

**In The Matter Of:**  
*Uniloc USA, Inc., et al. v.*  
*Apple, Inc.*

---

*Theresa Lanowitz*  
*August 29, 2018*  
*Video Deposition*

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1 UNITED STATES DISTRICT COURT  
 2 NORTHERN DISTRICT OF CALIFORNIA  
 3 SAN FRANCISCO DIVISION  
 4  
 5 UNILOC USA, INC., and Case No.: 3:18-cv-00360-WHA  
 6 UNILOC LUXEMBOURG, S.A., Case No.: 3:18-cv-00363-WHA  
 7 Plaintiffs, Case No.: 3:18-cv-00365-WHA  
 8 v. Case No.: 3:18-cv-00572-WHA  
 9 APPLE INC.,  
 10 Defendants.  
 11  
 12 VIDEOTAPED DEPOSITION OF THERESA LANOWITZ  
 13 Taken in behalf of the Plaintiffs  
 14 August 29, 2018  
 15 (Pages 76 through 267 videotaped)  
 16 \* \* \*  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24

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1 BE IT REMEMBERED THAT, pursuant to Federal  
 2 Rules of Civil Procedure, the deposition of THERESA  
 3 LANOWITZ was taken before Julie A. Walter,  
 4 CSR No. 90-0173 on August 29, 2018, commencing at  
 5 the hour of 9:01 a.m., the proceedings being  
 6 reported in the offices of Beovich Walter & Friend,  
 7 1001 SW Fifth Avenue, Suite 1200, Portland, Oregon.  
 8 \* \* \*  
 9 APPEARANCES  
 10 PRINCE LOBEL TYE LLP  
 11 One International Place, Suite 3700  
 12 Boston, Massachusetts 02110  
 13 617 456 8087  
 14 By Tyrus Cartwright  
 15 Counsel for the Plaintiffs Uniloc  
 16  
 17 GOLDMAN ISMAIL TOMASELLI BRENNAN & BAUM, LLP  
 18 564 West Randolph Street, Suite 400  
 19 Chicago, Illinois 60661  
 20 312 681 6000  
 21 By Mr. Doug Winnard  
 22 Counsel for Defendant Apple, Inc.  
 23  
 24

Page 3

1 ORACLE  
 2 475 Sansome Street, 12th Floor  
 3 San Francisco, California 94111  
 4 415 402 7256  
 5 By Mr. Andrew Temkin, Senior Corporate Counsel  
 6 Counsel for the Deponent  
 7  
 8 Also Present: Mick Irwin - Videographer  
 9  
 10  
 11  
 12  
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15	returned to Attorney Cartwright.	
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1 THERESA LANOWITZ,  
 2 having first been sworn, testified under oath as  
 3 follows:  
 4  
 5 **EXAMINATION**  
 6 **BY MR. CARTWRIGHT:**  
 7 Q. Good morning, Ms. Lanowitz.  
 8 A. **Good morning.**  
 9 Q. My name is Tyrus Cartwright on behalf of the Uniloc  
 10 plaintiffs for Prince Lobel Tye.  
 11 **MR. TEMKIN:** Andrew Temkin on behalf of Oracle  
 12 America, which is the successor in interest to Sun  
 13 Microsystems and on behalf of the witness.  
 14 **MR. WINNARD:** Doug Winnard of Goldman Ismail  
 15 Tomaselli Brennan & Baum on behalf of defendant  
 16 Apple, Inc.  
 17 Q. BY MR. CARTWRIGHT: So let me just -- I'm just  
 18 going to start off with a little bit of ground  
 19 rules. If I ask questions and if you don't  
 20 understand, just please let me know, otherwise I  
 21 have to assume that you understand my question.  
 22 Please do not talk during the questions and I  
 23 will try not to talk before you are finished and so  
 24 forth. And if your counsel objects, you can let

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1 them object but if they don't instruct you to not  
 2 answer the question, please try to answer the  
 3 question.  
 4 For the record, what is your name?  
 5 A. **My name is Theresa Lanowitz.**  
 6 Q. Who is your current employer?  
 7 A. **I am currently employed by voke, V-O-K-E.**  
 8 Q. How long have you been employed with them?  
 9 A. **Since 2006.**  
 10 Q. And what is your title at your employer?  
 11 A. **I'm CEO and founder.**  
 12 Q. Describe your responsibilities at voke?  
 13 A. **At voke we're an independent industry analyst firm,**  
 14 **and what we do is we provide research, public**  
 15 **speaking, and advisory services to our clients.**  
 16 Q. Can you please describe your educational  
 17 background?  
 18 A. **Yes. I have a bachelors in computer science from**  
 19 **the University of Pittsburgh.**  
 20 Q. Did you pursue any post -- post undergraduate  
 21 degrees?  
 22 A. **Post undergraduate, meaning?**  
 23 Q. After under -- after University of Pittsburgh?  
 24 A. **So postgraduate?**

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1 Q. Yes.  
 2 A. **I have taken several German classes at Portland**  
 3 **Community College and a couple of German classes in**  
 4 **Southern California, but no other formal**  
 5 **postgraduate work.**  
 6 Q. Okay. Have you ever been deposed before?  
 7 A. **No, I have not.**  
 8 Q. Have you ever testified at trial before?  
 9 A. **No, I have not.**  
 10 Q. Have you ever signed and submitted a declaration  
 11 for a case before in addition to this case, or  
 12 outside of this case?  
 13 A. **This is the first one.**  
 14 Q. Okay. When did you first learn about the Uniloc  
 15 versus Apple litigation?  
 16 A. **Mr. Winnard contacted me by voicemail in the middle**  
 17 **of July and left me a voice mail message and I**  
 18 **phoned him back and that's when I learned about it.**  
 19 Q. You said middle of July?  
 20 A. **Yes.**  
 21 Q. That's 2018?  
 22 A. **2018, yes.**  
 23 Q. What did you discuss when you spoke to Mr. Winnard?  
 24 A. **The first, very first question he asked me was if**

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1 anybody else had contacted me about this case, and  
 2 I answered no. So he asked me if I had worked at  
 3 Sun Microsystems on the Jini project. I answered  
 4 yes. And he just asked me a little bit about what  
 5 I did at Sun Microsystems on the Jini project, and  
 6 we talked about what Jini did and what the vision  
 7 for Jini was.  
 8 Q. How long was the conversation, generally?  
 9 A. **The first conversation was probably about a half an**  
 10 **hour, 45 minutes or so.**  
 11 Q. Did you have any follow-up conversations with  
 12 Mr. Winnard since then?  
 13 A. **Yes. We had one follow-up phone conversation about**  
 14 **Jini, and then Mr. Winnard came to Portland,**  
 15 **Oregon, July 19th, 2018, and we created the**  
 16 **declaration that is submitted.**  
 17 Q. On the follow-up call, what did you discuss that  
 18 was different from the first phone call?  
 19 A. **We talked more about the details of Jini, some of**  
 20 **the details of what I had done. On the previous**  
 21 **call I had mentioned that in my current position I**  
 22 **was presenting some information about the Internet**  
 23 **of Things to some of my clients and Jini was really**  
 24 **perceived to be the precursor to the current**

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1 **Internet of Things or IoT.**  
 2 **So I had mentioned that I had some materials**  
 3 **that we had created at Jini, some marketing**  
 4 **materials for the Jini project, and then I had put**  
 5 **them into a presentation I was currently giving.**  
 6 **So I sent them to him and on the subsequent call we**  
 7 **talked about the materials and some of the things**  
 8 **that I had spoken about in my presentation.**  
 9 Q. Were those marketing materials disclosed in this  
 10 case or did you cite to those marketing materials  
 11 in your declaration?  
 12 A. **I don't believe those marketing materials were**  
 13 **cited in my -- well, they were. The marketing**  
 14 **materials were cited in my declaration because in**  
 15 **the declaration we talked about the use cases and**  
 16 **those marketing materials specifically referenced**  
 17 **the use cases.**  
 18 Q. Okay. Who prepared the exhibit that was submitted  
 19 for -- as your declaration? Who submit -- who  
 20 prepared the declaration that you signed and  
 21 submitted?  
 22 A. **Mr. Winnard created the declaration. We were doing**  
 23 **it realtime. He was sitting at his computer across**  
 24 **from me and asking me questions. And as I answered**

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1 **the questions, he took notes, and then would**  
 2 **prepare part of the declaration. And as he was**  
 3 **preparing sections of the declaration, he would let**  
 4 **me take a look at it, review it. And if there was**  
 5 **anything that was inaccurate, misspelled,**  
 6 **punctuation issues, grammar issues, we corrected it**  
 7 **realtime.**  
 8 Q. Were there multiple drafts of the declaration or  
 9 was it just that one declaration?  
 10 A. **It was that one declaration.**  
 11 Q. So you reviewed it in realtime?  
 12 A. **Yes.**  
 13 Q. And then signed it and it was complete after that?  
 14 A. **Yes.**  
 15 Q. Did Mr. Winnard provide you any documents during  
 16 this process of preparing the declaration?  
 17 A. **I believe he had a copy of some magazine articles**  
 18 **that he had found during his research on Jini, and**  
 19 **he showed me some of the magazine articles, and we**  
 20 **reviewed some of the magazine articles.**  
 21 Q. Do you know the publication date of those magazine  
 22 articles, or were you aware of the publication date  
 23 at the time when you were reviewing them?  
 24 A. **Yes.**

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1 Q. Do you recall what those dates were?  
 2 A. **Publication date on those articles was 1998, 1999.**  
 3 Q. Do you know specifically when in 1998 they were  
 4 published?  
 5 A. **I don't know specifically. There are a number of**  
 6 **articles.**  
 7 Q. Are you being paid for your testimony?  
 8 A. **Yes, I am.**  
 9 Q. Who is paying for your testimony?  
 10 A. **Mr. Winnard's law firm. And as I do this**  
 11 **testimony, I'm also deferring other billable work**  
 12 **that I should be doing today.**  
 13 Q. Okay. And how much are you being paid? How much  
 14 have you been paid so far for your work on this  
 15 case?  
 16 A. **So can you -- how much am I being paid or how much**  
 17 **have I been paid?**  
 18 Q. How much have you been paid and how much do you  
 19 expect to be paid by the end of today's deposition?  
 20 A. **Okay.**  
 21 **MR. TEMKIN: Objection. Form of the question.**  
 22 **You can answer.**  
 23 Q. **BY MR. CARTWRIGHT: You can answer.**  
 24 A. **I can answer, okay.**

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1       **So I am being paid \$500 per hour and, to date,**  
2       **my compensation on this case has been approximately**  
3       **\$6400.**  
4 Q. All right. So we're going to move into the  
5       declaration. I'm going to offer Exhibit P from  
6       case number 3:18-CV-00365-WHA, Exhibit P, that was  
7       filed on August 9, 2018.  
8       Here is a copy of the declaration.  
9       What was your employment prior to joining Sun  
10      in December 1997?  
11 A. **Prior to joining Sun in December of 1997, I was**  
12      **working at Borland International Software Company.**  
13 Q. And what was your job -- what was your title at  
14      Borland?  
15 A. **My title at Borland was product line manager.**  
16 Q. And what were your responsibilities?  
17 A. **My responsibilities at Borland in that particular**  
18      **capacity was I was the product manager for J**  
19      **Builder, which was a Java development environment**  
20      **built by Borland. I also managed several other**  
21      **people who were product managers and product**  
22      **marketing managers on other products.**  
23 Q. When you joined Sun Microsystems in December 1997  
24      as the marketing strategist for Jini and only

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1       worked on until July 1999 when your employment  
2       ended. Correct?  
3 A. **Yes, that's correct.**  
4 Q. What were your responsibilities as a marketing  
5       strategist or strategist?  
6 A. **So at Sun, as a marketing strategist on the Jini**  
7      **project, I was responsible for creating marketing**  
8      **assets that we would give to clients, to press, to**  
9      **partners, coming up with use case scenarios about**  
10     **how the Jini technology would be used, meeting with**  
11     **customers, partners, press, and so on, and just**  
12     **generally helping with the positioning and the**  
13     **messaging of the Jini project.**  
14 Q. Were you ever asked to sign a nondisclosure  
15      agreement as part of your employment with Sun?  
16 A. **I do not recall.**  
17 Q. Do you recall if you actually signed one, a  
18      nondisclosure agreement?  
19      **MR. TEMKIN:** Objection. Form.  
20      You can answer.  
21      **THE WITNESS:** With Sun?  
22 Q. **BY MR. CARTWRIGHT:** Yes.  
23 A. **I don't recall if I signed a nondisclosure with**  
24      **Sun.**

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1 Q. Did you ever work on the design of Jini?  
2 A. **I did not work on the design. I worked on the use**  
3      **cases. The engineers and the architects typically**  
4      **worked on the design.**  
5 Q. And did you ever work on the functionalities of  
6      Jini? So, for example, you said you worked on the  
7      use cases, but did you contribute to any of the  
8      functionalities that were projected to be used in  
9      Jini?  
10 A. **So when you say "functionalities," are you**  
11      **suggesting the source code, so would I be the**  
12      **person writing the source code, is that what you**  
13      **are asking?**  
14 Q. No, not necessarily, just how Jini functions. So  
15      if Jini functions a certain way, did you contribute  
16      to any ideas that were built into the Jini platform  
17      or the Jini software?  
18 A. **Yes, I contributed ideas, but I did not write the**  
19      **source code.**  
20 Q. Okay. Were you ever invited to any of the design  
21      meetings for Jini?  
22 A. **Yes.**  
23 Q. Can you please describe those -- the format of  
24      those design meetings, like what was discussed and

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1       how those conversations ended up being applied to  
2       Jini?  
3 A. **Sure. We had several types of design meetings.**  
4      **Some design meetings were for the engineers, the**  
5      **people who were actually writing the source code to**  
6      **get together and talk about architectural**  
7      **structures of how Jini would be built, and**  
8      **sometimes we sat in on those as marketing people.**  
9      **The other types of things, the other types of**  
10     **design meetings, they were brainstorming meetings**  
11     **where we would get together and brainstorm use**  
12     **cases for Jini saying, How could Jini be used in**  
13     **the home? How could Jini be used in the office?**  
14     **How could Jini be used in the car of the future?**  
15     **So we had a lot of just different brainstorming**  
16     **scenarios where we would just come together and**  
17     **figure out different ways that Jini could possibly**  
18     **be used so that we could go out and talk to**  
19     **our -- our partners, our prospects, our clients**  
20     **about how we felt Jini would be used.**  
21 Q. Okay. And you did not write any of the source code  
22      for Jini. Correct?  
23 A. **I did not write any of the source code.**  
24 Q. Did you ever view any of the source code for Jini?

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