

Page 1

1 UNITED STATES PATENT AND TRADEMARK OFFICE
 2 -----X
 3 FREDMAN BROS. FURNITURE COMPANY, INC.,
 4 Petitioner,
 5 -against-
 6 BEDGEAR, LLC,
 7 Patent Owner.
 8 Case IPR 2017-00350, 2017-351 and 2017-00352
 9 -----X
 10
 11 1290 Avenue of the Americas
 12 New York, New York
 13
 14 December 20, 2017
 15 10:05 a.m.
 16
 17 DEPOSITION of DR. RADHAKRISHNAIAH
 18 PARACHURU, taken in the above-entitled matters,
 19 before Sadie L. Herbert, a Registered
 20 Professional Reporter and Notary Public of the
 21 States of New York and New Jersey.
 22
 23
 24
 25

Page 3

1 ----- I N D E X -----
 2 WITNESS EXAMINATION BY PAGE
 3 DR. PARACHURU MR. MUDD 4
 4 MR. WALDEN 73
 5
 6
 7 ----- PREVIOUSLY MARKED EXHIBITS -----
 8 FREDMAN DESCRIPTION FOR REF.
 9 Exhibit 1001 Patent US 8,887,332 14
 10 Exhibit 1006 International Application 48
 11 Exhibit 1047 Patent US 9,015,883 14
 12 Exhibit 1049 Patent US 8,646,134 14
 13 BEDGEAR
 14 Exhibit 2002 Curriculum Vitae 18
 15 Exhibit 2004 Declaration of
 16 Dr. Radhakrishnaiah
 17 Parachuru 15
 18
 19
 20 (EXHIBITS TO BE PRODUCED)
 21
 22
 23
 24
 25

Page 2

1 A P P E A R A N C E S:
 2
 3 ON BEHALF OF PETITIONER:
 4 (Via video conference)
 5 ERISE IP, P.A.
 6 7015 College Blvd.
 7 Suite 700
 8 Overland Park, Kansas 66211
 9 Phone 913.777.5600
 10 BY: JASON R. MUDD, ESQ.
 11 Jason.mudd@eriseip.com
 12 CARIE BADER, ESQ.
 13 ADAM SANDWELL, ESQ.
 14
 15 ON BEHALF OF DEFENDANT:
 16 BRYAN CAVE
 17 1290 Avenue of the Americas
 18 New York, New York 10104
 19 Phone 212.541.2000
 20 BY: ALEXANDER WALDEN, ESQ.
 21 Alexander.walden@bryancave.com
 22 FRANK FABIANI, ESQ.
 23 Frank.fabiani@bryancave.com
 24
 25

Page 4

1 DR. RADHAKRISHNAIAH PARACHURU, the witness
 2 herein, having first been duly sworn by a
 3 Notary Public of the State of New York,
 4 was examined and testified as follows:
 5 EXAMINATION
 6 BY MR. MUDD:
 7 **Q Good morning.**
 8 A Good morning.
 9 **Q Could you state your name and address**
 10 **for the record, please.**
 11 A My first name is Radhakrishnaiah, my
 12 second -- my last name Parachuru, and the
 13 address where I live is 8240 Royal Troon Drive,
 14 Duluth, Georgia 30097.
 15 **Q And could you state your occupation,**
 16 **please.**
 17 A I'm employed at the university.
 18 **Q Which university?**
 19 A Georgia Institute of Technology.
 20 **Q And what's your position there?**
 21 A I have my position described as
 22 principal research scientist and senior academic
 23 professional.
 24 **Q Have you been deposed before,**
 25 **Dr. Parachuru?**

1 A Yes.
 2 **Q How many times?**
 3 A About six or seven times.
 4 **Q When was the most recent one?**
 5 A Let me try to recollect. The most
 6 recent one was a hearing in LA where -- yeah,
 7 hearing in LA, yeah.
 8 **Q About how long ago was that?**
 9 A About a year ago.
 10 **Q Okay. I'll quickly just go through**
 11 **some ground rules with you to make sure we're on**
 12 **the same page.**
 13 A Mm-hmm.
 14 **Q If you could, wait for me to finish my**
 15 **question before you begin answering, and**
 16 **similarly, I'll wait for you to finish your**
 17 **answer before I ask another question.**
 18 **Is that fair?**
 19 A That's fair.
 20 **Q If you don't understand a question I**
 21 **ask, please let me know; otherwise, I'll assume**
 22 **you understood the question; is that fair?**
 23 A Fair.
 24 **Q Now, your counsel may object at times,**
 25 **but you understand you still have to answer the**

1 **Q Oh, did you meet with counsel to**
 2 **prepare for the deposition today?**
 3 A For prep -- preparation today, no,
 4 today.
 5 **Q Okay. Did you meet with counsel**
 6 **yesterday to prepare for the deposition?**
 7 A Yes.
 8 **Q Did you meet with counsel on Monday to**
 9 **prepare for the deposition?**
 10 A No.
 11 **Q Did you look at documents to prepare**
 12 **for today's deposition?**
 13 A Yes, documents I think, yes, documents
 14 is a very exhaustive list, so, yeah, I don't
 15 know what all documents you mean, so some of the
 16 documents at least I looked at.
 17 **Q Did you review any documents to prepare**
 18 **that have not already been submitted in this**
 19 **proceeding?**
 20 A Not submitted, no.
 21 **Q You've been retained as an expert**
 22 **witness in this matter; is that right?**
 23 A That's right.
 24 **Q And you've been retained by Bedgear?**
 25 A Yes.

1 **question, unless you're instructed not to.**
 2 **Do you understand that?**
 3 A Understand that, yeah.
 4 **Q Is there any reason today that would**
 5 **prevent you from testifying truthfully and**
 6 **accurately?**
 7 A No.
 8 **Q No medication that would prevent you**
 9 **from testifying truthfully and accurately?**
 10 A No.
 11 **Q We'll try to take regular breaks, but**
 12 **if you need a break sooner, will you let me**
 13 **know?**
 14 A Mm-hmm, yes.
 15 **Q And the only thing I'll ask is if**
 16 **there's a pending question, you have to answer**
 17 **that question before we take a break.**
 18 **Do you understand that?**
 19 A I understand.
 20 **Q Did you prepare for today's deposition?**
 21 A Yes.
 22 **Q And when did you prepare for the**
 23 **deposition?**
 24 A I'm trying to understand your question
 25 in a larger context.

1 **Q And you're being compensated for your**
 2 **time spent working on this matter?**
 3 A Yes.
 4 **Q What hourly rate are you charging for**
 5 **your time?**
 6 A 250.
 7 **Q About how much total have you billed on**
 8 **this matter to date?**
 9 A To date, I don't remember off my
 10 head -- off my head I can -- I can take a rough
 11 guess. Maybe -- maybe at a hundred hours.
 12 **Q And so for a hundred hours, that would**
 13 **be about \$25,000?**
 14 A That's true.
 15 **Q Now, you've served as an expert witness**
 16 **in the past; is that right?**
 17 A Right.
 18 **Q Who besides counsel have you had**
 19 **discussions with regarding this matter?**
 20 A Besides counsel? You mean -- which
 21 counsel are you talking about?
 22 **Q So I assume you've been working with**
 23 **Mr. Walden who is there with you on this matter?**
 24 A Mm-hmm.
 25 **Q And I -- have you been working with**

Page 9

1 **other lawyers at his law firm as well?**
 2 A I've been working with Alex, Alex,
 3 Mr. -- Mr. Fabiani, Frank Fabiani, and I also
 4 worked with Mr. Hassan Albakri.
 5 **Q Okay. Besides Alex, Mr. Fabiani and**
 6 **Mr. Albakri, is there any other counsel you**
 7 **worked with on this matter?**
 8 A No.
 9 **Q And besides that counsel, have you had**
 10 **discussions with anyone else regarding this**
 11 **matter?**
 12 A No -- oh, yeah, in -- actually -- yeah,
 13 in the beginning, before -- before I actually
 14 started, at that stage, I probably had a very
 15 brief con- -- conversation with -- with someone
 16 from Bedgear, that was -- that was a very
 17 generic type of conversation, nothing much.
 18 **Q And who did you speak with at Bedgear?**
 19 A I don't remember the name off my head
 20 now, thank you.
 21 **Q And when did you speak with someone at**
 22 **Bedgear?**
 23 A During my first visit to the law
 24 office, Bryan Cave law office when I came to
 25 learn more about this case, at that time.

Page 10

1 **Q So during your first visit to Bryan**
 2 **Cave's law office?**
 3 A Yes.
 4 **Q Do you know, did you speak with the**
 5 **inventor on the patents, Eugene Alletto?**
 6 A No, I did not.
 7 **Q And what did you discuss with**
 8 **Bedgear -- with the person at Bedgear about this**
 9 **matter?**
 10 A Not much, actually, I -- it was an
 11 intro- -- intro- -- introduction of myself to
 12 her, mostly an introduct- -- introductory
 13 meeting. And I think she -- I -- it may be at
 14 the most for about five to six minutes and she
 15 complimented me on my background. That's all
 16 that happened at that meeting.
 17 **Q Did you discuss the patents at issue on**
 18 **that call?**
 19 A No.
 20 **Q Is there anything else you discussed on**
 21 **that call that you haven't described?**
 22 A No.
 23 **Q Have you worked with any of the counsel**
 24 **you're working with on this case on any prior**
 25 **matters?**

Page 11

1 A No.
 2 **Q Have you worked with anybody at the**
 3 **Bryan Cave law firm previously?**
 4 A No.
 5 **Q Were you familiar with Bedgear prior to**
 6 **this case?**
 7 A Familiar -- familiar in what sense?
 8 **Q Did you know of Bedgear before this**
 9 **matter?**
 10 A I heard of Bedgear before the matter.
 11 **Q Did you know anyone at Bedgear before**
 12 **this matter?**
 13 A No.
 14 **Q Are you familiar with Fredman Bros.**
 15 **Furniture Company, also known as Glideaway?**
 16 A Again, I -- I want you to explain what
 17 you mean by "familiar."
 18 **Q Sure.**
 19 **Had you heard of Fredman Bros.**
 20 **Furniture Company or Glideaway before this case?**
 21 A I heard of the name, yeah.
 22 **Q And do you know anybody at Fredman**
 23 **Bros. Furniture Company or Glideaway?**
 24 A No.
 25 **Q Did you know me or my law firm, Erise**

Page 12

1 **IP, prior to this matter?**
 2 A No.
 3 **Q And how was it that you came to work on**
 4 **this matter?**
 5 A Can you -- can you repeat that
 6 question, I'm trying to understand the context
 7 of that.
 8 **Q Sure.**
 9 **How did Bryan Cave find you for this**
 10 **matter?**
 11 A How did they find me? Actually, yeah,
 12 I have been contacted at -- by Hassan Albakri, I
 13 did not know Hassan Albakri when he contacted
 14 me. I do not know how he knew about me.
 15 **Q So Hassan Albakri contacted you about**
 16 **this matter?**
 17 A Right.
 18 **Q Did they find you through an expert**
 19 **referral service?**
 20 A I'm not aware of that.
 21 **Q Okay. Dr. Parachuru, you understand**
 22 **that this first deposition this morning is for**
 23 **three separate Inter Partes review proceedings?**
 24 A Yes.
 25 **Q Is that right?**

Page 13

1 A Correct.

2 **Q And you understand that those three**

3 **proceedings are IPR 2017-00350 regarding the**

4 **'332 patent?**

5 A Yes, I -- I identify that as --

6 **Q IPR --**

7 A Mm-hmm.

8 **Q And IPR 2017-00351 regarding the '883**

9 **patent?**

10 A Mm-hmm.

11 **Q And IPR 2017-00352 regarding the '134**

12 **patent?**

13 A Right.

14 **Q And you understand those are the three**

15 **proceedings you're testifying about this**

16 **morning?**

17 A Yes.

18 MR. MUDD: Sadie, if you could,

19 please, hand the witness from the

20 folders marked 1, 6 and 8 of the three

21 patents, so you should be handing to

22 Dr. Parachuru what's been marked

23 Exhibit 1001, which is the '332 patent;

24 Exhibit 1047, the '883 patent; and

25 Exhibit 1049, the '134 patent.

Page 14

1 (Fredman Exhibit 1001, Exhibit

2 1001 Patent US 8,887,332, having

3 been previously marked, was

4 introduced into the record.)

5 (Fredman Exhibit 1047, Patent US

6 9,015,883, having been previously

7 marked, was introduced into the

8 record.)

9 (Fredman Exhibit 1049, Patent US

10 8,646,134, having been previously

11 marked, was introduced into the

12 record.)

13 **Q Dr. Parachuru, are these three exhibits**

14 **the three patents you understand are at issue in**

15 **these three IPR proceedings?**

16 A Yes.

17 **Q And have you reviewed these patents?**

18 A Yes.

19 **Q Are you familiar with them?**

20 A I'm familiar with them.

21 **Q And you understand these three patents**

22 **all share the same written description?**

23 A Yes.

24 **Q Do you understand that?**

25 A Yes.

Page 15

1 **Q So for the sake of simplicity, if I**

2 **refer to the written description of the '332**

3 **patent, I'm also referring to the '883 and '134**

4 **patents.**

5 **Does that work okay for you?**

6 A That work okay for me, yeah.

7 **Q And so any discussions we have**

8 **regarding the description in the '332 patent**

9 **would also apply to the '883 and '134 patents;**

10 **is that fair?**

11 A Yeah, for the most part.

12 **Q So except for the claims at the end,**

13 **the written description is the same for those**

14 **three patents?**

15 A Again, for the most part, yeah.

16 **Q And if I want to refer to a specific**

17 **claim at the end of the patents, I'll use that**

18 **specific patent; is that fair?**

19 A Yes, specific claim, yes, sir.

20 MR. MUDD: Sadie, if you could hand

21 the witness the document from Folder 2,

22 which is Exhibit 2004, the Declaration

23 in Support of Patent Owner's response.

24 (Bedgear Exhibit 2004, Declaration

25 of Dr. Radhakrishnaiah Parachuru,

Page 16

1 having been previously marked, was

2 introduced into the record.)

3 **Q Do you have Bedgear Exhibit 2004?**

4 A Yes, I received it.

5 **Q This is a copy of your declaration; is**

6 **that right?**

7 A Yes.

8 **Q And with regard to the Patent Owner's**

9 **response, you submitted one declaration that is**

10 **identical and applies to all three of these**

11 **IPRs; is that right?**

12 A That's right.

13 **Q And this Exhibit 2004 is for the 350**

14 **IPR proceeding, but the same declaration was**

15 **used in the 351 and the 352 IPRs as well; right?**

16 A Yes.

17 **Q So is it okay, then, if I ask you**

18 **questions using this declaration and we'll**

19 **understand those answers to apply to all three**

20 **of these IPRs?**

21 A Yes.

22 **Q In Exhibit 2004, is that your signature**

23 **on the last page of the document?**

24 A Yes, that is my signature on the last

25 page of the document.

Page 17

1 **Q** Does your declaration, Exhibit 2004,
2 accurately state your opinions in these
3 proceedings?
4 A Yes.
5 **Q** Are you aware of any inaccuracies in
6 your declaration?
7 A Not to my knowledge.
8 **Q** And does your declaration,
9 Exhibit 2004, accurately summarize your
10 experience and qualifications relevant to
11 serving as an expert in these proceedings?
12 A Yes.
13 **Q** Did you write your declaration,
14 Exhibit 2004?
15 A Most part of it, yeah.
16 **Q** So you personally wrote most of it?
17 A Yes, personally, I wrote most of it,
18 yeah.
19 **Q** How long did you spend personally
20 writing Exhibit 2004?
21 A Approximately about say -- again, this
22 is -- I did -- did not have a very accurate
23 account of time that I spent on it, but rough
24 estimate around, I would say, about 23,
25 24 hours.

Page 18

1 **Q** Was the drafting of Exhibit 2004 a
2 collaborative process with counsel?
3 A Yes, in discussions with the counsel,
4 yes.
5 MR. MUDD: If you could, Sadie,
6 pull out Folder 3, which is Bedgear
7 Exhibit 2002, which I understand to be
8 Dr. Parachuru's CV.
9 (Bedgear Exhibit 2002, Curriculum
10 Vitae, having been previously
11 marked, was introduced into the
12 record.)
13 **Q** Do you have Exhibit 2002,
14 Dr. Parachuru?
15 A I have it with me.
16 **Q** This document is your CV; is that
17 right?
18 A Right.
19 **Q** Is this document an accurate listing of
20 your professional background and experience?
21 A Yes.
22 **Q** If you could turn back to your
23 declaration, Exhibit 2004.
24 A Mm-hmm, yes.
25 **Q** And turn to Page 10 of that document,

Page 19

1 where a section begins, "My background and
2 qualifications..."
3 A Yes.
4 **Q** And that section spans from
5 Paragraphs 11 through 19?
6 A Yes.
7 **Q** Is that right?
8 A Right.
9 **Q** In those paragraphs, 11 through 19, you
10 do not list any experience in pillow design; is
11 that right?
12 A In these columns, yeah -- in -- you're
13 specifically talking about 11 through 19; right?
14 You're talking about listing in 11 through 19, I
15 think I -- if that is the case, yes, I did not
16 list.
17 **Q** So you did not list any experience in
18 pillow design in Paragraphs 11 through 19;
19 right?
20 A Yes.
21 **Q** And your CV does not list any
22 experience designing pillows; right?
23 A My CV lists about my expertise in the
24 area of heat transfer, in the area of water
25 transmission, in the area of moisture

Page 20

1 dissipation, in the area of comfort, in the area
2 for contact sensations, in the area of tactile
3 properties and the relationship between tactile
4 properties and comfort -- comfort perception and
5 that -- yeah, so these are all very critical
6 aspects of the performance of pillows. So in
7 that sense, I would say that I did list lot of
8 relevant information that applies to the quality
9 and performance aspects of pillows.
10 **Q** But your CV does not actually list
11 experience in designing pillows; right?
12 A Designing pillows involves knowing the
13 performance attributes that it can -- it can
14 associate to different elements that go into the
15 pillow, fill material, the fabric and the gusset
16 and so forth. So without -- without a very
17 clear understanding of -- of the contributions
18 of these materials, as well as the materials
19 that the actual embodiments that incorporate
20 these materials, I think designing a pillow
21 is -- is -- is -- is -- is not going to be --
22 yeah, it -- it truly scientific processing. So
23 I -- I have worked extensively in all these
24 areas. These -- all these areas would help
25 anyone to design a pillow that performs.

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