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3 The videotaped deposition of
4 Thomas Von Alten was convened Wednesday,
5 December 12, 2018, commencing at 8:04 a.m., held at:
6
7 Comfort Suites Airport
8 2906 South Vista Avenue
9 Boise, Idaho
10
11 before Andrea J. Couch, Certified Shorthand Reporter,
12 Registered Diplomat Reporter, Certified Realtime Reporter,
13 Certified Realtime Captioner, and Notary Public in and
14 for the State of Idaho.
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21 ALSO PRESENT:
22 Chris Ennis, Videographer
23
24
25

1 PROCEEDINGS
2
3 VIDEOGRAPHER: Okay. So the camera
4 is rolling and we are on the record.
5 This is the video deposition of
6 Thomas Von Alten in the matter of Sony
7 versus FUJIFILM, IPR 2018-00876 and
8 IPR 2018-00877. The deposition is being
9 held at the Comfort Suites, 2906 South
10 Vista Avenue in Boise, Idaho, on December
11 12th, 2018, at approximately 8:04 a.m.
12 My name is Chris Ennis. I am
13 from the firm of TSL, and I am the legal
14 video specialist. The court reporter is
15 Andrea Couch in association with TSL.
16 And will Counsel please
17 introduce themselves.
18 MS. BURKE: Katharine Burke from
19 Baker Botts for FUJIFILM.
20 MR. RABINOWITZ: Aaron Rabinowitz
21 from Baker Botts for FUJIFILM.
22 MR. SPEED: Nathan Speed from Wolf
23 Greenfield & Sacks for petitioner, Sony.
24 VIDEOGRAPHER: And if the court
25 reporter will please swear the witness.

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.

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?

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

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

1 assemblies, correct?
 2 A. Yes.
 3 Q. Printed circuit assemblies are
 4 different than magnetic tape drives,
 5 correct?
 6 A. Yes.
 7 Q. You did not work on printed --
 8 I'm sorry, magnetic tape drives from 1983
 9 to 1986, correct?
 10 A. I did not.
 11 Q. And from 1986 to 1989, you
 12 began working on disk drives at HP, right?
 13 A. Yes.
 14 Q. And you did not work on
 15 magnetic tape drives from 1986 to 1989?
 16 A. Not in their manufacture, no.
 17 I was a user of them as a computer user in
 18 high-end work stations, that sort of
 19 thing, but --
 20 Q. But for purposes of your job
 21 responsibilities at HP, you did not have
 22 responsibilities relating to magnetic tape
 23 cartridges or drives, correct?
 24 A. I did not.
 25 Q. In 1989, you went to Stanford

1 to study manufacturing systems engineering
 2 for a year.
 3 Is that correct?
 4 A. Yes.
 5 Q. Did you study magnetic tape
 6 cartridges at Stanford?
 7 A. Not specifically, no.
 8 Q. Did you study magnetic tape
 9 drives at Stanford?
 10 A. No.
 11 Q. In 1990, you returned to HP.
 12 Is that right?
 13 A. Yes.
 14 Q. And from 1990 to 1996, you
 15 again worked on disk drive systems,
 16 correct?
 17 A. Yes. I was working in the
 18 design lab for disk memory division.
 19 Q. Okay. You did not work on
 20 magnetic tape cartridges in the period
 21 from 1990 to 1996, correct?
 22 A. That's correct.
 23 Q. And you did not work on
 24 magnetic tape drives in the period
 25 from 1990 to 1996?

1 A. I did not.
 2 Q. So before 1996, you did not
 3 have any work or education experience
 4 relating to magnetic tape cartridges.
 5 Is that fair?
 6 A. Not specifically, but the
 7 general background in mechanical
 8 engineering, process engineering, and
 9 design engineering all have applicability.
 10 Q. Yeah, that wasn't my question.
 11 My question was if you had any
 12 work or education experience related to
 13 magnetic tape cartridges.
 14 A. No.
 15 Q. You've heard of the IBM 3480
 16 cartridge?
 17 A. I have.
 18 Q. You never worked at IBM,
 19 correct?
 20 A. I did not.
 21 Q. You never worked on the
 22 development of IBM 3480 cartridges,
 23 correct?
 24 A. I did not.
 25 Q. You never worked on the design

1 of IBM 3480 cartridges, correct?
 2 A. No.
 3 Q. Okay. In 1996, you moved from
 4 the disk memory division to a Computer
 5 Peripheral Bristol division at HP,
 6 correct?
 7 A. Yes.
 8 Q. And you worked at the Computer
 9 Peripheral Bristol division for three
 10 years.
 11 Is that right?
 12 A. Yes.
 13 Q. And during that time from 1996
 14 to 1999, you worked on magnetic tape
 15 storage, correct?
 16 A. I did, yes.
 17 Q. Okay. And then in 1999, you
 18 left computer peripherals and began to
 19 work at HP Labs.
 20 Is that right?
 21 A. I worked on a project with
 22 HP Labs. I was technically still an
 23 employee here in Boise.
 24 Q. Okay. Beginning in 1999, your
 25 work with HP Labs did not relate to

1 magnetic tape cartridges, correct?
 2 A. That's correct. I was still
 3 available for consultation with the
 4 previous project that I had been on.
 5 Q. But beginning in 1999, you had
 6 no further responsibilities relating to
 7 magnetic tape cartridges at HP, correct?
 8 A. That's correct.
 9 Q. And you did not, beginning in
 10 1999, have any further responsibilities
 11 relating to magnetic tape drives at HP,
 12 correct?
 13 A. Yes. I'd just make one
 14 correction there. Beginning in 1999 --
 15 My transition was in late 1999.
 16 So I was involved with tape drives from
 17 January through late summer/fall.
 18 Q. Okay. Understood.
 19 Beginning in late 1999, you did
 20 not have any further responsibilities
 21 relating to magnetic tape drives at HP,
 22 correct?
 23 A. One qualification. Sorry.
 24 There were a number of patents
 25 that had been applied for and were in

1 drives.
 2 Is that correct?
 3 A. That's correct.
 4 Q. You've done nothing in the
 5 field of tape cartridge engineering since
 6 2003, correct?
 7 A. Not until I became involved in
 8 this case.
 9 Q. So prior to your involvement in
 10 this litigation --
 11 Let me --
 12 Setting aside your involvement
 13 in the litigation, you've had nothing --
 14 done nothing in the field of tape
 15 cartridge engineering since 2003, correct?
 16 A. That's correct.
 17 Q. So throughout your career, the
 18 only experience you've had -- work
 19 experience you've had related to magnetic
 20 tape cartridges came through your work on
 21 the tape storage project at HP from 1996
 22 through 1999.
 23 Is that right?
 24 A. Yes.
 25 Q. All right. If you could look

1 process, and so I was still available and
 2 responsive to requests for completion of
 3 those patent applications.
 4 Q. Your work responsibilities
 5 beginning in late 1999 were not directed
 6 at magnetic tape drives?
 7 A. Not primarily, no.
 8 Q. Okay. Then in 2003, you
 9 decided to leave HP and become
 10 self-employed, correct?
 11 A. Yes.
 12 Q. And you've been self-employed
 13 since 2003.
 14 Is that right?
 15 A. Yes.
 16 Q. And in 2003, you left the field
 17 of tape cartridge --
 18 Well, let me start over.
 19 Since 2003, you've not had any
 20 work responsibilities relating to tape
 21 cartridges.
 22 Is that correct?
 23 A. That's correct.
 24 Q. And since 2003, you've not had
 25 any work responsibilities relating to tape

1 at Exhibit 1004, your declaration, and
 2 turn to page 5, please.
 3 So page 5 sets forth Section 3,
 4 "Relevant Legal Standards."
 5 Do you see that?
 6 A. I do.
 7 Q. And Section 3 sets forth your
 8 full understanding of principles of
 9 anticipation and obviousness that you've
 10 applied in this matter, correct?
 11 A. Yes.
 12 Q. And you received your
 13 understanding from Sony's lawyers,
 14 correct?
 15 A. Yes.
 16 Q. You trusted that Sony's lawyers
 17 provided you full and complete
 18 descriptions of the applicable law of
 19 anticipation and obviousness, right?
 20 A. I did.
 21 Q. If a legal principle is not
 22 described in Section 3 of your
 23 declaration, you did not consider it,
 24 correct?
 25 MR. SPEED: Objection.

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