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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DR. MICHAEL FARMWALD and RPX COPORATION
Petitioner

v.
PARKERVISION, INC.,
Patent Owner

Case IPR2014-00946
Patent 6,266,518
Case IPR2014-00947
Patent 6,061,551

Case IPR2014-00948
Patent 6,370,371
VOLUME 1 OF 3

Thursday, May 28, 2015 - 10:01 a.m.

Oral deposition of BRUCE A. FETTE,
Ph.D., a witness, taken by Petitioner, pursuant
to Notice, held at the Offices of Sterne,
Kessler, Goldstein & Fox, P.L.L.C., 1100 New
York Avenue NW, Washington, DC, before RYAN K.
BLACK, a Registered Professional Reporter,
Certified Livenote Reporter and Notary Public
for the District of Columbia.

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Farmwald and RPX Exhibit 1065, pg. 1
Farmwald and RPX v. ParkerVision
IPR2014-00946

Page 2	Page 4
<p>1 APPEARANCES:</p> <p>2</p> <p>3 OBLON SPIVAK</p> <p>4 BY: W. TODD BAKER, ESQ.</p> <p>5 1940 Duke Street</p> <p>6 Alexandria, VA 22314</p> <p>7 703.412.6383</p> <p>8 tbaker@oblon.com</p> <p>9 Representing - Dr. Michael Farmwald and RPX</p> <p>10 Corporation</p> <p>11</p> <p>12</p> <p>13 LAW OFFICE OF JAMES T. BAILEY</p> <p>14 BY: JAMES T. BAILEY, ESQ.</p> <p>15 504 West 136th Street, Suite 1B</p> <p>16 New York, New York 10031</p> <p>17 917.626.1356</p> <p>18 jtb@jtbaileylaw.com</p> <p>19 Representing - Dr. Michael Farmwald and RPX</p> <p>20 Corporation</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 INDEX</p> <p>2 TESTIMONY OF: BRUCE A. FETTE, Ph.D. PAGE</p> <p>3 By Mr. Bailey.....5</p> <p>4</p> <p>5</p> <p>6 EXHIBITS</p> <p>7 EXHIBIT DESCRIPTION PAGE</p> <p>8 * * * NO EXHIBITS MARKED * * *</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>
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<p>1</p> <p>2 APPEARANCES (Cont'd):</p> <p>3</p> <p>4 STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.</p> <p>5 BY: MICHAEL Q. LEE, ESQ.</p> <p>6 JOHN HARRIS CURRY, ESQ.</p> <p>7 CHRISTIAN A. CAMARCE, ESQ.</p> <p>8 1100 New York Avenue, NW</p> <p>9 Washington, D.C. 20005</p> <p>10 202.772.8674</p> <p>11 mlee@skgf.com</p> <p>12 jcurry@skgf.com</p> <p>13 ccamarce@skgf.com</p> <p>14 Representing - ParkerVision, Inc.</p> <p>15</p> <p>16</p> <p>17 ALSO PRESENT:</p> <p>18 Thomas F. Presson, Esq. - ParkerVision</p> <p>19 Asad Abidi, Ph.D.</p> <p>20 Gregory L. Pollaro</p> <p>21</p> <p>22 Veritext Legal Solutions</p> <p>23 Mid-Atlantic Region</p> <p>24 1250 Eye Street NW - Suite 1201</p> <p>25 Washington, D.C. 20005</p>	<p>1 Whereupon --</p> <p>2 BRUCE A. FETTE, Ph.D.,</p> <p>3 called to testify, having been first duly sworn</p> <p>4 or affirmed, was examined and testified as</p> <p>5 follows:</p> <p>6 EXAMINATION</p> <p>7 BY MR. BAILEY:</p> <p>8 Q. Good morning, Dr. Fette. Have you</p> <p>9 been deposed before?</p> <p>10 A. Never.</p> <p>11 Q. Okay. Never served as an expert in</p> <p>12 any adversarial proceeding?</p> <p>13 A. That's correct.</p> <p>14 Q. Okay. I'm sure your counsel went over</p> <p>15 this, but I'll go over the ground rules anyway</p> <p>16 to make sure we're on the same page. I'll be</p> <p>17 asking questions. You'll be giving answers.</p> <p>18 Ryan writes down every word each one of us says.</p> <p>19 So Rule Number 1, because I've already</p> <p>20 met Ryan, he's a nice guy, let's try to make his</p> <p>21 day not horrible. So try to wait until I'm done</p> <p>22 with my question, and I'll try to do the same</p> <p>23 with your answers.</p> <p>24 Do you understand?</p> <p>25 A. Yes.</p>

2 (Pages 2 - 5)

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Farmwald and RPX Exhibit 1065, pg. 2

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1 Q. Okay. It's also important to give
2 your answers verbally, as opposed to gestures
3 like uh-huhs and mm-hhms. Do you understand?
4 A. I do.
5 Q. Also, at some point over the course of
6 the deposition, probably more than once, I'm
7 going to ask a question that you don't
8 understand. If that happens, what I want you to
9 do is tell me, hey, Jim, I don't understand your
10 question. I'll do what I can to fix it. But if
11 you don't tell me you don't understand, I'm
12 going to assume that you did.
13 Sound fair?
14 A. Yes.
15 Q. From time to time, your attorney
16 may make objections to my questions. Do you
17 understand that, unless he instructs you not to
18 answer, you're to go ahead and answer to the
19 best of your ability?
20 A. Yes.
21 Q. Okay. I take it -- I heard you've
22 got some health problems. I'm sorry you're not
23 feeling well. It doesn't affect your ability
24 to testify fully and truthfully today, does it?
25 A. That's correct.

Page 7

1 Q. Okay. Let's get down to business.
2 When was the first time you heard of
3 the patent owner in this case, ParkerVision?
4 A. It was summer of last year.
5 Q. And how did you hear about them?
6 A. Phone call from somebody who asked me
7 if I would be interested in being helpful on the
8 topic.
9 Q. Do you remember who that was?
10 A. No, I do not, actually. Eventually, I
11 ended up talking to Mario Apreotesi at McKool in
12 Dallas, but I think it was somebody that was
13 searching.
14 Q. Okay. Now, are you retained by the
15 law firm of McKool, as well?
16 A. No.
17 Q. Okay. So as far as working for
18 ParkerVision, I know from your declaration
19 and the fact that you're here today that you're
20 working on these three IPRs. Are you doing
21 other consulting or expert witness work for
22 ParkerVision?
23 A. No.
24 Q. Okay. Okay. So some service calls
25 you up, and you eventually talk to Mario

Page 8

1 Apreotesi. When were you retained?
2 A. Probably September time frame last
3 year.
4 Q. I was having trouble knowing what year
5 to write.
6 A. 2014.
7 Q. I had to do the minus one. It took me
8 a second. I'm sorry.
9 So do you know -- in your
10 declarations, you mentioned that you reviewed
11 the patent owner's preliminary responses in
12 these IPRs. Do you know if you were hired
13 before or after those were filed?
14 A. I don't know whether it was before or
15 after.
16 Q. All right. Do you have any
17 recollection of helping in formulating those,
18 the preliminary responses?
19 A. I did not help with the formulation of
20 the preliminary responses.
21 Q. And, say, up through your declaration,
22 how much work did you do on this case?
23 A. I'm sorry. I'm trying to think about
24 that.
25 Q. Hard to remember, isn't it?

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1 A. Yes, it is.
2 I'm going to guess it was in the order
3 of 180 to 200 hours.
4 Q. Did you do that work here in D.C. or
5 in Maryland or wherever you live?
6 A. Mostly, yes, it was at home and here.
7 Q. Okay. Did you travel to Florida at
8 all as part of your work?
9 A. There were two visits to Florida.
10 Q. When were those?
11 A. Well, I certainly don't remember --
12 Q. Just ballpark.
13 A. -- the details, but I'm going to
14 assume that it was, like, October or November.
15 Q. Are you saying one was in October and
16 one was in November?
17 A. Yeah.
18 Q. Okay. Let's start with the first one
19 that you believe is around October. How long
20 did you go down to Florida for?
21 A. Just a couple days.
22 Q. And what did you do down there?
23 A. Well, I met the founder of the company
24 and his chief engineer and his engineering team,
25 and then we talked about how I would help them.

3 (Pages 6 - 9)

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Farmwald and RPX Exhibit 1065, pg. 3

Page 10

1 Q. Okay. And when you say founder,
2 you're talking about Jeff Parker?
3 A. That's it, yes.
4 Q. And chief engineer, David Sorrells?
5 A. Yes.
6 Q. Do you remember any of the names of
7 the people on the engineering team?
8 A. Greg Rawlins, Mike Rawlins, are the
9 ones I remember.
10 Q. Any attorneys there?
11 A. Tom Preston.
12 Q. And did they give you any materials to
13 review?
14 A. Well, they certainly gave me copies of
15 the patents --
16 Q. Sure.
17 A. -- to review.
18 Q. Anything else you can think of
19 associated with the first meeting?
20 A. No. That was all.
21 Q. Okay. And how about the November
22 meeting, or the November trip down to Florida,
23 how long did you go down to Florida on that one?
24 A. Well, again, it was two days.
25 Q. Same cast of characters?

Page 11

1 A. Oh, yes.
2 Q. Did you get any new documents?
3 A. No, actually. I don't think so.
4 Q. Do you think your conversations with
5 Mr. Sorrells informed your opinions that you
6 provided in your declaration?
7 A. I came to understand his thinking
8 about those patents.
9 Q. So would you say Mr. Sorrells'
10 opinions and his thinking about the patents
11 influenced yours?
12 A. No. The opinions that I have about
13 the patents are my opinions.
14 Q. Did you guys run any tests,
15 simulations, anything while you were down
16 there in either October or November?
17 A. Not in -- not in those trip -- not in
18 those two trips.
19 Q. All right. Did you take any other
20 two trips -- any other trips to Florida?
21 A. Yes. After the IPR, is that the right
22 phrase? Yeah. Yes. After they responded to
23 the patent judges, there were two more trips in
24 the spring.
25 Q. Okay. And are those before or after

Page 12

1 you filed your declaration?
2 A. I believe they were before.
3 Q. Okay. When were these trips? Can you
4 do better than the spring?
5 A. February, March.
6 Q. Okay. And the February trip, how long
7 did you go down for?
8 A. Again, both of them were two-day
9 trips.
10 Q. Okay. Let's start with the February.
11 What did you do when you were down there?
12 A. It was similar. I talked about my
13 perception of the patents and the issues.
14 Q. Same cast of characters?
15 A. It was almost -- almost entirely
16 Tom and Greg Rawlins and Mike Rawlins. Dave
17 Sorrells and Jeff were not in attendance in
18 February, that I can remember.
19 Then in March, Jeff stopped by. But
20 other than that, it was the same list.
21 Q. Okay. And did you do any testing,
22 analysis, simulation during the February trip?
23 A. I did simulations during one of those
24 two trips using their Cadence Spectre tools to
25 do simulations and analysis.

Page 13

1 Q. Had you used Cadence Spectre before
2 then?
3 A. I had not.
4 Q. So who guided you through the process?
5 A. Mike Rawlins.
6 Q. So in addition to the trips to
7 Florida, I assume you had other meetings with
8 your attorneys?
9 A. We had meetings here at these offices.
10 Q. Lots of them?
11 A. Many.
12 Q. Okay. You have -- in your
13 declaration, it's a fairly lengthy section on
14 claim construction. Prior to working on this
15 matter, you had never addressed claim
16 construction before, had you?
17 A. I had not addressed it from a legal
18 perspective.
19 Q. Okay. All right. So who informed
20 your opinions on -- who told you how to do it?
21 A. The notion of addressing claims is
22 certainly something I've been involved in in the
23 nearly 40 patents that I had developed when I
24 was at Motorola and General Dynamics.
25 The notion of understanding how to

4 (Pages 10 - 13)

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Farmwald and RPX Exhibit 1065, pg. 4

Page 14	<p>1 address claim construction was explained to me 2 by the legal team here. 3 Q. Okay. I'm just -- which ones? Which 4 lawyers explained it to you? 5 A. Led by Mike, Mike Lee, and with 6 participation by the rest of the table. 7 Q. So when you were at Motorola, you had 8 never heard of ParkerVision? 9 A. That's correct. 10 Q. Never heard of them trying to pitch 11 their technology to Motorola? 12 A. That's correct. 13 Q. Okay. I'll go ahead and give you your 14 declaration, previously marked as Exhibit 2024. 15 Just looking at the first page of 16 text in Paragraph 3 you say, I have reviewed 17 and am familiar with the specification and the 18 claims of, and then I'm paraphrasing, '518, '551 19 and '371 patents. 20 How much time did just that take? 21 A. It takes a long time to go through 22 those patents. They're very long. 23 Q. Yeah. Did you -- but you read through 24 all three of the patents, right? 25 A. Yes.</p>	Page 16	<p>1 with the work that was done before you started, 2 right? 3 A. I'm unable to answer that, because 4 I'm not familiar with work that was done before 5 I started. 6 Q. Well, it's in the preliminary 7 statement, the preliminary patent owner's 8 statement, which I believe you said you 9 reviewed. 10 A. I read that material. 11 Q. Okay. 12 A. I don't know the process that went 13 into that. 14 Q. No. I'm just asking, sitting 15 here right now, you read the preliminary 16 statements, -- 17 A. Mm-hmm. 18 Q. -- which contained -- the patent 19 owner's preliminary responses, which contained 20 their claim construction positions, or at least 21 some of them. To your knowledge, are any of 22 your claim construction positions that are in 23 Exhibit 2024 inconsistent with those that were 24 previously developed by the patent owner? 25 A. Not to my knowledge. They would be</p>
Page 15	<p>1 Q. And did you read all the claims? 2 A. Yes. 3 Q. Even the ones that aren't asserted? 4 A. Yes. 5 Q. Okay. So when you say you're familiar 6 with the claims, you're talking about the ones 7 that were being challenged in the IPR, plus all 8 of the other ones that show up in those patents? 9 A. Let's say that I read all of the 10 patents, but certainly we focused on the ones 11 that are relevant to the IPR. 12 Q. Did Mike Lee or one of the other 13 lawyers tell you sometimes other claims in the 14 patent can inform the construction of a 15 different claim? 16 MR. LEE: Objection. Work product. 17 THE WITNESS: He did not say that, and 18 I had not heard that. 19 BY MR. BAILEY: 20 Q. So as far as you know, the claim 21 constructions that went into ParkerVision's 22 preliminary responses, you weren't involved in 23 helping formulate; is that correct? 24 A. Yes. Correct. 25 Q. But your constructions are consistent</p>	Page 17	<p>1 consistent. 2 Q. Now, you're aware that the patents 3 involved in these three IPRs were also involved 4 in a litigation between ParkerVision and 5 Qualcomm, correct? 6 A. I'm aware. 7 Q. Okay. You reviewed the petitions that 8 were filed on behalf of my clients, correct? 9 A. Yes. 10 Q. Okay. And in those petitions, we 11 cited some documents from that prior litigation. 12 Did you go and actually review the documents 13 from -- 14 A. No. 15 (Whereupon Dr. Abidi entered the 16 room.) 17 BY MR. BAILEY: 18 Q. Okay. And then, other than the 19 descriptions and the text itself of the three 20 petitions, did you -- were you provided, as part 21 of your work on this case, any information from 22 that litigation? 23 A. No. 24 Q. Did you ever speak to a gentleman 25 named Dr. Paul Prucnal?</p>

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