

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
BALTIMORE DIVISION

PAICE LLC and
THE ABELL FOUNDATION, INC.,
Plaintiffs,

Case: 1:14cv00492-WDQ

vs.

FORD MOTOR COMPANY,
Defendant.

_____ /

DEPOSITION OF GREGORY DAVIS

Southfield, Michigan

February 25, 2015

REPORTED BY:
Anne E. Vosburgh, CSR, RPR, CRR
Job No.: 13578

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4 DEPOSITION OF GREGORY DAVIS, taken on February 25,
5 2015 at 10:18 a.m., at the Law Offices of Brooks
6 Kushman, 1000 Town Center, Southfield, Michigan,
7 before Anne E. Vosburgh, Certified Shorthand
8 Reporter, Registered Professional Reporter,
9 Certified Realtime Reporter, and Notary Public in
10 and for the State of Michigan, County of Oakland.
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2 WITNESS: GREGORY DAVIS
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8 INDEX TO EXHIBITS
9 EXHIBIT DESCRIPTION PAGE
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11 Exhibit 1 Declaration of Gregory Davis in 16
12 Support of Inter Partes Review.
13 Ford 1215, pages 1 - 200.
14 Exhibit 2 US Patent 7,104,347; Exhibit Ford 23
15 1201, pages 1 - 54
16 Exhibit 3 Hybrid Power Unit Development for 23
17 Fiat Multipla Vehicle; Exhibit
18 Ford 1203, pages 1 - 8
19 Exhibit 4 US Patent No. 6,158,541; Exhibit 140
20 Ford 1205, pages 1 - 56
21 Exhibit 5 US Patent No. 5,841,201; Exhibit 140
22 Ford 1204, pages 1 - 43
23 Exhibit 6 Declaration of Dr. Gregory Davis, 153
24 US Patent No. 7,237,634
25

EXHIBITS CONTINUED:

- Exhibit 7 International Patent 155
No. WO 93/23263; Ford Exhibit
1039, pages 1 - 26
- Exhibit 8 Strategies in Electric and Hybrid 155
Vehicle Design, SAE SP-1156; Ford
Exhibit 1025, pages 1 to 15

(Exhibits attached to the transcript.)

GREGORY DAVIS

- Q Could you please state your full name and business address for the record?
- A Yes, Dr. Gregory W. Davis, D-a-v-i-s, and I work at Kettering University, 1700 University Avenue, Flint, Michigan 48504.
- Q And Dr. Davis, you understand that you've taken an oath to testify truthfully this morning just as if you were in court?
- A Yes, I do.
- Q Is there any reason why you can't testify truthfully and accurately today, any medical conditions or other conditions that would prevent you from testifying?
- A No.
- Q And I'm correct that you've been deposed before?
- A Yes, you are correct.
- Q And about how many times have you been deposed?
- A You know, I'm not sure. Maybe 10 or 12 times.
- Q And that includes the prior two depositions or one day of depositions on two IPRs related to this matter, correct?

Southfield, Michigan
February 25, 2015
9:25 a.m.

PROCEEDINGS

MR. GUARNIERI: This is Pete Guarnieri for Paice and Abell Foundation. And I have with me the Chairman of the Board of Paice, Frances Keenan.

MR. ANGILERI: Frank Angileri for Ford. With me are John Rondini and Thomas Yeh.

- GREGORY DAVIS, 10:13:33
- Having sworn to testify truthfully, 10:13:33
- was examined upon his oath as follows: 10:13:33
- EXAMINATION 10:18:43
- BY MR. GUARNIERI: 10:18:43
- Q Good morning, Dr. Davis. 10:18:43
- A Good morning. 10:18:45

GREGORY DAVIS

- A Correct.
- Q And that would be IPR 2014 '571 and IPR 2014 '579?
- A You've got me on that one.
- Q They involve the '347, correct?
- A I believe that's correct.
- Q So you understand the general deposition procedures?
- A Yes, I do.
- Q I'll ask you questions. I'll try to be as clear as possible, but if you don't understand my question, I ask that you ask me for clarification. If you don't ask for clarification, I'll assume that you understood the question, okay?
- MR. ANGILERI: Object to the form.
- THE WITNESS: Yes.
- BY MR. GUARNIERI:
- Q And from time to time Mr. Angileri will be making objections for the record. And unless he instructs you not to answer a question, you should answer the question, okay?
- A That sounds right.
- Q We'll try and take breaks throughout

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2 the day. If you need to take a break sooner 10:20:47

3 than when -- every hour or so, please let me 10:20:50

4 know. But I would ask before we do take a 10:20:54

5 break you answer whatever the pending question 10:20:56

6 is. 10:20:59

7 A All right. 10:21:00

8 Q So Dr. Davis, turning to the two IPRs 10:21:04

9 that we're here about, IPR 2014-00884 and 10:21:07

10 2014-00904, when were you originally retained 10:21:12

11 for the two proceedings? 10:21:16

12 A Gosh, I don't know. Maybe about a 10:21:24

13 year ago, I guess. 10:21:26

14 Q So about early 2014 sometime? 10:21:27

15 A Yeah, I think so. I'm not exactly 10:21:34

16 sure. 10:21:36

17 Q And would it have been at the same 10:21:36

18 time that you were asked to submit a 10:21:39

19 declaration for the '571, '579 IPRs? 10:21:45

20 MR. ANGILERI: Objection to form. 10:21:51

21 THE WITNESS: Honestly, I don't 10:21:51

22 know. 10:21:52

23 BY MR. GUARNIERI: 10:21:52

24 Q And who originally contacted you 10:21:56

25 about submitting a declaration on these 10:21:59

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1 GREGORY DAVIS

2 proceedings, the '884 and '904 IPRs? 10:22:01

3 MR. ANGILERI: Object to form, 10:22:11

4 foundation. 10:22:11

5 THE WITNESS: I'm not exactly sure. 10:22:11

6 I'm sure it was one of the attorneys 10:22:14

7 here at Brooks Kushman. 10:22:16

8 BY MR. GUARNIERI: 10:22:19

9 Q Dr. Davis, other than the Paice and 10:22:19

10 Ford IPRs -- let me take that back. 10:22:23

11 Other than the '884 and '904, you're 10:22:29

12 submitting declarations for a number of other 10:22:35

13 IPRs on Paice patents, is that correct, on 10:22:39

14 behalf of Ford? 10:22:43

15 A Yes. I have submitted a number of 10:22:43

16 declarations. 10:22:45

17 Q So other than that work with Ford, 10:22:46

18 are you doing any other kind of consulting or 10:22:52

19 other work for Ford outside of the Paice IPRs? 10:22:55

20 MR. ANGILERI: Objection, form. 10:23:02

21 THE WITNESS: No. I'm sure we 10:23:12

22 collaborate sometimes as a university 10:23:14

23 with different things with Ford Motor 10:23:15

24 Company, but I don't believe -- 10:23:19

25 Oh, I do -- I am involved in -- I 10:23:21

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1 GREGORY DAVIS

2 don't know if it's still going -- 10:23:24

3 another matter for Ford. 10:23:26

4 BY MR. GUARNIERI: 10:23:27

5 Q What is that other matter? 10:23:28

6 A It is involving fuel pumps. 10:23:29

7 Q Is it a litigation, IPR? 10:23:31

8 A IPR, I believe. 10:23:35

9 Q Other than that IPR and these Paice 10:23:35

10 IPRs, are you currently retained by Ford to do 10:23:38

11 any other kind of consulting work? 10:23:45

12 A No, I don't believe so. 10:23:47

13 Q Is any of your research work funded 10:23:51

14 by Ford? 10:23:53

15 A Not at the moment I don't have any 10:23:54

16 research work funded by Ford. 10:23:57

17 Q In the past have you had research 10:23:58

18 work funded by Ford? 10:24:00

19 A They've provided in-kind support for 10:24:02

20 some of my research work. 10:24:04

21 Q What do you mean "in-kind support"? 10:24:06

22 A Like equipment, donations. 10:24:09

23 Q But no direct grant money, things of 10:24:16

24 that nature? 10:24:18

25 A They've provided -- to support some 10:24:19

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1 GREGORY DAVIS

2 of my student programs, I believe they've 10:24:21

3 provided some grant money in the past. 10:24:23

4 Q And have you received any of that 10:24:26

5 grant money or in-kind support since being 10:24:27

6 retained for these IPR proceedings? 10:24:31

7 A I believe we received, as a 10:24:40

8 university, a donation of a Ford pickup truck 10:24:41

9 to support some of our student programs. But 10:24:44

10 that was more of a, you know, university 10:24:46

11 involvement. 10:24:49

12 Q Dr. Davis, can you estimate for me 10:24:57

13 roughly how many hours you've spent on your 10:24:59

14 work for IPR '884 and '904? 10:25:01

15 A I've spent a lot of time working on 10:25:13

16 some of these declarations. I'm not sure I 10:25:14

17 could break it down into specific hours. 10:25:17

18 Q Could you give me an estimate on the 10:25:20

19 number of hours you've spent on all the 10:25:22

20 declarations total? 10:25:25

21 A Quite a few hours. I've been quite 10:25:30

22 busy working on a number of things. 10:25:32

23 Q More or less than 100 hours? 10:25:36

24 A I'm sure it's more than 100 hours, 10:25:42

25 but I don't know any specific details on that. 10:25:44

GREGORY DAVIS

1
2 Q How do you keep track of your time 10:25:52
3 when you're working on these matters? 10:25:54
4 A I use applications to keep track of 10:25:55
5 my time, to help log it. But I've been so busy 10:25:58
6 on this I've fallen quite behind on any of my 10:26:01
7 invoicing. 10:26:05
8 Q So you can't tell me roughly how many 10:26:11
9 hours you spent working on your declarations 10:26:12
10 just in the '904 and '884 proceedings per 10:26:14
11 declaration? 10:26:20
12 A No, I can't. 10:26:20
13 Q Did you teach any classes this 10:26:28
14 semester? 10:26:30
15 A Yes, I do. 10:26:31
16 Q What classes? 10:26:32
17 A I teach an advanced IC engines class 10:26:32
18 and a course Introduction to Automotive 10:26:36
19 Powertrains. 10:26:39
20 Q Any others? 10:26:40
21 A No. Those are the two courses I'm 10:26:40
22 teaching. 10:26:43
23 Q And am I correct that the 10:26:45
24 Introduction to Automotive Powertrains course 10:26:47
25 is the same course that -- let me ask that 10:26:50

GREGORY DAVIS

1 again -- let me strike that. 10:26:53
2 As part of the declaration you 10:26:54
3 submitted, you relied on a textbook that you 10:26:56
4 are one of the coauthors on, right? 10:27:00
5 A That's right. 10:27:03
6 Q Is this course, the Introduction to 10:27:03
7 Automotive Powertrains that you're teaching 10:27:04
8 this semester, is that the course for which you 10:27:06
9 use this textbook? 10:27:09
10 A Yes, one of the courses. 10:27:11
11 Q So Dr. Davis, what did you do to 10:27:14
12 prepare for your deposition today? 10:27:18
13 A I read over my two reports. 10:27:20
14 Q Anything else? 10:27:23
15 A I looked a bit at some of the prior 10:27:24
16 art in the patents. 10:27:26
17 Q Anything else? 10:27:28
18 A Not really. I think I discussed a 10:27:32
19 little bit yesterday with some of the 10:27:33
20 attorneys. 10:27:35
21 Q Roughly how much time would you say 10:27:38
22 you spent on those activities? 10:27:45
23 A Gees, I don't know. About a day. 10:27:50
24 Q Eight hours? 10:27:54

GREGORY DAVIS

1 A Probably more than eight hours. I do 10:27:56
2 work long days. 10:27:59
3 Q I understand. 10:28:00
4 Did you talk to Dr. Stein at all? 10:28:04
5 A No, I did not. 10:28:06
6 Q Did you talk to Dr. Stein at all 10:28:09
7 during your preparation of the two 10:28:11
8 declarations? 10:28:13
9 A Honestly, I don't recall. Those 10:28:16
10 were, you know, back in early June, I think, of 10:28:18
11 last year. I don't recall. 10:28:21
12 (Marked Deposition Exhibit 1; 10:28:57
13 Declaration of Gregory Davis in 10:28:57
14 Support of Inter Partes Review; Ford 10:28:57
15 1215, pages 1 - 200.) 10:28:57
16 BY MR. GUARNIERI: 10:29:00
17 Q So Dr. Davis, the court reporter has 10:29:01
18 handed you a copy of what's been marked as 10:29:03
19 Exhibit No. 1. This is Exhibit Ford 1215, from 10:29:05
20 page 1 to 200. This is printed double-sided. 10:29:18
21 So do you recognize this as the 10:29:29
22 declaration that you submitted in IPR 10:29:30
23 2014-00884? 10:29:32
24 A Yes. It appears to be a 10:29:59

GREGORY DAVIS

1 black-and-white copy of that. 10:30:00
2 Q And on the final page of that, that 10:30:02
3 appears to be your signature, right? 10:30:05
4 A Yes, it is. 10:30:07
5 Q If you could turn with me to page 6, 10:30:18
6 there's a list of exhibits from pages 6 to 8, 10:30:20
7 right? 10:30:24
8 A Correct. 10:30:25
9 Q Now, does this list contain a list of 10:30:26
10 all the materials that you relied on to form 10:30:29
11 your opinions in this declaration? 10:30:33
12 MR. ANGILERI: Objection, form. 10:30:42
13 THE WITNESS: It appears to be a 10:30:57
14 list of the documents that I considered. 10:30:58
15 But of course I considered, you know, my 10:31:00
16 own knowledge in the art as well. 10:31:03
17 BY MR. GUARNIERI: 10:31:16
18 Q Are there any other documents that 10:31:17
19 you considered or relied on to form your 10:31:18
20 opinions that are not listed on pages 6 to 8 of 10:31:21
21 Exhibit 1? 10:31:24
22 A Well, I've not spent the time to look 10:31:25
23 at all three pages here. I don't believe so. 10:31:28
24 Q And, Dr. Davis, sitting here today, 10:31:39

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