

EXHIBIT D

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

4 WI-LAN, INC.)
5 -vs-) DOCKET NO. 6:10cv521
6 ALCATEL-LUCENT USA, INC.,) Tyler, Texas
7 ET AL) 1:06 p.m.
8) July 11, 2013

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

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

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23 COURT REPORTERS: MS. SHEA SLOAN
24 MS. JUDY WERLINGER
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1 patents, you don't know what it feels like to have a
2 patent infringed, correct?

3 A. I've handled cases for about equally for
4 plaintiffs and for defendants, so I have argued both
5 sides equally.

6 Q. Yeah, but my question was a little different,
7 Dr. Akl. The question is, you personally don't know how
8 it feels. If you don't have a patent, you can't know
9 how it feels to have somebody infringe that patent,
10 correct?

11 A. No, but if someone is using my research, say,
12 without permission, that would hurt. So I can
13 understand it from that point of view.

14 Q. And actually, you go to a point I wanted to
15 make. You're a professor, right?

16 A. Yes.

17 Q. And you would not tolerate a student who turns
18 in work that was the work of another student, would you,
19 Doctor?

20 A. No. It's called plagiarism.

21 Q. Yeah. We all know from kindergarten and first
22 grade at least that that's wrong?

23 A. Yes.

24 Q. I appreciate Mr. Bader's efforts to keep this
25 short and your efforts to keep this short, and I will

1 try and keep it short, too. I do want to cover a few
2 things, though.

3 Is it -- is it -- now, you heard Dr. Wicker
4 and Dr. Olivier testify, correct?

5 A. Yes.

6 Q. You were here for all that, right?

7 A. Yes.

8 Q. And so it's -- it's fair to say that with
9 respect to the HTC handsets, your opinions with respect
10 to non-infringement that you've offered to the jury are
11 essentially the same as Dr. Olivier's, correct?

12 A. Yes.

13 Q. Although he offered them for Sony Mobile and
14 you offered them for HTC, right?

15 A. Correct.

16 Q. All right. And so you would agree with
17 Dr. Olivier and Dr. Wicker, for example, that the
18 orthogonal code generator and the overlay code generator
19 can be the same piece of hardware and software, correct?

20 A. They may.

21 Q. And the decoders on the receiver side, you can
22 have a first decoder and a second decoder that use the
23 same hardware and software, correct?

24 A. It may happen. Correct.

25 Q. And you can apply an orthogonal code and then

1 you can apply the overlay code in that order, right?

2 A. Yes.

3 Q. Within the claims?

4 A. Yes.

5 Q. And -- and at the same time, the claims cover
6 when you apply the overlay code and then the orthogonal
7 code in that order, right?

8 A. Yes. The only reluctance is the overlay code
9 has to subdivide an orthogonal channel. So you need a
10 channel there to subdivide it. So if you're calling the
11 first thing overlay, it wouldn't make as much sense, but
12 you would have to switch the labels in a sense.

13 Q. Right. But, Doctor, my question really was
14 only about generating the codes.

15 A. On, generating. Oh, yes. You can generate
16 the codes in any order. Yes.

17 Q. All right. And you can generate them at
18 exactly the same time, correct?

19 A. Yes, as long as you still have two codes.

20 Q. All right. And we've heard lots and lots and
21 lots about how important the claims are.

22 A. Yeah.

23 Q. And you agree the claims are important?

24 A. Yes.

25 Q. Very important?

1 A. Yes.

2 Q. All right. And you agree that it would be
3 improper to determine infringement by comparing the
4 products, the accused products, in your case, the HTC
5 phones, to the figures in the patent; isn't that right?

6 A. Correct. We -- we -- we use the figures as an
7 example. We don't compare it to the figures.

8 Q. You compare the products to the claim, right,
9 sir?

10 A. Yes. The claims define the boundary.

11 Q. And you compare the claims to the products,
12 not to the description in the specification of the '211
13 patent, correct?

14 A. Correct.

15 Q. And you compare the products to the claims and
16 not to the tables in the patent; isn't that right?

17 A. Correct.

18 Q. And you're familiar with pseudorandom noise
19 codes, aren't you?

20 A. Yes, PN codes.

21 Q. And PN codes, are they orthogonal codes?

22 A. I've heard the deposition today, and it's
23 interesting, because I always say if you look at a
24 version of a PN code, a small code, normally PN codes
25 are not orthogonal. But in the limits, when you take