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

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ECOBEE TECHNOLOGIES, ULC,)
)
Petitioner,)
) IPR2022-00969
v.) Patent No.
) 98,596,550
ECOFACOR, INC.,)
)
Patent Owner.)
_____)

RECORDED VIDEOCONFERENCE DEPOSITION OF DAVID AUSLANDER

Taken via Zoom
On Wednesday, June 7, 2023
At 8:56 a.m.

Reported by: Emily A. Gibb, RPR, CSR, CCR

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A P P E A R A N C E S

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Also Present:

Anthony Gulino, Legal Videographer

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I N D E X

DAVID AUSLANDER	PAGE
Examination By Mr. Link	5

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E X H I B I T S

EXHIBIT	DESCRIPTION	PAGE
Exhibit 1023-969	- Case No. IPR2022-00969 Reply Declaration of David M. Auslander	5
Exhibit 1023-983	- Case No. IPR2022-00983 Reply Declaration of David M. Auslander	5
Exhibit 1022	- April 11, 2023 Transcript of John A. Palmer, Ph.D.	13
Exhibit 1004	- United States Patent Application Publication No. 2004/0117330 A1	27
Exhibit 1005	- United States Patent Application Publication No. US 2005/0040250 A1	46
Exhibit 1007	- UK Patent Application GB 2 432 016 A	47

1 P R O C E E D I N G S

2 -o0o-

3
4 VIDEOGRAPHER: Good morning, everyone. We
5 are going on the record at 8:56 a.m., Pacific
6 Daylight Time on June 7, 2023. Please note that this
7 deposition is being conducted virtually. Quality of
8 recording depends on the quality of camera and
9 Internet connection of participants. What is seen
10 from the witness and heard on screen is what will be
11 recorded. Audio and video recording will -- will
12 continue to take place unless all parties agree to go
13 off the record.

14 This is Media Unit 1 of the video-recorded
15 deposition of Dr. David Auslander taken by counsel
16 for patent owner in the matter of Ecobee Technologies
17 ULC versus EcoFactor, Inc. And the patent numbers
18 are IPR2022-969 and 983.

19 This deposition is being conducted remotely
20 using virtual technology. My name is Anthony Gulino
21 representing Veritext Legal Solutions, and I am the
22 videographer. The court reporter is Emily Gibb from
23 the firm Veritext Legal Solutions. I am not related
24 to any party in this action, nor am I financially
25 interested in the outcome. If there are any

Page 4

1 objections to proceeding, please state them at the
2 time of your appearance.

3 Counsel will now state their appearances and
4 affiliations, beginning with the noticing attorney.

5 MR. LINK: Good morning. My name is
6 Jonathan Link from the law firm of Russ August &
7 Kabat on behalf of the patent owner, EcoFactor.

8 MR. OLIVER: Justin Oliver from the law firm
9 of Venable on behalf of the petitioner EcoBee.

10 And before we get started, you might have
11 already mentioned this, this video is just being used
12 for purposes of the court reporter and copies will
13 not be saved; correct?

14 MR. LINK: I -- yes.

15 MR. OLIVER: Yeah. Okay.

16

17

EXAMINATION

18

BY MR. LINK:

19

Q. All right. Good morning, Dr. Auslander.

20

A. Good morning. Good to see you.

21

Q. Good. You as well.

22

(Exhibits 1023-969 and 1023-983 were
23 marked for identification.)

24

25

I've -- I've marked or -- or introduced as
two exhibits your two reply declarations in this case

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