

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

Case No. IPR2013-00635

Patent No. 6,978,346

CERTIFIED COPY

DELL, INC.; HEWLETT-PACKARD COMPANY;
and NETAPP, INC.,

Petitioners,

vs.

ELECTRONICS AND TELECOMMUNICATIONS
RESEARCH INSTITUTE,
Patent Owner.

DEPOSITION OF
DR. THOMAS M. CONTE

Atlanta, Georgia
Thursday, August 7, 2014

Court Reporter: Michelle M. Boudreaux, RPR
Job No. 82984

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August 7, 2014

9:10 a.m.

Deposition of DR. THOMAS M. CONTE,
held at the Georgia Tech Hotel and Conference
Center, 800 Spring Street NW, Atlanta, Georgia,
pursuant to Agreement before Michelle M.
Boudreaux, a Registered Professional Reporter
in the State of Georgia.

APPEARANCES OF COUNSEL

On behalf of the Petitioners:

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On behalf of the Patent Owner:

MATTHEW PHILLIPS, Esq.
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Also Present: M. Ray Mercer, Ph.D., P.E.

1
2 DR. THOMAS M. CONTE,
3 being first duly sworn, was examined and testified as
4 follows:

5 EXAMINATION

6 BY MR. EMERSON:

7 Q All right. So you understand that you've
8 just been sworn in and you're under oath, correct?

9 A I do.

10 Q And any reason why you can't testify
11 truthfully and completely today?

12 A No, there is not.

13 Q And unless I hear otherwise from you, I'm
14 going to assume you understand my questions, so do you
15 understand that?

16 A Yes, I do.

17 Q All right. And if you don't understand my
18 question, let me know.

19 A I will.

20 Q I'll fix it for you.

21 Let's take a look at Exhibit 1001, which is
22 the '346 patent.

23 All right, why don't you turn to Figure 4.

24 A (Witness complies with request of counsel.)

25 Q Are you there?

1 DR. THOMAS M. CONTE

2 A Yes.

3 Q Can you point out the RAID to me in Figure 4?

4 A It's Element 490.

5 Q And that's the element that includes both
6 RAID controllers, all four network interface
7 controllers, and both of the hub or switch mechanisms?

8 A Yes, in this figure. In Figures 5 and 6,
9 it's pointed out differently.

10 Q Okay. How many disk drives are in this RAID?

11 A That's not illustrated in this figure.

12 Q Is there any way to tell how many disk drives
13 there are?

14 A There would be if the degree of RAID was
15 known.

16 Q When you mean -- "the degree of raid," you
17 mean RAID 0, 1, 2, 3, like that?

18 A Exactly.

19 Q If this was RAID 1, how many disk drives
20 would there be?

21 A There would need to be two disk drives.

22 Q Okay. Is that always the case for RAID 1?

23 A That may or may not necessarily be the case,
24 but it's -- I'm sorry, let me rephrase that. RAID 1
25 would need at least two disk drives to support



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