

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

3 ZTE (USA) INC.,)
4)
5 Petitioner,)
6)
7 -vs-) Case IPR2018-00111
8)
9 FUNDAMENTAL INNOVATION SYSTEMS)
10 INTERNATIONAL LLC,)
11)
12 Patent Owner.)

13 Videotaped deposition of JAMES T. GEIER taken
14 before TRACY L. BLASZAK, CSR, CRR, and Notary Public,
15 pursuant to the Rules of the United States Patent and
16 Trademark Office pertaining to the taking of
17 depositions, at Suite 4000, 444 West Lake Street, in the
18 City of Chicago, Cook County, Illinois at 9:05 a.m. on
19 the 30th day of July, A.D., 2018.
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Page 6

1 JAMES T. GEIER,
 2 called as a witness herein, having been first duly
 3 sworn, was examined upon oral interrogatories and
 4 testified as follows:
 5 EXAMINATION
 6 by Mr. Sheasby:
 7 Q Good morning, Mr. Geier. Can you state your
 8 full name for the record.
 9 A Yes, James Thomas Geier.
 10 Q And when were you first approached by -- Well,
 11 when were you first approached to serve as an expert in
 12 this case on behalf of the petitioners?
 13 A I don't remember the specific date, but I think
 14 it was around nine to ten months ago, maybe a little bit
 15 longer.
 16 Q And who approached you?
 17 A Hersh Mehta from McDermott.
 18 Q And tell me everything he told you?
 19 A Do you want me to tell you every detail that he
 20 told me?
 21 Q Yes.
 22 A About the case?
 23 Q Yes.
 24 A I don't remember specifically all the details.
 25 I produced a report with this that includes my opinions,

Page 7

1 but I don't remember specifically what Mr. Mehta had
 2 told me.
 3 He told me, of course, who the parties were in
 4 the case and that this was an IPR proceeding and asked
 5 if I could look at some references and write a
 6 declaration.
 7 Q Who else have you spoken to other than Mr. Mehta
 8 relating to this case?
 9 A I've spoken with the attorney sitting next to
 10 me, Charlie here from McDermott.
 11 Q Anyone else?
 12 A I can't remember specifically other people I
 13 spoke to about the case.
 14 Q Now, you said that Mr. Mehta asked you to look
 15 at some art, fair?
 16 A He certainly asked me to consider some art,
 17 right.
 18 Q He gave you that art, is that correct?
 19 A I think originally they provided me some
 20 references to look at.
 21 Q What references did they provide you?
 22 A Certainly the references that are in my report,
 23 my declaration, I believe there is some other
 24 references. I looked at some references on my own.
 25 You know, I looked at the art, you know, that I

Page 8

1 understood as would have been a person of ordinary skill
 2 in the art at the time what they would have been able to
 3 see. I looked at a variety of references.
 4 Q Did they provide you with the Rogers reference?
 5 A I actually don't remember if they provided that
 6 to me or if I found it and then used that. I can't
 7 remember specifically.
 8 Q So you were approached about ten months ago,
 9 fair?
 10 A I think it was around ten months. I would have
 11 to look at other dates and e-mails and see exactly when
 12 that was.
 13 Q And it's your testimony that you think you found
 14 the Rogers reference, is that correct?
 15 MR. McMAHON: Objection as to form.
 16 THE WITNESS: No, that's not what I said. I said I
 17 can't remember.
 18 MR. SHEASBY: Q In fact, you didn't find the
 19 Rogers reference. The Rogers reference was in
 20 invalidity contentions that had been submitted by the
 21 parties in this IPR long before ten months ago, fair?
 22 A I don't know if it was or not.
 23 Q Did you find the Rogers reference?
 24 A Like I said, I can't remember specifically if I
 25 did or not or whether or not Mr. Mehta had provided that

Page 9

1 for me to look at in a bunch of other references.
 2 Q Did you find the Shiga reference?
 3 A I can't remember specifically if I did. At the
 4 time I was looking at a lot of different prior art. I
 5 can't remember specifically if I found that or if I was
 6 provided that from the counsel.
 7 Q Were you provided the Casebolt reference?
 8 A I know I did find some of those references on my
 9 own, in other words, I wasn't provided those. I looked
 10 at all the prior art that was available that I could
 11 search on and find and consider. I don't remember
 12 specifically.
 13 Q The Cypress data sheet, did you find that
 14 yourself?
 15 A Again, it's like the other examples I had in
 16 there, I can't remember specifically.
 17 Q Did you find the Kerai reference yourself?
 18 A Again, I can't remember specifically.
 19 Q Did you find the Rogers provisional reference
 20 yourself?
 21 A I think the provisional -- I can't remember for
 22 certain. I can't remember if I actually found that and
 23 downloaded that or if I was provided it.
 24 Q So before you were paid to serve as an expert in
 25 this case, had you ever at any time in your history read

Page 10

1 the Rogers reference?

2 A I've been involved with USB for a number of

3 years, and this dates a while. I can't remember

4 specifically if I read that one.

5 Q It's a very simple question, and it's actually a

6 yes or no question, and we can get the Board on the line

7 if we need to this afternoon. That's fine with me.

8 Before you were paid to begin work as an expert

9 in this case, had you ever read the Rogers reference,

10 yes or no?

11 A Again, I can't remember specifically if I did or

12 not. I can't answer that yes or no because I can't

13 remember.

14 Q Okay. Before you were paid to serve as an

15 expert in this case, had you ever read the Shiga

16 reference?

17 A Again, I've looked at a lot of documents in my

18 career. I can't remember specifically if I did yes or

19 no.

20 Q Before you were paid to serve as an expert in

21 this case, had you ever read the Casebolt reference?

22 A Again, I've looked at a lot of different

23 documents. I can't remember specifically on that one,

24 either.

25 Q Before you were paid to serve as an expert in

Page 11

1 this case, had you ever read the Cypress reference?

2 A Again, I can't say yes or no if I have. I can't

3 remember.

4 Q Before you were paid to serve as an expert in

5 this case, had you ever read the Kerai reference?

6 A That references the same thing. I've looked at

7 a lot of different references. I can't remember

8 specifically if I had or not.

9 Q Tell me the process that went into drafting your

10 expert report.

11 A Well, what I did was I certainly read the

12 patent, the '550 patent, the one that we're dealing with

13 here, to understand what was involved there. And I

14 looked at references and I researched some references

15 and put together some ideas, and then provided that in

16 my declaration.

17 Q Did you write your declaration?

18 A The declaration was produced as sort of a back

19 and forth type of development.

20 Q Who wrote the first draft of your declaration?

21 A I can't remember. I think I did some outlining

22 on that. I know originally that outline was probably

23 part of the original draft of the declaration, the

24 initial draft of the declaration. Again, it was a back

25 and forth type.

Page 12

1 Q Was the POPR prepared -- Strike that.

2 Was the petition prepared before the

3 declaration or after the declaration?

4 A I don't know.

5 Q Did you read the petition?

6 A I think at some point afterwards I did in my

7 preparation. I mostly focused on my declaration.

8 Q You spoke about the '550 patent. You read the

9 '550 patent, fair?

10 A Yes, I have.

11 Q How many times have you read it?

12 A I don't remember how many times I've read it.

13 Q Now, you understand that the '550 patent has its

14 source in research at BlackBerry which used to be known

15 as Research In Motion, correct?

16 A I'm sorry, could you repeat that question. I

17 didn't hear the first part of it.

18 Q The '550 patent has its source in research at

19 BlackBerry or Research In Motion, correct?

20 A I think I remember seeing it on the patent, yes.

21 Q And you were in the field at the time of the

22 patent, correct?

23 A Sure, absolutely.

24 Q And so you were familiar with the introduction

25 of BlackBerry phones that used USB charging, fair?

Page 13

1 A Certainly as a person of ordinary skill in the

2 art, yes.

3 Q The answer to my question is yes, correct?

4 A I'm familiar with the BlackBerry phones, yes.

5 Q And the Quark phones were the first phones that

6 had USB charging, correct?

7 A What type of phones did you say?

8 Q Quark?

9 A I don't remember specifically.

10 Q Before BlackBerry -- You understand that

11 BlackBerry did introduce USB charging in their phones,

12 correct?

13 A I remember some of that, but I don't remember

14 specifically what the details were.

15 Q Do you know who was the first company to

16 introduce USB charging in their phones?

17 A I can't remember specifically. Of course, I

18 know what the prior art indicates as far as what

19 technology was there and how that type of charging

20 worked.

21 Q I'm sorry, I don't think you answered my

22 question.

23 Do you know, yes or no, who was the first

24 company that introduced USB charging?

25 MR. McMAHON: Objection as to form.

Page 14

1 MR. SHEASBY: Q In phones?
 2 A Well, certainly -- I don't remember specifically
 3 which phones those were or which companies that would
 4 provide an actual USB charging that complied with the
 5 standard. I don't remember specifically which ones.
 6 Q **Have you ever worked in mobile phone space?**
 7 A Absolutely I have.
 8 Q **When have you worked in the mobile phone space?**
 9 A I've worked in that space since I think about
 10 the time frame -- I would say the '90s, 1990s.
 11 Q **When exactly?**
 12 A I know for sure at Monarch Marking Systems, and
 13 I started there in 1996.
 14 By working in the mobile phone space, I guess,
 15 what are you referring to as working? Do you mean
 16 designing or using the phones?
 17 Q **Well, let's do it in pieces. Have you ever**
 18 **designed a mobile phone that uses USB charging?**
 19 A No, I don't think I've designed a mobile phone
 20 that uses USB charging.
 21 Q **Let me ask the next question, then.**
 22 **Have you ever designed a tablet that uses USB**
 23 **charging?**
 24 A Not necessarily specifically a tablet. I worked
 25 with other devices.

Page 15

1 Q **Have you ever designed a device that uses USB**
 2 **charging?**
 3 A I've designed devices that do implement the USB
 4 specification which would include the charging aspects
 5 of USB.
 6 Q **What USB specification did they implement?**
 7 A I'm trying to remember. This would have been
 8 about ten years ago. I don't remember specifically
 9 which version of that was, but it was roughly ten years
 10 ago.
 11 Q **So about 2007, fair?**
 12 A Roughly.
 13 Q **So in 2007 you designed a device that used the**
 14 **USB specification for charging, fair?**
 15 A It certainly used a phone that had USB charging,
 16 and we took advantage of that for the application.
 17 Q **What was the phone you designed?**
 18 A This was an application that dealt with
 19 monitoring of concrete trucks coming into a facility
 20 where they would be getting their supplies. You know,
 21 their cement would be put in the truck. As they drove
 22 in, there was a mobile phone involved that had USB
 23 charging that we took advantage of that would be
 24 charging the device.
 25 Q **Was it a mobile phone that you designed?**

Page 16

1 A It's a mobile phone that we used in the
 2 application.
 3 Q **Who made the mobile phone?**
 4 A I can't remember specifically. We used several
 5 different types of mobile phones.
 6 Q **Did you design the USB charging for that mobile**
 7 **phone or was it off the shelf?**
 8 A Do you mean the charging within the phone or do
 9 you mean the system that charged it? I'm trying to
 10 understand your question.
 11 Q **Well, let's start, did you design the USB**
 12 **charging system within the phone itself?**
 13 A For that particular phone, the charging was
 14 already part of the specification, so the phone
 15 implemented that.
 16 I designed the part around that that would
 17 supply that power to that phone.
 18 Q **So you designed a power supply for a mobile**
 19 **phone in 2007, fair?**
 20 A That's fair to say.
 21 Q **Okay. What was that power supply that you**
 22 **designed, how did it work?**
 23 A Well, the power supply provided the power to
 24 meet the USB specification. This was a USB-specified
 25 phone or a USB-compliant phone, so it --

Page 17

1 Q **How did it supply that power?**
 2 A It provided the power to the phone as necessary
 3 as the phone needed.
 4 Q **Through a USB connection?**
 5 A It went through a USB connection, yes.
 6 Q **Where did the power come from?**
 7 A The power came from the truck battery in one
 8 situation.
 9 There is another element of this it would be
 10 done in the control room, and it came from an AC outlet
 11 that was converted to the power that was needed to drive
 12 the phone or to supply power to the phone.
 13 Q **And you don't remember what USB specification**
 14 **was employed with that, correct?**
 15 A I don't remember specifically -- I don't
 16 remember the specification that was specifically used
 17 for that.
 18 Q **How many volts did --**
 19 MR. McMAHON: Objection. Jason, let's let Mr. Geier
 20 finish his answer, please.
 21 MR. SHEASBY: Q How many volts did it supply?
 22 A For this particular application was a
 23 USB-specified application, I believe it supplied 5
 24 volts.
 25 Q **And how much current did it supply?**

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