

# EXHIBIT C

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

1  
2  
3  
4 WI-LAN, INC. )  
5 DOCKET NO. 6:10cv521  
6 -vs- )  
7 Tyler, Texas  
8 ALCATEL-LUCENT USA, INC., 8:47 a.m.  
9 ET AL ) July 9, 2013

\*\*\*\*\*

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

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

19  
20 COURT REPORTERS: MS. SHEA SLOAN  
21 MS. JUDY WERLINGER  
22 211 W. Ferguson  
23 Tyler, Texas 75702  
24 shea\_sloan@txed.uscourts.gov

25 Proceedings taken by Machine Stenotype; transcript was  
produced by a Computer.

1 right?

2 A. That's right, yes.

3 Q. Okay. And, in fact, the combination of using  
4 orthogonal codes with overlay codes was known before the  
5 Airspan patents, right?

6 A. Not necessarily, no.

7 Q. Well, could we play from your deposition clip,  
8 67?

9 (Video playing.)

10 QUESTION: When you told me what the --  
11 what you believed the invention of the '326 patent was,  
12 you mentioned three things: Orthogonal codes, overlay  
13 codes, and TDM techniques.

14 It's fair to say that the combination of  
15 orthogonal channels and overlay codes was known prior to  
16 the invention of the '326 patent and the other patents  
17 in this case, correct?

18 ANSWER: That was known.

19 (End of video clip.)

20 Q. (By Mr. Arovas) Okay. So it's a fact, isn't  
21 it, the combination of orthogonal codes and overlay  
22 codes was known before the Airspan patents?

23 A. Yes. Not in the context of these claims, but  
24 yes.

25 Q. I understand that's your position, but please

1 A. I would consider it, yes.

2 Q. I am not asking you if you would consider it;  
3 I'm asking you if it's covered or not.

4 A. Well, yes, it's covered.

5 Q. It would be covered. Thank you. Okay.

6 So now let's go back to the main point, which  
7 is the industry knew to use TDM and CDM -- CDMA -- I'm  
8 sorry -- it's TDMA and -- using too many acronyms.

9 The industry knew and the engineers in the  
10 mobile communications knew to put TDMA and CDMA in the  
11 same system, right, before the Airspan patents?

12 A. There was some examples of that, yes.

13 Q. Right. So, for example, it was known -- we'll  
14 take a look at a patent.

15 MR. BORGMAN: Your Honor, this is  
16 definitely getting into prior art for the rebuttal case.

17 THE COURT: Response?

18 MR. AROVAS: Your Honor, I think this  
19 goes to the issue of the context of the patent and some  
20 of the equivalents arguments that were made about what  
21 combinations could and could not be made.

22 And I'm just going to show this to show  
23 it was known in the art, just as we talked about, that  
24 the combination of CDMA and TDMA existed.

25 THE COURT: All right. I'll allow that

1 Q. And the way the subdividing works in a phone  
2 number is that the last seven digits actually tell you a  
3 particular line in the area, right?

4 A. Well, I don't know. The way in which this  
5 works is, is that 903 area code is where the traffic is  
6 directed to, and then it's subdivided out to this phone  
7 number.

8 Q. Okay. Let's be perfectly clear.  
9 The extra digits that actually divide up the  
10 area into individual lines is the last seven digits of  
11 the phone number, and everybody knows that, right?

12 A. Well, no. It's part of the area code as well.

13 Q. Okay. The area code -- let's start again --  
14 that's the area, right, 903. Right, okay?

15 And, in fact, if you were to look up how phone  
16 numbers work, right, the next three digits tell you a  
17 particular switch in that area, right?

18 A. I -- I really don't know.

19 Q. You're an expert in communications, right?

20 A. In wireless communications, yes.

21 Q. Okay. But you don't know -- do you know what  
22 these next three digits are called?

23 A. I don't, no.

24 Q. Okay. Would it surprise you if the way the  
25 phone numbers work is, in fact, 903 is the area, the

1 Q. Give me some examples.

2 A. Okay. Out in rural applications, they may be  
3 out tens of miles.

4 Q. Okay. Good.

5 A. And --

6 Q. Now that we have a cell, let's use that. I  
7 have a cell that's tens of miles wide, okay? I'm going  
8 to move 2 feet from the outside of an elevator to the  
9 inside of an elevator.

10 The predominant difference that causes my  
11 signal to go from good to bad is because the elevator  
12 doors closed, right?

13 A. Right, but you don't have many elevators out  
14 in a rural. What I was going to say is you also --

15 Q. Let's not speculate about how many elevators  
16 there are in rural communities. I think that's a little  
17 off the topic.

18 Let's just stick with the fact that in that  
19 example, your CQI goes from one number to a lower  
20 number, and the difference is because the elevator doors  
21 close, not because of any change in intercellular  
22 interference, right?

23 A. Well, in that hypothetical, the intercell  
24 interference would be very minor.

25 Q. Thank you.

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true and correct transcript from the stenographic notes of the proceedings in the above-entitled matter to the best of our abilities.

/s/ Shea Sloan  
SHEA SLOAN, CSR  
Official Court Reporter  
State of Texas No.: 3081  
Expiration Date: 12/31/14

/s/ Judith Werlinger  
JUDITH WERLINGER, CSR  
Deputy Official Court Reporter  
State of Texas No.: 731  
Expiration Date 12/31/14