Page 1

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

TERREMARK NORTH AMERICA LLC,)	
VERIZON BUSINESS NETWORK)	
SERVICES INC., VERIZON SERVICES)	
CORP., TIME WARNER CABLE INC.,)	Case IPR Petition
ICONTROL NETWORKS, INC., AND)	2015-01477
COXCOM, LLC,)	
)	
Petitioners,)	
v.)	Patent 6,587,046
)	
JOAO CONTROL & MONITORING)	
SYSTEMS, LLC,)	
)	
Patent Owner.)	
)	

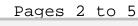
ORAL DEPOSITION OF RICHARD BENNETT
Thursday, March 3, 2016
Washington, D.C.
9:38 a.m.

Reported by: Susan Ashe, RMR, CRR

DIGITAL EVIDENCE GROUP
1730 M Street NW, Suite 812
Washington, DC 20036
(202) 232-0646



	The oral deposition of RICHARD BENNETT was	1	APPEARANCES (Continued):
2	taken at the law offices of Venable LLP, 575 Seventh	2	
3	Street, Northwest, Washington, D.C. 20004, on	3	KILPATRICK TOWNSEND & STOCKTON LLP
4	Thursday, March 3, 2016, commencing at 9:38 a.m., in	4	BY: SHAYNE E. O'REILLY, ESQ.
5	the presence of counsel for the parties.	5	1100 Peachtree Street, Northeast, Suite 2800
6	It was agreed that Susan Ashe, Registered	6	Atlanta, Georgia 30309
7	Merit Reporter and Notary Public in and for the	7	(404) 815-6500
8	District of Columbia, would take said deposition in	8	soreilly@kilpatricktownsend.com
9	machine shorthand and, when requested, transcribe	9	Counsel on behalf of the Petitioner CoxCom, LLC
10	the same to typewriting by means of computer-aided	10	
11	transcription.	11	
12	dunseription.	12	
13		13	ALSO PRESENT:
14		14	
15		15	Kevin Parton, Verizon In-House Counsel
16		16	Steven W. Ritcheson, Esq., Insight
			(Via Teleconference)
17		17	
18		18	
19		19	
20		20	
21		21	
22		22	
	Page 2		Page 4
1	APPEARANCES:	1	INDEX
2		2	
3	RAYMOND A. JOAO, ESQ.		WITNESS EXAMINATION BY PAGE
4	122 Bellevue Place	3	RICHARD BENNETT Mr. Joao 7
5	Yonkers, New York 10703		Ms. Woodworth 206
	- and -	4	Mr. Joao 219
6	SINERGIA TECHNOLOGY LAW GROUP, PLLC	5	
7	BY: RENE A. VAZQUEZ, ESQ.	6	EXHIBITS
8	18296 St. Georges Court	7	NAME DESCRIPTION
0	Leesburg, Virginia 20176	8	NUMBER DESCRIPTION PAGE
9	@ :		
10	rvazquez@sinergialaw.com	9	Exhibit 1 Notice of Deposition 8
10 11	rvazquez@sinergialaw.com Counsel for the Patent Owner	10	Exhibit 1 Notice of Deposition 8
10 11 12		10 11	
10 11 12 13	Counsel for the Patent Owner	10 11 12	Exhibit 1 Notice of Deposition 8 Exhibit 2 Declaration of Richard Bennett 26
10 11 12	Counsel for the Patent Owner VENABLE LLP	10 11	Exhibit 1 Notice of Deposition 8
10 11 12 13 14	Counsel for the Patent Owner VENABLE LLP BY: MEGAN S. WOODWORTH, ESQ.	10 11 12 13	Exhibit 1 Notice of Deposition 8 Exhibit 2 Declaration of Richard Bennett 26 Exhibit 3 Curriculum Vitae 33
10 11 12 13 14 15	Counsel for the Patent Owner VENABLE LLP BY: MEGAN S. WOODWORTH, ESQ. BY: LESLIE A. LEE, ESQ.	10 11 12 13 14	Exhibit 1 Notice of Deposition 8 Exhibit 2 Declaration of Richard Bennett 26 Exhibit 3 Curriculum Vitae 33 Exhibit 4 "Remote Monitoring of Instrumented"
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10 11 12 13 14 15	Counsel for the Patent Owner VENABLE LLP BY: MEGAN S. WOODWORTH, ESQ. BY: LESLIE A. LEE, ESQ. 575 Seventh Street, Northwest Washington, D.C. 20004	10 11 12 13 14 15	Exhibit 1 Notice of Deposition 8 Exhibit 2 Declaration of Richard Bennett 26 Exhibit 3 Curriculum Vitae 33 Exhibit 4 "Remote Monitoring of Instrumented"
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Exhibit 7 November 6, 2006 Fax Exhibit 17 Pages 62 Exhibit 8 "A Portable Multimedia Terminal" 136 Exhibit 8 "A Portable Multimedia Terminal" 136 Exhibit 18 "A Portable Multimedia Terminal" 136 Exhibit 19 PCT Exhibit 19 PCT Exhibit 10 Beyond the Web Abstract Exhibit 10 Beyond the Web Abstract Exhibit 11 U.S. Patent 4,857,912 195 Exhibit 1 Was marked for identification.) Q Can you please take a minute to look it over. With mes is my look a minute to look it over. With mes is my look a with season over. Exhibit 1 Was marked for identification.) Q Mr. Bennett, have you seen this document before? With mes is my look a minute to look it over. With mes is my look a minute to look it over. Exhibit 1 Was marked for identification.) Q Can you please take a minute to look it over. With mes is my look a minute to look it over. Exhibit 1 Was marked for identification.) Q Can you please take a minute to look it over. With mes is my look a minute to look it over. Exhibit 1 Was marked for identification.) A No, I havent. Q Can you please take a minute to look it over. I Q Okay. Wol. A No, I havent. Page 6 Page 6 Page 8 Page 6 Page 8 Page 8 Page 8 A Yes. Q Do you understand the process? A I think I do. Q Okay. Well, if you need me to explain anything, you know — please, don't answer a question you don't understand. I'm happy to explain my question. And you'te bei	1	EXHIBITS (Continued)	1	No. 6,542,046 [sic].
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4 11 Pages 62 5 Exhibit 8 "A Portable Multimedia Terminal" 136 6 Exhibit 8 "A Portable Multimedia Terminal" 136 7 Exhibit 9 PCT 8 Exhibit 9 PCT 9 32 Pages 152 10	3	Exhibit 7 November 6, 2006 Fax	3	
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7	5	-	5	
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1 41 obtain your testimony regarding the IPR 1 21 and time available to work on the IPR.				
		obtain your testimony regarding the IPR		and time available to work on the IPR.
involving Terremark and JCMS and U.S. Patent Q Do you know the name of the law firm that	22	involving Terremark and JCMS and U.S. Patent	22	Q Do you know the name of the law firm that
Page 7 Page 9		Page 7		Page 9



1	reached out to you?	1	A I wrote an expert report, the exhibit that
2	A I think it probably was Venable, but I'm	2	I'm here to discuss.
3	not I can't swear to it.	3	Q By "expert report," are you referring to
4	I don't actually remember.	4	your declaration?
5	Q Okay.	5	A Yeah, the expert declaration.
6	A I'd have to go back and look at my e-mail	6	Q Okay. Did you do any other work, other
7	history and see what that was.	7	than write the exhibit the declaration?
8	Q Do you remember the name of the lawyer	8	You had to do something in order to
9	that you spoke with?	9	write the declaration. Right?
10	A Initially? No.	10	A Yeah. I had discussions.
11	Q Okay.	11	Q Okay. Did you review documents?
12	A In fact, I'm not even sure that the first	12	A Yes, I reviewed documents.
13	phone call was from a lawyer.	13	Q Can you please tell me what documents you
14	It could have been from a clerk or	14	reviewed?
15	someone like that.	15	A Well, I reviewed the patent, the well,
16	Q But what law firm did you become engaged	16	I'll call it the "'046" patent.
17	by?	17	I reviewed the prior art that's
18	A It was a group of law firms that were, I	18	mentioned in my declaration, such as the paper by
19	think, pretty much the named parties on the	19	Fuhr, et al.; the paper by Goldberg; the AKNAR
20	Q Well, do you know the named parties on	20	patent; the article by Sheng; the Everett patent;
21	this IPR?	21	and the description of the EDC-1000 Electronic
22	A Well, I mean, we have Terremark,	22	Imaging System.
	A well, I lifeall, we have Tellemark,		magnig System.
	Page 10		Page 12
1	Verizon let's see	1	Q Did you review the file history of the
2	Terremark North America LLC; Verizon	2	'046 patent?
3	Business Network Services, Incorporated; Verizon		*
	Busiless Network Services, incorporated, verizon	3	A No.
4	_	3 4	
4 5	Services Corporation; Time Warner Cable,		Q Did you review any of the prior art that
	Services Corporation; Time Warner Cable, Incorporated; Icontrol Networks, Incorporated; and	4	Q Did you review any of the prior art that was considered by the patent office in the '046
5	Services Corporation; Time Warner Cable, Incorporated; Icontrol Networks, Incorporated; and CoxCom, LLC.	4 5	Q Did you review any of the prior art that was considered by the patent office in the '046 patent?
5 6	Services Corporation; Time Warner Cable, Incorporated; Icontrol Networks, Incorporated; and CoxCom, LLC. Q Anyone else that you spoke to, other law	4 5 6	Q Did you review any of the prior art that was considered by the patent office in the '046 patent? A When I analyzed the '046 patent, I looked
5 6 7	Services Corporation; Time Warner Cable, Incorporated; Icontrol Networks, Incorporated; and CoxCom, LLC. Q Anyone else that you spoke to, other law firms or other companies, regarding your retention	4 5 6 7	Q Did you review any of the prior art that was considered by the patent office in the '046 patent? A When I analyzed the '046 patent, I looked at some of the references that the patent referred
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5 6 7 8 9	Services Corporation; Time Warner Cable, Incorporated; Icontrol Networks, Incorporated; and CoxCom, LLC. Q Anyone else that you spoke to, other law firms or other companies, regarding your retention in this matter? A It would have been the law firms representing these companies.	4 5 6 7 8 9 10	Q Did you review any of the prior art that was considered by the patent office in the '046 patent? A When I analyzed the '046 patent, I looked at some of the references that the patent referred to. Q Do you remember which references? A I would have looked at the references
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5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Services Corporation; Time Warner Cable, Incorporated; Icontrol Networks, Incorporated; and CoxCom, LLC. Q Anyone else that you spoke to, other law firms or other companies, regarding your retention in this matter? A It would have been the law firms representing these companies. Q What were you asked to do in this IPR process? MS. WOODWORTH: Objection. That's actually getting into privileged information. I'm going to instruct the witness not to answer. Q You've performed certain duties pursuant to being retained by these law firms. Is that true?	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q Did you review any of the prior art that was considered by the patent office in the '046 patent? A When I analyzed the '046 patent, I looked at some of the references that the patent referred to. Q Do you remember which references? A I would have looked at the references cited on page 1 of the patent. There's a Cushing, Tokitsu, Shave, Connors, Johnson, Callahan Q I'm sorry. I'm sorry. Where are you looking on the patent? A On the first page of the patent. Q Okay. A There's a section on in Column 1 it begins in Column 1 at line 56, references cited.

1		
	documents.	¹ paid.
2	Q Yes. You reviewed all of these documents	Q Would you have any objection to giving us
3	on page 1, Cushing down through Stephenson?	³ copies?
4	A Yeah not in great detail, but enough to	MS. WOODWORTH: That's not up to him.
5	understand the general scope.	5 There are specific rules in place in
6	Q And how about the other publications	an IPR regarding discovery, and that wouldn't
7	listed below on that same page: Author unknown,	⁷ fall within what's required.
8	Onstar Literature down to Alper Caglayan?	8 Q When did you first read the JCMS patents
9	A I don't think I looked at the Onstar	or any of its claims or any of their claims,
10	Literature.	especially this patent or any other JCMS patent?
11	Bruce Schneier I'm familiar with	11 A I don't recall the date.
12	his work. I think I probably read that book at some	12 I'd have to check.
13	point in the past. He's an extremely well-known	Q Do you understand the JCMS patent, '046,
14	figure in cryptography.	sufficiently to support the opinions you're going to
15	There's a book by Panko. I don't	15 give in this case?
16	believe I would have read that.	16 A I believe I do.
17	And I didn't read Simson Garfinkel or	11 Tocheve 1 do.
18		When did you first believe that one of
19	the other book by Lesnick.	more claims of the servis patent, 040, was invalid.
20	Q How about Adam; Adam, Nabil?	When I lead the 040 patent for the first
21	A No, I didn't read that.	time, I had serious doubts as to the validity of the
22	Q How about the patents on page 2 of the	citatic set of claims of certain of the certain of
22	patent document, '046 patent document.	the claims, anyway.
	Page 14	Page 16
1	On pages 2 and 3, there are a list of	¹ Q Have you ever provided expert testimony
2	patents.	² regarding patent invalidity?
3	Did you review all of those?	A No; this is the first time.
4	-	71 100, uns is the first time.
	A No, I didn't.	4 I've given testimony on infringement.
5	A No, I didn't.Q Okay. You understand that these documents	4 I've given testimony on infringement. 5 Q So without having any experience in
	A No, I didn't. Q Okay. You understand that these documents could be referred to as "prior art"?	I've given testimony on infringement. Government to the state of the
5 6	 A No, I didn't. Q Okay. You understand that these documents could be referred to as "prior art"? A Yes, I suppose they could certainly as 	I've given testimony on infringement. Q So without having any experience in invalidity, you made a determination that the claims were invalid?
5 6 7 8	 A No, I didn't. Q Okay. You understand that these documents could be referred to as "prior art"? A Yes, I suppose they could certainly as parts of the prior art. 	I've given testimony on infringement. Q So without having any experience in invalidity, you made a determination that the claims were invalid? A Um-hum.
5 6 7 8	A No, I didn't. Q Okay. You understand that these documents could be referred to as "prior art"? A Yes, I suppose they could certainly as parts of the prior art. Q Were you given a budget when you were	I've given testimony on infringement. Q So without having any experience in invalidity, you made a determination that the claims were invalid? A Um-hum. Q Can you please give me a yes
5 6 7 8 9	A No, I didn't. Q Okay. You understand that these documents could be referred to as "prior art"? A Yes, I suppose they could certainly as parts of the prior art. Q Were you given a budget when you were retained	I've given testimony on infringement. Q So without having any experience in invalidity, you made a determination that the claims were invalid? A Um-hum. Q Can you please give me a yes A Yes yes, I did. That was my
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