

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

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

OWENS CORNING)
)
Petitioner,)
)
VS.) Case IPR2015-00650
) Patent 8,137,757 b2
FAST FELT CORPORATION)
)
DEFENDANT)
)
)
)
)

ORAL DEPOSITION OF
WILLIAM E. TODD
February 5, 2016
Volume 1

ORAL DEPOSITION OF WILLIAM E. TODD, produced as a witness at the instance of the PETITIONER, and duly sworn, was taken in the above-styled and numbered cause on February 5, 2016 from 9:33 a.m. to 11:28 a.m., before Toyloria Lanay Hunter, CSR in and for the State of Texas, reported by machine shorthand, at the law offices of ANDREWS KURTH LLP, 600 Travis, Suite 4200, Houston, Texas 77002, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

A P P E A R A N C E S

FOR THE PETITIONER:

Ned Pejic
Jennifer B. Wick
CALFEE, HALTER & GRISWOLD LLP
The Calfee building
1405 East Sixth Street
Cleveland, Ohio 44114-1607
Tel: 216.622.8835
E-mail: npejic@calfee.com
jwick@calfee.com

FOR THE RESPONDENT:

Greg L. Porter
James Willson
ANDREWS KURTH LLP
600 Travis, Suite 4200
Houston, Texas 77002
Tel: 713.220.4621
Fax: 713.238.7169
E-mail: gregporter@akllp.com
jameswilson@andrewskurth.com

--and--

FOR THE RESPONDENT:

James D. Petruzzi
THE PETRUZZI LAW FIRM
4900 Woodway Drive, Suite 745
Houston, Texas 77056
Tel: 713.840.9993
E-mail: jim@petruzzi.com

ALSO PRESENT:

Stephen L. Scharf, Owens Corning
David Collins, Fast Felt Corporation
B.J. Walter, Fast Felt Corporation

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

I N D E X

PAGE

Appearances.....

2

Reporter's Certification.....

31

WILLIAM E. TODD

E X A M I N A T I O N

By Mr. Pejic

4

By Mr. Petruzzi

27

E X H I B I T S

Exhibit

Description

Page

Ex. 2003

DECLARATION OF WILLIAM E. TODD
REGARDING U.S. PATENT NO.
8,137,757

5

Ex. 1001

U.S. PATENT NO. 8,137,757

16

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

WILLIAM E. TODD,

having been first duly sworn, testified as follows:

EXAMINATION

BY MR. PEJIC:

Q. Good morning, Mr. Todd. My name is Ned Pejic, as you probably know from yesterday, counsel for Owens Corning. How are you today?

A. Fine.

Q. Could you please just state your name and address for the record?

A. Full name is William Edward Todd, T-O-D-D. 5198 Sandlewood, S-A-N-D-L-E-W-O-O-D, one word, Court, Marietta, M-A-R-I-E-T-T-A, Georgia 30068.

Q. Thank you.

And are you here to testify in connection with matter IPR 2015-00650?

A. Yes.

Q. How much time did you spend preparing for this deposition?

A. Time by myself or in consultation with legal?

Q. Let's start total time.

A. Probably 30ish hours.

Q. And how much of that time was with counsel?

A. More or less 50 percent.

Q. During that preparation time, did you review

1 any documents?

2 A. Yes.

3 Q. Which documents?

4 A. They're listed on the appendix of my
5 declaration.

6 Q. All of those documents?

7 A. Yes. Do you mean are they all listed, or did
8 I study all of them?

9 Q. Did you study all of them through the 30 hours
10 total --

11 A. I have reviewed them, scanned them.

12 Q. Are there any documents that don't appear on
13 that list that you looked at?

14 A. The owner's statement, which was done after
15 the declaration.

16 Q. Did you submit an expert declaration in this
17 matter?

18 A. I did.

19 Q. I'd like to hand to you now Exhibit 2003.

20 (Exhibit 2003 identified.)

21 BY MR. PEJIC:

22 Q. Is that your expert declaration?

23 A. (Reading.) It appears to be.

24 Q. You sat in on Dr. Bohan's deposition
25 yesterday, correct?

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.