

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

3
4 ZYNGA, INC,)
5 Petitioner) Case No. IPR2013-00171
6)
7 vs.)
8) US. Patent No. 7,734,251
9 PERSONALIZED MEDIA)
10 COMMUNICATIONS, LLC,)
11 Patent Owner.)
12 -----)

13
14
15 DEPOSITION OF SAMUEL H. RUSS, Ph.D.

16 VOLUME III

17 Washington, D.C.

18 Thursday, January, 9, 2014

19 REVISED
20
21
22

23 Reported by:

24 Lori J. Goodin, RPR, CLR, CRR

25 JOB NO. 69000

ZYNGA EX. 1019

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

January 9, 2014

9:08 a.m.

Deposition of SAMUEL H. RUSS, Ph.D.,
continued at the offices of Goodwin
Procter, LLP, 901 New York Avenue,
Northwest # 9, Washington, D.C., before Lori J.
Goodin, RPR, CLR, CRR, a Notary Public of
the District of Columbia.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES:

On behalf of the Petitioner Zynga Inc.:

LOUIS TOUTON, ESQUIRE

Jones Day

555 South Flower Street

Los Angeles, California 90071

On behalf of the Patent Owner:

STEPHEN SCHREINER, ESQUIRE

Goodwin Procter

901 New York Avenue, N.W.

Washington, D.C. 20001

1 S. RUSS, Ph.D. - VOLUME III

2 SAMUEL H. RUSS, Ph.D.,

3 called as a witness, having been duly sworn

4 by a Notary Public, was examined and

5 testified as follows:

6 EXAMINATION

7 BY MR. TOUTON:

8 Q. Good morning, Dr. Russ.

9 A. Good morning.

10 Q. We are here to talk about the '251
11 patent.

12 A. Okay.

13 Q. Let me show you, first of all, a
14 copy of the '251 patent and ask whether you
15 have reviewed that?

16 A. Yes, I have.

17 (Exhibit 1001C, U.S. Patent
18 7,734,251, marked for identification.)

19 BY MR. TOUTON:

20 Q. And let me also show you
21 Exhibit 2015C.

22 (Exhibit 2015C, 10/2013 Russ
23 declaration, marked for identification.)

24 BY MR. TOUTON:

25 Q. Which appears to be a declaration

1 S. RUSS, Ph.D. - VOLUME III

2 that you signed in October of last year. Is
3 that your signature on the last page?

4 THE WITNESS: Indeed, it is.

5 BY MR. TOUTON:

6 Q. And, was the method by which this
7 was prepared the same as for the '717 and '638
8 patents that we discussed last month?

9 A. Yes, it was essentially similar.

10 Q. Okay. Just for a couple of details
11 on that, in the case of the '251 patent, did
12 you review materials from the prosecution
13 history to prepare your declaration?

14 A. I don't specifically recall that I
15 did.

16 Q. Okay. Do you recall reviewing a
17 ruling of the Board of Patent Appeals and
18 Interferences that was issued during the
19 prosecution of the '251 patent?

20 A. I know that, for example, on Page 50
21 of my report I cite the board's holding of
22 ex parte appeal of the '251 patent.

23 So, that is an example of a Board
24 decision that I did review.

25 Q. But, were those -- let me just see

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.