

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

3

4 ARRIS GROUP, INC., )  
5 )  
6 ) Petitioner, ) Case IPR2016-01160  
7 )  
8 ) vs. ) Patent No. 8,611,404  
9 )  
10 ) TQ DELTA, LLC, )  
11 )  
12 ) Patent Owner. )

13 Deposition of LANCE J. McNALLY, taken on  
14 behalf of the Patent Owner, pursuant to Notice and  
15 agreement of counsel, before Judith L. Leitz Moran,  
16 Certified Court Reporter, at Thomas Horstemeyer,  
17 L.L.P., 400 Interstate North Parkway, Suite 1500,  
18 Atlanta, Georgia, on the 23rd day of February,  
19 2017, commencing at the hour of 9:00 a.m.

20  
21  
22  
23  
24  
25

1 APPEARANCES OF COUNSEL:

2

3 On behalf of the Petitioner:

4 Dan R. Gresham, Esquire

5 Charles W. Griggers, Esquire

6 THOMAS HORSTEMEYER, L.L.P.

7 400 Interstate North Parkway, SE

8 Suite 1500

9 Atlanta, Georgia 30339

10

11 On behalf of all named Patent Owner:

12 Thomas J. Wimbiscus, Esquire

13 Rajendra A. Chiplunkar, Esquire

14 David Z. Petty, Esquire - (via telephone)

15 McANDREWS HELD & MALLOY, LTD.

16 500 West Madison Street

17 34th Floor

18 Chicago, Illinois 60661

19

20 ALSO PRESENT:

21 BOB STARR, ESQ., SR. PATENT COUNSEL, ARRIS

22 CAROL ANSLEY, ESQ., SR. DIRECTOR, ARRIS

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I N D E X

EXAMINATION

PAGE

BY MR. WIMBISCUS .....	4
BY MR. GRESHAM .....	94
BY MS. WIMBISCUS .....	102

E X H I B I T S (REFERRED TO)

EXHIBIT NO.

PAGE

Exhibit 1003	Declaration of Lance McNally	19
Exhibit 1004	Curriculum Vitae	8
Exhibit 1005	Bowie Patent, 5,956,323	33
Exhibit 1006	Vanzieleghem Patent, 6,246,725	67
Exhibit 1009	ADSL Standards	27

1 LANCE J. McNALLY,  
2 being first duly sworn, was examined as follows:

3 THE WITNESS: I do.

4 EXAMINATION

5 BY MR. WIMBISCUS:

6 Q Good morning, Mr. McNally.

7 A Good morning.

8 Q Would you state and spell your name for  
9 the record, please.

10 A My full name is Lance John McNally,  
11 L-A-N-C-E, J-O-H-N, M-C-N-A-L-L-Y.

12 Q What is your residence address, please?

13 A I reside at 11 Shirley Road, Townsend,  
14 Massachusetts.

15 Q Covered with snow right now?

16 A I hope not. I hope it all melted, but it  
17 was pretty brutal the last couple of weeks.

18 Q What is your age, please?

19 A My age, 58.

20 Q Okay. And you had your deposition taken  
21 a number of times, I trust?

22 A Yes.

23 Q Okay. And just for clarity, I'll go  
24 quickly through some of the ground rules just to  
25 refresh you.

1                   So we have a court reporter here today,  
2   so you'll need to answer audibly, right?

3           A     Yes, sir.

4           Q     All right.  And if you can wait -- do  
5   your best to wait till I'm done with my question  
6   before you start your answer, it will make her life  
7   a lot easier.

8           A     Yes, sir.

9           Q     All right.

10          A     She'll kick me.

11          Q     Okay.  I'm sure she'll give us a heads  
12   up.

13                   I'll try to take periodic breaks, maybe  
14   every hour or so, but if you need a break before  
15   then, just let me know.

16          A     Yes, sir.

17          Q     I just ask that you don't take a break  
18   during the pendency of a question.

19          A     Yes, sir.

20          Q     Okay.  And during the breaks that may  
21   occur during the course of my cross-examination, do  
22   you understand that you're not supposed to speak to  
23   counsel about the substance of your testimony?

24          A     Yes, sir.

25          Q     Okay.  Is there any reason why you would

# 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.