

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPROVAL BOARD

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APPLE, INCORPORATED, :

 Petitioner, :

v. : CASE No's. IPR2016-00754

PERSONALIZED MEDIA : And IPR2016-00755

COMMUNICATIONS, LLC, :

 Patent owner. :

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Videotaped Deposition of TIMOTHY DORNEY, PH.D.

Washington, D.C.

Wednesday, February 15, 2017

9:04 a.m.

Reported by: Cassandra E. Ellis, RPR

Job No.: 18147

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1 Deposition of TIMOTHY DORNEY, PH.D., held at
 2 the offices of Kirkland & Ellis LLP, 655 15th Street
 3 Northwest, Suite 1200, Washington, D.C. 20005,
 4 pursuant to agreement, before Cassandra E. Ellis,
 5 Certified Court Reporter - WA, Certified Shorthand
 6 Reporter - HI, Registered Professional Reporter,
 7 Certified Livenote Reporter, Realtime Systems
 8 Administrator and Notary Public of The District of
 9 Columbia.
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 11 (Attached to the Transcript)
 12 TIMOTHY DORNEY, PH.D. Deposition Exhibit PAGE
 13 Previously Marked
 14 Exhibit 2129 Timothy Dorney, Ph.D. Declaration 32
 15 In IPR2016-00754
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 22 ALSO PRESENT: Joseph E. Ellis, CLVS

1 PROCEEDINGS
 2 THE VIDEOGRAPHER: Good
 3 morning. This is the beginning of
 4 disc number one in the deposition
 5 of Dr. Timothy Dorney, taken in
 6 the matter of Apple, Incorporated,
 7 petitioner, versus Personalized
 8 Media Communications, LLC, patent
 9 owner, with Case Numbers
 10 IPR2016-00754 and IPR2016-00755,
 11 held in the United States Patent
 12 and Trademark Office, before the
 13 Patent Trial and Approval board.
 14 Today's date is February
 15 15th, 2017, and the time on the
 16 monitor is 9:04 a.m. My name is
 17 Joseph Ellis, I am the certified
 18 legal videographer, the court
 19 reporter is Cassandra Ellis, and
 20 we are here with Transperfect
 21 Legal Solutions.
 22 If counsel would please

1 introduce yourselves, and whom you
 2 represent, after which the court
 3 reporter will be sworn in and you
 4 may proceed.
 5 MR. RABINOWITZ: Alan
 6 Rabinowitz, representing Apple.
 7 MR. SCOTT: Thomas J. Scott,
 8 Junior, for Personalized Media
 9 Communication, LLC.
 10 TIMOTHY DORNEY, PH.D.
 11 having been sworn, testified as follows:
 12 EXAMINATION
 13 BY MR. RABINOWITZ:
 14 Q Good morning, Dr. Dorney.
 15 A Good morning.
 16 Q Would you please state your
 17 name, for the record?
 18 A Timothy Dominic Dorney.
 19 Q And what is your home address?
 20 A 3501 Pennsylvania Lane, Plano,
 21 Texas 75075.
 22 Q And you are currently employed

1 A Samsung, PMC v. Samsung.
 2 Q And was that in district court
 3 litigation or in an IPR proceeding?
 4 A District court.
 5 Q And in what context were you
 6 deposed in that case?
 7 A As an individual.
 8 Q As a fact witness?
 9 A I believe that's what you call
 10 it.
 11 Q Have you ever testified in
 12 court?
 13 A No.
 14 Q So this is only your second
 15 time around, so I'm going to just go over
 16 some ground rules, if we can.
 17 A Okay.
 18 Q First, it's very important that
 19 we don't speak over one another so the
 20 court reporter can take down everything
 21 that we've said. It's also important
 22 that you give me verbal answers to my

1 by Personalized Media Communications,
 2 LLC; is that right?
 3 A Yes.
 4 Q And can we refer to
 5 Personalized Media Communications, LLC,
 6 as PMC, today?
 7 A Yes.
 8 Q You'll know what I mean if I
 9 refer to PMC?
 10 A Yes.
 11 Q And what is your title at PMC?
 12 A Vice president intellectual
 13 property.
 14 Q And what is your business
 15 address?
 16 A 14090 Southwest Freeway,
 17 Sugarland, Texas 77478.
 18 Q Have you been deposed before?
 19 A Yes.
 20 Q How many times?
 21 A Once.
 22 Q And in what matter was that?

1 question, again, because the court
 2 reporter won't be able to take down
 3 shrugs or nods or things like that.
 4 A Okay.
 5 Q Do you understand?
 6 A Yes.
 7 Q If there is anything unclear
 8 about any of my questions will you let me
 9 know?
 10 A Yes.
 11 Q If you haven't asked me to
 12 clarify will it be fair of me to assume
 13 that you've understood my question?
 14 A To the best of my ability.
 15 Q Unless your attorney instructs
 16 you otherwise I would ask that you answer
 17 all of my questions; do you understand?
 18 A Yes.
 19 Q And we will try to take a
 20 break, every once in awhile, but if you
 21 ever do need one please just let me know,
 22 okay?

1 A Okay.
 2 Q The only thing I'll ask is that
 3 if there's a pe- -- question pending,
 4 that you wait until after we've answered
 5 the question before taking a break.
 6 A That's fine.
 7 Q All right?
 8 A Yes.
 9 Q Excuse me.
 10 You understand that you're
 11 under oath today; correct?
 12 A Yes.
 13 Q Is there any reason why you
 14 can't testify fully and truthfully today?
 15 A No.
 16 Q And what did you do to prepare
 17 for your deposition today?
 18 A Let's go back, you asked for my
 19 business address?
 20 Q Yes.
 21 A Which the address I gave you is
 22 for PMC, but I work out of my home, in

1 with your lawyers, simply provide
 2 a description of what actual
 3 preparation work you did.
 4 THE WITNESS: Okay.
 5 A I met with Mr. Scott and Krupa,
 6 yesterday afternoon, and I spent some
 7 time last week and yesterday reviewing
 8 the material.
 9 Q And when you refer to "the
 10 material" what do you mean by that?
 11 A The declaration, the motion to
 12 amend, and the prior art references.
 13 Q Okay.
 14 A And the patents that are
 15 associated with it.
 16 Q And those patents are US patent
 17 numbers 8,191,091 and 8,599,635?
 18 A I know them as '091 and '635,
 19 so I assume the rest of the numbers are
 20 correct.
 21 Q Okay. So if we -- if I refer
 22 today to the '091 or the '635 patent,

1 Plano, Texas.
 2 Q Thank you. And again, if at
 3 any point during today's deposition you
 4 feel the need to clarify one of your
 5 previous answers, or anything like that,
 6 please let me know.
 7 A Okay.
 8 Q And --
 9 MR. SCOTT: Go ahead, are
 10 you ready for him to answer the
 11 question?
 12 MR. RABINOWITZ: Yes.
 13 MR. SCOTT: The one -- the
 14 one you posed before?
 15 MR. RABINOWITZ: Well, why
 16 don't I ask it again.
 17 MR. SCOTT: Okay.
 18 BY MR. RABINOWITZ:
 19 Q What did you do to prepare for
 20 today's deposition?
 21 MR. SCOTT: I instruct you
 22 not to reveal any communications

1 you'll understand what I'm referring to?
 2 A Yes.
 3 Q Would you please describe for
 4 me your educational experience, beginning
 5 with college or university?
 6 A I have a Bachelor of Science
 7 and electrical engineering from Texas A&M
 8 University, I have a Master's of Science
 9 in electrical engineering and applied
 10 physics in electrical engineering and
 11 applied physics from Case Western
 12 University, and -- or Case Western
 13 Reserve University, and a Ph.D. in
 14 electrical and computer engineering from
 15 Rice University.
 16 Q And when did you receive your
 17 Bachelor of Science degree?
 18 A 1990.
 19 Q And when did you receive your
 20 Master's degree?
 21 A 1992.
 22 Q And when did you receive your

4 (Pages 10 to 13)

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1 Ph.D.?
 2 A 2002.
 3 Q Okay. I'm going to hand to you
 4 what's previously been marked as PMC
 5 Exhibit No. 2129 in IPR2016-00754. And
 6 Mr. Dorney, is this your resumé?
 7 A Yes.
 8 Q I'm sorry, I referred to you as
 9 Mr. Dorney, I apologize, it should be
 10 Dr. Dorney.
 11 A No problem.
 12 Q And you submitted an identical
 13 resumé in IPR2016-00755; correct?
 14 A I provided this material to the
 15 attorneys to put together declarations,
 16 so I assume it was put in both.
 17 Q Okay. Now, I'd like to walk
 18 through the employment positions you have
 19 listed on your resumé, if that's all
 20 right?
 21 A Sure.
 22 Q So it -- starting from the back

1 of page two of your resumé, it appears
 2 that you joined Texas Instruments in
 3 1988; is that correct?
 4 A Yes.
 5 Q And what was your position at
 6 Texas Instruments in 1988?
 7 A Product development engineer.
 8 Q And in 1988 you had not yet
 9 graduated from college; is that right?
 10 A Correct.
 11 Q Were you employed by Texas
 12 Instruments full time, part time?
 13 A Full time.
 14 Q So you were employed full time
 15 while you were pursuing your
 16 undergraduate degree?
 17 A Yes. They have a program where
 18 you work full time during the summer and
 19 then go on a leave of absence to go back
 20 to university.
 21 Q So you were employed full time
 22 by Texas Instruments during the summers?

1 A Yes.
 2 Q And that is the summer of --
 3 which summer was that?
 4 A '88, '89, '90, and '91.
 5 Q And what did your
 6 responsibilities as a product development
 7 engineer entail?
 8 A Variety of things, we would
 9 handle customer returns if there was any
 10 issues with the products, customers would
 11 also provide specification sheets they
 12 want parts built to, and I'd have to
 13 compare those against what our parts
 14 currently were specified to do, finding
 15 differences.
 16 Also, reprogramming a memory
 17 tester, which was a DRAM memory design
 18 group, a memory tester, to have it
 19 perform faster and more efficiently and
 20 so on.
 21 Q And did you subsequently move
 22 into a different position at Texas

1 Instruments?
 2 A In 1990 I moved into the IC
 3 design group.
 4 Q And that -- did that move
 5 coincide with your graduation from
 6 college?
 7 A It did.
 8 Q Was that the impetus for the
 9 change in position?
 10 A No.
 11 Q It just happened to be?
 12 A Correct.
 13 Q And what new position did you
 14 move into at Texas Instruments?
 15 A IC design engineer.
 16 Q And what were your
 17 responsibilities as an IC design
 18 engineer?
 19 A To do semiconductor design for
 20 the memory products that the team was
 21 assigned to design.
 22 Q And you mentioned earlier that

5 (Pages 14 to 17)

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