

1 UNITED STATES PATENT AND TRADEMARK OFFICE  
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD

3 -----

4 ADVANCED MICRO DEVICES, INC.,

5 Petitioner,

6 v.

7 MONTEREY RESEARCH LLC,

8 Patent Owner.

9 -----

10 Case No. IPR2020-00985

U.S. Patent 6,651,134

11 -----

12  
13  
14 REMOTE VIDEOTAPED DEPOSITION OF R. JACOB BAKER

15 Friday, February 12, 2021

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23  
24 Reported By: Lynne M. Ledanois, CSR 6811

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Page 2

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 4 ADVANCED MICRO DEVICES, INC.,  
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 6 v.  
 7 MONTEREY RESEARCH LLC,  
 8 Patent Owner.  
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 10 Case No. IPR2020-00985  
 11 U.S. Patent 6,651,134  
 12 -----  
 13  
 14 Videotaped deposition of R. JACOB  
 15 BAKER, taken in Las Vegas, Nevada, commencing  
 16 at 8:50 a.m., on Friday, February 12, 2021  
 17 before Lynne Ledanois, Certified Shorthand  
 18 Reporter No. 6811  
 19  
 20  
 21  
 22  
 23  
 24  
 25

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1 APPEARANCES:  
 2  
 3 Counsel for the Petitioner:  
 4 DESMARAIS LLP  
 5 BY: MICHAEL WUESTE  
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 10  
 11 Counsel for the Patent Owner:  
 12 O'MELVENY & MYERS LLP  
 13 BY: BRIAN MERRILL COOK  
 14 Attorney at Law  
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 17 Los Angeles, California 90071  
 18 bcook@omm.com  
 19  
 20  
 21  
 22 ALSO PRESENT:  
 23 Chris Neal, Videographer  
 24 Andrew Snellen, Veritext Technician  
 25

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1 INDEX OF EXAMINATION  
 2 Examination by: Page  
 3 Mr. Wueste 9  
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1 INDEX OF EXHIBITS  
 2 Deposition Description Page  
 3 Exhibit 2003 Document headed, DRAM  
 4 Circuit Design; 76  
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 6 PREVIOUSLY MARKED  
 7 NUMBER PAGE  
 8 Exhibit 1002 23  
 9 Exhibit 1003 107  
 10 Exhibit 1005 145  
 11 Exhibit 1010 180  
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1 Friday, February 12, 2021  
2 8:50 a m.  
3  
4 VIDEOGRAPHER: Good morning. We're  
5 going on the record at approximately  
6 8:50 a m. on February 12th, 2021.  
7 Please note that your microphones are  
8 sensitive and may pick up whispering,  
9 private conversations and cell phones.  
10 Please turn off all cell phones or  
11 place them away from the microphones as they  
12 can interfere with the deposition audio.  
13 Audio and video recording will  
14 continue to take place unless all parties  
15 agree to go off the record.  
16 This is Media Unit 1 of the  
17 video-recorded deposition of Dr. R. Jacob  
18 Baker in the matter of Advanced Micro  
19 Devices Incorporated, petitioner, versus  
20 Monterey Research LLC, patent owner.  
21 This case is filed in the United  
22 States Patent and Trademark Office before  
23 the Patent Trial and Appeal Board. Case  
24 number IPR2020-00985.  
25 Today's deposition is being held via

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1 remote video conference and all parties are  
2 at their own respective locations.  
3 My name is Chris Neal from the firm  
4 vary tech legal solutions and I'm the  
5 videographer. The court reporter is Lynne  
6 Ledanois, also from the firm Veritext Legal  
7 Solutions.  
8 I'm not related to any party in this  
9 action nor am I financially interested in  
10 the outcome in any way.  
11 Counsel and everyone attending  
12 remotely will now state their appearances  
13 and affiliations for the record. If there  
14 are any objections to proceeding, please  
15 state them at the time of your appearance  
16 beginning with the noticing attorney.  
17 MR. WUESTE: Michael Wueste from  
18 Desmarais LLP representing patent owner  
19 Monterey research LLC.  
20 MR. COOK: This is Brian Cook with  
21 O'Melveny & Myers representing petitioner  
22 Advanced Micro Devices.  
23 VIDEOGRAPHER: Thank you. Will the  
24 court reporter please swear in the witness.  
25

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1 R. JACOB BAKER, PH.D.,  
2 having been duly sworn, testified as follows:  
3 EXAMINATION  
4 VIDEOGRAPHER: You may proceed,  
5 counsel.  
6 BY MR. WUESTE:  
7 Q Good morning, Dr. Baker.  
8 A Good morning.  
9 Q Please state and spell your name and  
10 address for the record.  
11 A Russell, R-U-S-S-E-L, Jacob,  
12 J-A-C-O-B, Baker, B-A-K-E-R.  
13 My address is 6775 Agave, which is  
14 spelled A-G-A-V-E, Azul, which is spelled  
15 A-Z-U-L, Court, Las Vegas, Nevada 89120.  
16 Q Dr. Baker, you understand that  
17 although we're taking this deposition remotely,  
18 you're under oath today just as you would be in  
19 front of a jury?  
20 A Yes.  
21 Q Is there any reason you're not able to  
22 testify truthfully and accurately today?  
23 A No.  
24 Q Dr. Baker, you've been deposed before;  
25 correct?

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1 A Yes.  
2 Q Have you done any remote depositions?  
3 A Yes.  
4 Q Roughly how many remote depositions  
5 have you done?  
6 A About a half dozen.  
7 Q Okay. I'll go over basic rules  
8 quickly since you are an experienced witness.  
9 Obviously we're doing this remotely  
10 and I'm noticing at least a little bit of a lag.  
11 So it's important even more than usual that we  
12 not talk over each other.  
13 I'll do my best to give you some time  
14 to make sure you finish your answer before  
15 asking another question. And I'll ask that you  
16 do the same for me. Okay?  
17 A Yes.  
18 Q I'll try to take a break roughly every  
19 hour or so. If you need break, please feel free  
20 to ask. The only thing I request is that you  
21 not request a break while there is a question  
22 pending.  
23 Is that okay?  
24 A Yes.  
25 Q Obviously we're doing this virtually,

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1 so I have a couple of additional questions.  
2 You mentioned before that you are  
3 located at Agave Azul Court in Las Vegas,  
4 Nevada. Is that where you're located today to  
5 provide your testimony?  
6 A Yes.  
7 Q And is that your home or an office?  
8 A It's my home and I have a conference  
9 room and an office in my home.  
10 Q Okay. Is there anybody else in the  
11 room with you today?  
12 A No.  
13 Q Do you have any documents in the room  
14 with you today?  
15 A Yes.  
16 Q And what are those documents?  
17 A I have a clean version of my  
18 declaration in this matter for the '134 patent  
19 and then I have the '134 patent itself, clean as  
20 well.  
21 Q Any other documents?  
22 A No.  
23 Q Okay. Did you print out those copies  
24 of the documents, your declaration in this  
25 matter and the '134 patent yourself?

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1 A Yes.  
2 Q Okay. And just to confirm, you  
3 mentioned earlier that your declaration was  
4 clean. Purely for the record, there are no  
5 notes on the declaration -- on the copy of your  
6 declaration you have with you today?  
7 A Correct, there is no writing. It's  
8 not been marked or annotated in any way.  
9 Q Okay. And the same question for the  
10 '134 patent. The copy of the '134 patent you  
11 have with you today is clean, no notes or marks  
12 or annotations?  
13 A Correct.  
14 Q Okay. And just to cross my T's and  
15 dot my I's, are there any other paper documents  
16 in your room today that you used in preparation  
17 for this deposition?  
18 A No.  
19 Q Dr. Baker, do you have any other  
20 electronic devices in the room with you other  
21 than the device you're using to appear over Zoom  
22 right now?  
23 A I have a Polycom phone, which is not  
24 engaged or off. I have a TV I use for  
25 projecting in the conference room. And then I

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1 have another TV up on the wall that's connected  
2 to my control for audiovisual system in my home.  
3 And I have an Ethernet switch and a remote  
4 control also in this room.  
5 Q Okay. Aside from the device you're  
6 using to appear over Zoom today and the Polycom  
7 phone, do you have your cell phone or tablet or  
8 any other kind of electronic communication  
9 device in your room with you?  
10 A No.  
11 Q Okay. And just to confirm, the  
12 Polycom phone is off and unconnected right now;  
13 correct?  
14 A It's off. It's still connected to the  
15 wall.  
16 Q My apologies. The Polycom phone in  
17 front of you is off or you said disengaged;  
18 correct?  
19 A Yes.  
20 Q Okay. So right now -- strike that.  
21 You are currently connected to the  
22 Zoom application; correct?  
23 A Yes.  
24 Q And you're currently connected to the  
25 exhibit share application; correct?

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1 A I'm logged into the Veritext exhibit  
2 share, yes.  
3 Q So right now in the room with you, am  
4 I correct in understanding that the only means  
5 of communications you have open are the Zoom  
6 application and exhibit share application?  
7 A I have my email open as well and my  
8 Chrome web browser.  
9 Q Would you please close your email in  
10 your Chrome web browser for the duration of this  
11 deposition?  
12 A Yes.  
13 Q Just to confirm, you've now closed out  
14 of your email application?  
15 A Yes.  
16 Q Okay. Dr. Baker, you understand that  
17 you've been sworn in and you may not communicate  
18 with anyone about the substance of your  
19 testimony during the course of this deposition?  
20 A Yes.  
21 Q Dr. Baker, what did you do to prepare  
22 for today's deposition?  
23 MR. COOK: I'll just caution the  
24 witness not to reveal any attorney-client  
25 communication or attorney work product. But

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1 otherwise, go ahead and answer the question.  
2 THE WITNESS: I reviewed my  
3 declaration, cited materials, other  
4 documents in the proceedings and I met with  
5 AMD's attorneys.  
6 BY MR. WUESTE:  
7 Q I would like to start with the  
8 documents you reviewed. So you reviewed your  
9 declaration and the materials cited within your  
10 declaration; correct?  
11 A Yes.  
12 Q And you mentioned other documents in  
13 the proceeding. What other documents were  
14 those?  
15 A The patent owner preliminary response,  
16 the -- I forget what it's called, response to  
17 the patent owner preliminary response and then  
18 the surreply to that response. I don't remember  
19 exactly the names. And then the only other one  
20 I reviewed was the decision.  
21 Q And by decision, am I to take that to  
22 mean the institution decision filed by the  
23 Patent Trials and Appeals Board?  
24 A Yes.  
25 Q Okay. How many hours did you spend

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1 reviewing those documents in advance of today's  
2 deposition?  
3 A I don't remember exactly, but I think  
4 on my own it was about three hours.  
5 Q Okay. Were there any other documents,  
6 aside from the ones already mentioned, that you  
7 reviewed in preparation for today's deposition?  
8 A I don't think so. I think that was  
9 it.  
10 Q You mentioned you met with AMD's  
11 counsel. Without getting into any privileged  
12 conversations, whom from AMD's counsel did you  
13 meet with?  
14 A Mr. Cook and Mr. Whilt.  
15 Q Could you spell the latter person's  
16 name for the record, please?  
17 A Whilt is spelled W-H-I-L-T.  
18 Q Thank you, sir. For how long did you  
19 meet with Mr. Cook and Mr. Whilt in preparation  
20 for today's deposition?  
21 A Around six hours.  
22 Q Did you meet or speak with anybody  
23 else either from AMD's counsel or otherwise in  
24 preparation for today's deposition?  
25 A I think technically the answer is yes,

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1 because during our meeting yesterday, we met  
2 with the Veritext folks about today's  
3 deposition.  
4 Q Okay. Beyond the Veritext folks that  
5 you mentioned as well as AMD's counsel, did you  
6 meet or speak with anybody else in preparation  
7 for today's deposition?  
8 A No.  
9 Q And just to confirm, when you met with  
10 the Veritext folks, that was to walk you through  
11 using the Veritext platform and exhibit share  
12 platforms?  
13 A Yes.  
14 Q Thank you, sir.  
15 Dr. Baker, you understand you're  
16 testifying today regarding an inter partes  
17 review or IPR petition that AMD has brought  
18 against U.S. Patent Number 6,651,134 owned by my  
19 client, Monterey Research LLC?  
20 A Yes.  
21 Q And you've already done so, so if I  
22 continue to refer to that patent as the '134  
23 patent, you'll understand what I mean?  
24 A Yes.  
25 Q When were you retained to provide your

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1 opinions regarding the '134 patent in this IPR  
2 proceeding?  
3 A I believe it was earlier last year in  
4 2020.  
5 Q Can you give a rough, you know, month  
6 or date when you were retained in 2020?  
7 A If I had to guess, I would say  
8 February or March.  
9 Q How were you retained for this IPR  
10 proceeding regarding the '134 patent? Was it  
11 through an engagement letter or something  
12 similar?  
13 A Yes.  
14 Q What did you discuss with counsel for  
15 AMD before you signed your engagement letter?  
16 MR. COOK: I'll caution the witness  
17 not to reveal any attorney-client  
18 communications. I'm not sure what that  
19 question is trying to get at.  
20 THE WITNESS: I don't know if I  
21 discussed anything or if I did, I don't  
22 recall what I discussed. It was a year ago.  
23 BY MR. WUESTE:  
24 Q Okay. Did, for example, you get a  
25 copy of the '134 patent before signing your

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