

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

APPLE INC.,) IPR2017-00318
) Patent No. 8,886,269
Petitioner,)
))
v.)
))
VALENCELL, INC.,)
))
Patent Owner.)
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- - -
FRIDAY, SEPTEMBER 15, 2017
- - -

Videotaped deposition of BRIAN W. ANTHONY, PH.D.,
taken at the offices of Sterne Kessler Goldstein Fox
1100 New York Avenue, NW, Suite 600, Washington, D.C.,
beginning at 9:00 a.m., before Nancy J. Martin, a
Registered Merit Reporter, Certified Shorthand
Reporter.

Veritext Legal Solutions
Mid-Atlantic Region
1250 Eye Street NW - Suite 350
Washington, D.C. 20005

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1 A P P E A R A N C E S :

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19 ALSO PRESENT:

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DAVID CAMPBELL, LEGAL VIDEOGRAPHER

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I N D E X

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		PAGE
TESTIMONY OF BRIAN ANTHONY		
BY MR. KENNEDY		5
BY MR. SPECHT		202
E X H I B I T S		
NUMBER	DESCRIPTION	MARKED
Exhibit 1002	U.S. Patent Prosecution History	20
Exhibit 1003	Declaration of Brian W. Anthony, Ph.D. in Support of Petition for Inter-partes View of U.S. Patent 8,886,269, 108 pages	20
Exhibit 1004	Academic Curriculum Vitae, 20 pages	128
Exhibit 1005	Mobile Monitoring with Wearable Photoplethysmographic Biosensors, 13 pages	131
Exhibit 1008	U.S. Patent 6,745,061, 22 pages	162
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Exhibit 2007	U.S. Patent 8,382,671, 15 pages	198
Exhibit 1001	U.S. Patent 8,886,269	8

1 WASHINGTON, D.C., FRIDAY, SEPTEMBER 15, 2017;

2 9:00 A.M.

3 -oOo-

4 THE VIDEOGRAPHER: This is the start of media
5 labeled No. 1 of the videotaped deposition of
6 Dr. Brian Anthony in the matter of Apple, Inc. v.
7 Valencell, Inc. This is in the United States Patent
8 and Trademark Office before the Patent Trial and
9 Appeals Board. Number IPR2017-00318.

10 This deposition is being held at
11 1100 New York Avenue, Northwest, Suite 600,
12 Washington, D.C., 20005 on September 15, 2017 at
13 approximately 9:00 a.m. My name is David Campbell
14 from TSG Reporting, Inc. I'm the legal video
15 specialist.

16 The court reporter is Nancy Martin, in
17 association with Veritext Court Reporting.

18 Counsel, will you please identify yourselves
19 for the record, and then the witness will be sworn in.

20 MR. KENNEDY: Bill Kennedy for patent owner,
21 Valencell, Inc.

22 MR. SPECHT: Michael Specht for petitioner
23 Apple, Inc. Also with me is Jason Fitzsimmons for
24 patent owner, Apple, Inc. Or I'm sorry, for
25 petitioner, Apple, Inc.

1 MR. SCHLETZBAUM: This is Ryan Schletzbaum.
2 I'm from Shook Hardy & Bacon appearing telephonically
3 on behalf of Apple.
4

5 BRIAN ANTHONY, PH.D.,
6 having been first duly sworn/affirmed,
7 was examined and testified as follows:
8

9 EXAMINATION

10 BY MR. KENNEDY:

11 Q. Good morning, Dr. Anthony. Welcome back.

12 A. Good morning.

13 Q. Like yesterday, I'd like you to introduce
14 yourself for the record, please.

15 A. My name is Brian W. Anthony.

16 Q. And what's your understanding of why you're
17 here?

18 A. My understanding is to be cross-examined with
19 respect to the declaration for the '269.

20 Q. And that's for IPR2017-00318; correct?

21 A. I do not recall the exact number, but that
22 sounds correct.

23 Q. And like yesterday, I'll ask you if you don't
24 understand a question that I ask, please let me know.

25 If you don't explain to me that you don't understand

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