

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

- - -

APPLE, INC., : CASE
Petitioner, : IPR2022-00310
 :
vs. :
 : U.S PATENT
BILLJCO, LLC, : NO. 9,088,868
Patent Owner :

- - -

Thursday, September 1, 2022

- - -

Videotaped deposition of THOMAS F.
LA PORTA, currently located in
Pennsylvania, taken pursuant to notice,
was held remotely via Zoom, commencing at
9:02 a.m., on the above date, before Lori
A. Zabielski, a Registered Professional
Reporter and Notary Public in and for the
Commonwealth of Pennsylvania.

- - -

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 11 ALSO PRESENT:
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 14 - - -
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1 - - -
 2 I N D E X
 3 - - -
 4
 5 Testimony of: THOMAS F. LA PORTA
 6 By Mr. Merrill Page 08
 7
 8
 9 - - -
 10 E X H I B I T S
 11 - - -
 12 NO. DESCRIPTION PAGE
 13 NONE MARKED
 14
 15 - - -
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1 - - -
 2 D E P O S I T I O N S U P P O R T I N D E X
 3 - - -
 4
 5 Direction to Witness Not to Answer:
 6 Page Line Page Line
 7 NONE
 8
 9
 10 Request for Production of Documents:
 11 Page Line Page Line
 12 NONE
 13
 14
 15 Stipulations:
 16 Page Line Page Line
 17 NONE
 18
 19
 20 Question(s) Marked:
 21 Page Line Page Line
 22 NONE
 23
 24



Page 6

1 - - -
 2 PROCEEDINGS
 3 - - -
 4 THE COURT REPORTER: Are
 5 there any stipulations?
 6 MR. MERRILL: I don't think
 7 we -- I always get asked that
 8 question, and I think we say no,
 9 we are going to follow the rules.
 10 - - -
 11 (Off the record at this
 12 time.)
 13 - - -
 14 THE VIDEOGRAPHER: We are
 15 now on the record. This begins
 16 Media No. 1 in the deposition of
 17 Thomas F. La Porta in the matter
 18 of Apple, Incorporated versus
 19 BillJCo, LLC, in the United States
 20 Patent and Trademark Office before
 21 the Patent Trial and Appeal Board,
 22 Case IPR2022-00310.
 23 Today is September 1st,
 24 2022, and the time is 9:02 a.m.

Page 7

1 Eastern. This deposition is being
 2 taken remotely at the request of
 3 defendant.
 4 The videographer is James
 5 Taylor, and the court reporter is
 6 Lori A. Zabielski of Magna Legal
 7 Services.
 8 Will counsel and all parties
 9 present state their appearances
 10 and whom they represent.
 11 MR. MERRILL: Courtland
 12 Merrill on behalf of the patent
 13 owner and with me is Joseph Kuo.
 14 MR. WOLFE: Joe Wolfe on
 15 behalf of petitioner, Apple, Inc.
 16 and with me is Larissa Bifano.
 17 THE VIDEOGRAPHER: Will the
 18 court reporter please swear in the
 19 witness.
 20 - - -
 21 THOMAS F. LA PORTA, after
 22 having been first duly sworn, was
 23 examined and testified as follows:
 24 - - -

Page 8

1 EXAMINATION
 2 - - -
 3 BY MR. MERRILL:
 4 Q. Good morning, Dr. La Porta.
 5 My name is Courtland Merrill. I am
 6 counsel for the patent owner in this
 7 case, BillJCo. And we are here today
 8 regarding your declaration that was
 9 submitted in the IPR2022-0310, and that
 10 relates to Patent No. 9,088,868.
 11 I am going to refer to that
 12 as the '868 Patent. Is that okay with
 13 you?
 14 A. Yes, that's fine.
 15 Q. Okay. And then before we go
 16 into the deposition, I am going to ask
 17 some preliminary questions and state some
 18 ground rules.
 19 So with that, I know you
 20 have been deposed before, but obviously I
 21 am going to ask you questions on the
 22 record and I would ask for you to provide
 23 a verbal response.
 24 Is that okay?

Page 9

1 A. That's fine.
 2 Q. And if you can't hear me,
 3 let me know, and I will try to speak up
 4 or change the volume settings.
 5 Also, if you don't
 6 understand my questions, I will ask you
 7 to let me know, and I will try to
 8 rephrase as best as I can.
 9 Does that sound fair?
 10 A. Yes, that's fine.
 11 Q. And if you need a break, let
 12 me know, and we will accommodate you. I
 13 would ask that you answer the question
 14 before we take a break.
 15 Is that fair?
 16 A. Yes, that's fine.
 17 Q. And then I guess also, if
 18 you need to review any documents to
 19 answer any of my questions, let me know,
 20 and we will try to find you the document
 21 and go from there.
 22 Okay? Is that fair?
 23 A. Okay. That's fine.
 24 Q. And I guess lastly, if -- I

3 (Pages 6 to 9)



1 will try to talk slowly so the court
2 reporter can take down my questions, and
3 I would ask just to make -- try to do our
4 best to try not to talk over each other.
5 That seems to happen from time to time in
6 depositions. Okay?

7 A. That's fine.

8 Q. Now, I spoke off the record
9 to your attorney, Ms. Bifano --

10 MR. MERRILL: Am I saying
11 that correctly, Larissa?

12 MS. BIFANO: Yes.

13 MR. MERRILL: Bifano?

14 MS. BIFANO: Yes.

15 BY MR. MERRILL:

16 Q. And we agreed that I am not
17 going to -- I don't need to ask you
18 questions that were already asked about
19 your background, your CV, your experience
20 and that nature, any articles you
21 published.

22 I guess since your prior
23 depositions regarding the Apple patents,
24 specifically the '267 Patent and the '839

1 Patent, has anything material changed
2 regarding your experience, your
3 publications, your work?

4 A. No, it hasn't. No, it
5 hasn't.

6 Q. Okay. Thank you.

7 Now, concerning the
8 declaration that you submitted in the
9 '868 Patent, about how much time did you
10 prepare forming your opinions?

11 A. So in -- apparently the
12 declaration, I would say it's hard to say
13 because I was preparing declarations for
14 the other patents as well. But if I was
15 going to divide it out, I would say 50
16 hours, more or less.

17 Q. And did you prepare your
18 declaration regarding the '868 Patent
19 before or after you prepared your other
20 declarations?

21 A. I believe I finished it
22 last, but it was -- a lot of the work was
23 in parallel.

24 Q. And did you form your

1 opinions regarding the '868 Patent before
2 or after you formed your opinions
3 concerning the '267 and '839 Patents?

4 A. Again, some of the work was
5 done in parallel, so -- some of it was
6 done in parallel. Some of the opinions
7 were formed in parallel. I don't
8 remember exactly when I formed which
9 opinions. But some of the work was done
10 at the same time.

11 Q. Okay. And just generally,
12 what was your process in forming your
13 opinions regarding the '868 Patent?

14 A. The general process is, you
15 know, I looked at the '868 and I looked
16 at the claims, and then I read the prior
17 art and, you know, took a bunch of notes
18 on parts of the patents' prior art that I
19 thought were relevant and drafted
20 opinions.

21 Q. Now, what did you do to
22 prepare for your deposition today?

23 A. I looked over my declaration
24 quite a bit, and I looked at the '868

1 Patent, I looked at the prior art, the
2 relevant sections of the prior art, I
3 would say, I looked at the patent owner's
4 preliminary response and I looked at the
5 board's decision.

6 Q. And I am not going to put it
7 up on my screen, but you have a copy of
8 the -- of your declaration, which is
9 Exhibit No. 1002; is that right?

10 A. Yes, I have a hard copy and
11 a soft copy.

12 Q. Okay. And is your
13 declaration a complete disclosure of all
14 of your opinions concerning the '868
15 Patent?

16 A. It's a -- it has my opinions
17 in it. I probably have more opinions
18 that are not in there. I mean,
19 previously -- those are my opinions.
20 There may be more evidence supporting
21 those opinions that didn't make it in. I
22 put the stuff that I thought was the most
23 relevant that made the -- that supported
24 my opinions.

1 Q. Okay.
 2 A. So there may be some
 3 additional stuff, I am saying, depending
 4 on the questions. But that's a full
 5 representation of my -- my opinions and
 6 what I consider to be --
 7 - - -
 8 (Reporter clarification at
 9 this time.)
 10 - - -
 11 THE WITNESS: Enough
 12 evidence to support my opinions.
 13 THE COURT REPORTER:
 14 Counsel, are you having difficulty
 15 with the audio breaking in and
 16 out?
 17 MR. MERRILL: I am not. I
 18 can hear him fine. I don't know
 19 if anybody else is having an
 20 issue.
 21 THE VIDEOGRAPHER: Yeah, I
 22 am not having any issues either.
 23 MR. WOLFE: I am not either.
 24 THE COURT REPORTER: We will

1 keep trying, and if not, I will
 2 have to log out and log back in.
 3 MR. MERRILL: Yeah, just let
 4 me know, and we will deal with it.
 5 BY MR. MERRILL:
 6 Q. Okay. Dr. La Porta, could
 7 we take a look at Exhibit-1001 which is
 8 the '868 Patent? I am going to put that
 9 up on the screen here.
 10 A. I have it on my screen as
 11 well.
 12 Q. All right.
 13 MR. MERRILL: Can anybody --
 14 everyone see my screen?
 15 MR. WOLFE: I can, yes.
 16 MR. MERRILL: Okay.
 17 BY MR. MERRILL:
 18 Q. So just looking at the '868
 19 Patent, are there any figures in this
 20 patent that you thought were perhaps
 21 relevant to your opinions in the case?
 22 A. I will have to flip through
 23 the opinions -- excuse me -- the figures.
 24 I want to look at my screen for that.

1 Q. Yeah, go ahead. And I am
 2 just kind of asking that generally, if
 3 there was anything relevant to your
 4 opinions in here.
 5 A. I mean, certainly there are
 6 some of the figures that were relevant to
 7 my opinion because I used the figures to
 8 understand how -- to understand the
 9 disclosure in the '868 and, you know, the
 10 claims. So, I mean, there is general
 11 figures that show that it's, you know,
 12 sort of cellar network that have the
 13 architecture of the device with, you
 14 know, the processors and the memory. So
 15 all those things, you know, as I read the
 16 '868, I referred to the figures. So yes,
 17 the figures in general were relevant to
 18 my opinion.
 19 Q. Do any of them stick out to
 20 you? I don't recall any of them being
 21 referred to in your declaration. We can
 22 check that, if you want.
 23 But do you recall any of
 24 these figures that stand out to you as

1 something that would -- that was relevant
 2 to your opinions or material to your
 3 opinions?
 4 A. So I don't know that any of
 5 them stand out more than any of the
 6 others. And I -- I would say to the
 7 extent that I cite the '868, sometimes
 8 some of that text may be referring to
 9 figures or may be related to figures. So
 10 while I may not have cited a figure
 11 directly, I -- some of the text in the
 12 patents was referring to the figures or
 13 related to the figures.
 14 Q. And I am going to ask a
 15 question about the specification, the
 16 written specification. Is there any
 17 parts of that that you felt were material
 18 to your opinions? And I can direct you
 19 to, I believe, paragraph 33 of your
 20 declaration. You cite a little bit right
 21 there?
 22 A. So, you know, it's hard for
 23 me to say what sections I focused on.
 24 Obviously, it's a very long patent. I



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