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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LG ELECTRONICS, INC.; LG :  
ELECTRONICS USA, INC.; LG :  
ELECTRONICS MOBILECOMM USA, INC. : Case No.  
vs. : IPR2015-01984

CORE WIRELESS : Patent No.  
- - - - -x 8,434,020

LG ELECTRONICS, INC.; LG :  
ELECTRONICS USA, INC.; LG :  
ELECTRONICS MOBILECOMMUSA, INC. : Case No.  
vs. : IPR2015-01985

CORE WIRELESS : Patent No.  
- - - - -x 8,713,476

Washington, D.C.

Wednesday, September 7, 2016

Deposition of:

SCOTT DENNING

Called for oral examination by counsel for LG  
Electronics, pursuant to notice, at the law  
offices of Greenberg Traurig, 1750 Tysons  
Boulevard, Suite 1000, McLean, Virginia, before  
Denise M. Brunet, RPR, a Notary Public in and for  
the Commonwealth of Virginia, beginning at  
9:58 a.m., when were present on behalf of the  
respective parties:



<p style="text-align: right;">Page 6</p> <p>1 A Yeah. That is a version of my CV.</p> <p>2 Q Is that a current version of your CV?</p> <p>3 A No.</p> <p>4 Q Was this the current version of your CV</p> <p>5 as of June 30th, 2016?</p> <p>6 A Yes.</p> <p>7 Q What has changed about your CV since</p> <p>8 then?</p> <p>9 A On the first page, under inter partes</p> <p>10 review declarations, there are a couple more that</p> <p>11 have been added. Also under the expert services</p> <p>12 retainers, there's some additional listings there.</p> <p>13 Q The first one you identified was the IPR</p> <p>14 declarations; is that right?</p> <p>15 A Yes.</p> <p>16 Q What has been added there?</p> <p>17 A I'm sorry. I've been thinking about this</p> <p>18 case for so long now, I'm not able to think of the</p> <p>19 others that I've been working on before.</p> <p>20 Q Okay. So there are some other IPRs other</p> <p>21 than this case that you've added here, but you</p> <p>22 can't remember them right now?</p>	<p style="text-align: right;">Page 8</p> <p>1 MR. HELGE: Okay.</p> <p>2 THE WITNESS: Yeah. I wasn't allowed to</p> <p>3 post them on my CV until they had been.</p> <p>4 MR. HELGE: Okay. Just wanted to make</p> <p>5 sure.</p> <p>6 BY MR. BROWN:</p> <p>7 Q So you filed declarations in a matter</p> <p>8 involving Alarm.com and Vivant; is that right?</p> <p>9 A That's correct.</p> <p>10 Q And in that -- was it a single IPR?</p> <p>11 Several IPRs?</p> <p>12 A There are several.</p> <p>13 Q And on behalf of which party did you</p> <p>14 submit a declaration?</p> <p>15 A Vivant.</p> <p>16 Q Other than these Vivant IPRs, are there</p> <p>17 any other additional matters that are added to</p> <p>18 your CV in comparison to the one that we have</p> <p>19 attached to your declaration here?</p> <p>20 A I don't recall any others.</p> <p>21 Q I've handed you a copy of U.S. patent</p> <p>22 8,434,020. Do you recognize this -- and you</p>
<p style="text-align: right;">Page 7</p> <p>1 A That's correct.</p> <p>2 Q Okay. And you said there were some</p> <p>3 things added to expert services retainers. Do you</p> <p>4 remember what those are?</p> <p>5 A They go together.</p> <p>6 Q Oh, they go together?</p> <p>7 A Yeah.</p> <p>8 Q Do you remember anything about the IPR</p> <p>9 declarations, for example, the area of technology</p> <p>10 or anything like that?</p> <p>11 A Yes, I do. It's alarm-related.</p> <p>12 Q Alarm-related?</p> <p>13 A Yes. Actually, that gave me the clue</p> <p>14 there. So the case is actually Alarm.com versus</p> <p>15 Vivant, V-I-V-A-N-T.</p> <p>16 Q Which party --</p> <p>17 MR. HELGE: Nick, can I jump in real</p> <p>18 quick?</p> <p>19 MR. BROWN: Sure.</p> <p>20 MR. HELGE: Just because I'm not sure if</p> <p>21 those declarations had actually been filed.</p> <p>22 THE WITNESS: They have.</p>	<p style="text-align: right;">Page 9</p> <p>1 understand that patents are typically referred to</p> <p>2 by their last three digits?</p> <p>3 A Yes.</p> <p>4 MR. HELGE: I note that this one is not</p> <p>5 marked with an exhibit number. There should have</p> <p>6 been an Exhibit 1001 already of record in the</p> <p>7 case.</p> <p>8 MR. BROWN: I'll stipulate that this</p> <p>9 patent is Exhibit 1001 in each case. I think you</p> <p>10 might remember that there are two different -- the</p> <p>11 reason I'm using the one without the exhibit</p> <p>12 number is that it applies in each case.</p> <p>13 MR. HELGE: Do we need to have the</p> <p>14 reporter mark this?</p> <p>15 MR. BROWN: Sure, we can mark it as</p> <p>16 Exhibit 1001.</p> <p>17 MR. HELGE: Well, I would not use the</p> <p>18 same number that's already a record in the case.</p> <p>19 Maybe Exhibit A or something like that.</p> <p>20 MR. BROWN: That's fine. Can we mark</p> <p>21 this as Exhibit A?</p> <p>22 (Deposition Exhibit Letter A was marked</p>

<p style="text-align: right;">Page 10</p> <p>1 for identification.)</p> <p>2 BY MR. BROWN:</p> <p>3 Q Do you recognize this as a copy of the</p> <p>4 '020 patent?</p> <p>5 A Yes.</p> <p>6 Q I also have a copy of U.S. patent</p> <p>7 6,415,164 to Blanchard.</p> <p>8 MR. HELGE: And let's do the same --</p> <p>9 MR. BROWN: Do you want to do the same</p> <p>10 thing?</p> <p>11 MR. HELGE: Please. Let's do the same</p> <p>12 thing.</p> <p>13 MR. BROWN: Okay. Could we mark this as</p> <p>14 Exhibit B.</p> <p>15 (Deposition Exhibit Letter B was marked</p> <p>16 for identification.)</p> <p>17 BY MR. BROWN:</p> <p>18 Q Mr. Denning, do you recognize this as a</p> <p>19 copy of the Blanchard patent that you have offered</p> <p>20 opinions about in your declaration?</p> <p>21 A Yes.</p> <p>22 Q If you could turn to your declaration at</p>	<p style="text-align: right;">Page 12</p> <p>1 software is implemented with monolithic</p> <p>2 instructions, or an operating program as discussed</p> <p>3 by Oommen, and that these instructions would</p> <p>4 include subroutines, perhaps dynamically linked as</p> <p>5 Oommen describes, that can be called to perform</p> <p>6 various features of the operating program."</p> <p>7 Correct?</p> <p>8 A Yes.</p> <p>9 Q Let me give you a copy of what has been</p> <p>10 previously marked as Exhibit 2009 in both IPRs.</p> <p>11 This is a copy of U.S. patent 6,993,328 to Oommen,</p> <p>12 and that is the Oommen that you're referring to in</p> <p>13 your declaration, correct?</p> <p>14 A Yes.</p> <p>15 Q So in your opinion, Blanchard is</p> <p>16 describing a phone that would use the type of</p> <p>17 software that's described in Oommen as opposed to</p> <p>18 applications; is that correct?</p> <p>19 MR. HELGE: Object to form.</p> <p>20 THE WITNESS: Yes.</p> <p>21 BY MR. BROWN:</p> <p>22 Q What is the difference between the type</p>
<p style="text-align: right;">Page 11</p> <p>1 page 24. Actually, why don't we go back to</p> <p>2 page 22, paragraph 43. You state near the bottom</p> <p>3 of that paragraph, starting four lines from the</p> <p>4 bottom, "Blanchard never discloses that the</p> <p>5 features shown in these screens are implemented</p> <p>6 with applications."</p> <p>7 Do you see that?</p> <p>8 A Yes.</p> <p>9 Q So it's your opinion that Blanchard</p> <p>10 doesn't describe the use of applications, correct?</p> <p>11 A Yes.</p> <p>12 Q If you turn to paragraph 46 on page 24,</p> <p>13 you produced figure 1 from Blanchard at the top of</p> <p>14 that page, correct?</p> <p>15 A Yes.</p> <p>16 Q Then near the bottom of page 24, you</p> <p>17 state, "If any conclusion could be reached by a</p> <p>18 POSITA" -- let's stop there for a second. That's</p> <p>19 an acronym that refers to a person of ordinary</p> <p>20 skill in the art; is that correct?</p> <p>21 A That is correct.</p> <p>22 Q Go on -- "it would be that Blanchard</p>	<p style="text-align: right;">Page 13</p> <p>1 of software that's described in Oommen and the</p> <p>2 applications that you say are not present in</p> <p>3 Blanchard or Oommen?</p> <p>4 A Oommen describes a software architecture</p> <p>5 that would be considered as monolithic by one</p> <p>6 skilled in the art, that meaning -- monolithic</p> <p>7 being an all-inclusive, one application, meaning</p> <p>8 that there are various levels of subroutines and</p> <p>9 functions that are all included in a single large</p> <p>10 executable program.</p> <p>11 This monolithic program in the case of</p> <p>12 Blanchard includes functions for contacts. It</p> <p>13 includes functions for text or dialing a phone,</p> <p>14 various things like that, that are all included</p> <p>15 within this same program.</p> <p>16 The other way of designing software is to</p> <p>17 use application operating system type architecture</p> <p>18 where the operating system manages the lower level</p> <p>19 functions of the phone and various applications</p> <p>20 sit on top of that. The applications can each be</p> <p>21 launched individually. They're executed and</p> <p>22 loaded one by one. An operating system is capable</p>

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1 of executing multiple applications simultaneously,  
2 typically. In a monolithic software architecture,  
3 there is only one program running ever.  
4 Q I believe you said in Blanchard there are  
5 functions for contacts, dialing a phone and text  
6 messages; is that accurate?  
7 A I believe that's what I said.  
8 Q And do you believe it's accurate that a  
9 person of ordinary skill in the art would  
10 understand that the phone in Blanchard had  
11 functions for dialing the phone, sending text  
12 messages and displaying contacts?  
13 MR. HELGE: Object to form.  
14 THE WITNESS: Well, Blanchard itself  
15 never goes into details of exactly what is  
16 implemented where. You can just kind of look at  
17 the figures and determine some of the things that  
18 he had in mind that would be implemented with this  
19 invention.  
20 BY MR. BROWN:  
21 Q Well, if you look at figure 3, for  
22 example -- actually, let's back up. Let's start

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1 with figure 2. Figure 2 shows a phone, correct?  
2 A Yes.  
3 Q And using the phone shown in figure 2, a  
4 person of ordinary skill in the art would  
5 understand that you could call a phone number.  
6 A Yes.  
7 Q And you could receive a phone call,  
8 correct?  
9 A Yes.  
10 Q So those would be functions available  
11 within the phone in Blanchard?  
12 MR. HELGE: Object to form.  
13 THE WITNESS: That is correct.  
14 BY MR. BROWN:  
15 Q To address your counsel's objection, is  
16 it correct that dialing a phone number is a  
17 function available within the phone in Blanchard?  
18 MR. HELGE: Object to form.  
19 THE WITNESS: Yes.  
20 BY MR. BROWN:  
21 Q And if you look at figure 3, there's a  
22 series of screens, and one of them is marked 320.

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1 Do you see that one?  
2 A Yes.  
3 Q And it has a book icon highlighted in the  
4 top row. Do you see that?  
5 A Yes.  
6 Q And then the first line of text says,  
7 "Phone book"?  
8 A Yes.  
9 Q And then there's another line of text  
10 with a filled-in oval next to it that says, "View  
11 all." Do you see that?  
12 A Yes.  
13 Q A person of ordinary skill in the art  
14 would understand that selecting that "view all"  
15 option would show you the entries in the phone  
16 book, right?  
17 MR. HELGE: Object to form.  
18 THE WITNESS: You know, I don't know that  
19 you can say that.  
20 BY MR. BROWN:  
21 Q In your opinion, what would a person of  
22 ordinary skill in the art understand would happen

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1 if you selected this "view all" option that's  
2 highlighted in screen 320?  
3 MR. HELGE: Objection.  
4 THE WITNESS: I just don't know that I'm  
5 given enough information to make assumptions about  
6 what the menu items on this does. For example,  
7 there could be multiple phone books. Maybe I'm  
8 going to view all the phone books. I mean, I  
9 don't know. I can't say what this particular  
10 function does.  
11 BY MR. BROWN:  
12 Q I think you said before that Blanchard  
13 describes a function for contacts. Do you  
14 remember that?  
15 MR. HELGE: Object to form.  
16 THE WITNESS: Yes.  
17 BY MR. BROWN:  
18 Q Can you point out in Blanchard what the  
19 function is for contacts that you were thinking  
20 of?  
21 A No, I can't.  
22 Q In your opinion, could a person of

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