

# Exhibit A

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 ) 12:09 p.m.  
8 ) July 12, 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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17 TRANSCRIPT OF TRIAL  
18 AFTERNOON SESSION  
19 BEFORE THE HONORABLE LEONARD DAVIS,  
20 UNITED STATES CHIEF DISTRICT JUDGE, AND A JURY

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25 COURT REPORTERS: MS. SHEA SLOAN  
MS. JUDY WERLINGER  
211 W. Ferguson  
Tyler, Texas 75702  
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27 Proceedings taken by Machine Stenotype; transcript was  
28 produced by a Computer.

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1 single element within the patent is met, is present in  
2 the invention.

3 Q. And what if there's a single element in the  
4 claims that's missing from Gitlin? What does that tell  
5 us?

6 A. Well, if there's -- if there's a single  
7 element that's missing, then Gitlin doesn't anticipate.

8 Q. Now, let me ask you that question. Does  
9 Gitlin anticipate any of the asserted claims of the  
10 '326, '211, or '819 patents?

11 A. No, it doesn't.

12 Q. Now, let me ask you a couple of questions  
13 about obviousness.

14 You heard Mr. Lanning talk about obviousness  
15 this morning?

16 A. Yes, I did.

17 Q. All right. And that's a different concept  
18 than anticipation?

19 A. That's right.

20 Q. All right. And you understand that for  
21 obviousness, there can be something missing from a  
22 reference that might be obvious to one of ordinary skill  
23 in the art back at the time of the invention. And if  
24 that happens, then what?

25 A. Then if there's something missing, then -- I

1 apologize. Could you repeat the question?

2 Q. Tell me what you understand needs to be done  
3 to establish obviousness.

4 A. Okay. For obviousness, it has to be obvious  
5 that within -- that the elements are there.

6 Q. All right. Would Mr. Lanning's combination of  
7 Tiedemann and the Gitlin reference have been obvious --  
8 have rendered the claims at issue obvious?

9 A. No, it wouldn't.

10 Q. And why do you say that?

11 A. Because, first of all, Gitlin is talking about  
12 this system with PN codes. It has a system with  
13 non-orthogonal codes. And Gitlin chose PN codes for a  
14 reason. He chose them because he's building a low-cost  
15 system. PN codes are easy to generate. It's a very  
16 different system to what's disclosed in Tiedemann.

17 So I don't think it would have been obvious to  
18 combine the two together.

19 Q. Any other reasons?

20 A. There's also, that together, they still don't  
21 disclose all the elements in the patent. They don't  
22 disclose TDM techniques, for example.

23 Q. All right. What about the claims at least  
24 that Mr. Lanning talked about, would those -- would any  
25 of those four claims have been obvious in light of the

1 Tiedemann reference by itself to one of ordinary skill?

2 A. No, it wouldn't.

3 Q. And why do you say that?

4 A. Well, Tiedemann doesn't disclose these

5 orthogonal codes -- I beg your pardon -- Tiedemann

6 doesn't disclose these overlay codes, for example.

7 Tiedemann doesn't disclose TDM techniques.

8 The system is different. It wouldn't be obvious to

9 combine them together.

10 And even if you did, there wouldn't be the

11 full -- there wouldn't be meeting every single element

12 of this claim.

13 Q. All right. What about the idea of using TDM

14 techniques on a paging channel, would that have been

15 obvious to one of ordinary skill in the art?

16 A. No. No, it wouldn't, because a paging channel

17 is used to send just -- for example, in IS-95, it's just

18 a particular page, a paging message. There's not

19 different types of data. There's not voice going on a

20 paging channel. There's not these other services going

21 on that paging channel.

22 So you wouldn't need to put TDM techniques on

23 a paging channel.

24 Q. And how about the idea of using overlay codes

25 on a data channel instead of TDM techniques?

1           A.   Well, no, I don't think you would want to do  
2 that as well, because by doing that, you're trying to  
3 get these -- you're trying to put something that's on  
4 the data channel.  You're trying to feed that into a  
5 traffic channel.  That really doesn't make sense,  
6 because they have very different characteristics, the  
7 two channels.

8           Q.   All right.  Dr. Wells, take us home.  Can you  
9 summarize your conclusions on validity?

10          A.   Yes, I can.

11                 So my conclusions on validity are that the  
12 patents-in-suit are indeed valid.  The prior art fails  
13 to disclose the following:  IS-95-A doesn't have overlay  
14 codes.  It doesn't have TDM techniques.

15                 Tiedemann doesn't have overlay codes that  
16 subdivide an orthogonal channel, and Tiedemann doesn't  
17 have TDM techniques.

18                 Gitlin doesn't have overlay codes.  It doesn't  
19 have TDM techniques, and it doesn't have overlay codes.  
20 And then Gilhousen doesn't disclose TDM techniques.

21                 And then, finally, Mr. Lanning's combinations  
22 of the prior art, I don't think they're obvious.

23           Q.   So let me just ask:  For each of these  
24 references, IS-95-A, Tiedemann, Gitlin, the Gilhousen  
25 '652 patent application --

1 A. Uh-huh.

2 Q. -- do those -- do any of those references  
3 anticipate any of the claims in the '326, '211, or '819  
4 patent?

5 A. No. No, they don't.

6 Q. And did Mr. Lanning show that any of those  
7 references anticipate any of those claims by clear and  
8 convincing evidence?

9 A. No, he didn't.

10 Q. Do any of those four references, either alone  
11 or in combination with each other, render obvious to one  
12 of ordinary skill in the art the claimed inventions in  
13 the '326, '211, and '819 patents?

14 A. No, they don't.

15 Q. And do you agree with Ms. Lanning's  
16 conclusions as to obviousness?

17 A. No, I don't.

18 Q. All right.

19 MR. BORGMAN: Pass the witness, Your  
20 Honor.

21 THE COURT: All right.

22 Cross-examination?

23 CROSS-EXAMINATION

24 BY MR. APPLEBY:

25 Q. Good afternoon, Dr. Wells.