Easttom - 1-10-2019

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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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

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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.

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A P P E A R A N C E S:

Haynes and Boone
Attorney(s) for Petitioner
2323 Victory Avenue
Dallas, Texas 75219
BY: Jamie McDole, Esq.
Scott Jarratt, Esq.
Samuel Drezdzon, Esq.

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

BY: Brett Mangrum, Esq.

ALSO PRESENT:

Mr. Mack Spurlock, Videographer

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IT IS HEREBY STIPULATED AND AGREED by and between the attorneys for the respective parties herein, that filing and sealing be and the same are hereby waived.

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

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

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P R O C E E D I N G S

VIDEOGRAPHER: This starts media labeled number 1 in the video deposition of William C. Easttom, in the matter of Apple, Inc. versus Uniloc Luxembourg, in the United States Patent Trademark Office, Case Number IPR 2018-0036.

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

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

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

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

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

WILLIAM C. EASTTOM,
having been duly sworn, testified as follows:
(8:58 a.m.)
EXAMINATION
BY MR. MCDOLE:

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

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

A. Yes.

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

A. Yes.

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

A. Certainly.

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

(Exhibit 2001 introduced.)

BY MR. MCDOLE:

Q. Here you go. Would you please let

me know if the document that I've handed you entitled Declaration of William C. Easttom II is the Declaration you've submitted in the IPR relating to the '158 patent?

A. It appears to be.

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

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

A. Yes, it is.

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

A. On or about, yes.

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

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

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

defended your dissertation?

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

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

A. Yes, about three months ago.

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

A. Yes.

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

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

A. Yes.

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

Does that sound fair?

A. Yes.

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

take breaks every hour.

Does that sound fair?

A. Yes.

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

A. Yes.

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

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

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

A. Yes.

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

A. In both IPRs and litigation?

Q. Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MR. MANGRUM: Objection, relevance, and form.

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

BY MR. MCDOLE:

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

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

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

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

Q. Uh-huh.

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

many were not.

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

A. That is correct.

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

A. That's correct.

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

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

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

A. No.

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

A. Not a technical degree, but a great

many technical and scientific courses, yes.
Q. Okay. And those, what you call "great number of technical and scientific courses," did not earn you a degree at Southeastern Oklahoma, a technical degree, did it?
MR. MANGRUM: Objection, form.
A. No. I had this habit of being interested in everything and taking a huge number of courses outside the main scope of the degree.
BY MR. MCDOLE:
Q. Okay. You did not receive a computer science or electrical engineering degree from Southeastern Oklahoma, did you?
A. No.
Q. Okay. You received a Master's of Education from Southeastern Oklahoma in 2000, correct?
A. That's correct.
Q. And that Master's of Education was not a technical degree either, was it?
A. No.
Q. Okay. And that Master's of

Education was not a computer science or electrical engineering degree, was it?
A. No.
Q. Okay. Now, your next degree was an MBA from North Central University, correct?
A. That's correct.
Q. And the MBA degree was an online course?
A. Yes, it was distance learning.
Q. Okay. And the MBA degree is not a technical degree either, is it?
A. In this case, that's not correct. It was applied computer science, literally. I only took two business classes. Everything else was graduate level computer science courses, including advanced courses in networking, programming, artificial intelligence, database management, things of that nature.
Q. So MBA is Master's in Business Association, correct?
A. Actually, it's Master's in Business Administration.
Q. Okay. Is your Master's in Business

Administration considered a technical degree?
A. Yes. In fact, the degree literally says "Master's of Business Administration in Applied Computer Science."
The MBA is simply because the school that offered the program was the School of Business.
Q. Okay. So the School of Business at North Central University provided you a technical degree?
A. At that time, that's where they offered their computer science program. Now, I've been told that they've since split the computer science off into its own separate school. But at that time, that's how it was done.
Q. Okay. And the degree you received as an MBA at North Central University was -- or you graduated in 2011?
A. That's correct.
Q. Okay. Now, you also received a degree from Capital Technology University; is that correct?
A. That is correct.

Q. Was that an online course?
A. No. There was some parts of it done by distance learning, some parts done in in-person residencies --
Q. Uh-huh.
A. -- and, of course, the college itself has a number of completely on-campus programs, dormitories. It's a traditional university. They just allow you to take some degrees or portions of some degrees by distance learning.
Q. Okay. And was your focus at Capital Technology University on cyber security?
A. Yes.
Q. Okay. And your dissertation was on post quantum cryptography?
A. Specifically, it was a comparative study of lattice-based algorithms for use in post quantum cryptography.
Q. Okay. And what date did you receive your Ph.D. from Capital Technology University?
A. Well, first, it's actually a doctor of science as opposed to a doctor of philosophy. So it's a DSc.

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