

**In the Matter of:**  
*Sony Corporation vs*  
*Fujifilm Corporation*

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*William J. Vanderheyden*  
*February 27, 2019*

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SONY Exhibit 1037  
SONY v. FUJII

1 UNITED STATES PATENT AND TRADEMARK OFFICE  
 2 BEFORE THE PATENT TRIAL AND APPEAL BOARD  
 3 -----x  
 4 SONY CORPORATION,  
 5 Petitioner,  
 6 v. Case No. IPR2017-  
 7 FUJIFILM CORPORATION,  
 8 Patent Owner.  
 9 -----x  
 10 DEPOSITION OF WILLIAM J. VANDERHEYDEN  
 11  
 12 New York, New York  
 13  
 14 Wednesday, February 27, 2019  
 15  
 16 8:55 a.m.  
 17  
 18  
 19  
 20 Reported by:  
 LYNN VAN DEN HENDE  
 21 CRR, RMR, RPR, CSR-NY, CSR-CA, CSR-IL  
 JOB NO: 11836  
 22  
 23  
 24

1 A P P E A R A N C E S:  
 2  
 3 FOR THE PETITIONER:  
 4 WOLF, GREENFIELD & SACKS, P.C.  
 5 600 Atlantic Avenue  
 6 Boston, MA 02210  
 7 617-646-8275  
 8 BY: NATHAN R. SPEED, ESQ.  
 9 nspeed@wolfgreenfield.com  
 10  
 11 FOR THE PATENT OWNER:  
 12 BAKER BOTTS L.L.P.  
 13 30 Rockefeller Plaza  
 14 New York, NY 10112-4498  
 15 212-408-2541  
 16 BY: MARGARET M. WELSH, ESQ.  
 17 margaret.welsh@bakerbotts.com  
 18 BY: JENNIFER C. TEMPESTA, ESQ.  
 19 jennifer.tempesta@bakerbotts.com  
 20  
 21  
 22  
 23  
 24

1  
 2  
 3 February 27, 2019  
 4 8:55 a.m.  
 5  
 6 Deposition of WILLIAM J. VANDERHEYDEN,  
 7 held at the offices of Wolf Greenfield &  
 8 Sacks, P.C., 405 Lexington Avenue, New York,  
 9 New York, pursuant to Notice, before Lynn  
 10 Van Den Hende, Certified Realtime Reporter,  
 11 Registered Merit Reporter, State of New York  
 12 Certified Shorthand Reporter, State of  
 13 California Certified Shorthand Reporter,  
 14 State of Illinois Certified Shorthand  
 15 Reporter, Registered Professional Reporter,  
 16 and Notary Public within and for the State  
 17 of New York.  
 18  
 19  
 20  
 21  
 22  
 23  
 24

1 WILLIAM J. VANDERHEYDEN,  
 2 called as a witness, having been duly  
 3 sworn by a Notary Public, was examined  
 4 and testified as follows:  
 5 MR. SPEED: Nathan Speed on  
 6 behalf of the Sony petitioners.  
 7 Good morning.  
 8 MS. WELSH: Margaret Welsh,  
 9 Baker Botts, on behalf of Fujifilm  
 10 patent owners.  
 11 And also with me is Jen  
 12 Tempesta with Baker Botts.  
 13 EXAMINATION  
 14 BY MR. SPEED:  
 15 Q. Good morning.  
 16 Could you please spell your  
 17 name for the record?  
 18 A. Sure.  
 19 It's V-a-n-d-e-r-h-e-y-d-e-n.  
 20 Q. And is it Vanderheyden?  
 21 A. Vanderheyden.  
 22 Q. Heyden, okay. Thanks.  
 23 This isn't your first  
 24 deposition, correct?

1 A. Correct.  
2 **Q. How many times have you been**  
3 **deposed?**  
4 A. Twice before.  
5 **Q. You understand you're under**  
6 **oath today?**  
7 A. Yes. Yes, I do.  
8 **Q. I hand you an exhibit which**  
9 **has been marked as Exhibit 2008.**  
10 (Document review.)  
11 **Q. Do you recognize this**  
12 **exhibit?**  
13 A. Yes.  
14 **Q. And this is your declaration**  
15 **in this proceeding, correct?**  
16 A. Yes, it is.  
17 **Q. And when I say "proceeding,"**  
18 **you understand that there's been two**  
19 **IPR petitions filed, correct?**  
20 A. Yes, I do.  
21 **Q. So there's technically two**  
22 **separate IPR proceedings, but you**  
23 **submitted one declaration for both**  
24 **proceedings, correct?**

1 A. That is correct.  
2 **Q. If you could look at**  
3 **paragraph 14 of your declaration.**  
4 (Document review.)  
5 A. Okay.  
6 **Q. In paragraph 14 you state**  
7 **that you've considered information from**  
8 **various sources in forming your**  
9 **opinion, is that correct?**  
10 A. That is correct.  
11 **Q. And a list of those materials**  
12 **that you considered, is that Exhibit 2**  
13 **in your declaration?**  
14 A. Yes.  
15 **Q. Okay. If we turn to Exhibit**  
16 **2 -- it's the very last page. It**  
17 **should be the very last page of your**  
18 **declaration. There you go.**  
19 **So looking at Exhibit 2, is**  
20 **this an accurate list of all the**  
21 **materials you considered in preparing**  
22 **your declaration?**  
23 (Document review.)  
24 A. This is -- this is a list of

1 documents and other evidence cited in  
2 my declaration.  
3 You know, there are other  
4 things I considered, like my experience  
5 in the field at that time. So there --  
6 there's things beyond this list.  
7 But this is the list cited  
8 here, yes.  
9 **Q. Is there anything else you**  
10 **considered beyond your experience in**  
11 **forming the opinions provided in your**  
12 **declaration that's not listed on**  
13 **Exhibit 2?**  
14 (Document review.)  
15 A. Not that I can think of right  
16 now.  
17 **Q. Okay. Did you review the**  
18 **petition that Sony filed in the -- what**  
19 **I'll call the 876 IPR proceeding?**  
20 A. Yes, I read through that.  
21 **Q. And did you review the**  
22 **petition that Sony filed in the 877**  
23 **proceeding?**  
24 A. Yes.

1 **Q. Did you review the**  
2 **preliminary patent owner response that**  
3 **Fujifilm submitted in the 876**  
4 **proceeding?**  
5 A. Could you repeat that?  
6 **Q. Did you review the**  
7 **preliminary patent owner response that**  
8 **Fujifilm submitted in the 876**  
9 **proceeding?**  
10 A. Yes, I did.  
11 **Q. Did you disagree with any of**  
12 **the arguments that you were provided in**  
13 **that preliminary response?**  
14 MS. WELSH: Objection, form.  
15 A. I believe I read it.  
16 I don't believe I formed an  
17 opinion on -- on it. I think I just  
18 read it for information.  
19 **Q. And did you review the**  
20 **preliminary patent owner response that**  
21 **Fujifilm submitted in the 877**  
22 **proceeding?**  
23 A. Yes, I did.  
24 **Q. And was that the same type of**

1 review for information that you did  
2 with the 876 preliminary response?  
3 A. Yes.  
4 Q. Did you review the  
5 institution decision that the board  
6 entered in the 876 proceeding?  
7 A. Yes, I did.  
8 Q. And did you review the  
9 institution decision that the board  
10 entered in the 877 proceeding?  
11 A. Yes, I did.  
12 Q. Okay. And looking at Exhibit  
13 2 of your declaration, listed there is  
14 Exhibit 2009.  
15 Do you see that?  
16 (Document review.)  
17 A. Could you repeat that?  
18 Q. Yes. You see listed in  
19 Exhibit 2 an Exhibit 2009?  
20 A. Yes, I do.  
21 Q. And Exhibit 2009 is an  
22 initial determination in the matter of  
23 certain magnetic data storage and tapes  
24 and cartridges containing the same,

1 correct?  
2 A. That's what it says, yes.  
3 Q. All right. And you signed an  
4 agreement to be bound to the protective  
5 order in investigation number  
6 337TA1076, is that correct?  
7 A. That is correct.  
8 Q. Were you retained as an  
9 expert by Fujifilm in that proceeding?  
10 A. Yes, I was.  
11 Q. And what was your role in  
12 that proceeding?  
13 MS. WELSH: Objection.  
14 I'll just caution you not to  
15 reveal any attorney-client  
16 privileged information.  
17 A. I advised on tape cartridge  
18 technology, general -- general  
19 information from my experience of many  
20 years of cartridge design development;  
21 primarily a, you know, technical  
22 advising role.  
23 Q. Were you compensated hourly  
24 for your declaration in this

1 proceeding?  
2 A. Yes.  
3 Q. How much were you paid per  
4 hour?  
5 A. \$300.  
6 Q. And how much time did you  
7 spend on the declaration?  
8 A. I would estimate about 100  
9 hours.  
10 Q. Do you recall when Fujifilm  
11 retained you for this particular  
12 proceeding?  
13 A. I believe it was in November  
14 roughly.  
15 Q. How many times have you  
16 served as an expert witness in a patent  
17 matter?  
18 A. It's really just my -- my  
19 work over the last couple of years,  
20 which includes 779 IPR and, you know,  
21 this IPR.  
22 And then my work with the  
23 ITC, that was more, as I mentioned,  
24 just advising on the technology.

1 Q. Did you ever testify at an  
2 ITC hearing?  
3 A. I have not.  
4 Q. So has all of your expert  
5 witness work with respect to patent  
6 matters been for Fujifilm?  
7 MS. WELSH: Objection, form.  
8 A. Yes.  
9 Q. In the 779 IPR was Fujifilm  
10 the petitioner?  
11 A. I believe Sony was the  
12 petitioner.  
13 Q. If we look at paragraph 282  
14 of your declaration, you state that you  
15 reserve the right to supplement your  
16 opinion to take into account new  
17 information that becomes available to  
18 you, correct?  
19 A. Correct.  
20 Q. Has any new -- any such new  
21 information become available to you?  
22 A. Not that I can recall or not  
23 that would change my opinions in this  
24 declaration.

1 Q. So do you have any  
2 supplemental opinions to add to this  
3 declaration at this time?  
4 A. Not at this time.  
5 Q. Now, you graduated from the  
6 University of Wisconsin in 1991, is  
7 that correct?  
8 A. That's correct.  
9 Q. And what was your degree?  
10 A. Mechanical engineering.  
11 Q. And after graduating from the  
12 University of Wisconsin you joined 3M?  
13 A. That's correct.  
14 Q. And when did you start at 3M?  
15 A. In 1991.  
16 Q. And during your time at 3M  
17 you became familiar with the components  
18 of the 3480-type cartridge, is that  
19 correct?  
20 A. That is correct.  
21 Q. In using the foundational  
22 knowledge you gained about the  
23 3480-type cartridge, you then worked on  
24 several future iterations of storage

1 tapes, is that correct?  
2 A. That is correct.  
3 Q. And this included -- I'm  
4 looking at paragraph 6 of your  
5 declaration, if it helps.  
6 But these future iterations  
7 included a 3490 cartridge?  
8 A. That is right.  
9 Q. And the future iterations  
10 included a Timberline cartridge, is  
11 that correct?  
12 A. Yes.  
13 Q. Future iterations included an  
14 SD-3 cartridge?  
15 A. Yes.  
16 Q. And the future iterations  
17 included a 3490 cartridge, correct?  
18 A. Did you mean 3590?  
19 Q. Sorry, yes.  
20 The future iterations  
21 included a 3590 cartridge?  
22 A. That is correct.  
23 Q. And the future iterations  
24 included a QIC cartridge?

1 A. That is correct.  
2 Q. Does "QIC" stand for  
3 anything?  
4 A. Quarter inch cartridge.  
5 Q. In each of those future  
6 iterations was a data storage tape, is  
7 that correct?  
8 A. That's correct.  
9 Those are all data storage  
10 tape cartridges.  
11 Q. And over what period of time  
12 did you assist in the development of  
13 these cartridges?  
14 A. When I joined 3M in 1991,  
15 they had purchased the 3480 business  
16 from IBM, and began at that time as  
17 part of a technical team that met with  
18 the IBM engineers to understand the  
19 workings of the 3480 tape cartridge and  
20 gained their expertise.  
21 Then went on to -- so through  
22 1991 through -- '91 through '96 it was  
23 3M.  
24 And then '96 through '99 they

1 spun it off to be Imation.  
2 But throughout those years  
3 the team I was on developed components,  
4 mechanisms for cartridge -- for tape  
5 cartridges, including all these here.  
6 So the -- you know, kind of  
7 in order, the 3480, the 3490. And  
8 Timberline came next. Then SD-3 3590  
9 came after that. Quarter inch  
10 cartridge was -- was being made.  
11 You know, through those years  
12 also I didn't -- so I assisted on that,  
13 on that quarter inch cartridge, you  
14 know, through those years as well.  
15 Q. And how did your foundational  
16 knowledge of the 3480-type cartridge  
17 assist in the design of those future  
18 iterations?  
19 A. Well, I gained some of the,  
20 you know, concerns and understanding of  
21 what's important in a tape cartridge.  
22 Q. And you applied that -- those  
23 understandings to your development of  
24 future iterations of data storage tape

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