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1 UNITED STATES PATENT AND TRADEMARK OFFICE  
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD  
3 Case No. IPR2014-00220  
4 Patent 7,859,565

5 -----x

6 VALEO, INC.,

7  
8 Petitioner,

9 v.

10 MAGNA ELECTRONICS, INC.,

11 Patent Owner.

12 -----x

13 December 18, 2014  
14 2:14 p.m.

15 DEPOSITION of a non-party  
16 witness, GERARD P. GRENIER, taken by the  
17 Parties Present, pursuant to Notice and  
18 Subpoena, held at the offices of Dorsey &  
19 Whitney, LLP, 51 West 52nd Street, New  
20 York, New York, before Abner D. Berzon, a  
21 Registered Professional Reporter,  
22 Certified Realtime Reporter and Notary  
23 Public of the State of New York.

24 Veritext Legal Solutions  
25 Mid-Atlantic Region  
1250 Eye Street NW - Suite 1201  
Washington, D.C. 20005

VALEO Ex. 1054  
VALEO v. MAGNA  
IPR2015-01410<sup>1</sup>

**VALEO EX. 1022**  
**MAGNA V.**  
**VALEO**  
**IPR2014-00220**



Page 2

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33  
34  
35

Page 4

1 GRENIER  
2 make sure that we can agree on a few  
3 things. Can we agree that if you don't  
4 hear a question, that you'll let me know  
5 so that I can repeat the question?  
6 A. Yes.  
7 Q. And can we also agree that if  
8 you don't understand one of my questions,  
9 that you'll let me know that so that I can  
10 rephrase the question.  
11 A. Yes.  
12 Q. Can we also agree that, if you  
13 don't know the answer to a question, that  
14 you will not speculate?  
15 A. Yes.  
16 Q. And you understand that it's  
17 okay not to know the answer to a question?  
18 A. Yes.  
19 Q. And if you don't know the answer  
20 to a question, you'll simply tell me "I  
21 don't know the answer to that question"?  
22 MS. BAKSH: Objection. You  
23 know, what --  
24 MS. TERRY: Object.  
25 MS. BAKSH: -- whatever the

Page 3

1  
2 GERARD P. GRENIER,  
3 having first been duly sworn by Abner D.  
4 Berzon, a Notary Public of the State of  
5 New York, was examined and testified as  
6 follows:  
7 EXAMINATION BY MR. CORNWELL:  
8 Q. Good afternoon. Is it  
9 Dr. Grenier or Mr. Grenier?  
10 A. Mr. Grenier.  
11 Q. Good afternoon. Thank you for  
12 doing this deposition. We appreciate it  
13 very much. For the record, could you  
14 please state your name and address.  
15 A. Yes. My name is Gerard  
16 Grenier. My personal address is 188  
17 Springfield Avenue, Rutherford, New Jersey  
18 07070.  
19 Q. And you understand that you're  
20 under oath?  
21 A. Yes, I do.  
22 Q. And that you have to tell the  
23 truth today?  
24 A. Yes, I do.  
25 Q. Before we get started, I want to

Page 5

1 GRENIER  
2 witness will testify pertaining to the  
3 question, I mean you can't direct him to  
4 answer a question a specific way.  
5 MR. CORNWELL: Okay.  
6 Q. Can you agree that during the  
7 course of this deposition, if you realize  
8 that one of your previous answers is  
9 incorrect, that you will let me know so  
10 that I can give you a chance to correct an  
11 answer?  
12 A. Yes.  
13 Q. Is there any reason that you  
14 would not be able to be truthful today?  
15 A. No.  
16 Q. For example, you're not taking  
17 any medications that might impair your  
18 cognitive functions?  
19 A. No.  
20 Q. I understand that you're  
21 represented by counsel today; is that  
22 correct?  
23 A. Yes.  
24 Q. Who's in the room with you right  
25 now, other than your counsel and the court

Page 6

1                   GRENIER  
2 reporter?  
3     A. No one.  
4     Q. Without disclosing any  
5 conversations that you had with your  
6 lawyer, can you tell me what you did to  
7 prepare for today's designation?  
8     A. Yes. I went into IEEE's digital  
9 library systems, I requested a search for  
10 the documents that were noted in the  
11 request, I retrieved those documents, and  
12 along with the abstract that relates to  
13 those documents.  
14    Q. Now, are you aware that you're  
15 being deposed today as a fact witness in a  
16 dispute between Valeo and Magna  
17 Electronics?  
18    A. Yes.  
19    Q. And in relationship with this  
20 dispute, you signed a number of  
21 declarations already; isn't that correct?  
22    A. Yes.  
23    Q. Do you recall how many  
24 declarations you signed?  
25    A. I signed eight declarations.

Page 7

1                   GRENIER  
2     Q. When were you first approached  
3 about signing declarations?  
4     A. In June of -- towards the end of  
5 June 2014.  
6     Q. And who approached you?  
7     A. IEEE in-house counsel.  
8     Q. Have you ever spoken with Tammy  
9 Terry?  
10    A. No.  
11    Q. And did IEEE make a request of  
12 you?  
13    A. Yes.  
14    Q. What was that request?  
15    A. Request was to retrieve the  
16 documents, the list of documents.  
17    Q. Okay. And can you tell me what  
18 you did in response to that request?  
19    A. Yes. I queried the digital  
20 library database and retrieved the  
21 documents.  
22    Q. Did you do anything else?  
23    A. No.  
24    Q. So you didn't look at any other  
25 records other than what was in your

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1                   GRENIER  
2 digital library; is that correct?  
3     A. Yes.  
4     MR. CORNWELL: I'd like the  
5 court reporter to hand the witness a  
6 document that's been marked Grenier  
7 Exhibit 1.  
8                 (Grenier Exhibit 1, declaration  
9 of Gerard P. Grenier signed June 30, 2014,  
10 marked for identification, this date.)  
11    Q. Mr. Grenier, do you see what's  
12 been marked as Grenier Exhibit 1?  
13    A. Yes, I do.  
14    Q. And can you identify that  
15 document so the record is clear.  
16    A. Yes. The document is -- the top  
17 page is a declaration, my declaration,  
18 and, and then the exhibit follows. The  
19 exhibit is an article titled,  
20 "Multi-Resolution Vehicle Detection Using  
21 Artificial Vision". In fact, that third  
22 page of the exhibit is what we refer to in  
23 the business as an article abstract, and  
24 then beginning on the fourth page is the  
25 actual article as printed from the IEEE

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1                   GRENIER  
2 digital library.  
3     Q. And the article abstract, is  
4 that the business record that you're  
5 referring to when you refer to a business  
6 record in this declaration?  
7     A. Yes.  
8     Q. Did you refer to any other  
9 business record other than the business  
10 record that's attached as the first page  
11 of Exhibit A of Grenier 1?  
12    A. Could you restate the question,  
13 please.  
14                 (Question read.)  
15    A. Could you please just restate  
16 the question.  
17    Q. Sure. I'd be happy to. Could  
18 you take a look at the first page of  
19 Exhibit A to Grenier 1.  
20    A. Yes. Okay.  
21    Q. And that is what you've  
22 previously described in the business as  
23 a -- did you say "digital abstract"?  
24    A. Article abstract.  
25    Q. An article abstract?

Page 10

1                   GRENIER  
2     A.   Yes.  
3     Q.   And this is -- when you talk  
4 about business records, are you talking  
5 about -- in the declaration, when you're  
6 talking about business records, are you  
7 talking about anything other than this  
8 abstract?  
9     A.   Yes. I'm also referring to the  
10 full text of the article that follows.  
11    Q.   Okay. Are there any business  
12 records other than those attached as  
13 Exhibit A to Grenier 1 that you looked at  
14 in -- prior to signing the declaration of  
15 Grenier 1?  
16    A.   No, there were not.  
17    Q.   And in Grenier 1, I'd like to  
18 draw your attention to the signature at  
19 the bottom of the first page. Is that  
20 your signature?  
21    A.   Yes, it is.  
22    Q.   And it says, "Executed on June  
23 30th, 2014." Is that the date that you  
24 executed this?  
25    A.   Yes.

Page 11

1                   GRENIER  
2     Q.   Is that your handwriting -- is  
3 the date your handwriting?  
4     A.   Yes, it is.  
5     Q.   Do you know who drafted this  
6 document?  
7     A.   I drafted this document, along  
8 with my counsel, in-house counsel.  
9     Q.   Do you recall any changes to the  
10 document that you made after seeing a  
11 first draft of the document?  
12    A.   No. I don't recall. No.  
13    Q.   Now, paragraph 2 of this  
14 declaration refers to a symposium. Do you  
15 see that?  
16    A.   Yes.  
17    Q.   Now, you didn't personally  
18 attend the symposium, did you?  
19    A.   No, I did not.  
20    Q.   And you don't know how many  
21 people attended the symposium, do you?  
22    A.   No, I do not.  
23    Q.   And you don't know the  
24 qualifications of any of the attendees of  
25 the symposium, do you?

Page 12

1                   GRENIER  
2     A.   No, I do not.  
3     Q.   Okay. And you don't actually  
4 know whether copies of the article  
5 referred to in Grenier Exhibit 1 were  
6 available at the symposium, do you?  
7     A.   No, I do not.  
8     Q.   So it's possible, in fact, that  
9 this article was not available at the  
10 conference; isn't that right?  
11    A.   I don't -- I don't know.  
12    Q.   And in your declaration of  
13 Exhibit 1, in paragraph 6, you say that  
14 "The article is currently available for  
15 public downloads." Do you see that?  
16    A.   Yes, I do.  
17    Q.   When was this article first  
18 available for public download?  
19    A.   I can only say some time after  
20 the symposium date. I do not have an  
21 exact date.  
22    Q.   In fact, you don't know when it  
23 was available for download, do you?  
24    A.   No.  
25    Q.   There's nothing on that abstract

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1                   GRENIER  
2 page that you referred to earlier that  
3 says when it was available for download;  
4 isn't that right?  
5     A.   Yes.  
6     Q.   Now, in paragraph 4, you say  
7 that "IEEE is a neutral third party to the  
8 dispute in this IPR." Do you know what  
9 "IPR" means?  
10    A.   Intellectual property and just  
11 the -- the rest escapes my mind right now.  
12    Q.   But that's not a term that you  
13 use every day; is that correct?  
14    A.   I use the term "IP" every day.  
15    Q.   Now, in paragraph 5, you state  
16 that neither you nor IEEE are being  
17 compensated for this declaration. Is that  
18 a correct statement?  
19    A.   Yes, it is.  
20    Q.   And are you being compensated  
21 for the time for your deposition today?  
22    A.   Yes.  
23    Q.   And who's compensating you for  
24 your time in this deposition?  
25    A.   My company, the IEEE.

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1           GRENIER  
2     Q.   Okay. But to your knowledge,  
3 Valeo is not compensating you for the time  
4 that you're spending in deposition?  
5     A.   No.  
6           (Grenier Exhibit 2, declaration  
7 of Gerard P. Grenier signed 7/25/14 with  
8 document entitled, "Multi-Resolution  
9 Vehicle Detection using Artificial Vision"  
10 attached, marked for identification, this  
11 date.)  
12    Q.   I would like -- Mr. Grenier, I'd  
13 like you to take a look at Exhibit 2 --  
14    A.   Okay.  
15    Q.   -- Grenier Exhibit 2. Do you  
16 see that?  
17    A.   Yes, I see it. I have it.  
18    Q.   At the bottom of Grenier 2,  
19 there is a signature. Is that your  
20 signature?  
21    A.   Yes, it is.  
22    Q.   And it also has a date on it.  
23 And is that the date you signed this  
24 declaration?  
25    A.   Yes. 7/25/14.

Page 15

1           GRENIER  
2     Q.   Is that also your handwriting?  
3     A.   Yes.  
4     Q.   Now, Grenier Exhibit 1 and  
5 Grenier Exhibit 2 are -- both relate to a  
6 Broggi article; is that correct?  
7     A.   Yes.  
8     Q.   But these declarations are not  
9 identical, are they?  
10    A.   No. There's some -- no, they're  
11 not.  
12    Q.   Do you know what differences  
13 there are between the declarations?  
14    A.   I believe in statement 3, I  
15 added the word "article abstract" to note  
16 that the exhibit was both a full text  
17 article and an abstract, and the word  
18 "Smith" is a part of the statement 6.  
19    Q.   When you signed Grenier  
20 Exhibit 2, was there actually an  
21 attachment that was physically associated  
22 with Grenier Exhibit 2?  
23    A.   Well, I was -- what do you mean  
24 "attached"?  
25    Q.   Well, you signed Grenier

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1           GRENIER  
2 Exhibit 2; is that correct?  
3     A.   Right.  
4     Q.   And you --  
5     A.   Yes.  
6     Q.   -- you referred to an Exhibit A  
7 in paragraph 3; is that also right?  
8     A.   Yes.  
9     Q.   When you signed the declaration  
10 of Grenier 2, was there an exhibit  
11 attached to the declaration of Exhibit 2?  
12    A.   Oh, yes.  
13    Q.   And after you signed Grenier  
14 Exhibit 2, what did you do with that  
15 exhibit?  
16    A.   I handed it back to my in-house  
17 counsel.  
18    Q.   Okay. And Grenier Exhibit 2  
19 refers to the same conference or symposium  
20 as Grenier Exhibit 1; is that correct?  
21    A.   Yes, it is. Uh-hum.  
22           (Grenier Exhibit 3, declaration  
23 of Gerard P. Grenier dated June 30, 2014  
24 with document entitled, "On-Road Vehicle  
25 Detection Using Optical Sensors: A Review"

Page 17

1           GRENIER  
2 attached, marked for identification, this  
3 date.)  
4     Q.   Okay. I'd like you to take a  
5 look at Grenier Exhibit 3. Do you see  
6 that?  
7     A.   Yes.  
8     Q.   And do you recognize this  
9 document?  
10    A.   Yes, I do.  
11    Q.   Could you tell me what this  
12 document is.  
13    A.   This document is a declaration,  
14 followed by an exhibit declaring that  
15 certain publication dates related to an  
16 article titled, "On-Road Vehicle Detection  
17 Using Optical Sensors: A Review", by --  
18 this is Sun, et al.  
19    Q.   And this Sun, et al. paper is  
20 attached as Exhibit A?  
21    A.   Yes.  
22    Q.   And there is also an abstract  
23 attached; isn't that right?  
24    A.   Yes.  
25    Q.   And in preparation of

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