

1                   MICHAEL I. SHAMOS, PH.D., J.D.  
2           UNITED STATES PATENT AND TRADEMARK OFFICE  
3  
4                   -----  
5           BEFORE THE PATENT TRIAL AND APPEAL BOARD  
6                   -----

7                               SHOPIFY, INC.

8                                       Petitioner

9   v.

10                               DDR HOLDINGS, LLC

11                                       Patent Owner

12   -----  
13   Case IPR2018-01008

14   Patent 9,639,876  
15   -----

16           DEPOSITION OF MICHAEL I. SHAMOS, PH.D., J.D.

17                               Pittsburgh, Pennsylvania

18                                       January 24, 2019

19  
20  
21           Reported by: Michelle L. Hall, RMR

22  
23           Job No. 154075  
24  
25

1 MICHAEL I. SHAMOS, PH.D., J.D.

2 DEPOSITION OF MICHAEL I. SHAMOS, PH.D., J.D.,  
3 a witness herein, called by the Patent Owner  
4 for examination, by and before Michelle L.  
5 Hall, a Registered Merit Reporter and Notary  
6 Public in and for the Commonwealth of  
7 Pennsylvania, at the Wyndham Pittsburgh  
8 University Center, 100 Lytton Avenue,  
9 Pittsburgh, Pennsylvania, on Thursday, January  
10 24, 2019, at 9:00 a.m.

11 - - - - -

12 COUNSEL PRESENT:

13 For the Petitioner:

14 Michael McNamara, Esquire  
15 Mintz, Levin, Cohn, Ferris, Glovsky and  
16 Popeo  
17 One Financial Center  
18 Boston, MA 02111

17 For the Patent Owner:

18 Ian Crosby, Esquire  
19 Susman Godfrey  
1201 Third Avenue  
Seattle, WA 98101

20 And

21 Louis Hoffman, Esquire  
22 Hoffman Patent Firm  
7689 East Paradise Lane  
23 Scottsdale, AZ 85260

24 ALSO PRESENT: Vivek Narayanadas, Esquire  
25

1 MICHAEL I. SHAMOS, PH.D., J.D.

2 I N D E X

3 - - - - -

4 WITNESS: MICHAEL I. SHAMOS, PH.D., J.D.

5  
6 E X A M I N A T I O N : PAGE

7  
8 BY MR. CROSBY 4

9  
10  
11 E X H I B I T S : PAGE

12  
13 EXHIBIT 1 (Marked and then Withdrawn.)

1 MICHAEL I. SHAMOS, PH.D., J.D.

2 P R O C E E D I N G S

3 - - - - -

4 MICHAEL I. SHAMOS, PH.D., J.D.

5 a witness herein, having been first duly sworn,  
6 was examined and testified as follows:

7 - - - - -

8 EXAMINATION

9 BY MR. CROSBY:

10 Q. All right. So, I would like to  
11 start with the materials that you considered,  
12 and if you want to refer to your declaration in  
13 the 11 PTAB IPR, that will be as good as any of  
14 them.

15 A. The 1011?

16 Q. Yeah. Exactly.

17 A. Okay.

18 Q. Here we go.

19 MR. CROSBY: And do you mind  
20 if I just for things that are of record in the  
21 PTAB, like his declaration, unless I'm going to  
22 have him mark up an exhibit or something like  
23 that, just not admit it or would you --

24 MR. McNAMARA: You don't need  
25 to admit it. As long as I have a copy, I can

1 MICHAEL I. SHAMOS, PH.D., J.D.

2 refer to my own copy. If I don't have a copy  
3 then --

4 BY MR. CROSBY:

5 Q. So I'm referring to your declaration  
6 in the 1011 IPR.

7 A. I'm sorry, which one -- in the which  
8 one?

9 Q. The 1011 IPR.

10 A. Yeah. I'm there, yes.

11 Q. I think your materials considered  
12 are on Page 26 of that document.

13 Sir, you considered the prosecution  
14 histories of the three patents that are being  
15 challenged in the six IPRs at issue; right?

16 A. Yes.

17 Q. And, so, you're aware that the claim  
18 charts for Moore were submitted in each of  
19 those prosecutions; is that right?

20 A. I don't -- I don't recall that  
21 sitting here.

22 Q. Okay. So, it looks like -- let's --  
23 I'm going to hand you -- this is loose,  
24 unfortunately.

25 THE COURT REPORTER: I have a

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