

In the Matter of:

ACCO Brands Corporation, et al.

vs.

Think Products, Inc., et al.

Ryan White

April 27, 2016



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ACCO Brands
Exhibit 1026
ACCO Brands v. Think Products
IPR2015-01167

Ex. 1026 - Page 1 of 53

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

ACCO Brands Corporation
and ACCO Brands USA LLC,

Case IPR2015-01167
Patent 8,717,758

Petitioner,

v.

Think Products, Inc.,

Patent Owner.

ACCO Brands Corporation
and ACCO Brands USA LLC

Petitioner,

v.

Think Products, Inc.,

Patent Owner.

Case IPR2015-01168
Patent 8,837,144

DEPOSITION OF RYAN WHITE

April 27, 2016, 9:07 a.m.

Wyndham Boston Beacon Hill

5 Blossom Street

Boston, Massachusetts 02114

Reported by: Dana Welch, CSR, RPR, CRR, CRC

Job no. CH-082660-DEP-01

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2 For Petitioners:</p> <p>3 MARSHALL GERSTEIN BORUN LLP</p> <p>4 BY: MICHAEL R. WEINER, ESQ.</p> <p>5 233 South Wacker Drive</p> <p>6 6300 Willis Tower</p> <p>7 Chicago, IL 60606-6357</p> <p>8 312.474.9560 Fax: 312.474.0448</p> <p>9 mweiner@marshallip.com</p> <p>10</p> <p>11 For Patent Owner:</p> <p>12 LAW OFFICE OF JOHN F. VODOPIA, PC</p> <p>13 BY: JOHN F. VODOPIA, ESQ.</p> <p>14 191 New York Avenue</p> <p>15 Huntington, NY 11743</p> <p>16 631.673.7555 Fax: 631.425.7030</p> <p>17 jvodopia@gmail.com</p> <p>18 jvodopia@ieee.org</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 --- appearances continued) ---</p>	<p style="text-align: right;">Page 4</p> <p>1 INDEX</p> <p>2 WITNESS: RYAN WHITE</p> <p>3 EXAMINATION: PAGE:</p> <p>4 BY MR. VODOPIA 5</p> <p>5 BY MR. WEINER 170</p> <p>6 BY MR. VODOPIA 189</p> <p>7 EXHIBITS MARKED:</p> <p>8 NO. DESCRIPTION PAGE:</p> <p>9 Exhibit 2001, Supplemental Declaration of 20</p> <p>10 Ryan White (01167),</p> <p>11 Exhibit 2002, Supplemental Declaration of 22</p> <p>12 Ryan White (01168)</p> <p>13 Exhibit 2003, Declaration of Ryan White 28</p> <p>14 (01168)</p> <p>15 Exhibit 2004, Declaration of Ryan White 30</p> <p>16 (01167)</p> <p>17 Exhibit 2005, U.S. Patent 8,717,758 40</p> <p>18 Exhibit 2006, U.S. Patent 8,837,144 50</p> <p>19 Exhibit 2007, Simplified Explanation of 88</p> <p>20 Findings Provided in the IPR, Rob Mahaffey</p> <p>21</p> <p>22 NOTATIONS:</p> <p>23 Hearing before Judges Pollock and Rice. 165</p> <p>24</p> <p>25 Exhibits retained by reporter.</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES: (Continuing)</p> <p>2 For Patent Owner:</p> <p>3 EDWIN D. SCHINDLER, ESQ.</p> <p>4 4 High Oaks Court</p> <p>5 Huntington, NY 11743-0777</p> <p>6 631.474.5373</p> <p>7 edschindler@att.net</p> <p>8 edschindler@optonline.net</p> <p>9</p> <p>10 Also Present: Eric Lazarus, Peter Allen</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 PROCEEDINGS</p> <p>2 RYAN WHITE, sworn</p> <p>3 EXAMINATION</p> <p>4 BY MR. VODOPIA:</p> <p>5 Q. Good morning, Ryan. My name is</p> <p>6 John Vodopia. I'm one of the attorneys</p> <p>7 representing Think Products, the patent owner in</p> <p>8 this case. I'm going to be asking you a number of</p> <p>9 questions.</p> <p>10 The court reporter will take down</p> <p>11 everything we say, so your answers need to be</p> <p>12 verbal.</p> <p>13 A. Uh-huh.</p> <p>14 Q. Non-gestural and nod of the head or other</p> <p>15 type of gesture won't work well.</p> <p>16 If any of the questions I ask you are not</p> <p>17 clear, please let me know, I'll rephrase the</p> <p>18 question. Any answer you give in response to a</p> <p>19 question, I will take it to mean you understood my</p> <p>20 question and your answer was in response to it.</p> <p>21 If you don't know or have an answer to any</p> <p>22 of the questions -- or don't have an answer to any</p> <p>23 of the questions, please do not guess. An answer</p> <p>24 "I don't know" is an acceptable answer.</p> <p>25 A. Okay.</p>

2 (Pages 2 to 5)

<p style="text-align: right;">Page 6</p> <p>1 Q. Ryan, do you understand that your 2 testimony today is being used in connection with 3 the proceedings that are held before the U.S. 4 Patent and Trademark Office? 5 A. I do. 6 Q. Yes, so I skipped one. 7 MR. SCHINDLER: No, you didn't. 8 Q. Please state your name and address for the 9 record. 10 A. Ryan White. That's 15 Oakwood Road, 11 Acton, Massachusetts. 12 Q. Ryan, can we start with your educational 13 background after high school. 14 A. Yeah. I went to Wentworth Institute of 15 Technology where I earned a Bachelor of Science 16 Degree in Industrial Design in 2001. 17 Q. And can you tell me your employment 18 history, I guess, beginning in 2001. 19 A. I worked at Insight New Product 20 Development, a Chicago-based industrial design 21 firm, but I worked in their Boston office. Then 22 went on to Item New Product Development in 23 Providence, Rhode Island before moving out to San 24 Francisco and becoming employed with Kensington 25 where I --</p>	<p style="text-align: right;">Page 8</p> <p>1 that, I became a lead industrial designer, and a 2 year after that I became the global design manager. 3 Q. And so that was in 2008, global design 4 manager? 5 A. I believe the design manager position came 6 in 2010. 2008 was when I was lead for the security 7 category. 8 Q. Uh-huh. So about 2010. 9 And when did you move and do it remotely? 10 A. 2008, I moved back here. 11 Q. Oh, okay. 12 A. And that's the same time. 13 Q. And does that mean you worked at home? 14 A. Yeah. 15 Q. The whole time? Sometimes you would -- 16 A. About a week a month I'd be in Vancouver 17 working with the security team. 18 Q. Oh, and so I thought you were in San 19 Francisco. You were in Vancouver? 20 A. The security team was mainly based in 21 Vancouver. 22 Q. Okay. Great. 23 And when did you stop working for 24 Kensington? 25 A. I believe it's 2011 or 2012.</p>
<p style="text-align: right;">Page 7</p> <p>1 Q. And when was that? 2 A. 2004, I moved out to California. So 3 either end of 2004, beginning of 2005. I was with 4 them for roughly eight years, I believe four of 5 which were remote. 6 I moved back here. And then I was an 7 independent industrial designer for several years 8 before taking a job with Staples, which is, I 9 believe, the last position on here. 10 Since this declaration, I have accepted a 11 new position as associate vice president of design 12 at Mass Mutual. 13 Q. So what was your position when you started 14 with Kensington in 2004? 15 A. I was an industrial designer, so I led 16 three of their six categories. 17 Q. And what did you do there? 18 A. Industrial design at Kensington was 19 anything from preliminary engineering mockups to 20 aesthetic development of form factors, material 21 selection, and brand elements. 22 Q. And so that was your entry level position. 23 Did you -- were you promoted at some point? 24 A. Several times. Within two years I became 25 a senior industrial designer. Within a year after</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. And what were the circumstances behind 2 that? 3 A. New opportunity. 4 Q. Oh, so did you leave Kensington? 5 A. Yes. 6 Q. And what was the new opportunity? 7 A. A company offered me an R&D team to do 8 exploratory work to enter into new markets in 9 verticals. 10 Q. In verticals? 11 A. Different channels. I guess I'll just be 12 specific. The company sold a specific product in a 13 specific channel, retail, and they wanted to get 14 into B2B. 15 Q. And what was the product? 16 A. It was tablet accessories and iPhone 17 accessories. 18 Q. And what was the name of the company? 19 A. Speculative Products Group, but they're 20 known as Spec. 21 Q. And how long were you with them? 22 A. One year. 23 Q. So that was until 2012? 24 A. I believe it was 2012. 25 Q. And how long did you work for them?</p>

3 (Pages 6 to 9)

Page 10	Page 12
<p>1 A. One year.</p> <p>2 Q. One year? So 2013.</p> <p>3 And where did you go in 2013?</p> <p>4 A. I went independent.</p> <p>5 Q. Meaning you're an independent consultant?</p> <p>6 A. Yeah.</p> <p>7 Q. And you were an independent consultant</p> <p>8 from 2013 on?</p> <p>9 A. I think it was 2012 --</p> <p>10 Q. 2012, yeah?</p> <p>11 A. -- until 2014.</p> <p>12 Q. And then I know you mentioned it before.</p> <p>13 Could you --</p> <p>14 A. Then I went to Staples.</p> <p>15 Q. Staples, yeah.</p> <p>16 And are you with Staples now?</p> <p>17 A. No, I'm not.</p> <p>18 Q. When did you leave Staples?</p> <p>19 A. December 31st of 2015.</p> <p>20 Q. Oh, so pretty relatively recently?</p> <p>21 A. Yes.</p> <p>22 Q. And why did you leave Staples?</p> <p>23 A. A new opportunity.</p> <p>24 Q. And what was the new opportunity?</p> <p>25 A. To run a labs innovation team for Mass</p>	<p>1 A. I was.</p> <p>2 Q. -- for ClickSafe?</p> <p>3 And were you paid by the hour?</p> <p>4 A. I did a flat rate.</p> <p>5 Q. What does that mean?</p> <p>6 A. They asked for specific deliverables, I</p> <p>7 told them how much it would cost and when I could</p> <p>8 get it turned around or delivered to them, and that</p> <p>9 was the agreement we had.</p> <p>10 Q. And was that in 2013 only?</p> <p>11 A. I believe so.</p> <p>12 Q. And did you do any work for them in 2014?</p> <p>13 A. No.</p> <p>14 Q. 2015?</p> <p>15 A. No.</p> <p>16 Q. Were you -- do you have any patents in</p> <p>17 your name that are owned by Kensington or...</p> <p>18 A. Yes.</p> <p>19 Q. And any pending patent applications?</p> <p>20 A. I'm not positive. I don't believe so.</p> <p>21 With Kensington, I don't believe so.</p> <p>22 Q. Right.</p> <p>23 So since you left Kensington, have you --</p> <p>24 have you had to review any patent-related documents</p> <p>25 and sign any patent-related --</p>
Page 11	Page 13
<p>1 Mutual.</p> <p>2 Q. And that's -- and where is that, in</p> <p>3 Boston?</p> <p>4 A. That's here in Boston, yes.</p> <p>5 Q. And what do you do? What is your -- could</p> <p>6 you tell me more about your position running the</p> <p>7 lab's innovation team for Mass Mutual?</p> <p>8 A. Uh-huh. My team is responsible for</p> <p>9 evaluating market, user, and business trends to</p> <p>10 predict ideal business offerings 18 months to</p> <p>11 five years out. So we are forward looking. Our</p> <p>12 concepts are then evaluated by the executive board</p> <p>13 and then loaded into the product roadmap for the</p> <p>14 development team to build out.</p> <p>15 Q. Good.</p> <p>16 Since 2012 when you stopped working for</p> <p>17 Kensington directly, have you done any other work</p> <p>18 for ACCO or Kensington?</p> <p>19 A. I have.</p> <p>20 Q. And could you tell me what that was?</p> <p>21 A. I did some brand work for their launch of</p> <p>22 their ClickSafe, so sales collateral.</p> <p>23 Q. And when was that?</p> <p>24 A. Well, I believe that was 2013.</p> <p>25 Q. And were you a paid consultant --</p>	<p>1 A. Yes.</p> <p>2 Q. And are you paid for that?</p> <p>3 A. No.</p> <p>4 Q. No.</p> <p>5 And so the last time you were paid for --</p> <p>6 by Kensington was sometime in 2013?</p> <p>7 A. Yes.</p> <p>8 Q. And you're being -- are you being paid for</p> <p>9 this work, this --</p> <p>10 A. (No verbal response.)</p> <p>11 Q. And are they paying you as a consultant?</p> <p>12 A. I'm not quite sure how to answer that one.</p> <p>13 Q. Okay. Are they paying you as an expert</p> <p>14 witness?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Good.</p> <p>17 And can you tell me the rate of</p> <p>18 compensation?</p> <p>19 A. 230 on an hourly basis.</p> <p>20 Q. And can you tell me about how many hours</p> <p>21 you've put in up until today in this matter?</p> <p>22 A. I could not off the top of my head. I</p> <p>23 mean, I really don't --</p> <p>24 Q. Guess? A hundred?</p> <p>25 A. No.</p>

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<p>1 Q. 50? 2 A. I couldn't tell you with any accuracy. 3 Q. But less than a hundred? 4 A. Yes. 5 Q. Less than 50? 6 A. I'm not positive. 7 Q. Okay. Great. 8 Have you -- is this your first deposition? 9 A. It is. 10 Q. Good. 11 And I want to jump back to Kensington. 12 Before you left, did you know Robert Mahaffey when 13 you worked at Kensington? 14 A. Yes. 15 Q. And what was your business relationship 16 with Robert Mahaffey? 17 A. When I joined, Rob was a project manager 18 and I worked on several projects that he managed. 19 Later on, he managed the security projects, and I 20 believe his role was split between project and 21 product manager, and that was the team that I was 22 the lead industrial design for. 23 Q. How often did you speak with Mr. Mahaffey 24 when you worked with Kensington -- for Kensington? 25 A. I would probably say close to every single</p>	<p>1 when you worked at Kensington? 2 A. I did. 3 Q. And did you speak with him frequently? 4 A. Define "frequently," please. 5 Q. Well, I mean as frequently as you spoke to 6 Mr. Humphrey. 7 A. No. 8 Q. No. 9 What was your relationship with 10 Mr. Franey? 11 A. He was the CEO of Kensington. 12 Q. CEO of Kensington, oh, okay, at that time? 13 A. Yeah. 14 Q. And is he now the president of ACCO 15 Brands? 16 A. I believe so. 17 Q. And do you know when he made that jump 18 from CEO? 19 A. I do not. 20 Q. Okay. Great. 21 Do you understand that there are two inter 22 partes actions that are the focus of this 23 deposition, the first being directed to U.S. Patent 24 Number 8,717,758 to Peter Allen? Do you -- 25 A. That's one, right?</p>
Page 15	Page 17
<p>1 day. 2 Q. So you worked pretty close to him? 3 A. Yeah. 4 Q. Okay. Did you know Robert Humphrey when 5 you worked at Kensington? 6 A. Yes. 7 Q. And what was your relationship -- your 8 business relationship with Robert Humphrey? 9 A. In 2008, when they reformed the security 10 team, I believe his title was senior director of 11 product for security. So in essence, he was our 12 internal client. He represented the business side 13 of the security team. 14 Q. I think I get it. 15 So you were sort of engineering and you 16 worked for -- they were the client internal? 17 A. Correct. 18 Q. Got it, yeah. 19 Did you speak with Mr. Humphrey frequently 20 during your work in security? 21 A. I did. 22 Q. About as much as you spoke to 23 Mr. Mahaffey? 24 A. No. 25 Q. Okay. Did you know Christopher Franey</p>	<p>1 Q. Yes. 2 A. Yes. 3 Q. And that was in the first I took. 4 And the second -- I'll finish the question 5 then. U.S. Patent Number 8,837,144 to Peter Allen. 6 A. Yes. 7 Q. And I'd like to from this point on refer 8 to them as the '144 patent and the '758 patent, 9 respectively. 10 A. That will work for me. 11 Q. So I realize that sometimes I may refer to 12 the prosecution of the applications that led to 13 those patents. If I refer -- if I refer to 14 something that occurred in the file wrapper of the 15 '144 patent or in the file wrapper of the '758 16 patent, will you assume that I'm referring to the 17 application that -- the respective applications 18 that eventually evolved into these patents? 19 MR. SCHINDLER: Essentially we'll call it 20 the '144 application. 21 MR. WEINER: Objection. There should be 22 only one attorney asking the questions today. 23 MR. SCHINDLER: Fine. 24 A. So I -- 25 Q. I'm just going to use the shorthand. It's</p>

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<p>1 a little awkward to keep referring to the</p> <p>2 application that evolved into the '144 patent or</p> <p>3 the '758 patent, and so I was hoping to just cut</p> <p>4 that short. We'll take care of it as we move on.</p> <p>5 A. Okay.</p> <p>6 Q. You get it, though.</p> <p>7 Do you understand the patent process?</p> <p>8 A. I do.</p> <p>9 Q. So you understand that one files a patent</p> <p>10 application, it's prosecuted before the patent</p> <p>11 office, and hopefully it eventually issues as a</p> <p>12 U.S. patent?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Good.</p> <p>15 And you understand that that back and</p> <p>16 forth between the patent office in a pending</p> <p>17 application is referred to the patent prosecution?</p> <p>18 A. Yes.</p> <p>19 Q. And the record of that prosecution is</p> <p>20 referred to the file history?</p> <p>21 A. Yes.</p> <p>22 Q. Good.</p> <p>23 In preparation of your testimony today,</p> <p>24 can you tell me what things you reviewed? When I</p> <p>25 say "things," I mean documents, pictures, videos,</p>	<p>1 supplemental declarations of March 30th, 2016?</p> <p>2 A. Yes.</p> <p>3 Q. Do you mention it in your declaration,</p> <p>4 your supplemental declaration?</p> <p>5 A. Supplemental, yes.</p> <p>6 Q. You do mention it in your supplemental</p> <p>7 declaration.</p> <p>8 You know, I'd like to -- I'd like to give</p> <p>9 you a copy of your supplemental declarations,</p> <p>10 there's one each for both IPRs, if you'll bear with</p> <p>11 me a second.</p> <p>12 Okay. So the first is for the '758</p> <p>13 patent?</p> <p>14 A. Yeah.</p> <p>15 Q. And we can introduce this as the first</p> <p>16 exhibit.</p> <p>17 (Exhibit 2001, Supplemental Declaration of</p> <p>18 Ryan White (01167), marked for identification.)</p> <p>19 MR. VODOPIA: So the first exhibit</p> <p>20 concerning the '758 patent is 2001.</p> <p>21 MR. SCHINDLER: Right.</p> <p>22 MR. VODOPIA: Right. And then the next</p> <p>23 exhibit --</p> <p>24 MR. WEINER: I'm sorry. So the record is</p> <p>25 clear, what are you saying is Exhibit 2001?</p>
Page 19	Page 21
<p>1 devices, et cetera.</p> <p>2 A. We reviewed a number of things, so I might</p> <p>3 not be able to supply you off the top of my head</p> <p>4 with a complete list. '758, '144, of course. We</p> <p>5 went back through the file history. I believe in</p> <p>6 my initial deposition we -- my declaration, we</p> <p>7 referenced Murray, Chen, I believe we did Cheng, so</p> <p>8 several patents, the board's decision as well as</p> <p>9 Rob Mahaffey's declaration or supplemental</p> <p>10 declaration, I'm not sure if it was his first, but</p> <p>11 it was, I guess just his declaration.</p> <p>12 Q. Right. I think it's his declaration or</p> <p>13 first declaration.</p> <p>14 A. Uh-huh.</p> <p>15 Q. I believe you had a first declaration and</p> <p>16 then a supplemental declaration in both of the</p> <p>17 IPRs?</p> <p>18 A. Yep, yes.</p> <p>19 Q. Mr. Mahaffey was deposed on March 21st,</p> <p>20 2016. Did you review Mr. Mahaffey's deposition</p> <p>21 transcript in preparation for this deposition?</p> <p>22 A. Yes.</p> <p>23 Q. You did.</p> <p>24 Did you review Mr. Mahaffey's March 21st</p> <p>25 deposition transcript prior to preparing your</p>	<p>1 MR. VODOPIA: The Supplemental Declaration</p> <p>2 of Ryan White dated --</p> <p>3 MR. SCHINDLER: March 30th.</p> <p>4 MR. VODOPIA: -- March 30th, 2016 --</p> <p>5 MR. SCHINDLER: For patent number '758.</p> <p>6 MR. VODOPIA: -- signed, executed.</p> <p>7 MR. WEINER: That's what's been --</p> <p>8 COURT REPORTER: We can't all talk at the</p> <p>9 same time.</p> <p>10 MR. SCHINDLER: Identify the patent</p> <p>11 number, identify also the IPR if you have to.</p> <p>12 MR. VODOPIA: Okay. So this first</p> <p>13 Exhibit 2001 is the Supplemental Declaration of</p> <p>14 Ryan White, executed by Mr. White on March 30th,</p> <p>15 2016. It is directed to IPR2015-01167 and U.S.</p> <p>16 Patent Number 8,717,758.</p> <p>17 I'd like to introduce the second</p> <p>18 supplemental declaration of Ryan White, also</p> <p>19 executed by Mr. White on March 30th, 2016 in the</p> <p>20 co-pending IPR2015-01168 and that's directed to</p> <p>21 U.S. Patent Number 8,837,144, and --</p> <p>22 MR. WEINER: Objection. I have a couple</p> <p>23 of objections. First, there's no document marked</p> <p>24 second supplemental declaration. There is a</p> <p>25 supplemental declaration of Ryan White. Also, I</p>

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<p style="text-align: right;">Page 22</p> <p>1 object to your marking the supplemental declaration 2 of Ryan White that's previously been marked 3 Exhibit 1024 in IPR 2015-1167. I object to 4 remarking that with a second exhibit number because 5 under the rules of the Patent Trial and Appeal 6 Board, exhibits shall not be submitted more than 7 once and they shall not be numbered more than once. 8 So I think we should proceed with the actual 9 exhibit numbers that already exist on those 10 documents that have been filed with the PTAB. 11 MR. SCHINDLER: The problem is we have two 12 exhibits with the same number then. 13 MR. WEINER: We do have the same number 14 and they both are uniquely identified by IPR number 15 on the front page of the exhibit. 16 MR. SCHINDLER: So call one 1024-1167 and 17 1024-1168, then that's more numbers. 18 MR. VODOPIA: And so I think this is just 19 a formal matter that Mr. Weiner's bringing up -- 20 MR. SCHINDLER: Okay. We'll do it this 21 way -- 22 MR. VODOPIA: -- so I think we're okay to 23 proceed. 24 (Exhibit 2002, Supplemental Declaration of 25 Ryan White (01168), marked for identification.)</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. Okay. Got it. 2 Ryan, did you review Mr. Mahaffey's 3 deposition testimony? 4 A. No. 5 Q. No, you didn't. 6 Why not? 7 A. We had discussed it with counsel, the 8 conversations, the way it went, things like that. 9 I'm not sure it would have added value to my 10 supplemental. I'm not positive. 11 Q. Can you tell me what was discussed with 12 counsel? 13 MR. WEINER: Objection. And I would 14 just -- the witness may answer the question. I 15 just want to caution the witness not to reveal any 16 confidential attorney work product in connection 17 with responding. 18 A. Specifically, not word for word, we 19 discussed where there was discrepancies between 20 what content we had reviewed, patents, things like 21 that, and how Mr. Mahaffey approached it and his 22 description of certain elements. 23 Q. But you didn't see the deposition 24 testimony, Mr. Mahaffey's deposition testimony? 25 A. No, I did not.</p>
<p style="text-align: right;">Page 23</p> <p>1 MR. WEINER: And just for the record, I 2 object to the identification of Exhibit 2002 in 3 connection with what's already previously been 4 marked as Exhibit 1024 and IPR2015-1168 as 5 inconsistent with the board's rules. 6 BY MR. VODOPIA: 7 Q. You're good? 8 A. Yes. 9 Q. Okay. Ryan, did you refer to reviewing 10 Mr. Mahaffey's deposition testimony in your 11 supplemental declarations, either Exhibit 2001 or 12 2002? 13 A. I did. 14 Q. And where was that? 15 A. Section B of 01167, I believe. Yeah. I 16 reviewed Mr. Mahaffey's discussion. 17 Q. Hold on a second. Section B, yeah? 18 A. Page 4. Top of page 4, section B, 10, I 19 reviewed Mr. Mahaffey's discussion. 20 Q. It refers to Mr. Mahaffey's declaration, 21 paragraphs 19 to 29. And I asked you if you 22 reviewed Mr. Mahaffey's deposition testimony. 23 A. Oh, I'm sorry. I must have been mistaken. 24 I was thinking did I review his declaration in 25 preparation for this.</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. So is it fair to say that counsel for ACCO 2 presented whatever you know of that deposition 3 testimony? 4 MR. WEINER: Objection, misstates the 5 witness' testimony. 6 A. I'm not positive I would say it's fair to 7 say. I'm not quite sure how to respond to that. 8 Q. So did counsel for ACCO send you a copy of 9 the transcript? 10 A. I do not believe so. 11 Q. Did counsel for ACCO make a copy of the 12 transcript for your review? 13 A. I don't believe so. 14 Q. Do you think Mr. Mahaffey's deposition 15 transcript is something that would be important for 16 you to see as an expert offering opinions in these 17 proceedings? 18 MR. WEINER: Objection, vague, calls for 19 speculation. 20 A. My role is to review the patents, so Rob's 21 opinion really wouldn't affect my view of this as 22 an expert witness. 23 Q. What were you hired by ACCO to do? 24 A. Could you clarify that question for me? 25 Q. What is your role here today?</p>

7 (Pages 22 to 25)

<p style="text-align: right;">Page 26</p> <p>1 Sorry, not today.</p> <p>2 What was your role as an expert for ACCO?</p> <p>3 A. I'm sorry, I still don't understand.</p> <p>4 Q. What were you retained to do in these</p> <p>5 IPRs?</p> <p>6 A. Review the patents, review supplied patent</p> <p>7 paperwork, and kind of give my professional view of</p> <p>8 how the claim language might read to an expert.</p> <p>9 Q. And have you done that before?</p> <p>10 MR. WEINER: Objection, vague.</p> <p>11 A. It's -- it's a tough question. As an</p> <p>12 industrial designer, we're often hired to review</p> <p>13 patents. Have I been hired to do it as an expert</p> <p>14 witness? No.</p> <p>15 Q. Have you been hired to review patents?</p> <p>16 A. Can you clarify, for this?</p> <p>17 Q. No.</p> <p>18 I mean, you said that as an industrial</p> <p>19 designer that you've been hired to review patents</p> <p>20 and I asked a very similar question, have you been</p> <p>21 hired to review patents?</p> <p>22 A. I've been hired to design products that</p> <p>23 may require me digging around and seeing if there's</p> <p>24 patents out there.</p> <p>25 Q. And have you done that?</p>	<p style="text-align: right;">Page 28</p> <p>1 read it, and start to make assumptions as to what</p> <p>2 they're proposing or protecting in the description.</p> <p>3 Q. I was referring actually to the claims.</p> <p>4 Have you construed patent claims?</p> <p>5 A. I'm not sure I understand then.</p> <p>6 Q. You're not --</p> <p>7 MR. WEINER: And I object to the question</p> <p>8 as vague.</p> <p>9 Q. Do you know what patent claims are for?</p> <p>10 A. I have my interpretation.</p> <p>11 Q. I wonder if you'd identify that for the</p> <p>12 record.</p> <p>13 A. My assumption is you're outlining the</p> <p>14 specifics of the intellectual property that you're</p> <p>15 trying to secure, what makes it unique or novel.</p> <p>16 Q. Good.</p> <p>17 Do you know the law of claim construction?</p> <p>18 A. I do not.</p> <p>19 MR. VODOPIA: I'd like to introduce ACCO</p> <p>20 Brands Exhibit 1021 in the '144 patent, which is</p> <p>21 IPR2015-1168. I guess you can identify these as</p> <p>22 Exhibit 2003 as well. This is your original</p> <p>23 declaration and the '144 patent. I'm sorry. This</p> <p>24 is the later of the two patents.</p> <p>25 (Exhibit 2003, Declaration of Ryan White)</p>
<p style="text-align: right;">Page 27</p> <p>1 A. I have.</p> <p>2 Q. Have you done it more than once?</p> <p>3 A. Yes.</p> <p>4 Q. And could you tell me more? Can you tell</p> <p>5 me why a patent might be significant in that</p> <p>6 respect?</p> <p>7 A. It would show us where not to go.</p> <p>8 Q. Good.</p> <p>9 And what would you review -- what would</p> <p>10 you review in the patent to determine where not to</p> <p>11 go?</p> <p>12 A. My background is not in drafting or</p> <p>13 applying or litigation around patents, so to the</p> <p>14 best of my ability, I would read it and interpret</p> <p>15 it as an industry expert and say to the best of my</p> <p>16 knowledge, here's what this means and then we would</p> <p>17 consult with professional counsel beyond that.</p> <p>18 Q. Would you review the claims?</p> <p>19 A. To the best of my ability.</p> <p>20 Q. Would you construe the claims.</p> <p>21 A. No. I don't think I would make that</p> <p>22 statement.</p> <p>23 Q. Can you tell me what construing claims</p> <p>24 means in your understanding?</p> <p>25 A. My assumption is basically go through,</p>	<p style="text-align: right;">Page 29</p> <p>1 (01168), marked for identification.)</p> <p>2 MR. WEINER: And I object to marking this</p> <p>3 exhibit as 2003 because it's previously been marked</p> <p>4 Exhibit 1021 in IPR2015-1168.</p> <p>5 Q. And then --</p> <p>6 MR. WEINER: I'm sorry. Let me just</p> <p>7 finish my objection.</p> <p>8 MR. VODOPIA: Sure.</p> <p>9 MR. WEINER: I also object to questions</p> <p>10 about Exhibit 1021, Declaration of Brian White, in</p> <p>11 either IPR as outside the scope of the supplemental</p> <p>12 declaration for which Mr. White is having his</p> <p>13 cross-examination deposition taken.</p> <p>14 MR. VODOPIA: Good point.</p> <p>15 MR. SCHINDLER: Well, we don't agree with</p> <p>16 the objection but it's on the record.</p> <p>17 MR. VODOPIA: So I'd like to introduce the</p> <p>18 second Exhibit 1021. I'd like to mark this as</p> <p>19 2004. It's the second Exhibit 2001 from ACCO</p> <p>20 Brands for IPR2015-01167 and it's concerning U.S.</p> <p>21 Patent Number 8,717,758.</p> <p>22 MR. WEINER: And I object to marking</p> <p>23 Exhibit 2004 for the same reason I objected to</p> <p>24 marking Exhibit 2003. I also object to the</p> <p>25 questions about that.</p>

8 (Pages 26 to 29)

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<p>1 MR. SCHINDLER: Yeah. Let's agree that 2 you object to the exhibit number here, it's a 3 continuing objection, so we don't have to raise it 4 every time. 5 (Exhibit 2004, Declaration of Ryan White 6 (01167), marked for identification.) 7 MR. WEINER: I object to marking 8 Exhibit 2004 for the same reason that I objected to 9 remarking the other previous exhibits that have 10 been marked. And I also object to questions about 11 Exhibit 2004 or 1021 for the same reason I objected 12 to questions about Exhibit 1021 from the 1168 IPR. 13 BY MR. VODOPIA: 14 Q. Ryan, in your supplemental declaration 15 concerning the '758 patent at paragraph 13, you 16 disagree -- I'm sorry -- did you read paragraph 13? 17 A. Yeah. 18 Q. What paragraph 13 states is, "I disagree 19 with Mr. Mahaffey's proposed constructions of 20 captive security rod as indicated in paragraphs 19 21 and 20 of his declaration." 22 A. Uh-huh, yes. 23 Q. But you just testified that you didn't 24 understand what claim construction means. 25 MR. WEINER: Objection, misstates the</p>	<p>1 his proposed constructions of a captive security 2 rod. So in his description, I'm disagreeing with 3 how he is proposing the construction of a captive 4 security rod. 5 Q. And you, in your understanding, your 6 paragraph 13, you're talking about construction or 7 a building of a captive security rod, that's what 8 you're disagreeing with? 9 A. His description -- 10 MR. WEINER: Objection, misstates the 11 witness' testimony. 12 A. Can you repeat that? 13 Q. Yes. 14 Ryan, how could you understand -- how 15 could you disagree if you don't understand what 16 claim construction is? 17 MR. VODOPIA: Strike that. 18 Q. Can you explain to me what you mean by 19 construction in this paragraph? 20 A. He's identifying key elements that make up 21 a captive security rod and that description is what 22 I'm disagreeing with, the description of the 23 elements and how they work with each other. 24 Q. How can you disagree with a proposed claim 25 construction if you don't understand the law of</p>
Page 31	Page 33
<p>1 witness' testimony. 2 A. I don't recall making that statement. 3 Q. You don't recall making that statement? 4 A. Saying that I don't understand? 5 Q. Yes. 6 A. Or saying that I don't know the laws? I 7 believe wasn't that the question? 8 Q. Yeah, do you understand -- 9 MR. VODOPIA: Would you mind reading back 10 Mr. Mahaffey's response -- Mr. White's response. 11 (Whereupon, the record was read as 12 follows: Question: "Do you know the law of claim 13 construction?" 14 Answer: "I do not.") 15 Q. Do you understand how to construe claims? 16 A. No, I do not. 17 Q. At paragraph 13 you write, you state, "I 18 disagree with Mr. Mahaffey's proposed construction 19 of captive security rod as indicated in paragraph 20 19 of his declaration." 21 Do you know what you meant by this 22 paragraph? 23 A. Yes. 24 Q. What did you mean? 25 A. This isn't claim construction. This is</p>	<p>1 claim construction? 2 A. I don't disagree with claim construction. 3 I disagree with Mr. Mahaffey's construction of 4 captive security rod. 5 Q. Good. 6 In paragraph 14 you say "Mr. Mahaffey's 7 proposed constructions ignore claim language other 8 than the last three words 'captive security rod'"? 9 A. Uh-huh. 10 Q. What did you mean by that? 11 A. I'm not sure what else I can add beyond 12 this. 13 I guess, could you rephrase the question? 14 Q. No. I'd like you to just answer that 15 question. 16 You say "Mr. Mahaffey's proposed 17 constructions ignore claim language other than the 18 three words 'captive security rod.'"? 19 What did you mean by that? 20 A. I'm still not sure of what you're asking. 21 At this point I would have to make an assumption. 22 I don't feel comfortable answering that. 23 MR. WEINER: I just want to remind the 24 witness on the record, please take whatever time 25 you need to review the document that's in front of</p>

9 (Pages 30 to 33)

<p style="text-align: right;">Page 34</p> <p>1 you before you answer the question about what's in 2 that document.</p> <p>3 Q. Ryan, would you read the next sentence in 4 paragraph 14, the second sentence, out loud, for 5 the record?</p> <p>6 A. So you want me to start with "however"?</p> <p>7 Q. No, "Mr. Mahaffey's declaration."</p> <p>8 A. "Mr. Mahaffey's declaration states that he 9 reviewed the files for each IPR proceeding as well 10 as all patents referenced in his declaration."</p> <p>11 Q. And the next sentence?</p> <p>12 A. "However, Mr. Mahaffey's testimony does 13 not refer to any claim language other than the 14 words 'captive security rod' and his testimony 15 nowhere indicates or suggests that he has 16 considered any other claim language or even that he 17 is familiar with the other language in the claims 18 under review."</p> <p>19 Q. And what do you mean by that?</p> <p>20 A. When reviewing Rob's declaration and 21 evaluating the terminology he uses versus what's in 22 the claim language itself, I saw a large 23 disconnect.</p> <p>24 Q. And what was that disconnect.</p> <p>25 A. The description that Rob gives,</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Did you go through the claims and 2 understand what the claim terms mean in the context 3 of the patent itself?</p> <p>4 A. I'm not positive how to respond to this. 5 I would -- with the experience or the understanding 6 of an attorney, no. From my viewpoint, I felt 7 fairly comfortable within reason.</p> <p>8 Q. Did you write this supplemental 9 declaration?</p> <p>10 A. This is built off of working sessions with 11 counsel where I would give the input my view, how I 12 would look at something, how I would read through 13 something, and counsel aided in making sure that 14 the structure and construction of it was in line 15 with expectations at a legal level.</p> <p>16 Q. Did counsel explain to you what claim 17 construction means?</p> <p>18 A. Yes.</p> <p>19 MR. VODOPIA: Can we take a break. Do you 20 mind?</p> <p>21 MR. WEINER: Sure. 22 (Proceedings interrupted at 9:59 a.m. and 23 reconvened at 10:04 a.m.) 24 BY MR. VODOPIA: 25 Q. Ryan, I'd like to direct your attention to</p>
<p style="text-align: right;">Page 35</p> <p>1 Mr. Mahaffey gives for a captive security rod 2 doesn't align with what is shown in the claim 3 language that I reviewed.</p> <p>4 Q. Could you say that again?</p> <p>5 MR. WEINER: Could the court reporter read 6 it back, please.</p> <p>7 (Whereupon, the record was read as 8 follows: Answer: "The description that Rob gives, 9 Mr. Mahaffey gives for a captive security rod 10 doesn't align with what is shown in the claim 11 language that I reviewed.")</p> <p>12 MR. VODOPIA: Would you mind reading that 13 back again.</p> <p>14 (Whereupon, the record was read as 15 follows: Answer: "The description that Rob gives, 16 Mr. Mahaffey gives for a captive security rod 17 doesn't align with what is shown in the claim 18 language that I reviewed.")</p> <p>19 Q. Ryan, do you know what a claim limitation 20 is?</p> <p>21 A. Specifically, no.</p> <p>22 Q. Ryan, did you construe the claims of the 23 two patents at issue here, the '758 and the '144 24 patent?</p> <p>25 A. Can you define "construe"?</p>	<p style="text-align: right;">Page 37</p> <p>1 your declaration of April 30th, 2015 as relates to 2 the '758 patent, which is 01167. I believe this 3 was the -- one of the two Exhibits 1021. I think 4 it may be identified as Exhibit 2001 in this one. 5 We'll just leave it as one of the two 1021 exhibits 6 from the IPR 01167. I'd like to direct your 7 attention to page 14, the section D identified as 8 "Claim Construction."</p> <p>9 A. Uh-huh.</p> <p>10 Q. Did you write this?</p> <p>11 A. This is from conversations with counsel.</p> <p>12 MR. WEINER: And I don't want to 13 interrupt, I just want to make sure I understand 14 what you're talking about. It's printed page 14 in 15 the middle of the page but the actual exhibit 16 numbering page is page 15 of 105?</p> <p>17 Q. Did you write this, Ryan?</p> <p>18 MR. WEINER: Objection, asked and 19 answered.</p> <p>20 MR. VODOPIA: Would you read back his 21 answer.</p> <p>22 (Whereupon, the record was read as 23 follows: Answer: "This is from conversations with 24 counsel.")</p> <p>25 Q. Ryan, I'd like you to answer my question.</p>

10 (Pages 34 to 37)

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<p>1 Did you write this?</p> <p>2 A. I did not type it.</p> <p>3 Q. Good, that's what I meant.</p> <p>4 A. Okay.</p> <p>5 Q. Yeah. So you didn't prepare the document?</p> <p>6 MR. WEINER: Objection, misstates the</p> <p>7 witness' testimony.</p> <p>8 Q. Did you prepare this document? Did you</p> <p>9 prepare this section, Claim Construction?</p> <p>10 A. This is -- this is from the work that we</p> <p>11 did with counsel. This is --</p> <p>12 Q. Did you prepare this section? I was</p> <p>13 looking for a yes-or-no answer.</p> <p>14 A. No.</p> <p>15 Q. No.</p> <p>16 Could you read paragraph 32 for the</p> <p>17 record.</p> <p>18 A. "In my opinion and as discussed below,</p> <p>19 POSA would understand that the broadest reasonable</p> <p>20 interpretation of the claim terms listed below are</p> <p>21 as follows."</p> <p>22 Q. What is POSA?</p> <p>23 A. A person of ordinary skill in the art.</p> <p>24 Q. The following two and a half pages</p> <p>25 identify -- could you tell me what's identified at</p>	<p>1 in the '758 patent?</p> <p>2 A. Not off the top of my head. I mean, I</p> <p>3 could look if you'd like me to.</p> <p>4 Q. Sure.</p> <p>5 MR. VODOPIA: We can introduce those two</p> <p>6 patents for the record at this point.</p> <p>7 This exhibit is the '758 patent, which is</p> <p>8 the patent that we're discussing. We're discussing</p> <p>9 your declaration with reference to the '758 patent</p> <p>10 right now. I mean, these are -- this patent, U.S.</p> <p>11 patent number 8,717,758, is identified as ACCO</p> <p>12 Brands Exhibit 1001 in IPR2015-1167.</p> <p>13 (Exhibit 2005, U.S. Patent 8,717,758,</p> <p>14 marked for identification.)</p> <p>15 MR. WEINER: Objection to renumbering of</p> <p>16 exhibits.</p> <p>17 Q. Ryan, do you see how many claims there are</p> <p>18 in the '758 patent?</p> <p>19 A. Yes.</p> <p>20 Q. And how many is that?</p> <p>21 A. There appears to be 16.</p> <p>22 Q. And at page 14 of your declaration you</p> <p>23 refer to claims 1 to 15.</p> <p>24 A. Uh-huh.</p> <p>25 Q. Why are claims 1 to -- why did you</p>
Page 39	Page 41
<p>1 page 14, the first -- the sections in the middle</p> <p>2 referring to the '758 and the '144 claims? What</p> <p>3 claims are referred to?</p> <p>4 MR. WEINER: Objection, outside the scope</p> <p>5 of the second supplemental declaration that is the</p> <p>6 subject of this deposition.</p> <p>7 MR. VODOPIA: He's just making a record.</p> <p>8 THE WITNESS: Oh, okay. So this is</p> <p>9 where --</p> <p>10 Q. Let me just interrupt you. If Mr. Weiner</p> <p>11 directs you not to answer, don't answer. But if he</p> <p>12 doesn't direct you not to answer, don't let it --</p> <p>13 that's just making a record.</p> <p>14 A. Okay.</p> <p>15 Q. Okay.</p> <p>16 A. When we list 758144, this is where we're</p> <p>17 looking at the two of these.</p> <p>18 Q. Sorry. What do you mean by "two of</p> <p>19 these"?</p> <p>20 A. At the two patents.</p> <p>21 Q. Oh, gotcha, yeah.</p> <p>22 A. And this is going through and basically</p> <p>23 seeing if everything is in alignment with what I</p> <p>24 would understand as a POSA.</p> <p>25 Q. And do you know how many claims there are</p>	<p>1 identify claims 1 to 15, again, at page 14?</p> <p>2 A. I would need some time to review, just to</p> <p>3 make certain.</p> <p>4 Q. Okay.</p> <p>5 A. So 1 through 15 or 2 through 15 reference</p> <p>6 other claims, whereas 16 doesn't. So 1 through 15</p> <p>7 are, in essence, captured here (indicating) and</p> <p>8 from my standpoint.</p> <p>9 Q. And what do you mean by "captured here"?</p> <p>10 A. So when we have the claim term and then,</p> <p>11 you know, viewing this from a standpoint of POSA,</p> <p>12 kind of taking these and saying here's what we mean</p> <p>13 by that, here's -- I don't want to call it a</p> <p>14 definition, here's my understanding of what is</p> <p>15 claimed here.</p> <p>16 Q. And did you -- did you do the same for</p> <p>17 claim 16?</p> <p>18 MR. WEINER: Objection. Continued</p> <p>19 objection to these questions about Mr. White's</p> <p>20 first declaration that is not the subject of his</p> <p>21 deposition and objection to the question as vague.</p> <p>22 A. I'm not sure what you're asking.</p> <p>23 Q. Well, what did you do here for claims 1 to</p> <p>24 15, what did you do?</p> <p>25 A. Well, I went through the claims to see</p>

11 (Pages 38 to 41)

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<p>1 what they were referencing and the fact that 2 they're all tying back to 1, 6 ties back to 5, 3 they're all calling back on previous claims, so to 4 me -- 5 Q. Did you look at the claim language? 6 A. I interpreted the claim language. I'm not 7 a lawyer. 8 Q. Did you look at claim 1? 9 A. Yes. 10 Q. Where is this -- where is this text in the 11 left-hand column, Claim Term, where is that taken 12 from? 13 A. I believe it is claim 1 and then I believe 14 it's line 28. 15 Q. Now, why is claim 16 not construed? 16 MR. WEINER: Objection, misstates the 17 witness' testimony. 18 Q. Did you construe claim 16? 19 MR. WEINER: Objection, outside the scope 20 of the supplemental declaration. 21 A. No. 22 (Clarification by the reporter.) 23 Q. Did you construe claim 16? 24 MR. WEINER: Objection, vague. 25 A. I'm not sure how to answer that. Earlier</p>	<p>1 Q. Do you agree that there's nothing of the 2 sort in this writing -- 3 A. I'm not sure. 4 Q. -- here in this claim chart? 5 MR. WEINER: Objection, vague. 6 A. I guess I'm not sure what you're asking. 7 Q. Did you -- is it identified in this chart, 8 your process with respect to claim 16 of the '758 9 patent? 10 A. I'm still not clear. Are you asking if my 11 process is included in here? 12 Q. Well, you identified that you applied your 13 process to claims 1 to 15. 14 A. Uh-huh. 15 Q. And I just want to make clear for the 16 record whether you did or you did not in this 17 document for claim 16. 18 A. I'm not trying to be difficult. Quite 19 honestly, I'm not sure -- 20 Q. Well, maybe you can point out to me where 21 you did do it, if you did do it. Where is it here 22 if you did do it? 23 A. 16 isn't included in here. 24 Q. Okay. Good. That's good. 25 MR. WEINER: Objection, vague.</p>
Page 43	Page 45
<p>1 I explained that I didn't claim to construe 2 anything, or depending on your definition of 3 construe, I reviewed it, and then as an industry 4 expert viewing it through the eyes of a POSA, made 5 my assessment. If that qualifies as construed, 6 then... 7 Q. Well, let's say it was your process, your 8 process, whatever you just articulated, did you 9 apply that process to claim 16? 10 A. I did. 11 Q. And can you tell me where that's 12 identified here? 13 A. It's -- oh, in this table? 14 Q. Uh-huh. 15 MR. WEINER: Objection, misstates the 16 witness' testimony. Objection, outside the scope 17 of the supplemental declaration. 18 A. It's not in here. 19 Q. Good. 20 Did you apply your process to claim 16? 21 A. I'm just reviewing this to make -- jog my 22 memory. 23 I can't recall off the top of my head. I 24 know we reviewed it, but I'm not sure to what depth 25 that we took it apart. Do you know what I mean?</p>	<p>1 Q. Why not? 2 MR. WEINER: Are you referring just to 3 paragraph 32? 4 Q. Why not? 5 A. I can't recall. I'm not positive. 6 Q. Do you know what claim 16 is? 7 MR. WEINER: Objection, vague. 8 Q. Do you know what the difference between 9 claim 16 and claim 1, broadly? 10 A. I believe I do. Again, from the 11 standpoint of POSA or a designer, an expert in the 12 field, I believe I have an understanding. 13 Q. What type of claim is claim 1? 14 MR. WEINER: Objection, vague. 15 A. Yeah, I'm not really sure what you're 16 asking. 17 Q. Well, would you mind taking a look at 18 claim 1 of the '758 patent. 19 A. Uh-huh, I have it here. 20 Q. And would you mind reading the first three 21 lines of claim 1. 22 A. "A locking assembly for securing a 23 portable electronic device having at least one 24 housing to a substantially immovable object the 25 locking assembly comprising."</p>

12 (Pages 42 to 45)

<p style="text-align: right;">Page 46</p> <p>1 Q. And would you mind reading the first three 2 lines of claim 16. 3 A. "A method for securing a portable 4 electronic device having a horsing [sic] to a 5 substantially immovable object utilizing a locking 6 assembly, the locking assembly comprising a captive 7 security rod or spike formed with an anchoring 8 end" -- 9 Q. I mean, you can keep reading if you like 10 but that's enough. I just wanted to get a flavor 11 for the claims. 12 Do you believe that a POSA would 13 understand the difference between these claims? 14 A. I would believe so, yes. 15 Q. And what type of claims are they? 16 A. I'm not sure what you're -- what you're 17 asking. Are you asking for the specific term, or 18 are you asking what they're describing? 19 Q. Well, there are different types of claims, 20 Ryan. And I was wondering if you can identify a 21 difference in type between claim 1 and claim 16. 22 A. Can I give you the answer from the 23 viewpoint of a POSA? 24 Q. Yes. 25 A. Claim 1 seems to be describing the product</p>	<p style="text-align: right;">Page 48</p> <p>1 so... 2 MR. WEINER: For the record, I don't 3 believe there's any error. The same exhibit number 4 was used in both IPRs, the same patent is of record 5 in both IPRs, and I would object to giving it a 6 different exhibit number today. 7 MR. VODOPIA: Yes. 8 Q. Ryan, is the '144 patent, is it the focus 9 of the IPR 01167 or the focus of IPR 01168? 10 A. I'd have to just check. 11 Q. Would you mind? 12 A. So what were those numbers again? 13 Q. 01167. 14 A. Yeah. 15 Q. And 01168. 16 A. So 01167 you're asking what? 17 Q. I'm asking if the '144 patent is the 18 patent at issue in 01167. 19 A. I believe so. I don't -- yes. 20 Q. Ryan, would you mind taking a look at your 21 declaration for the '144 patent. 22 A. Okay. 23 Q. And can you tell me what IPR that 24 declaration for the '144 patent is directed to? 25 MR. WEINER: Are you referring to the</p>
<p style="text-align: right;">Page 47</p> <p>1 or the solution itself; whereas, claim 16 seems to 2 be describing the application of that solution. 3 Q. Do you believe it's the -- claim 16 is 4 applying -- is the application of the solution of 5 claim 1? 6 A. I would say yes. 7 Q. Did you verify that? 8 MR. WEINER: Objection, vague. 9 Q. Have you studied the two claims? 10 A. I've reviewed the two claims. I'm not a 11 lawyer, so to the best of my ability from the 12 viewpoint of a POSA, yes, I reviewed them. 13 Q. Do you understand the difference between 14 apparatus claims and method claims, from a 15 viewpoint of a POSA? 16 A. Yes. 17 MR. VODOPIA: I'd like to introduce the 18 second patent, the '144 patent, which is identified 19 as exhibit -- as ACCO Brands Exhibit 1003. It's 20 for IPR2015-011 11 -- 116 -- 1168. We need to 21 identify these as exhibit numbers for today because 22 there seems to be an error in the identification of 23 the -- of ACCO Brands Exhibit 1003. It indicates 24 that it's for IPR2015-01167, where instead, it's 25 actually just a typo, it's IPR2015-0111168 [sic],</p>	<p style="text-align: right;">Page 49</p> <p>1 declaration or the supplemental declaration? 2 MR. VODOPIA: I'm referring to both. I'm 3 referring to the declaration. 4 A. And you're asking what IPR number is 5 against the patent 8,837,144? 6 Q. Exactly, yep. 7 A. 2015-01168. 8 Q. Right. 9 And can you identify the IPR number for 10 that patent (indicating)? 11 MR. WEINER: Objection, vague. 12 What are you referring to? 13 MR. VODOPIA: Let the record show that the 14 witness pointed out to counsel for ACCO what I was 15 referring to. 16 MR. WEINER: Well, let me just make sure 17 the record is clear. What the witness has in his 18 hand is Exhibit 1003 from IPR2015-1167. 19 Q. And could you tell me, is the '144 patent 20 associated with the 67 or the 68 IPR? 21 MR. WEINER: Objection, vague as to what 22 associated means. 23 Q. Ryan, do you think there might be an error 24 on the face of this patent with reference to the 25 IPR number?</p>

13 (Pages 46 to 49)

Page 50	Page 52
<p>1 A. Potentially. I'm not sure how you're --</p> <p>2 you're numbering exhibits. It seems to be --</p> <p>3 Q. Well, it's ACCO's exhibit.</p> <p>4 A. Okay.</p> <p>5 Q. Do you think there could be an error</p> <p>6 there, a simple error?</p> <p>7 A. Potentially.</p> <p>8 Q. Good, great. Thank you.</p> <p>9 And then here it is. We need to identify</p> <p>10 this. This is the patent. We need to identify</p> <p>11 that as the next exhibit number. I'm sorry. I've</p> <p>12 lost track of them, so...</p> <p>13 (Exhibit 2006, U.S. Patent 8,837,144,</p> <p>14 marked for identification.)</p> <p>15 MR. WEINER: And continued objection to</p> <p>16 renumbering of exhibits that have already been</p> <p>17 marked previously and filed with the board.</p> <p>18 MR. VODOPIA: I just wanted to correct the</p> <p>19 error in the face of the '144 patent, which is</p> <p>20 identified as Exhibit 1003.</p> <p>21 MR. WEINER: Objection, misstates the</p> <p>22 contents of the record. Exhibit 1003 was filed in</p> <p>23 both IPRs, both in 1167 and in 1168, with the</p> <p>24 identical exhibit number because it's pertinent</p> <p>25 information for both IPRs, both the 1167 and both</p>	<p>1 So I believe I've identified where if</p> <p>2 that's what you wanted me to point out.</p> <p>3 Q. Well, I was wondering if the language set</p> <p>4 out here is the same language in both claims 1 to</p> <p>5 15 of the '758 patent and 1 to 13 of the '144</p> <p>6 patent.</p> <p>7 A. Am I allowed to make a note on this even</p> <p>8 though it's marked as an exhibit? What I'd like to</p> <p>9 do is compare the two just to be certain, or I</p> <p>10 can --</p> <p>11 Q. Yeah, I don't think it's a good idea to</p> <p>12 mark up the exhibit.</p> <p>13 A. Okay.</p> <p>14 Q. I'm afraid I'd give you mine but I've</p> <p>15 marked it up.</p> <p>16 A. I'll figure it out.</p> <p>17 MR. WEINER: Can you read the question</p> <p>18 back, please.</p> <p>19 (Whereupon, the record was read as</p> <p>20 follows: Question: "I was wondering if the</p> <p>21 language set out here is the same language in both</p> <p>22 claims 1 to 15 of the '758 patent and 1 to 13 of</p> <p>23 the '144 patent.")</p> <p>24 A. Can you clarify for me? I guess hearing</p> <p>25 it again, I don't want to assume that you're asking</p>
Page 51	Page 53
<p>1 the 1168. So there are two copies of Exhibit 1003,</p> <p>2 one in each IPR.</p> <p>3 Q. And so I want to direct you to, again,</p> <p>4 still on page 14 of the declaration for the '758</p> <p>5 patent, why do you identify -- I'm sorry. Tell me</p> <p>6 when you're there.</p> <p>7 A. Uh-huh.</p> <p>8 Q. Under the heading "'144 Claims" --</p> <p>9 A. Yeah.</p> <p>10 Q. -- "1 to 13," why do you identify 1 to 13</p> <p>11 at the top of that section?</p> <p>12 MR. WEINER: Objection, outside the scope</p> <p>13 of the supplemental declaration.</p> <p>14 A. Again, these seem to have a lot of overlap</p> <p>15 in the claims that we had identified at '758 when</p> <p>16 trying to, you know, outline a reasonable</p> <p>17 interpretation as far as a POSA views it.</p> <p>18 Q. Okay. This section to the left where it's</p> <p>19 number 1 that's starts "wherein the locking</p> <p>20 device" --</p> <p>21 A. Uh-huh.</p> <p>22 Q. -- is that claim language in claims 1 to</p> <p>23 13?</p> <p>24 A. I would have to review. I'll have to show</p> <p>25 you where.</p>	<p>1 me something. So if you could clarify for me, that</p> <p>2 would be great.</p> <p>3 Q. What part didn't you understand?</p> <p>4 A. When I heard it reread, it sounded as</p> <p>5 though you could be asking a vague question of are</p> <p>6 the claims in '144 the same as the claims in '758 1</p> <p>7 through 15.</p> <p>8 Q. I can say it again. The text to the left</p> <p>9 identifies number 1, that text, is that in claim 1</p> <p>10 of the '758 patent and claim 1 of the '144 patent?</p> <p>11 A. I just want to check one thing.</p> <p>12 Yes, it's in both of these.</p> <p>13 Q. And do you believe the scope of the</p> <p>14 respective claims are the same?</p> <p>15 MR. WEINER: Objection, vague.</p> <p>16 A. Could you --</p> <p>17 Q. Yes.</p> <p>18 Do you understand what I mean when I say</p> <p>19 claim scope?</p> <p>20 A. Again, I have my interpretation. It's</p> <p>21 probably not as accurate as yours.</p> <p>22 Q. You, but you can -- you can just answer</p> <p>23 and I'll probe it if it's an issue.</p> <p>24 What is your understanding of the term --</p> <p>25 the phrase "claim scope"?</p>

14 (Pages 50 to 53)

<p style="text-align: right;">Page 54</p> <p>1 A. I would imagine that this is everything</p> <p>2 covered within the claims.</p> <p>3 Q. And do you believe that the claim scope of</p> <p>4 claim 1 of the '758 patent is equivalent to the</p> <p>5 claim scope of claim 1 of the '144 patent?</p> <p>6 MR. WEINER: Objection, vague.</p> <p>7 A. I believe claim 1 in both of these is very</p> <p>8 similar.</p> <p>9 Q. Did you ever identify the differences, if</p> <p>10 there are any?</p> <p>11 A. Specifically to claim 1, or does that also</p> <p>12 include dependent claims?</p> <p>13 Q. No. Let's just focus on claim 1.</p> <p>14 MR. WEINER: Objection, outside the scope</p> <p>15 of the supplemental declaration.</p> <p>16 A. I reviewed them both, and when comparing</p> <p>17 them, the take-away was that they were very</p> <p>18 similar.</p> <p>19 Q. Did they have any different language?</p> <p>20 MR. WEINER: Objection, outside the scope</p> <p>21 of the supplemental declaration. This was all</p> <p>22 covered in the initial declaration.</p> <p>23 A. There's slight variation in the way it's</p> <p>24 written.</p> <p>25 Q. Do you think differences in claim language</p>	<p style="text-align: right;">Page 56</p> <p>1 that's the discrepancy that I just wanted to double</p> <p>2 check just now.</p> <p>3 Q. Thank you.</p> <p>4 Is that the only difference?</p> <p>5 MR. WEINER: Objection, vague.</p> <p>6 A. I believe so.</p> <p>7 Q. Did you assess -- did you compare claims 1</p> <p>8 and 16 of the '758 patent?</p> <p>9 MR. WEINER: Objection, vague, outside the</p> <p>10 scope of the supplemental declaration.</p> <p>11 A. You're asking me if in '758 I compared</p> <p>12 claim 1 to claim 16?</p> <p>13 Q. Uh-huh.</p> <p>14 A. I --</p> <p>15 Q. Did you review these?</p> <p>16 A. Yes. I believe we already went over that,</p> <p>17 though, didn't we?</p> <p>18 Q. Did you review these patents in</p> <p>19 preparation for your supplemental declaration?</p> <p>20 A. I reviewed these patents for my initial</p> <p>21 declaration and then again for the supplemental.</p> <p>22 Q. Good.</p> <p>23 Did you identify the differences between</p> <p>24 claim 1 of the '758 and claim 16 of the '758</p> <p>25 patent?</p>
<p style="text-align: right;">Page 55</p> <p>1 are significant in a POSA's construction of claims?</p> <p>2 MR. WEINER: Objection, vague.</p> <p>3 A. Again, I'm not really sure what you're</p> <p>4 asking me.</p> <p>5 Q. Did you assess the differences in the</p> <p>6 claim language of each of these claims that we're</p> <p>7 referring to?</p> <p>8 A. I identified where there were differences</p> <p>9 as I read through it. If once reading through</p> <p>10 claim 1 of '758 and '144, if my take-away is that</p> <p>11 they're describing the same thing from a POSA</p> <p>12 standpoint, I viewed them as being very much the</p> <p>13 same.</p> <p>14 Q. Did you make a record of the identified</p> <p>15 differences?</p> <p>16 A. I believe that's in my first declaration.</p> <p>17 Q. Which we're reviewing right now.</p> <p>18 A. Okay. Would you like me to --</p> <p>19 Q. Yes. The differences between the claims,</p> <p>20 yes.</p> <p>21 A. So page 16, I believe it is.</p> <p>22 Q. Yes.</p> <p>23 A. Paragraph 33, I reference '144. 1 cites</p> <p>24 an identical term except the claim also includes</p> <p>25 the word "installed" before security rod. So</p>	<p style="text-align: right;">Page 57</p> <p>1 A. No, I don't believe I did.</p> <p>2 Q. Did you think it was important for your</p> <p>3 work as an expert witness?</p> <p>4 MR. WEINER: Objection, vague.</p> <p>5 A. I felt it was important to review all of</p> <p>6 the claims. I'm -- again, my legal experience, I</p> <p>7 don't think I would have compared claims against</p> <p>8 other claims within a specific set of claims. My</p> <p>9 assumption is -- I don't know. I know I reviewed</p> <p>10 it; I know we went through it.</p> <p>11 Q. Is it safe to assume then that you're not</p> <p>12 sure of the differences, if any, between those two</p> <p>13 claims?</p> <p>14 A. No. We -- we -- again, we just discussed</p> <p>15 that a little while ago. So I understand the</p> <p>16 difference. So again, I'm not really sure what</p> <p>17 you're asking.</p> <p>18 Q. Actually, I was responding to your</p> <p>19 testimony where you said you're not sure if you</p> <p>20 compared claims 1 and 16 of the '758 patent.</p> <p>21 So maybe I misunderstood you. Let me try</p> <p>22 to keep it simple and just ask you the question</p> <p>23 again at the risk of being redundant.</p> <p>24 Did you compare claims 1 and 16 of the</p> <p>25 '758 patent?</p>

15 (Pages 54 to 57)

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<p>1 A. Yes.</p> <p>2 Q. And did you identify any differences</p> <p>3 between them?</p> <p>4 MR. VODOPIA: Let me retract that.</p> <p>5 Q. Did you identify any differences in the</p> <p>6 claim language of these two?</p> <p>7 MR. VODOPIA: Let me retract that.</p> <p>8 Q. Did you identify any different claim terms</p> <p>9 between the two?</p> <p>10 A. Captured in my supplemental declaration or</p> <p>11 my declaration?</p> <p>12 Q. Either one.</p> <p>13 A. No. Off the top of my head, no.</p> <p>14 Q. Did you apply your process to claim 20 of</p> <p>15 the '144 patent?</p> <p>16 MR. WEINER: Objection, vague.</p> <p>17 A. So again, very similar to '758 --</p> <p>18 Q. So Ryan, I don't mean to be -- I needed a</p> <p>19 yes or no with that.</p> <p>20 MR. WEINER: Objection, the witness should</p> <p>21 feel free to use more than one word in responding</p> <p>22 if the witness feels it's appropriate.</p> <p>23 A. I reviewed it in context of the claims,</p> <p>24 but I can't say for sure off the top of my head if</p> <p>25 I reference any differences within my initial</p>	<p>1 Q. So let me ask you a question about what</p> <p>2 you just said: Do you mean that claim 20 of the</p> <p>3 '144 patent is the same as claim 1?</p> <p>4 A. That's not what I said.</p> <p>5 Q. Oh. Is claim 20 of the '144 patent the</p> <p>6 same -- have the same scope as claim 1 of the '144</p> <p>7 patent?</p> <p>8 MR. WEINER: Objection, outside the scope</p> <p>9 of both the initial declaration and the</p> <p>10 supplemental declaration.</p> <p>11 A. They're very similar to me. I understand</p> <p>12 the differences, but...</p> <p>13 Q. I wonder if you could identify the</p> <p>14 differences.</p> <p>15 MR. WEINER: Objection, asked and</p> <p>16 answered.</p> <p>17 A. From the viewpoint of a POSA, this talks</p> <p>18 about a locking assembly, claim 1, for securing a</p> <p>19 portable electronic device, go to claim 20, a</p> <p>20 method for securing a portable electronic device.</p> <p>21 I mean, there's just a lot of overlap between the</p> <p>22 two. There might be discrepancies in terminology</p> <p>23 from a legal standpoint, but from a POSA, there's a</p> <p>24 lot of overlap.</p> <p>25 Q. When you say discrepancies from a legal</p>
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<p>1 declaration or my supplemental declaration.</p> <p>2 Q. Did you include it in this claim</p> <p>3 construction section that you prepared?</p> <p>4 A. Page 16 of Exhibit 1021 or today or 2004?</p> <p>5 Q. In the chart. I was referring to the</p> <p>6 chart.</p> <p>7 A. Page number to Exhibit 2004 as of today's</p> <p>8 exhibit? What? Can you just give me a reference</p> <p>9 so I'm looking at the right chart?</p> <p>10 Q. Page 14 --</p> <p>11 A. Yeah.</p> <p>12 Q. -- '144 claims, is number 20 of the '144</p> <p>13 patent identified in this chart anywhere?</p> <p>14 A. No, it is not.</p> <p>15 Q. Is there any reason that it's not</p> <p>16 identified in the chart?</p> <p>17 A. Specifically, not that I can think of.</p> <p>18 Q. Did you think claim 20 was important?</p> <p>19 A. From my viewpoint, claim 20 doesn't apply</p> <p>20 unless 1 through 19 were in effect. So it's</p> <p>21 looking at it from a standpoint of a POSA. I</p> <p>22 understand you're trying to protect the</p> <p>23 descriptions in the initial claims. So no, I</p> <p>24 didn't compare it back to 20 because, to me, 20 is</p> <p>25 how you use 1.</p>	<p>1 standpoint, what do you mean?</p> <p>2 A. I note the weight that is placed on</p> <p>3 certain terms. Do I know what those specific terms</p> <p>4 are? No.</p> <p>5 Q. So in your understanding, could the scope</p> <p>6 be different under the law?</p> <p>7 A. It could.</p> <p>8 MR. WEINER: Objection, calls for</p> <p>9 speculation.</p> <p>10 Q. Thank you.</p> <p>11 Ryan, the column on the left in the claim</p> <p>12 chart --</p> <p>13 A. Uh-huh.</p> <p>14 Q. -- in D --</p> <p>15 MR. WEINER: Objection, vague.</p> <p>16 Which claim chart are you referring to?</p> <p>17 Q. Was that language extracted from the</p> <p>18 claims of the '758 patent?</p> <p>19 A. Page 14 --</p> <p>20 Q. Through 16.</p> <p>21 A. Through 16, and you're asking me if the</p> <p>22 section marked "claim term" to the right of number</p> <p>23 1, if that was pulled from the claims of '758.</p> <p>24 Q. Yes.</p> <p>25 MR. WEINER: Objection, asked and</p>

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<p>1 answered.</p> <p>2 A. If we keep -- I feel like we keep going</p> <p>3 over the same things. I believe I answered that.</p> <p>4 Q. Okay. Sorry.</p> <p>5 MR. WEINER: After my objection, you can</p> <p>6 go ahead and answer, though.</p> <p>7 A. Okay. Yes.</p> <p>8 Q. And did you -- is there any excerpts from</p> <p>9 claims of the '144 patent in this claims chart,</p> <p>10 this claim construction chart?</p> <p>11 A. Is that a different way of asking me if</p> <p>12 '144 contains the claim term we've identified here</p> <p>13 in --</p> <p>14 Q. No.</p> <p>15 I just want to know if there's --</p> <p>16 MR. WEINER: Objection, misleading.</p> <p>17 Q. -- if there's any language in this</p> <p>18 section, the claim term section --</p> <p>19 A. Claim terms?</p> <p>20 Q. -- that comes from the claims of the '144</p> <p>21 patent.</p> <p>22 A. Yes.</p> <p>23 Q. Which parts?</p> <p>24 MR. WEINER: Objection, vague.</p> <p>25 A. Claim 1, line 27, I believe, "Wherein the</p>	<p>1 the locking device is configured with an opening to</p> <p>2 receive the locking end of a captive security rod."</p> <p>3 I believe those are the same.</p> <p>4 Q. Ryan, I'm looking at claim 1 of the '144</p> <p>5 patent and I'm looking above that portion, and I</p> <p>6 see it says -- said "captive security rod." And</p> <p>7 above that there's a clause that introduces captive</p> <p>8 security rod. I don't see them here.</p> <p>9 A. You don't see what here?</p> <p>10 Q. I don't see them -- sorry. I don't see</p> <p>11 them in your declaration at page 14. I don't see</p> <p>12 that language "captive security rod" and then the</p> <p>13 clause that qualifies it, said "captive security</p> <p>14 rod."</p> <p>15 Is there any reason you didn't include it?</p> <p>16 MR. WEINER: Objection, vague.</p> <p>17 A. I felt it was -- it was -- "obvious" might</p> <p>18 not be the right word. I felt that it was implied</p> <p>19 based on the context and from the viewpoint of a</p> <p>20 POSA what a captive security rod was, and then I</p> <p>21 believe the board came back with their definition,</p> <p>22 which was in line with what I had assumed a captive</p> <p>23 security rod would be.</p> <p>24 Q. But you didn't put it in the claim</p> <p>25 construction part of your declaration.</p>
Page 63	Page 65
<p>1 locking device is configured with an opening to</p> <p>2 receive the locking," and it goes on.</p> <p>3 Q. What are you reading from? In your right</p> <p>4 hand there.</p> <p>5 A. Exhibit 1003 from ACCO Brands,</p> <p>6 Exhibit 2006 from today, page 55.</p> <p>7 Q. Which patent is that?</p> <p>8 A. '144.</p> <p>9 Q. '144, good, yeah.</p> <p>10 I'm sorry. Go right ahead.</p> <p>11 A. You want me to continue reading it?</p> <p>12 Q. Yeah. So I was wondering -- let's get</p> <p>13 specific. This excerpt at page 14, number 1 --</p> <p>14 A. Yeah.</p> <p>15 Q. -- is that from the '758 patent or the</p> <p>16 '144 patent?</p> <p>17 MR. WEINER: Objection, asked and</p> <p>18 answered.</p> <p>19 A. Yes. This claim term is in '144.</p> <p>20 Q. Which claim term?</p> <p>21 A. Page 14 or page 15 of 105 of Exhibit 1021,</p> <p>22 claim term, "Wherein the locking device is</p> <p>23 configured with an opening to receive the locking</p> <p>24 end of the captive security rod." And then</p> <p>25 Exhibit 1003, page 55, column 19, line 27, "Wherein</p>	<p>1 A. Okay.</p> <p>2 MR. WEINER: Objection, outside the scope</p> <p>3 of the supplemental declaration.</p> <p>4 Q. Why is that?</p> <p>5 A. I didn't feel that it was -- it needed to</p> <p>6 be described. I felt as though it was captured in</p> <p>7 the claim language kind of, again, I don't want to</p> <p>8 say obvious, but to a person with experience in</p> <p>9 this field, you would read that and kind of just</p> <p>10 keep running with it.</p> <p>11 Q. Right.</p> <p>12 So you didn't think there would be an</p> <p>13 issue with -- did you think -- did you think that</p> <p>14 there would not be an issue with the construction</p> <p>15 of captive security rod?</p> <p>16 MR. WEINER: Objection, vague.</p> <p>17 A. Could you rephrase that so that I'm just</p> <p>18 positive what you're asking me?</p> <p>19 Q. Do you -- did you think that it was not</p> <p>20 important to construe captive security rod?</p> <p>21 A. I don't think I would say that. I think</p> <p>22 it's more of I read claim 1. It has the</p> <p>23 description. And to me, it -- I don't know, it</p> <p>24 just made sense.</p> <p>25 Q. What made sense?</p>

17 (Pages 62 to 65)

1 A. The description of a captive security rod.
 2 Q. And you didn't feel it was important in
 3 the context of the inter partes reviews.
 4 MR. WEINER: Objection, vague.
 5 A. I don't know how to answer that. Again,
 6 reading this and seeing the description here was in
 7 line with what I had imagined a captive security
 8 rod to be from when I was designing locks, and then
 9 that was confirmed when the board came back with
 10 their description of a captive security rod as
 11 well.
 12 Q. Now, did you -- had you seen the board's
 13 decision when you prepared this document?
 14 MR. WEINER: Objection, vague as to which
 15 document you're talking about.
 16 Q. The document in front of you?
 17 MR. WEINER: Objection, vague.
 18 Q. Your declaration.
 19 A. I'll have to double check just to be
 20 certain, but I believe I saw the --
 21 MR. WEINER: And objection, outside the
 22 scope of the supplemental declaration.
 23 A. I just want to make sure I'm not getting
 24 confused with all these documents. Let me just
 25 review real quick.

1 Your question was, did I see the board's
 2 decision prior to my initial declaration? No.
 3 Q. In consideration of the documents that you
 4 reviewed in preparation for this deposition today,
 5 do you believe there's an issue in the claim
 6 construction of captive security rod?
 7 MR. WEINER: Objection, vague as to issue.
 8 A. I'm not -- I'm not positive what you're
 9 asking. I don't --
 10 Q. Well, do you believe that the construction
 11 of captive security rod is clear?
 12 MR. WEINER: Objection, vague.
 13 A. The written description as in --
 14 Q. No, just you construed the --
 15 A. I didn't construe.
 16 Q. Yeah, I guess you didn't.
 17 You didn't construe captive security rod?
 18 A. Not to your definition, I don't think. I
 19 evaluated it from a standpoint of a POSA. I don't
 20 want to say I construed it because I'm assuming
 21 that that carries a certain requirement.
 22 Q. Good. Fair enough.
 23 Did you construe from the viewpoint of a
 24 POSA claim 20 of the '144 patent?
 25 A. Again, I wouldn't say I construed. I

1 interpreted it from the standpoint of a POSA, yes,
 2 I evaluated claim 20.
 3 Q. But you did not put it in the claim chart
 4 of the declaration at issue that we're reviewing
 5 right now?
 6 MR. WEINER: Objection, misstates the
 7 contents of the document. Claim 20 is in several
 8 claim charts of the declaration. The
 9 exact language of it is right there in the claims
 10 charts.
 11 MR. SCHINDLER: Objection to counsel for
 12 ACCO testifying.
 13 Q. So do you see it here?
 14 MR. VODOPIA: Would you read the question
 15 back to Mr. White.
 16 (Whereupon, the record was read as
 17 follows: Question: "But you did not put it in the
 18 claim chart of the declaration at issue that we're
 19 reviewing right now?")
 20 A. And that's in reference to claim 20 and
 21 you're asking me if it's in the chart Exhibit 1021,
 22 page 14?
 23 Q. Your assessment as a POSA?
 24 MR. WEINER: Objection, misstates the
 25 witness' testimony, misstates the contents of the

1 declaration.
 2 A. It's not in the table between the pages of
 3 14 and 16 in Exhibit 1021.
 4 Q. Ryan, are the -- is your declaration that
 5 you prepared concerning the '758 patent the same as
 6 your declaration prepared with respect to the '144
 7 patent?
 8 MR. WEINER: Objection, outside the scope
 9 of the supplemental declaration.
 10 A. There's -- again, this is one of those
 11 questions where there's clearly differences between
 12 the two, so I'm not sure what you're asking.
 13 Q. I want to know if there are any
 14 differences between the two. Can you point them
 15 out to me?
 16 MR. WEINER: And I remind the witness take
 17 whatever time you need to review before you answer
 18 the question. These declarations are over a
 19 hundred pages, take whatever time you need to
 20 review them.
 21 A. I just want to get clarification because I
 22 don't want to run the risk of treating this
 23 lightly.
 24 Q. So I'd say, I agree with Michael, take a
 25 all the time you need.

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<p>1 A. Okay. And this is beyond the obviousness 2 of reference --</p> <p>3 Q. I mean one says one patent and one says 4 the other on its face. I mean substantively.</p> <p>5 A. This is, again, I'm not a lawyer, so I'm 6 not sure what --</p> <p>7 Q. I understand.</p> <p>8 A. And we're only referencing the initial 9 declaration, not the supplemental?</p> <p>10 Q. We're not.</p> <p>11 A. So in quickly reviewing these just to 12 confirm and with the disclaimer that there are 13 clearly differences referencing patents and page 14 numbers and all of that, '758 and '144 from the 15 eyes of a POSA are very similar because '758 is a 16 continuation. They have the same, maybe I 17 shouldn't say continuation. They -- they share the 18 same, like they're almost built off of each other, 19 is how I interpret it.</p> <p>20 Q. You know what? That makes sense.</p> <p>21 MR. WEINER: Could the court reporter read 22 the question back, please, I might have missed 23 something there. Could you read back the previous 24 question.</p> <p>25 (Whereupon, the record was read as</p>	<p>1 And so, could you read back Mr. White's 2 answer.</p> <p>3 (Whereupon, the record was read as 4 follows: Answer: "So in quickly reviewing these 5 just to confirm and with the disclaimer that there 6 are clearly differences referencing patents and 7 pages numbers and all of that, '758 and '144 from 8 the eyes of a POSA are very similar because '758 is 9 a continuation. They have the same, maybe I 10 shouldn't say continuation. They -- they share the 11 same, like they're almost built off of each other, 12 is how I interpret it.")</p> <p>13 Q. Ryan, my question was whether or not your 14 declarations were the same. Were you referring to 15 your declarations or were you referring to the 16 patents?</p> <p>17 A. I'm referring to the declarations, that's 18 what I was reviewing when you asked, right?</p> <p>19 Q. Uh-huh.</p> <p>20 A. I had to reference both sets of patents 21 and that's captured here in the table, so to me, 22 table, page 15 of 105, Exhibit 1021 --</p> <p>23 Q. Page 15, yeah.</p> <p>24 A. It says 14 in the middle but it says 15 in 25 the corner. So this is the table that we've been</p>
Page 71	Page 73
<p>1 follows: Question: "I want to know if there are 2 any differences between the two. Can you point 3 them out to me?")</p> <p>4 MR. WEINER: Maybe go back one more. I 5 want to make sure I understand what was supposed to 6 be compared there.</p> <p>7 (Whereupon, the record was read as 8 follows: Question: "Is your declaration that you 9 prepared concerning the '758 patent the same as 10 your declaration prepared with respect to the '144 11 patent?")</p> <p>12 MR. WEINER: Okay. I move to strike the 13 witness' answer as nonresponsive.</p> <p>14 MR. VODOPIA: I object to Mr. Weiner --</p> <p>15 MR. SCHINDLER: Motion to --</p> <p>16 MR. VODOPIA: -- taking part of the -- 17 it's my deposition, so you can't strike anything. 18 You can make a motion to exclude.</p> <p>19 MR. WEINER: I withdraw that. Let me 20 restate that.</p> <p>21 MR. VODOPIA: Sure.</p> <p>22 MR. WEINER: I object to the witness' 23 answer as nonresponsive.</p> <p>24 MR. VODOPIA: I found it was quite 25 responsive.</p>	<p>1 discussing.</p> <p>2 Q. Yeah.</p> <p>3 A. So when you asked if these were similar, 4 to me looking at the claim terms and referencing 5 across both, yes.</p> <p>6 Q. Is this claim construction chart that 7 you're viewing right now in the declaration -- in 8 your declaration for the '758 patent, is that claim 9 chart the same as in your declaration for the '144 10 patent?</p> <p>11 A. I would have to double check. 12 They appear to be.</p> <p>13 Q. No differences? Are there any 14 differences?</p> <p>15 A. Not that I can see other than what they're 16 in reference to.</p> <p>17 Q. Okay. Ryan, I'd like to move to paragraph 18 34 of your declaration concerning the '758 patent.</p> <p>19 A. Paragraph 34, is that what you said?</p> <p>20 Q. Yes.</p> <p>21 MR. WEINER: Objection, outside the scope 22 of the supplemental declaration.</p> <p>23 Q. Ryan, you say that "the feature of the 24 invention recited in terms 1 and 2 is not depicted 25 in any of the Figures 1 to 65."</p>

19 (Pages 70 to 73)

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<p>1 You mean Figures 1 to 65 of the patent, of</p> <p>2 the '758 patent?</p> <p>3 A. I would have to check.</p> <p>4 That's correct.</p> <p>5 Q. And so I'd like to direct your attention</p> <p>6 to Figure 29 and element 110.</p> <p>7 A. Of '758?</p> <p>8 Q. Yes.</p> <p>9 A. Figure 29?</p> <p>10 Q. Yes.</p> <p>11 A. Yes.</p> <p>12 Q. Is element 110 a locking device?</p> <p>13 A. It appears to be a lock, yes.</p> <p>14 Q. Would you call it a locking device?</p> <p>15 A. It's part of a lock assembly.</p> <p>16 Q. Do you feel that a POSA would find lock</p> <p>17 different than locking device?</p> <p>18 MR. WEINER: Objection, vague.</p> <p>19 A. To me those descriptions sound the same,</p> <p>20 but they're not because without the other part, you</p> <p>21 don't have a lock, you just have part of a lock.</p> <p>22 Q. And so you construe this to mean -- if you</p> <p>23 look to the right, did you construe this to be the</p> <p>24 locking device has an opening into which a captive</p> <p>25 security rod fits?</p>	<p>1 I believe they were trying to use the visual cues</p> <p>2 of the original Master lock assemblies, so they're</p> <p>3 trying to have someone make a connection. This is</p> <p>4 similar to how a padlock might work.</p> <p>5 Q. And does something go in that end on the</p> <p>6 face in the perspective view with the circle?</p> <p>7 A. In this?</p> <p>8 Q. In 110 that's shown.</p> <p>9 A. Yes.</p> <p>10 Q. And if you insert it in, do you expect it</p> <p>11 to lock somehow?</p> <p>12 MR. WEINER: Objection, calls for</p> <p>13 speculation.</p> <p>14 A. I would imagine so.</p> <p>15 Q. And is that how you interpreted it when</p> <p>16 you assessed this document for your testimony here</p> <p>17 today?</p> <p>18 A. My assessment was that the proposal here</p> <p>19 is 286 interfaces with 110 through that hole.</p> <p>20 Q. Good.</p> <p>21 And does 286 lock in that hole?</p> <p>22 A. 110 locks. 286 gets captured in a lock.</p> <p>23 Q. And is 286 captured when 110 locks?</p> <p>24 A. I would say 286 engages and triggers the</p> <p>25 lock mechanism.</p>
Page 75	Page 77
<p>1 MR. WEINER: Objection, vague.</p> <p>2 A. Uh-huh. Not the captive security rod. I</p> <p>3 knew -- hold on, let me get to the --</p> <p>4 So you're on page 15 in the claim</p> <p>5 construction table?</p> <p>6 Q. Yes.</p> <p>7 MR. WEINER: Could you repeat the</p> <p>8 question?</p> <p>9 Q. You know, I'd like to -- actually, I'd</p> <p>10 like to move on. I'd like to ask you a slightly</p> <p>11 different question about --</p> <p>12 A. Okay.</p> <p>13 Q. -- element 110 in Figure 29. Do you know</p> <p>14 how element 110 of Figure 29 works?</p> <p>15 A. It's for illustrative purposes, I can't</p> <p>16 make an assumption.</p> <p>17 Q. So you didn't understand that when you</p> <p>18 made your -- when you prepared your declarations?</p> <p>19 A. I understand that this is representing a</p> <p>20 lock. Do I know if it's a disc or a pin or a</p> <p>21 tumbler? No.</p> <p>22 Q. Can you tell me how you interpreted it for</p> <p>23 the purposes of your expert witness testimony?</p> <p>24 A. It was drawn assembly-wise, pins stacked,</p> <p>25 plates, a space for a brand mark on the front, and</p>	<p>1 Q. Good.</p> <p>2 Would you say trigger -- when you say</p> <p>3 "trigger," do you mean activate?</p> <p>4 A. Engage. It might require a key to</p> <p>5 activate, but I'm sure there's a --</p> <p>6 Q. Do you believe activate is what we're</p> <p>7 talking about here?</p> <p>8 MR. WEINER: Objection, vague.</p> <p>9 A. Activate the lock mechanism?</p> <p>10 Q. (No verbal response.)</p> <p>11 A. I would -- I could see that, yes, 286</p> <p>12 activates 110.</p> <p>13 Q. Do you see a key in the figure, Figure 29</p> <p>14 of the '758 patent?</p> <p>15 A. I do not.</p> <p>16 Q. Do you believe that when lock 110 is</p> <p>17 activated, does it grasp the end of element 286?</p> <p>18 Pardon me.</p> <p>19 When 286 is inserted into the hole in</p> <p>20 element 110 and 110 is activated, does it grasp?</p> <p>21 A. That appears to be what they're proposing,</p> <p>22 yes.</p> <p>23 Q. Good.</p> <p>24 And lock?</p> <p>25 A. That would be an assumption. I don't know</p>

20 (Pages 74 to 77)

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<p>1 if you would need a key, but you said there is no 2 key. 3 Q. And I just want to turn back to paragraph 4 34. You said that the feature of the invention 5 recited in term 1 is not depicted. 6 Is that -- so that's not -- is -- 7 A. That's not a captive security rod. 8 Q. Sorry. I see the feature in that claim 9 chart the locking device. I believe we were 10 discussing the locking device. 11 A. "Wherein the locking device is configured 12 with an opening to receive a locking end of a," no. 13 Q. Oh, you don't see the locking device in -- 14 A. I see the locking device. 15 Q. And so that clause is about the locking 16 device, no? The "wherein the locking device is 17 configured with an opening to receive the locking 18 end of the captive security rod to activate the 19 locking mechanism, wherein the activation," which I 20 assume is directed to the locking mechanism, 21 "causes the locking mechanism to securely grasp the 22 locking end and, thereby, lock the security rod and 23 the portable electronic device to a locking 24 device." 25 Isn't that -- isn't element 110 a locking</p>	<p>1 A. So I'm -- could you repeat that, because 2 I'm not -- 3 MR. VODOPIA: So -- could you read that 4 back to the witness. 5 THE WITNESS: Sorry. 6 COURT REPORTER: I can read everything 7 except for the part that you read. 8 (Whereupon, the record was read by the 9 reporter. 10 A. So I guess I'm still not clear. Are you 11 asking me -- I wish we could just have a 12 conversation. I'm sorry. I'm trying not to be 13 difficult. 14 Q. I'm focusing on the locking device. 15 A. Okay. 16 Q. I'm focusing on the locking device. You 17 didn't construe the captive security rod. I'm 18 looking at the part of the claim chart where you 19 construed the locking device. 20 MR. WEINER: Objection, misstates the 21 witness' testimony, misstates the contents of the 22 document. Term 1 includes the terms "locking 23 device" and captive security rod as a single term. 24 MR. SCHINDLER: Objection. ACCO's 25 attorney is testifying.</p>
Page 79	Page 81
<p>1 device as stated in the claim -- 2 MR. WEINER: Objection, asked and 3 answered. 4 Q. -- in that portion of the claim language? 5 A. Potentially, yeah. 6 Q. Okay. So then the locking device is shown 7 in the figures? 8 MR. WEINER: Objection, misstates the 9 witness' testimony. 10 A. Potentially this could be one embodiment 11 of a locking device, yes. 12 Q. Good. 13 So then do you stand by your testimony at 14 page -- 15 MR. WEINER: Objection to the answer as 16 nonresponsive. 17 Q. -- paragraph 34. 18 COURT REPORTER: I'm sorry. 19 THE WITNESS: Yeah, I didn't catch that 20 either. 21 Q. Sorry. 22 Do you stand by your testimony at 23 paragraph 34? "The feature of the invention 24 recited in terms 1 and 2 is not depicted in any of 25 the patent Figures 1 to 65."</p>	<p>1 Q. So we just went through this and you said 2 that the feature of the invention recited in term 1 3 is not found in any of the drawing figures and we 4 just went through it and you identified a locking 5 device as per your construction. And I just wanted 6 to know if you -- if that first sentence of 7 paragraph 34, if that's still accurate. 8 MR. WEINER: Objection, misstates the 9 witness' testimony. 10 A. I'm not sure how to answer that. I'm not 11 trying to be difficult. 12 Q. No, it's okay. 13 You testified that there was no locking 14 device in any of the drawing figures? 15 MR. WEINER: Objection, misstates the 16 witness' testimony. 17 A. That's not what I was -- 18 Q. Would you read your testimony at that 19 first sentence. 20 A. First sentence of paragraph 34? 21 Q. Yes. 22 A. Can I also read the following sentences? 23 Q. Well, let's just go one at a time here. 24 Do you mind? 25 A. Promise we'll get to the second one?</p>

21 (Pages 78 to 81)

<p style="text-align: right;">Page 82</p> <p>1 Q. I will not make any promises. But we can 2 read that first sentence, if you wouldn't mind. 3 A. Okay. 4 MR. WEINER: And I'd remind the witness to 5 consider his testimony in full context, and if you 6 need to read the whole paragraph, read the whole 7 paragraph. 8 MR. SCHINDLER: Objection -- 9 MR. VODOPIA: Yeah, come on, please. 10 MR. SCHINDLER: -- ACCO's counsel is 11 coaching the witness. 12 MR. VODOPIA: Yeah. Michael, we'll get 13 through this then if you just take it easy. 14 A. "The feature of the invention recited in 15 terms 1 and 2 is not depicted in any of the patent 16 figures 1 through 65. However, based on the claim 17 language, a POSA would understand that the broadest 18 reasonable interpretation of these terms would be 19 the same as indicated above." 20 Q. Good. 21 And indicated above was you construed the 22 locking device? 23 A. I did not construe the locking device. 24 Q. What did you construe right here, to the 25 left --</p>	<p style="text-align: right;">Page 84</p> <p>1 and then I had several revisions and work sessions 2 to make sure that it captures my viewpoint of this. 3 Q. Was this term here, was this term in the 4 left term 1? What was -- what was the point of 5 this term? What were you trying to assess here? 6 Were you trying to assess the locking device? 7 MR. WEINER: Objection, vague. 8 A. I'm not positive what you're asking. 9 Q. What's in the construction section? 10 What's set out in that construction section next to 11 term 1? 12 A. So by "set out," you mean... 13 Q. Written. 14 A. Just -- 15 Q. What element is referred to? 16 A. So this is in reference to the locking 17 device. 18 Q. Good. 19 And I want to turn back to paragraph 34. 20 Is the lock -- and I want to ask you a question 21 about that first sentence of 34. 22 A. Uh-huh. 23 Q. Is a locking device found in any of the 24 patent Figures 1 to 65? 25 MR. WEINER: Objection, vague.</p>
<p style="text-align: right;">Page 83</p> <p>1 A. I didn't construe anything. 2 Q. Right. 3 You assessed the locking device. You set 4 it out in the claim construction. Sorry. Let me 5 ask you some questions. 6 Is D Claim Construction a claim 7 construction section? 8 A. That's what it is titled, yes. 9 Q. And is this at page 14 in the middle of 10 the page, is that claim term construed in that box 11 in this section? 12 A. In the claim term or the construction box? 13 Q. In the claim term -- in the whole row, 14 including the construction box. 15 A. Again, I am not going to say it's 16 construed. In the claim term box, that's the term 17 that I pulled from the claim and then my 18 interpretation of the construction of it. 19 Q. Ryan, is this your work product? 20 A. I'm not sure what you're asking. 21 Q. Did you write this? 22 MR. WEINER: Objection, asked and 23 answered. 24 A. I did not physically type it. This is 25 from the meetings that I had with ACCO's counsel</p>	<p style="text-align: right;">Page 85</p> <p>1 Q. Ryan, I can direct you to one in 2 particular. Is a locking device depicted in 3 Figure 29? 4 MR. WEINER: Objection, vague. 5 A. It could be viewed as a locking device if 6 you're referencing 110. 7 Q. Did you answer yes? 8 A. I think the important part of 34 is what 9 follows that sentence, so I feel like my words are 10 being taken out of context. If I can't read all of 11 it, I shouldn't have to read part of it. 12 Q. But you did read all of it. 13 And I just wanted to ask you if there's a 14 locking device shown in Figure 29 of the '758 15 patent and I was just hoping you would answer me 16 yes or no. 17 A. Yes. 18 Q. Thank you. 19 MR. VODOPIA: Do you mind if we take a 20 break? 21 MR. WEINER: No. Sure. 22 (Proceedings interrupted at 11:25 a.m. and 23 reconvened at 11:35 a.m.) 24 BY MR. VODOPIA: 25 Q. Ryan, do you understand the patent office</p>

22 (Pages 82 to 85)

<p style="text-align: right;">Page 86</p> <p>1 rules prohibit you from discussing your testimony 2 with counsel for ACCO --</p> <p>3 A. I do.</p> <p>4 Q. -- from the start of the deposition till 5 the end of the deposition?</p> <p>6 A. I do.</p> <p>7 Q. Yes.</p> <p>8 And were you discussing your testimony 9 with Mr. Weiner in this break?</p> <p>10 A. I was not.</p> <p>11 Q. Good.</p> <p>12 I just want to jump back, when you were -- 13 when you dis -- you testified that you discussed 14 with counsel for ACCO Mr. Mahaffey's deposition 15 testimony; is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. And I believe you testified that there was 18 a copy of the deposition testimony.</p> <p>19 A. I was --</p> <p>20 MR. WEINER: Objection, misstates the 21 witness' testimony.</p> <p>22 Q. Is that correct?</p> <p>23 A. I don't -- I can't recall specifically. I 24 think I confused declaration and deposition, but I 25 thought we had cleared that up.</p>	<p style="text-align: right;">Page 88</p> <p>1 MR. WEINER: Objection, vague as to what 2 Exhibit A is.</p> <p>3 A. I need to see a copy of it.</p> <p>4 Q. Do you recall seeing an Exhibit A?</p> <p>5 A. I've seen many Exhibit A's since starting 6 this. I don't want to give you an answer until I 7 get a chance to review.</p> <p>8 Q. Okay. Fair enough.</p> <p>9 MR. VODOPIA: I'd like to introduce an 10 exhibit. This is Exhibit A of Mr. Mahaffey's 11 March 21st, 2016 deposition testimony.</p> <p>12 MR. WEINER: Are you marking that with an 13 exhibit number now?</p> <p>14 MR. SCHINDLER: Might as well.</p> <p>15 MR. VODOPIA: Might as well. 16 (Exhibit 2007, Simplified Explanation of 17 Findings Provided in the IPR, Rob Mahaffey, marked 18 for identification.)</p> <p>19 MR. WEINER: I object to this as hearsay, 20 not relevant, outside the scope of Mr. White's 21 declaration and supplemental declaration, and lack 22 of foundation.</p> <p>23 Q. Would you read the title to the document?</p> <p>24 A. "Simplified Explanation of Findings 25 Provided in the IPR."</p>
<p style="text-align: right;">Page 87</p> <p>1 Q. Oh. So we did but that was with respect 2 to your written testimony, I believe, as 3 distinguished from his declaration, that is 4 Mr. Mahaffey's declaration of January 15th, 2016. 5 I believe we also talked about his deposition 6 testimony of March 21st, 2016. I may be confused.</p> <p>7 Did you discuss Mr. Mahaffey's March 21st, 8 2016 testimony with counsel for ACCO?</p> <p>9 A. Yes.</p> <p>10 Q. You did?</p> <p>11 Did you see a copy of that testimony 12 during your discussion?</p> <p>13 A. I had a chance to review. I don't know if 14 it was word for word a transcript, but I got a 15 report. Oh --</p> <p>16 Q. That's okay, I wanted to ask you another 17 question anyway --</p> <p>18 A. Yes.</p> <p>19 Q. -- so it's sort of collateral.</p> <p>20 A. To the best of my knowledge, it was a 21 transcript from a third-party. There's no way for 22 me to --</p> <p>23 Q. Good.</p> <p>24 Did you discuss Exhibit A to that -- to 25 that Mahaffey deposition testimony?</p>	<p style="text-align: right;">Page 89</p> <p>1 Q. And the next paragraph.</p> <p>2 A. "Prepared by Rob Mahaffey in support of 3 findings in IPR."</p> <p>4 Q. Did you see this document? Have you seen 5 this document before?</p> <p>6 A. I have not seen the PowerPoint.</p> <p>7 MR. WEINER: And I'd remind the witness, 8 please take your time to review the document --</p> <p>9 MR. VODOPIA: Hold on, please. Let the 10 witness answer.</p> <p>11 MR. SCHINDLER: Objection. Stop coaching 12 the witness.</p> <p>13 MR. VODOPIA: Michael, please. Come on, 14 please.</p> <p>15 A. I've not seen -- when I say a PowerPoint, 16 I'm referring to some of the imagery. I have seen 17 his definitions -- his interpretations of 18 definitions, his reference material, what he's 19 claiming as, I don't want to call it by the wrong 20 term, I don't want to call it claim construction, 21 but I've seen his interpretation of what he sees in 22 the claim language, and then his trans -- his view 23 of what's captured in the drawings, the 24 illustrations or figures.</p> <p>25 MR. WEINER: Objection, nonresponsive.</p>

23 (Pages 86 to 89)

<p style="text-align: right;">Page 90</p> <p>1 Q. What have you not seen, which pages? 2 A. The imagery. 3 Q. How about page 3? Sorry. 4 A. You tell me. (Indicating.) 5 Q. Oh, okay. 6 A. Page 4. 7 Q. So that's like the fourth page, the thrust 8 load? 9 A. I've seen -- 10 Q. So actually, I just want to know what you 11 haven't seen. And so this imagery at the fourth 12 page in -- I'm sorry, it's not numbered -- you 13 haven't seen that imagery. Is there anything else 14 you haven't seen? 15 A. I don't recall seeing (indicating) a list 16 of patents with circles. 17 Q. Second to last page? 18 MR. WEINER: Which page are you referring 19 to? 20 THE WITNESS: Page 21 and 22. 21 A. I don't know if it's a formatting thing or 22 what, but I don't remember seeing some of this 23 imagery. 24 Q. Okay. Fair enough. 25 Ryan, we provided you with a supplemental</p>	<p style="text-align: right;">Page 92</p> <p>1 claim language it says affixed to at last one part 2 of the housing. So to me, I read that as the 3 captive security rod -- in order to be a captive 4 security rod, one side needs to be anchored or 5 affixed to the housing, it also has to live in that 6 fixed housing during, obviously, but also, before 7 or in between I think they used the word 8 "deployment." 9 Q. You know, I think you're getting to the 10 claim language and I was really trying to keep it 11 simpler. I wanted to know if you thought when 12 you're looking at Figure 28D is 286 anchored to 13 housing 516. 14 A. No. 15 Q. No. 16 Do you believe that 286 can be removed 17 from that housing? 18 A. Yes. 19 Q. Now, does it appear that 286 is locked in 20 lock 110? 21 A. It looks to be in what we said earlier 22 appeared to be a locking device, yes. 23 Q. So would you agree that the only way to 24 remove 286 from housing 516 is to unlock the lock 25 and retract it out of the housing?</p>
<p style="text-align: right;">Page 91</p> <p>1 declarations -- your supplemental declarations in 2 both of the IPRs. Are they the same? 3 A. These would appear to be the same. 4 Q. Okay. In those supplemental declarations, 5 do you refer back to your first declarations? 6 A. Yes, several times. 7 Q. Good. 8 I'd like to change the pace a little bit 9 and I'd like to go back to the '758 patent. I 10 believe we reviewed one figure and I'd like to 11 bring your attention to Figure 28D. 12 I'd like to focus your attention on 13 element marked 286, and I'd like -- and I want to 14 know if you agree -- 15 MR. VODOPIA: Let me retract that. 16 Q. Is the element marked 26 [sic] anchored to 17 the element marked 516 in Figure 28D? 18 A. The element marked 286? 19 Q. Yes. 20 A. No. 21 Q. No, it's not anchored? 22 A. Nope. 23 Q. And how do you construe the term 24 "anchored"? 25 A. It has to be affixed, and I believe in the</p>	<p style="text-align: right;">Page 93</p> <p>1 A. Yes. 2 Q. So the state of that element to 86 right 3 now, would you agree that it's locked to the 4 locking device? 5 A. Is 286 locked to 110? 6 Q. In Figure 28D. 7 A. It appears as though they're locked 8 together. 9 Q. Okay. Does it appear without -- wait. 10 Without unlocking 110 as it appears to be in 11 Figure 28D, can 286 be removed from that housing? 12 MR. WEINER: Objection, asked and 13 answered. 14 A. Operating under the assumption that the 15 anchor end of this assembly is set up correctly? 16 Q. Um, I just want you to answer my question. 17 A. I don't feel as though I can answer the 18 question without -- without knowing the complete 19 setup. 20 Q. From what you see, though, without knowing 21 the complete setup? 22 A. It looks as though the intent is to have 23 286 lock to 110. 24 Q. And do you believe that when locked -- 25 when 286 is locked to 110, it can be removed from</p>

24 (Pages 90 to 93)

<p style="text-align: right;">Page 94</p> <p>1 that housing?</p> <p>2 A. I don't think it's affixed to the housing.</p> <p>3 Q. No.</p> <p>4 But do you believe it can be removed from</p> <p>5 the housing? I used a different word.</p> <p>6 A. I don't think it's -- 286 doesn't live in</p> <p>7 the housing. So yes, you could --</p> <p>8 Q. You don't see 286 is -- sorry. Go ahead.</p> <p>9 A. You could remove 286 and 110 from the</p> <p>10 housing.</p> <p>11 Q. And would you have to unlock 110 first?</p> <p>12 A. No.</p> <p>13 Q. Oh, so you don't believe 110 is locked?</p> <p>14 What if I ask you to presume that 110 is</p> <p>15 locked?</p> <p>16 A. I would still say you could remove 286 and</p> <p>17 110 from the housing.</p> <p>18 Q. How?</p> <p>19 A. You push on the cable and then 286 and 110</p> <p>20 are no longer considered inside of the housing</p> <p>21 because they're not anchored to the housing.</p> <p>22 Q. And do you see -- is there a part of 286</p> <p>23 on both sides of the housing?</p> <p>24 A. In this illustration, yes.</p> <p>25 Q. Do you think that's significant?</p>	<p style="text-align: right;">Page 96</p> <p>1 confined?</p> <p>2 MR. WEINER: Objection, vague.</p> <p>3 A. Are you asking me if --</p> <p>4 Q. I'm asking you.</p> <p>5 A. Can you rephrase it just so that I'm</p> <p>6 clear?</p> <p>7 Q. Sorry.</p> <p>8 A. Yeah.</p> <p>9 Q. Do you agree that element 286 in</p> <p>10 Figure 28D is confined in housing 516?</p> <p>11 A. I'd have to ask you again to rephrase it.</p> <p>12 That's the same way you asked it last time.</p> <p>13 Are you asking if the way it's drawn, or</p> <p>14 are you asking my assumption as to how I interpret</p> <p>15 this?</p> <p>16 Q. I'm asking how it's drawn.</p> <p>17 A. It's drawn as though there's a ferrule</p> <p>18 exposed on each side of the housing.</p> <p>19 MR. VODOPIA: Would you read my question</p> <p>20 back to him?</p> <p>21 I just want to strike that as</p> <p>22 nonresponsive.</p> <p>23 (Whereupon, the record was read as</p> <p>24 follows: Question: "Do you agree that element 286</p> <p>25 in Figure 28D is confined in housing 516?")</p>
<p style="text-align: right;">Page 95</p> <p>1 A. Not really.</p> <p>2 Q. You don't think it's -- is that part of</p> <p>3 your presumption that you can push 286 through the</p> <p>4 housing?</p> <p>5 A. There's -- in the description of this part</p> <p>6 which I believe is a locking ferrule, there's no</p> <p>7 description of a stopper or a restricter or a</p> <p>8 collar or anything. So my assumption is if</p> <p>9 90 percent of the ferrule can fit through that</p> <p>10 opening, then the rest of it can fit through as</p> <p>11 well. It shows the cable and the locking ferrule</p> <p>12 go through 235 down here, so why couldn't the</p> <p>13 entire ferrule pass through 516.</p> <p>14 MR. VODOPIA: You know, I'd like to strike</p> <p>15 that as nonresponsive.</p> <p>16 MR. WEINER: Objection, the witness can</p> <p>17 offer an explanation as he sees fit to respond to</p> <p>18 the questions.</p> <p>19 Q. Is element 286 as shown in the figure</p> <p>20 confined within element marked 516?</p> <p>21 A. I wouldn't say yes to that. I'd have to</p> <p>22 go with no.</p> <p>23 Q. Oh, so it's -- good.</p> <p>24 You don't agree that it's confined in</p> <p>25 Figure 28D, as shown in Figure 28D that it's</p>	<p style="text-align: right;">Page 97</p> <p>1 A. I wouldn't say it's confined.</p> <p>2 Q. So that -- okay. All right.</p> <p>3 Would you -- are you saying that as shown</p> <p>4 in Figure 28D, element 286 is not confined in</p> <p>5 housing 516?</p> <p>6 A. No.</p> <p>7 Q. As shown in Figure 28D, is element</p> <p>8 286 is -- limited in movement within element --</p> <p>9 within housing 516?</p> <p>10 A. Can you -- can you clarify or expand on</p> <p>11 what you mean by "limited"?</p> <p>12 Q. Can it move vertically?</p> <p>13 A. What position is the laptop in? Like</p> <p>14 that's -- we can't use vertically.</p> <p>15 A. Axially, radially? If we want to --</p> <p>16 Q. Radially.</p> <p>17 A. No. It can't.</p> <p>18 Well, what orientation? So I'm not trying</p> <p>19 to be difficult, I promise.</p> <p>20 Q. No, no. That's okay.</p> <p>21 A. It's not fastened, secured. It's not</p> <p>22 anchored. It's passing through and it can slide --</p> <p>23 Q. Why do you think it can slide?</p> <p>24 A. Because the ferrule goes over the cable,</p> <p>25 therefore, the OD, outside diameter, of the ferrule</p>

25 (Pages 94 to 97)

<p style="text-align: right;">Page 98</p> <p>1 is larger than the OD of the cable.</p> <p>2 Q. But how do you know it can slide?</p> <p>3 A. Because it slides in the previous image.</p> <p>4 Q. How do you know it can't slide -- how do</p> <p>5 you know it can slide beyond the end of element</p> <p>6 286? Is that a presumption, is what I'm saying.</p> <p>7 Are you making a presumption?</p> <p>8 A. When I read through the claim language,</p> <p>9 nowhere in there did it mention that kind of --</p> <p>10 Q. Is there anywhere that it says --</p> <p>11 COURT REPORTER: I'm sorry, I didn't get</p> <p>12 the end of your answer.</p> <p>13 A. This is where a conversation would be</p> <p>14 ideal.</p> <p>15 Looking at the claim language, the captive</p> <p>16 security rod has two features.</p> <p>17 Q. Sorry. I'm not talking about the claim</p> <p>18 language.</p> <p>19 A. I'm just trying --</p> <p>20 Q. I just want to talk about the figure.</p> <p>21 A. -- to answer your question.</p> <p>22 Q. Is there anywhere that it says that that</p> <p>23 element 286 can slide all the way through?</p> <p>24 A. No.</p> <p>25 Q. Good.</p>	<p style="text-align: right;">Page 100</p> <p>1 A. -- in context.</p> <p>2 Q. I just want you to answer it. Okay, if</p> <p>3 you -- I'm sorry. I'm being impatient. Forgive</p> <p>4 me.</p> <p>5 A. I design locks. I don't -- I don't</p> <p>6 litigate. Sorry.</p> <p>7 Q. You don't construe?</p> <p>8 A. Right, I don't construe.</p> <p>9 This is the preceding illustration to this</p> <p>10 (indicating). This --</p> <p>11 Q. I want to talk about Figure 28D, Ryan. I</p> <p>12 want to know if as shown in Figure 28D, is element</p> <p>13 286 partially in element 516? What you see.</p> <p>14 A. I'd have to say no, then.</p> <p>15 Q. Oh, so good, no problem. I was hoping for</p> <p>16 an answer and that's good enough.</p> <p>17 I don't know if it was okay as well.</p> <p>18 A. No. I would have to go with no.</p> <p>19 Q. No, okay.</p> <p>20 Would you say that element 286 is</p> <p>21 partially out of element 516 in Figure 28D, just</p> <p>22 what you're seeing right now, Ryan?</p> <p>23 A. No.</p> <p>24 Q. No, good, okay.</p> <p>25 Would you agree that the end of element</p>
<p style="text-align: right;">Page 99</p> <p>1 Let's move on. Would you say that in</p> <p>2 Figure 28D, element 286 is partially in the housing</p> <p>3 516?</p> <p>4 A. Can -- can you clarify, when you say</p> <p>5 "housing," do you mean a housing assembly or</p> <p>6 housing as in a component of an assembly?</p> <p>7 MR. VODOPIA: You know I complicated it.</p> <p>8 Let me rephrase the question.</p> <p>9 Q. When you're looking at Figure 28D, would</p> <p>10 you agree that element 286 is partially in element</p> <p>11 516?</p> <p>12 A. This is a difficult question because a</p> <p>13 POSA would assume that that is an intentional</p> <p>14 pass-through, which means it has an opening to --</p> <p>15 MR. VODOPIA: Look, strike that.</p> <p>16 Q. I want to know from this figure, not what</p> <p>17 a POSA thinks. I'm interested in what you have to</p> <p>18 say --</p> <p>19 A. Okay.</p> <p>20 Q. -- Ryan.</p> <p>21 Now, I want to know, is element 286</p> <p>22 partially in element 216? If you can't answer it,</p> <p>23 say I'm not able to answer that.</p> <p>24 A. I can answer it --</p> <p>25 Q. Please do.</p>	<p style="text-align: right;">Page 101</p> <p>1 286 as shown in Figure 28D of the '758 patent could</p> <p>2 be called a locking end?</p> <p>3 MR. WEINER: Objection, vague.</p> <p>4 A. I can't see. Could we -- could we</p> <p>5 reference 28C?</p> <p>6 Q. Sure.</p> <p>7 A. So on 28C, you're asking if --</p> <p>8 Q. I'm asking about 28D right now. I want to</p> <p>9 know if element 286 has an end that's locked in the</p> <p>10 lock. So --</p> <p>11 A. As drawn?</p> <p>12 MR. VODOPIA: I'll just rephrase it.</p> <p>13 Q. As shown in Figure 28D, do you believe</p> <p>14 there's an end of element 286 locked in lock 110?</p> <p>15 A. If I can't reference 28C, then I have to</p> <p>16 assume --</p> <p>17 Q. No, I just want to see --</p> <p>18 A. -- yes.</p> <p>19 Q. Okay. Good. Thank you.</p> <p>20 MR. WEINER: Objection, and caution the</p> <p>21 witness not to speculate.</p> <p>22 If you need to review another figure, then</p> <p>23 review what --</p> <p>24 MR. VODOPIA: Too late right?</p> <p>25 MR. WEINER: -- then reference any other</p>

26 (Pages 98 to 101)

<p style="text-align: right;">Page 102</p> <p>1 figure you'd like to.</p> <p>2 MR. VODOPIA: Too late.</p> <p>3 Q. So actually, I'd like to turn to</p> <p>4 Figure 28C. You know what, I think you're way</p> <p>5 ahead of me.</p> <p>6 Does that drawing show element 286 outside</p> <p>7 of elements 516?</p> <p>8 A. It does.</p> <p>9 Q. And element 110?</p> <p>10 A. It does.</p> <p>11 Q. Looking at the drawing, would you</p> <p>12 understand that element 286 is designed to enter</p> <p>13 one side of element 516?</p> <p>14 A. Um, I don't know. I don't know how to</p> <p>15 answer that.</p> <p>16 Q. No, that's okay.</p> <p>17 You're not able to identify whether</p> <p>18 element 286 in Figure 28C appears to -- appears to</p> <p>19 pass through --</p> <p>20 MR. VODOPIA: Sorry. Strike that.</p> <p>21 Q. You've answered, that's fine.</p> <p>22 You're not able to identify whether or not</p> <p>23 element 286 goes through 516 from that drawing,</p> <p>24 Figure 28C?</p> <p>25 A. I -- I -- it doesn't pass -- it doesn't</p>	<p style="text-align: right;">Page 104</p> <p>1 pass through the second side as well, the other</p> <p>2 side?</p> <p>3 A. That would be my assumption.</p> <p>4 Q. And turning to Figure 28D, would you say</p> <p>5 that the portion of 286 on the other side, on the</p> <p>6 back side of 516, is shown protruding from the back</p> <p>7 side of 516?</p> <p>8 A. I would have to say no.</p> <p>9 Q. Huh, okay, fair enough.</p> <p>10 So looking at -- looking at -- would you</p> <p>11 agree that Figure 28D shows elements 28 -- 286 and</p> <p>12 110 engaged?</p> <p>13 A. That's what I would be left to assume.</p> <p>14 Q. Would you agree that Figure 28C shows</p> <p>15 these two elements, that is elements 286 and 110,</p> <p>16 prior to engagement?</p> <p>17 A. Yes.</p> <p>18 Q. Would you agree that Figure 28C shows all</p> <p>19 the same elements as shown in drawing Figure 28D</p> <p>20 with the exception of through-hole 517 in 28C?</p> <p>21 A. So we're quite literally just looking at</p> <p>22 the illustration and saying are all the elements on</p> <p>23 28C in 28D with the exception of 517?</p> <p>24 Q. To the best of your understanding.</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 103</p> <p>1 enter one side. It's designed as a pass-through,</p> <p>2 so I don't know. I'd have to say no.</p> <p>3 Q. Okay. Let me probe it a little more. Do</p> <p>4 you believe that there's two sides to element 516?</p> <p>5 A. Yes.</p> <p>6 Q. Do you believe element 286 is intended to</p> <p>7 enter one side of 516?</p> <p>8 A. Can you --</p> <p>9 Q. Yeah, I'll give you -- can I give you --</p> <p>10 A. Can you rephrase "enter"?</p> <p>11 Q. Let's jump back to Figure 28D. Do you</p> <p>12 think the first end of element 286 in Figure 28C,</p> <p>13 when we move to Figure 28B -- 28D, do you believe</p> <p>14 it's passed through the first side of element 516?</p> <p>15 A. Yes.</p> <p>16 Q. Yes.</p> <p>17 And so would you agree that Figure 28C,</p> <p>18 that that first end of 286 and those dashed lines</p> <p>19 that go through opening 517 into the opening in</p> <p>20 lock 110, do you believe that that's the path that</p> <p>21 that element 286 is intended to take?</p> <p>22 A. Yes.</p> <p>23 Q. Good.</p> <p>24 Do you believe that when element 286</p> <p>25 passes through the first side of 516, that it will</p>	<p style="text-align: right;">Page 105</p> <p>1 Q. Okay. What's different?</p> <p>2 A. 28C, 286, you can see the -- what I'm</p> <p>3 assuming is the locking end of that ferrule.</p> <p>4 Q. Good. I see. I agree with you.</p> <p>5 I see that you can see it in 28C, but in</p> <p>6 28D it's captured in the lock.</p> <p>7 Do you agree?</p> <p>8 A. That's how I would read these drawings.</p> <p>9 Q. Do you understand how a shackle engages in</p> <p>10 a locking mechanism of a padlock?</p> <p>11 A. Again, is there a specific padlock that</p> <p>12 you're referencing?</p> <p>13 Q. No. Just a padlock in general, it has a</p> <p>14 shackle, and my understanding is that the shackle</p> <p>15 engages in an opening -- in a locking opening of</p> <p>16 the padlock and I was wondering if you understood</p> <p>17 that.</p> <p>18 A. Without further description, I wouldn't be</p> <p>19 able to answer.</p> <p>20 Q. Okay. So you're not able to tell me.</p> <p>21 Are you able to tell me how a padlock</p> <p>22 works?</p> <p>23 A. You'd have to specify what you're looking</p> <p>24 for, whether it's combination, a disc style, a</p> <p>25 tumbler. I could design it for you, but without</p>

27 (Pages 102 to 105)

<p style="text-align: right;">Page 106</p> <p>1 further description, I can't explain how it works.</p> <p>2 Q. Well, is there a locking shackle in a</p> <p>3 padlock?</p> <p>4 A. In the iconic like a Master lock padlock,</p> <p>5 typically there's a locking shackle, yes.</p> <p>6 Q. In a Master lock padlock, how does the</p> <p>7 shackle lock?</p> <p>8 A. There's an undercut.</p> <p>9 Q. In the shackle?</p> <p>10 A. In the shackle.</p> <p>11 Q. Uh-huh.</p> <p>12 A. And it passes into the opening usually</p> <p>13 displacing a sprung mechanism, could be a disc,</p> <p>14 could be a rod, moving it out of the way to allow</p> <p>15 the shackle to pass through and then engaging in</p> <p>16 the undercut which prevents it from being</p> <p>17 retracted.</p> <p>18 Q. Looking at Figures 28C and 28D, could</p> <p>19 locking mechanism -- sorry -- could element 110</p> <p>20 operate the same way as an iconic Master lock</p> <p>21 padlock?</p> <p>22 A. It could, but without seeing the key or if</p> <p>23 there is a key, I wouldn't be able to say with</p> <p>24 100 percent accuracy.</p> <p>25 Q. Do you understand what I mean when I say</p>	<p style="text-align: right;">Page 108</p> <p>1 figure that shows the claim?</p> <p>2 MR. WEINER: Objection, vague.</p> <p>3 A. No, I don't -- I'm not positive. I don't</p> <p>4 know. I don't know how to answer that one. I'm</p> <p>5 not sure.</p> <p>6 Q. Okay. And just to beat it to death, I was</p> <p>7 going to ask you the same question with respect to</p> <p>8 the text: Do you believe that the -- there must be</p> <p>9 an exact description -- sorry -- there must be an</p> <p>10 exact description in the text that describes the</p> <p>11 claim -- the claims?</p> <p>12 A. I would imagine, so I would -- my</p> <p>13 expectations -- not being a patent attorney or</p> <p>14 working in the patent office, my expectations would</p> <p>15 be the written word is going to be more, I don't</p> <p>16 want to call it accurate -- illustrations are open</p> <p>17 to interpretation. So my assumption is there has</p> <p>18 to be -- you can't show contradicting things in</p> <p>19 your claim language versus your figures. So you</p> <p>20 wouldn't necessarily -- I -- I guess I'm not</p> <p>21 comfortable answering that. I don't know.</p> <p>22 Q. So can the scope of the claims be broader</p> <p>23 than what's shown in the drawn figures?</p> <p>24 MR. WEINER: Objection, vague.</p> <p>25 A. Again, this falls under the -- I don't</p>
<p style="text-align: right;">Page 107</p> <p>1 embodiments with respect to patents?</p> <p>2 A. I have my interpretation.</p> <p>3 Q. And what is your interpretation?</p> <p>4 A. Almost like an assembly. So when you say</p> <p>5 here's a design or a configuration, that is very</p> <p>6 similar to this one, but you might massage it based</p> <p>7 on the outcome that you're looking for. So in one</p> <p>8 embodiment you can get option A or option B in the</p> <p>9 second embodiment.</p> <p>10 Q. Good.</p> <p>11 In your understanding, are claims in a</p> <p>12 patent limited to what's shown in a particular</p> <p>13 embodiment?</p> <p>14 A. I'm not -- I'm not positive. I'm shown</p> <p>15 that term is an issue for me because I would rely</p> <p>16 on the claim language more than the figures. The</p> <p>17 other thing is I'm not -- my background isn't in</p> <p>18 legal, so I couldn't give you a confident answer.</p> <p>19 Q. Fair enough.</p> <p>20 Do you believe the claim language is more</p> <p>21 important than the figures?</p> <p>22 A. I believe I would start with the claim</p> <p>23 language and then see if that's reinforced with the</p> <p>24 figures or illustrations.</p> <p>25 Q. And do you believe there has to be a</p>	<p style="text-align: right;">Page 109</p> <p>1 know the rules, I don't know the laws around to</p> <p>2 what degree. I would imagine there is potentially</p> <p>3 room for things that are considered obvious, that</p> <p>4 would be my assumption. Other than that, I would</p> <p>5 imagine it's pretty specific.</p> <p>6 Q. And can the scope of the claims be broader</p> <p>7 than the text in a patent?</p> <p>8 MR. WEINER: Objection, vague.</p> <p>9 A. I wouldn't know.</p> <p>10 Q. In your assessment or in the Claims</p> <p>11 Construction section in your declarations from</p> <p>12 April 30th, 2015, did you find it was -- did you</p> <p>13 find -- do you think it would have been important</p> <p>14 to understand this -- that concept?</p> <p>15 MR. WEINER: Objection, outside the scope</p> <p>16 of the supplemental declaration and vague.</p> <p>17 A. I don't believe -- I don't believe that's</p> <p>18 what I was brought in to focus on. My focus was</p> <p>19 from a POSA's standpoint. From an industry's</p> <p>20 expert, how would you evaluate this? What is your</p> <p>21 thoughts? How would you move through this? Are</p> <p>22 these similar; are these dissimilar? I don't think</p> <p>23 it was setting up legal positioning. I'm not your</p> <p>24 guy for that.</p> <p>25 Q. So in that claim construction, did you</p>

28 (Pages 106 to 109)

<p style="text-align: right;">Page 110</p> <p>1 assess the scope of the claims?</p> <p>2 A. Can --</p> <p>3 MR. WEINER: Objection, asked and</p> <p>4 answered.</p> <p>5 A. This is the same thing we went around to</p> <p>6 previously. Do you want to expand on assess?</p> <p>7 Q. Your process. I think we used the word</p> <p>8 "your process" kind of in lieu of using the term</p> <p>9 "construe."</p> <p>10 A. Uh-huh.</p> <p>11 Q. So you didn't look to -- is it accurate to</p> <p>12 say that you didn't look to the scope of the claims</p> <p>13 in your assessment?</p> <p>14 MR. WEINER: Objection, misstates the</p> <p>15 witness' testimony.</p> <p>16 A. Again, this is -- I would consider it</p> <p>17 jargon or terminology that I'm not familiar with.</p> <p>18 Q. Uh-huh.</p> <p>19 A. I'm not sure how to answer that.</p> <p>20 Q. Can I assume no?</p> <p>21 A. No. I didn't say no. I said I don't know</p> <p>22 specifically that terminology we've discussed right</p> <p>23 now off the top of my head. I don't feel</p> <p>24 comfortable saying yes or no. It aligns with what</p> <p>25 I perceive your definition is --</p>	<p style="text-align: right;">Page 112</p> <p>1 of the supplemental declaration.</p> <p>2 Q. So you won't answer my question?</p> <p>3 A. I'm not sure. I don't know.</p> <p>4 Q. Okay. Fair enough.</p> <p>5 I'd like to bring you back, I think we're</p> <p>6 at Figure 30 before. Oh, no, we weren't at Figure</p> <p>7 30. I'd like to go to Figure 30 now of the '758</p> <p>8 patent.</p> <p>9 A. Uh-huh.</p> <p>10 Q. I'd like to direct your attention to</p> <p>11 element 291. Is element 291 a captive security</p> <p>12 rod?</p> <p>13 A. No.</p> <p>14 Q. Is element 291 anchored to the housing?</p> <p>15 A. It appears to be.</p> <p>16 Q. Is anchor -- sorry -- is element 291</p> <p>17 partially in the housing?</p> <p>18 A. It appears to be.</p> <p>19 Q. Is it partially out of the housing?</p> <p>20 A. It appears to be.</p> <p>21 Q. Okay. Good.</p> <p>22 I'm sorry, Ryan, I'm going to switch gears</p> <p>23 again to follow my questioning.</p> <p>24 I'd like to turn now to your supplemental</p> <p>25 declaration. I believe they're functionally</p>
<p style="text-align: right;">Page 111</p> <p>1 Q. Fair enough, Ryan.</p> <p>2 A. -- so I don't feel comfortable answering.</p> <p>3 Q. Did counsel for ACCO explain to you what</p> <p>4 claim construction means?</p> <p>5 A. Yes.</p> <p>6 Q. And you're not sure if you did that?</p> <p>7 A. No. I didn't say that.</p> <p>8 I said --</p> <p>9 Q. Did you construe the claims, Ryan?</p> <p>10 A. I did not construe the claims. I did not</p> <p>11 construe any of the -- construe the claims. I</p> <p>12 interpreted the claims as --</p> <p>13 Q. When counsel for ACCO explained to you</p> <p>14 what claim construction means --</p> <p>15 A. Yep.</p> <p>16 Q. -- did you think it was important?</p> <p>17 A. Yes.</p> <p>18 Q. But you didn't construe the claims?</p> <p>19 A. Without you giving me your definition of</p> <p>20 construe, I'm not going to say yes or no to that.</p> <p>21 Q. Give me their definition of construe.</p> <p>22 A. Off the top of my head, I'm not going to</p> <p>23 be able to say it word for word, so I don't feel</p> <p>24 comfortable repeating it.</p> <p>25 MR. WEINER: Objection, outside the scope</p>	<p style="text-align: right;">Page 113</p> <p>1 equivalent, they're just -- they're formally</p> <p>2 different because -- let's talk about the</p> <p>3 supplemental declaration directed to the '758</p> <p>4 patent.</p> <p>5 In paragraph 21 -- paragraphs 21 and 22 of</p> <p>6 the supplemental declaration, you refer to the '758</p> <p>7 patent and you refer to comments by the patent</p> <p>8 attorney, his name is Al Walker who prosecuted this</p> <p>9 patent before the U.S. Patent and Trademark Office.</p> <p>10 And paragraphs 21 and 22 of your supplemental</p> <p>11 declaration refer to his comments made during</p> <p>12 the -- in an amendment.</p> <p>13 Do you agree?</p> <p>14 A. This is from the file from the patent</p> <p>15 history?</p> <p>16 Q. It is, yeah.</p> <p>17 A. Yeah.</p> <p>18 Q. You state that the patent owner -- you say</p> <p>19 that "the patent owner acknowledged that the</p> <p>20 captive security rod at issue must be stored in the</p> <p>21 housing during non-use and between deployments:</p> <p>22 A. Uh-huh.</p> <p>23 Q. Can you tell me where he said that in this</p> <p>24 text that you've reproduced in paragraph 21 of your</p> <p>25 supplemental declaration?</p>

<p style="text-align: right;">Page 114</p> <p>1 MR. WEINER: I didn't realize this before</p> <p>2 but I object to what's been marked as Exhibit 2001,</p> <p>3 that the original exhibit contains some</p> <p>4 highlighting in paragraph 21 that apparently has</p> <p>5 been omitted at least on the copy that I have.</p> <p>6 THE WITNESS: Uh-huh.</p> <p>7 MR. WEINER: Do you have a clearer copy</p> <p>8 for the witness?</p> <p>9 THE WITNESS: I don't have any of the</p> <p>10 highlights, so --</p> <p>11 Q. Now, do you have -- the first sentence at</p> <p>12 the bottom of page 8 is highlighted.</p> <p>13 A. Yeah.</p> <p>14 Q. And the sentence in the paragraph -- part</p> <p>15 of the sentence in the paragraph at the bottom of</p> <p>16 page 9 is highlighted and there's a bit of</p> <p>17 highlighting at page 10.</p> <p>18 MR. WEINER: Can you repeat that, counsel?</p> <p>19 I want to make sure I know exactly what was</p> <p>20 highlighted in the original.</p> <p>21 MR. VODOPIA: I'll tell you exactly what</p> <p>22 was highlighted. Let me read it into the record so</p> <p>23 it's clear for you, Michael.</p> <p>24 MR. WEINER: Okay. Thank you.</p> <p>25 MR. VODOPIA: You're quite welcome.</p>	<p style="text-align: right;">Page 116</p> <p>1 the underlining is equivalent to the highlighting.</p> <p>2 MR. WEINER: Here.</p> <p>3 A. Thanks. All right.</p> <p>4 Q. And then there's the last part.</p> <p>5 MR. WEINER: Can you read me the first</p> <p>6 part. Let's see if we can get this straight.</p> <p>7 MR. VODOPIA: Oh, sorry. Tell me when</p> <p>8 you're finished.</p> <p>9 Q. Would you like me to read it again?</p> <p>10 A. Slowly.</p> <p>11 Q. Bottom of the page 8. "Therefore, also,</p> <p>12 Murray's rectangular T-shaped locking member 124 is</p> <p>13 stored out of the housing 137 during non-use and</p> <p>14 between deployments."</p> <p>15 The next section that's highlighted is the</p> <p>16 bottom of page 9. It's in that last paragraph</p> <p>17 which bridges 9 and 10, and what it says is, the</p> <p>18 highlighted part is, "In applicant's amended</p> <p>19 independent claims 1 and 22, the locking end is</p> <p>20 partially stored in the computer housing during</p> <p>21 non-use."</p> <p>22 The rest of the highlighting section is in</p> <p>23 the last clause of that paragraph transitioning</p> <p>24 pages 8 and 9 and that text -- that highlighted</p> <p>25 text is "wherein, the locking end of the captive</p>
<p style="text-align: right;">Page 115</p> <p>1 "Therefore, also, Murray's rectangular</p> <p>2 T-shaped locking member 124 is stored out of the</p> <p>3 housing 137 during non-use and between</p> <p>4 deployments."</p> <p>5 And then at page 9, "In applicant's</p> <p>6 amended independent claims 1 and 22, the locking</p> <p>7 rod is partially stored in the computer housing</p> <p>8 during non-use."</p> <p>9 MR. WEINER: I'm sorry. What was that</p> <p>10 again?</p> <p>11 MR. VODOPIA: That was at the bottom of</p> <p>12 page 9.</p> <p>13 MR. WEINER: And can you just back up for</p> <p>14 a second. You had stated before that the witness</p> <p>15 shouldn't mark up the exhibits but I still object</p> <p>16 to having an exhibit that's not accurate in front</p> <p>17 of him even if you read the differences.</p> <p>18 MR. VODOPIA: You can object to that</p> <p>19 twice. I mean, I think that the one before</p> <p>20 might --</p> <p>21 MR. SCHINDLER: Why don't the witness</p> <p>22 underline the part that's highlighted --</p> <p>23 MR. VODOPIA: Would you mind</p> <p>24 underlining --</p> <p>25 MR. SCHINDLER: -- and we'll understand</p>	<p style="text-align: right;">Page 117</p> <p>1 security rod is received into the locking</p> <p>2 mechanism."</p> <p>3 A. Okay.</p> <p>4 Q. And so would you read back my question, my</p> <p>5 original question?</p> <p>6 (Portions of the record read.)</p> <p>7 MR. VODOPIA: Why don't I -- why don't I</p> <p>8 just repeat the question to the best of my</p> <p>9 recollection.</p> <p>10 Q. At paragraph 21, you state, "As argued by</p> <p>11 the patent owner in the file history, that the</p> <p>12 patent owner acknowledged that the captive security</p> <p>13 rod must be stored in the housing during non-use</p> <p>14 and between deployments."</p> <p>15 And what I wanted to know is, in that</p> <p>16 testimony including anywhere in that highlighted</p> <p>17 testimony, where is that found?</p> <p>18 A. I'm not sure what you're asking.</p> <p>19 MR. WEINER: Take your time.</p> <p>20 Can you repeat the question then?</p> <p>21 A. Are you talking about where did I find</p> <p>22 this?</p> <p>23 Q. So let me repeat the question. You say</p> <p>24 that Mr. Walker said that during non-use and</p> <p>25 between deployments the captive security rod must</p>

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<p style="text-align: right;">Page 118</p> <p>1 be stored in the housing. And I was wondering</p> <p>2 where you found that statement.</p> <p>3 A. So this is -- I don't know if it's in</p> <p>4 here.</p> <p>5 MR. WEINER: Are you looking for another</p> <p>6 exhibit?</p> <p>7 A. No. It is part of the preparation</p> <p>8 material. This is from the file history.</p> <p>9 Q. It's repeated. You wrote it here. You</p> <p>10 wrote what he said in paragraph 21. It's the</p> <p>11 indented part that we just highlighted part of.</p> <p>12 You articulated all of his testimony right here and</p> <p>13 you said what's in it, and I want to know right</p> <p>14 here in this testimony, where did he say that?</p> <p>15 A. So this was -- this was pulled from -- I</p> <p>16 don't know the name of the document. I don't know</p> <p>17 how to answer. Off the top of my head, I don't</p> <p>18 remember the name of the document that I</p> <p>19 referenced.</p> <p>20 Q. Right.</p> <p>21 And would you agree that that text was</p> <p>22 pulled from the document that you don't remember</p> <p>23 the name of?</p> <p>24 A. That would be the point of origin for me.</p> <p>25 I don't know --</p>	<p style="text-align: right;">Page 120</p> <p>1 rod is received into the locking mechanism."</p> <p>2 Q. And I want to know where -- did you write</p> <p>3 that?</p> <p>4 A. No, I did not type this.</p> <p>5 Q. Did you understand it?</p> <p>6 A. I have my understanding of it.</p> <p>7 Q. Good.</p> <p>8 A. I'm assuming --</p> <p>9 Q. So good. Because I want to know what you</p> <p>10 meant when you said that the patent owner said that</p> <p>11 "the captive security rod must be stored in the</p> <p>12 housing during non-use and between deployments."</p> <p>13 Can you find it in the extracted testimony that</p> <p>14 you're referring to here in those first five lines,</p> <p>15 can you tell me where Mr. Walker said "must be</p> <p>16 stored in the housing during non-use and between</p> <p>17 deployments"?</p> <p>18 A. No, not right now.</p> <p>19 Q. Okay.</p> <p>20 A. No.</p> <p>21 Q. Do you believe that Mr. Walker said that?</p> <p>22 A. In reference to them amending an</p> <p>23 application in order to secure a patent, yes.</p> <p>24 Q. Would you mind reading through and it's</p> <p>25 not that long and would you mind finding where</p>
<p style="text-align: right;">Page 119</p> <p>1 Q. Sir --</p> <p>2 A. That's the point of origin for me.</p> <p>3 Q. Did you write this?</p> <p>4 MR. WEINER: Objection, asked and</p> <p>5 answered.</p> <p>6 Q. No, right?</p> <p>7 A. I did not type this, no.</p> <p>8 Q. Okay.</p> <p>9 A. But this is discussions with counsel.</p> <p>10 Q. So is this your words, those five lines in</p> <p>11 the beginning of paragraph 21 before Mr. Walker's</p> <p>12 testimony -- before Mr. Walker's excerpt?</p> <p>13 MR. WEINER: Objection, asked and</p> <p>14 answered.</p> <p>15 A. This section here?</p> <p>16 Q. You understand what that -- would you read</p> <p>17 that for the record, 21?</p> <p>18 A. This is the part we just read?</p> <p>19 Q. No. The part above that.</p> <p>20 A. "As argued by the patent owner in the file</p> <p>21 history, Murray fails to disclose a captive</p> <p>22 security rod which the patent owner acknowledged</p> <p>23 must be stored in the housing during non-use and</p> <p>24 between deployments and must include a locking end,</p> <p>25 such that the locking end of the captive security</p>	<p style="text-align: right;">Page 121</p> <p>1 Mr. Walker said that.</p> <p>2 A. And you want me to read through --</p> <p>3 Q. Yes. Take all the time you need. I want</p> <p>4 you to identify where Mr. Walker said that "the</p> <p>5 captive security rod must be stored in the housing</p> <p>6 during non-use and between deployments."</p> <p>7 A. I can't recall the document that this came</p> <p>8 from. I can't --</p> <p>9 Q. It's right here. This excerpt is from the</p> <p>10 document it came from, it's your writing.</p> <p>11 A. No.</p> <p>12 I'm not -- I'm not sure how to answer</p> <p>13 this.</p> <p>14 Q. That's fine. Let me ask you a different</p> <p>15 question.</p> <p>16 Which claims of the '758 patent include</p> <p>17 the limitation "must be stored in the housing</p> <p>18 during non-use and between deployments"?</p> <p>19 A. "Said captive security rod, partially in</p> <p>20 said at least one housing and partially out of said</p> <p>21 at least one housing during and before locking</p> <p>22 use."</p> <p>23 Q. Okay. And so my question was, which</p> <p>24 claims in the '758 patent include the limitation,</p> <p>25 quote, must be stored in the housing during non-use</p>

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<p style="text-align: right;">Page 122</p> <p>1 and between deployments?</p> <p>2 MR. WEINER: Objection, misstates the</p> <p>3 witness' testimony and asked and answered.</p> <p>4 A. I'm not sure what you're asking.</p> <p>5 Q. Is that limitation found in any of the</p> <p>6 claims of the '758 patent?</p> <p>7 MR. WEINER: Objection, asked and</p> <p>8 answered.</p> <p>9 MR. VODOPIA: No, he didn't answer it.</p> <p>10 A. And what is the phrase specifically so I</p> <p>11 can go through this.</p> <p>12 Q. "Must be stored in the housing during</p> <p>13 non-use and between deployments." It's the second</p> <p>14 and third line --</p> <p>15 A. Uh-huh.</p> <p>16 Q. -- of paragraph 21. You don't have to</p> <p>17 write it down, it's already written down.</p> <p>18 A. No. I just wanted to make sure.</p> <p>19 Q. Okay. Sorry.</p> <p>20 A. And it's not "must be stored."</p> <p>21 Yeah, I don't know if I'll be able to</p> <p>22 answer. Without my reference notes and stuff, it's</p> <p>23 hard for me to navigate through these.</p> <p>24 Q. Did you make reference notes, Ryan?</p> <p>25 A. Yeah.</p>	<p style="text-align: right;">Page 124</p> <p>1 that language in the claims of the '144 patent?</p> <p>2 MR. WEINER: Objection, vague.</p> <p>3 Could you repeat back the last question,</p> <p>4 please.</p> <p>5 (Whereupon, the record was read as</p> <p>6 follows: Question: "My next question is whether</p> <p>7 or not that language is in the claims of the '144</p> <p>8 patent. Is that language in the claims of the '144</p> <p>9 patent?")</p> <p>10 Q. Ryan, let me qualify that: When I said</p> <p>11 "that language," I mean "must be stored in the</p> <p>12 housing during non-use and between deployments" as</p> <p>13 the same exact language that you searched the '758</p> <p>14 patent for. I want to know if that exact same</p> <p>15 language is in any of the claims of the '144</p> <p>16 patent?</p> <p>17 A. Uh-huh.</p> <p>18 Q. Is that clear?</p> <p>19 A. Yeah, I understand.</p> <p>20 Q. Thank you.</p> <p>21 Ryan, I know that you're in the middle of</p> <p>22 one question, but can I ask you, can you identify</p> <p>23 where the claims are in the patent?</p> <p>24 A. Claims are in the back.</p> <p>25 Q. Can you show them to me?</p>
<p style="text-align: right;">Page 123</p> <p>1 Q. Can you supply me a copy of those notes?</p> <p>2 A. I don't have them.</p> <p>3 MR. WEINER: Objection. We're not --</p> <p>4 discovery is closed. We're not producing</p> <p>5 documents.</p> <p>6 Q. Can you send them -- can you send them?</p> <p>7 Did you use those notes to prepare for today's</p> <p>8 deposition?</p> <p>9 A. I used those notes for the initial</p> <p>10 deposition. The second deposition was in</p> <p>11 response -- the supplemental was in response to</p> <p>12 Mahaffey.</p> <p>13 Q. So did you use them for the supplemental</p> <p>14 declaration?</p> <p>15 A. No. I referenced my initial deposition</p> <p>16 for my supplemental and Mahaffey's --</p> <p>17 MR. SCHINDLER: You mean declaration, not</p> <p>18 deposition.</p> <p>19 A. Sorry. Declaration.</p> <p>20 Q. Were you able to find the language that</p> <p>21 you were looking for in the claims of the '758</p> <p>22 patent?</p> <p>23 A. Not at initial glance, no.</p> <p>24 Q. My next question is whether or not that</p> <p>25 language is in the claims of the '144 patent. Is</p>	<p style="text-align: right;">Page 125</p> <p>1 A. I believe they start on --</p> <p>2 Q. And do you understand the question?</p> <p>3 A. I do. I believe I do. That's part of the</p> <p>4 problem with today. I believe I understand but</p> <p>5 that's not really what we're here for.</p> <p>6 Q. So is it safe to say that that language</p> <p>7 might not be in those claims?</p> <p>8 A. I don't know if it's safe to say. I</p> <p>9 haven't found it yet.</p> <p>10 Q. Okay. I'd like to move on. But I'd like</p> <p>11 to stay with that paragraph 21. I'd like to ask</p> <p>12 you a separate question.</p> <p>13 MR. WEINER: And before we get into that</p> <p>14 counsel, would this be a good time to take a break</p> <p>15 if you're going to move on from that or...</p> <p>16 Q. I'm going to move on from that question,</p> <p>17 but I'd like to stay with that same paragraph that</p> <p>18 we've been discussing for the last 20 or</p> <p>19 30 minutes.</p> <p>20 MR. WEINER: Because it's almost 1:00. I</p> <p>21 just thought it would be a good time for a break</p> <p>22 soon.</p> <p>23 MR. VODOPIA: Yeah, let me just finish up</p> <p>24 about this paragraph, then let's take a break.</p> <p>25 Does that work for you?</p>

<p style="text-align: right;">Page 126</p> <p>1 MR. WEINER: Is that okay with you?</p> <p>2 THE WITNESS: That's fine.</p> <p>3 Q. Okay. So I just wanted to say that what</p> <p>4 this excerpt is about, it's referred to in patent</p> <p>5 lingo, in patent terminology as the file history.</p> <p>6 A. Uh-huh.</p> <p>7 Q. So for example, in the exchange between</p> <p>8 Mr. Walker, who was the attorney of record in the</p> <p>9 patent application before the patent office that</p> <p>10 eventually issued as the '758 patent.</p> <p>11 A. And the board.</p> <p>12 Q. Well, more like just the examiner, it</p> <p>13 didn't get to the board yet.</p> <p>14 A. Yes.</p> <p>15 Q. And so we refer to that as the file</p> <p>16 history. And so statements made by an attorney of</p> <p>17 record are important, can be important. So</p> <p>18 statements -- the file history essentially broadly</p> <p>19 can be important. And do you believe me when I</p> <p>20 tell you that what you've set out there, what</p> <p>21 you've authored there in paragraph 21 is part of</p> <p>22 the file history, not your comments, but what you</p> <p>23 referred to? I'm just clearing up terms. That's</p> <p>24 the file history. Like what Walker said --</p> <p>25 A. Right.</p>	<p style="text-align: right;">Page 128</p> <p>1 lawyer, so I don't know if they carry that power.</p> <p>2 Q. Is it your understanding when interpreting</p> <p>3 claim language in patent office proceedings that</p> <p>4 the claim language should be accorded the broadest</p> <p>5 reasonable interpretation?</p> <p>6 A. Yes.</p> <p>7 Q. Good.</p> <p>8 MR. VODOPIA: We can take a break now.</p> <p>9 (Proceedings interrupted at 12:52 p.m. and</p> <p>10 reconvened at 1:39 p.m.)</p> <p>11 BY MR. VODOPIA:</p> <p>12 Q. Ryan, I want to bring you back to your</p> <p>13 testimony with regard to the iconic Master lock.</p> <p>14 You discussed its operation, which I thought was</p> <p>15 pretty clear. And I'd like to direct your</p> <p>16 attention to Figure 30 of the '758 patent and ask</p> <p>17 you a question in that respect, in particular to</p> <p>18 element 291 therein.</p> <p>19 A. Okay.</p> <p>20 Q. Do you see that element 291, it's actually</p> <p>21 shown in two places, do you see that it's got a</p> <p>22 knob on top, a knob at the part that's not in</p> <p>23 either of the housings in their respective</p> <p>24 locations?</p> <p>25 A. Yeah. I see a change in geometry.</p>
<p style="text-align: right;">Page 127</p> <p>1 Q. -- we can refer to as the file history.</p> <p>2 Will you understand that when I say file history?</p> <p>3 A. Yeah. I reviewed this with the</p> <p>4 illustrations of --</p> <p>5 Q. Got it. The whole thing -- the whole</p> <p>6 thing is about --</p> <p>7 A. Yeah.</p> <p>8 Q. In other words, all the statements</p> <p>9 Mr. Walker made are part of the file history and so</p> <p>10 they are part of the -- when you interpret claims,</p> <p>11 like you look at the whole shooting match. You</p> <p>12 know what I mean? The file history. And I just</p> <p>13 want to ask you a question with respect to the file</p> <p>14 history.</p> <p>15 For example, you extracted part of the</p> <p>16 file history and put it in this supplemental</p> <p>17 declaration. And I want to know if it's your</p> <p>18 understanding that statements made by the</p> <p>19 prosecuting attorney, i.e., Mr. Walker, during the</p> <p>20 file history, can statements made by the</p> <p>21 prosecuting attorney add a limitation to the patent</p> <p>22 claims?</p> <p>23 MR. WEINER: Objection, calls for</p> <p>24 speculation, vague and misleading.</p> <p>25 A. I'm not positive. Again, I'm not a</p>	<p style="text-align: right;">Page 129</p> <p>1 Q. Right.</p> <p>2 Now, could lock 110 accept element 291 in</p> <p>3 the same way that lock 110 could accept element 286</p> <p>4 in Figures 29C and 29D as we discussed before?</p> <p>5 MR. WEINER: Objection, calls for</p> <p>6 speculation.</p> <p>7 MR. SCHINDLER: I think it's 28C and D,</p> <p>8 isn't it?</p> <p>9 Q. Forgive me, I meant 28C and D.</p> <p>10 MR. WEINER: Could you repeat the</p> <p>11 question?</p> <p>12 MR. VODOPIA: Yes.</p> <p>13 Could you read the question back?</p> <p>14 (Whereupon, the record was read as</p> <p>15 follows: Question: "Now, could lock 110 accept</p> <p>16 element 291 in the same way that lock 110 could</p> <p>17 accept element 286 in Figures 29C and 29D, as we</p> <p>18 discussed before?")</p> <p>19 MR. WEINER: And I'll read my objection,</p> <p>20 calls for speculation.</p> <p>21 A. That's not how I would read it.</p> <p>22 Q. Element 291 has a knob?</p> <p>23 A. Uh-huh.</p> <p>24 Q. And I want you to consider inserting the</p> <p>25 knob end into lock 110. Would the spring loaded</p>

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<p style="text-align: right;">Page 130</p> <p>1 mechanism, if it went -- if the knob end went past</p> <p>2 it and it -- and it moved radially, would you be</p> <p>3 able to remove that part from the lock?</p> <p>4 MR. WEINER: Objection, calls for</p> <p>5 speculation.</p> <p>6 A. You would have to modify 291 as drawn</p> <p>7 right here, heavily, to achieve that.</p> <p>8 Q. How?</p> <p>9 A. Without specifications, I can't give you</p> <p>10 an exact list of modifications needed, but based on</p> <p>11 the drawings here, it doesn't read as though that's</p> <p>12 intended in any -- it's not even hinted at that the</p> <p>13 lock would interface with 291.</p> <p>14 Q. And I understand that there's no --</p> <p>15 there's no such description that says that 291</p> <p>16 would operate in lock 110. But you see the way I</p> <p>17 look at it is that the -- the portion just below</p> <p>18 the knob, when you look at that outer diameter, is</p> <p>19 the equivalent of an annular groove or a radial</p> <p>20 groove in the outer diameter of, for example,</p> <p>21 element -- element --</p> <p>22 MR. SCHINDLER: 286.</p> <p>23 Q. Sorry.</p> <p>24 -- 286.</p> <p>25 And so it's the same as a notch. Is it</p>	<p style="text-align: right;">Page 132</p> <p>1 286.</p> <p>2 Q. Yeah. So I want to focus on Figure 30.</p> <p>3 A. I might be getting there in a roundabout</p> <p>4 way but I assure you I'm getting there.</p> <p>5 Q. Yeah, okay. Go ahead. Yeah.</p> <p>6 A. So the way it's illustrated throughout is</p> <p>7 consistent until you try to get the illustration of</p> <p>8 291 inside of the opening of 110. There's a huge</p> <p>9 discrepancy there, scale wise.</p> <p>10 Q. So is it correct, am I understanding your</p> <p>11 testimony that element 291 would not go into the</p> <p>12 opening in lock 110?</p> <p>13 A. That would be my assumption.</p> <p>14 Q. Why? Because you think that the diameter</p> <p>15 is too big?</p> <p>16 A. There's the diameter. There's the front</p> <p>17 end of it.</p> <p>18 Q. The front end of it?</p> <p>19 A. Of the top of that larger portion where</p> <p>20 the OD is larger than the OD of the under portion</p> <p>21 with the transverse haul.</p> <p>22 Q. Well, it's no, so...</p> <p>23 A. It isn't tapered to move plates or a</p> <p>24 sprung member out of the way.</p> <p>25 Q. So let's turn back to Figure 28D -- 28C,</p>
<p style="text-align: right;">Page 131</p> <p>1 the same as a notch functionally for the locking</p> <p>2 mechanism?</p> <p>3 A. I don't have enough to go on here. It</p> <p>4 would be a total assumption and I would still say</p> <p>5 no, it doesn't function the same.</p> <p>6 Q. Would you say it's possible?</p> <p>7 A. With heavy modifications, yes.</p> <p>8 Q. And what modifications?</p> <p>9 A. Well, for starters, the way it's drawn,</p> <p>10 the holes that the 286 or 299 pass through and</p> <p>11 interface with seem to be consistent throughout all</p> <p>12 the illustrations and figures.</p> <p>13 Q. Sorry. I'm talking about 291.</p> <p>14 A. I'm viewing everything in context. If</p> <p>15 Figure 30 and 31 relate to each other, then I'm</p> <p>16 going to view them that way and that's how I get my</p> <p>17 feedback. I don't know how else to do it.</p> <p>18 Otherwise --</p> <p>19 Q. Do you see 291?</p> <p>20 A. Yes.</p> <p>21 Q. In Figure 31?</p> <p>22 A. Yes. Right here in Figure 30, I see 291.</p> <p>23 Q. Yes.</p> <p>24 A. I'm referencing 299 in Figure 31, which</p> <p>25 interfaces with the lock which would be the same as</p>	<p style="text-align: right;">Page 133</p> <p>1 sorry. 28C is probably better.</p> <p>2 What's the difference between the top --</p> <p>3 the forward part of 286 and the forward part of</p> <p>4 291.</p> <p>5 A. 286 is a locking ferrule and it has a</p> <p>6 ramped engagement end on the lock end, so by having</p> <p>7 a taper or a ramp on it, it helps displace the</p> <p>8 engagement mechanism inside the locking device and</p> <p>9 then the spring has that return on the undercut, on</p> <p>10 the underside.</p> <p>11 Q. I see.</p> <p>12 And I was focusing on the undercut. Would</p> <p>13 the undercut hold it the same way?</p> <p>14 A. It all comes down to geometry.</p> <p>15 Q. Well, do you think it could hold it the</p> <p>16 same way?</p> <p>17 MR. WEINER: Objection, vague, calls for</p> <p>18 speculation.</p> <p>19 A. If I could heavily modify the geometry of</p> <p>20 291, I could potentially get it to fit into 110</p> <p>21 depending on what 110 mechanism is.</p> <p>22 Q. And when you say "heavily modify the</p> <p>23 geometry," you mean add a taper?</p> <p>24 A. No.</p> <p>25 Q. What do you mean?</p>

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<p style="text-align: right;">Page 134</p> <p>1 A. Change the OD of 291 to interact with the 2 ID of 110. Change the height of the undercut to 3 match the height of the engagement mechanism in the 4 locking device. That hole would create a flat 5 spot, that transverse hole would create a flat spot 6 which would allow the lock to key -- 7 Q. Like a notch? 8 A. -- which means you could operate at the 9 same time. 10 Q. Like a notch? 11 A. Yeah. 12 Q. But isn't that the way it works? Isn't 13 that the way you explained it to work, that a notch 14 was required when it's locked? 15 A. No. 16 MR. WEINER: Objection, misstates the 17 witness' testimony. 18 A. That's not how I phrased it at all. 19 Q. Is it your testimony that the way that the 20 lock -- the Master lock works is that there's a 21 spring-loaded mechanism, that when a locking 22 element, a shackle, one end of the shackle is 23 inserted into the opening, it pushes the 24 spring-loaded locking mechanism away to allow entry 25 past the spring-loaded locking mechanism, and then</p>	<p style="text-align: right;">Page 136</p> <p>1 during and before locking use." 2 Do you see that as a structural limitation 3 in the claim language in the language of claim 1 of 4 the '758 patent? 5 MR. WEINER: Objection, vague. 6 Q. Or a functional limitation? 7 MR. WEINER: Objection, vague. 8 A. It -- it all depends on the desired 9 embodiment. 10 Can you rephrase that for me? 11 Q. Sure. 12 Does that limitation that we've just read, 13 does that describe structure of the apparatus claim 14 or a function of the apparatus claim? 15 A. I would imagine it's function. 16 Q. Is that limitation in claim 20 of the '144 17 patent? 18 A. They're not worded the same. 19 Q. Does claim 21 of the '144 patent include 20 that limitation? 21 A. I would have to say in this exact 22 configuration, no, it doesn't show up in 21 -- 23 20 -- claim 20 of patent '144. 24 Q. Do you recall in your review of 25 petitioner's reply in the -- in the IPR directed to</p>
<p style="text-align: right;">Page 135</p> <p>1 if there's a -- if there's a notch in the shackle, 2 the spring-loaded mechanism can spring back and it 3 actually does spring back and that's the locking 4 function. Is that correct? 5 A. That's the description I gave earlier. 6 Q. Could that notch be a hole? 7 A. It could. 8 Q. Okay. Could it be just a one portion of a 9 radial groove? 10 A. Yes. 11 Q. Okay. Good. That's all I wanted to know. 12 Actually, I can move on. Thank you. 13 I think we touched on this before, but I 14 want to ask if you're familiar with the "limitation 15 said captive security rod partially in said at 16 least one housing and partially out of said at 17 least one housing during and before locking use," 18 which is found in claim 1 of the '758 patent. 19 A. Yes. 20 Q. Now, do you understand that to be a 21 structural feature? 22 A. Which feature are you referring to? 23 Q. That "wherein," that clause, "said captive 24 security rod partially in said at least one housing 25 and partially out of said at least one housing</p>	<p style="text-align: right;">Page 137</p> <p>1 the '144 patent, do you recall indicating that 2 claim 1 is representative of claim 20? 3 MR. WEINER: Objection, misleading, 4 assumes facts in evidence, the witness did not 5 testify that he reviewed the reply. 6 Q. Did you review the reply? 7 A. Can you clarify which reply, just so 8 I'm -- 9 Q. The reply in IPR2015-01168. 10 A. Can you tell me the inventor's name on 11 that? 12 Q. Peter Allen. 13 MR. SCHINDLER: I think you're referring 14 to the petitioner's reply filed April 1st, that's 15 what John's referring to. 16 Q. Oh, right, yes, I'm sorry. I may not have 17 been clear. I meant the petitioner's reply, the 18 written -- the writing that counsel for ACCO Brands 19 submitted. 20 MR. SCHINDLER: On April 1st of this year. 21 A. And this is for '144? 22 Q. Yes, it is, it's for the '144. 23 MR. WEINER: And objection to asking the 24 witness if he's seen a document without providing 25 him a document so he knows what he's talking about.</p>

35 (Pages 134 to 137)

<p style="text-align: right;">Page 138</p> <p>1 Q. So I asked you -- I was asking you about 2 footnote 2, page 3 of the reply, which I'm unable 3 to put in front of you right now. Actually, I have 4 a copy of it, but there is -- there is some 5 highlighting on some other pages that are not 6 pertinent -- which is not pertinent to the instant 7 questioning. 8 You know what, let me direct your 9 attention to claim 1 of the '144 patent, which is 10 actually the patent itself. The limitation that I 11 read, is that found in claim 1 of the '144 patent? 12 A. Can you reread that limitation? 13 Q. Sure. 14 "Said captive security rod partially in 15 said at least one housing and partially out of said 16 at least one housing during and before locking 17 use." 18 A. And you're asking if that's contained in 19 claim 1 of the '144? 20 Q. Yeah, of the '144 patent. 21 A. It is. 22 Q. It is. 23 But it's not contained in -- is it correct 24 that you testified that it's not contained in claim 25 20?</p>	<p style="text-align: right;">Page 140</p> <p>1 A. And the limitation that you're calling out 2 is? 3 MR. VODOPIA: You want to read that 4 limitation back to him. 5 COURT REPORTER: I'm not sure what you 6 want read. 7 Q. It starts with, "Said captive security rod 8 partially in." 9 COURT REPORTER: Yes. And when you read 10 it, I couldn't understand what you said, so you'll 11 just have to reread it. 12 MR. VODOPIA: Oh, yes, I'll read it again. 13 Q. "Said captive security rod partially and 14 said at least one housing and partially out of said 15 at least one housing during and before locking 16 use." 17 A. So as written, specifically as that, no, 18 it does not appear in claim 20. 19 Q. Do you believe that claims 1 and 20 have 20 the same scope? 21 A. I wouldn't imagine they have the same 22 scope. 23 Q. Is that because they don't -- because 24 claim 20 does not include that limitation and claim 25 1 does?</p>
<p style="text-align: right;">Page 139</p> <p>1 A. Not in the same wording. So I guess, no. 2 Q. Is there any similar wording in claim 20 3 that would include that limitation -- that would 4 indicate that claim 20 includes that limitation? 5 A. Claim 20 from '758 or '144? 6 Q. '144. 7 A. So I would read in claim 1, you want me 8 to -- what line? 9 Q. I want you to determine -- you've 10 testified that claim 1 of the '744 patent includes 11 the limitation? 12 A. The '144 patent or '744. 13 Q. There's no '744. It's '144. 14 MR. WEINER: Or '758. 15 Q. There's a '758 and a '144. I'm talking 16 about the '144. 17 A. '744 came up. I just want to make sure 18 it's -- I'm having a hard enough time. 19 Q. No, no. I -- don't worry. I'm not 20 jumping on you. 21 A. So '144, claim 1, you want me to look 22 at -- 23 Q. I want you -- you testified that claim 1 24 of the '144 patent included that limitation; is 25 that correct?</p>	<p style="text-align: right;">Page 141</p> <p>1 A. No. 2 Q. No? 3 A. No. Because the content to me reads 4 differently. 5 Q. Do you think that that limitation is 6 significant to the reading of claim 1? 7 MR. WEINER: Objection, vague. 8 A. I think when establishing the 9 configuration of the device being described here, I 10 think that language is important in claim 1. 11 Q. Good. 12 And you agree it's not in claim 20? 13 A. Right. 14 Q. Okay. I want to direct your attention to 15 claim 1 of the '758 patent. And you testified 16 before concerning claim 1 of the '758 patent that 17 it did not include the limitation must be stored in 18 the housing during non-use and between deployments; 19 is that correct? 20 A. Can you repeat that one more time for me? 21 MR. VODOPIA: Can you repeat that one. 22 (Whereupon, the record was read as 23 follows: Question: "I want to direct your 24 attention to claim 1 of the '758 patent. And you 25 testified before concerning claim 1 of the '758</p>

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<p style="text-align: right;">Page 142</p> <p>1 patent that it did not include the limitation must</p> <p>2 be stored in the housing during non-use and between</p> <p>3 deployments; is that correct?")</p> <p>4 A. I believe that's correct.</p> <p>5 Q. I'd like to direct your attention to claim</p> <p>6 8 of the '758 patent. Would you read claim 8 for</p> <p>7 the record?</p> <p>8 A. "The locking assembly" --</p> <p>9 MR. WEINER: Objection, relevant.</p> <p>10 A. "The locking assembly as set forth in</p> <p>11 claim 1 wherein the locking end of the captive</p> <p>12 security rod operates to collapse into at least one</p> <p>13 of the housing during non-use."</p> <p>14 Q. Do you believe that limitation is included</p> <p>15 in claim 1?</p> <p>16 MR. WEINER: Objection, vague.</p> <p>17 A. I'm not sure.</p> <p>18 Q. Okay. Did counsel for ACCO explain to you</p> <p>19 what the patent-related theory of claim</p> <p>20 differentiation is?</p> <p>21 MR. WEINER: Objection, vague and</p> <p>22 misleading and outside the scope of the witness'</p> <p>23 testimony.</p> <p>24 A. I'm sure we covered it. Off the top of my</p> <p>25 head, I can't recite what the definition is.</p>	<p style="text-align: right;">Page 144</p> <p>1 A. Yes.</p> <p>2 Q. Does your April 30th, 2016 supplemental</p> <p>3 declaration construe captive security rod?</p> <p>4 MR. SCHINDLER: You got the dates mixed</p> <p>5 up.</p> <p>6 MR. VODOPIA: Sorry.</p> <p>7 Q. March 30th, 2016, supplemental --</p> <p>8 A. I don't know if I would label it as</p> <p>9 construe, but my interpretation was in alignment</p> <p>10 with what the board had weighed in. They kind of</p> <p>11 put a definition out there because they felt it was</p> <p>12 important to the case.</p> <p>13 Q. So no?</p> <p>14 MR. WEINER: Objection, misstates the</p> <p>15 witness' testimony.</p> <p>16 A. No. I didn't say no. I built off of what</p> <p>17 they had. I added to it, I believe, and I can find</p> <p>18 it. Page 4 of 19, paragraph 7.</p> <p>19 MR. VODOPIA: Strike that. Strike that as</p> <p>20 nonresponsive.</p> <p>21 MR. WEINER: Let the witness continue his</p> <p>22 answer.</p> <p>23 MR. VODOPIA: He's being nonresponsive. I</p> <p>24 asked him --</p> <p>25 MR. WEINER: Let him answer.</p>
<p style="text-align: right;">Page 143</p> <p>1 Q. Can you say it in your own words what it</p> <p>2 means?</p> <p>3 A. I just -- I'm not sure how to answer that.</p> <p>4 Q. Does Figure 30 of the '758 patent show an</p> <p>5 element, a captive security rod 291?</p> <p>6 A. Figure 30?</p> <p>7 Q. Uh-huh.</p> <p>8 A. You're asking me if 291 is a captive</p> <p>9 security rod?</p> <p>10 Q. I'm asking if -- I didn't finish the</p> <p>11 question actually.</p> <p>12 Does Figure 30 show that a captive</p> <p>13 security rod, 291, that can be stored in a housing</p> <p>14 during non-use?</p> <p>15 A. I would believe so based on the arrow</p> <p>16 indicators.</p> <p>17 Q. Do you consider the construction of the</p> <p>18 claim term captive security rod necessary to the</p> <p>19 construction of the claims in the '758 patent?</p> <p>20 MR. WEINER: Objection, vague and</p> <p>21 misleading.</p> <p>22 A. Could I get clarification on that? Could</p> <p>23 I get that rephrased so that...</p> <p>24 Q. Do you think what, quote, captive security</p> <p>25 rod is is important to this investigation?</p>	<p style="text-align: right;">Page 145</p> <p>1 MR. VODOPIA: I asked him what he --</p> <p>2 MR. WEINER: Don't stop the witness from</p> <p>3 responding.</p> <p>4 Q. I asked you whether or not you construe</p> <p>5 the captive security rod. I want to know.</p> <p>6 Yes-or-no? Anything else is nonresponsive.</p> <p>7 MR. WEINER: The witness can answer in</p> <p>8 more than one word.</p> <p>9 MR. VODOPIA: No, he can't. No, he can't.</p> <p>10 MR. WEINER: And if you don't permit him</p> <p>11 to --</p> <p>12 MR. VODOPIA: He can't answer. I'm asking</p> <p>13 him a yes-or-no question.</p> <p>14 MR. WEINER: -- then we're going to</p> <p>15 contact the board to get instructions from them.</p> <p>16 MR. VODOPIA: I want to know whether or</p> <p>17 not he construed it.</p> <p>18 Q. Just answer me simply, yes or no?</p> <p>19 MR. WEINER: Objection, asked and</p> <p>20 answered, vague and misleading.</p> <p>21 A. If you can give me the description of</p> <p>22 construed as you're putting it, I can give you an</p> <p>23 answer.</p> <p>24 Q. I want you to interpret construed as set</p> <p>25 forth in your declaration in the section D,</p>

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<p style="text-align: right;">Page 146</p> <p>1 Construction of Claims. That's where you swore, 2 you signed it at the end, and said this is my 3 writing, this is my declaration. That section is 4 the claim construction section. I want you -- 5 whatever you did there, that's what I'm talking 6 about here. 7 Now, did you or did you not construe it 8 there? 9 A. I don't -- 10 MR. WEINER: Objection. 11 Is your question directed to the 12 declaration or the supplemental declaration? 13 Q. Ryan? 14 MR. WEINER: Vague and misleading. 15 A. Can you point out -- 16 Q. Can you point out? Can you point out in 17 your declaration where you construed that term 18 captive security rod? 19 A. In my declaration or my supplemental? 20 Q. Either one. 21 A. In the supplemental, I can point out where 22 I built off of the board's. 23 Q. No. I want to know where you construed 24 it. There's a construction section. Did you 25 construe it in your declaration from April 30th,</p>	<p style="text-align: right;">Page 148</p> <p>1 A. I don't recall right now. 2 Q. Okay. No problem. We'll move on. 3 In paragraph 15 of your supplemental 4 declaration, you state that Mr. Mahaffey ignores -- 5 sorry. Tell me when you're there. It's paragraph 6 15. 7 A. Yeah. 8 Q. You state that Mr. Mahaffey ignores claim 9 language including, quote, (3) that the captive 10 security rod is captive in the housing partially in 11 the housing and partially out of the housing before 12 and during locking use. 13 A. Uh-huh. 14 Q. Is the portion of that phrase, quote, is 15 captive, being used as a noun or a verb? 16 MR. WEINER: Objection, compound, vague 17 and misleading. 18 A. I'm not really sure of the question. 19 You're asking me if "is captive," if that's being 20 used as a noun or a verb? 21 Q. Yes. In the claim. 22 MR. WEINER: Objection, compound, vague 23 and misleading, irrelevant. 24 A. I'm not really sure how to answer that. 25 I'm not sure.</p>
<p style="text-align: right;">Page 147</p> <p>1 2015 regarding either the '144 or the '758 patents? 2 A. I wouldn't say that I included the word 3 "construed" in here. 4 Q. Hold on a second. Ryan, it says -- 5 MR. WEINER: And I just want to remind the 6 witness on the record to review the document before 7 answering the question. 8 Q. -- claim construction -- 9 MR. SCHINDLER: Objection. ACCO's 10 attorney is coaching the witness. 11 Q. Ryan, I mean, look at page 14? 12 A. 14 of supplemental? 13 Q. Yeah -- no, the declaration. 14 A. Yeah. 15 Q. It says you construed the claims. 16 A. I don't see where it says I construed the 17 claims. 18 Q. Now, is that because you didn't construe 19 the claims? 20 A. I don't know what you mean by "construe." 21 Q. Well, you don't understand. 22 And did counsel for ACCO explain to you 23 what construed means? 24 A. As I stated earlier, I'm sure they did. 25 Q. You just don't recall; is that correct?</p>	<p style="text-align: right;">Page 149</p> <p>1 Q. Okay. So in a portion of that, that 2 excerpt from your supplemental declaration, it says 3 "is captive partially in the housing and partially 4 out of the housing," does that mean it's held 5 captive? Is it a verb? Or is it a noun? Again, 6 is captive. 7 MR. WEINER: Objection, compound, vague. 8 A. I'm not sure how to answer that. 9 Q. Fair enough. 10 Ryan, in claim 1 of the '758 patent, 11 there's a phrase "passed through the at least one 12 housing to anchor the captive security rod 13 thereto." 14 A. What line is that? 15 Q. You know, I think it is line 6. 16 A. '758 patent. 17 MR. WEINER: What claim were you referring 18 to? 19 MR. VODOPIA: Claim 1. 20 A. Claim 1 in '758? 21 Q. Yeah. 22 A. Line 6? 23 Q. It's lines 5 and 6 -- sorry -- lines 5 and 24 6 of the claim language. Lines in the column, 25 columns 22 and 23 of column 19.</p>

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<p style="text-align: right;">Page 150</p> <p>1 A. And the question was? I'm sorry.</p> <p>2 Q. I just wanted to direct your attention to</p> <p>3 that portion and I want to know how you define --</p> <p>4 what your understanding of the term therein in that</p> <p>5 portion anchor. Can you tell me?</p> <p>6 A. What they're describing here as an anchor,</p> <p>7 or what my belief of an anchor is?</p> <p>8 Q. No. I want to know what your</p> <p>9 understanding of the meaning of the term "anchor"</p> <p>10 is.</p> <p>11 A. In relation to this or just in general?</p> <p>12 Q. Well, first, let's do in general.</p> <p>13 A. So I would imagine general in terms of</p> <p>14 locks and security, the anchor is -- it's what</p> <p>15 you're locking something to, so it could either be</p> <p>16 the item in which you lock your device or precious</p> <p>17 item to, to prevent it from going away as an</p> <p>18 anchor, but then it takes on a different meaning</p> <p>19 when you look at components and how they're</p> <p>20 anchored. So I think that there would be two</p> <p>21 different ways of using it.</p> <p>22 Q. So in terms of the phrase that I read and</p> <p>23 I'll repeat it again, I'll read it again, "passed</p> <p>24 through the at least one housing to anchor the</p> <p>25 captive security rod thereto."</p>	<p style="text-align: right;">Page 152</p> <p>1 the security rod. I'm assuming you don't want to</p> <p>2 talk about the figures.</p> <p>3 Q. No. I just wanted to know about that</p> <p>4 language about -- actually, so I've been using this</p> <p>5 word "construe" and that's why I'm now using the</p> <p>6 word "mean." You know, construe and mean are sort</p> <p>7 of similar. And I just want to know if you've</p> <p>8 got -- if we're speaking about the same -- we're</p> <p>9 talking in terms of the same -- we have the same</p> <p>10 understanding of what it means to anchor a captive</p> <p>11 security rod.</p> <p>12 A. Uh-huh. But you didn't ask if they were</p> <p>13 talking specifically about an anchor security rod.</p> <p>14 Q. No, but you answered my questions.</p> <p>15 A. Okay.</p> <p>16 Q. You were able to answer my questions,</p> <p>17 right?</p> <p>18 Well, you did answer my questions, so</p> <p>19 let's move on.</p> <p>20 Do you understand what the meaning of the</p> <p>21 phrase "locking use" in claim 1 is?</p> <p>22 A. And where are you seeing that? What line?</p> <p>23 Q. I'm seeing that in column 19, line 27, I</p> <p>24 think it is.</p> <p>25 A. Uh-huh. Okay.</p>
<p style="text-align: right;">Page 151</p> <p>1 A. Uh-huh.</p> <p>2 Q. Is that referring to the electronic</p> <p>3 device, or is that referring to the captive</p> <p>4 security rod?</p> <p>5 A. I would imagine that's referring to the</p> <p>6 electronic device.</p> <p>7 Q. And so even though it refers to anchor the</p> <p>8 captive security rod thereto, you think that to</p> <p>9 anchor the captive security rod, what's meant is to</p> <p>10 anchor the electronic device?</p> <p>11 A. No. I'm saying general at a high level --</p> <p>12 Q. No, no.</p> <p>13 A. -- we're talking security --</p> <p>14 Q. Good, yep.</p> <p>15 A. -- anchoring is what you attach your</p> <p>16 tablet, your laptop, you're anchoring to something,</p> <p>17 that's high level. Then I want into further detail</p> <p>18 to say, but when you talk about a component,</p> <p>19 anchoring takes on a different meaning.</p> <p>20 Q. And so would you say that that phrase</p> <p>21 "passed through the at least one housing to anchor</p> <p>22 the captive security rod thereto," are they talking</p> <p>23 about anchoring the captive security rod or</p> <p>24 anchoring the electronic device?</p> <p>25 A. At first read you'd imagine it's to anchor</p>	<p style="text-align: right;">Page 153</p> <p>1 Q. They use the phrase locking use. The</p> <p>2 claim uses the phrase locking use.</p> <p>3 A. Okay.</p> <p>4 Q. Do you understand what that means?</p> <p>5 A. I would imagine so, yeah.</p> <p>6 Q. Could you tell us?</p> <p>7 A. My assumption is that's the same as saying</p> <p>8 when in use, and an in use for a lock is when the</p> <p>9 lock is engaged.</p> <p>10 Q. Good.</p> <p>11 And when you expand that locking use to</p> <p>12 include during and before locking use, as used, I</p> <p>13 guess, in 26 and 27, can you tell me your</p> <p>14 understanding of that phrase "during and before</p> <p>15 locking use," 26 and 27 of column 19?</p> <p>16 MR. WEINER: Objection, vague.</p> <p>17 A. I'm sorry. Can you repeat that again? 26</p> <p>18 and 27.</p> <p>19 Q. If I point you to column 19, lines 26 and</p> <p>20 27, the part of the claim 1 that says "during and</p> <p>21 before locking use," do you know what that means?</p> <p>22 A. I have my interpretation of it.</p> <p>23 Q. Can you tell us for the record.</p> <p>24 A. It's basically saying that it is partially</p> <p>25 out, so on the outside of at least one of the</p>

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<p style="text-align: right;">Page 154</p> <p>1 housings, during and prior to engaging the lock.</p> <p>2 Q. Good.</p> <p>3 And I want to direct your attention to,</p> <p>4 let's see, claim 20, the first element of claim 20</p> <p>5 which is at line 44 of column 20.</p> <p>6 MR. WEINER: What patent are you referring</p> <p>7 to?</p> <p>8 MR. VODOPIA: The same one we're talking</p> <p>9 about.</p> <p>10 MR. WEINER: The '758?</p> <p>11 MR. VODOPIA: Were we just talking about</p> <p>12 the '758?</p> <p>13 THE WITNESS: Yes.</p> <p>14 MR. VODOPIA: Thanks, Ryan.</p> <p>15 Q. And I wanted to direct you to that first</p> <p>16 line, "securedly fixing." Can you give me your</p> <p>17 understanding of that term, "securedly fixing"?</p> <p>18 A. Claim 20 for '758?</p> <p>19 Q. Exactly, yeah. Uh-huh.</p> <p>20 A. Am I losing my mind?</p> <p>21 MR. SCHINDLER: No, no, no. Claim 16 of</p> <p>22 the '758.</p> <p>23 MR. VODOPIA: I'm sorry. Yeah, you're</p> <p>24 right.</p> <p>25 MR. SCHINDLER: Claim 16, sorry about</p>	<p style="text-align: right;">Page 156</p> <p>1 witness' testimony.</p> <p>2 MR. VODOPIA: Would you read back the</p> <p>3 first sentence of Ryan's response.</p> <p>4 (Whereupon, the record was read as</p> <p>5 follows: Answer: "So securedly fixing in this</p> <p>6 case is in reference to basically engaging the</p> <p>7 captive security rod or spike to the device that</p> <p>8 you're trying to prevent from walking away."</p> <p>9 A. So security --</p> <p>10 Q. So, no, that's good. I just want to move</p> <p>11 on.</p> <p>12 A. Okay.</p> <p>13 Q. I'd like to turn now to the claims of the</p> <p>14 '144 patent. Forgive me for jumping around, but I</p> <p>15 guess I'm just doing it.</p> <p>16 (Off-the-record discussion held.)</p> <p>17 Q. I'm looking at -- I'd like to direct your</p> <p>18 attention to claim 1 of the '144 patent and the</p> <p>19 first use of captive security rod which starts at I</p> <p>20 think it's line 19 of column 19. What it says is</p> <p>21 "a captive security rod having a locking end and an</p> <p>22 anchoring end wherein the anchoring end is</p> <p>23 installed in the at least one housing to anchor the</p> <p>24 captive security rod thereto."</p> <p>25 Had you read this before?</p>
<p style="text-align: right;">Page 155</p> <p>1 that.</p> <p>2 THE WITNESS: Okay.</p> <p>3 MR. VODOPIA: That was my fault. And at</p> <p>4 the end of the day, you're probably losing your</p> <p>5 mind and it will be thoroughly lost by the end of</p> <p>6 the day, mine as well.</p> <p>7 MR. WEINER: Can you repeat the question,</p> <p>8 please.</p> <p>9 MR. VODOPIA: Yes.</p> <p>10 Would you mind?</p> <p>11 (Whereupon, the record was read as</p> <p>12 follows: Question: "And I wanted to direct you to</p> <p>13 that first line, "securedly fixing." Can you give</p> <p>14 me your understanding of that term, "securedly</p> <p>15 fixing"?)</p> <p>16 A. So securedly fixing in this case is in</p> <p>17 reference to basically engaging the captive</p> <p>18 security rod or spike to the device that you're</p> <p>19 trying to prevent from walking away. This could be</p> <p>20 done in many ways.</p> <p>21 So if you have a specific question.</p> <p>22 Q. Actually, I just wanted to know your</p> <p>23 definition of securedly fixing. And did you say</p> <p>24 that securedly fixing is equivalent to engaging?</p> <p>25 MR. WEINER: Objection, misstates the</p>	<p style="text-align: right;">Page 157</p> <p>1 A. Yeah.</p> <p>2 Q. And is it your understanding that their</p> <p>3 use -- that the claimed use of the term "installed"</p> <p>4 is equivalent to the term anchored?</p> <p>5 A. I don't know if I can make that stretch.</p> <p>6 Q. What's your understanding broadly of the</p> <p>7 term installed?</p> <p>8 A. So --</p> <p>9 Q. Just broadly, not even necessarily in</p> <p>10 terms of the claim language. We can get to the</p> <p>11 claim language, but first I'd just like to hear</p> <p>12 your understanding of just the word, you know,</p> <p>13 again, outside the scope even of like the</p> <p>14 definition of installed.</p> <p>15 A. Taken out of context and I'm not -- I</p> <p>16 can't respond to that.</p> <p>17 Q. Okay. Do you ever use the word</p> <p>18 "installed" in your common language?</p> <p>19 A. I manage to get that out.</p> <p>20 Q. What's your understanding of it in terms</p> <p>21 of your colloquial use?</p> <p>22 A. So it would be the act of inserting</p> <p>23 something in an assembly or to an assembly.</p> <p>24 Q. Okay. Good.</p> <p>25 And in terms of the claim language, at 21,</p>

40 (Pages 154 to 157)

<p style="text-align: right;">Page 158</p> <p>1 that phrase, the last portion of that phrase is "to</p> <p>2 anchor the captive security rod thereto."</p> <p>3 Is that -- that phrase, "to anchor the</p> <p>4 captive security rod thereto," is that referring to</p> <p>5 installed? Does that refer back to installed in</p> <p>6 the claim language?</p> <p>7 A. Potentially. I'm not sure.</p> <p>8 Q. And the next clause of the claim that</p> <p>9 starts with "said captive security rod," that's at</p> <p>10 line 23 of column 19, says, "Said captive security</p> <p>11 rod being captive partially in said at least one</p> <p>12 housing after installation and partially out of</p> <p>13 said at least one housing during and before locking</p> <p>14 use."</p> <p>15 And is your understanding of installation</p> <p>16 as used in that claim clause equivalent to anchor?</p> <p>17 MR. WEINER: Objection, vague.</p> <p>18 A. It all depends on who is doing the</p> <p>19 installation and at what point. Is it the user?</p> <p>20 Is it the manufacturer?</p> <p>21 Q. I'd like to direct your attention to claim</p> <p>22 14 of the '144 patent, which is in column 20. The</p> <p>23 first element in that claim at line 18 of column 20</p> <p>24 refers to a "captive security rod or spike."</p> <p>25 Were you aware of that?</p>	<p style="text-align: right;">Page 160</p> <p>1 reason. I'm sure there's some forgiveness.</p> <p>2 Q. So can I interpret your answer is not</p> <p>3 always?</p> <p>4 A. I think that's fair.</p> <p>5 Q. Okay. Great.</p> <p>6 I want to go back to your employment with</p> <p>7 Kensington for a few last questions. And I wanted</p> <p>8 to ask you if you're aware that between 2008 and</p> <p>9 2010 Think Products met with Kensington.</p> <p>10 A. I was aware.</p> <p>11 Q. Are you aware that Think Products met with</p> <p>12 Robert Humphrey?</p> <p>13 MR. WEINER: Objection, outside the scope</p> <p>14 of the declaration and supplemental declaration.</p> <p>15 A. It would have to be an assumption at that</p> <p>16 point. I know they had been speaking with</p> <p>17 Rob Mahaffey.</p> <p>18 Q. Rob Mahaffey.</p> <p>19 How about Christopher Franey?</p> <p>20 A. Again, I'd have to just make an</p> <p>21 assumption, so I'm not sure.</p> <p>22 Q. Do you know if they discussed Think</p> <p>23 Products' intellectual property?</p> <p>24 A. I believe so, yes.</p> <p>25 Q. Do you know if they discussed Think</p>
<p style="text-align: right;">Page 159</p> <p>1 A. I'm aware that they reference that, yes.</p> <p>2 Q. And what do you think they mean by</p> <p>3 "captive security rod or spike"?</p> <p>4 A. I'm not sure. I'm not sure what you're</p> <p>5 asking.</p> <p>6 MR. VODOPIA: Let me rephrase the</p> <p>7 question.</p> <p>8 Q. Do you believe that the claim is</p> <p>9 suggesting they're equivalent or their use in the</p> <p>10 claim is equivalent?</p> <p>11 MR. WEINER: Objection, vague, misleading.</p> <p>12 A. I don't know if I would say they're</p> <p>13 equivalent. No.</p> <p>14 Q. Okay.</p> <p>15 MR. VODOPIA: Can we take a five-minute</p> <p>16 break.</p> <p>17 THE WITNESS: Yeah.</p> <p>18 MR. VODOPIA: Is that okay, Michael?</p> <p>19 MR. WEINER: Sure.</p> <p>20 (Proceedings interrupted at 2:33 p.m. and</p> <p>21 reconvened at 2:37 p.m.)</p> <p>22 BY MR. VODOPIA:</p> <p>23 Q. Ryan, in your understanding, are the</p> <p>24 elements shown in drawings in a patent to scale?</p> <p>25 A. My assumption is they have to be within</p>	<p style="text-align: right;">Page 161</p> <p>1 Products' ideas concerning locking portable</p> <p>2 electronic devices such as laptops?</p> <p>3 MR. WEINER: Objection, outside the scope</p> <p>4 of the declaration and supplemental declaration.</p> <p>5 A. That would be my assumption. That's the</p> <p>6 business that Kensington is in, that's their</p> <p>7 market.</p> <p>8 Q. Is Kensington a division of ACCO?</p> <p>9 A. Yes.</p> <p>10 MR. VODOPIA: No more questions.</p> <p>11 MR. WEINER: Let's go off the record.</p> <p>12 Take a few minutes. I'm going to have some</p> <p>13 redirect.</p> <p>14 (Proceedings interrupted at 2:39 p.m. and</p> <p>15 reconvened at 2:40 p.m.)</p> <p>16 BY MR. VODOPIA:</p> <p>17 Q. In your understanding are you allowed to</p> <p>18 discuss your testimony with Mr. Weiner?</p> <p>19 A. Not --</p> <p>20 MR. WEINER: Objection, vague.</p> <p>21 A. To the best of my knowledge, no, I'm not</p> <p>22 allowed to discuss it today.</p> <p>23 Q. And do you intend to discuss any of your</p> <p>24 prior testimony with Mr. Weiner?</p> <p>25 MR. WEINER: Objection, calls for attorney</p>

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<p style="text-align: right;">Page 162</p> <p>1 work product.</p> <p>2 A. I hadn't planned on it.</p> <p>3 MR. WEINER: And calls for speculation.</p> <p>4 MR. VODOPIA: Fair enough. Thank you.</p> <p>5 (Proceedings interrupted at 2:41 p.m. and</p> <p>6 reconvened at 3:19 p.m.)</p> <p>7 (The following proceedings ensued in a</p> <p>8 telephone conference.)</p> <p>9 PTAB REPRESENTATIVE: How may I help you?</p> <p>10 MR. VODOPIA: We'd like a conference with</p> <p>11 the board on a pair of inter partes reviews. I can</p> <p>12 give you the number.</p> <p>13 PTAB REPRESENTATIVE: Okay. The problem</p> <p>14 is the paralegals at the moment are unavailable.</p> <p>15 MR. SCHINDLER: We need to speak to the</p> <p>16 Administrative Law Judge.</p> <p>17 MR. VODOPIA: Can we speak with --</p> <p>18 PTAB REPRESENTATIVE: I can't transfer you</p> <p>19 to your judge. I have to let the paralegals do</p> <p>20 that.</p> <p>21 MR. VODOPIA: Okay.</p> <p>22 MR. SCHINDLER: When will they be</p> <p>23 available?</p> <p>24 PTAB REPRESENTATIVE: I'm not sure. I</p> <p>25 think they're in a meeting.</p>	<p style="text-align: right;">Page 164</p> <p>1 for the second one.</p> <p>2 PTAB REPRESENTATIVE: Okay. Okay. 01168.</p> <p>3 MR. VODOPIA: We're doing depositions and</p> <p>4 we need a ruling.</p> <p>5 MR. SCHINDLER: We're going to need a</p> <p>6 ruling.</p> <p>7 PTAB REPRESENTATIVE: Okay. I'll send</p> <p>8 them an e-mail because I don't know exactly what to</p> <p>9 do in this case. Do you have a name of one of the</p> <p>10 judges?</p> <p>11 MR. VODOPIA: Yes. I have the name of</p> <p>12 each of them. The first is Richard E. Rice.</p> <p>13 PTAB REPRESENTATIVE: Okay. Richard...</p> <p>14 MR. VODOPIA: E. Rice.</p> <p>15 PTAB REPRESENTATIVE: E. Rice.</p> <p>16 MR. VODOPIA: Yeah. E is the middle</p> <p>17 initial of his middle name.</p> <p>18 PTAB REPRESENTATIVE: Yeah, okay.</p> <p>19 MR. VODOPIA: And then the second is</p> <p>20 Scott A. Daniels.</p> <p>21 PTAB REPRESENTATIVE: A. Daniels.</p> <p>22 MR. VODOPIA: And then the third is</p> <p>23 Robert A. Pollock, P-o-l-l-o-c-k.</p> <p>24 PTAB REPRESENTATIVE. Okay. Then I'll</p> <p>25 see --</p>
<p style="text-align: right;">Page 163</p> <p>1 MR. VODOPIA: Well, can you have them call</p> <p>2 us back then?</p> <p>3 MR. SCHINDLER: We need a ruling. We're</p> <p>4 going to need a ruling.</p> <p>5 MR. VODOPIA: We need a ruling.</p> <p>6 PTAB REPRESENTATIVE: Okay. Your name?</p> <p>7 MR. VODOPIA: My name is John Vodopia.</p> <p>8 PTAB REPRESENTATIVE: Wait a minute, John.</p> <p>9 And spell your last name.</p> <p>10 MR. VODOPIA: V as in Victor, o, d as in</p> <p>11 David, o, p as in Peter, i-a.</p> <p>12 PTAB REPRESENTATIVE: And your number?</p> <p>13 MR. SCHINDLER: (phone number</p> <p>14 redacted pursuant to MA 201 CMR 17.00.)</p> <p>15 PTAB REPRESENTATIVE: And pertaining to</p> <p>16 what case?</p> <p>17 MR. VODOPIA: IPR 2015 --</p> <p>18 PTAB REPRESENTATIVE: 2015.</p> <p>19 MR. VODOPIA: -- dash 01167.</p> <p>20 PTAB REPRESENTATIVE: 67.</p> <p>21 And you want a conference --</p> <p>22 MR. VODOPIA: There's a second one.</p> <p>23 MR. SCHINDLER: There's two of them.</p> <p>24 MR. VODOPIA: There's actually two. The</p> <p>25 second one, the only difference is the 7 is an 8</p>	<p style="text-align: right;">Page 165</p> <p>1 MR. VODOPIA: Thank you very much.</p> <p>2 (Proceedings interrupted at 3:22 p.m. and</p> <p>3 reconvened at 3:44 p.m.)</p> <p>4 (Telephone conference, voice mail.)</p> <p>5 MR. VODOPIA: This is John Vodopia. I'm</p> <p>6 calling about a ruling in IPR2015-016 -- 01167 and</p> <p>7 IPR2015-01168. We are doing depositions and we</p> <p>8 have an issue that we need to discuss and, again,</p> <p>9 have a ruling on. My phone number is</p> <p>10 (Phone number redacted pursuant to MA 201</p> <p>11 CMR 17.00.)</p> <p>12 (Proceedings interrupted at 3:45 p.m. and</p> <p>13 reconvened at 3:50 p.m.)</p> <p>14 (The following proceedings ensued during a</p> <p>15 telephone conference.)</p> <p>16 MR. VODOPIA: This is John Vodopia.</p> <p>17 JUDGE POLLOCK: This is Judge Pollock.</p> <p>18 Would you hold, please, I'm going to try</p> <p>19 to get Judge Rice on the line. We've been having</p> <p>20 technical difficulties.</p> <p>21 MR. VODOPIA: Certainly.</p> <p>22 JUDGE POLLOCK: All right. Are the</p> <p>23 parties on?</p> <p>24 MR. VODOPIA: Yes.</p> <p>25 Judge Rice, Judge Pollock, this is</p>

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<p style="text-align: right;">Page 166</p> <p>1 John Vodopia. We're in the midst of a deposition 2 in the two IPRs and I just wanted to let you know 3 that the court reporter is taking down this 4 testimony. 5 JUDGE POLLOCK: Okay. Who else is on the 6 line, Mr. Vodopia? 7 MR. SCHINDLER: My name is 8 Edwin Schindler, and with John Vodopia we represent 9 the patent owner, Think Products. 10 MR. VODOPIA: Also on the line is 11 Michael Weiner, counsel for petitioner. 12 MR. SCHINDLER: The petitioner is ACCO 13 Brands. 14 JUDGE POLLOCK: Mr. Vodopia, you requested 15 this call. What seems to be the issue? 16 MR. VODOPIA: The deposition was for 17 ACCO's expert witness, and the deposition was 18 completed at 2:41 p.m. And what occurred then is 19 that counsel for petitioner ACCO Brands left the 20 room and took a tablet with the realtime transcript 21 and his notes and the witness and went in another 22 room for 38 minutes prior to redirect. And we 23 found some issues earlier in the day with respect 24 to communications between the witness and counsel 25 for ACCO Brands and we feel that there should be no</p>	<p style="text-align: right;">Page 168</p> <p>1 JUDGE POLLOCK: Anything else, 2 Mr. Vodopia? 3 MR. VODOPIA: No. 4 JUDGE POLLOCK: I'm going to put you on 5 hold while I discuss this with Judge Rice. 6 (Proceedings interrupted at 3:55 p.m. and 7 reconvened at 3:58 p.m.) 8 JUDGE POLLOCK: Gentleman, are we still on 9 the line? 10 MR. SCHINDLER: Yes, Your Honor. 11 MR. VODOPIA: Yes, Your Honor. 12 MR. WEINER: Yes. This is Mr. Weiner. 13 THE COURT: Is the court reporter is 14 there? 15 COURT REPORTER: Yes. Yes, sir. 16 MR. VODOPIA: Yes. 17 JUDGE POLLOCK: Is the court reporter 18 still there in the room? 19 COURT REPORTER: Yes, sir, I am. 20 JUDGE POLLOCK: Okay. Thank you. 21 All right. I'm going to let the redirect 22 proceed and suggest that Mr. Vodopia enter the 23 objection on the record. 24 Anything else, gentlemen? 25 MR. VODOPIA: No.</p>
<p style="text-align: right;">Page 167</p> <p>1 redirect at this point, that Mr. Weiner has coached 2 the witness. 3 JUDGE POLLOCK: All right. Mr. Weiner. 4 MR. WEINER: Yes, Your Honors. First of 5 all, let me just clarify the record. There has 6 been absolutely no coaching of the witness at any 7 time today. I very carefully followed the board's 8 rules and did not discuss the witness' testimony at 9 any time during the cross-examination. My 10 understanding is that after the cross-examination 11 is complete prior to redirect, it is permissible 12 for counsel to discuss the testimony with the 13 witness, of course, with no coaching or no telling 14 the witness how to testify, of course that's not 15 permitted. 16 But I did discuss his cross-examination 17 testimony with him and, in fact, I can cite a case 18 from a prior ruling from a different panel that 19 expressly permitted this and that's IPR2013-00358, 20 paper 37, that's January 28th, 2014, Schott Gemtron 21 v. SSW. We had a dispute about this exact issue 22 and we brought it to the attention of the board and 23 they issued this paper that said that is 24 permissible. So relying on that authority, I 25 wanted to go ahead and proceed with my redirect.</p>	<p style="text-align: right;">Page 169</p> <p>1 MR. SCHINDLER: That's it. Thank you, 2 Your Honor. 3 MR. WEINER: Thank you, Your Honor. 4 JUDGE POLLOCK: Thank you. Good day. 5 EXAMINATION 6 BY MR. WEINER: 7 Q. Mr. White -- 8 MR. VODOPIA: Michael, let me just object 9 for the record moving forward. And Mr. Weiner and 10 Mr. White left the room for 38 minutes after direct 11 examination with a tablet including the realtime 12 transcript. In my understanding, they discussed 13 the realtime transcript and that there was likely 14 coaching by Mr. Weiner at that time before they 15 returned for cross. 16 MR. SCHINDLER: For redirect. 17 MR. WEINER: Okay. And I want to state on 18 record that I object to that characterization. 19 There was absolutely no coaching of the witness at 20 any time during the day today. I also want to 21 state on the record that during the break, I'm not 22 sure if 38 minutes is correct, but let the record 23 reflect I also visited the restroom during that 24 time but so the court reporter doesn't have to 25 worry about it, I did not bring the tablet into the</p>

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<p style="text-align: right;">Page 170</p> <p>1 restroom. I left that in a clean area in a 2 conference room. So that was -- 3 MR. VODOPIA: And I was wondering what you 4 discussed for 38 minutes minus the time it took you 5 to visit the restroom without the tablet. 6 MR. WEINER: I'm going to proceed with my 7 redirect. I'm not going to engage in a discussion 8 with you on the record. 9 EXAMINATION 10 BY MR. WEINER: 11 Q. Mr. White, I have a question for you about 12 what was marked Exhibit 2007 today. It also has an 13 exhibit sticker that says Exhibit A. 14 Do you have that in front of you? 15 A. Yes. 16 Q. Do you recall when counsel asked you 17 questions about this document today? 18 A. Yes. 19 Q. And do you recall counsel asked you if you 20 had seen this document before today? 21 A. Yes. 22 Q. And during the break, did you have a 23 chance to take another look at this exhibit? 24 A. I did. 25 Q. After reviewing this exhibit during the</p>	<p style="text-align: right;">Page 172</p> <p>1 MR. SCHINDLER: Objection, leading 2 question. 3 MR. WEINER: Let me rephrase the question. 4 Q. Have you ever seen this particular page 5 with a fist in the lower right-hand corner along 6 with figures from the McDaid patent? 7 A. No. 8 Q. And likewise, for the other pages of the 9 document, you've never seen these particular 10 pages -- 11 MR. SCHINDLER: Objection, leading 12 question. 13 Q. Have you ever seen any of these pages 14 before? 15 A. Not with the annotation and the graphics. 16 Q. Okay. Thank you. 17 A. So, no. 18 Q. Mr. White, do you recall when counsel 19 asked you some questions today about claim 20 construction? 21 A. Yes. 22 Q. And do you recall counsel asked you if you 23 had construed terms in the claims of the two Think 24 Products patents? 25 A. Yes.</p>
<p style="text-align: right;">Page 171</p> <p>1 break, I want to ask you again, was your testimony 2 correct when you testified before that you had seen 3 this document prior to today? 4 A. No. 5 Q. And why was it that you testified earlier 6 today that you had seen this document? 7 A. I was referring to the content in it, and 8 I believe some of the imagery, I guess -- I 9 didn't -- I referred to it as PowerPoint. 10 Q. What page are you referring to? 11 A. Pick one. 12 Q. Well, there is a page in front of you, 13 what page are you referring to? 14 A. Page 5. 15 Q. Okay. Page 5 has some figures that look 16 familiar to you, right? 17 A. Yes. 18 Q. Figures from the McDaid patent? 19 A. Yep. 20 Q. But you've never seen those figures 21 organized as on this page 5 of Exhibit 2007, right? 22 A. Right. 23 Q. You've never see those pages with a fist 24 in the lower right-hand corner region of this 25 document, right?</p>	<p style="text-align: right;">Page 173</p> <p>1 Q. And do you recall testifying that you had 2 not construed terms of the claims before? 3 A. Yes. I don't know if that was the exact 4 wording, but yes. 5 Q. Okay. Now, I'd like to direct your 6 attention to your first declaration. It's 7 Exhibit 1021. It's also been remarked improperly 8 as Exhibit 2004. 9 A. Uh-huh. 10 Q. And I'd like to direct your attention to 11 section D beginning with paragraph 32. And I'd 12 like you to just quickly take a look at paragraphs 13 32 up through 43. So please quickly review those 14 and then I'll ask a question on it. 15 MR. VODOPIA: Which document are you 16 referring to, which IPR document? 17 MR. WEINER: Exhibit 1021, which is 18 identical in both IPRs. 19 A. And you're asking for? 20 Q. Please review paragraphs 32 through 43. 21 A. Through 43? 22 Q. Yes. 23 A. Okay. 24 Q. You can take whatever time you need, but 25 I'm just asking you to briefly review that so you</p>

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<p style="text-align: right;">Page 174</p> <p>1 have the context in mind when I ask you a question.</p> <p>2 A. Okay.</p> <p>3 Okay.</p> <p>4 Q. Now, after thinking about this issue</p> <p>5 during the break and taking a look at your</p> <p>6 declaration testimony, was your testimony correct</p> <p>7 when you stated before that you had never construed</p> <p>8 claims of the two Think Products patents?</p> <p>9 A. No, it wasn't correct. I mean --</p> <p>10 Q. Well, why did you testify that you hadn't</p> <p>11 construed the terms before?</p> <p>12 A. I haven't referred to what I did as</p> <p>13 construe. I used construction over and over. I</p> <p>14 mean, there is a section here where I say</p> <p>15 "construe," but for the most part, I refer to my</p> <p>16 interpretation as a construction. So when I heard</p> <p>17 construe, my concern was that it was, not a trap,</p> <p>18 but like it was wordsmithing to get me to say</p> <p>19 something that I --</p> <p>20 Q. Were you confused by the term "construe"?</p> <p>21 A. Yes.</p> <p>22 MR. SCHINDLER: Objection to a leading</p> <p>23 question.</p> <p>24 Q. Let me ask you a question another way:</p> <p>25 Did you interpret various terms from the Think</p>	<p style="text-align: right;">Page 176</p> <p>1 Q. Okay. You haven't looked at that exhibit</p> <p>2 today, right?</p> <p>3 A. No.</p> <p>4 Q. Counsel didn't provide a copy of that to</p> <p>5 you today?</p> <p>6 A. No.</p> <p>7 Q. Do you recall, without looking at it, if</p> <p>8 Mr. Mahaffey had discussion of claim construction</p> <p>9 or interpretation in his declaration?</p> <p>10 A. Can you repeat that?</p> <p>11 Q. Do you recall, without looking at</p> <p>12 Mr. Mahaffey's declaration, if the declaration</p> <p>13 included some discussion of claim construction or</p> <p>14 interpretation?</p> <p>15 A. I believe so, yes.</p> <p>16 Q. And did you agree with Mr. Mahaffey's</p> <p>17 construction of the terms that he discussed in his</p> <p>18 declaration?</p> <p>19 MR. VODOPIA: Objection, vague and</p> <p>20 unclear. You got to identify the terms.</p> <p>21 Q. Go ahead and answer if you can.</p> <p>22 A. Um, I would say no, I didn't agree with</p> <p>23 the claims '758 and '144.</p> <p>24 Q. My question was, did you agree with</p> <p>25 Mr. Mahaffey's interpretation of the terms of the</p>
<p style="text-align: right;">Page 175</p> <p>1 Products patents in connection with preparing your</p> <p>2 declaration?</p> <p>3 A. Yes.</p> <p>4 Q. And are your interpretations of the terms</p> <p>5 listed under the column with the heading</p> <p>6 "Construction" in paragraph 32?</p> <p>7 A. They are, yes.</p> <p>8 Q. And do the other paragraphs discuss your</p> <p>9 reasons for the construction?</p> <p>10 A. 33 to 43?</p> <p>11 Q. Right.</p> <p>12 A. Yes.</p> <p>13 Q. Of the patent claims that you reviewed,</p> <p>14 did you construe or interpret every single word of</p> <p>15 those claims?</p> <p>16 A. No.</p> <p>17 Q. Why did you not construe or interpret some</p> <p>18 of the words of the claims?</p> <p>19 A. Some of it didn't seem necessary. From</p> <p>20 the description or viewing it as a POSA, it just</p> <p>21 didn't seem necessary to identify everything.</p> <p>22 Q. In connection with preparing your</p> <p>23 supplemental declaration, did you review</p> <p>24 Mr. Mahaffey's declaration?</p> <p>25 A. His -- yes, I reviewed his declaration.</p>	<p style="text-align: right;">Page 177</p> <p>1 claims?</p> <p>2 A. Okay. No.</p> <p>3 Q. Okay. Thank you.</p> <p>4 And I'd like to direct your attention to</p> <p>5 the supplemental declaration, that's Exhibit 1024</p> <p>6 in both IPRs.</p> <p>7 A. Uh-huh, yeah.</p> <p>8 Q. And you recognize this -- do you recognize</p> <p>9 this document?</p> <p>10 A. I do.</p> <p>11 Q. You testified about this earlier today,</p> <p>12 right?</p> <p>13 A. Uh-huh, yes.</p> <p>14 Q. And I'd like you to -- I'd like to direct</p> <p>15 your attention to paragraph 10 in that declaration.</p> <p>16 A. Okay.</p> <p>17 Q. Can you just read that one paragraph into</p> <p>18 the record?</p> <p>19 A. "I reviewed Mr. Mahaffey's discussion of</p> <p>20 the construction of captive security rod and I</p> <p>21 disagree with Mr. Mahaffey's opinion on this</p> <p>22 issue."</p> <p>23 Do I have to read the paragraph?</p> <p>24 Q. No. No, that's fine, just the one</p> <p>25 paragraph.</p>

45 (Pages 174 to 177)

<p style="text-align: right;">Page 178</p> <p>1 And is that still your testimony today, 2 that you disagree with Mr. Mahaffey's opinions on 3 the issue as discussed in paragraph 10? 4 A. Yes. 5 Q. Okay. Now I'd like to move ahead a few 6 paragraphs to paragraph 15 of your supplemental 7 declaration. 8 Do you recall looking at that earlier 9 today? 10 A. Yeah. 11 Q. Okay. And can you just read that into the 12 record, too. I want to make sure the record is 13 clear. I want to ask you a question about that, 14 paragraph 15. 15 A. "For example, Mr. Mahaffey ignores the 16 claim language stating that the captive security 17 rod has two ends, a locking end and an anchoring 18 end, that the anchoring end anchors the captive 19 security rod to the housing, and that the captive 20 security rod is captive in the housing, partially 21 in the housing and partially out of the housing, 22 before and during locking use. Mr. Mahaffey's 23 proposed constructions are inconsistent with the 24 claim language." 25 Q. Now, in particular, I have a question</p>	<p style="text-align: right;">Page 180</p> <p>1 of the claims so you can explain what you're 2 testifying about. Let's start with the '144 3 patent, that's Exhibit 1003, it's also been 4 relabeled 2006. Okay. Why don't you take a look 5 at claim 1 of the '144 patent. 6 And can you identify if claim 1 has 7 language that requires the captive security rod to 8 be captive in the housing, partially in the housing 9 and partially out of the housing, before and during 10 locking use? 11 A. Column 19, line 23 said, "Captive security 12 rod being captive partially in said at least one 13 housing after installation and partially out of 14 said at least one housing during and before locking 15 use after installation." 16 Q. Let's go to the next independent claim. 17 How about claim 14. Do you find similar language 18 in claim 14? 19 A. So it's like a combination, claim 14, line 20 roughly 17 or 18. "Captive security rod or spike 21 having a locking end and an anchor end, said 22 anchoring end of said captive security rod or spike 23 configured for installing to the at least one 24 housing by anchoring to the portable electronic 25 device through at least one housing."</p>
<p style="text-align: right;">Page 179</p> <p>1 about item 3 that states that "the captive security 2 rod is captive in the housing, partially in the 3 housing and partially out of the housing, before 4 and during locking use." 5 Do you recall counsel asking you questions 6 about that today? 7 A. Yes. 8 Q. And do you recall looking in various 9 claims of the two Think Products patents to see if 10 that language was in there? 11 A. Yes. 12 Q. Is that exact language in all the claims? 13 A. No. But that's what I was looking for. 14 Q. Well, would you agree that even the claims 15 that don't have the exact same language still 16 require the captive security rod to be captive in 17 the housing -- 18 MR. SCHINDLER: Objection, leading 19 question. 20 Q. -- partially in the housing and partially 21 out of the housing, before and during locking use? 22 A. If it doesn't have to be word for word, 23 then yes, I could identify where in the claims this 24 is coming from. 25 Q. Well, let me ask you to look at a couple</p>	<p style="text-align: right;">Page 181</p> <p>1 And then skipping down to line 36, "Said 2 captive security rod or spike wherein said 3 installed captive security rod or spike is 4 positioned in a recess in the at least one housing 5 during non-use and said small knob protrudes from 6 the at least one housing during non-use." 7 Q. Okay. How about the next independent 8 claim, that's claim 20. Do you recall testifying 9 about claim 20? 10 A. Yeah. 11 Q. Now, do you find any similar language in 12 claim 20 that we just discussed? 13 A. It's column 21, line 6, "Securely 14 installing the anchoring end of the security rod or 15 spike to the portable electronic device in the 16 housing, attaching another end of the cable to the 17 substantially immovable object." 18 Q. Okay. Thank you. 19 Now I have questions -- kind of the same 20 question about the independent claims of the '758 21 patent, that's Exhibit 1001 in both IPRs. It's 22 been relabeled 2005. 23 Do you have that? 24 A. I do. 25 Q. First let's start with claim 1, the first</p>

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<p style="text-align: right;">Page 182</p> <p>1 independent claim. Is there some language in claim 2 1 of the '758 that requires the captive security 3 rod to be captive in the housing, partially in the 4 housing and partially out of the housing, before 5 and during locking use? 6 A. Line 25, column 19, "Said captive security 7 rod partially in said at least one housing and 8 partially out of said at least one housing during 9 and before locking use." 10 Q. Okay. How about claim 16, do you see any 11 language in claim 16 that also requires the captive 12 security rod to be captive in the housing partially 13 in the housing and partially out of the housing 14 before and during locking use? 15 A. Line 37, column 20, "By a protruding end, 16 said captive security rod being captive partially 17 in said at least one housing and partially out of 18 said at least one housing during and before locking 19 use." 20 Q. Okay. Thank you. 21 Now, if you could turn back to your 22 supplemental declaration, Exhibit 1024, I have a 23 question about that. 24 A. Okay. 25 Q. And in particular, I wanted to direct your</p>	<p style="text-align: right;">Page 184</p> <p>1 the highlighting that was in the original document; 2 is that correct? 3 A. I have. 4 Q. It looks like you inserted some 5 underlining in that copy of the document, right? 6 A. Right. So I underlined what we read off 7 as what was previously highlighted. 8 Q. Okay. I wanted to make sure you had the 9 correct copy of that in front of you because there 10 are two supplemental declarations, I didn't know if 11 you had underlined both of them. But you 12 understand that that underlined text was actually 13 highlighted in the original copy that was filed, 14 right? 15 A. Yes. 16 Q. Do you recall counsel asked you today what 17 was the basis for your statement in paragraph 21 18 that the patent owner acknowledged the captive 19 security rod must be stored in the housing during 20 non-use and between deployments? 21 MR. VODOPIA: Objection, that's not what 22 was asked. 23 MR. WEINER: Let me restate that. 24 Q. Do you recall counsel asking you about 25 what support there was for your statement in</p>
<p style="text-align: right;">Page 183</p> <p>1 attention to paragraph 21. 2 Do you recall testifying about paragraph 3 21 earlier today? 4 A. I do. 5 Q. Just to make sure the record is clear, I'd 6 ask you if you could read the text, just the first 7 five lines at the beginning of paragraph 21. Don't 8 read the long quote after that but if you could 9 just read those first five lines. 10 A. "As argued by the patent owner in the file 11 history, Murray fails to disclose a captive 12 security rod which the patent owner acknowledged 13 must be stored in the housing during non-use and 14 between deployments and must include a locking end 15 such as or such that the locking end of the captive 16 security rod is received into the locking 17 mechanism." 18 Q. Okay. You recall testifying about that 19 before today? 20 A. I do. 21 Q. And following that there's a long quote 22 from the file history; is that correct? 23 A. Yes. 24 Q. And I just want to make sure, the copy you 25 have you've inserted the underlining in place of</p>	<p style="text-align: right;">Page 185</p> <p>1 paragraph 21 that "as argued by the patent owner in 2 the file history, Murray fails to disclose a 3 captive security rod which the patent owner 4 acknowledged must be stored in the housing during 5 non-use and between deployments"? 6 A. Off the top of my head, I don't remember 7 the specific question, but that sounds about right. 8 MR. SCHINDLER: Objection, speculation. 9 Q. Do you recall generally being asked about 10 that language? 11 A. Yes. 12 Q. And during the break, did you have a 13 chance to look at this language in paragraph 21 14 again? 15 A. Yes. 16 Q. And after considering that language during 17 the break, can you explain your basis for that 18 statement that the patent owner -- in the file 19 history the patent owner stated that Murray fails 20 to disclose a captive security rod which the patent 21 owner acknowledged must be stored in the housing 22 during non-use and between deployments? 23 A. So I'm -- I guess I'm not certain what the 24 question is because that sounded like an answer. 25 MR. WEINER: Well, let me restate that.</p>

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<p style="text-align: right;">Page 186</p> <p>1 Q. I'm re-asking the question that I believe 2 was asked by counsel for the patent owner before. 3 My question is, what support do you have 4 for your statement that "as argued by the patent 5 owner in the file history, Murray fails to disclose 6 a captive security rod which the patent owner 7 acknowledged must be stored in the housing during 8 non-use and between deployments"? 9 A. So that's here in the file history. 10 MR. SCHINDLER: Where is it, where in the 11 file history? 12 THE WITNESS: See, that's the thing. 13 It's -- 14 MR. WEINER: Counsel, you'll have a chance 15 to do your recross. Don't interrupt the witness. 16 A. So this is where the confusion was. My 17 assumption was you wanted me to produce it but it 18 was already something I have. 19 Q. You thought I wanted you to produce 20 something, or are you saying you were confused 21 before? 22 MR. VODOPIA: At the break. 23 THE WITNESS: No, earlier, when I was 24 asked about where did I get this from, I didn't 25 realize I could reference my own document. I</p>	<p style="text-align: right;">Page 188</p> <p>1 Q. Is your understanding that Figure 30 in 2 the '144 patent is identical to Figure 30 in the 3 '758 patent? 4 A. Yes. 5 Q. So my question is, I asked you originally 6 about the '144 but you understand that it also 7 applies to the '758 as far as what's in Figure 30. 8 A. Uh-huh. 9 Q. Okay. Do you recall testifying earlier 10 today about what's been marked reference number 291 11 in Figure 30? 12 A. Yes. 13 Q. In your opinion, is reference number 291 14 in Figure 30 a captive security rod as recited in 15 the claims? 16 A. Not as recited in the claims, no. 17 Q. And why isn't 291 a captive security rod? 18 A. It doesn't meet all of the features or the 19 assets as identified in the claim language, so 20 while it is anchored in the housing, it doesn't 21 directly interact with the lock. So there isn't a 22 lock engagement end. 23 Q. Does it have a locking end? 24 A. No. 25 MR. WEINER: No further questions.</p>
<p style="text-align: right;">Page 187</p> <p>1 thought you wanted to see -- 2 Q. Please look at me, answer me. 3 A. So to answer your question, page 9 at the 4 bottom, so it says, "In contrast, as an applicant's 5 amended independent claims 1 and 22, the locking 6 rod is partially stored in the computer housing 7 during non-use, wherein the captive security rod 8 being captive partially in said at least one 9 housing and partially out of said at least one 10 housing during and before locking use and wherein 11 the locking end of the captive security rod is 12 received into the locking mechanism." 13 Q. Okay. Thank you. 14 I'd like to direct your attention to the 15 '144 patent, that's Exhibit 1003, and it's also 16 been remarked Exhibit 2006, okay? 17 Do you have that in front of you? 18 A. Yes. 19 Q. All right. In particular, I wanted to ask 20 you about Figure 30. That's on page 28 of 56 of 21 the document. 22 A. Okay. 23 Q. And do you recall testifying about 24 Figure 30 earlier today? 25 A. Yes.</p>	<p style="text-align: right;">Page 189</p> <p>1 MR. VODOPIA: We'll just take two or 2 three minutes. 3 (Proceedings interrupted at 4:29 p.m. and 4 reconvened at 4:32 p.m.) 5 EXAMINATION 6 BY MR. VODOPIA: 7 Q. Ryan, on redirect I believe you testified 8 that it was unnecessary to construe certain terms 9 of the claims? 10 A. Yes. 11 Q. Did you decide it was unnecessary to 12 construe claim 14 of the '758 patent? 13 MR. WEINER: Objection, vague. 14 A. That I didn't construe claim 14 from '758? 15 Q. Yes. 16 A. I just want to double check. So I believe 17 I did construe it here, page 16. 18 Q. You know, I made a mistake. 19 I meant to say, did you find it 20 unnecessary to construe claim 16 of the '758 patent 21 in your declaration? 22 A. Can you -- so I believe page 18, paragraph 23 37, I state that "under the broadest reasonable 24 interpretation standard, this term may be 25 interpreted as a POSA would understand it, that it</p>

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<p style="text-align: right;">Page 190</p> <p>1 was probably intended to read as" and then I kind 2 of list out...</p> <p>3 MR. WEINER: I'm sorry. What paragraph 4 are you on?</p> <p>5 THE WITNESS: I don't know if that answers 6 the question.</p> <p>7 Q. Paragraph 37 at page 18. 8 A. Yeah. I don't know if that answers -- 9 Q. No, I guess not. 10 A. Can you repeat the question again? 11 Q. Did you decide it was unnecessary to 12 construe claim 16 of the '758 patent? 13 A. So I didn't expand on 16 or to construe it 14 because the remaining terms -- this paragraph 43, 15 "The remaining terms of the claim shall be 16 construed according to their ordinary meaning to 17 POSA and do not require any further discussion." 18 So looking through 16 -- 19 Q. Do you refer to claim 16 of the '758 20 patent in that paragraph? 21 A. No, not specifically. 22 Q. So would you say no to my question? 23 A. I don't know. Because it reads on 1. 24 Q. Ryan, you testified that you felt it was 25 unnecessary to construe certain terms --</p>	<p style="text-align: right;">Page 192</p> <p>1 Q. Well, maybe you don't know. 2 A. Um, yeah, I'm not sure. I don't know. 3 Q. Fair enough. 4 Just a couple more. You testified that 5 there was certain terms of Mr. Mahaffey's claim 6 construction that you disagreed with but you were 7 not available to identify those terms; is that 8 correct? 9 MR. WEINER: Objection, misstates the 10 witness' testimony. 11 A. I didn't make that statement. 12 Q. Did you say that there were certain terms 13 of Mr. Mahaffey's claim construction that you 14 disagreed with? 15 A. Yes. 16 Q. Did you identify those terms? 17 A. In my supplemental declaration. 18 Q. In your testimony? 19 MR. WEINER: Objection, vague. 20 A. I don't know what you're -- 21 Q. Would you identify those terms. 22 A. In my supplemental? 23 Q. Yes, for the record, just to keep the 24 record clear? 25 A. So do I need to state that 2002 and 2001</p>
<p style="text-align: right;">Page 191</p> <p>1 A. Right. 2 Q. -- and it appears that you didn't construe 3 claim 16 of the '758 patent. Did you make the 4 decision that it was unnecessary to construe claim 5 16 of the '758 patent? That was my question in the 6 context in which it was asked. 7 A. If it's not in the table, so no, I didn't 8 include it. 9 Q. Thank you. 10 Did you decide it was unnecessary to 11 construe claim 20 of the '144 patent? 12 A. I didn't include it in the table. To me, 13 it -- it seemed like it was playing off of 1. No, 14 I didn't include it. 15 Q. So you found it was unnecessary? 16 A. Not that it was unnecessary, but as if 17 it's already been addressed. 18 Q. Ryan, your testimony was that you found it 19 unnecessary to construe certain terms? 20 A. Yeah. 21 Q. You didn't construe claim 20 in its 22 entirety and I wondered if you made the decision 23 not to construe it, that you felt it was 24 unnecessary? 25 A. I'm not sure how to answer that.</p>	<p style="text-align: right;">Page 193</p> <p>1 are almost interchangeable in response to Rob's 2 declaration? 3 Q. I think it's probably pretty clear at this 4 point. 5 A. Okay. Okay. So page 4, section B, this 6 is my response to Mr. Mahaffey's claim 7 construction. 8 Do you want me to read through each one 9 starting with paragraph 10? 10 Q. I want to know just which terms you 11 disagree with. Let's start with that. 12 A. Okay. His use of captive security rod. 13 Q. Any others? 14 A. So I don't know if this is included, 15 McDaid? 16 Q. No. I meant the construction of captive 17 security rod. I believe that -- I believe the 18 testimony concerning that goes from paragraph 10 to 19 paragraph 22 just before the section 3 on McDaid. 20 A. So you asked if there was anything I 21 disagree with. 22 Q. No. Yes. I asked if there was any other 23 terms that you disagreed with, with respect to 24 Mr. Mahaffey's construction of that term? 25 A. Only of that term?</p>

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<p style="text-align: right;">Page 194</p> <p>1 Q. No. I'm wondering if there's anything 2 other than captive security rod that you disagree 3 with. 4 A. I'm afraid I don't understand. 5 Q. So you said that you disagree with 6 Mr. Mahaffey's construction of captive security 7 rod. 8 A. Correct. 9 Q. Are there any other terms that you 10 disagree with? 11 A. And that's what I'm asking, from his 12 entire? 13 Q. Well, it looks like it goes from 10 to 22. 14 Anything in there that you disagree with besides 15 captive security rod? 16 A. No. At a high level, it's -- it's -- 17 Are the figures included? 18 Q. You know, I really -- so what I'm getting 19 at is this is about -- these paragraphs 10 to 22 20 are about captive security rod. Anything else you 21 disagree with? Any other term construed by 22 Mr. Mahaffey that you disagree with other than 23 captive security rod? 24 MR. WEINER: Objection, outside the scope 25 of the redirect.</p>	<p style="text-align: right;">Page 196</p> <p>1 in here that I would consider beyond captive 2 security rod that I would argue with, but... 3 Q. And so you mean a Mahaffey construction, 4 there's some Mahaffey constructions in there that 5 you would argue with, terms, claim terms? 6 MR. WEINER: Objection, misstates the 7 witness' testimony. 8 A. I'm not sure how to answer it. 9 Q. Okay. Let's move on. 10 Was captive security rod one of the terms 11 you felt was unnecessary to construe? 12 MR. WEINER: Objection, vague as to time. 13 A. I didn't -- it's one of those terms that 14 probably didn't need to be explained. I think it's 15 covered in the claims, the claim language, and then 16 seeing again the board's response, they all seem to 17 be coming at it from the same angle. 18 Q. And yet you went on for 13 paragraphs and 19 eight pages -- 20 A. Uh-huh. 21 Q. -- with reference to Mr. Mahaffey's 22 discussion of the claim construction. And you 23 still feel it's unnecessary to construe that term? 24 MR. WEINER: Objection, vague, misstates 25 the witness' testimony.</p>
<p style="text-align: right;">Page 195</p> <p>1 A. So the way he breaks it down, this rod 2 becomes captive, but I mean, that's captive 3 security rod. So how he got to captive security 4 rod, I don't know how specific you want me to be. 5 Q. I'm just wondering if there is any other 6 terms that gave you a problem construed by 7 Mr. Mahaffey. 8 A. Does not refer to any other claim language 9 other than the words captive security rod. 10 Q. You know, I'd agree with you. 11 A. Again, this is -- the captive security 12 rod, he describes it wrong several times in here, 13 so I disagree with all of that. But I don't know 14 if you want me to just -- 15 Q. I just want to know if there's anything 16 else. I know we're having a little trouble driving 17 that home. It's been a long day. And so it 18 appears to me that the only -- in those paragraphs, 19 those 13 paragraphs, it appears that what you were 20 concerned about is construction of captive security 21 rod and no other construction by Mr. Mahaffey, no 22 construction of other claim terms by Mr. Mahaffey? 23 A. So I don't know if it's a claim or if it's 24 a description of the illustrations, so I don't -- I 25 don't know how to answer. There's several things</p>	<p style="text-align: right;">Page 197</p> <p>1 A. No. 2 Q. I want to direct your attention to claim 3 20 of the '744 patent. 4 A. '144? 5 Q. Sorry. The '144 patent. I think I did 6 that before as well. That's all I need to do is 7 inject the unknowns in this contest. 8 I just want you to -- in your redirect you 9 were talking about -- you referred to claim 20, and 10 I wanted to know if the phrase "before and during 11 locking use," which is in claims 1 and 14, I 12 believe, the first two independent claims of the 13 '144 patent which has three independent claims, the 14 last one being claim 20, I was wondering if "before 15 and during locking use" is included in claim 20? 16 MR. WEINER: Objection, vague. 17 A. So the way it's broken -- 18 Q. Well, let's just start with is it in 19 there, that particular phrase in quotes, before and 20 during locking use -- 21 A. Word for word? 22 Q. Exactly, yes, word for word. 23 A. No, it's not. 24 Q. Okay. Do you think it's a significant 25 claim limitation?</p>

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<p style="text-align: right;">Page 198</p> <p>1 MR. WEINER: Objection, vague, calls for 2 speculation. 3 A. I'm not -- I'm not sure, so I don't know 4 how to answer that. 5 Q. Do you think that it's a significant 6 limitation in claim 1? Do you think that it's 7 important to the construction of claim 1? I just 8 want to give you the background. You testified 9 that it's in claim 1 and in the second independent 10 claim, I don't know if it's -- 11 MR. SCHINDLER: 14. 12 Q. -- 14. And I was wondering, again, I'll 13 repeat my question, is it important to those 14 claims, that limitation? 15 MR. WEINER: Objection, vague, calls for 16 speculation. 17 A. Again, I'm not -- I'm not sure how to 18 answer that. 19 Q. Did you find it unnecessary to construe 20 that phrase? 21 A. I didn't include it, so I must have -- I'm 22 not sure how to answer that. 23 Q. Do you find it vague and indefinite when I 24 refer to that phrase? 25 A. Little bit.</p>	<p style="text-align: right;">Page 200</p> <p>1 A. Yeah, I'm not sure. 2 Q. Can I assume that's a yes, you don't 3 understand -- you don't know if it's significant to 4 the claims? 5 A. I don't feel comfortable answering because 6 I don't have -- well -- yeah, I'm not sure. 7 Q. That's fine and that's my last question. 8 A. Okay. 9 MR. SCHINDLER: I have a couple of 10 questions. 11 MR. WEINER: Objection, there should be 12 only one counsel taking the deposition. 13 Mr. Vodopia can continue with further questions. 14 BY MR. VODOPIA: 15 Q. Ryan, in your redirect you testified that 16 claim 16 reads off claim 1 with respect to -- 17 A. Claim 16 of -- 18 Q. The '758 patent. You used the phrase -- 19 MR. WEINER: Objection, misstates the 20 witness' testimony. 21 Q. You used the phrase in your testimony. I 22 was wondering if you could tell me what "reads off" 23 means? 24 A. I would say the copy, line 27 -- 25 MR. WEINER: Which column are you</p>
<p style="text-align: right;">Page 199</p> <p>1 Q. Did you refer to it in claims 1 and claims 2 14? In your redirect, did you specifically use 3 that language? 4 A. That phrase? 5 Q. Yes. 6 A. You're saying just now did I use -- 7 Q. Exactly. In the redirect by Mr. Weiner. 8 A. And your question is again? I'm sorry. 9 Q. Did you find it unnecessary to construe 10 that phrase? 11 MR. WEINER: Objection, vague, misstates 12 the witness' testimony. 13 MR. VODOPIA: Let me restate the question. 14 Q. Do you feel that that limitation is 15 important to any of the claims at a issue in this 16 IPR? 17 MR. WEINER: Objection, vague, calls for 18 speculation. 19 A. I mean, I know -- I don't have the legal 20 insight to say to what degree, so I'm not 21 comfortable answering that. 22 Q. So you don't know? Am I correct in 23 assuming that you don't know if it's significant to 24 the claims? 25 MR. WEINER: Objection, vague.</p>	<p style="text-align: right;">Page 201</p> <p>1 referring to? 2 A. So where I see -- where there is some 3 level of overlap is claim 1, column 19, "Said 4 captive security rod partially in said at least one 5 housing and partially out of said at least one 6 housing during and before locking use." 7 And "said captive security rod being 8 captive partially in said at least one housing at 9 partially out of said at least one housing during 10 and before locking use." 11 I don't know if that answers your 12 question. So to me that would be -- 13 Q. No, that's fine. 14 But does claim 16 depend from claim 1? 15 A. No, it does not. 16 Q. Does claim 20 of the '144 patent depend 17 from claim 1 of the '144 patent? 18 A. No, it does not. 19 Q. Do you know the difference between 20 dependent and independent claims? 21 A. I do. 22 Q. Can you tell me? 23 A. Or I believe I do. 24 Q. Okay. 25 A. So let me look at the claims where one</p>

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<p>1 doesn't call back on any other claim, it's 2 independent, but whereas, claim number 2 calls back 3 on 1, it's dependent on one. 4 Q. And does an independent claim read back on 5 any other claim? 6 MR. WEINER: Objection, vague. 7 A. That's a terminology thing. So if -- no. 8 Q. Fair enough. Fair enough. 9 MR. VODOPIA: And there's nothing else. 10 Thank you. 11 MR. WEINER: No further questions from me. 12 (Whereupon, this deposition was concluded 13 at 4:59 p.m.) 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 CERTIFICATE OF REPORTER 2 Commonwealth of Massachusetts 3 Suffolk, ss. 4 5 I, Dana Welch, Registered Professional 6 Reporter, Certified Realtime Reporter and Notary 7 Public in and for the Commonwealth of 8 Massachusetts, do hereby certify that RYAN WHITE, 9 the witness whose deposition is hereinbefore set 10 forth, was duly sworn by me and that such 11 deposition is a true record of the testimony given 12 by the witness. 13 I further certify that I am neither related 14 to nor employed by any of the parties in or counsel 15 to this action, nor am I financially interested in 16 the outcome of this action. 17 In witness whereof, I have hereunto set my 18 hand and seal this 3rd day of May, 2016. 19 20 21 Dana Welch 22 Notary Public 23 My commission expires: 24 October 6, 2017 25</p>
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<p>1 CERTIFICATE OF WITNESS 2 Assignment No. CH-082660 3 Case Caption: ACCO Brands v. Think Products 4 DECLARATION UNDER PENALTY OF PERJURY 5 I declare under penalty of perjury that 6 I have read the entire transcript of my deposition 7 taken in the captioned matter or the same has been 8 read to me, and the same is true and accurate, save 9 and except for changes and/or corrections, if any. 10 Signed on the ____ day of _____, 11 2016. 12 _____ 13 RYAN WHITE 14 15 16 17 18 19 20 21 22 23 24 25</p>	

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