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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LKQ Corporation and Keystone Automotive Industries, Inc.
Petitioners

v.

GM Global Technology Operations LLC
Patent Owner

U. S. Design Patent No. D797,625

Filed: August 24, 2016

Issued: September 19, 2017

Title: Vehicle Front Fender

DEPOSITION OF

JAMES M. GANDY

Thursday, October 22, 2020

REPORTED BY: JOHN WISSENBACH, RDR, CRR, CRC, CSR 6862

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INDEX OF EXAMINATIONS

Page

WITNESS:

JAMES M. GANDY

Cross-Examination by Mr. Herriges 4

EXHIBITS REFERENCED

Exhibit 1003

Exhibit 1004

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1 BE IT REMEMBERED that, pursuant to the laws
2 governing the taking and use of depositions, on
3 Thursday, October 22, 2020, commencing at 9:58 a.m.,
4 before me, JOHN WISSENBACH, CSR 6862, of San Francisco,
5 California, appeared through videoconference JAMES M.
6 GANDY, at Southport, North Carolina, called as a witness
7 by the Patent Owner, who, being by me first duly sworn,
8 was thereupon examined as a witness in said action.

9

10 APPEARANCES OF COUNSEL VIA VIDEOCONFERENCE

11 For the Petitioners:

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23

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1 CROSS-EXAMINATION BY MR. HERRIGES

2 Q. Okay. Good morning, Mr. Gandy. How are you?

3 A. Oh, okay.

4 Q. State your full name and residential address
5 for the record, please.

6 A. My name is James M. Gandy. My address is 5961
7 Spikerush Trail, Southport, North Carolina 28461.

8 Q. Okay. Thank you, sir. And you've been deposed
9 before, correct?

10 A. That's correct.

11 Q. Okay. Do you know roughly how many times?

12 A. Before this one, I believe five times.

13 Q. Okay. Have you ever been deposed in a remote
14 deposition like this, or is this your first one?

15 A. No, this is the first time doing a remote.

16 Q. Okay. Well, if you have any concerns or any
17 issues accessing documents, or anything like that, or
18 clarification due to the remote nature of the
19 proceedings, will you let me know?

20 A. Okay.

21 Q. All right. So you know the drill, but I'll
22 just run through the protocol here real quick. You
23 understand that although this deposition is remote,
24 Mr. Wissenbach is taking down your testimony as the
25 court reporter here today?

1 A. Yes, I understand that.

2 Q. And you understand that your testimony could be
3 presented to the Patent Trial and Appeals Board in this
4 case?

5 A. Yes, I understand.

6 Q. Okay. And you understand that you're under
7 oath?

8 A. Yes.

9 Q. And you understand that although the deposition
10 is remote and we're obviously not in a courtroom,
11 there's no judge, that that oath carries the same
12 seriousness as it would if we were in court and is
13 subject to the same penalties of perjury? You
14 understand that, correct?

15 A. Yes, I understand that.

16 Q. All right. Have you ever been deposed in a
17 PTAB proceeding before?

18 A. I'm sorry. What was that?

19 Q. Have you ever had your deposition taken in
20 connection with a PTAB proceeding before?

21 A. I'm -- I didn't catch the last part of that.

22 Q. Yeah. Have you ever had your deposition taken
23 in connection with a PTAB proceeding or an IPR?

24 A. Yes. Yes, I have. You're referencing IPR.
25 That's what I understand. Yes, I have.

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