

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner,

v.

PAPST LICENSING GMBH & CO., KG,
Patent Owner.

Case IPR2016-01863
Patent 8,504,746

**PATENT OWNER PAPST LICENSING GMBH & CO., KG'S MOTION
FOR OBSERVATION RELATED TO DEPOSITION TESTIMONY OF DR.
EREZ ZADOK**

Papst Licensing GMBH & Co., KG (“Patent Owner”) submits this Motion for Observation Related to the Deposition Testimony of Dr. Erez Zadok, identifying specific portions of Dr. Zadok’s November 28, 2017 deposition transcript (Exhibit 2008) for the Patent Trial and Appeal Board’s consideration. Dr. Zadok is a reply declarant of Petitioner Apple, Inc. (“Petitioner”). Patent Owner submits the following observations:

Observation No. 1

In Exhibit 2008, on page 88, lines 3-10, the witness testified “I think what they imply here is that there is some application running on the workstation, and that interfaces with a SCSI driver or standard SCSI driver to the ION node itself, which then would accept these kinds of commands and process them, namely through these analog channels, reading data from them, digitizing them, and returning it back.” This testimony is relevant to Patent Owner’s argument discussed on pages 24-29 of Patent Owner’s Response (Paper 16) and pages 18-22 of Petitioner’s Reply (Paper 18). This testimony is relevant because it establishes that user-loaded file transfer enabling software in addition to the operating system must be loaded on the workstation to permit data transfer.

Observation No. 2

In Exhibit 2008, on page 90, lines 5-9, the witness testified “I would assume that this application is a user mode application that’s separate from the standard SCSI driver that’s usually part of the operating system where that SCSI driver is what enables the transfer of the data.” This testimony is relevant to Patent Owner’s argument discussed on pages 24-29 of Patent Owner’s Response (Paper 16) and pages 18-22 of Petitioner’s Reply (Paper 18). This testimony is relevant because it suggests that user-loaded file transfer enabling software in addition to the operating system must be loaded on the workstation to permit data transfer even if the SCSI driver is still involved in such data transfer.

Observation No. 3

In Exhibit 2008, on page 116, lines 12-22 through pages 117, lines 1-6, the witness testified “I don’t recall a specific word ‘signal’ or ‘signaling’ there” when asked if Pucci explicitly shows the sending of a signal that misidentifies a device as a hard drive. This testimony is relevant to Patent’s Owner’s arguments that neither Pucci nor Schmidt disclose a signal being sent from the interface device to the host device that is capable of misidentifying a device as something that it is not as discussed on pages 18-23 of Patent Owner’s Response (Paper 16). This is relevant because it further establishes that neither applied reference, Pucci nor Schmidt (see below), discloses the misidentification signaling required in the

claims.

Observation No. 4

In Exhibit 2008, on page 118, lines 4-12, the witness testified “I don’t recall, again, in Schmidt that it describes signals that emulate or misidentify.” This testimony is relevant to Patent’s Owner’s arguments that neither Pucci nor Schmidt disclose a signal being sent from the interface device to the host device that is capable of misidentifying a device as something that it is not as discussed on pages 18-23 of Patent Owner’s Response (Paper 16). This is relevant because it further establishes that neither applied reference, Pucci nor Schmidt, discloses the misidentification signaling required in the claims.

Date: December 5, 2017

Respectfully Submitted,

/s/ Gregory S. Donahue

Gregory S. Donahue

Reg. No. 47,531

DiNovo Price LLP

7000 North MoPac Expressway

Suite 350

Austin, TX 78731

Telephone: (512) 539-2625

Facsimile: (512) 539-2627

*Lead Counsel for Patent Owner Papst
Licensing GMBH & Co., KG*

Michael R. Fleming
Reg. No. 67,933
mfleming@irell.com
Irell & Manella LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, CA 90067
Telephone: (310) 277-1010
Facsimile: (310) 203-7199

*Back-Up Counsel for Patent Owner
Papst Licensing GMBH & Co., KG*

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.