

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

-----: :
FACEBOOK, INC.; INSTAGRAM, : :
LLC, : :
 : :
Petitioner, : :
 : :
vs. : No. IPR2015-00778 :
 : :
TLI COMMUNICATIONS, LLC, : :
 : :
Patent Owner. : :
-----: PAGES 1 - 63

PALO ALTO, CALIFORNIA

WEDNESDAY, OCTOBER 28, 2015

DEPOSITION OF:

DAVID KLAUSNER

Deposition of DAVID KLAUSNER, taken on behalf of
Patent Owner, at Cooley, LLP, 3175 Hanover Street, Palo
Alto, California, commencing at 9:05 a.m., Wednesday,
October 28, 2015, before Kelli Combs, CSR No. 7705.

Facebook et al. v. TLI Communications

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

A P P E A R A N C E S

FOR PETITIONER:

COOLEY, LLP
BY: ANDREW MACE, ESQ
3175 Hanover Street
Palo Alto, California 94304
650.843.5808
amace@cooley.com

FOR PATENT OWNER:

ASCENDA LAW GROUP
BY: TAREK N. FAHMI, ESQ.
333 W. San Carlos Street, Suite 200
San Jose, California 95110-2730
408.389.3537
tarek@ascendalaw.com

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

DAVID KLAUSNER

EXAMINATION

(BY MR. FAHMI)

PAGE

4

EXHIBITS

EXHIBIT NO.

PAGE

Exhibit 1001 '295 patent

7

Exhibit 1002 Declaration of David Klausner

6

Exhibit 1003 A portion of the Lichty reference

45

1 P R O C E E D I N G S

2 DAVID KLAUSNER,

3 after having been duly sworn, testified as follows:

4 EXAMINATION

5 BY MR. FAHMI:

6 Q Would you state your name for the record,
7 please.

8 A David Klausner.

9 Q Mr. Klausner, good morning. My name is Tarek
10 Fahmi. We're here today for your deposition in
11 connection with a matter that's pending before the U.S.
12 Patent Office. It's Inter Parties Review Number
13 2015-00778 and it concerns U.S. Patent 6,038,295.

14 Do you understand that?

15 A Yes.

16 Q Have you ever been deposed before, sir?

17 A Yes.

18 Q How many times, approximately?

19 A Over 60 times.

20 Q When was the last time; do you remember?

21 A Last Wednesday.

22 Q Well, I'm sure, then, that you've become
23 familiar with some of the basic ground rules of the
24 depositions, but I'd like to go over just a couple so
25 that you and I have a common understanding.

Facebook et al v. TJ Communications

1 Okay?

2 A (Nods head.) Yes.

3 Q As you know, I'll be asking questions and
4 you'll be providing answers to those questions. And as
5 we're having that dialogue, I would ask that if you
6 could wait until I have finished asking a question, I'll
7 try and extend you the same courtesy and wait until
8 you've finished giving an answer before I ask another
9 question. That way only one of us is speaking at a
10 time, and it makes the court reporter's job of
11 transcribing the conversation much easier.

12 Is that all right?

13 A Yes.

14 Q And as you're currently doing, I'd ask that
15 you continue to please give audible answers to the
16 questions. Again, it makes the court reporter's task
17 much easier. She has difficulty taking down nonverbal
18 communications like nods of the head, et cetera. So
19 audible answers only, please.

20 Is that all right?

21 A Yes.

22 Q And if at any time today I ask a question that
23 you didn't hear or didn't understand or simply want
24 repeated for any reason, just let me know. I'm more
25 than happy to repeat it or try to rephrase it if it was

Facebook et al v. The Communications

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.