

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

2 UNITED STATES PATENT AND TRADEMARK OFFICE

3 _____
4 BEFORE THE PATENT TRIAL AND APPEAL BOARD
5 _____

6 SHOPIFY, INC.

7 Petitioner

8 v.

9 DDR HOLDINGS, LLC

Patent Owner

10 _____
11 Case IPR2018-01008

12 Patent 9,639,876
13 _____

14
15 DEPOSITION OF MICHAEL I. SHAMOS, PH.D., J.D.

16 Pittsburgh, Pennsylvania

17 January 24, 2019
18
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
Hoffman Patent Firm
7689 East Paradise Lane
22 Scottsdale, AZ 85260
23

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13 EXHIBIT 1 (Marked and then Withdrawn.)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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