

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

2 Case IPR2018-00809, IPR2018-00810,  
IPR2018-0081

3 U.S. Patent No. 9,530,137

U.S. Patent No. 9,100,826

4 - - - - -x

5 APPLE INC.,

6 Petitioner,

7

8 -against-

9

10 UNIVERSAL SECURE REGISTRY, LLC,

11 Patent Owner.

12 - - - - -x

13

14 EXAMINATION BEFORE TRIAL of  
15 VICTOR JOHN SHOUP, taken by Patent Owner,  
16 pursuant to Notice, held at the offices of  
17 Wilmer Hale, 250 Greenwich Street, New York,  
18 New York, commencing at 9:08 a.m. on  
19 December 14, 2018, before Garry J. Torres,  
20 a Court Reporter, and Notary Public of the  
21 State of New York.

22

23

24 Job No. 3174227

25 Pages 1 - 205

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23  
24  
25

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1 this deposition is waived.  
2 IT IS FURTHER STIPULATED, a copy  
3 of this examination shall be furnished to  
4 the attorney for the witness being  
5 examined without charge.  
6 \* \* \*  
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1 STIPULATIONS  
2 IT IS HEREBY STIPULATED, by and  
3 between the attorneys for the respective  
4 parties hereto, that:  
5 All rights provided by the C.P.L.R.,  
6 and Part 221 of the Uniform Rules for the  
7 Conduct of Depositions, including the  
8 right to object to any question, except as  
9 to form, or to move to strike any  
10 testimony at this examination is reserved;  
11 and in addition, the failure to object to  
12 any question or to move to strike any  
13 testimony at this examination shall not be  
14 a bar or waiver to make such motion at and  
15 is reserved to, the trial of this action.  
16 This deposition may be sworn to by the  
17 witness being examined before a Notary  
18 Public other than the Notary Public before  
19 whom this examination was begun but the  
20 failure to do so or to return the original  
21 of this deposition to counsel, shall not  
22 be deemed a waiver of the rights provided  
23 by Rule 3116, C.P.L.R. and shall be  
24 controlled thereby.  
25 The filing of the original of

Page 3

1 VICTOR JOHN SHOUP,  
2 having first been duly sworn by  
3 Garry J. Torres, the Notary  
4 Public, was examined and  
5 testified as follows:  
6 MR. MACK: Good morning, Dr.  
7 Shoup.  
8 THE WITNESS: Good morning.  
9 MR. MACK: Could you please  
10 state your name and home address for  
11 the record?  
12 THE WITNESS: My name is Victor  
13 John Shoup and my address is One  
14 Washington Square Village, Apartment  
15 9N, New York, New York 10012.  
16 MR. MACK: And you've been  
17 deposed before today, correct?  
18 THE WITNESS: No.  
19 MR. MACK: This is your first  
20 deposition?  
21 THE WITNESS: Yes.  
22 MR. MACK: We're run through  
23 some ground briefly since this is your  
24 first deposition.  
25 You understand that you are

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1 under oath to tell the truth today?  
2 THE WITNESS: Yes.  
3 MR. MACK: It's the same oath  
4 you would be under if you were  
5 testifying in a court of law, do you  
6 need that?  
7 THE WITNESS: Yes.  
8 MR. MACK: We have a court  
9 reporter who will be transcribing all  
10 of your answers. So please speak  
11 clearly and slowly for the record and  
12 if you don't understand one of my  
13 questions please ask for  
14 clarification, do you understand that?  
15 THE WITNESS: Okay.  
16 MR. MACK: Because he is  
17 transcribing the answers you'll have  
18 to verbalize all your answers and  
19 refrain from head nods, things like  
20 that; is that understood?  
21 THE WITNESS: Okay.  
22 MR. MACK: If you do answer one  
23 of my questions I'll assume you  
24 understood the question; is that fair.  
25 THE WITNESS: Okay.

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1 MR. MACK: Otherwise, please ask  
2 for clarification.  
3 MR. MACK: Is there anything  
4 that would prevent you from providing  
5 complete and honest testimony today?  
6 Are you on any medication?  
7 THE WITNESS: No. The only  
8 thing I'd like to tell you is I forgot  
9 my reading glasses. So I will be able  
10 to read, but it will look funny  
11 because I'll have to hold the paper  
12 close to my face.  
13 MR. MACK: That's fine.  
14 THE WITNESS: It won't be an  
15 impediment.  
16 MR. MACK: Fortunately there's  
17 no video today.  
18 So from time to time your  
19 attorneys may object to some of my  
20 questions. Please answer my questions  
21 despite any objection unless your  
22 attorney specifically instructs you  
23 not answer, do you understand that?  
24 THE WITNESS: Understood.  
25 EXAMINATION

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1 BY MR. MACK:  
2 MR. MACK: Dr. Shoup, you are  
3 being compensated for your work on  
4 this case; is that correct?  
5 THE WITNESS: I'm paid for my  
6 time on the case, yes.  
7 Q. What is your hourly rate that  
8 you're charging for this case?  
9 A. My rate is \$400 an hour.  
10 Q. Is that your customary hourly  
11 rate?  
12 A. Yes.  
13 Q. You mentioned that you haven't  
14 been deposed before, but you have  
15 performed consulting for intellectual  
16 property matters before, correct?  
17 A. That is correct.  
18 Q. How many different consulting  
19 matters are you currently engaged on?  
20 A. This is the only one right now.  
21 Q. How much money have you  
22 collected to date on this engagement? Why  
23 don't we start with just billed to date.  
24 How much money have you billed to date on  
25 this engagement?

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1 A. I didn't look at my records  
2 before coming today to get an exact  
3 number. I could estimate.  
4 Q. What would that estimate be?  
5 A. I think between 200, 250 hours.  
6 Q. Have you received payment for  
7 all of those hours?  
8 A. All of the invoices I've  
9 submitted have been paid in a timely  
10 manner.  
11 Q. Those hours, would those be the  
12 collective hours for the three matters  
13 that we're discussing today, the  
14 IPR2018-00809 matter, the 810 matter and  
15 the 813 matter?  
16 A. Oh, those are the IPR numbers?  
17 Q. Yes.  
18 A. I see.  
19 Q. The IPRs relating to the 137  
20 patent and the 826 patent.  
21 A. I understand the question. The  
22 number I quoted you before, the estimate I  
23 quoted you was for all the work I've done  
24 on the four patents that I believe USR has  
25 been -- that are under litigation.

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1 Q. When did you begin your  
2 consulting engagement in this matter?  
3 A. The exact date. I don't recall  
4 exactly, but it was -- I was -- started  
5 sometime in late summer or fall of 2017.  
6 Q. Who first contacted you about  
7 this case?  
8 A. It was either Monica or there  
9 was somebody else in the email chain  
10 beforehand who I didn't have much contact  
11 with since. I don't remember her name.  
12 Q. How did Monica obtain your  
13 contact information? Had you worked with  
14 the law firm of Wilmer Hale before?  
15 A. I don't know how she came up  
16 with me contact information.  
17 Q. Are you currently using any  
18 expert referral agencies?  
19 A. Not actively. However, a  
20 colleague of mine Avi Rubin runs a  
21 consulting company and at some point he  
22 may have put my picture and bio on his  
23 website, but honestly as far as know I've  
24 never gotten any bites through that.  
25 Q. What's the name of the

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1 consulting company that Mr. Rubin runs?  
2 A. Honestly, I don't know.  
3 Q. How do you know Mr. Rubin?  
4 A. We worked together at Bellcore  
5 in the 90s.  
6 Q. The compensation that you've  
7 received to date, who has paid that  
8 compensation, from the law firm Wilmer  
9 Hale?  
10 A. Well, I submit my invoices to  
11 Wilmer Hale to Mark Selwin and then at  
12 some later date some money appears in my  
13 bank account and I have to say I -- I  
14 couldn't say with a hundred percent  
15 certainty whose name was on the check so  
16 to speak. I assume it's either Wilmer  
17 Hale or Apple but...  
18 Q. Do you have a formal engagement  
19 agreement with Wilmer Hale or Apple?  
20 A. Yes, I signed an engagement  
21 letter at the beginning of our work  
22 together.  
23 Q. So that would have been sometime  
24 in the late summer or fall of 2017?  
25 A. Yeah, probably more like the

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1 fall of 2017 by the time it happened.  
2 Q. Have you had any contact with  
3 attorneys for Visa or engineers at Visa?  
4 A. No.  
5 Q. Is any of your compensation paid  
6 by Visa?  
7 A. I don't think so, no.  
8 MR. MACK: I'll mark as -- it's  
9 already been marked as Apple 1102.  
10 This is your declaration support of  
11 inter partes review of US patent  
12 9530137 in case IPR2018-00809.  
13 THE WITNESS: Do you mind if I  
14 just label these for my own  
15 convenience?  
16 MR. MACK: Sure.  
17 Q. This is one of the declarations  
18 that you submitted in connection with this  
19 case, correct?  
20 A. That's correct.  
21 Q. When did you begin working on  
22 this declaration?  
23 A. I don't recall the exact date.  
24 Q. Would it have been sometime in  
25 late 2017?

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1 A. Yes.  
2 Q. If you look on page 75 of  
3 Exhibit 1102 that's your signature,  
4 correct?  
5 A. Page 75?  
6 Q. Yes.  
7 A. Yes.  
8 Q. You submitted this declaration  
9 in April 2018, correct?  
10 A. Yes, it's dated April 4, 2018.  
11 Q. Approximately, do you recall how  
12 many hours you spent preparing this  
13 declaration?  
14 A. As I've told you, I've worked at  
15 my best -- I think a fairly accurate  
16 estimate for the total amount of time I've  
17 spent on the four patents is 200 to  
18 250 hours and a lot of that was amortized  
19 over many of the patents because the  
20 specifications in those patents had a lot  
21 of similarities. Some of the prior art  
22 that was used in the analysis was shared  
23 among several of them. So to answer your  
24 question, I think I'd rather just say that  
25 it's roughly 1/4 of the total that I

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1 quoted you for.  
2 Q. Fair enough. And did you  
3 personally draft the entirety of this  
4 declaration exhibit 1102?  
5 A. Well, the steps I took to  
6 prepare the declaration or to first read  
7 and analyze the 137 patent itself and then  
8 to analyze the prior art references and  
9 then after that I organized my thoughts  
10 and constructed the mappings in  
11 collaboration with -- and in consultation  
12 with rather, attorneys from Apple.  
13 Q. So is it fair to say you did not  
14 personally draft the entirety of the  
15 exhibit 1102 the declaration?  
16 A. As I said, I drafted it in  
17 consultation with attorneys from Apple.  
18 We had various discussions back and forth  
19 about what would be the best way for me to  
20 present the language to present my  
21 analysis in a format suitable for a  
22 declaration such as this, but in the end  
23 the final product is my own words.  
24 Q. If you take a look at the table  
25 of contents of exhibit 1102 can you

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1 identify any sections or subsection s that  
2 you personally wrote and input into the  
3 document?  
4 A. Well, like I said, each section  
5 and each paragraph in each section and  
6 each sentence of each section was -- is my  
7 own words.  
8 Q. My question is a little bit  
9 different. Were there any sections of  
10 your declaration exhibit 1102 that you  
11 personally drafted the entirety of and  
12 physically inputted into the computer word  
13 processing application?  
14 A. We did use a word processor and  
15 I think in our discussions in addition to  
16 the telephone discussions I mentioned, the  
17 process was that after I described the map  
18 -- proposed mappings and analysis the  
19 attorneys from Apple would discuss the  
20 best way to present this and then I would  
21 look at a draft that was given to me and  
22 then there would be a back and forth.  
23 So the final product was  
24 really -- I mean, I don't think so it's  
25 fair to say the document was written from

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1 beginning to end by someone typing. The  
2 document was written after thorough  
3 analysis by me and then even if I didn't  
4 physically input the characters into the  
5 word processor I did review and  
6 interactively refine the finished product.  
7 Q. And you mentioned proposed  
8 mappings, would those be proposed mappings  
9 between the claim language and the prior  
10 art?  
11 A. Yes, when I'm referring to  
12 mappings that's what I'm referring to.  
13 Q. Did you personally come up with  
14 any of the mappings that are described in  
15 your declaration exhibit 1102?  
16 MS. GREWAL: Objection.  
17 A. As I said, there were a number  
18 of lengthy conversations and brain storm  
19 sessions where we would discuss various  
20 mappings. I don't recall who proposed  
21 what mappings. It was a very interactive  
22 process and in the end the decision on  
23 which mapping and how to best technically  
24 apply it was my own decision.  
25 Q. When is the last time you

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1 reviewed the 137 patent?  
2 A. Yesterday.  
3 Q. Would that have been in  
4 presentation for today's deposition?  
5 A. That's correct.  
6 Q. So you had a meeting yesterday  
7 to prepare for today's deposition; is that  
8 correct?  
9 A. That's correct.  
10 Q. For how long did you meet  
11 yesterday?  
12 A. Four hours.  
13 Q. Who was present at that meeting?  
14 A. Monica Grewal and Kelvin Chan.  
15 Q. During your prep session  
16 yesterday did you speak with anyone other  
17 than attorneys?  
18 A. No.  
19 Q. In connection with your opinions  
20 in this case, have you spoken with any  
21 Apple engineers?  
22 A. No.  
23 Q. How about any Apple employees  
24 that are not engineers?  
25 A. No.

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