

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LIBERTY MUTUAL INSURANCE)	
COMPANY,)	No. CBM2012-00002
)	CBM2012-00004 (JL)
Petitioner,)	Patent 6,064,970
)	
vs.)	No. CBM2013-0004 (JL)
)	Patent 8,090,598
PROGRESSIVE CASUALTY)	
INSURANCE COMPANY,)	No. CBM2012-0003
)	CBM2013-0009 (JL)
Patent Owner.)	Patent 8,140,358
)	

VIDEOTAPED DEPOSITION OF SCOTT ANDREWS
Palo Alto, California
Tuesday, September 24, 2013
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Reported by:
LESLIE ROCKWOOD, RPR, CSR 3462
Job No. 65807

Progressive Exhibit 2019
Liberty Mutual v. Progressive
CBM2012-00003

1 relating to car maintenance or management change. So
2 that seems to me to be about as real time as it's going
3 to get.

4 Q. Let me direct your attention to paragraph 44 of
5 your rebuttal declaration.

6 A. Okay.

7 Q. So here you're providing opinions on whether
8 Mr. Zatkovich is qualified to opine on certain subjects;
9 correct?

10 A. That's correct.

11 Q. So in this paragraph, are you opining that his
12 testimony, as a matter of law, should be excluded?

13 A. What I'm saying here is that the things that he
14 appears to be opining on are things related to cost
15 determinations and generating the use of an actuarial
16 class within an insurance context or generating a rating
17 factor and that he's not presented himself in his report
18 as being an insurance expert. He's presented himself as
19 being a technical expert.

20 Q. You're not an expert on whether or not
21 Mr. Zatkovich's testimony is admissible, are you?

22 A. No.

23 Q. Okay. So let's turn to paragraph 50 of your
24 rebuttal declaration.

25 A. Okay.

1 from each cell site to the public telephone network.
2 You don't go from cell site to cell site.

3 So I don't think that I would call a cellular
4 network -- it's certainly a communications link, which
5 is what's referred to in Figure 4 of the '650
6 application, but it's not a distributed network which
7 has a variety of resources and services that are not all
8 in the same box the way the distributed network of the
9 '358 patent is described.

10 Q. Just to be clear, you don't think a cellular
11 phone network has a variety of resources or services
12 that are not all in the same box?

13 A. The cellular telephone network itself?

14 Q. Right.

15 A. The cellular telephone network is a bay station
16 that connects a cellular link to the telephone network,
17 and there certainly are services, but they are services
18 associated with managing and delivering a call or
19 routing data to some place outside the network. They
20 are not the distributed network that is described in the
21 '358 patent, which has -- well, it's actually not really
22 described here very well, either, I guess.

23 Anyway, the cellular network is definitely
24 distributed. It's a different kind of network than I
25 think is -- is referenced in the '358 patent. It's a

1 Q. And here you state your opinion that Figure 4
2 of the '650 application depicts a communications link
3 and an operations control center but does not disclose
4 that the link is configured to transfer selected vehicle
5 data from the in-vehicle memory to a distributed network
6 and a server.

7 Do you see that?

8 A. I see that.

9 Q. Is a cellular phone network a distributed
10 network?

11 A. Not in the context of the distributed network
12 and server of the patent.

13 Q. Not in the context of the distributed network
14 of the '358 patent?

15 A. That's right. A distributed network and server
16 would be a system that had a network with a variety of
17 components attached to it, some of which might be a
18 server, some of which might be data storage,
19 computational engines, et cetera. A cellular system is
20 a communications network.

21 Q. And it's distributed; right?

22 A. I wouldn't actually say that. If you said that
23 it was distributed, then you would have different
24 components located at different parts of the network.
25 But a cellular network is actually like a star: You go

1 communications link, and there may be network aspects
2 associated with it, but I don't think that by saying
3 that there's a reference to a cellular network in
4 Figure 4 that that is the same as the distributed
5 network and server described in the claims of the '358
6 patent.

7 Q. Is it your testimony that servers aren't used
8 in cellular networks?

9 A. As I said earlier, if there is a server that's
10 used in a cellular network, it would be something
11 associated with handling the billing and various
12 administrative aspects of handling the call.

13 If you were to go use a service with a
14 smartphone over a cellular network, the server that
15 you're going to is not part of the cellular network.
16 It's on the internet somewhere.

17 Q. Is transmission of data by cellular
18 communication a transmission over a distributed network?

19 MR. MYERS: Objection. 402, 403.

20 THE WITNESS: It is transmission over a
21 communications network, but it is not transmission to a
22 distributed network and server.

23 BY MR. WAMSLEY:

24 Q. For the reasons you've mentioned previously; is
25 that right?