

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE, INC.,  
Petitioner,

v.

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

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Case IPR2016-01864  
Patent 6,470,399

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

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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 2004) 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 2004, 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 19-24 of Patent Owner’s Response (Paper 19) and pages 8-13 of Petitioner’s Reply (Paper 21). 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 2004, 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 19-24 of Patent Owner’s Response (Paper 19) and pages 8-13 of Petitioner’s Reply (Paper 21). 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 even if the SCSI driver is still involved in such data transfer.

### Observation No. 3

In Exhibit 2004, 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 14-18 of Patent Owner’s Response (Paper 19). 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 2004, 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 14-18 of Patent Owner’s Response (Paper 19). 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

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