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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

TracBeam, LLC,)	
)	
Plaintiff,)	CASE NO.
)	6:14-cv-678-RWS
VS.)	
)	Volume II
T-Mobile US, Inc., et al.,)	Pages 263 - 400
)	
Defendants.)	

TracBeam, LLC,)	
)	
Plaintiff,)	CASE NO.
)	6:14-cv-680-RWS
VS.)	
)	
Apple Inc.,)	
)	
Defendant.)	

CONFIDENTIAL - ATTORNEYS EYES ONLY
VIDEOTAPED DEPOSITION OF DENNIS DUPRAY, PH.D.
Los Angeles, California
Wednesday, February 17, 2016

Job. No. 103661
Reporter: NIKKI ROY, CSR No. 3052

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1 Videotaped deposition of DENNIS DUPRAY, PH.D.,
 2 taken on behalf of the Defendant, at 201 Santa
 3 Monica Boulevard, Suite 600, Santa Monica,
 4 California, on Wednesday, February 17, 2016 at
 5 9:10 a.m., before NIKKI ROY, CSR No. 3052.
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1 APPEARANCES OF COUNSEL:
 2
 3 FOR PLAINTIFF:
 4 DOVEL & LUNER
 5 JEFF EICHMANN, ESQ.
 6 201 Santa Monica Boulevard
 7 Suite 600
 8 Santa Monica, California 90401
 9
 10 FOR THE DEFENDANT T-MOBILE:
 11 BAKER BOTTS
 12 DOUGLAS KUBEHL, ESQ.
 13 ROSS CULPEPPER, ESQ.
 14 2001 Ross Avenue
 15 Dallas, Texas 75201
 16
 17 FOR THE DEFENDANT APPLE:
 18 MORRISON & FOERSTER
 19 DAVID YANG, ESQ.
 20 707 Wilshire Boulevard
 21 Los Angeles, California 90017
 22
 23 ALSO PRESENT:
 24
 25 MICHAEL MULLIN, Videographer

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1 A. Yes, sir.
 2 Q. And triangulation, are you familiar with
 3 triangulation?
 4 A. Yes, sir.
 5 Q. Are you familiar with cell tower
 6 triangulation?
 7 A. Yes, sir.
 8 Q. That was a prior art technique available
 9 before the TracBeam patents, correct?
 10 A. Yes, sir.
 11 Q. Is GPS dependent on cell tower
 12 triangulation?
 13 A. No, sir, it's not -- oh, I don't think so.
 14 Q. Is cell tower triangulation dependent on
 15 GPS?
 16 A. That's a difficult -- that's a difficult
 17 question to answer.
 18 Q. Why?
 19 A. Because it may or may not be in certain
 20 circumstances.
 21 Q. So cell tower triangulation doesn't have to
 22 be dependent on GPS, correct?
 23 A. There may be a version.
 24 Q. There was a version of cell tower
 25 triangulation prior to TracBeam's invention that did

1 not involve GPS, correct?
 2 MR. EICHMANN: Objection to form.
 3 THE WITNESS: I don't have any in mind right
 4 at this time. My belief is there probably was.
 5 BY MR. CULPEPPER:
 6 Q. Sir, didn't you and Mr. LeBlanc start your
 7 investigation with terrestrial techniques that
 8 existed like TDOA and TOA?
 9 MR. EICHMANN: Objection; form.
 10 THE WITNESS: We investigated those, yes,
 11 sir.
 12 BY MR. CULPEPPER:
 13 Q. And you did not invent those techniques,
 14 correct?
 15 A. No, sir.
 16 Q. Did TDOA at the time, or the TDOA variations
 17 that you investigated, involve GPS?
 18 A. Actually, they probably -- those particular
 19 techniques probably do.
 20 Q. Why?
 21 A. Because it's my understanding that in that
 22 particular case, GPS signals may be required for the
 23 cell towers in order for the timing issues for CDMA
 24 to synchronize the base stations so that accurate
 25 locations, or even any reasonable location can be

1 performed.
 2 Q. Is it your understanding that prior to
 3 TracBeam's invention, there were no TDOA techniques
 4 other than TDOA techniques that relied on GPS?
 5 A. My understanding is that there is -- that
 6 there probably is such a system. I was just
 7 answering your specific question, sir, before that.
 8 Q. So then prior art techniques did exist prior
 9 to your invention that were not dependent on each
 10 other, correct?
 11 MR. EICHMANN: Objection to form.
 12 THE WITNESS: I believe so.
 13 BY MR. CULPEPPER:
 14 Q. If a system today operated in line with the
 15 Loomis prior art patent, would you agree that that
 16 system would not infringe your patents?
 17 MR. EICHMANN: Objection to form.
 18 THE WITNESS: No, sir.
 19 BY MR. CULPEPPER:
 20 Q. Why not?
 21 MR. EICHMANN: Objection to form.
 22 THE WITNESS: TracBeam probably has over a
 23 thousand claims perhaps in this general area, and I'm
 24 not prepared to go through those claims, and I'm
 25 thinking of something that's like Loomis but probably

1 not Loomis because Loomis is prior art, but if there
 2 is something like Loomis, I'm not prepared to go
 3 through those one way or the other.
 4 As for Loomis specifically and what is
 5 disclosed in the -- in the Loomis patent, my
 6 assumption would be that that system would not
 7 infringe claims because then those claims would be
 8 invalid.
 9 BY MR. CULPEPPER:
 10 Q. So a system that operated as described in
 11 the Loomis patent either wouldn't infringe TracBeam's
 12 claims or TracBeam's claims would be invalid,
 13 correct?
 14 MR. EICHMANN: Objection to form.
 15 THE WITNESS: No, sir.
 16 BY MR. CULPEPPER:
 17 Q. Why?
 18 A. In any system like this, the systems are
 19 extremely complicated, and there could be all kinds
 20 of other additional features in such a system that
 21 could infringe claims. It is not as simple, I
 22 believe, as you're -- or at least I interpret that
 23 you're either perceiving or indicating.
 24 Q. Sir, if a system operates the way Loomis
 25 describes, how is it possible for that system to

1 infringe your patents, yet those same patents not be
2 invalidated by Loomis?

3 MR. EICHMANN: Objection to form.

4 THE WITNESS: Any system -- okay. Let me --
5 let me back up, sir.

6 Suppose an imple -- implementation of Loomis
7 were currently available, that implementation would
8 have additional features beyond what is disclosed in
9 Loomis. What I'm saying is there -- those additional
10 features I'm not prepared to go through a
11 hypothetical and discuss TracBeam's claims related to
12 an actual system that -- an actual system that
13 purportedly is an embodiment of the Loomis patent.

14 And the reason for that is that there is, in
15 general, in my view, substantially more to these
16 kinds of systems than just the wireless -- the -- the
17 bare bones wireless location features that might be
18 disclosed in Loomis.

19 BY MR. CULPEPPER:

20 Q. I'm not asking for a substantive
21 non-infringement analysis. I'm -- I'm asking for a
22 logical conclusion.

23 Loomis was prior art patent, correct?

24 A. Yes, sir.

25 Q. Loomis describes a wireless location system,

1 correct?

2 A. Yes, sir.

3 Q. Loomis describes a wireless location system
4 that uses two location techniques, correct?

5 A. Yes, sir.

6 Q. You testified today that at least some of
7 your claims are not invalidated by Loomis, correct?

8 A. I believe that's the case.

9 Q. If a system was implemented as described in
10 Loomis, that system could not infringe those claims,
11 correct?

12 MR. EICHMANN: Objection to form.

13 THE WITNESS: Yes, sir, it could.

14 BY MR. CULPEPPER:

15 Q. So a system that -- that implemented
16 wireless location technology just like Loomis could
17 infringe your claims, yet Loomis doesn't invalidate
18 those same claims?

19 MR. EICHMANN: Objection to form.

20 THE WITNESS: I believe so and the reason I
21 say that is because, because it does -- Loomis does
22 not mean it doesn't do something else that would also
23 read on the claims.

24 BY MR. CULPEPPER:

25 Q. If a system uses two location techniques

1 that are dependent on each other, could that system
2 infringe the asserted claims?

3 MR. EICHMANN: Objection to form.

4 THE WITNESS: Yes, sir. And the reason I
5 say that is because there may be other portions of
6 the system and other techniques that are used by this
7 hypothetical system that would infringe the tech --
8 that would infringe TracBeam claims.

9 BY MR. CULPEPPER:

10 Q. If every location technique used by the
11 system is dependent on one of the other, could that
12 system infringe the asserted claims?

13 MR. EICHMANN: Objection to form.

14 THE WITNESS: Yes, sir.

15 BY MR. CULPEPPER:

16 Q. How?

17 MR. EICHMANN: Objection to form.

18 THE WITNESS: Okay. So let's suppose we
19 have four of them, just as a hypothetical. A depends
20 on B. C depends on D. A and C are independent. So
21 the answer to your question is exactly what I said,
22 sir. Yes, it still could.

23 BY MR. CULPEPPER:

24 Q. If a claim -- okay.

25 THE VIDEOGRAPHER: This concludes DVD

1 Number 1. We're now going off the video record. The
2 time is 11:32.

3 (Recess held 11:32 a.m. to 11:48 a.m.)

4 THE VIDEOGRAPHER: This is DVD Number 2.
5 The time is 11:49.

6 BY MR. CULPEPPER:

7 Q. Do you still have your tax returns from 2011
8 and forward?

9 MR. EICHMANN: Objection to form.

10 THE WITNESS: Yes, sir.

11 BY MR. CULPEPPER:

12 Q. Have those been provided to your counsel in
13 this case?

14 A. I believe some of them have.

15 Q. Have those been produced in this case?

16 MR. EICHMANN: Objection to form.

17 THE WITNESS: I'm not aware if they have
18 been produced or not.

19 BY MR. CULPEPPER:

20 Q. Sir, if a wireless location system uses two
21 location techniques, just two, and both are dependent
22 on each other, can that system infringe TracBeam's
23 patents?

24 MR. EICHMANN: Objection to form.

25 THE WITNESS: I'm not going to get into