

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

SONY CORPORATION,)	
)	
Petitioner,)	IPR Nos. 2018-00876
)	2018-00877
v.)	
)	
FUJIFILM CORPORATION,)	
)	
Patent Owner.)	
_____)	

VIDEOTAPED DEPOSITION OF THOMAS VON ALTEN

Wednesday, December 12, 2018

Boise, Idaho

Reported By:

Andrea J. Couch, CSR, RDR, CRR, CRC

Job No. 23689

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<p style="text-align: right;">Page 2</p> <p>1</p> <p>2</p> <p>3 The videotaped deposition of</p> <p>4 Thomas Von Alten was convened Wednesday,</p> <p>5 December 12, 2018, commencing at 8:04 a.m., held at:</p> <p>6</p> <p>7 Comfort Suites Airport</p> <p>8 2906 South Vista Avenue</p> <p>9 Boise, Idaho</p> <p>10</p> <p>11 before Andrea J. Couch, Certified Shorthand Reporter,</p> <p>12 Registered Diplomat Reporter, Certified Realtime Reporter,</p> <p>13 Certified Realtime Captioner, and Notary Public in and</p> <p>14 for the State of Idaho.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 EXAMINATION INDEX</p> <p>2 EXAMINATION BY: PAGE</p> <p>3 Ms. Burke 6, 174</p> <p>4 Mr. Speed 163</p> <p>5</p> <p>6 INDEX OF EXHIBITS</p> <p>7 VON ALTEN</p> <p>8 Exhibit Description Page</p> <p>9 Exhibit 2050 McAllister-II Figure 4 156</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1 A P P E A R A N C E S:</p> <p>2</p> <p>3 For the Sony Petitioner:</p> <p>4 BY: NATHAN SPEED, ESQUIRE</p> <p>5 WOLF GREENFIELD & SACKS, P.C.</p> <p>6 600 Atlantic Avenue</p> <p>7 Boston, Massachusetts 02210</p> <p>8 617-646-8283</p> <p>9 nathan.speed@wolfgreenfield.com</p> <p>10</p> <p>11 For the FUJIFILM Patent Owner:</p> <p>12 BY: KATHARINE BURKE, ESQUIRE</p> <p>13 BY: AARON RABINOWITZ, ESQUIRE</p> <p>14 BAKER BOTTS, LLP</p> <p>15 1299 Pennsylvania Avenue, Northwest</p> <p>16 Washington, D.C. 20004</p> <p>17 202-639-7751</p> <p>18 katharine.burke@bakerbotts.com</p> <p>19 aaron.rabinowitz@bakerbotts.com</p> <p>20</p> <p>21 ALSO PRESENT:</p> <p>22 Chris Ennis, Videographer</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 P R O C E E D I N G S</p> <p>2</p> <p>3 VIDEOGRAPHER: Okay. So the camera</p> <p>4 is rolling and we are on the record.</p> <p>5 This is the video deposition of</p> <p>6 Thomas Von Alten in the matter of Sony</p> <p>7 versus FUJIFILM, IPR 2018-00876 and</p> <p>8 IPR 2018-00877. The deposition is being</p> <p>9 held at the Comfort Suites, 2906 South</p> <p>10 Vista Avenue in Boise, Idaho, on December</p> <p>11 12th, 2018, at approximately 8:04 a.m.</p> <p>12 My name is Chris Ennis. I am</p> <p>13 from the firm of TSL, and I am the legal</p> <p>14 video specialist. The court reporter is</p> <p>15 Andrea Couch in association with TSL.</p> <p>16 And will Counsel please</p> <p>17 introduce themselves.</p> <p>18 MS. BURKE: Katharine Burke from</p> <p>19 Baker Botts for FUJIFILM.</p> <p>20 MR. RABINOWITZ: Aaron Rabinowitz</p> <p>21 from Baker Botts for FUJIFILM.</p> <p>22 MR. SPEED: Nathan Speed from Wolf</p> <p>23 Greenfield & Sacks for petitioner, Sony.</p> <p>24 VIDEOGRAPHER: And if the court</p> <p>25 reporter will please swear the witness.</p>

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<p style="text-align: right;">Page 6</p> <p>1 THOMAS VON ALTEN, 2 a witness having been first duly sworn to 3 tell the truth, the whole truth and nothing 4 but the truth, was examined and testified as 5 follows: 6 7 EXAMINATION 8 BY MS. BURKE: 9 Q. Good morning, sir. Can you 10 please state your name for the record. 11 A. Good morning. My name is 12 Thomas William Von Alten. 13 Q. And where do you reside? 14 A. Here in Boise, Idaho, at 15 2824 North Grandee Street. 16 Q. And we met at your deposition 17 in April in the ITC matter between Sony 18 and FUJIFILM, right? 19 A. We did. I thought it was May, 20 but -- 21 Q. May. 22 Have you sat for any 23 depositions since that deposition in the 24 ITC matter between Sony and FUJIFILM? 25 A. I have not.</p>	<p style="text-align: right;">Page 8</p> <p>1 A. I do. 2 Q. Is that a declaration that 3 you've submitted in these proceedings? 4 A. It is. 5 Q. You understand that these 6 proceedings relate to inter partes review 7 proceedings at the United States Patent 8 and Trademark Office filed by Sony against 9 the 905 patent, correct? 10 A. I do. 11 Q. And you'll understand if I 12 refer to those inter partes review 13 proceedings as "IPRs" for purposes of this 14 deposition? 15 A. Yes, I will. 16 Q. And for the IPRs, you prepared 17 one declaration. 18 Is that correct? 19 A. Yes. 20 Q. And you understand that that 21 declaration has been filed in both IPRs. 22 Is that right? 23 A. I understand that, yes. 24 Q. Do you intend to perform any 25 additional work related to Sony's IPRs</p>
<p style="text-align: right;">Page 7</p> <p>1 Q. You understand you are under 2 oath today, the same as if you were in a 3 court of law, correct? 4 A. I do understand. 5 Q. Is there any reason you won't 6 be able to answer my questions fully and 7 truthfully? 8 A. There is not. 9 Q. All right. In front of you are 10 two exhibits that have been marked 1001 11 and 1004. Exhibit 1001 is U.S. Patent No. 12 6,462,905. 13 Do you see that? 14 A. I do. 15 Q. And you reviewed the 905 patent 16 for purposes of your declaration in this 17 matter? 18 A. I have. 19 Q. And you will understand if I 20 refer to Exhibit 1001 as "the 905 patent," 21 correct? 22 A. I will. 23 Q. And then Exhibit 1004 is the 24 declaration of Thomas W. Von Alten. 25 Do you see that?</p>	<p style="text-align: right;">Page 9</p> <p>1 against the 905 patent after this 2 deposition? 3 A. I don't have any plans, but I 4 am responsive to Sony's counsel and their 5 requests. 6 Q. But as of today, you don't have 7 any plans to perform additional work 8 relating to the IPRs. 9 Is that correct? 10 A. That's correct. 11 Q. All right. I think you 12 discussed with my colleagues previously 13 that you started working at HP, 14 Hewlett-Packard, in 1983. 15 Is that correct? 16 A. Yes. 17 Q. And you'll understand if I 18 refer to Hewlett-Packard as "HP" for 19 purposes of this deposition? 20 A. I will. 21 Q. Prior to 1983, did you work on 22 magnetic tape cartridges at all? 23 A. I did not. 24 Q. And then at HP from 1983 to 25 1986, you worked on printed circuit</p>

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<p>1 assemblies, correct?</p> <p>2 A. Yes.</p> <p>3 Q. Printed circuit assemblies are</p> <p>4 different than magnetic tape drives,</p> <p>5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. You did not work on printed --</p> <p>8 I'm sorry, magnetic tape drives from 1983</p> <p>9 to 1986, correct?</p> <p>10 A. I did not.</p> <p>11 Q. And from 1986 to 1989, you</p> <p>12 began working on disk drives at HP, right?</p> <p>13 A. Yes.</p> <p>14 Q. And you did not work on</p> <p>15 magnetic tape drives from 1986 to 1989?</p> <p>16 A. Not in their manufacture, no.</p> <p>17 I was a user of them as a computer user in</p> <p>18 high-end work stations, that sort of</p> <p>19 thing, but --</p> <p>20 Q. But for purposes of your job</p> <p>21 responsibilities at HP, you did not have</p> <p>22 responsibilities relating to magnetic tape</p> <p>23 cartridges or drives, correct?</p> <p>24 A. I did not.</p> <p>25 Q. In 1989, you went to Stanford</p>	<p>1 A. I did not.</p> <p>2 Q. So before 1996, you did not</p> <p>3 have any work or education experience</p> <p>4 relating to magnetic tape cartridges.</p> <p>5 Is that fair?</p> <p>6 A. Not specifically, but the</p> <p>7 general background in mechanical</p> <p>8 engineering, process engineering, and</p> <p>9 design engineering all have applicability.</p> <p>10 Q. Yeah, that wasn't my question.</p> <p>11 My question was if you had any</p> <p>12 work or education experience related to</p> <p>13 magnetic tape cartridges.</p> <p>14 A. No.</p> <p>15 Q. You've heard of the IBM 3480</p> <p>16 cartridge?</p> <p>17 A. I have.</p> <p>18 Q. You never worked at IBM,</p> <p>19 correct?</p> <p>20 A. I did not.</p> <p>21 Q. You never worked on the</p> <p>22 development of IBM 3480 cartridges,</p> <p>23 correct?</p> <p>24 A. I did not.</p> <p>25 Q. You never worked on the design</p>
Page 11	Page 13
<p>1 to study manufacturing systems engineering</p> <p>2 for a year.</p> <p>3 Is that correct?</p> <p>4 A. Yes.</p> <p>5 Q. Did you study magnetic tape</p> <p>6 cartridges at Stanford?</p> <p>7 A. Not specifically, no.</p> <p>8 Q. Did you study magnetic tape</p> <p>9 drives at Stanford?</p> <p>10 A. No.</p> <p>11 Q. In 1990, you returned to HP.</p> <p>12 Is that right?</p> <p>13 A. Yes.</p> <p>14 Q. And from 1990 to 1996, you</p> <p>15 again worked on disk drive systems,</p> <p>16 correct?</p> <p>17 A. Yes. I was working in the</p> <p>18 design lab for disk memory division.</p> <p>19 Q. Okay. You did not work on</p> <p>20 magnetic tape cartridges in the period</p> <p>21 from 1990 to 1996, correct?</p> <p>22 A. That's correct.</p> <p>23 Q. And you did not work on</p> <p>24 magnetic tape drives in the period</p> <p>25 from 1990 to 1996?</p>	<p>1 of IBM 3480 cartridges, correct?</p> <p>2 A. No.</p> <p>3 Q. Okay. In 1996, you moved from</p> <p>4 the disk memory division to a Computer</p> <p>5 Peripheral Bristol division at HP,</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. And you worked at the Computer</p> <p>9 Peripheral Bristol division for three</p> <p>10 years.</p> <p>11 Is that right?</p> <p>12 A. Yes.</p> <p>13 Q. And during that time from 1996</p> <p>14 to 1999, you worked on magnetic tape</p> <p>15 storage, correct?</p> <p>16 A. I did, yes.</p> <p>17 Q. Okay. And then in 1999, you</p> <p>18 left computer peripherals and began to</p> <p>19 work at HP Labs.</p> <p>20 Is that right?</p> <p>21 A. I worked on a project with</p> <p>22 HP Labs. I was technically still an</p> <p>23 employee here in Boise.</p> <p>24 Q. Okay. Beginning in 1999, your</p> <p>25 work with HP Labs did not relate to</p>

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<p>1 magnetic tape cartridges, correct?</p> <p>2 A. That's correct. I was still</p> <p>3 available for consultation with the</p> <p>4 previous project that I had been on.</p> <p>5 Q. But beginning in 1999, you had</p> <p>6 no further responsibilities relating to</p> <p>7 magnetic tape cartridges at HP, correct?</p> <p>8 A. That's correct.</p> <p>9 Q. And you did not, beginning in</p> <p>10 1999, have any further responsibilities</p> <p>11 relating to magnetic tape drives at HP,</p> <p>12 correct?</p> <p>13 A. Yes. I'd just make one</p> <p>14 correction there. Beginning in 1999 --</p> <p>15 My transition was in late 1999.</p> <p>16 So I was involved with tape drives from</p> <p>17 January through late summer/fall.</p> <p>18 Q. Okay. Understood.</p> <p>19 Beginning in late 1999, you did</p> <p>20 not have any further responsibilities</p> <p>21 relating to magnetic tape drives at HP,</p> <p>22 correct?</p> <p>23 A. One qualification. Sorry.</p> <p>24 There were a number of patents</p> <p>25 that had been applied for and were in</p>	<p>1 drives.</p> <p>2 Is that correct?</p> <p>3 A. That's correct.</p> <p>4 Q. You've done nothing in the</p> <p>5 field of tape cartridge engineering since</p> <p>6 2003, correct?</p> <p>7 A. Not until I became involved in</p> <p>8 this case.</p> <p>9 Q. So prior to your involvement in</p> <p>10 this litigation --</p> <p>11 Let me --</p> <p>12 Setting aside your involvement</p> <p>13 in the litigation, you've had nothing --</p> <p>14 done nothing in the field of tape</p> <p>15 cartridge engineering since 2003, correct?</p> <p>16 A. That's correct.</p> <p>17 Q. So throughout your career, the</p> <p>18 only experience you've had -- work</p> <p>19 experience you've had related to magnetic</p> <p>20 tape cartridges came through your work on</p> <p>21 the tape storage project at HP from 1996</p> <p>22 through 1999.</p> <p>23 Is that right?</p> <p>24 A. Yes.</p> <p>25 Q. All right. If you could look</p>
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<p>1 process, and so I was still available and</p> <p>2 responsive to requests for completion of</p> <p>3 those patent applications.</p> <p>4 Q. Your work responsibilities</p> <p>5 beginning in late 1999 were not directed</p> <p>6 at magnetic tape drives?</p> <p>7 A. Not primarily, no.</p> <p>8 Q. Okay. Then in 2003, you</p> <p>9 decided to leave HP and become</p> <p>10 self-employed, correct?</p> <p>11 A. Yes.</p> <p>12 Q. And you've been self-employed</p> <p>13 since 2003.</p> <p>14 Is that right?</p> <p>15 A. Yes.</p> <p>16 Q. And in 2003, you left the field</p> <p>17 of tape cartridge --</p> <p>18 Well, let me start over.</p> <p>19 Since 2003, you've not had any</p> <p>20 work responsibilities relating to tape</p> <p>21 cartridges.</p> <p>22 Is that correct?</p> <p>23 A. That's correct.</p> <p>24 Q. And since 2003, you've not had</p> <p>25 any work responsibilities relating to tape</p>	<p>1 at Exhibit 1004, your declaration, and</p> <p>2 turn to page 5, please.</p> <p>3 So page 5 sets forth Section 3,</p> <p>4 "Relevant Legal Standards."</p> <p>5 Do you see that?</p> <p>6 A. I do.</p> <p>7 Q. And Section 3 sets forth your</p> <p>8 full understanding of principles of</p> <p>9 anticipation and obviousness that you've</p> <p>10 applied in this matter, correct?</p> <p>11 A. Yes.</p> <p>12 Q. And you received your</p> <p>13 understanding from Sony's lawyers,</p> <p>14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. You trusted that Sony's lawyers</p> <p>17 provided you full and complete</p> <p>18 descriptions of the applicable law of</p> <p>19 anticipation and obviousness, right?</p> <p>20 A. I did.</p> <p>21 Q. If a legal principle is not</p> <p>22 described in Section 3 of your</p> <p>23 declaration, you did not consider it,</p> <p>24 correct?</p> <p>25 MR. SPEED: Objection.</p>

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