

1 UNITED STATES PATENT AND TRADEMARK OFFICE  
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD  
3  
4

5 APPLE INC., ZTE CORPORATION : IPR2015-412  
6 and ZTE (USA) INC., : IPR2015-01366  
7 Petitioners, : U.S. Patent No.  
8 v. : 7,365,871 B2  
9 E-WATCH, INC., :  
10 Patent Owner. :

11  
12  
13  
14  
15 DEPOSITION OF STEVEN J. SASSON

16 Washington, D.C.

17 November 12, 2015

18 8:45 a.m.  
19  
20  
21

22 E-Watch, Inc.  
23 Petitioner - Apple, Inc.  
24 Patent Owner - E-Watch, Inc.  
IPR2015-00412  
EXH. 2014

25 Reported by: Linda S. Kinkade RDR CRR RMR CSR

|   |   |
|---|---|
| Page 2  | Page 4  |
| <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5 The following is the transcript of the</p> <p>6 deposition of STEVEN J. SASSON held at the offices of:</p> <p>7</p> <p>8</p> <p>9 Gibson, Dunn &amp; Crutcher LLP</p> <p>10 1050 Connecticut Avenue, N.W.</p> <p>11 Washington, DC 20036</p> <p>12</p> <p>13</p> <p>14</p> <p>15 Taken pursuant to applicable Rules of Civil</p> <p>16 Procedure, before Linda S. Kinkade, Registered</p> <p>17 Diplomat Reporter, Certified Realtime Reporter,</p> <p>18 Registered Professional Reporter, Registered Merit</p> <p>19 Reporter and Certified Shorthand Reporter, as licensed</p> <p>20 by the State of California, and Notary Public as</p> <p>21 commissioned by the District of Columbia.</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p>1 INDEX OF EXAMINATION</p> <p>2</p> <p>3 EXAMINATION of STEVEN J. SASSON PAGE</p> <p>4 BY MR. DONAHUE 7</p> <p>5 196</p> <p>6 BY MR. BUROKER 169</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>  |
| Page 3  | Page 5  |
| <p>1 APPEARANCES:</p> <p>2</p> <p>3 On Behalf of Petitioner:</p> <p>4 Gibson, Dunn &amp; Crutcher LLP</p> <p>5 By: Brian Buroker</p> <p>6 By: Blair Silver</p> <p>7 1050 Connecticut Avenue, N.W.</p> <p>8 Washington, DC 20036</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14 On Behalf of Patent Owner:</p> <p>15 DiNovo Price Ellwanger &amp; Hardy LLP</p> <p>16 By: Gregory S. Donahue</p> <p>17 7000 N. MoPac Expressway</p> <p>18 Suite 350</p> <p>19 Austin, Texas 78731</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>  | <p>1 EXHIBITS</p> <p>2</p> <p>3 NO. DESCRIPTION PAGE</p> <p>4 Exhibit 2 Paper No. 2 Petition for Inter 13</p> <p>5 (Paper 2) Partes Review</p> <p>6 Exhibit 12 Decision Institution of Inter 80</p> <p>7 (Paper 12) Partes Review</p> <p>8 Exhibit 1001 United States Patent No. 19</p> <p>9 7,365,871 B2</p> <p>10 Exhibit 1006 United States Patent No. 95</p> <p>11 5,550,754</p> <p>12 Exhibit 1007 United States Patent No. 106</p> <p>13 5,491,507</p> <p>14 Exhibit 1008 Declaration of Steven J. Sasson 52</p> <p>15 Exhibit 1010 Picture of standard keypad 110</p> <p>16 Exhibit 1012 Memorandum Opinion and Order 65</p> <p>17 Exhibit 1014 Reply Declaration of Steven J. 9</p> <p>18 Sasson in Support of Inter Partes</p> <p>19 Review of U.S. Patent No.</p> <p>20 7,365,871 B2</p> <p>21 Exhibit 2006 Notice of Allowance of Monroe 28</p> <p>22 patent application</p> <p>23 Exhibit 2011 Notice of Deposition of Steven J. 8</p> <p>24 Sasson</p> <p>25</p> |

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1 Exhibit 2012 Decision Denying Institution of 32  
 2 Inter Partes Review  
 3 Exhibit 2013 Oxford Dictionary Definition of 55  
 4 "any" in English  
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1 Q. Have you ever been deposed before in  
 2 conjunction with an IPR proceeding?  
 3 A. No, I have not.  
 4 MR. DONAHUE: Let me enter the relevant  
 5 deposition notice, which is Exhibit 2011.  
 6 (Exhibit 2011 was marked for identification.)  
 7 BY MR. DONAHUE:  
 8 Q. So have you seen this document before?  
 9 A. Yes.  
 10 Q. Do you understand that you're here to  
 11 testify regarding your reply declaration that you  
 12 submitted on October 15th, 2015 in conjunction with  
 13 IPR2015-00412 and IPR2015-01366?  
 14 MR. BUROKER: Objection, form.  
 15 THE WITNESS: Yes.  
 16 MR. BUROKER: That's fine. Go ahead.  
 17 THE WITNESS: Okay. Yes.  
 18 BY MR. DONAHUE:  
 19 Q. Okay. Let's take a few moments to go over  
 20 some basics about depositions. It sounds like you've  
 21 been deposed before, but I'll just quickly review.  
 22 If at any time you need to or want to take a  
 23 break, please just let me know and we'll take a break.  
 24 I'd ask that you try to complete your -- the pending  
 25 answer to the pending question before we do so.

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1 PROCEEDINGS  
 2 (In session at 8:42 a.m.)  
 3 STEVEN SASSON,  
 4 Having been first duly sworn, was thereafter  
 5 examined and testified as follows:  
 6 MR. BUROKER: For the record, this is Brian  
 7 Buroker from Gibson Dunn on behalf of the petitioner  
 8 Apple.  
 9  
 10 EXAMINATION  
 11 BY MR. DONAHUE:  
 12 Q. Hi, and my name is Greg Donahue. I'm  
 13 working with DiNovo Price Ellwanger & Hardy, and I  
 14 represent e-Watch, Inc. and e-Watch Corporation in a  
 15 patent litigation matter against, among others, Apple  
 16 and ZTE, and also in these IPR proceedings numbered  
 17 IPR2015-00412 and IPR2015-01366. Do you understand  
 18 that?  
 19 A. Yes.  
 20 Q. Have you ever been deposed before?  
 21 A. Yes, I have.  
 22 Q. In what type of cases have you been  
 23 deposed?  
 24 A. In federal district court patent cases.  
 25 That's basically it.

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1 A. Oh, of course.  
 2 Q. And in order to make sure we keep and  
 3 maintain an accurate record, I would ask that you  
 4 answer verbally and don't shake your head or make hand  
 5 gestures that would be difficult for the court  
 6 reporter to record.  
 7 A. Oh, yes.  
 8 Q. And then, finally, I'd like to ask that,  
 9 before you begin answering the question that I ask,  
 10 that you let me finish the question, and I will, of  
 11 course, extend you the same courtesy to allow you to  
 12 finish your answer before I ask you another question.  
 13 Does that seem fair?  
 14 A. Yeah. Very good.  
 15 Q. Are you on any medication today that would  
 16 prevent you from being able to testify truthfully and  
 17 accurately?  
 18 A. No.  
 19 Q. Okay. Let's go ahead and introduce the  
 20 next exhibit, which has already been marked. It's  
 21 Exhibit 1014 --  
 22 (Exhibit 1014 was marked for identification.)  
 23 BY MR. DONAHUE:  
 24 Q. -- which is your reply declaration. Do you  
 25 recognize that?

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1 A. Yes.  
2 Q. Let's go ahead and flip to page 2,  
3 paragraph 4 and 5. Paragraph 4 says:  
4 I disagree with Dr. Melendez'  
5 assertion that a person of ordinary  
6 skill in the art would necessarily  
7 have specialized experience related  
8 to the design of cellular  
9 communication devices for several  
10 reasons.  
11 And then paragraph 5 goes on and says that:  
12 First, the '871 patent discloses no  
13 particular cellular communication  
14 system, instead referring simply to  
15 an unspecified cellular telephone or  
16 cellular transmission.  
17 Do you see that?  
18 A. Yes, I do.  
19 Q. Do you agree that the '871 patent has  
20 limitations in the claims related to transmission of  
21 images?  
22 A. Yes, it does.  
23 Q. Do you agree that the '871 patent has  
24 limitations directed specifically to the type of  
25 signals that can be transmitted and received?

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1 MR. BUROKER: Objection, form.  
2 THE WITNESS: There are different types  
3 of -- different types of signals that are talked about  
4 in the '871, yes.  
5 BY MR. DONAHUE:  
6 Q. Let's look at paragraph 6. I'm not going  
7 to read this one into the record. If you could just  
8 read paragraph 6 for a moment and then let me know  
9 when you're done.  
10 A. Okay. I've read it.  
11 Q. So regardless of whether standard cellular  
12 phone components are being discussed in the '871  
13 patent, to properly construe the claims of the '871  
14 patent wouldn't it be important to understand what the  
15 capabilities of standard cellular networks would be  
16 with respect to sending images in 1998?  
17 MR. BUROKER: Objection, form.  
18 THE WITNESS: Could you repeat the  
19 question, again?  
20 BY MR. DONAHUE:  
21 Q. Sure. So regardless of whether standard  
22 cellular phone components are being discussed in the  
23 '871 patent, to properly construe the claims of the  
24 '871 patent wouldn't it be important to understand  
25 what the capabilities of standard cellular phone

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1 networks were in 1998 with respect to sending images?  
2 MR. BUROKER: Same objection.  
3 THE WITNESS: The only capability that  
4 would be required to interface with a cellular phone  
5 is what's required in the interface and the  
6 capabilities of the network in terms of bit rate  
7 perhaps.  
8 BY MR. DONAHUE:  
9 Q. If the allegations in the petition were  
10 that McNelley and Umezawa -- McNelley, I think, is  
11 1995 is the priority date, and Umezawa is 1994 -- if  
12 the allegations were that those references explicitly  
13 disclose the limitations of the '871 patent, including  
14 the transmission of images, wouldn't it be important  
15 to know what standard cellular networks could transmit  
16 in 1994 and 1995?  
17 MR. BUROKER: Objection, form.  
18 THE WITNESS: It is important to know what  
19 they can transmit, and I think it was common knowledge  
20 what they could transmit in '94 and '95.  
21 BY MR. DONAHUE:  
22 Q. Would it be important to know how they  
23 transmit those images?  
24 MR. BUROKER: Same objection.  
25 THE WITNESS: Not to the designers of those

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1 products, no.  
2 BY MR. DONAHUE:  
3 Q. Let me introduce the petition in this  
4 matter, which is Paper No. 2 in the docket. It's a  
5 pretty big document, but if you just take a quick look  
6 at it and let me know if you've seen it before.  
7 (Exhibit 2 was marked for identification.)  
8 THE WITNESS: This is the --  
9 BY MR. DONAHUE:  
10 Q. Original petition.  
11 A. The original petition. Yes, I do see the  
12 original petition.  
13 Q. So let's move to page 41 and 42 of this  
14 petition.  
15 A. Page 41, you said?  
16 Q. Yeah, let's start with page 41.  
17 A. Okay.  
18 Q. You'll see sentences that begin with,  
19 McNelley discloses that the -- I'll just read it.  
20 McNelley discloses that the  
21 telecamcorder includes an integral  
22 video phone capable of receiving and  
23 sending teleconferencing signals and  
24 transmitting/receiving data other  
25 than audio and video, that the

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1 telecamcorder is applicable to any  
2 type of network, such as a wireless  
3 cellular telephone network, and that  
4 the device is equipped with  
5 communication electronics that  
6 establish a connection over a network  
7 and transmit/receive video and audio  
8 signals while displaying video  
9 signals and reproducing audio  
10 signals.  
11 McNelley also discloses the use of  
12 digital recording and an enhanced  
13 digitally based telecamcorder that  
14 may include microprocessors for  
15 operational functions.  
16 And then you'll see below, there's a sentence  
17 that begins with "Umezawa discloses".  
18 A. Mm-hmm.  
19 Q. So that's -- that's the discussion, and if  
20 you look on page 40 on the bottom, that's the  
21 discussion of Claim (f), limitations.  
22 If the petitioner is relying on explicit  
23 disclosure in McNelley and Umezawa, as it appears in  
24 the petition, and not obviousness based on the  
25 references or inherency of the references, wouldn't it

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1 be important to know what and how images are  
2 transmitted in McNelley -- at the time of McNelley and  
3 Umezawa?  
4 MR. BUROKER: Objection to form, and  
5 objection, beyond the scope of his reply declaration.  
6 THE WITNESS: The how part I interpret you  
7 to ask is how the network actually transmits the  
8 information. These devices, McNelley and Umezawa, and  
9 certainly the '871 patent, are attachments to  
10 networks, they are peripherals, as such, and so,  
11 therefore, they have to just know the interface to the  
12 network and not how the network actually transmits the  
13 information.  
14 BY MR. DONAHUE:  
15 Q. Okay. If the non-audio digital signal does  
16 not mean the image signal but instead how the image is  
17 transmitted, the protocol, would you agree with me  
18 that neither Umezawa or McNelley explicitly disclose a  
19 protocol for sending images?  
20 MR. BUROKER: Objection to form.  
21 THE WITNESS: Please ask that question  
22 again.  
23 BY MR. DONAHUE:  
24 Q. Sure.  
25 A. The term non-audio digital signal, to my

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1 knowledge, only appears once in the '871 patent, and  
2 it's my impression that that refers to the baseband  
3 signal. And so are you asking me to consider it not  
4 being the baseband signal or the signal content?  
5 Q. Not the signal content, but how the signal  
6 is sent.  
7 A. So you're asking me to consider that term  
8 as it's used being a transmission protocol.  
9 Q. Correct.  
10 A. Okay. Please ask the question again.  
11 Q. Sure. If the non-audio digital signal does  
12 not mean the image signal that is sent but instead how  
13 the image is sent, the protocol, would you agree that  
14 neither Umezawa nor McNelley explicitly disclose that?  
15 MR. BUROKER: Objection, form.  
16 THE WITNESS: They don't -- they don't  
17 disclose a particular protocol. They talk about a  
18 number of protocols that they could use. McNelley  
19 talks about doing digital all the way and interface to  
20 future digital networks.  
21 BY MR. DONAHUE:  
22 Q. Do either of the references of McNelley or  
23 Umezawa reference non-audio digital signals?  
24 A. That term is not used.  
25 MR. BUROKER: I was just going to say

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1 objection, form. So slow down a little bit. I'm not  
2 as quick sometimes as I would like to be.  
3 BY MR. DONAHUE:  
4 Q. Okay. Let's look at -- we can put the  
5 petition aside for a moment. I think we'll come back  
6 to it eventually, but let's look back at your  
7 declaration, which is Exhibit 1014.  
8 In paragraph 7, on page 4, it says, I do not  
9 agree with Dr. Melendez' view -- sorry. Let me give  
10 you an opportunity to get there before I start  
11 reading.  
12 A. Okay. Where are you?  
13 Q. It's paragraph 7, but it's actually on page  
14 4. It's a sentence that's on page 4.  
15 A. Okay.  
16 Q. It says:  
17 I do not agree with Dr. Melendez'  
18 view that a person of ordinary skill  
19 in the art requires specialized  
20 experience related to cellular  
21 communications devices but no  
22 particular experience whatsoever  
23 related to the number of other modes  
24 of transmission also disclosed in the  
25 '871 patent.

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