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

APPLE INC.)
Petitioner,)
v.) CASE NO.: IPR2016-01198
VOIP-PAL.COM, INC.) Patent 9,179,005
Patent Owner.)
_____)

The discovery deposition of JOHN RUTTER (by phone),
taken in the above-entitled cause, before Alyssa Fontaine,
official reporter, on the 5th of April, 2017, 1055 W
Georgia St, Vancouver, BC V6C 2L1

1 APPEARANCES:

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7 BY: MR. ADAM SEITZ (by phone)

8 On behalf of the Petitioner;

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14 On behalf of the Patent Owner.

15

16 ALSO PRESENT:

17 David Gileff

18

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I N D E X

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E X H I B I T S

PREVIOUSLY MARKED EXHIBITS

NUMBER	DESCRIPTION	PAGE
Exhibit 2008:	John Rutter's declaration	5
Exhibit 2003:	Report dated July 5th, 2005	9
Exhibit 2005:	Email from Mr. Perreault to John Rutter	13
Exhibit 2006:	Email from Mr. Perreault to John Rutter	16

1 VANCOUVER, BRITISH COLUMBIA, CANADA.

2 APRIL 5, 2017

3 *****

4 JOHN RUTTER,

5 called as a witness, having been first affirmed, was

6 examined and testified as follows:

7

8 EXAMINATION

9 BY MR. SEITZ:

10 Q. Mr. Rutter, good morning from me. I am
11 Adam Seitz, and I represent Apple in this matter. Before
12 we get started with some of the questioning, I want to ask
13 just a few basic questions about depositions. Have you
14 ever been in a deposition before, sir?

15 A. No, I haven't.

16 Q. Okay. So I'm going to be asking you questions
17 and you will be giving me answers. We're going to do our
18 best to wait for each other to finish over the phone here,
19 but as you just noted you took your affirmation so that
20 means that these questions are being recorded and are
21 under oath. Is there anything that would prevent you from
22 giving truthful testimony today?

23 A. Nothing.

24 Q. Okay. And the one thing I want to make clear is
25 that if you answer my question, I'm going to assume you

1 understood it. Is that agreeable to you, sir?

2 A. Yes, that's agreeable. I need to ask for
3 assistance where I don't understand, yes.

4 Q. Absolutely. And if you don't understand my
5 questions, feel free to ask for clarification and I will
6 be happy to provide it. Also Kerry, the attorney, also on
7 the phone may interrupt at times and object. That is a
8 normal part of this procedure. You'll still provide an
9 answer after he objects unless he instructs you to not
10 answer my question; okay?

11 A. Yes, that's okay.

12 Q. Okay. Sir, can you tell me how you were
13 compensated for the work you did in connection with the
14 declaration you submitted in this matter.

15 A. This is the work when I was working for Smart421
16 as a lead consultant. The work was my regular rate and I
17 was employed by that company in the UK.

18 Q. Okay. Let me ask you a slightly different
19 question a little clearer maybe on my end. Do you have
20 Exhibit 2008 in front of you?

21 (Exhibit 2008 was marked for identification
22 and was retained by plaintiff's counsel)

23 THE WITNESS: Yes, I do.

24 MR. SEITZ:

25 Q. Exhibit 2008 should be a copy of a declaration

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