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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CANON INC., ET AL.
Petitioners,

v.

PAPST LICENSING GMBH & CO. KG,
Patent Owner.

Patent 8,504,746
Cases IPR2016-01200; 01211; -01213

Patent 8,966,144
Cases IPR2016-01199; -01212; -01214; -01216; -01225

DEPOSITION OF THOMAS A. GAFFORD
Chicago, Illinois
Wednesday, May 31, 2017

Reported by:

PAULA CAMPBELL, CSR, RDR, CRR, CRC

JOB NO. 123560

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May 31, 2017
9:15 A.M.

Discovery deposition of THOMAS A. GAFFORD, held at the offices of FITCH EVEN TABIN & FLANNERY, LLP, 120 South LaSalle Street, Chicago, Illinois, pursuant to notice before Paula Campbell, CSR, RDR, CRR, CRC.

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REEYA THAKRAR, ESQ.

ALSO PRESENT:
Paul Reynolds, Petitioners' expert

1 T. A. GAFFORD

2 REPORTER: Would you please raise your
3 right hand.

4 THOMAS A. GAFFORD,

5 called as a witness, having been duly sworn,
6 was examined and testified as follows:

7 EXAMINATION

8 BY MS. CAPOCCIA:

9 Q. Good morning, Mr. Gafford. I know that
10 you've had your deposition taken before, so I'm
11 going to assume you know how this works. If that's
12 wrong and you have any questions, please let us
13 know, but otherwise, we will just proceed.

14 Is there any reason why you can't give your
15 best and true testimony today?

16 A. No.

17 Q. I am going to start asking you questions
18 about two of the IPRs that are at issue here,
19 numbers 1214 and 1213, and they involve the Yamamoto
20 reference. I'm going to give you a copy of this
21 document that's been marked Gafford Exhibit 1.

22 (Gafford Exhibit 1 marked for
23 identification.)

24 Q. And this is a copy of United States Patent
25 6,088,532. And if I refer to this as Yamamoto, will

1 T. A. GAFFORD

2 that be okay?

3 A. There is Yamamoto 2, is there not?

4 Q. There is, and this is the main Yamamoto
5 reference.

6 Do you recognize it?

7 A. Yes.

8 Q. Okay. So if I refer to this as Yamamoto,
9 can we agree?

10 A. Okay.

11 Q. Yes?

12 A. Right.

13 MR. HENKELMANN: Can I have a copy too.
14 BY MS. CAPOCCIA:

15 Q. So, Mr. Gafford, you prepared an expert
16 declaration in support of Papst's patent owner
17 response with respect to the IPRs related to this
18 reference; correct?

19 A. Yes.

20 Q. And you have reviewed this reference
21 before?

22 A. Yes.

23 Q. And when was the last time you reviewed it?

24 A. Yesterday.

25 Q. And how long did you spend reviewing it

1 T. A. GAFFORD

2 yesterday?

3 A. I don't recall how much time I spent on
4 this.

5 Q. Did you read the whole thing?

6 A. Not all of it yesterday.

7 Q. But some of it?

8 A. Yes.

9 Q. If you turn to the block diagram,
10 Figure 30, sorry, and do you understand Figure 30 to
11 be a block diagram of the still video camera
12 described in the Yamamoto patent?

13 A. Yes.

14 Q. And is it your opinion that somebody of
15 ordinary skill in the art would understand that
16 system control circuit 20 in the middle of this
17 block diagram controls the still video camera
18 operation as a whole?

19 A. If this is going to be a memory test as to
20 how I expressed this in my report, I may not be able
21 to give you my best answer, but my opinion what 20
22 does is it handles the button pushing.

23 Q. If you turn to column 6 of the patent,
24 please, and look at lines 7 through 10 that start
25 with "Figure 2 is a block diagram..."

1 T. A. GAFFORD

2 Do you see that?

3 A. I didn't know, is there a question pending?

4 Q. I just want to know if you've read that to
5 yourself now?

6 A. Yes.

7 Q. And so, does this -- looking at this
8 statement in the patent, would somebody of ordinary
9 skill in the art read that to understand that the
10 system control circuit 20 is -- controls the still
11 video camera as a whole?

12 A. I think one of ordinary skill upon reading
13 this would read the balance of the disclosure to
14 seek what the inventor means by "as a whole." It's
15 a very broad statement.

16 Q. But, generally speaking, you would agree
17 that someone of ordinary skill in the art would
18 understand that the system control circuit 20
19 controls the still video camera as a whole?

20 A. No.

21 MR. HENKELMANN: Objection. Asked and
22 answered.

23 A. That's actually not my answer. I will give
24 my answer again. One of ordinary skill would read
25 the patent to understand what the inventor means by

1 T. A. GAFFORD

2 "as a whole."

3 MS. CAPOCCIA: I'm going to mark as
4 Gafford 2 a copy of this document, please.

5 (Gafford Exhibit 2 marked for
6 identification.)

7 BY MS. CAPOCCIA:

8 Q. This is a copy of -- actually, Mr. Gafford,
9 is this a copy of your declaration that you
10 submitted with respect to IPR2016-1214?

11 A. Yes.

12 Q. Did you prepare this declaration yourself?

13 A. Yes, most of it.

14 Q. Did you prepare -- did you write the first
15 draft?

16 A. I wrote the first draft of all the
17 positions and worked with attorneys to assemble them
18 into the report as a whole, and then kicked the
19 draft back and forth until it was complete.

20 Q. And did you review the patent owner
21 response as well that was submitted along with this
22 declaration?

23 A. No.

24 Q. You've never seen it?

25 A. You mean the brief that accompanies this?

1 T. A. GAFFORD

2 Q. Yes.

3 A. I may have discussed parts of it since
4 filing, but I didn't review it as a whole.

5 Q. And just to be clear, you didn't review it
6 as a whole before all these documents were filed;
7 correct?

8 A. Right.

9 Q. And since that time have you reviewed it as
10 a whole?

11 A. No.

12 Q. I'm going to ask you to look at a couple
13 different parts of the patent at the same time, so
14 maybe it will be easiest to -- to unstaple or remove
15 the staple.

16 And now, could you get the Figure 30 block
17 diagram again, sort of set that off to the side.

18 A. (Witness complies.)

19 Q. Okay. And then I'm going to ask you to
20 look at column 7, please. And starting with lines
21 54 of column 7, there is a sentence which starts
22 with "The recording device control circuit 66..."

23 Do you see that?

24 A. Yes.

25 Q. Can you just read that -- that couple of

1 T. A. GAFFORD

2 sentences there to yourself, please.

3 A. Okay.

4 Q. So this section of column 7 describes items
5 that are shown on Figure 30, items 66 and 67;
6 correct?

7 A. Yes.

8 Q. And do you see those on Figure 30?

9 A. Yes.

10 Q. And so, would -- somebody of ordinary skill
11 in the art would understand from reading that
12 section that you just read, column 7, lines 54 to
13 roughly 60, as saying that item 66, the recording
14 device control circuit, and item 67, the image
15 recording device, can be separately attached to the
16 bottom of the Yamamoto still video camera; correct?

17 A. Yes.

18 Q. And in Figure 30 it also shows hard
19 drive -- excuse me -- hard disk 71.

20 Do you see that?

21 A. Yes.

22 Q. And hard disk 71 is described as being
23 mounted in image recording device 67.

24 Do you recall that --

25 A. I've seen that.

1 T. A. GAFFORD

2 Q. -- or do you agree with that? Okay.

3 So, then, this entire section, items 66,
4 67, and 71, can be separately attached or detached
5 from the Yamamoto still video camera; correct?
6 Somebody of ordinary skill in the art would
7 understand that; right?

8 A. Yes.

9 Q. Would somebody of ordinary skill in the art
10 also understand that hard disk 71 could be any type
11 of hard disk that was available at that time;
12 correct?

13 A. I don't believe the disclosure teaches any
14 restriction on the type of device that could be
15 used.

16 Q. So somebody of ordinary skill in the art
17 would understand that it could be any type of hard
18 drive that was available at the time; correct?

19 A. Yes, other than any type that would
20 physically fit, I think, would be the -- the only
21 restriction that is suggested by the specification.

22 Q. And so, it's not -- somebody of ordinary
23 skill in the art would not read this patent as
24 requiring that the hard disk be a separately
25 attachable SCSI disk, would they?

1 T. A. GAFFORD

2 A. Well, you said two things there that I
3 think the -- the separately attachable is -- is
4 suggested by the specification, and I don't think
5 SCSI is required. It's certainly the simplest
6 choice for a disk to accompany this camera.

7 Q. And is it the simplest choice of a disk to
8 accompany this camera if you assume that the disk is
9 separately attachable to an external computer?

10 A. As a matter of fact, it probably would be,
11 because the -- of the variety of disk interfaces
12 available. The SCSI interface is the only one that
13 defines a shielded cable type of connection so that
14 the disk could be connected in a way that doesn't
15 violate the emissions limits for personal computer
16 gear, although it could also be stuck into a slot.

17 I guess the -- whether or not it's SCSI
18 doesn't have a lot to do with whether it's easily
19 used with a -- another computer or not.

20 Q. Would somebody of ordinary skill in the
21 art -- no, strike that.

22 Someone of ordinary skill in the art
23 reading this patent would not understand that hard
24 disk 61 must be separately attachable to another
25 computer; correct?

1 T. A. GAFFORD

2 A. You mean 71, I think.

3 Q. I do mean 71. If I said 61, that was a
4 mistake.

5 A. Well, there is no requirement that it be
6 attachable to another machine, directly attachable
7 to another machine.

8 Q. And if it were directly attachable to
9 another machine, it would need its own power supply,
10 would it not?

11 A. Not in the normal course of how these
12 things are done. Typically small drives are
13 themselves packaged as a pluggable module, and they
14 expect to receive power through the same connection
15 that they use to connect to the data port of a -- of
16 any device that they might be used with.

17 Q. Would a separately attachable SCSI disk,
18 and by separately attachable I mean one you could
19 unplug from the camera and then go and plug into the
20 external computer, would a SCSI disk that's
21 separately attachable, as the way I've just
22 described it, typically have its own power supply,
23 or require its own power supply?

24 A. I'm not -- I better make sure I understand
25 what you mean by "its own" before I answer your

1 T. A. GAFFORD

2 question. Perhaps if you could be more specific
3 about what you mean by "its own."

4 Q. I think what I mean is can -- I hope I'm
5 going to use the right term -- but can the SCSI
6 connection provide power?

7 A. There is a type of SCSI connection that
8 can.

9 Q. Is it a specialized type of SCSI?

10 A. No, it's very widely available. It's
11 called the SCA -- SCA80 connector, which
12 accommodates the SCSI signal lines and power for
13 modularly replaceable SCSI drives.

14 Q. To go back to -- for a minute to the, I
15 need a name for it, the unit of the item 67, 66, and
16 71, perhaps we could call that the detachable
17 storage unit. Is that okay?

18 A. For now, sure.

19 Q. So the detachable storage unit of the
20 Yamamoto still video camera could have a hard disk
21 that's internal to that storage unit; correct?

22 A. That would depend on the mechanical aspect
23 of the disclosure of those elements, and I've spent
24 no time looking at that. So answering your question
25 will require a bit of research.

1 T. A. GAFFORD

2 Can I hear the question again, please?

3 (Record was read as requested.)

4 A. That's not ruled out by this disclosure,
5 but the disclosure also suggests at the bottom of
6 column 22 through part-way down column 23 that
7 the -- that the disk 71 itself may be removable from
8 all the other apparatus.

9 Q. Looking at column 23, column 23 in general
10 is discussing the operation when an external
11 computer is connected to the camera; correct?

12 A. Well, column 23 covers a lot of ground.
13 That's one thing it mentions.

14 Q. And you see in column 23, at least from
15 roughly lines 4 through 43, that it references a
16 number of commands in capital letters.

17 Do you see those?

18 A. Yes.

19 Q. And one of ordinary skill in the art would
20 understand those are SCSI interface commands;
21 correct?

22 A. Well, yes.

23 Q. So if you look at the first full paragraph
24 in column 23, which starts at line 4, that paragraph
25 through lines 13 is referencing how the Yamamoto

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