

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

BAYERISCHE MOTOREN WERKE)
AKTIENGESELLSCHAFT and)
BMW OF NORTH AMERICA,)
LLC,)
)
Petitioners,)
)
vs.)
)
PAICE LLC and THE ABELL)
FOUNDATION, INC. ,)
)
Patent Owners.)

Case
IPR2020-01299

Patent 8, 630, 761

The Virtual Deposition of
GREGORY W. DAVIS, Ph. D.
Date: April 14, 2021

The virtual deposition of GREGORY W. DAVIS,
Ph. D., called by the Patent Owners for examination,
pursuant to the applicable rules, taken
stenographically by Sandra L. Rocca, CSR, RMR, RDR,
CRR, on the 14th of April, 2021, at the hour of
9:00 a. m.

1 APPEARANCES: (All parties appeared remotely)

2

3

CROWELL & MORING
By: MR. SCOTT L. BITTMAN
590 Madison Avenue, 20th Floor
New York, New York 10022-2544
212.895.4223
sbittman@crowell.com

4

5

6

7

-and-

8

CROWELL & MORING
By: MR. VINCENT J. GALLUZZO
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2595
vgalluzzo@crowell.com

9

10

11

appeared on behalf of the
Petitioners;

12

13

FISH & RICHARDSON
By: MR. BRIAN J. LIVEDALEN
1000 Maine Avenue SW
Washington, D.C. 20024
202.638.6557
Livedalen@fr.com

14

15

16

17

appeared on behalf of
the Patent Owners.

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

WITNESS	PAGE
GREGORY W. DAVIS, Ph.D.	
EXAMINED BY	
Mr. Livedalen	4

EXHIBITS

NUMBER	MARKED FOR ID
Exhibit BMW1054	
C.P. Quigley reference, "Predicting the Use of a Hybrid Electric Vehicle"	6

(Exhibit not attached.)

1 GREGORY W. DAVIS, Ph.D.,
2 having been first duly sworn, was examined and
3 testified as follows:

4 EXAMINATION

5 BY MR. LIVEDALEN:

6 Q Good morning, Dr. Davis.

7 A Good morning.

8 Q Will you please state your name for the
9 record?

10 A Sure. It's Dr. Gregory W. Davis.

11 Q You understand you're providing testimony
12 for IPR2020-01299 today?

13 A Well, I guess that's the number. I don't
14 have the numbers memorized on these things.

15 MR. BITTMAN: I can confirm that that's
16 correct.

17 A Okay, thank you.

18 Q And I guess, Dr. Davis, what do you have in
19 front of you in terms of paper documents?

20 A Sure, I've got my declaration and then a
21 copy of the patent. I think I have a file history
22 here and actually it might be in another notebook.

23 A few of my exhibits. Do you want me to read
24 through all my tabs I have for you? Would that be
25 helpful?

1 Q That's fine. We could send you electronic
2 documents through the chat, but if you want to look
3 at the hard copies, that's fine as well.

4 A Yeah, I like the hard copies. Quite often
5 that can work out a little bit nicer.

6 Q Okay. All right. So I think we've
7 established that you -- your deposition today is for
8 IPR2020-01299. Is that right?

9 A Yes.

10 Q Okay. And Dr. Davis, you consider that your
11 expertise is the same or greater than a person of
12 skill in the art for this particular proceeding, is
13 that right?

14 A Yes, I do.

15 Q Okay. Dr. Davis, as to a person of skill in
16 the art, what is a parameter to you?

17 MR. BITTMAN: Objection, form.

18 A Can you point me to maybe something in my
19 declaration where I use that? That might -- it's
20 broad. It depends on the context sometimes.

21 Q Sure. So I will send you a document. How
22 about that? One second. I guess we'll -- we'll
23 just mark these as the regular exhibits. I think
24 that's probably easier. So this is BMW 1054, which
25 is the Quigley reference.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.