

EXHIBIT G

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

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4 WI-LAN, INC.)
5 DOCKET NO. 6:10cv521
6 -vs-)
7 Tyler, Texas
8 ALCATEL-LUCENT USA, INC., 8:58 a.m.
9 ET AL) July 15, 2013

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

15 TRANSCRIPT OF TRIAL
16 BEFORE THE HONORABLE LEONARD DAVIS,
17 UNITED STATES CHIEF DISTRICT JUDGE, AND A JURY
18
19

20 COURT REPORTERS: MS. SHEA SLOAN
21 MS. JUDY WERLINGER
22 211 W. Ferguson
23 Tyler, Texas 75702
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25

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produced by a Computer.

1 known requirements according to their established
2 functions to produce a predictable result, it can be
3 important to identify a reason that would have prompted
4 a person of ordinary skill in the relevant field to
5 combine those requirements in the way the claimed new
6 invention does.

7 This is so because inventions for the
8 most part, if not always, are instances -- instances
9 rely upon building blocks that have long since been
10 uncovered and claimed discoveries almost of necessity
11 will be combinations of what, in some sense, is already
12 known.

13 Let me read that again.

14 This is so because inventions if not
15 all -- in most, if not all instances, rely upon building
16 blocks long since uncovered and claimed -- and claimed
17 discoveries almost of necessity will be combinations of
18 what, in some sense, is already known.

19 Accordingly, you may evaluate whether
20 there was some teaching, suggestion, or motivation to
21 arrive at the claimed invention as a whole, before the
22 time of the claimed invention, although proof of this is
23 not a requirement to prove obviousness.

24 Teachings, suggestions, and motivations
25 may also be found within the knowledge of a person of

1 ordinary skill in the art including inferences and
2 creative steps that a person of ordinary skill in the
3 art would employ.

4 Additionally, teachings, suggestions, and
5 motivations may be found in the nature of the problem
6 solved by the claimed invention, or any need or problem
7 known in the field of the invention at the time and
8 addressed by the invention.

9 Therefore, in evaluating -- in evaluating
10 whether a claim would have been obvious, you should
11 consider a variety of factors, such as:

12 No. 1, whether Defendants have identified
13 a reason that would have prompted a person of ordinary
14 skill in the field of the invention to combine the
15 requirements or concepts from the prior art in the same
16 way as in the claimed invention.

17 There is no single way to define the line
18 between true inventiveness on the one hand, which is
19 patentable, and the application of common sense and
20 ordinary skill to solve a problem on the other hand,
21 which is not patentable.

22 For example, market forces or other
23 design incentives may be what produced a change, rather
24 than true inventiveness.

25 No. 2, whether the claimed invention

1 applies a known technique that has been used to improve
2 a similar device or method in a similar way.

3 No. 3, whether the claimed invention
4 would have been obvious to try, meaning that the claimed
5 innovation was one of a relatively small number of
6 possible approaches to the problem with a reasonable
7 expectation of success by those skilled in the art.

8 But you must be careful not to determine
9 obviousness using hindsight; many true inventions can
10 seem obvious after the fact. What you need to do is to
11 put yourself in the position of a person of ordinary
12 skill in the field of the invention at the time the
13 claimed invention was made, and you should not consider
14 what is known today or what is learned from the teaching
15 of the patent.

16 The ultimate conclusion of whether a
17 claim is obvious should be based on your determination
18 of several factual issues:

19 First, you must decide the level of
20 ordinary skill in the field of the invention that
21 someone would have had at the time the claimed invention
22 was made.

23 Secondly, you must decide the scope and
24 content of the prior art. In determining this scope and
25 content of the prior art, you must decide whether a

1 MR. HILL: Nothing from Plaintiff.

2 THE COURT: From the Defendants?

3 MR. AROVAS: No, Your Honor.

4 THE COURT: All right. Court is
5 adjourned.

6 (Court adjourned.)

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8 CERTIFICATION

9

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

14

15

16 /s/ Shea Sloan

SHEA SLOAN, CSR

17 Official Court Reporter

State of Texas No.: 3081

18 Expiration Date: 12/31/14

19

20

/s/ Judith Werlinger

21 JUDITH WERLINGER, CSR

Deputy Official Court Reporter

22 State of Texas No.: 731

Expiration Date 12/31/14

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