

Deposition of: **Eric H. Maslen , Ph.D.**

March 25, 2021

In the Matter of:

Unicorn Global Inc Et Al Vs. Golabs Inc

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Page 1
                UNITED STATES DISTRICT COURT
 1
                 NORTHERN DISTRICT OF TEXAS
 2
                       DALLAS DIVISION
      UNICORN GLOBAL, INC., et al., :
 3
                 Plaintiffs,
 4
                                 : CASE NO.
 5
                                        3:19-CV-0754-N
                vs.
      GOLABS, INC., d/b/a GOTRAX,
 6
      LLC, et al.,
 7
                Defendants.
 8
 9
10
             VIDEO DEPOSITION OF ERIC MASLEN, PHD
11
                           March 25, 2021
      DATE:
12
      TIME:
                           1:05 p.m.
13
                           Via Zoom Videoconference
      LOCATION:
                           Earlysville, Virginia
14
15
                       Constance H. Rhodes
16
      REPORTED BY:
                           Reporter, Notary
17
18
19
                   Veritext Legal Solutions
                   1250 Eye Street, Northwest
20
                      Washington, DC 20005
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22
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Case 3:20-cv-02023-N Document 104-3 Filed 04/29/21 Page 4 of 51 PageID 3462

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1 APPEARANCES 2	1 PROCEEDINGS
3 On behalf of Plaintiff:	THE VIDEOGRAPHER: Good afternoon. We're
4 TIMOTHY WANG, ESQUIRE.	3 going on the record at 1:05 p.m. on March 25th,
STEVE MOORE, ESQUIRE	4 2021. This is the remote video-recorded deposition
5 Ni, Wang & Massand, PLLC 8140 Walnut Hill Lane	5 of Dr. Eric H. Maslen, taken in the matter of
6 Suite 500	6 Unicorn Global, Incorporated, et al. v. Golabs,
Dallas, Texas 75231	7 Incorporated, filed in the United States District
7 (972) 331-4600	8 Court for the Northern District of Texas, Dallas
Twang@nilawfirm.com	9 Division, Case Number 3:19-CV-0754-N.
8 9 On behalf of Defendant:	10 My name is Victoria Varner from firm the
10 TONY PEZZANO, ESQUIRE	_
Offit Kurman, P.A.	11 Veritext Legal Solutions. The court reporter is
11 590 Madison Avenue	12 Connie Rhodes from the firm Veritext Legal
Sixth Floor 12 New York, New York 10022	13 Solutions.
(212) 545-1900	Will counsel please state your
13 Tony.pezzano@offitkurman.com	15 appearances and affiliations for the record.
14	MR. PEZZANO: Tony Pezzano on behalf of
15 ALSO PRESENT:16 Victoria Varner, Videographer	17 Defendant Golabs.
16 Victoria Varner, Videographer 17 *****	MR. WANG: Timothy Wang on behalf of the
18	19 plaintiffs, Unicorn Global and Hangshou Chic.
19	MR. MOORE: Steve Moore, also here on
20 21	21 behalf of plaintiffs.
22	THE VIDEOGRAPHER: Thank you. And will
Page 3	Page :
1 CONTENTS	1 the court reporter please swear in the witness.
2 EXAMINATION BY: PAGE	
	2 WHEREUPON,
	3 ERIC H. MASLEN, PHD
4 Counsel for Plaintiff 98	4 called as a witness, and having been first duly
5	5 sworn, was examined and testified as follows:
6 MASLEN DEPOSITION EXHIBITS:*	6 EXAMINATION BY COUNSEL FOR DEFENDANT
7 1 U.S. Patent 9,376,155 B2 16	7 BY MR. PEZZANO:
8 2 U.S. Patent 10,597,107 B2 17	8 Q Good afternoon. Would you please state
9 3 U.S. Patent 10,850,788 B2 18	9 your full name and address for the record.
10 4 Declaration of Dr. Eric H. Maslen in	10 A My name is Eric Harvey Maslen, and
11 Support of Plaintiffs' Claim	11 address is 748 Reas R-E-A-S Ford Road
12 Constructions 20	12 Earlysville, Virginia 22936.
13 5 Declaration of Dr. William E. Singhose	13 Q Have you ever been deposed by video
in Support of Defendant/Counterclaimant	14 before?
15 Golabs's Opening Claim Construction Brief 21	15 A No, I haven't.
16 6 Declaration of Dr. Eric H. Maslen in	16 Q All right. I'm going to before we
17 Rebuttal of Golabs's Motion for Partial	
	17 begin, I'll just walk you through some of the
18 Summary Judgment 29	18 procedures here. Have you and before that, let
19 7 Chinese Patent CN203268232U 49	19 me just ask you one other question. Have you ever
20 8 Chinese Patent CN103529850B 46	20 been have you ever testified at trial or at a
21 9 Chinese Patent CN202669532U 48	21 legal hearing before?
22 (* Exhibits attached to transcript.)	22 A Yes.



Page 6 Page 8 1 Q How many trials and/or legal hearings 1 What was the outcome of that case? 2 2 have you testified at before? I don't know what the final outcome of 3 A I've got a list. Do you want me to -- I 3 the case was. 4 4 Q Were these all patent infringement don't know. 5 Q Do you have a rough estimate? 5 cases? 6 A Maybe four or five trials. 6 A Yes. Q What were the outcomes of those trials? Q So I'm going to summarize some of the procedures here today to facilitate this 8 Can you summarize it? 9 videoconference deposition. Can we agree that if A Let's see. The first case, the outcome 10 was they found for the plaintiff. Second case someone drops off the video conference, we will pause the deposition and wait to resume until the 11 that I was an expert in settled out of court. The 12 third settled out of court. I was in an person rejoins? 12 13 arbitration. I don't know the outcome of that 13 MR. WANG: Yes. Sure. 14 BY MR. PEZZANO: 14 arbitration. Another one, no court hearing. 15 Settled out of court. Gosh. There was a court 15 Q And Dr. Maslen, are your video and audio 16 hearing, I was there, there was a deposition, and 16 feeds working right now? 17 17 I don't know the outcome. A Seem fine. 18 Swimways, let's see. That was deposition 18 Is there any significant delay or are 19 but no courtroom hearing. I believe they found for 19 you having any quality issues with the audio? 20 defendant, but I don't actually know the outcome. 20 A I'm on a DSL line so it's a little bit L&R, this was a preliminary injunction. I gave a 21 slow, but it's not a noticeable delay. 22 deposition. Let's see. ASF was only deposition. 22 Q Would you agree to let me know if you Page 7 Page 9 1 And Free-Flow, actually not even a deposition. 1 are having an Internet connect activity issue, and 2 So those are all the previous -- I guess 2 we will delay to try to accommodate you? 3 I've really only had two courtroom experiences. I'm 3 A Sure. Of course. sorry I overstated that. Q Can you agree -- can you please confirm 5 5 there is no one else in the room with you? Q And by courtroom appearances are you referring to trial testimony? 6 A No one in the room. There's a dog that 7 A Trial testimony, yes. 7 might wander in but that's it. 8 Q And the first case you mentioned that Q Are there any other electronics in the 9 you testified in trial you indicated the outcome room with you? 10 was on behalf of the plaintiff. Who were the 10 My telephone is sitting in here. That's 11 it. 11 parties in that case? 12 12 A It was Pregis versus Doll and Free Flow Q And I say this to all the witnesses. 13 Packaging. Doll being the patent office. Oftentimes, attorneys say turn off all the 14 And who were you representing in that electronics. I don't. You can keep your phone 15 case? on. You might want to just turn down the volume, The plaintiff. just in case of an emergency, you know. I don't 16 17 Q And what was the other case that you mind if you leave it on. Just keep to the side testified in trial that had an outcome? 18 with maybe the ringer turned down a little bit, if 18 19 A So it was a preliminary hearing. I 19 that's okay. 20 20 don't -- maybe that's not a trial. It was in A I muted the ringer. court. That was the Robert Bosch LLC v. Alberee 21 Where are you located here today. 22 22 Products and Costco. A I'm in my house at 748 Reas Ford in



Page 10 Page 12 1 Earlysville. 1 of Virginia. And then once I got my doctorate, I 2 Q We'll take periodic breaks about every 2 joined the faculty at University of Virginia. I was hour or so for about 10 minutes or 15 minutes. Is on that faculty from 1990 until 2010, and in 2010 --3 that okay with you? at which point I was a full professor. And in 2010 5 A Sure. Sounds good. 5 I took a position as department head at James Q If you need to take a break at any point Madison University, and I stayed there until 2016, in time, just let me know and we'll accommodate August. And then I retired from there, and I've you. Okay? since then been working as a consultant. 9 9 Q Are you self-employed as a consultant? A Thank you. 10 Q Do you understand you are testifying 10 A Yes. I am self-employed as a under oath here today? 11 11 consultant. 12 A I do. 12 Q I don't know if you recall but the last Q Do you understand that the oath is 13 time you testified -- actually, I took your 13 14 binding as if you -- as if the oath had been given deposition -- was on September 12, 2019, in a 15 in a court of law? 15 related case involving the '155 and '802 patents. 16 A Yes. 16 Do you recall that? Q Is there any reason you cannot testify 17 17 A Yes. 18 truthfully and accurately here today? 18 And since that time have you been Q 19 A No. 19 involved in -- maybe if you can from that point in 20 Q Are you on any medication that would time summarize the litigations you've been impact your ability to testify truthfully here involved in since September of 2019? You can use 22 today? 22 your resume to assist. Page 11 Page 13 1 No. A Yeah. Right. No. Most of the work 2 And have you ever been convicted of a 2 I've been doing was all related to these 3 felony? 3 hoverboard activities. I have some other ongoing 4 4 activities. Should I report them? I don't know A No. Q Have you ever been convicted of a crime if I've been disclosed as a witness in those, so 5 that relates to your ability to give truthful I'm not sure I should be -- should be saying much 7 testimony here today? about them. But only one other case, and it's not 8 A No. 8 related to hoverboards. 9 Q Can you summarize your formal education? 9 Q Your counsel could put the transcript A I got a bachelor of science from Cornell 10 under confidentiality if you are afraid of 10 11 University in 1980, and I got a doctorate in revealing confidential information. I'm not going 12 mechanical and aerospace engineering from 12 to ask you any details about the other matter that University of Virginia in 1990. you've identified, just the names of the parties. 13 14 Q Can you chronologize your employment 14 A Okay. It's Geigtech East Bay, LLC 15 history since you graduated with your doctorate versus Lutron Electronics Company, Incorporated. 15 degree at the University of Virginia. 16 Q And who are you representing in that 16 17 A Yeah. I went to work as a mechanical 17 matter? engineer for Koppers Company, and I was there from 18 A I represent Lutron. 18 roughly '80 through '85 with a break in the middle 19 Q Is that a patent infringement matter? 20 20 where I was in the U.S. Peace Corps. Α Yes. 21 21 O You mentioned that you've been involved And then I went to graduate school. I was 22 employed while in graduate school by the University 22 in various hoverboard matters. Have you been



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