

<p style="text-align: right;">Page 1</p> <p>1 UNITED STATES PATENT AND TRADEMARK OFFICE 2 BEFORE THE PATENT TRIAL AND APPEAL BOARD 3 4 FREDMAN BROS. FURNITURE) No. IPR2017-00350 5 COMPANY, INC.) 8,887,332 6 - vs -) No. IPR2017-00351 7) 9,015,883 8 BEDGEAR, LLC) No. IPR2017-00352 9) 8,646,134 10 11 12 Oral deposition of JENNIFER FRANK RHODES, held 13 at 1717 Arch Street, Philadelphia, Pennsylvania, 14 on September 21, 2017, at 9:30 a.m., before 15 Dolores M. Horne, Professional Reporter and Notary 16 Public, in and for the Commonwealth of 17 Pennsylvania. 18 19 ESQUIRE DEPOSITION SOLUTIONS 20 1835 Market Street, Suite 2600 21 Philadelphia, Pennsylvania 19103 22 215-988-9191 23 24</p>	<p style="text-align: right;">Page 3</p> <p style="text-align: center;">I N D E X</p> <p>2 WITNESS EXAMINATION PAGE 3 JENNIFER FRANK RHODES 4 5 By: Mr. Walden 5 6 7 8 E X H I B I T S 9 NO. DESCRIPTION PAGE 10 Rhodes A Table of Contents 20 11 Fredman Declaration -- 12 EX1060 13 Fredman Patent -- 14 EX1049 15 Fredman Patent -- 16 EX1006 17 18 19 20 21 22 23 24</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES: 2 3 ERISE IP 4 BY: JASON R. MUDD, ESQUIRE 5 ADAM M. SANDWELL, ESQUIRE 6 6201 College Boulevard 7 Suite 300 8 Overland Park, Kansas 66211 9 (913) 777-5600 10 jason.mudd@eriseip.com 11 adam.sandwell@eriseip.com 12 Attorneys for the Petitioner 13 14 15 BRYAN CAVE 16 BY: ALEXANDER WALDEN, ESQUIRE 17 FRANK FABIANI, ESQUIRE 18 1290 Avenue of the Americas 19 New York, New York 10104 20 (212) 541-3089 21 alexander.walden@bryancave.com 22 frank.fabiani@bryancave.com 23 Attorneys for the Patent Owner 24</p>	<p style="text-align: right;">Page 4</p> <p style="text-align: center;">DEPOSITION SUPPORT INDEX</p> <p>2 3 Direction to Witness Not to Answer 4 Page Line Page Line Page Line 5 6 7 8 Request for Production of Documents 9 Page Line Page Line Page Line 10 11 12 13 Stipulations 14 Page Line Page Line Page Line 15 16 17 18 19 Question Marked 20 Page Line Page Line Page Line 21 22 23 24</p> <p style="text-align: right;">Bedgear 2016 Fredman v. Bedgear IPR2017-00351</p>



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1 JENNIFER FRANK RHODES, After
2 having been first duly sworn, was examined and
3 testified as follows:
4 * * *
5 EXAMINATION
6 * * *
7 BY MR. WALDEN:
8 Q. Good morning. Can I have you just state
9 your full name and address for the record?
10 A. Jennifer Frank Rhodes. My address is
11 127 Fourth Avenue, Haddon Heights, New Jersey
12 08035.
13 Q. Ms. Rhodes, do you know why you're here
14 to testify today?
15 A. Yes, I do.
16 Q. Why is that?
17 A. In the patent case between Bedgear and
18 Fredman Brothers.
19 Q. And is it your understand today that
20 specifically involves three different IPR
21 proceedings?
22 A. Yes.
23 Q. Just to make the record clear, what
24 we're referring to is IPR No. 2017-00352, which

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1 covers U.S. Patent No. 8,646,134, IPR No.
2 2017-00350, covering U.S. Patent No. 8,887,332,
3 and lastly, IPR No. 2017-00351, covering Patent
4 No. 9,015,993. Is that correct?
5 A. Yes.
6 Q. And I may refer to the patents by
7 shorthand as the 332 patent, 134 patent. Is that
8 okay?
9 A. Yes.
10 Q. Have you been deposed before?
11 A. No, I have not.
12 Q. So, I'll go over a few ground rules. If
13 you have any questions, feel free to ask me. As
14 this is not being videotaped, it's being
15 transcribed, and I'm going to ask a series of
16 questions. You're going to provide some
17 responses. If you could just try and make sure to
18 give verbal responses and try to stay away from
19 nods of the head and things like that because
20 obviously they can't get recorded.
21 If you don't understand anything, any
22 questions that I ask or you didn't hear it
23 properly, please feel free to ask me to repeat the
24 question or rephrase the question. Does that

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1 sound fair?
2 A. Yes.
3 Q. Again, because it's being transcribed,
4 you know, I will try to let you finish speaking
5 and giving your full response before asking
6 another question. You know, likewise, if you
7 could just let me finish my question before you
8 start responding. It tends to go a little better
9 that way. Is there any reason whatsoever that you
10 are not able to give your full, complete, accurate
11 testimony today?
12 A. No.
13 Q. Great. I'm sorry. Lastly, if at any
14 time you need to take a break, just let me know.
15 The only thing I ask is if we're going to do that,
16 if you could just at least finish -- we could
17 finish the question we're on before taking a break
18 but otherwise, you know, please feel free to just
19 let me know if you need a short break. Otherwise,
20 we'll try to take breaks every hour or so.
21 So, when were you first -- when did you
22 first get involved in the case?
23 A. Late June of 2016.
24 Q. And have you had any prior relationship

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1 with Glideaway before that?
2 A. No.
3 Q. You never heard of Glideaway or Fredman
4 Brothers when I say Glideaway?
5 A. No.
6 Q. Have you ever heard of Bedgear before --
7 A. No.
8 Q. -- that time? So, if you don't mind, if
9 you could just give me a general high level
10 overview of your, you know, background from --
11 obviously from college kind of onward. I'm not
12 expecting any detailed kind of thing but just --
13 you know, it's not a memory test but an overview
14 of kind of the different places you've been
15 employed and the work that you've done and the
16 experience that you've had, you know, leading up
17 to now?
18 A. Sure. I graduated in 1996 from
19 Philadelphia College of Textiles and Science,
20 which later became known as Philadelphia
21 University, and as recently as July 1st is now --
22 we've merged. We're now Jefferson University. My
23 degree is in -- I have a bachelor of science in
24 textile design with a concentration in wovens.



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1 When I graduated, I went to work for
2 Collins & Aikman Corporation. I went through
3 their new management training course and then went
4 to my assigned plant where I spent a few months
5 learning some specialty weaving defects and
6 things. And I assumed the role of third shift
7 supervisor. I had 150 machines and 30 employees
8 in the middle of the night.
9 Then I was working in the doobby
10 automotive velvet weave room. After a year on
11 shift, I went into a product development role as
12 the flat woven technical designer for automotive,
13 flat woven automotive upholstery. And I was there
14 for about a year and one-half or so when I moved
15 back to the Northeast, which is where I'm from.
16 I was working for a computer design
17 company in Queens. And my client base was a
18 national base of the textile market. And from
19 there I went to work for one of my customers doing
20 design and product development for a domestic mill
21 that was headquartered -- we had facilities in
22 Virginia and North Carolina but our sales and
23 design office was in Manhattan. I was doing work
24 for primarily decorative fabrics for bedding,

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1 drapery, residential interior decorative fabrics.
2 I also did some work in the contract facet of the
3 industry. And I was there for roughly seven
4 years.
5 And then I went to work for FXI, which
6 is headquartered in Media, Pennsylvania. And
7 there -- I was there for three and one-half years
8 doing product development and design. I was
9 charged with all of the product design and
10 creation from textile components, for memory foam
11 sleep products. I worked very closely with our
12 engineering team, with our R&D team in the product
13 development role. So it wasn't just in textiles.
14 It was also pairing foams and fabrics together.
15 I left that position at the end of June
16 in 2012 and began doing some independent
17 consulting in the -- in the sleep products
18 industry, basically what I was doing at FXI. And
19 in August of 2015 I started teaching at
20 Philadelphia University, now Jefferson.
21 And so I'm still teaching. I'm an
22 adjunct there. I teach in the textile design
23 department. And I also continue to do some
24 independent consulting in the industry.

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1 Q. Is that for the company, I believe you
2 said -- called Twin Gingers?
3 A. Yes, that's my LLC filing, yes.
4 Q. So, what kind of consulting are you
5 doing at the moment through that?
6 A. At the moment I'm not doing any active
7 development work.
8 Q. You said you are currently teaching a
9 course. I guess now it's Jefferson University?
10 A. Uh-huh, yes.
11 Q. What does that course cover?
12 A. The course that I teach is called survey
13 of the textile industry. It's an entry level
14 textile course for all of our textile majors. So,
15 I teach mostly freshmen, textile design and
16 fashion design majors. The upper classmen that
17 are in my class are typically fashion
18 merchandising majors. It's a broad overview of
19 the industry at large. It's a tremendous amount
20 of content to cover in 15 weeks, but we spend a
21 lot of time on all of the generic fiber classes
22 commonly used in apparel and home furnishings.
23 And we do an overview of all of the processes
24 those fibers go through, from fiber to yarn,

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1 through fabric formation, dying, finishing,
2 printing. We talk about laws. We talk about
3 labeling. We talk about testing, new
4 developments, new emerging technologies. It is --
5 like I said, it's the prerequisite for all of the
6 additional textile course work that the textile
7 majors do. And it's one of only two textile
8 courses that the fashion majors have to take. I
9 additionally do more recent development as I'm
10 more involved in department roles there with
11 branding and recruiting.
12 Q. So, when you say textile design, I
13 apologize, I'm not -- obviously not as familiar
14 with all of this stuff as you are. When you say
15 textile design, just so I understand the framework
16 for that, what does textile design refer to, I
17 mean, at a high level?
18 A. It's a very open-ended question.
19 MR. MUDD: Objection to form.
20 BY MR. WALDEN:
21 Q. What is a textile?
22 A. What is a textile?
23 Q. Right.
24 A. A textile could be any number of things.



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1 Traditionally, categorically speaking, a textile
2 is something that is made from fiber, and it can
3 be -- the fabric can be formed in a number of
4 different fashions.
5 Q. So, when you refer to fiber, what is --
6 again, what does that mean to you?
7 A. To me it means a lot of things. There
8 are numerous different types of fibers. But a
9 fiber is something that is the primary component
10 of building a textile. It is something that can
11 be as short as three-eighths of an inch or
12 something that is endless in length, which we
13 refer to as a continuous filament fiber. It can
14 be a monofilament fiber, as coarse as a ten pound
15 test fishing line. It can be a micro fiber, which
16 is something less than a -- a micron of less than
17 one denier. The measurement of the fiber diameter
18 is less than one denier, which is a unit of
19 measure in fiber and yarn manufacture. So, a
20 fiber could be any number of things by that
21 definition.
22 Q. And that covers synthetic and --
23 A. Absolutely, natural fibers. So, we
24 have -- for natural fibers we have plant, animal,

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1 mineral fibers. And then for manmade fibers we
2 have a tremendous category of both synthetic and
3 artificial fibers.
4 Q. So, what is the difference between a --
5 what are some differences between a fiber and a
6 yarn?
7 A. You make yarn from fiber.
8 Q. So, is it fair to say you make textiles
9 from yarn or --
10 A. Not necessarily, a non-woven textile is
11 not made from yarn. A non-woven textile is made
12 from fiber.
13 Q. What is a non-woven textile so I
14 understand?
15 A. A non-woven is one of the three primary
16 categories of fabric formation. There are
17 numerous ways to create a non-woven fabric.
18 Q. So, what are the three categories,
19 non-woven is one and then what are the others?
20 A. The three primary categories of fabric
21 formation are weaving, knitting and non-wovens.
22 And there are additional fabric formations beyond
23 that, such as braiding and tufting and things like
24 that. But that's -- in terms of the fabrics that

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1 we use for the consumer market in apparel and home
2 furnishings, the primary categories are wovens,
3 knits and non-wovens.
4 Q. So, what is the typical way to create a
5 woven fabric?
6 MR. MUDD: Object to form.
7 THE WITNESS: A typical way --
8 well, the most basic definition of a woven fabric
9 is a fabric that is made from two sets of yarns
10 that interlace at right angles. You have a
11 vertical set of yarns. You have a horizontal set
12 of yarns, the warp and the weft. They interlace
13 at right angles, 90 degree angles. And it is the
14 pattern of interlacement that defines the fabric
15 structure.
16 BY MR. WALDEN:
17 Q. And the same question for knitting, and
18 I'm not trying to say it's the only way, again,
19 just so we have a basis for --
20 A. For knitting, it's a knit fabric and
21 most basic definition is a fabric constructed from
22 a series of loops.
23 Q. And then finally for non-woven, I know
24 you said there were lots of different ways, but is

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1 there any kind of basic way, just sort of a
2 framework of -- as compared to the other two?
3 A. There's air jet entanglement, hydro
4 entanglement, needle punch, wet spun, lace spun,
5 there are a variety of different ways to create a
6 non-woven fabric. Felting is probably the one
7 that most consumers are familiar with.
8 Q. So, you said there were a couple of
9 others. I believe you referred to braiding and
10 tufting. Am I correct you said those weren't as
11 commonly used in furnishings?
12 A. Correct.
13 Q. Okay.
14 A. Tufting and braiding, while we do
15 interact with them in the marketplace -- for
16 instance, our shoe laces are usually braided.
17 Carpets are often tufted. But in terms of apparel
18 and home furnishing fabrics, it's not something
19 that we see as much of considering the others.
20 Q. You mentioned there were lots of
21 different types of fabrics or fibers --
22 A. Uh-huh.
23 Q. -- not fabrics. Can most or all of
24 those fibers be used with weaving and knitting and



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1 non-woven techniques?
2 A. That's a very broad question. And I
3 would say not every fiber is suited for every
4 application. There are some fibers that are very
5 difficult to knit based on their properties and
6 characteristics. Some fabrics particularly, say,
7 a cotton fiber, is not something you would
8 typically see in a spun lace non-woven. It just
9 depends upon -- fibers are always -- fiber content
10 is always carefully chosen based upon the end use
11 and application.
12 Q. And many of those end use and
13 applications may involve multiple different
14 fibers, right?
15 A. Absolutely.
16 Q. So, is that part of what you did at some
17 of the places that you worked at, I believe one of
18 them was FXI, was some of what you did coming up
19 with the actual fabric composition and the fibers
20 being used?
21 A. Absolutely, that's what a textile
22 designer does.
23 Q. So when you talk about creating custom
24 fabrics, that's what that -- part of what that

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1 involves, at least, is deciding on the fiber
2 contents and that kind of thing?
3 A. Yes.
4 Q. Are you able to hazard a guess, even
5 rough estimate of the number of different fibers
6 that exist?
7 A. The number of different fibers?
8 Q. Right, different types of fibers?
9 A. Well, different types of fibers. You
10 have two, you have natural and manmade. Generic
11 fiber classes recognized by the FTC, if you give
12 me a moment -- in terms of broad categories, for
13 instance, just what I cover in my classroom alone,
14 we have in terms of broad category, broad -- and
15 by broad I mean broad. There are roughly 15
16 different fiber types that I cover in my class.
17 Now, under the broad category of wool, I can give
18 you eight different fiber names that are accepted
19 on a tag by the FTC. Under the broad category of
20 alternative plant fibers, there are probably
21 another eight. When it comes to manmade fibers,
22 the list is a bit more concise. Because generic
23 fiber class is one thing and then there are
24 variations beyond that when we get into branded

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1 fibers.
2 Q. A few minutes ago you mentioned -- you
3 were talking about weaving and you were saying
4 that there were two, weft and a warp, interlace --
5 what do you mean when you say interlace?
6 A. Interlace?
7 Q. Yes.
8 MR. MUDD: Objection to the form.
9 THE WITNESS: I mean that when
10 you're weaving the yarns go over and under. They
11 overlap each other. They interlace.
12 BY MR. WALDEN:
13 Q. Is every woven fabric interlaced?
14 MR. MUDD: Objection to the form.
15 THE WITNESS: Yes.
16 BY MR. WALDEN:
17 Q. In other words, that's your opinion
18 that's a requirement of a woven fabric --
19 A. It's the definition of a woven fabric,
20 two yarns that interlace at right angles, two sets
21 of yarns.
22 Q. Is it fair to say at least two sets of
23 yarns?
24 A. Excuse me?

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1 Q. Is it fair to say at least two sets of
2 yarns?
3 A. Absolutely.
4 MR. WALDEN: At this time I'm
5 going to mark -- it's already been marked as
6 Exhibit Fredman Exhibit 1060, Declaration of
7 Jennifer Frank Rhodes, in IPR 2017-00352.
8 MR. MUDD: Counsel, we've
9 generated a table of contents for Ms. Rhodes'
10 declaration since the declaration didn't have a
11 table of contents just to speed things up and ease
12 in finding materials. Is that all right?
13 MR. WALDEN: I have no problem
14 with that.
15 MR. MUDD: So I'll just
16 introduce -- we can call this Rhodes Deposition A.
17 This is a table of contents for the 134
18 declaration.
19 (Document marked Exhibit Rhodes A
20 for identification.)
21 BY MR. WALDEN:
22 Q. Have you seen this document before?
23 A. Yes, I have.
24 Q. What is it?



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