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

FORD MOTOR COMPANY,

Petitioner,

vs.

Case Number

IPR2014-00875

PAICE LLC and ABELL

FOUNDATION, INC.,

Patent Owner.

DEPOSITION OF JEFFREY L. STEIN, Ph.D. Southfield, Michigan Friday, May 29, 2015

Reported by:

RACHEL F. GARD, CSR, RPR, CLR, CRR

REF NO. 14261A



1		Page 2		Page 4
A P P E A R A N C E S: 2		rage 2	,	
A				
May 29, 2015 9,04 a.m. 5 9,04 a.m. 7 Deposition of JEFFREY L. STEIN, Ph.D., at the offices of Brooks Kushman, P.C., 1000 Town Center, Suite 2200, Southfield, Michigan, Deposition of JEFFREY L. STEIN, Ph.D., at the offices of Brooks Kushman, P.C., 1000 Town Center, Suite 2200, Southfield, Michigan, 14 12 Professional Reporter, Registered Professional Reporter, Certified LiveNote Reporter, Certified LiveNote Reporter, Certified LiveNote Reporter, Certified Realtime Reporter. 14 Patient Steep Reporter, Certified LiveNote Reporter, Registered Professional Reporter, Registered Profession Reporter, Registered Profession Reporter, Registered Profession				
Fig. 10 Fig.	3			
Sylv4.iiii	4	May 29, 2015		
Deposition of JEFFREY L. STEIN, Ph.D., at the offices of Brooks Kushman, P.C., 1000 Town Center, Suite 2200, Southfield, Michigan, pursuant to notice before Rachel F. Gard, 11 Certified Shorthand Reporter, Certified LiveNote 12 Professional Reporter, Certified Realtime Reporter. 11	5	9:04 a.m.		
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Seminary Center, Suite 2200, Southfield, Michigan, 1		•	1	
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Professional Reporter, Certified Realtime Reporter.		•		Material Sta, 2015
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15				Vittone
15		Reporter, Certified Realtime Reporter.	14	Exhibit 4 Declaration of Dr. Leffrey 38
Petitioner's Reply to Page			15	
17				Petitioner's Reply to
Exhibit 5 U.S. Patent No. 7,559,388 60				Patent Owner's Response
18			' '	Exhibit 5 U.S. Patent No. 7.559.388 60
20			18	2
20			19	
Review			20	
23			20	
Page 3 Page 5	22			
Page 3 Page 5	23			
Page 3 Page 5 Page 5 Page 5 Page 5 Page 5	24		1	
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=			24	· · · · · · · · · · · · · · · · · · ·
12.5 Q. 1 cets the more than that: 07.04	25		25	Q. Feels like more than that? 09:04

2 (Pages 2 to 5)



	Page 6		Page 8
1		1	declarations you've submitted across all the 09:08
1 2	Well, you're familiar with the rules 09:04 of the proceedings, familiar with how this 09:04	2	various PAICE/Ford IPRs? 09:08
3	deposition process works; am I correct on that? 09:05	3	A. Could you repeat the question, 09:08
4	A. I am familiar with how things have 09:05	4	please? 09:08
5	been going so far, yes, in this in these 09:05	5	Q. Sure. Do you know sitting here 09:08
6	related depositions. 09:05	6	today approximately how many declarations 09:08
7	Q. So you understand that you've taken 09:05	7	you've submitted for all the PAICE/Ford IPRs? 09:08
8	an oath; and you're obligated to testify 09:05	8	10, 15, 20? 09:09
9	truthfully and accurately just as if you were 09:05	9	A. I mean, I'd have to look at my 09:09
10	in a court, right? 09:05	10	records to count up the number. But there's 09:09
11	A. Correct. 09:05	11	some number, you know, in the area of 10-ish. 09:09
12	Q. All right. Are there any reasons 09:05	12	Q. And for all of those, whatever that 09:09
13	today you wouldn't be able to provide accurate, 09:05	13	number is, roughly how much time have you spent 09:09
14	fully accurate testimony, any special 09:05	14	working on those declarations? 09:09
15	conditions, medical conditions, anything of 09:05	15	A. I mean, I don't know how to answer 09:09
16	that nature that we should know about? 09:05	16	that question without going back and looking at 09:09
17	A. No. 09:05	17	my records. I've been working on this case. I 09:09
18	Q. What did you do to prepare for your 09:05	18	was retained, as you know, over a year ago. I 09:09
19	deposition today? 09:05	19	don't remember the exact date off the top of my 09:09
20	A. I reviewed my declaration, the '097, 09:05	20	head. And I've worked on declarations over 09:09
21	what I call '097 IPR 2. And I also reviewed, 09:06	21	that period of time. 09:09
22	you know, the materials that are relevant to 09:06	22	Q. How about this: Roughly how much 09:10
23	that declaration. And I also reviewed the '388 09:06	23	money have you billed for your work on these 09:10
24	reply declaration and materials related to 09:06	24	IPRs? 09:10
25	that. 09:06	25	A. I don't know the answer to that 09:10
	Page 7		Page 9
1	Q. And approximately how much time 09:06	1	question without looking at my invoices. 09:10
2	would you say you spent preparing? 09:06	2	Q. More or less than \$100,000? 09:10
3	A. How much time I spent preparing for? 09:06	3	A. I would say that over the total, 09:10
4	Q. This deposition. 09:06	4	billing has been probably in excess of 09:10
5	A. I mean, I'd have to look at my 09:06	5	\$100,000. 09:10
6	records to see how much time. But So I 09:06	6	Q. More than \$500,000? 09:10
7	don't know any kind of hour content, then. But 09:06	7	A. I don't believe so. 09:10
8	I've been spending the last week or so since 09:06	8	Q. Somewhere between 100- and \$500,000? 09:11
9	I've understood that the deposition was going 09:07	9	A. Again, without looking at my 09:11
10	to be scheduled for today getting ready. 09:07	10	records, I can't be more specific than that. 09:11
11	Q. More or less than 40 hours? 09:07	11	(Stein Exhibit Number 1 marked for 09:11
12	A. I guess I just don't really know 09:07	12	identification.) 09:11
13	what that number would be; but, you know, I 09:07	13	BY MR. GUARNIERI: 09:11
14	can't imagine 40 is a long ways off from it. 09:07	14	Q. This is The court reporter has 09:11
15	Q. Fair enough. And who did you talk 09:07	15	just handed you what's been marked as 09:11
16	to while you were preparing for today's 09:07	16	Exhibit 1. It's Ford Exhibit 1003. This is 09:11
17	deposition? 09:07	17	U.S. Patent No. 5,586,613 to Ehsani, 09:11
18	A. I Who did I talk with about the 09:07	18	EHSANI. 09:11
19	deposition specifically? 09:07	19	A. Can I ask you a question? So we're 09:11
20	Q. Correct. 09:07	20	going to be focusing on my reply dec, the '388 09:12
21	A. So I spoke with the Mr. Turner 09:07	21	reply dec? 09:12
22	and Mr. Angileri, Ms. Shah, and Mr. Kushman. I 09:08	22	Q. I think we're going to start with 09:12
23	believe that's it. 09:08	23	IPR2014-875, which is your reply declaration. 09:12
24	Q. Dr. Stein, do you have do you 09:08	24	You seem to have brought some binders today. 09:12
25	know sitting here today approximately how many 09:08	25	What are in those binders? 09:12

3 (Pages 6 to 9)



	Page 10		Page 12
1	A. One is my '388 binder, which has my 09:12	1	the case that when the engine is operated, 09:17
2	'388 reply declaration in it as well as my 09:12	2	Ehsani tries to operate the engine in an 09:17
3	original declaration and some of the prior art 09:12	3	efficient manner and efficient region so he's 09:17
4	references. 09:12	4	trying to operate the engine at a constant 09:17
5	Q. And the second binder? 09:12	5	power, right? 09:17
6	A. Is related to the '097 declaration 09:12	6	A. I agree with the idea that the 09:17
7	and prior art references. 09:12	7	engine has a region in its power speed curve 09:17
8	Q. Okay. You can feel free to refer to 09:12	8	where it can be more efficient, and that's also 09:17
9	those throughout the day. We'll mark exhibits 09:12	9	true in its torque speed curve and that Ehsani 09:18
10	as we go. 09:12	10	is trying to take advantage of that in his 09:18
11	MR. GUARNIERI: I'd ask that I be 09:12	11	invention that he is describing in the '613 by 09:18
12	allowed to just check those maybe on a 09:12	12	at times operating the engine at a kind of 09:18
13	break sometime. 09:12	13	average at a constant power output. 09:18
14	MR. TURNER: That's fine. 09:12	14	Q. Dr. Stein, do you agree that when 09:18
15	BY MR. GUARNIERI: 09:12	15	the engine is operated, Ehsani tries to operate 09:18
16	Q. Okay. Well, looking at Exhibit 1 09:12	16	the engine in an efficient manner and efficient 09:18
17	that's in front of you, do you recognize this 09:12	17	region, so Ehsani is trying to define to 09:18
18	reference, Dr. Stein? 09:12	18	operate the engine at a constant power? 09:18
19	A. Yes, I do. It looks like the Ehsani 09:13	19	A. I thought I just answered that 09:18
20	that I used in my declaration, referred to in 09:13	20	question. 09:18
21	my declaration. 09:13	21	Q. You didn't, Dr. Stein. Do you agree 09:19
22	Q. And, Dr. Stein, in the Ehsani 09:13	22	with my statement or do you not? 09:19
23	control system, Ehsani tries to operate 09:13	23	A. I agree with my answer. If you'd 09:19
24	always operate the engine in an efficient 09:13	24	like me to repeat it 09:19
25	manner and region; is that correct? 09:13	25	Q. Maybe this might help. Do you 09:19
	Page 11		Page 13
1	A. So what do you mean by a control 09:13	1	recall testifying on March 3rd, 2015, you were 09:19
2	system? 09:14	2	asked: Does the engine run at a constant power 09:19
3	Q. Well, do you agree that Ehsani 09:14	3	in Ehsani? 09:19
4	discloses a control system to control a hybrid 09:14	4	You answered: When the engine is 09:19
5	electric vehicle? 09:14	5	operated, he tries to operate the engine in an 09:19
6	A. I agree that he talks about the 09:14	6	efficient manner and efficient region, so he's 09:19
7	control of the hybrid electric vehicle. And so 09:14	7	trying to define to operate engine at a 09:19
8	I just want to be specific about which 09:14	8	constant power, but the engine isn't always 09:19
9	controller you're talking about or which 09:14	9	run. 09:19
10	control concept when we're using that word 09:14	10	Do you recall giving that testimony? 09:19
11	because there can be multiple things that are 09:14	11	A. It sounds I'd have to look at 09:19
12	being controlled. 09:14	12	transcript. I don't It sounds familiar, but 09:19
13	Q. So when Ehsani talks about the 09:14	13	I'd have to look at transcript to see if that's 09:19
14	control of the hybrid electric vehicle, it's 09:14	14	a precise representation of what I said. 09:19
15	the case that when the engine is operated, 09:14	15	Q. Do you have any reason to doubt that 09:19
16	Ehsani tries to operate the engine in an 09:14	16	that's what you testified to? 09:19
17	efficient manner and efficient region, so he's 09:14	17	A. I just haven't don't see the 09:19
18	trying to operate the engine at a constant 09:14	18	transcript. I have to look at it to know those 09:19
19	power, right? 09:14	19	are the exact words. I don't have a 09:20
20	MR. TURNER: Objection. Vague. 09:15	20 21	photographic recall of what I said. 09:20
21	BY THE WITNESS: 09:17	22	Q. Well, let me ask the question again. 09:20 Do you now disagree or agree with your prior 09:20
22 23	A. Okay. Could you repeat your 09:17	23	Do you now disagree or agree with your prior 09:20 testimony that I'm representing to you was: 09:20
2.4	question again, please, now? 09:17 O So when Ehsani talks about the 09:17		• • • •
24 25	Q. So when Ehsani talks about the control of the hybrid electric vehicle, it's 09:17	24 25	When the engine is operating, he tries to 09:20 operate the engine in an efficient manner and 09:20

4 (Pages 10 to 13)



	Page 14		Page 16
1	efficient region, so he's trying to define to 09:20	1	techniques may be used without departing from 09:29
2	operate the engine at a constant power, but the 09:20	2	the intended scope herein. 09:29
3	engine isn't always run? 09:20	3	So I think that the general nature 09:29
4	MR. TURNER: Objection. Compound. 09:20	4	of his idea is to run the engine at a constant 09:29
5	BY THE WITNESS: 09:20	5	power. That's one of the things that he 09:29
6	A. Can I read my transcript or 09:20	6	describes and to run the engine in a more 09:29
7	statement? 09:20	7	efficient rather than less efficient region. 09:30
8	Q. Sure. 09:20	8	Q. And you also say in that testimony 09:30
9	MR. GUARNIERI: Why don't we mark 09:20	9	that the engine isn't always run in Ehsani's 09:30
10	this. 09:21	10	control system. Is that still accurate? 09:30
11	(Stein Exhibit Number 2 marked for 09:21	11	A. The possibility exists for turning 09:30
12	identification.) 09:21	12	off the engine. As I just said, other control 09:30
13	BY MR. GUARNIERI: 09:21	13	techniques can be used without departing from 09:30
14	Q. Dr. Stein, the court reporter has 09:21	14	the intended scope therein, so the engine could 09:30
15	handed you what's been marked as Exhibit 2, 09:21	15	be turned off. 09:30
16	which is the deposition transcript of Jeffrey 09:21	16	Q. So how does Ehsani teach when to 09:30
17	L. Stein from March 3rd, 2015. 09:21	17	turn the engine on and when to turn the engine 09:30
18	A. That's correct. 09:21	18	off? 09:30
19	Q. And if you'll look on Page 69 of the 09:21	19	A. I don't know that he specifically 09:30
20	transcript, starting at Line 23, and why don't 09:21	20	provides that particular detail within his 09:30
21	you read the question and answer into the 09:21	21	reference. I'd have to look back to see. 09:30
22	record that starts on Line 23. 09:21	22	Q. You have Ehsani in front of you. 09:30
23	A. Does the engine run at a constant 09:21	23	Feel free to take a look at it and let me know 09:31
24	power in Ehsani? 09:21	24	if you can identify where Ehsani teaches when 09:31
25	ANSWER: When the engine is 09:21	25	to turn the engine on and when to turn the 09:31
	Page 15		Page 17
1		1	
1 2		1 2	engine off. 09:31
	operated, he tries to operate the engine in an 09:21		engine off. 09:31
2	operated, he tries to operate the engine in an efficient manner and efficient region so he's 09:21	2	engine off. 09:31 A. So Ehsani does provide in some of 09:39 his embodiments a clutch for being able to 09:40
2	operated, he tries to operate the engine in an efficient manner and efficient region so he's 09:21 trying to define to operate the engine at a 09:21	2 3	engine off. 09:31 A. So Ehsani does provide in some of 09:39 his embodiments a clutch for being able to 09:40
2 3 4	operated, he tries to operate the engine in an efficient manner and efficient region so he's 09:21 trying to define to operate the engine at a 09:21 constant power, but the engine isn't always 09:22	2 3 4	engine off. 09:31 A. So Ehsani does provide in some of 09:39 his embodiments a clutch for being able to 09:40 disengage the engine, and he also describes 09:40
2 3 4 5	operated, he tries to operate the engine in an efficient manner and efficient region so he's 09:21 trying to define to operate the engine at a constant power, but the engine isn't always run, period. 09:22	2 3 4 5	engine off. 09:31 A. So Ehsani does provide in some of 09:39 his embodiments a clutch for being able to 09:40 disengage the engine, and he also describes 09:40 that other control techniques may be used 09:40
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2 3 4 5 6 7 8 9	operated, he tries to operate the engine in an 09:21 efficient manner and efficient region so he's 09:21 trying to define to operate the engine at a 09:21 constant power, but the engine isn't always 09:22 run, period. 09:22 Q. Is that testimony still accurate, 09:22 sir? 09:22 A. I have to see what the context was 09:22 for that answer. 09:22 So could you just, to get us going 09:22	2 3 4 5 6 7 8	engine off. A. So Ehsani does provide in some of 09:39 his embodiments a clutch for being able to 09:40 disengage the engine, and he also describes 09:40 that other control techniques may be used 09:40 without departing from the scope. 09:40 And so I think what I was referring 09:40 to in my deposition transcript, that the engine 09:40 isn't necessarily always run, is in the context 09:40 of this ability to decouple the engine from the 09:40
2 3 4 5 6 7 8 9 10	operated, he tries to operate the engine in an 09:21 efficient manner and efficient region so he's 09:21 trying to define to operate the engine at a 09:21 constant power, but the engine isn't always 09:22 run, period. 09:22 Q. Is that testimony still accurate, 09:22 sir? 09:22 A. I have to see what the context was 09:22 for that answer. 09:22 So could you just, to get us going 09:22 again I'm trying to understand what your 09:28	2 3 4 5 6 7 8 9 10	engine off. A. So Ehsani does provide in some of his embodiments a clutch for being able to o9:40 disengage the engine, and he also describes o9:40 that other control techniques may be used without departing from the scope. And so I think what I was referring o9:40 to in my deposition transcript, that the engine o9:40 isn't necessarily always run, is in the context o9:40 of this ability to decouple the engine from the o9:40 drive wheels and to and when it's decoupled, o9:40
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2 3 4 5 6 7 8 9 10 11 12 13 14	operated, he tries to operate the engine in an operated, he tries to operate the engine in an operated the engine at a operated trying to define to operate the engine at a operated trying to define to operate the engine at a operated trying to define to operate the engine at a operated trying to define to operate the engine at a operated trying to define to operate the engine at a operated trying to understand the context was operated and the context was operated and the context was operated that answer. Operated and the context was	2 3 4 5 6 7 8 9 10 11 12 13 14	engine off. A. So Ehsani does provide in some of 09:39 his embodiments a clutch for being able to 09:40 disengage the engine, and he also describes 09:40 that other control techniques may be used 09:40 without departing from the scope. 09:40 And so I think what I was referring 09:40 to in my deposition transcript, that the engine 09:40 isn't necessarily always run, is in the context 09:40 of this ability to decouple the engine from the drive wheels and to and when it's decoupled, 09:40 you could, if the batteries, for example, were 09:40 to run the engine during those times. There 09:40 may be other, you know, situations where that 09:40
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