1   BEFORE THE PATENT TRIAL AND APPEAL BOARD

2 - - - - - - - - - - - - - - - - - -x

3 LG ELECTRONICS, INC.; LG   :

   ELECTRONICS USA, INC.; LG   :

4 ELECTRONICS MOBILECOMM USA, INC. : Case No.

          vs.   : IPR2015-01984

5 CORE WIRELESS   : Patent No.

   - - - - - - - - - - - - - - - - -x 8,434,020

6 LG ELECTRONICS, INC.; LG   :

   ELECTRONICS USA, INC.; LG   :

7 ELECTRONICS MOBILECOMMUSA, INC. : Case No.

          vs.   : IPR2015-01985

8 CORE WIRELESS   : Patent No.

9 - - - - - - - - - - - - - - - - -x 8,713,476

10   Washington, D.C.

11   Wednesday, September 7, 2016

12 Deposition of:

13   SCOTT DENNING

14 Called for oral examination by counsel for LG

15 Electronics, pursuant to notice, at the law

16 offices of Greenberg Trauig, 1750 Tysons

17 Boulevard, Suite 1000, McLean, Virginia, before

18 Denise M. Brunet, RPR, a Notary Public in and for

19 the Commonwealth of Virginia, beginning at

20 9:58 a.m., when were present on behalf of the

21 respective parties:

22

1   A P P E A R A N C E S

2

3 On behalf of LG Electronics:

4   NICHOLAS A. BROWN, ESQUIRE

5   Greenberg Trauig, LLP

6   Four Embarcadero Center

7   Suite 3000

8   San Francisco, California 94111

9   (415) 655-1271

10   brownn@gtlaw.com

11

12 On behalf of Core Wireless:

13   WAYNE HELGE, ESQUIRE

14   WALTER D. DAVIS, JR., ESQUIRE

15   Davidson Berquist Jackson & Gowdey, LLP

16   8300 Greensboro Drive

17   Suite 500

18   McLean, Virginia 22102

19   (571) 765-7709

20   whelge@dbjg.com

21

22

1   P R O C E E D I N G S

2 WHEREUPON,

3   SCOTT DENNING,

4 called as a witness, and after having been first

5 duly sworn, was examined and testified as follows:

6   EXAMINATION BY COUNSEL FOR LG ELECTRONICS

7 BY MR. BROWN:

8   Q   Good morning, Mr. Denning.

9   A   Good morning.

10   Q   Can you please state your full name for

11 the record.

12   A   Scott Andrew Denning.

13   Q   And what is your current address?

14   A   11855 Windmill Road, Colorado Springs,

15 Colorado, 80908.

16   MR. HELGE: Nick, just to jump in here,

17 my understanding is we're here for deposition on

18 LG Electronics, Inc., v. Core Wireless Licensing

19 S.A.R.L., which is IPR 2015-01984 and 01985; is

20 that correct?

21   MR. BROWN: Yes.

22 BY MR. BROWN:

1   C O N T E N T S

17

18

19   (*Exhibits attached to the transcript.)

20

21

22

1   Q   You understand you're here for a

2 deposition in the two IPRs that your counsel just

3 described; is that right?

4   A   Yes.

5   Q   And you submitted a declaration in each

6 of those two IPRs?

7   A   Yes.

8   Q   And a copy of that declaration is in

9 front of you?

10   A   Yes.

11   Q   And it's marked as Exhibit 2001 in those

12 IPRs down in the bottom right-hand corner?

13   A   Yes.

14   Q   If you turn to page 40. That's your

15 signature?

16   A   Yes.

17   Q   And you signed this declaration on

18 June 30th, 2016?

19   A   Yes.

20   Q   Attached to the end of your declaration,

21 after page 40, is what appears to be your CV. Is

22 that, in fact, your CV?

2 (Pages 2 - 5)

1 A Yeah. That is a version of my CV.

2 Q Is that a current version of your CV?

3 A No.

4 Q Was this the current version of your CV

5 as of June 30th, 2016?

6 A Yes.

7 Q What has changed about your CV since

8 then?

9 A On the first page, under inter partes

10 review declarations, there are a couple more that

11 have been added. Also under the expert services

12 retainers, there's some additional listings there.

13 Q The first one you identified was the IPR

14 declarations; is that right?

15 A Yes.

16 Q What has been added there?

17 A I'm sorry. I've been thinking about this

18 case for so long now, I'm not able to think of the

19 others that I've been working on before.

20 Q Okay. So there are some other IPRs other

21 than this case that you've added here, but you

22 can't remember them right now?

1 A That's correct.

2 Q Okay. And you said there were some

3 things added to expert services retainers. Do you

4 remember what those are?

5 A They go together.

6 Q Oh, they go together?

7 A Yeah.

8 Q Do you remember anything about the IPR

9 declarations, for example, the area of technology

10 or anything like that?

11 A Yes, I do. It's alarm-related.

12 Q Alarm-related?

13 A Yes. Actually, that gave me the clue

14 there. So the case is actually Alarm.com versus

15 Vivant, V-I-V-A-N-T.

16 Q Which party --

17 MR. HELGE: Nick, can I jump in real

18 quick?

19 MR. BROWN: Sure.

20 MR. HELGE: Just because I'm not sure if

21 those declarations had actually been filed.

22 THE WITNESS: They have.

1 MR. HELGE: Okay.

2 THE WITNESS: Yeah. I wasn't allowed to

3 post them on my CV until they had been.

4 MR. HELGE: Okay. Just wanted to make

5 sure.

6 BY MR. BROWN:

7 Q So you filed declarations in a matter

8 involving Alarm.com and Vivant; is that right?

9 A That's correct.

10 Q And in that -- was it a single IPR?

11 Several IPRs?

12 A There are several.

13 Q And on behalf of which party did you

14 submit a declaration?

15 A Vivant.

16 Q Other than these Vivant IPRs, are there

17 any other additional matters that are added to

18 your CV in comparison to the one that we have

19 attached to your declaration here?

20 A I don't recall any others.

21 Q I've handed you a copy of U.S. patent

22 8,434,020. Do you recognize this -- and you

1 understand that patents are typically referred to

2 by their last three digits?

3 A Yes.

4 MR. HELGE: I note that this one is not

5 marked with an exhibit number. There should have

6 been an Exhibit 1001 already of record in the

7 case.

8 MR. BROWN: I'll stipulate that this

9 patent is Exhibit 1001 in each case. I think you

10 might remember that there are two different -- the

11 reason I'm using the one without the exhibit

12 number is that it applies in each case.

13 MR. HELGE: Do we need to have the

14 reporter mark this?

15 MR. BROWN: Sure, we can mark it as

16 Exhibit 1001.

17 MR. HELGE: Well, I would not use the

18 same number that's already a record in the case.

19 Maybe Exhibit A or something like that.

20 MR. BROWN: That's fine. Can we mark

21 this as Exhibit A?

22 (Deposition Exhibit Letter A was marked

3 (Pages 6 - 9)

1 for identification.)

2 BY MR. BROWN:

3   Q   Do you recognize this as a copy of the

4 '020 patent?

5   A   Yes.

6   Q   I also have a copy of U.S. patent

7 6,415,164 to Blanchard.

8   MR. HELGE: And let's do the same --

9   MR. BROWN: Do you want to do the same

10 thing?

11   MR. HELGE: Please. Let's do the same

12 thing.

13   MR. BROWN: Okay. Could we mark this as

14 Exhibit B.

15   (Deposition Exhibit Letter B was marked

16 for identification.)

17 BY MR. BROWN:

18   Q   Mr. Denning, do you recognize this as a

19 copy of the Blanchard patent that you have offered

20 opinions about in your declaration?

21   A   Yes.

22   Q   If you could turn to your declaration at

1 page 24. Actually, why don't we go back to

2 page 22, paragraph 43. You state near the bottom

3 of that paragraph, starting four lines from the

4 bottom, "Blanchard never discloses that the

5 features shown in these screens are implemented

6 with applications."

7   Do you see that?

8   A   Yes.

9   Q   So it's your opinion that Blanchard

10 doesn't describe the use of applications, correct?

11   A   Yes.

12   Q   If you turn to paragraph 46 on page 24,

13 you produced figure 1 from Blanchard at the top of

14 that page, correct?

15   A   Yes.

16   Q   Then near the bottom of page 24, you

17 state, "If any conclusion could be reached by a

18 POSITA" -- let's stop there for a second. That's

19 an acronym that refers to a person of ordinary

20 skill in the art; is that correct?

21   A   That is correct.

22   Q   Go on -- "it would be that Blanchard

1 software is implemented with monolithic

2 instructions, or an operating program as discussed

3 by Oommen, and that these instructions would

4 include subroutines, perhaps dynamically linked as

5 Oommen describes, that can be called to perform

6 various features of the operating program."

7   Correct?

8   A   Yes.

9   Q   Let me give you a copy of what has been

10 previously marked as Exhibit 2009 in both IPRs.

11 This is a copy of U.S. patent 6,993,328 to Oommen,

12 and that is the Oommen that you're referring to in

13 your declaration, correct?

14   A   Yes.

15   Q   So in your opinion, Blanchard is

16 describing a phone that would use the type of

17 software that's described in Oommen as opposed to

18 applications; is that correct?

19   MR. HELGE: Object to form.

20   THE WITNESS: Yes.

21 BY MR. BROWN:

22   Q   What is the difference between the type

1 of software that's described in Oommen and the

2 applications that you say are not present in

3 Blanchard or Oommen?

4   A   Oommen describes a software architecture

5 that would be considered as monolithic by one

6 skilled in the art, that meaning -- monolithic

7 being an all-inclusive, one application, meaning

8 that there are various levels of subroutines and

9 functions that are all included in a single large

10 executable program.

11   This monolithic program in the case of

12 Blanchard includes functions for contacts. It

13 includes functions for text or dialing a phone,

14 various things like that, that are all included

15 within this same program.

16   The other way of designing software is to

17 use application operating system type architecture

18 where the operating system manages the lower level

19 functions of the phone and various applications

20 sit on top of that. The applications can each be

21 launched individually. They're executed and

22 loaded one by one. An operating system is capable

4 (Pages 10 - 13)

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

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.

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

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

5 (Pages 14 - 17)

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.

fastcase
Smarter legal research.