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Easttom - 1-10-2019

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

APPLE INC.,

Petitioner,

v.

UNILOC LUXEMBOURG S.A.,

Patent Owner.

Case IPR2018-00361

Patent 6,216,158

DEPOSITION OF

WILLIAM C. EASTTOM

Rockwall, Texas

Thursday, January 10th, 2019

Reported by:

Daniel J. Skur, Notary Public and CSR

Job No. 153396

1 Easttom - 1-10-2019
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January 10th, 2019
8:57 a.m. - 10:54 a.m.

Deposition of WILLIAM C. EASTTOM,
held at the SpringHill Suites by Marriott,
2601 Lakefront Trail, Rockwall, Texas,
before Daniel J. Skur, Notary Public and
Certified Shorthand Reporter in and for the
State of Texas.

1 Easttom - 1-10-2019
2 A P P E A R A N C E S :
3 Haynes and Boone
4 Attorney(s) for Petitioner
5 2323 Victory Avenue
6 Dallas, Texas 75219
7 BY: Jamie McDole, Esq.
8 Scott Jarratt, Esq.
9 Samuel Drezdzon, Esq.

10 Etheridge Law Group
11 Attorney(s) for Patent Owner
12 2600 East Southlake Boulevard
13 Southlake, Texas 76092

14 BY: Brett Mangrum, Esq.

15 ALSO PRESENT:

16 Mr. Mack Spurlock, Videographer
17
18
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2 IT IS HEREBY STIPULATED AND AGREED
3 by and between the attorneys for the respective
4 parties herein, that filing and sealing be and
5 the same are hereby waived.

6 IT IS FURTHER STIPULATED AND AGREED
7 that all objections, except as to the form of
8 the question, shall be reserved to the
9 time of the trial.

10 IT IS FURTHER STIPULATED AND AGREED
11 that the within deposition may be sworn to and
12 signed before any officer authorized to
13 administer an oath, with the same force and
14 effect as if signed and sworn to before the
15 Court.

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1 Easttom - 1-10-2019
2 P R O C E E D I N G S
3 V I D E O G R A P H E R : This starts media
4 labeled number 1 in the video deposition of
5 William C. Easttom, in the matter of Apple,
6 Inc. versus Uniloc Luxembourg, in the
7 United States Patent Trademark Office, Case
8 Number IPR 2018-0036.

9 The deposition is being held at 2601
10 Lake Front Trail, Rockwall, Texas, on
11 January 10th, 2019, at approximately
12 8:58 a.m.

13 My name is Mack Spurlock. I'm a
14 Legal Video Specialist with TSG Reporting,
15 headquartered at 747 Third Avenue, New
16 York, New York. The court reporter is Dan
17 Skur in association with TSG Reporting.

18 Will counsel please introduce
19 yourselves, after which will the court
20 reporter please swear in the witness.

21 MR. MCDOLE: Jamie McDole, from
22 Haynes and Boone, representing petitioner.

23 MR. MANGRUM: Brett Mangrum, from
24 the Ethridge Law Group, representing Uniloc
25 USA 2017, the patent owner.

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 2 WILLIAM C. EASTTOM,
 3 having been duly sworn, testified as follows:
 4 (8:58 a.m.)

EXAMINATION

BY MR. MCDOLE:

7 Q. Dr. Easttom, thank you for appearing
 8 for the deposition today.

9 Do you understand that you're
 10 appearing for a deposition in the IPR relating
 11 to U.S. patent number 6,216,158?

A. Yes.

13 Q. And did you submit a declaration in
 14 the IPR relating to U.S. patent number
 15 6,216,158?

A. Yes.

17 Q. And is it okay if we refer to U.S.
 18 patent number 6,216,158 as the '158 patent?

A. Certainly.

20 Q. Okay. I'm going to hand you a
 21 document that I believe has been previously
 22 marked as Exhibit 2001.

(Exhibit 2001 introduced.)

BY MR. MCDOLE:

24 Q. Here you go. Would you please let
 25

1 Easttom - 1-10-2019
 2 me know if the document that I've handed you
 3 entitled Declaration of William C. Easttom II
 4 is the Declaration you've submitted in the IPR
 5 relating to the '158 patent?

A. It appears to be.

7 Q. Okay. And if I could have you turn
 8 to the final page of the Declaration, prior to
 9 your CV.

10 And if you could please let me know
 11 if -- and just after paragraph 95 of your
 12 Declaration, previously marked as Exhibit 2001,
 13 whether that is your signature next to dated
 14 April 13th, 2018?

A. Yes, it is.

16 Q. And did you sign Exhibit 2001, the
 17 Declaration of William C. Easttom II, on or
 18 about April 13th, 2018?

A. On or about, yes.

20 Q. Okay. Dr. Easttom, were you a
 21 doctor or did you have a Ph.D. when you signed
 22 the Declaration, Exhibit 2001?

23 A. No, I had not yet defended my
 24 dissertation.

25 Q. Is -- so as of today, you have not

1 Easttom - 1-10-2019
 2 defended your dissertation?

3 A. No, when I signed this, I had not
 4 yet defended my dissertation.

5 Q. Okay. So as of today, you have
 6 defended your dissertation though?

A. Yes, about three months ago.

8 Q. Okay. Dr. Easttom, you've had your
 9 deposition taken before, correct?

A. Yes.

11 Q. Go over a few of the groundrules
 12 that I'm sure you're familiar with.

13 If I ask you a question today that
 14 you don't understand, will you agree to let me
 15 know?

A. Yes.

17 Q. And if you let me know that you
 18 don't understand a question, I will try to
 19 clarify the question or ask a different
 20 question to get around why you may not
 21 understand it.

Does that sound fair?

A. Yes.

24 Q. Okay. And if at any point today you
 25 need a break, just let me know. I'll try to

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 2 take breaks every hour.

Does that sound fair?

A. Yes.

5 Q. All right. Is it okay if we refer
 6 to the Declaration of William C. Easttom II as
 7 your Declaration? Will you understand that
 8 that's referring to the document I've handed
 9 you, which has been previously marked as
 10 Exhibit 2001?

A. Yes.

12 Q. Okay. How many times have you been
 13 engaged as an expert for Uniloc?

14 A. I don't know. It's been quite a few
 15 times.

16 Q. Okay. Have you been engaged as an
 17 expert for Uniloc in both litigations and inter
 18 partes reviews?

A. Yes.

20 Q. Approximately how many patents have
 21 you opined on on behalf of Uniloc?

A. In both IPRs and litigation?

Q. Yes.

24 A. I would have to take a best guess.
 25 Somewhere in the neighborhood of 10 to 15.

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2 Q. Okay. Of those 10 to 15 patents on
3 which you have been engaged as an expert for
4 Uniloc, how many of the claims of those 10 to
5 15 patents have you determined were invalid?

6 A. I've never been asked to determine
7 the validity or invalidity of any claims.

8 Q. Okay. Have you ever been asked to
9 determine whether a claim is valid?

10 A. Well, I've been asked to prepare a
11 validity report recently in another case.

12 Q. Okay. In IPRs, have you been asked
13 to determine whether a patent is valid?

14 A. I don't believe that's my role in
15 the IPR. I believe that's the patent board's
16 role.

17 Q. Okay. And what do you believe your
18 role is in an IPR?

19 A. To examine the claims of the
20 petition, the assertions in the petition from a
21 scientific and independent point of view, and
22 to form my opinions and responses to those
23 assertions made in the petition.

24 Q. Okay. And do any of those opinions
25 relate to the validity of Uniloc patents?

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2 A. Well, again, whether it's valid or
3 not is an issue for the patent board. That's
4 not for me to decide. I -- I don't really have
5 any role in deciding if it's valid or not.

6 Q. Okay. Do you offer any opinions or
7 conclusions as to whether any of Uniloc patents
8 are valid or invalid?

9 A. Well, as I just said, that's up to
10 the patent board. I offer the opinions
11 reflected in my Declaration, which in this case
12 are in regards to the assertions made in the
13 petition.

14 Q. Okay. And do you come to
15 conclusions in your role as to whether a patent
16 is valid or invalid in your opinion?

17 A. Any conclusions I come to are
18 contained within declarations or reports.
19 Beyond that, I have no conclusions.

20 Q. Okay. And have you ever come to a
21 conclusion on behalf of Uniloc as to whether
22 any of their patents' claims are valid or
23 invalid?

24 MR. MANGRUM: Objection, relevance,
25 and form.

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2 A. Well, I think we're getting into an
3 area of attorney-client privilege, because I've
4 worked for Uniloc on several occasions, and in
5 some cases, I have told them I did not agree
6 with their position and they didn't move
7 forward with me. But beyond that, I can't give
8 any details.

9 BY MR. MCDOLE:

10 Q. Okay. When were you first contacted
11 for the engagement on which you've offered
12 opinions on the '158 patent?

13 A. I really don't know. But given that
14 the Declaration was in April, I would assume a
15 few months prior to that.

16 Q. Okay. How many depositions have you
17 given relating to your opinions for Uniloc?

18 A. I've never broken it down by
19 particular client or case. I've testified -- I
20 believe this will be my 44th time --

21 Q. Uh-huh.

22 A. -- of all my testimonies, both trial
23 and deposition. I don't know immediately how
24 many of those were Uniloc, how many of those
25 were other people, and how many were IPRs, how

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2 many were not.

3 Q. Okay. All right. Dr. Easttom, you
4 received a BA from Southeastern Oklahoma in
5 1998, correct?

6 A. That is correct.

7 Q. And the BA you received in 1998 was
8 in communications?

9 A. That's correct.

10 Q. Now, that's not networking, correct?
11 That's a general communications degree?

12 A. Sort of. That's what the degree
13 was. I focused a lot on radio communication,
14 things of that nature. I also took a great
15 many computer classes, just didn't bother to
16 major in it. And also by that time, I had
17 already worked in the IT industry for quite a
18 few years.

19 Q. Okay. The BA you received in 1998
20 was not a technical degree, was it?

21 A. No.

22 Q. Okay. You did not receive any
23 technical degree from Southeastern Oklahoma,
24 correct?

25 A. Not a technical degree, but a great

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2 many technical and scientific courses, yes.

3 Q. Okay. And those, what you call
4 "great number of technical and scientific
5 courses," did not earn you a degree at
6 Southeastern Oklahoma, a technical degree, did
7 it?

8 MR. MANGRUM: Objection, form.

9 A. No. I had this habit of being
10 interested in everything and taking a huge
11 number of courses outside the main scope of the
12 degree.

13 BY MR. MCDOLE:

14 Q. Okay. You did not receive a
15 computer science or electrical engineering
16 degree from Southeastern Oklahoma, did you?

17 A. No.

18 Q. Okay. You received a Master's of
19 Education from Southeastern Oklahoma in 2000,
20 correct?

21 A. That's correct.

22 Q. And that Master's of Education was
23 not a technical degree either, was it?

24 A. No.

25 Q. Okay. And that Master's of

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2 Education was not a computer science or
3 electrical engineering degree, was it?

4 A. No.

5 Q. Okay. Now, your next degree was an
6 MBA from North Central University, correct?

7 A. That's correct.

8 Q. And the MBA degree was an online
9 course?

10 A. Yes, it was distance learning.

11 Q. Okay. And the MBA degree is not a
12 technical degree either, is it?

13 A. In this case, that's not correct.

14 It was applied computer science, literally. I
15 only took two business classes. Everything
16 else was graduate level computer science
17 courses, including advanced courses in
18 networking, programming, artificial
19 intelligence, database management, things of
20 that nature.

21 Q. So MBA is Master's in Business
22 Association, correct?

23 A. Actually, it's Master's in Business
24 Administration.

25 Q. Okay. Is your Master's in Business

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2 Administration considered a technical degree?

3 A. Yes. In fact, the degree literally
4 says "Master's of Business Administration in
5 Applied Computer Science."

6 The MBA is simply because the school
7 that offered the program was the School of
8 Business.

9 Q. Okay. So the School of Business at
10 North Central University provided you a
11 technical degree?

12 A. At that time, that's where they
13 offered their computer science program. Now,
14 I've been told that they've since split the
15 computer science off into its own separate
16 school. But at that time, that's how it was
17 done.

18 Q. Okay. And the degree you received
19 as an MBA at North Central University was -- or
20 you graduated in 2011?

21 A. That's correct.

22 Q. Okay. Now, you also received a
23 degree from Capital Technology University; is
24 that correct?

25 A. That is correct.

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2 Q. Was that an online course?

3 A. No. There was some parts of it done
4 by distance learning, some parts done in
5 in-person residencies --

6 Q. Uh-huh.

7 A. -- and, of course, the college
8 itself has a number of completely on-campus
9 programs, dormitories. It's a traditional
10 university. They just allow you to take some
11 degrees or portions of some degrees by distance
12 learning.

13 Q. Okay. And was your focus at Capital
14 Technology University on cyber security?

15 A. Yes.

16 Q. Okay. And your dissertation was on
17 post quantum cryptography?

18 A. Specifically, it was a comparative
19 study of lattice-based algorithms for use in
20 post quantum cryptography.

21 Q. Okay. And what date did you receive
22 your Ph.D. from Capital Technology University?

23 A. Well, first, it's actually a doctor
24 of science as opposed to a doctor of
25 philosophy. So it's a DSc.

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