1	UNITED STATES PATENT AND TRADEMARK OFFICE
2	BEFORE THE PATENT TRIAL AND APPEAL BOARD
3	Case IPR 2015-00698
4	Patent 8,092,345
5	UNDER ARMOUR, INC.
6	Petitioner,
7	vs.
8	ADIDAS AG,
9	Patent Owner.
10	/
11	
12	The oral deposition of JOSEPH PARADISO,
13	PH.D., was held on Tuesday, November 10, 2015,
14	commencing at 9:13 a.m., at the law offices of
15	Kilpatrick Townsend & Stockton LLP, 607 Fourteenth
16	Street, Northwest, Suite 900, Washington, D.C.,
17	before Susan Ashe, RMR, CRR, Notary Public
18	
19	
20	
21	
22	
23	
24	
25	REPORTED BY: Susan Ashe, RMR, CRR



UNDER ARMOUR, INC. vs. ADIDAS AG Joseph Paradiso, Ph.D. (345 patent) on 11/10/2015

Pages 2..5

1	Page 2 APPEARANCES:	1	Page PROCEEDINGS
2	ON BEHALF OF THE PETITIONER AND THE WITNESS:	2	Whereupon,
3	W. SUTTON ANSLEY, ESQUIRE	3	JOSEPH PARADISO, PH.D.,
4	Weil, Gotshal & Manges LLP	4	the Witness, called for examination, having been
5	1300 Eye Street, Northwest	5	first duly sworn according to law, was examined and
6	Suite 900	6	testified as follows:
7	Washington, D.C. 20005-3314	7	EXAMINATION
8		8	BY MR. OLINGER:
9	ON BEHALF OF THE PATENT OWNER:	9	Q. All right. So good morning, Dr. Paradiso
10	MATIAS FERRARIO, ESQUIRE	10	A. Good morning.
11	Kilpatrick Townsend & Stockton LLP	11	Q. How are you today?
12	1001 West Fourth Street	12	A. I'm not bad. How are you?
13	Winston-Salem, North Carolina 27101	13	Q. Good. Thank you.
14	(336) 607-7309	14	Can you go on and state and spell your
15	- and -	15	name for the record, please.
16	JONATHAN D. OLINGER, ESQUIRE	16	A. Sure, P-a-r-a-d-i-s-o.
17	Kilpatrick Townsend & Stockton LLP	17	O. Excellent.
18	1100 Peachtree Street, Northeast	18	And have you ever been deposed before?
19	Suite 2800	19	A. No.
20	Atlanta, Georgia 30309	20	Q. You've not. Have you ever served as an
21	(404) 815-6381	21	expert witness before?
22	(101) 013 0301	22	A. I've written declarations.
23		23	Q. Okay. How many times?
24	يتعيد	24	A. It's in my CV or the documents I sent you
25		25	On the order of probably four times, five
23		23	on the order of probably rour times, rive
1	Page 3	1	Page times.
2	Deposition of JOSEPH PARADISO, PH.D.	_ 2 _	
3	November 10, 2015	3	of the statements written in those declarations?
4	November 10, 2015	4	A. No, never.
5	Examination By: Page	5	Q. Okay. So I'm going to give you a few
6	Mr. Olinger 4	6	instructions about the deposition today, just so
7	Mr. Ansley 39	7	that we can all be on the same page.
8		8	And since this is your first time, I'll qu
9	Exhibit No. Presented	9	through them in a bit more detail
10	Exhibit 1003 Declaration of	10	
11	Joseph A. Paradiso, Ph.D. 6	11	
12	Exhibit 1004 U.S. Patent 6,513,532 27	12	~
12	Exhibit 1005 U.S. Patent 6,321,158 34		The basic setup is that I will ask you a
13	EXHIBIT 1003 0.B. 14cche 0,321,130	13	question and you must provide an answer, unless instructed by your attorney not to do so.
13		1 1 4	
14		14	
14 15		15	A. Yes.
14 15 16		15 16	A. Yes. Q. I will assume you understand my questions
14 15 16 17		15 16 17	A. Yes. Q. I will assume you understand my questions unless you ask for clarification.
14 15 16 17		15 16 17 18	A. Yes. Q. I will assume you understand my questions unless you ask for clarification. A. Sure.
14 15 16 17 18		15 16 17 18 19	A. Yes. Q. I will assume you understand my questions unless you ask for clarification. A. Sure. Q. So if there is something about my question
14 15 16 17 18 19 20		15 16 17 18 19 20	A. Yes. Q. I will assume you understand my questions unless you ask for clarification. A. Sure. Q. So if there is something about my question that you don't understand, please let me know.
14 15 16 17 18 19 20 21		15 16 17 18 19 20 21	A. Yes. Q. I will assume you understand my questions unless you ask for clarification. A. Sure. Q. So if there is something about my question that you don't understand, please let me know. A. Yes.
14 15 16 17 18 19 20 21		15 16 17 18 19 20	A. Yes. Q. I will assume you understand my questions unless you ask for clarification. A. Sure. Q. So if there is something about my question that you don't understand, please let me know.
14 15 16 17 18 19 20 21 22 23		15 16 17 18 19 20 21 22 23	A. Yes. Q. I will assume you understand my questions unless you ask for clarification. A. Sure. Q. So if there is something about my question that you don't understand, please let me know. A. Yes. Q. So the court reporter can provide an accurate transcript, please answer audibly. Don't
14 15 16 17 18 19 20 21		15 16 17 18 19 20 21 22	A. Yes. Q. I will assume you understand my questions unless you ask for clarification. A. Sure. Q. So if there is something about my question that you don't understand, please let me know. A. Yes. Q. So the court reporter can provide an



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Pages 6..9

1	O. Also.	Page 6 please let me finish my questions	1	A lot of the concentration of my work	Page 8
2	before you answe		2	been around wearable wireless sensing and sensor	
3	_	will also give you the same courtesy	3	networks.	
4		to finish your answer before I ask	4	We've done lots of systems for dancers	S.
5	the next question	_	5	for athletes, lots of wearable user interfaces.	
6	_	ay the court reporter can get a	6	And our work now is concentrating about	
7	clean transcript		7	how people connect to the electronic nervous sys	
8	A. Thank		8	that surrounds them, much of which use is also	occiii
9		hat all sound acceptable to you?	9	wearable electronics.	
10		ertainly does.	10	Q. Okay. And when you say "wearable wire	مامده
11	Q. Excell		11	sensing," what do you mean by "sensing"?	CICS
12			12	A. "Sensing" means you transduce some	
		are here this morning to discuss			
13		hich relates to U.S. Patent	13	physical parameter.	
14	8,092,345.		14	So it could be an accelerometer, for	
15	A. Yes.	h	15	example, that measures motion of the human in	
16	_	u have offered an opinion on the	16	different ways.	
17		'345 patent. Correct?	17	It could be a microphone to either	
18	A. Yes, I		18	digitized audio or plug-audio features.	
19		R. OLINGER: Okay. And we can go	19	It could be a photo sensor to look at	
20	_	u your declaration, which has	20	light light qualities, light characteristics	
21		marked as UA 1003.	21	It could be a proximity sensor to measure	sure
22		ince it's already marked, we're not	22	how close something is.	
23		a new exhibit number for this	23	Or it could be a biometric sensor to	
24	matter.		24	measure, you know, heart rate, GSR, things of the	hat
25	(Where	upon, UA Exhibit 1003 was presented	25	sort.	
		Page 7			Page 9
1	to the witness.)		1	It could be a camera to pull features	out
2		is is the report or the		_ from images.	
3	_	have submitted in which you opine on	3	There are many, many kinds of sensors	
4	_	the '345 patent. Correct?	4	many kinds that we've used.	, .
5		R. OLINGER: Did you get his answer?	5	Q. Okay. And you've stated that your wo	rk at
6		OURT REPORTER: He said, "Hmmpf."			
	Q. Okay.		6	the media lab is primarily focused on this wears	able
7	_	Just as a reminder, please make	7	wireless sensing technology?	
8	sure you give an	audible response.	7 8	wireless sensing technology? A. That's the enabling technology that we	
8 9	sure you give an	audible response. It was just a grunt.	7 8 9	wireless sensing technology? A. That's the enabling technology that we use, one of the major enabling we use many	
8 9 10	sure you give an A. Yeah. Q. Unders	audible response. It was just a grunt. tood.	7 8 9 10	wireless sensing technology? A. That's the enabling technology that we use, one of the major enabling we use many technologies, but my work is known for that	е
8 9 10 11	sure you give an A. Yeah. Q. Unders A. I'll t	audible response. It was just a grunt. tood. ake a quick look.	7 8 9 10 11	wireless sensing technology? A. That's the enabling technology that we use, one of the major enabling we use many technologies, but my work is known for that COURT REPORTER: Pardon me, sir.	e But
8 9 10 11 12	sure you give an A. Yeah. Q. Unders A. I'll t Q. Unders	audible response. It was just a grunt. tood. ake a quick look. tood.	7 8 9 10 11 12	wireless sensing technology? A. That's the enabling technology that we use, one of the major enabling we use many technologies, but my work is known for that COURT REPORTER: Pardon me, sir. you have to slow down so I understand what you're	e But
8 9 10 11 12 13	A. Yeah. Q. Unders A. I'll t Q. Unders A. You ac	audible response. It was just a grunt. tood. ake a quick look. tood. tually transcribed that.	7 8 9 10 11 12 13	wireless sensing technology? A. That's the enabling technology that we use, one of the major enabling we use many technologies, but my work is known for that COURT REPORTER: Pardon me, sir. you have to slow down so I understand what you's saying.	e But re
8 9 10 11 12 13	A. Yeah. Q. Unders A. I'll t Q. Unders A. You ac	audible response. It was just a grunt. tood. ake a quick look. tood. tually transcribed that. (Witness perusing.)	7 8 9 10 11 12 13 14	wireless sensing technology? A. That's the enabling technology that we use, one of the major enabling we use many technologies, but my work is known for that COURT REPORTER: Pardon me, sir. you have to slow down so I understand what you's saying. THE WITNESS: Sorry. Sometimes:	e But re
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8 9 10 11 12 13 14	A. Yeah. Q. Unders A. I'll t Q. Unders A. You ac A. Yeah, Q. Excell employment?	audible response. It was just a grunt. tood. ake a quick look. tood. tually transcribed that. (Witness perusing.) it appears to be. ent. What is your place of current	7 8 9 10 11 12 13 14 15	wireless sensing technology? A. That's the enabling technology that we use, one of the major enabling we use many technologies, but my work is known for that COURT REPORTER: Pardon me, sir. you have to slow down so I understand what you's saying. THE WITNESS: Sorry. Sometimes is don't realize how fast I speak. A. It's one of the enabling technologies we use to push into a myriad of different	e But re I
8 9 10 11 12 13 14 15 16 17	A. Yeah. Q. Unders A. I'll t Q. Unders A. You ac A. Yeah, Q. Excell employment?	audible response. It was just a grunt. tood. ake a quick look. tood. tually transcribed that. (Witness perusing.) it appears to be.	7 8 9 10 11 12 13 14 15 16 17	wireless sensing technology? A. That's the enabling technology that we use, one of the major enabling we use many technologies, but my work is known for that COURT REPORTER: Pardon me, sir. you have to slow down so I understand what you's saying. THE WITNESS: Sorry. Sometimes is don't realize how fast I speak. A. It's one of the enabling technologies.	e But re I
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8 9 10 11 12 13 14 15 16 17 18 19	A. Yeah. Q. Unders A. I'll t Q. Unders A. You ac A. Yeah, Q. Excell employment? A. I'm at Q. How lo	audible response. It was just a grunt. tood. ake a quick look. tood. tually transcribed that. (Witness perusing.) it appears to be. ent. What is your place of current the MIT Media Lab.	7 8 9 10 11 12 13 14 15 16 17 18	wireless sensing technology? A. That's the enabling technology that we use, one of the major enabling we use many technologies, but my work is known for that COURT REPORTER: Pardon me, sir. you have to slow down so I understand what you's saying. THE WITNESS: Sorry. Sometimes is don't realize how fast I speak. A. It's one of the enabling technologies we use to push into a myriad of different applications, from sports monitoring We did a project with the Boston Red States.	e But rre I that
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8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yeah. Q. Unders A. I'll t Q. Unders A. You ac A. Yeah, Q. Excell employment? A. I'm at Q. How lo Media Lab? A. I have visitor in 1993.	audible response. It was just a grunt. tood. ake a quick look. tood. tually transcribed that. (Witness perusing.) it appears to be. ent. What is your place of current the MIT Media Lab. ng have you been employed at MIT been there since 1994. And I was a And what does your work at the	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	wireless sensing technology? A. That's the enabling technology that we use, one of the major enabling we use many technologies, but my work is known for that COURT REPORTER: Pardon me, sir. you have to slow down so I understand what you's saying. THE WITNESS: Sorry. Sometimes is don't realize how fast I speak. A. It's one of the enabling technologies we use to push into a myriad of different applications, from sports monitoring We did a project with the Boston Red actually it went on for many years to monitable tic performance and extract biometric parameters from pitchers and batters; dancers we	But rre I that



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1	Page 10 node, as far as I know, for wearable gait analysis.	1	Page 12 embedded into different kinds of applications.
2	One of them worked for IEEE MV for that.	2	Q. So you said that you did some work at the
3	We do a lot of work now with lighting	3	Draper Lab?
4	control, building systems, wearables, to regulate	4	A. Yes, I did.
5	temperature. So we can look at the sensor comfort.	5	Q. When did you work at the Draper Lab?
6	And this is all, you know, sensing on	6	And can you tell me what the Draper Lab
7	the body, sensing the infrastructure both.	7	is?
8	And then you combine that in different	8	MR. ANSLEY: Objection; form.
9	ways through processing. And you actuate or you	9	Q. Can you tell me what the Draper Lab is?
10	analyze the data.	10	A. Okay. Draper Lab is a spinoff of MIT. It
11	Q. Okay. Are you familiar with the global	11	used to be the MIT's Instrumentation Lab.
12	positioning system?	12	And they're probably the laboratory most
13	A. Yes, I am.	13	famous in the world for inertial guidance systems.
14	Q. And do you know when that was first	14	It was started by Dr. Draper himself
15	invented?	15	legend and inertia guy. And he's the guy who flew
16	A. That's a good question.	16	blindfolded from you know, it was Boston to L.A.
17	It was invented, oh, decades ago	17	you know, showing that you really can use
18	probably '80s or '70s I don't know exactly	18	navigation systems, inertial navigation systems.
19	when and then implemented over the next years.	19	And we developed, essentially, the
20	Q. And do you know who invented the GPS	20	inertial navigation system for every major U.S.
21	system?	21	strategic missile not local strategic missile
22	A. I couldn't tell you.	22	for the West.
23	Q. Okay. Can you describe to me how GPS	23	And the most famous part of Draper
24	works?	24	probably is Apollo. We did the guidance for Apollo.
25	A. The GPS satellites emit a radio signal.	25	Q. Okay. So when you say "we," is that you
	Page 11		Page 13
1	And they know their time. They all have atomic	1	directly or is that the work of the Draper Lab?
1 2	9	1 2	directly or is that the work of the Draper Lab?
	And they know their time. They all have atomic		directly or is that the work of the Draper Lab?
2	And they know their time. They all have atomic clocks.	2_	directly or is that the work of the Draper Lab? A. I did not do the guidance for Apollo. I'm
2 3	And they know their time. They all have atomic clocks. And you look at the differential time	23	directly or is that the work of the Draper Lab? A. I did not do the guidance for Apollo. I'm not old enough maybe I touch the edge.
2 3 4	And they know their time. They all have atomic clocks. And you look at the differential time of arrival of the sequencing differential phase	3 4	directly or is that the work of the Draper Lab? A. I did not do the guidance for Apollo. I'm not old enough maybe I touch the edge. I did a lot of work, though, on spacecraft
2 3 4 5	And they know their time. They all have atomic clocks. And you look at the differential time of arrival of the sequencing differential phase coming in at the receiver.	23 4 5	directly or is that the work of the Draper Lab? A. I did not do the guidance for Apollo. I'm not old enough maybe I touch the edge. I did a lot of work, though, on spacecraft control for the shuttle and for space station.
2 3 4 5 6	And they know their time. They all have atomic clocks. And you look at the differential time of arrival of the sequencing differential phase coming in at the receiver. And then knowing the positions of the	3 4 5 6	directly or is that the work of the Draper Lab? A. I did not do the guidance for Apollo. I'm not old enough maybe I touch the edge. I did a lot of work, though, on spacecraft control for the shuttle and for space station. I was their momentum management expert for
2 3 4 5 6 7	And they know their time. They all have atomic clocks. And you look at the differential time of arrival of the sequencing differential phase coming in at the receiver. And then knowing the positions of the satellites, you can work out where you are.	2 3 4 5 6 7	directly or is that the work of the Draper Lab? A. I did not do the guidance for Apollo. I'm not old enough maybe I touch the edge. I did a lot of work, though, on spacecraft control for the shuttle and for space station. I was their momentum management expert for a while, looking at controlling altitude in
2 3 4 5 6 7 8	And they know their time. They all have atomic clocks. And you look at the differential time of arrival of the sequencing differential phase coming in at the receiver. And then knowing the positions of the satellites, you can work out where you are. Q. Prior to February 2001, had you developed	3 4 5 6 7 8	directly or is that the work of the Draper Lab? A. I did not do the guidance for Apollo. I'm not old enough maybe I touch the edge. I did a lot of work, though, on spacecraft control for the shuttle and for space station. I was their momentum management expert for a while, looking at controlling altitude in spacecraft.
2 3 4 5 6 7 8	And they know their time. They all have atomic clocks. And you look at the differential time of arrival of the sequencing differential phase coming in at the receiver. And then knowing the positions of the satellites, you can work out where you are. Q. Prior to February 2001, had you developed or worked on any systems that use GPS technologies?	3 4 5 6 7 8	directly or is that the work of the Draper Lab? A. I did not do the guidance for Apollo. I'm not old enough maybe I touch the edge. I did a lot of work, though, on spacecraft control for the shuttle and for space station. I was their momentum management expert for a while, looking at controlling altitude in spacecraft. And then I went to work with the sensors
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2 3 4 5 6 7 8 9 10	And they know their time. They all have atomic clocks. And you look at the differential time of arrival of the sequencing differential phase coming in at the receiver. And then knowing the positions of the satellites, you can work out where you are. Q. Prior to February 2001, had you developed or worked on any systems that use GPS technologies? A. When I was at Draper Lab MR. ANSLEY: Objection; relevance.	2 3 4 5 6 7 8 9 10 11	directly or is that the work of the Draper Lab? A. I did not do the guidance for Apollo. I'm not old enough maybe I touch the edge. I did a lot of work, though, on spacecraft control for the shuttle and for space station. I was their momentum management expert for a while, looking at controlling altitude in spacecraft. And then I went to work with the sensors group. We did a lot of sonar and things of that sort.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	And they know their time. They all have atomic clocks. And you look at the differential time of arrival of the sequencing differential phase coming in at the receiver. And then knowing the positions of the satellites, you can work out where you are. Q. Prior to February 2001, had you developed or worked on any systems that use GPS technologies? A. When I was at Draper Lab MR. ANSLEY: Objection; relevance. Go ahead. A. When I was at Draper Lab, I worked on the intelligence sonobuoy, which is a system where we had GPS on imaging sonobuoy that would be floating out in the ocean to image things that would go by it. So GPS is how we tracked it. I was working in a group then. It was actually very well known for GPS, really pushing the fringe of GPS. It was the Draper's sensors group. When I was at the media lab, a lot of our sponsors were using GPS. Trimble, for example, sponsored it that many of us worked with.	2 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	directly or is that the work of the Draper Lab? A. I did not do the guidance for Apollo. I'm not old enough maybe I touch the edge. I did a lot of work, though, on spacecraft control for the shuttle and for space station. I was their momentum management expert for a while, looking at controlling altitude in spacecraft. And then I went to work with the sensors group. We did a lot of sonar and things of that sort. Q. And when did you work for the Draper Lab? A. I was there as a student. That's where I learned a lot of programming, actually. I went there as a systems programmer in 1974. And then I finished when I went to grad school at MIT in '77. They brought me back as a consultant in '78 for a lot of realtime software I developed from the MX guiding system for testing it. And then I went back to join the NASA group in oh, that was 1983, I believe. And I stayed until I went to the media lab in '94.



UNDER ARMOUR, INC. vs. ADIDAS AG Joseph Paradiso, Ph.D. (345 patent) on 11/10/2015

Pages 14..17

_		_	
1	Page 14 technologies?	1	Page 16 A. Yes.
2	A. It depends on what you mean by "GPS	2	Q. In this paragraph you state that it is
3	technologies."	3	your opinion a person of ordinary skill in the art
4	Q. Did you use or implement any GPS	4	would have through training or experience an
5	receivers?	5	understanding of basic analog and digital circuits,
6	A. I did not directly implement GPS	6	microcontrollers, signaling, sensing, and embedded
7	receivers.	7	software.
8	I worked on devices that did use them. So	8	A. Um-hum.
9	I was aware of their capability.	9	Q. What do you mean by "embedded software"?
10	But I did not design the GPS receiver or	10	A. "Embedded software" is software that runs
11	· ·		
12	integrate the GPS receiver at that time. Q. And did you do so while you were employed	11 12	typically on a microcontroller or a computer away
			from something like a mainframe or a personal
13	with the MIT Media Lab?	13	computer or a server, any of these things.
14	MR. ANSLEY: Objection; relevance.	14	It runs physically in a device.
15	A. At the MIT Media Lab, we have been around	15	Q. Okay. And you also state in paragraph 11
16	GPS a lot with in the early days, with Trimble,	16	that a person would have at least a bachelor's
17	as I mentioned, and companies that were there.	17	degree in electrical engineering, computer
18	I've worked a lot with phone companies too	18	engineering, or computer science, and three or more
19	that have looked in treating situation awareness	19	years of practical experience with sensing,
20	or situational awareness, GPS locational	20	signaling, and embedded and/or mobile systems or the
21	awareness into their devices.	21	equivalent. Correct?
22	I've worked a lot with Nokia, consulted	22	A. Yes.
23	with them, spent time at their labs. And they were	23	Q. Now, in paragraph 12 you say: A person of
24	very involved with the capabilities of GPS in their	24	ordinary skill would have a bachelor's degree in
25	devices.	25	electrical engineering or computer science and at
	Page 15		Page 17
1	Also, Microsoft I've served on advisory	1	least two years' industry experience or the
2	boards for mobility for them. And part of what we		_ equivalent.
3	discussed was the applications you could build on	3	A. Um-hum.
4	top of GPS in these systems.	4	Q. Why, from paragraph 11 to 12, have you
5	Q. Have you ever directly worked on a device	5	dropped the experience in or the degree in
6	that integrated a GPS receiver?	1 ~	
1 7	-	6	computer engineering here?
′	A. In my lab now, there is a device that we	7	computer engineering here? A. Let me read.
8	A. In my lab now, there is a device that we have.		
	A. In my lab now, there is a device that we	7	A. Let me read.
8	A. In my lab now, there is a device that we have.	7 8	A. Let me read. (Witness perusing.)
8 9	A. In my lab now, there is a device that we have. It's the beginning of what we call	7 8 9	A. Let me read. (Witness perusing.) A. Are you commenting on the word "at least"
8 9 10	A. In my lab now, there is a device that we have. It's the beginning of what we call "wearable sensory prosthetic."	7 8 9 10	A. Let me read. (Witness perusing.) A. Are you commenting on the word "at least" on paragraph 11, because I do mention the degree.
8 9 10 11	A. In my lab now, there is a device that we have. It's the beginning of what we call "wearable sensory prosthetic." Q. Let me rephrase my question.	7 8 9 10 11	A. Let me read. (Witness perusing.) A. Are you commenting on the word "at least" on paragraph 11, because I do mention the degree. Q. But I'm
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8 9 10 11 12 13	A. In my lab now, there is a device that we have. It's the beginning of what we call "wearable sensory prosthetic." Q. Let me rephrase my question. Prior to 2001 had you ever worked on a device that directly implemented a GPS receiver?	7 8 9 10 11 12 13	A. Let me read. (Witness perusing.) A. Are you commenting on the word "at least" on paragraph 11, because I do mention the degree. Q. But I'm A. So it is included by "at least." I don't think I've dropped the degree
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