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UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICROSOFT CORPORATION,

Petitioner,

-versus-

BRADIUM TECHNOLOGIES LLC,

Patent Owner.

----- x

Case IPR2016-00448
Patent 7,908,343 B2

Case IPR2016-00449
Patent 8,924,506 B2

One Broadway
New York, New York

January 18, 2017
9:24 a.m.

DEPOSITION OF ISAAC LEVANON, taken
pursuant to Notice, held at the offices of
Andrews Kurth Kenyon, LLP, before Fran Insley,
a Notary Public of the States of New York and
New Jersey.

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18 -and-
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23 ALSO PRESENT:
24 MICHAEL SHANAHAN, ESQ., inhouse counsel
25 for Bradium Technologies
26 BOB JORISSEN, Videographer
27 xxxxx

1 ----- I N D E X -----
2 WITNESS EXAMINATION BY PAGE
3 ROBERT SACCO MR. BERNSTEIN 5
4 MR. COULSON 69
5
6 -----E X H I B I T S-----
7 DEPOSITION DESCRIPTION PAGE
8 Exhibit 1015 LinkedIn Profile 48
9
10 (Exhibits to be produced.)
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1 THE VIDEOGRAPHER: Good morning. We
2 are going on the record at 9:24 a.m. on
3 Wednesday, January 18, 2017. Please note
4 that recording will continue with any
5 objection to going off the record.
6 My name is Bob Jorissen your
7 certified legal videographer associated
8 with Veritext. This deposition is being
9 held at Andrews Kurth, LLP located at
10 Battery Park, One Broadway, New York, New
11 York.
12 The caption of this case is
13 Microsoft Corporation versus Bradium
14 Technologies LLC in the United States
15 Patent and Trademark Office before the
16 Patent Trial and Appeal Board, case
17 numbers IPR2016-00448 and 00449. The name
18 of the witness is Isaac Levanon.
19 At this time will counsel identify
20 themselves and state whom they represent
21 starting with the noticing attorney after
22 which our court reporter, Fran Insley, of
23 Veritext will swear in the witness and we
24 can proceed. Counselor, if you would like
25 to start.

1 MR. BERNSTEIN: Matthew Bernstein
2 from Perkins Coie, San Diego, representing
3 petitioner Microsoft.
4 MR. COULSON: I'm Chris Coulson of
5 Andrews Kurth Kenyon representing Bradium
6 Technologies, LLC and the witness. With
7 me also from Andrews Kurth Kenyon is
8 Michael Zachary. Also present is Mike
9 Shanahan of Bradium Technologies LLC.
10 I S A A C L E V A N O N,
11 having been first duly sworn by the
12 Notary Public, was examined and
13 testified as follows:
14 EXAMINATION BY MR. BERNSTEIN:
15 Q. Mr. Levanon, good morning. Could
16 you please state your full name for the record?
17 A. Isaac Levanon.
18 Q. Where do you currently reside?
19 A. In Israel.
20 Q. What is your address in Israel?
21 A. 28 Levi Eshkol, Raanana.
22 Q. Can you spell Levi Eshkol for the
23 court reporter, please?
24 A. L-E-V, as in Victor, I, space
25 E-S-H-K-O-L.



1 Q. Are you an Israeli citizen or US
2 citizen or dual citizen?
3 A. Dual.
4 Q. Have you ever lived in the United
5 States?
6 A. I have.
7 Q. Can you provide the approximate
8 dates when you lived in the United States?
9 A. From around 1979 to 1986 -- '96,
10 '97.
11 Q. Anything else? Any other times?
12 A. I don't understand your question.
13 Q. Were there any other periods of time
14 that you lived in the United States other than
15 coming over for a vacation or a business
16 meeting?
17 A. Not that I recall.
18 Q. Are you represented by counsel
19 today, Mr. Levanon?
20 A. I believe so.
21 Q. Who is representing you in this
22 deposition?
23 A. Chris Coulson.
24 Q. Chris Coulson from Andrews Kurth?
25 A. Correct.

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1 Q. Did you meet with Mr. Coulson prior
2 to your deposition today to prepare for your
3 deposition?
4 A. I did.
5 Q. Did you review any documents in
6 preparation for your deposition?
7 A. I did.
8 Q. Which, what documents did you
9 review?
10 MR. COULSON: Objection. Calls
11 for -- the question calls for attorney
12 work product. I instruct the witness not
13 to answer.
14 Q. Are you going to follow your
15 counsel's instruction?
16 A. I will.
17 Q. Did any of the documents that you
18 reviewed refresh your recollections as to any
19 of the events or facts contained in your
20 declarations?
21 MR. COULSON: Objection to form.
22 A. Can you dissect the question for me?
23 Q. What do you mean by dissect?
24 A. It was a fully loaded question. I
25 don't understand it.

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1 Q. What do you mean by fully loaded?
2 A. I don't understand the question.
3 Q. So you don't understand the
4 question. So if you don't understand the
5 question, just let me know and I'll try to
6 rephrase it. You said you reviewed documents
7 yesterday.
8 Did any of the documents you
9 reviewed help you remember any of the events
10 described in your declarations in these IPRs?
11 MR. COULSON: Objection to form.
12 A. I don't recall.
13 Q. You don't recall if they refresh
14 your recollection?
15 A. Correct.
16 Q. Who else -- other than Mr. Coulson,
17 was there anyone else present at the deposition
18 prep meetings?
19 A. Attorney Michael Zachary.
20 Q. Anyone else?
21 A. Not that I can remember.
22 Q. Was Mr. Shanahan who is sitting here
23 today, was he present at any of the meetings?
24 A. No, he was not.
25 Q. Have you met Mr. Shanahan before?

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1 A. I believe so.
2 Q. When did you first meet
3 Mr. Shanahan?
4 MR. COULSON: Objection. Outside
5 the scope. Relevance. FRE403.
6 A. I don't recall.
7 Q. You don't recall when you first met
8 Mr. Shanahan?
9 MR. COULSON: Same objections.
10 A. That's correct.
11 Q. Do you know if Mr. Shanahan is also
12 involved with a company named General Patent
13 Corp.?
14 MR. COULSON: Objection. Relevance.
15 Outside the scope of the declaration.
16 A. I believe that's the case.
17 Q. When is the first time you had
18 communications with General Patent Corp.?
19 MR. COULSON: Objection. Relevance.
20 Outside the scope of the declaration.
21 A. I cannot recall.
22 Q. Do you have any business
23 relationship with General Patent Corp.?
24 MR. COULSON: Objection. Relevance.
25 Scope.

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3 (Pages 6 - 9)

1 A. Can you define for me business
2 relationship?
3 Q. Any business relationship at all.
4 A. Define for me what is this? Any
5 relationship, business relationship?
6 Q. Have you ever signed any sort of
7 agreement with General Patent Corp.?
8 MR. COULSON: Objection. Relevance.
9 A. Personally I did not.
10 Q. Did you sign an agreement on behalf
11 of a company in which you have an interest?
12 MR. COULSON: Objection to form.
13 A. I did.
14 Q. What is the name of that company or
15 companies?
16 MR. COULSON: Same objection.
17 A. Inovo, Limited.
18 Q. Where is Inovo, Limited based?
19 A. I didn't finish.
20 Q. Sorry.
21 A. Then followed by Man Trust and Man,
22 LLC.
23 Q. What was the nature of the
24 relationship between Man Trust and -- did you
25 say Man Trust and Man Holdings; is that what

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1 you said?
2 A. Correct.
3 Q. What is the relationship between Man
4 Trust and Man Holdings and General Patent
5 Corp.?
6 MR. COULSON: Objection to the
7 relevance of this question. This appears
8 to be -- this is far outside the scope of
9 the declaration. Can you identify how
10 this is relevant under the Garmin factors
11 applicable and the--
12 MR. BERNSTEIN: Your witness has an
13 interest in the outcome of this proceeding
14 and has an interest in the outcome of the
15 litigation. Facts that you withheld from
16 the PTAB in his declaration I have every
17 right to go into his bias.
18 MR. COULSON: I disagree with the
19 statement there. You can certainly ask
20 him what his interest is perhaps, but
21 these entities do not seem necessary to do
22 so and seem targeted towards generating
23 litigation material for the parallel
24 litigation.
25 MR. BERNSTEIN: This completely

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1 relates to your witness' bias and a
2 failure to disclose his interest in the
3 outcome of these proceedings to the Board.
4 MR. COULSON: This is the trial.
5 Bring out the facts.
6 Q. So, Mr. Levanon, what is the
7 relationship between Man Trust and Man Holdings
8 and General Patent Corp.?
9 MR. COULSON: I have the same
10 objections.
11 A. We both have ownership in Bradium.
12 Q. The current patent owner of the
13 patents that are being challenged in the IPRs;
14 is that correct?
15 MR. COULSON: Objection to form.
16 A. Can you rephrase your question?
17 Q. Do you know who currently owns the
18 '506 and '343 patents that are being challenged
19 in the IPRs?
20 MR. COULSON: Objection. Scope.
21 Form.
22 A. I believe it's Bradium.
23 Q. What interest -- ownership interest,
24 if any, does Man Trust and Man Holdings have in
25 the Bradium patents?

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1 MR. COULSON: Objection to form.
2 A. Man Holdings and Man Trust has
3 partial ownership in Bradium.
4 Q. What do you mean by partial; what
5 percentage?
6 A. 50 percent.
7 Q. Who owns Man Trust?
8 MR. COULSON: Objection to the
9 scope.
10 A. It's a family trust.
11 Q. Whose family?
12 A. My family trust.
13 Q. Can you please identify the members
14 of your family who are beneficiaries of that
15 trust?
16 MR. COULSON: Objection to form.
17 Relevance.
18 A. I don't recall the documentation to
19 give you have the exact information.
20 Q. What about Man Holdings; who are the
21 members of the Man Holdings trust?
22 A. Myself and possibly others.
23 Q. Family members? When you say others
24 or --
25 A. Family members.

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<p>1 Q. Anyone who is a member of either of 2 the Man Trust or Man Holdings Trust who is not 3 a family member? 4 A. Not at all. 5 Q. Any reason why you didn't identify 6 in your declarations in these proceedings that 7 you -- a trust that you're a member of had an 8 ownership stake in Bradium? 9 MR. COULSON: Objection. 10 Argumentative. The witness at this trial 11 proceeding has answered your questions 12 about the 50 percent ownership and you 13 appear to be using documents Bradium 14 disclosed in the litigation which provided 15 Microsoft with this information. 16 You've had a full and fair 17 opportunity to inquire into this area and 18 the information is now available to the 19 board in this trial proceeding. 20 MR. BERNSTEIN: I don't understand 21 your testimony, but there is a question 22 pending, Mr. Levanon. 23 Q. Any reason why you didn't identify 24 in your declaration in these proceedings that 25 you're a member of a trust that has an</p> <p style="text-align: right;">Page 14</p>	<p>1 one and then identify the document number, 2 exhibit number? 3 A. In tab number one, "Public Version 4 (Non-Confidential) United States Patent and 5 Trademark Office Before The Patent Trial and 6 Appeal Board Microsoft Corporation, Petitioner 7 v. Bradium Technologies LLC, Patent Owner. 8 Case IPR2016-00448, Patent 7,908,343 B, like 9 boy, 2. Declaration of Mr. Isaac Levanon." At 10 the bottom it has the Exhibit 2072 and in 11 parentheses, "(Redacted Version Of 12 Exhibit 2004)," closed parentheses. 13 Under Exhibit 2004, "Bradium 14 Technologies, LLC - patent owner." Under it 15 "Microsoft Corporation - Petitioner 16 IPR2016-00448." And the page number one. You 17 want me to do the same for all the rest? 18 Q. Let me see if I can help you. If 19 you can turn to tab number two? 20 A. Yes. 21 Q. On the bottom right-hand corner, 22 what is the exhibit number? 23 A. The exhibit number on tab number 24 two? 25 Q. The front page there, the page</p> <p style="text-align: right;">Page 16</p>
<p>1 ownership stake in Bradium? 2 MR. COULSON: Objection. Relevance. 3 A. I'm here to testify on my 4 declaration. 5 MR. BERNSTEIN: Objection. 6 Nonresponsive. 7 Q. Any reason why you didn't inform the 8 Board that you had an interest in the outcome 9 of these proceedings? 10 MR. COULSON: Object to the 11 statement by counsel. Argumentative. 12 A. I draft this declaration to the best 13 of my knowledge and that's what I submitted. 14 Q. You said that you drafted the 15 declarations. You're talking about Exhibits 16 2004 to your declarations or Exhibit 2004 is 17 that what you are talking about? 18 A. No, I'm not. I'm talking about the 19 declaration in front of me. I don't know, 20 there is no -- excuse me, 2072. 21 Q. 2072? 22 A. Correct. 23 Q. Why don't you, for the record, you 24 have four copies of your declarations in front 25 of you. Why don't you read the title of each</p> <p style="text-align: right;">Page 15</p>	<p>1 you're looking at. 2 A. The one that says the same thing, 3 Protective Order material? 4 Q. Right. 5 A. On top it has the same names I 6 guess. It's Exhibit 2004. 7 Q. Is that the patent number that is on 8 the face of that declaration is that the '343 9 patent? 10 A. I looked at the exhibit number. 11 What do you refer by patent number? 12 Q. Can you read the case IPR number? 13 A. Case IPR Patent 7,908-343 space B2. 14 Q. So the -- the declaration you have 15 in tab two on the '343 patent, is there any 16 difference, other than the cover page, between 17 the declaration contained behind tab four which 18 should be on the '506 patent? 19 We didn't see any differences other 20 than maybe if you want to speed this up, but if 21 not, he can look through them. 22 MR. COULSON: Sure, counsel. I was 23 going to say that to my understanding, the 24 declarations of Mr. Levanon that were 25 submitted in the 448IPR and the 506IPR,</p> <p style="text-align: right;">Page 17</p>

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