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

WEBASTO ROOF SYSTEMS, INC.

Petitioner

V.

UUSI, LLC

Patent Owner

Case IPR2014-00648

Patent 8,217,612

Case IPR2014-00649

Patent 7,548,037

Case IPR2014-00650

Patent 7,579,802

Deposition of Dr. Mark Ehsani
March 14th, 2015
8:07 a.m.

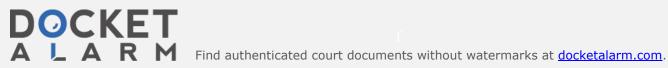
Reported By: KELLY BRYANT Job No: 38004



206		208
1 ORAL AND VIDEOTAPED DEPOSITION OF DR. MARK	1	I-N-D-E-X
2 EHSANI, a witness at the instance of the Petitioner, and		Page
3 duly sworn, taken in above-styled and numbered cause on	2	Appearances
4 the March 14, 2015, before Kelly Bryant, CSR, in and for	3	DR. MARK EHSANI
5 the State of Texas, reported by machine shorthand.	4	
6	5	DIRECT EXAMINATION BY MR. SANDERS
7		REDIRECT EXAMINATION BY MR. SANDERS 372
8	6	
9		EXHIBITS
10	8	NO. DESCRIPTION page
11	9	Ewhihit 2 Potent Number 7549027 the 1027 Potent 214
12	10	Exhibit 3 Patent Number 7548037 the '037 Patent 214 Exhibit 1004 '037 Patent Owner's Preliminary Response 237
13	11	Exhibit 2003 Prosecution history of the '037 241 Exhibit 4 '037 Declaration In Support Of 259
14		Exhibit 2015 '037 Patent Figure 3C
16	12	Exhibit 2016 649 IPR with '037 Patent
17	13	Exhibit 1008 649 IPR for the '037 Patent
18	14	Exhibit 0 If K 046 to 012 f atent
19	15 16	
20	17	
21	18 19	
22	20	
23	21 22	
24	23	
25	24 25	
207		209
1 A-P-P-E-A-R-A-N-C-E-S	1	PROCEEDINGS
2 FOR THE PETITIONER: 3	2	(March 14, 2015)
Goodwin Procter	3	VIDEOGRAPHER: This begins the videotaped
4 Exchange Place, 53 State Street	4	deposition of Mark Ehsani, In the Matter of Webasto Roof
Boston, MA 02109 5 BY: CHARLES H. SANDERS, ESQ.	5	Systems, Inc., versus UUSI, LLC
csanders@goodwinprocter.com	6	MR. SANDERS: Why don't we not start, we
6	7	need the official exhibits. I just noticed there is no
7 FOR THE PATENT OWNER: 8	8	paper out.
Harness, Dickey & Pierce	9	Thank you. Sorry about that.
9 5445 Corporate Drive	10	VIDEOGRAPHER: In the Matter of Webasto Roof
Suite 200 10 Troy, MI 48098	11	Systems, Inc., versus UUSI, LLC, in the U.S. Patent
BY: HEMANT M. KESKAR, ESQ.	12	Office court. This deposition is being held at
11 hkeskar@hdp.com 12	13	Residence Inn by Marriott at 720 University Drive East,
ALSO PRESENT:	14	College Station, Texas 77840.
13	15	My name is Daniel Valentine from the firm of
Daniel Valentine, Videographer	1.6	David Faldman Wanldwide and Lames level wides
14	16	David Feldman Worldwide, and I am a legal video
14 15	17	specialist. The court reporter is Kelly Bryant, in
15 16	17 18	specialist. The court reporter is Kelly Bryant, in association with David Feldman Worldwide.
15	17 18 19	specialist. The court reporter is Kelly Bryant, in association with David Feldman Worldwide. Will counsel please introduce themselves for
15 16 17 18 19	17 18	specialist. The court reporter is Kelly Bryant, in association with David Feldman Worldwide. Will counsel please introduce themselves for the record?
15 16 17 18 19 20	17 18 19 20	specialist. The court reporter is Kelly Bryant, in association with David Feldman Worldwide. Will counsel please introduce themselves for the record? MR. SANDERS: Charles Sanders, at Goodwin
15 16 17 18 19 20 21	17 18 19 20 21	specialist. The court reporter is Kelly Bryant, in association with David Feldman Worldwide. Will counsel please introduce themselves for the record?
15 16 17 18 19 20 21	17 18 19 20 21 22	specialist. The court reporter is Kelly Bryant, in association with David Feldman Worldwide. Will counsel please introduce themselves for the record? MR. SANDERS: Charles Sanders, at Goodwin Procter, for the petitioner, Webasto Roof Systems, Inc.

2 (Pages 206 to 209)

Dage 7



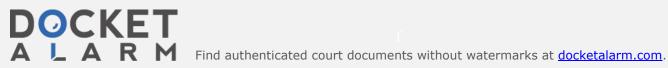
	210		212
1	please swear in the witness?	1	to the attention of the examiner all the prior art that
2	(Witness sworn)	2	is relevant and sort out the distinction between his or
3	VIDEOGRAPHER: We're now on the record at	3	her patent and the prior art.
4	8:07 a.m.	4	And the the U.S. examiner will also
5	DR. MARK EHSANI,	5	independently, through his own resources and expertise,
6	having been first duly sworn, testified as follows:	6	bring to bear other prior art, and that going through
7	DIRECT EXAMINATION	7	that exercise, which is rather rigorous, produces a
8	BY MR. SANDERS:	8	fairly substantial prosecution history and and record
9	Q. And just to be clear, Dr. Eshani, you were here	9	and most often modification and and settlement on
10	yesterday. You understand that this is Day 2 of your	10	on specific claims claims.
11	deposition?	11	Through that laborious process, the patent is
12	A. That is correct.	12	finally issued, and it is presumed to be valid, unless
13	Q. All right. I had a couple of questions about	13	otherwise legally established.
14	your testimony yesterday. We were discussing at the end	14	Q. And did you apply what you just mentioned in your
15	of the day the '037 patent, and you directed me to	15	prior answer for purposes of your analysis in this
16	Columns 13 and 14 in response to one of my questions.	16	proceeding?
17	You read a sentence in Column 13, Line 46, that	17	A. Yes, sir.
18	begins "unique software algorithms." I'll give you a	18	Q. Focusing back on the '037 patent and we
19	minute to find it.	19	discussed some of these issues with regard to the '612,
20	A. What line again?	20	'802 patents yesterday, and I just want to see whether
21	Q. Line 46 at Column 13.	21	the answers are any different for the '037.
22	A. Okay.	22	Does the '037 patent excuse me.
23	Q. My question is: Do you believe that the those	23	The '037 patent does not disclose the minimum
24	unique software algorithms were commercially available?	24	amount of resistive force that would be detected as an
25	A. As I recall, the question was, is there any	25	obstacle, correct?
	211		213
1	mention of software or techniques to calculate the K	1	A. Are you talking about in terms of Newton's?
2	waiting factors of the algorithms. That's the question	2	Q. In terms of Newton's or some other measure of
3	I was addressing. And I showed you instructions and	3	force?
4	directions and guidances that the patent gives to	4	A. You mean some other units of of force,
5	someone of ordinary skill in the art to figure that out.	5	physical force.
6	Now, with that understanding, what is your	6	Q. Correct.
7	question?	7	A. I don't recall. I'd have to look at it. I
8	Q. Yes, sir. Thank you for not answering my	8	wouldn't be surprised if it did, but it is totally
9	question.	9	irrelevant to the gist of the gist of the patent.
10	You need to be careful, Dr. Ehsani, listen	10	Patents don't they give you a method and apparatus,
11	carefully to my questions and answer my questions. You	11	and that depends on the application of the user.
12	have other speeches to make, you can make them in	12	It has it is not something that neither the
13	response to questions on redirect. So please listen	13	patent patentee nor I would consider, as an expert
14	carefully, Dr. Ehsani.	14	would consider relevant to the to the significance of
15	Do you believe that the unique software	15	the patent or its claims.
16	algorithms residing in Line 46 of Column 13 were	16	Q. The '037 patent does not disclose use of any
17	commercially available?	17	systems or methods set forth in the patent to meet any
18	A. Yes, sir.	18	regulatory requirements, correct?
19	Q. Based on the fact that the claims of Nartron's	19	A. I have to, again, refresh my memory. It seems
20	patents were issued by the U.S. Patent Office, did you	20	like in the preamble, it does acknowledge the existence
21	believe that a presumption of validity applied for the	21	of the existence or forthcoming regulatory
22	purposes of your analysis?	22	constraints that it attempts to be capable of of
23	A. That's my understanding that U.S. Patent Office	23	of meeting.
24	is a reliable source. It does due diligence with the	24	Q. You mentioned "preamble." Are are you
25	help of the inventor. The inventor is obliged to bring	25	referring to the discussion of the National Highway



	214		216
1	Traffic Safety Administration's Standard 118 in the	1	the '037 patent.
2	background section of the '037 patent?	2	This is the Declaration that you signed in
3	A. Among others. You those are the examples I	3	connection with the '037 patent, correct?
4	had in mind.	4	A. It appears that way.
5	Q. Now, as I think you suggest in your prior answer,	5	Q. And I'd like to direct your attention to Page 28,
6	but correct me if I don't have this correct, the '037	6	and you see there on Page 28, excuse me, of
7	patent never states that any of the systems or methods	7	Exhibit 2003, in the '649 IPR, that you have a heading
8	disclosed therein will satisfy that standard?	8	for Claim 13.
9	A. Is that a statement or a question?	9	A. I see that.
10	Q. I'll let you confirm for me whether or not that	10	Q. In paragraph 52, in the first sentence, you refer
11	is correct?	11	to the claim limitation for sensing a value of the
12	A. My belief, as an expert, is that this patent is	12	parameter during movement of the window or panel along
13	capable of meeting those standards. That is the very	13	its path of travel?
14	gist and purpose of this patent to to meet or exceed	14	A. That's what it says here.
15	the standards that would be established or applied at	15	Q. Now, if you look forward to Paragraph 54 of your
16	the time or in the near future to that time.	16	Declaration, feel free to review it.
17	That is the very essence of this patent, the	17	My question is: You believe that sensing a value
18	capability of meeting very stringent hard and soft	18	of the parameter was defined in the prosecution history
19	obstacle detection of windows on similar objects.	19	of the '037 patent, correct?
20	Q. And what evidence, if any, did you consider that	20	A. That is my opinion, it appears here.
21	the systems or methods disclosed in the '037 patent can,	21	Q. And right above Paragraph 54 on the last line of
22	in fact, satisfy those standards?	22	Paragraph 53, you state at the end of that paragraph
23	A. The specification of the patent is my evidence.	23	sensing, in quotes, is not used in Claim 13 in the
24	Q. Does the '037 patent distinguish between a fully	24	traditional sense, and, therefore, must not be construed
25	opened window that is frozen due to temperature and a	25	using its conventional plain meaning.
	215		217
1	fully opened window faced with an obstruction?	1	Do you see that?
2		_	·
	A. I believe it does.	2	A. That that is on the paper.
3	A. I believe it does. Q. And how does the '037 patent make that		·
3 4		2	A. That that is on the paper.
	Q. And how does the '037 patent make that	2	A. That that is on the paper. Q. And the definition that you've proposed for the
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4 (Pages 214 to 217)

Dage 1



5 (Pages 218 to 221)

meaningfully construed from it. So I give you good

arguments why in the context of the patent sensing must

mean what it -- I said it means, and then I backed it up

Dage 5



23

24

25

sense"?

A. I explained it. Would you like me to repeat it?

Q. Well, yes, if that was your explanation, then

23

24

25

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