Erez Zadok - November 28, 2017

1	UNITED STATES PATENT AND TRADEMARK OFFICE						
	BEFORE THE PATENT TRIAL AND APPEAL BOARD						
2	x						
	:						
3	IPR2016-01839						
	: U.S. Patent No. 6,470,399						
4	APPLE, INC.,						
	: IPR2016-01842						
5	Petitioner, U.S. Patent No. 9,189,437						
	:						
6	v. IPR2016-01860						
	: U.S. Patent No. 8,966,144						
7	PAPST LICENSING						
	GMBH & CO., KG, : IPR2016-01863						
8	U.S. Patent No. 8,504,746						
	Patent Owner. :						
9	IPR2016-01864						
	: U.S. Patent No. 6,470,399						
10	x						
	November 28, 2017						
11	Washington, D.C.						
12	Deposition of:						
13	EREZ ZADOK,						
14	called for oral examination by counsel for the						
15	Patent Owner, pursuant to notice, at the law						
16	offices of Sterne, Kessler, Goldstein & Fox, PLLC,						
17	1100 New York Avenue, Northwest, Suite 800,						
18	Washington, D.C. 20005, before Christina S.						
19	Hotsko, RPR, CRR, of Veritext Legal Solutions, a						
20	Notary Public in and for the District of Columbia,						
21	beginning at 10:08 a.m., when were present on						
22	behalf of the respective parties:						

Page 1

Veritext Legal Solutions Panet Licensing GmbH & Co KG

DOCKET A L A R M

$\begin{vmatrix} 1\\ 2 \end{vmatrix}$	A P P E A R A N C E S On behalf of Petitioner:		1	P R O C E E D I N G S
	TYLER J. DUTTON, ESQUIRE		2	Whereupon,
3	BYRON L. PICKARD, ESQUIRE		3	EREZ ZADOK,
4	STEVEN W. PETERS, Ph.D. Sterne, Kessler, Goldstein & Fox, PLLC		4	being first duly sworn or affirmed to testify to
т	1100 New York Avenue, Northwest, Suite 800			the truth, the whole truth, and nothing but the
5	Washington, D.C. 20005			truth, was examined and testified as follows:
6	(202)371-2600		7	
Ū	DAVID ALBERTI, ESQUIRE			EXAMINATION BY COUNSEL FOR PATENT OWNER
7	Feinberg Day Alberti & Thompson, LLP			BY MR. DONAHUE:
8	1600 El Camino Real, Suite 280 Menlo Park, California 94025		9	Q. Good morning. My name is Greg Donahue.
Ū	(650) 384-9869		10	I am an attorney. I work with DiNovo Price, and I
9			11	represent Papst Licensing in a patent litigation
10	On behalf of Patent Owner: GREGORY DONAHUE, ESQUIRE		12	matter against, among others, Apple. And also in
11	DiNovo Price, LLP		13	these IPR proceedings, which are numbered
10	7000 North MoPac Expressway, Suite 350		14	IPR 2016-01839, IPR 2016-1 excuse me, 01842,
12	Austin, Texas 78731 (512) 539-2626		15	IPR 2016-01860, IPR 2016-01863, and
13				IPR 2016-01864.
14 15			17	Do you understand that?
15 16			18	A. Yes, I do.
17			19	Q. Okay. Have you ever been deposed before?
18 19				
20			20	A. Yes, I have.
21			21	Q. Have you ever been deposed before in a
22		Page 2	22	patent case? Page 4
				ŭ
1	CONTENTS		1	A. Yes, I have.
2			2	
3	EXAMINATION BY:	PAGE	3	conjunction with an IPR proceeding?
4	Counsel for Patent Owner	04	4	A. Yes, I have.
5			5	Q. Okay. So you're probably familiar with
6			6	the process, but let me start off by entering the
7			7	relevant deposition notices, which are marked as
8				paper 26 in the 1839 proceeding, paper 19 in the
9				1842, 1860, 1863 proceedings, and paper 22 in the
10				1864 proceeding.
11			11	So if we could get those five notices, we
12				could just put those in front of you very briefly.
13			13	A. Okay. I have those in front of me.
14			14	
15			15	Have you seen those documents before?
16			16	A. Give me a second.
17			17	I'm not sure that I've seen these
18			18	particular documents. I probably have. But I was
19				certainly informed by e-mail about this deposition
20			20	
21			20	Q. Great. So do you understand that you're
- •				here to testify regarding your reply declarations
22			())	
22		Page 3	22	Page 5

2 (Pages 2 - 5)

1 that you submitted on October 18, 2017, in	1 things are discussed in all five of the IPRs.
2 conjunction with the 1839 proceeding; and	2 So I would ask that we have an agreement
3 October 23, 2017, in the 1842, 1860, 1863, and	3 that the entire transcript from today will be
4 1864 proceedings?	4 filed in all five of the IPR proceedings.
5 A. Right. Yes.	5 Is that acceptable to the attorneys?
6 Q. Okay. Although you've been deposed	6 MR. DUTTON: Yes. That's acceptable.
7 before, let me just talk briefly about some	7 And we filed both transcripts in all of the
8 basics, deposition basics. If at any time you	8 proceedings from the Gafford deposition.
9 need to or want to take a break, please just let	9 MR. DONAHUE: All right. Well, let's go
10 me know and I'll attempt to accommodate you. I	10 ahead and get started with the Kawaguchi-based
11 would ask that you try to complete your answer to	11 IPR, which is IPR 2016-01839.
12 any pending question. But please let me know if	12 BY MR. DONAHUE:
13 you need to take a break.	13 Q. And if we could get I guess for now,
Also, to ensure we maintain a clear and	14 if you could get two things in front of you. One
15 accurate record, I'll ask that you give verbal	15 will be your reply declaration, which is
16 answers to my questions rather than shaking your	16 Exhibit 1032. And then also, if you could get out
17 head or making hand gestures that would be	17 from the 1839 proceeding, Exhibit 2003, which is
18 difficult for the court reporter to record and, in	18 the Court's claim construction.
19 this instance, for me to see, given that I'm	19 A. Okay. I have my reply declaration,
20 appearing telephonically.	20 Exhibit 1032, and I have what looks like the
21 Does that sound okay?	21 District Court construction, although I don't
22 A. Yes. That's okay.	22 think it actually says on it that it's Exhibit
Page 6	Page 8
1 Q. I'd also ask that you allow me to finish	1 2003. I assume that's the one.
2 my question before you begin answering, and I will	2 Q. Okay. Yeah. I don't know if it's a copy
3 of course extend you the same courtesy, to try to	3 from the
4 allow you to finish your answer before I ask	4 A. Okay.
5 another question.	5 Q what was filed. But at the very
6 Does that sound fair?	6 bottom, there's kind of a five-line, looks almost
7 A. Yes.	7 like a
8 Q. Are you on any medication today that	8 A. Yes.
9 would prevent you from being able to testify	9 Q footer that kind of has an EXH2003. I
10 truthfully and accurately?	10 don't know if that's the version you have in front
11 A. No, not that I know of.	11 of you or not.
12 MR. DONAHUE: So this is actually for the	12 A. Yes, yes. You're correct. It's just a
13 attorneys. I want to make sure we're in	13 little on the bottom hidden. Got it.
14 agreement.	14 Q. Okay. Great.
15 In the Gafford deposition, we agreed to	15 Well, let me start by asking, have you
16 have the deposition transcript filed in all of the	16 seen this Claim Construction Memorandum Opinion
17 proceedings. And here we're going to have a	17 and Order that's Exhibit 2003 before?
18 single transcript, so it probably makes even more	18 A. Yes, I have.
19 sense. But I want to make sure, we're going to	19 Q. Okay. If you'll flip to page 29 for me
20 start off by discussing the Kawaguchi IPR, then	20 and let me know when you're there.
21 move to the Pucci IPR. But there will be some	21 A. Okay.
22 overlap, given that the SCSI book and some other	
122 overlap, given that the SCSI book and some other	() ()kay ()n the very ton of the name
Page 7	22 Q. Okay. On the very top of the page, Page 9

3 (Pages 6 - 9)

DOCKET A L A R M Find authenticated court documents without watermarks at <u>docketalarm.com</u>.

1 you'll see a storage input-output device customary 2 in a host device construction. 3 Do you see that? 4 A. Yes. I guess it's a continuation of the 5 bible of constructions from the previous page. 6 Q. Correct. 7 Now, were you aware that in the past 8 A. Yes. I guess it's a continuation of the 9 storage input-output device customary in a host 9 device 'was construed as storage input-output 10 device normally part of commercially available 12 computer systems at the time of the invention? 13 MR. DUTTON: I'm going to object to 14 scope, because Dr. Zadok hasn't provided any 15 opinions on the District Court Claim Construction. 16 MR. DONAHUE: In his reply declaration. 17 he talks about a storage input device customary 18 host device. So 1 think it's well within the 19 scope of his reply declaration. 19 Construction stage, correct? 20 A. Is reviewed a number of documents that I 1 A. Is reviewed a number of documentsthat I 10		۱ ۱
3 Do you see that? 3 because the Court construct on the term as it did on 4 A. Yes. I guess it's a continuation of the 5 that that claim constructions from the previous page. 5 table of constructions from the previous page. 6 A. Correct. 6 A. Tagree with this constructions and my 7 Now, were you aware that in the past 7 6 A. Tagree with this construction, and my 8 Apple District Court litigation, the term "a 8 But again, I don't think it means one and only 9 storage input-output device customary in a host 10 Q. So you don't believe that the Court's 11 device normally part of commercially available 11 claim construction believes - means one and only 12 corputer systems at the time of the inventorino? 13 A. Well, my understanding of claims is that 14 scope, because Dr. Zadok hasn't provided any 15 words like "a" mean typically one or more. And 15 opinions on the District Court Chaim Construction 16 restrictions that I see there that suggest that it 17 he table about a storage input device customary 18 Not device. 19 16 scorage of his reply declaration.		1 this means one and only one.
4A. Yes. I guess it's a continuation of the 5 table of constructions from the previous page.4the top of page 29. I want to know, do you agree 5 that that claim construction is correct?6Q. Correct.6A. I agree with this construction, and my 7 declarations and use of - are consistent with it.8Apple District Court litigation, the term "a 	2 in a host device construction.	2 Q. Okay. But I just want to be clear
5 table of constructions from the previous page. 5 that that claim construction, and my 6 Q. Correct. 6 A. I agree with this construction, and my 7 Now, were you aware that in the past 8 Apple District Court litigation, the term "a 9 9 storage input-output device customary in a host 9 0nc. 10 0. So you don't believe that the Court's 11 device normally part of commercially available 11 claim construction believes — means one and only 12 computer systems at the time of the invention? 13 A. Well, my understanding of claims is that 14 scope, because Dr. Zadok hasn't provided any 15 when you read the claims as a whole, there's no 16 MR. DONAHUE: 13 A. Well, my understanding of claims is that 19 scope, bis reply declaration, 16 restrictions that I see there that suggest that it 17 hast device. So I think it's well within the 18 Q. Okay. So we're past the Claim 19 scope chase play devilaration. 18 Q. Okay. So we're past the Claim 19 scope chase law given the construction state. 20 A. Sorry, what was the question?	3 Do you see that?	3 because the Court construed the term as it did on
6 Q. Correct. 6 A. I agree with this construction, and my 7 Now, were you aware that in the past 7 declarations and use of are consistent with it. 8 Apple District Court litigation, the term "a 8 But again, I don't think it means one and only 9 storage input-output device customary in a host 10 Q. So you don't believer that the Court's 11 device normally part of commercially available 10 Q. So you don't believer some and only 12 compute systems at the time of the invention? 13 A. Well, my understanding of claims is that 14 score, because Dr. Zadok hasn't provided any 10 Q. So you don't believer some and only 15 opinions on the District Court Claim Construction 15 when you read the claims as a whole, there's no 16 MR. DONAHUE: 11 has to be only one device. 10 20 BY MR. DONAHUE: 18 Q. Okay. So we're past the Claim 21 Q. Have you - again, were you aware of this 2 Q. Nary. what was the question? 21 Q. Have you - again, were you aware of this 3 MR. DUTTON: Objection. Relevance. 1 A. I reviewed a number of documents that <td>4 A. Yes. I guess it's a continuation of the</td> <td>4 the top of page 29. I want to know, do you agree</td>	4 A. Yes. I guess it's a continuation of the	4 the top of page 29. I want to know, do you agree
7Now, were you aware that in the past7declarations and use of are consistent with it.8Apple District Court litigation, the term "a9one.9storage input-output device customary in a host9one.10device" was construed as storage input-output10Q. So you don't believe that the Court's11device normally part of commercially available11claim construction believes means one and only12computer systems at the time of the invention?12Cong- I Is that what you're saying?13MR. DUTTON: I'm going to object to13A. Well, my understanding of claims is that14scop, because Dr. Zadok hasn't provided any15when you read the claims as a whole, there's no16MR. DONAHUE: In his reply declaration.16restrictions that I see there that suggest that it17ha taks about a storage input device customary18Q. Okay. So were past the Claim18box device.19Construction stage, correct?20BY MR. DONAHUE:20A. Sory, what was the question?21Q. Have you - again, were you aware of this2NG. DUTTON: Objection. Relevance.2A. Ireviewed a number of documents that112storage input-output device customary in a host9MR. DUTTON: Objection. Relevance.3storage input-output device customary in a host994was told were agreed upon or decided; and in some3MR. DUTTON: Objection. Relevance.4was told wer	5 table of constructions from the previous page.	5 that that claim construction is correct?
8 Apple District Court litigation, the term "a 8 But again, I don't think it means one and only 9 storage input-output device customary in a host 9 one. 10 device" was construed as storage input-output 10 O. So you don't believe that the Court's 11 device normally part of commercially available 11 claim construction believes means one and only 12 computer systems at the time of the invention? 13 A. Well, my understanding of claims is that 14 scope, because Dr. Zadok hasn't provided any 13 were solutions that I see there that suggest that it 15 opinions on the District Court Claim Construction. 16 were that suggest that it 17 he talks about a storage input-device customary 18 0 Q. Okay. So we're past the Claim 19 scope of his reply declaration. 20 A. Sorry, what was the question? 21 Q. In the District Court proceeding, we're 21 Q. Have you again, were you aware of this 2 2 2 2 asthe Claim Construction state, right? The 2 Oas sorre ase I was given the construction sthat I 3 M. R.DUTTON: Objection. Relevance. 4	6 Q. Correct.	6 A. I agree with this construction, and my
9storage input-output9one.10device" was construed as storage input-output10Q. So you don't believe that the Court's11device" was construed as storage input-output10Q. So you don't believe that the Court's12computer systems at the time of the invention?11claim construction believes - means one and only13MR. DUTTON: Tm going to object to13A. Well, my understanding of claims is that14scope, because Dr. Zadok hasn't provided any14words like "a" mean typically one or more. And15opinions on the District Court Claim Construction.16restrictions that I see there that suggest that it17he talks about a storage input device customary17has to be only one device.18host device. So 1 think it's well within the18Q. Okay. So we're past the Claim19scope of his reply declaration.19Construction stage, correct?20BY MR. DONAHUE:20A. Sorry, what was the question?21Q. Have you again, were you aware of this21Q. In the District Court proceeding, we're22Past the construction?22past the Claim Construction stage, right? The Page 1214A. I reviewed a number of documents that 13MR. DUTTON: Objection. Relevance.14ware available to me over time, and I used in2correct?3some cases I was given the construction stat 13MR. DUTTON: Objection. Relevance.4was told were agreed upon or decided; and in some <td< td=""><td>7 Now, were you aware that in the past</td><td>7 declarations and use of are consistent with it.</td></td<>	7 Now, were you aware that in the past	7 declarations and use of are consistent with it.
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11 device normally part of commercially available 11 claim construction believes – means one and only 12 computer systems at the time of the invention? 12 one? Is that what you're saying? 13 MR. DUTTON: I'm going to object to 13 A. Well, my understanding of claims is that 14 scope, because Dr. Zadok hasn't provided any 15 when you read the claims as a whole, there's no 16 MR. DONAHUE: In his reply declaration, 15 when you read the claims as a whole, there's no 17 he talks about a storage input device customary 17 has to be only one device. 18 host device. So I think it's well within the 18 Q. Okay. So we're past the Claim 19 scope of his reply declaration. 19 Construction stage, correct? 20 A. Sorry, what was the question? 21 Q. Have you again, were you aware of this 21 Q. In the District Court proceeding, we're 22 past to any mote agreed upon or decided; and in some 1 Court has already construct he claim; is that 2 were available to me over time, and I used in 2 ant HE WITNESS: So I'm not entirely sure 5 scases I defined what I meant by certain terms. 5	9 storage input-output device customary in a host	9 one.
12 computer systems at the time of the invention? 12 one? Is that what you're saying? 13 MR. DUTTON: Tm going to object to 13 A. Well, my understanding of claims is that 14 scope, because Dr. Zadok hasn't provided any 13 A. Well, my understanding of claims is that 14 scope, because Dr. Zadok hasn't provided any 13 words like "a" mean typically one or more. And 15 opinions on the District Court Claim Construction. 16 MR. DONAHUE: 16 MR. DONAHUE: 18 words device. So 1 think it's well within the 19 scope of his reply declaration. 19 construction stage, correct? 20 BY MR. DONAHUE: 20 A. Sorry, what was the question? 21 Q. Have you – again, were you aware of this 21 Q. In the District Court proceeding, we're 22 Claim Construction? 21 Q. In the District Court proceeding, we're 23 some cases I was given the constructions that 1 Court has already construct the claim; is that 2 were available to me over time, and I used in 3 omc cases I was given the constructions that 3 MR. DUTTON: Objection. Relevance. 4 was told were agreed upon or decided; and in some 5 what is going on in the District Court litigation 6 part, because that's not what I'm involved. But I 7 construction, do you notice that the "a" before "a 8 And I seem to recall somewhere in the 9 PTAB's decisions that they were sa	10 device" was construed as storage input-output	10 Q. So you don't believe that the Court's
13MR. DUTTON: I'm going to object to 14 scope, because Dr. Zadok hasn't provided any 15 opinions on the District Court Claim Construction.13A. Well, my understanding of claims is that 14 words like "a" mean typically one or more. And 15 when you read the claims as a whole, there's no 16 mR. DONAHUE: In his reply declaration, 17 he talks about a storage input device customary 18 host device. So I think it's well within the 19 scope of his reply declaration.16 restrictions that I see there that suggest that it 17 has to be only one device.18 host device. So I think it's well within the 19 scope of his reply declaration.19 Construction stage, correct? 20 A. Sorry, what was the question?21 Q. Have you - again, were you aware of this 22 Claim Construction?20A. Sorry, what was the question?21 A. I reviewed a number of documents that 2 were available to me over time, and I used in 3 some cases I was given the constructions that I 4 was told were agreed upon or decided; and in some 5 cases I defined what I meant by certain terms.1 Court has already construct the claim; is that 2 correct?2 A. Okay. Well, looking at this 0 device, "di you notice that the "a" before "a 8 storage input-output device customary in a host 9 device," di you notice that the was not a 10 corresponding reference in the construction.13 about this construction here today. It is 14 relevant to ure TAB discussion. And my question15 construction.13 about this construction here today. It is 14 relevant to ure TAB discussion. And my question16 opposed to devices plural?14 was oble were agree with the District Court has already 17 onstruction.17 A. Nes. I see that, at least in the 15 construction.14 relevant	11 device normally part of commercially available	11 claim construction believes means one and only
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1	rules of construction anymore. We have a	1	host device and the data transmit-receive device?
	construction, correct?	1 2	A. I mean, it's generally what connects the
$\begin{vmatrix} 2\\ 3 \end{vmatrix}$	A. Yes.		two sides, the host device and the, you know, data
4	Q. Okay. And do you agree with the District		transmit receive devices.
_		4 5	I'm not sure what you mean by "between,"
5	-		
_	of page 29?		because it you know, data transmit-receive
	A. Yeah. Generally, I agree. And I		device, for example, doesn't have to be sort of a
	followed these constructions.		completely external entity.
9	Q. Okay. Thank you.	9	Q. Okay. But you agree that the interface
10	Now, I'm going to ask that you now open		device connects on one side to the host and on the
11	1		other side to the data transmit-receive device,
	proceeding. It's the '399 patent.		correct?
13	A. Okay. I have it in front of me.	13	A. Yes. Generally, that's what's
14			illustrated in figure 1.
	would be helpful, for the next few minutes, to	15	Q. Now, if we move back to Claim 1 and we
	have it opened to Claim 1, which is in Column 12.		look at the language starting one, two, three four
17	A. Okay. This is double-sided. Okay. Yes,		the fifth limitation. It says, "Wherein the
	I see it.		interface device is configured by the processor
19	Q. Okay. And if you'll look on Claim 1	19	and the memory to include a first-command
20	let's see, the third limitation of Claim 1 says,	20	interpreter and a second-command interpreter."
21	"A first connecting device for interfacing the	21	Do you see that?
22	host device with the interface device via the	22	A. Yes.
	Page 14		Page 16
1	multipurpose interface of the host device."	1	Q. So would you agree with me that the
2	And then the next limitation says, "A	2	interface device includes the first-command
3	second connecting device for interfacing the	3	interpreter?
4	interface device with a data transmit-receive	4	A. Well, it does sound like the interface
5	device."	5	device has some form of command interpreter or
6	Do you see that?	6	software program that executes actions.
7	A. Yes.	7	Q. Okay. But it says, "The interface device
8	Q. Okay. So do you agree that Claim 1	8	is configured by the processor and the memory to
9	requires the interface device to be between the	9	include a first-command interpreter."
10	multipurpose interface of the host device and the	10	Correct?
11	data transmit-receive device?	11	A. Yes, that's what it says.
		12	Q. So the interface device includes a
12	MR. DUTTON: Objection. Form.	14	
12 13	MR. DUTTON: Objection. Form. THE WITNESS: Let me see. The interface		first-command interpreter, correct?
13	5		-
13 14	THE WITNESS: Let me see. The interface	13 14	first-command interpreter, correct?
13 14 15	THE WITNESS: Let me see. The interface device is connected to the host device, and the	13 14 15	first-command interpreter, correct? A. Well, it says, "configured to include,"
13 14 15 16	THE WITNESS: Let me see. The interface device is connected to the host device, and the data transmit receive devices are connected to the	13 14 15 16	first-command interpreter, correct? A. Well, it says, "configured to include," but I guess that's what it means because you need
13 14 15 16 17	THE WITNESS: Let me see. The interface device is connected to the host device, and the data transmit receive devices are connected to the interface device. Generally, I think this is	13 14 15 16 17	first-command interpreter, correct?A. Well, it says, "configured to include,"but I guess that's what it means because you need some sort of a software or firmware typically
13 14 15 16 17 18	THE WITNESS: Let me see. The interface device is connected to the host device, and the data transmit receive devices are connected to the interface device. Generally, I think this is illustrated, generally, in figure 1. BY MR. DONAHUE:	13 14 15 16 17 18	first-command interpreter, correct? A. Well, it says, "configured to include," but I guess that's what it means because you need some sort of a software or firmware typically running on this interface device to execute actions.
13 14 15 16 17 18 19	THE WITNESS: Let me see. The interface device is connected to the host device, and the data transmit receive devices are connected to the interface device. Generally, I think this is illustrated, generally, in figure 1. BY MR. DONAHUE: Q. Okay. So let me ask if you could look at	13 14 15 16 17 18 19	first-command interpreter, correct? A. Well, it says, "configured to include," but I guess that's what it means because you need some sort of a software or firmware typically running on this interface device to execute actions. Q. Okay. Now, if we move down to the next
13 14 15 16 17 18 19	THE WITNESS: Let me see. The interface device is connected to the host device, and the data transmit receive devices are connected to the interface device. Generally, I think this is illustrated, generally, in figure 1. BY MR. DONAHUE:	 13 14 15 16 17 18 19 20 	first-command interpreter, correct? A. Well, it says, "configured to include," but I guess that's what it means because you need some sort of a software or firmware typically running on this interface device to execute actions.

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