need 'til the end of your need. So it was

15 always a very fixed, regimented -- every frame, you got

16 a slot; this is your time slot. We didn't look at

17 anything else. You're sending voice. You know, that's

18 it.

19   Or if you had -- remember back in the day, we

20 were all on AOL. So if you had a time slot on a wired

21 system, you got a slot. You connected your modem, the

22 thing that chirped and buzzed and then finally gave you

23 a really slow e-mail. And that was dedicated to you.

24 So that's how the systems worked then. They were very

25 regimented in their use of time.

1   Q.   All right. So in your system, you used

2 something called TDM techniques.

3   Was that -- was that the same as the TDMA

4 systems that you just described?

5   A.   No, it's not, because the idea behind it was

6 this flexibility from frame-to-frame-to-frame. I could

7 allocate all the time across, you know, one code to

8 somebody. I could allocate half of the time. I

9 could -- you know, allocate just one -- one small --

10 there's always a smallest time segment you could do.

11 You could allocate that.

12   So we had flexibility on a frame-by-frame

13 basis to the user, you know, that we're going to. We

14 had the ability to change and adapt that data. And that

15 was especially important, because that user may suddenly

16 turn on and start using the Internet while they were

17 doing a phone call, or a second phone call may have come

18 in on their second phone line, or, you know, let's face

19 it.

20   There are a lot of different things. You may

21 have had two or three different kids on their computers

22 goofing around. That's kind of the point of it. We

23 were always looking at the data requests and then

24 allocating on-demand need. So it's using TDM, but it's

25 not really TDMA. So we need to separate those two

1 concepts. They are very different.

2   Q.   All right. Why was your system a more

3 efficient technique than using either the dedicated time

4 slots or the dedicated channels of the systems that you

5 were replacing?

6   A.   Well, first of all, the types of data had

7 different needs for their regularity of needing time.

8 Like your voice, you kind of need a regular pace for two

9 people to carry a phone conversation. So you get a very

10 regular allocation of data.

11   But you did something like a fax, that's kind

12 of a large burst over a certain period of time. If

13 you're doing the Internet, we're all familiar with this.

14 You type a URL in. Then the webpage comes up. So

15 there's a big burst of activity. Then you're doing

16 nothing. You're kind of scrolling or reading the

17 webpage, and all that data is in front of you.

18   So, you know, again, I hope I'm not

19 circumventing the question, but it had a great ability

20 to allow us to make the most use of the radio resources

21 that we had.

22   Q.   All right. Why did you -- you said that you

23 based your decision on how to allocate the bandwidth

24 whether by codes or time. You said you made that

25 decision based upon the characteristics of the data --

1   A.   Correct.

2   Q.   -- that was being sent?

3   A.   Correct.

4   Q.   Why did you not base it on the characteristics

5 of the user?

6   A.   Because the users that we saw, you know,

7 coming in the future -- and if you pull out your cell

8 phone and you realize it -- you know, 20 years ago, you

9 couldn't build this. This is a miniaturization of three

10 or four devices all put into one, right?

11   And today you use it and you may be using a

12 map while you're talking to somebody on your Bluetooth

13 earpiece. How many of you have been driving and kind of

14 using this to do navigation while you're trying to find

15 someplace you haven't been before, like a restaurant in

16 town?

17   The issue ending up being is that you can't

18 just say what the user is doing. The user may be doing

19 many things. So it's the many things; it's the many

20 activities that are important. It's not that it's Joe.

21 Joe just doesn't do one thing. Joe may be doing

22 multiple things, and Joe may be doing nothing.

23   It's really important to be able to look at

24 just what the services Joe needs and divide that up.

25   A very interesting concept at the time.

1   People were not thinking that way, but we were solving a

2   problem immediately in that roll-out of the Internet.

3   So we had to face that problem about a decade

4   earlier than any device could handle it or think about

5   it, so...

6   Q.   All right. Let me draw your attention now to

7   another figure from the patent which is Figure 9B.

8   Do you see that?

9   A.   Yes.

10   Q.   In the description of the patent says that

11 this is an example of a fully loaded version of your

12 system.

13   Can you describe that for us, please?

14   A.   Yeah. Again, you have the code space. And

15 here now, you're using the smallest time slots

16 everywhere. And what this looks like and what this can

17 be used for is two things.

18   One, many users making phone calls. My

19 favorite version of this and the discussions we had were

20 national -- a national disaster. Many people calling

21 911, okay?

22   You would divide everything up, and this made

23 sure that you had all of this as voice conversations, or

24 it could also be many voice conversations and some very

25 low-rate data getting through.