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.,		1:19 p.m.
ET AL	)	July 8, 2013

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

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

COURT REPORTERS: MS. SHEA SLOAN
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these channels?

A. Because these are the same channels that we talked about before. There's, for example -- oops. I didn't mean to -- we have the CPICH and we have the AICH channels that I talked about previously.

Q. All right. Now, does the overlay code need to be separate from the orthogonal code?

A. No, it doesn't. The Court's construction was an additional code. The Court didn't give us a construction that it was a separate code. And this is an example of what an orthogonal code and what an overlay code would look like.

In fact, these are actual overlay -- orthogonal codes 16 bits long, and then this is a 256-bit overlay code. You can see here that in actual fact, the orthogonal code is part of the overlay code.

Q. Can you give us, perhaps, a more concrete example of how one code can be part of another code?

A. Yes. So one code can be part of another code. There's -- there's a -- one way of thinking about this is this phone number analogy that we talked about before.

So if you think about the area code, area code 903, that's Tyler and the districts around here. Now, we -- we all understand what that means. It's an area

code. When you see 903, it stands alone in its own right.

But when they're generating the phone numbers, they take that area code and they subdivide it to create the telephone numbers in this area. And then you have telephone numbers such as this one here, Stanley's Famous Pit Bar-B-Q. The phone number, 903-563-0331, we understand that as a longer code that's been subdivided from that area code.

And, of course, you can see here that one code does, in fact, contain the other code.

Q. Now, you were here when Mr. Arovas gave his opening statement?

A. Yes, I was.

Q. And you heard him say that the Defendants don't have an overlay code, correct?

A. That's what I heard. Yes.

Q. All right. So what if for some reason or another the jury agrees that the overlay code needs to be separate from the orthogonal code?

A. Well, if the overlay code -- if you think the overlay code has to be separate from the orthogonal code, then there's still infringement under what's called deduction (sic) of equivalents.

Q. What do you understand the doctrine of

equivalents to be, Dr. Wells?

A. Well, I'm not a patent attorney, but my understanding is that if something is missing and it's still there through equivalence, there is still infringement.

Q. All right. Can you explain why this would be something under the doctrine of equivalents?

A. Yes. Because using that 256-bit code, that 256-digit-long code that I just talked about is exactly the same as using a 16-bit code multiplied by another 16-bit code.

So you can see here -- I'll run through the math just to show that mathematically they are equivalent.

Take the 16-bit code in the top left and then take a 16-bit overlay code. And then if you go through and you run through the math as to how it works, you multiply the orthogonal code by every bit within that overlay code. You end up with the same 256-bit code that was on the previous slide.

Q. All right. So the results are the same, but how do we get there?

A. Okay. So the results of these two are the same. In fact, they're mathematically identical. The 16-bit code -- orthogonal code times the 16-bit overlay

code gives you that 256-bit code.

So what this means is generating, using that 256-bit code is equivalent to generating a 16-bit orthogonal code and a 16-bit overlay code. I understand the test is that they have to perform the same function, which they do, which is subdividing that orthogonal channel in the same way by further spreading the data in the orthogonal channel to achieve the same result, which is that subdivided orthogonal channel at 256.

And I think one of ordinary skill in the art would view these differences as insubstantial.

Q. Now, we talked about the codes. What about the actual overlay code generator?

A. Okay. So there was the -- that was the -- that was the generator. So the generator has to be present to generate those overlay codes and support those channels that I talked about that I showed compliance for Alcatel-Lucent and Ericsson.

So, therefore, I can say that there's evidence or I found evidence that the overlay code generator is required by the HSDPA standard, and both Alcatel-Lucent and Ericsson both meet this element, this overlay code generator elements.

Q. All right. What's the next element?

A. So the next element is for a second encoder.

The second encoder has to be selected operable instead of the TDM encoder, to apply the overlay code, et cetera, et cetera.

Q. Doctor, let me stop you for just a second. I want to go back to the overlay code generator for a moment.

A. Yes.

Q. I want to ask you, can you use the same hardware and software for the orthogonal code generator and the overlay code generator, or does it have to be separate?

A. You can use the same hardware or software for the overlay code generator and the orthogonal code generator, because the construction here is that they have to be -- something that generates overlay codes and something that generates orthogonal codes.

It doesn't say that they have to be different hardware or software. So you could have the same hardware or software that, for example, for generating orthogonal codes, the 16-bit code, the generator could perhaps iterate through once to generate the 16 codes; but then the same piece of hardware or software could then go through a second time, a third time, a fourth time, a fifth time to generate that 256-bit code.

Now, in doing that, it's the same hardware or

software but with something else. There has to be something else to instruct it to do that differently. So it may be the same hardware or software, but nevertheless, it still performs the function of an orthogonal code generator and an overlay code generator.

Q. Thank you, Doctor. And I'm sorry to take us back, but can we move on to the next element, the second encoder?

A. Okay. Second encoder.

Q. Can you summarize this for us, please?

A. Yes. So this one can be simplified a little bit as well. If you look at the -- the second half of this highlighted claim element, the whereby. It talks about whereby 'n' data items pertaining to different wireless links may be transmitted simultaneously within the same orthogonal channel.

Now, going back to this code division multiple access slide, the orthogonal channels, that's the red line, the green line, and the blue line. So this is saying that you have to send data items within those channels. And that was, remember, the overlay code that we talked about before, upper Codes 14 and 15 at the top right-hand side of the screen. We've got that channel, and we're sending something within that channel with the overlay code.

screen, is this a figure in the HSDPA standard?

A. Not exactly like this. So this was a number of building blocks that were in the HSDPA standard. The HSDPA standard gives us instructions how to put those together. I've put them together as per the instructions within the standard.

And I think one of ordinary skill in the art would have the ability to do -- to reproduce this picture.

Q. Okay. Can you show us how this figure relates to the second encoder in the claim?

A. Yes. So what I've done -- because by creating these two parts, the user data, the high-speed user data could, perhaps, go through this top path; and then the control data that's associated with it could go through this bottom path.

So what that meant is through the user data at the top -- you recall I showed you the orthogonal code generator. For the control data, there are longer codes at the bottom. I showed previously that there was an orthogonal code generator and an overlay code generator.

And so to apply that control data to the orthogonal code generator and the overlay code generator, there has to be a first encoder and a second encoder to apply that data.

Q. Now, do the -- does the second encoder have to use different hardware and software than the first encoder?

A. No. Again, now this could be the same hardware or software, but, again, it's doing something differently each time, because it's applying -- with the overlay code, it's applying -- the encoder is applying an overlay code that's been generated.

When it's a second encoder, it could be the same hardware or software; but it's doing something different, because it's applying, this time, the 256-bit code instead of a 16-bit code.

Q. I'm sorry. Go ahead.

A. I was just going to say it may be the same hardware or software, but it's doing something different. And, therefore, it's meeting the limitations, the elements of the claim for a first encoder and for a second encoder.

Q. And what do the claims tell us about whether we can use the same hardware and software as the first encoder and the second encoder?

A. Well, the claims allow that, as long as they perform the function of a first encoder and the function of a second encoder.

Q. All right. And is this similar to the point

you made earlier about equivalence?

A. Yes. Yes. So I talked about the equivalence earlier, if you think that it was just the one generator. So if you think there's just the one encoder, then there's the equivalent of using these two encoders together, because I showed before, the generating and encoding using a 256-bit code, that long code, is equivalent to generating and encoding using a 16-bit orthogonal code and then a 16-bit overlay code.

And they perform the same function, subdividing the orthogonal channel in the same way by further spreading the data in the orthogonal channel to achieve the same result, which is the subdivided orthogonal channel with this spreading factor of 256.

And one of ordinary skill in the art would view the difference as insubstantial.

Q. All right. Now, Dr. Wells, I believe the claim also said something about selectively operable, didn't it?

A. Yes, it did.

Q. Can you tell us how the HSDPA standard deals with that claim element?

A. Yes. It had in there, as well, that it was selectively operable. And we can see that, for example, by going back to this radio timing picture that I put up

before.

You can see that some channels on here, for example the CPICH channel at the top here, you can see that that has the 10-millisecond timing on it. In other words, there's not TDM techniques applied to that. It's not divided up in time, or there are other channels like the high-speed data channels that we talked about previously, the HS-SCCH, the HS-PDSCH that have the time division multiplexing applied to them.

Q. And so where does that leave us with the selectively operable under the HSDPA standard?

A. So under the HSDPA standard, it means that it's required by the HSDPA standard.

Q. What about the Alcatel-Lucent base stations, do they have a second encoder?

A. Yes, they do. So this is Alcatel-Lucent document -- Alcatel-Lucent Document PX 43, and this is the system specification for the HSDPA.

And, again, this shows the code tree that I introduced previously -- oops. This shows that there's a number of channels, for example, here that have TDM techniques apply to them. These are the high-speed data channels that send the high-speed data down to your phone.

And then it says that there's a number of