	Page 1		
1			
2	UNITED STATES PATENT AND TRADEMARK OFFICE		
3	BEFORE THE PATENT TRIAL AND APPEAL BOARD		
4			
5	COX COMMUNICATIONS, INC.		
6	Petitioner		
7	vs.		
8	AT&T INTELLECTUAL PROPERTY II, L.P.		
9	Patent Owner		
10			
11	Case : IPR2015-01227		
12	Patent 7,907,714		
13			
14	Title: Profile Management System Including User Interface		
	for Accessing and Maintaining Profile Data of User		
15	Subscribed Telephony Services		
16			
17			
18	DEPOSITION OF JOHN SHERMAN		
19	New York, New York		
20	June 16, 2016		
21			
22	Reported by: Chandra D. Brown, RPR, CLR		
23	Job No. 108959		
24			
25			

- J. Sherman 6/16/16
- JOHN SHERMAN, called as a witness, having
- been first duly sworn by a Notary Public of the
- State of New York, was examined and testified
- 5 as follows:
- 6 EXAMINATION BY
- 7 MR. BERTULLI:
- 8 Q Good afternoon.
- 9 Could you please state and spell your full
- name for the record?
- 11 A John Sherman. J-O-H-N, S-H-E-R-M-A-N.
- Q And what is your home address?
- 13 A 67 Ormont Road, Chatum, New Jersey.
- 14 Q Thank you.
- 15 Is today your first deposition?
- 16 A Yes.
- Q Okay.
- So I'll give you some ground rules and
- then we'll just get started.
- A Okay.
- Q I'll ask some questions. You'll answer
- some questions. And I'm sure we'll have fun.
- 23 And what I ask of you is, when I ask a
- question, please wait until I'm done before you
- answer.

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- J. Sherman 6/16/16
- ² A Okay.
- 3 Q And then, in turn, while you're answering
- a question, I will do everything I can not to
- 5 interrupt you or ask another question while
- 6 you're answering. And if you think I've
- interrupted, please let me know. I don't want
- 8 to step on your toes. It looks very bad on the
- 9 record if we're talking over each other.
- 10 A Okay.
- 11 Q It's your afternoon. So if you, at any
- time, need a break, please feel free to ask.
- 13 Your counsel may also recommend a break at
- certain points. That's certainly okay. I just
- ask that if you ask for a break, please wait
- until you've answered the last question first.
- 17 A Okay.
- ¹⁸ Q Okay. All right.
- So you understand that you're under oath
- today; is that correct?
- 21 A Yes.
- Q Is there any reason that you don't think
- that you can testify truthfully today?
- 24 A No.
- ²⁵ Q No influence of drugs, alcohol, illness?

- J. Sherman 6/16/16
- 2 A No.
- 3 Q Okay. Great.
- What I'd like to do first is just ask you
- 5 a couple of questions about your background.
- Do you have an undergraduate degree?
- ⁷ A Yes.
- 8 Q From where did you earn your undergraduate
- 9 degree?
- 10 A Binghamton University.
- Q Okay.
- 12 And what did you major in?
- ¹³ A History.
- 14 Q Okay.
- And what year did you earn that degree?
- ¹⁶ A 1987.
- Q Do you have any other degrees?
- 18 A I have a paralegal certification.
- ¹⁹ Q Okay.
- 20 And when did you earn that?
- ²¹ A Maybe 1989, 1990.
- ²² Q Okay.
- When did you become an employee of AT&T
- 24 Services?
- ²⁵ A 1991.

- J. Sherman 6/16/16
- Q Did you have any professional job between
- 3 completing your paralegal certification and
- working for AT&T Services?
- ⁵ A Yes.
- 6 Q Can you tell me what that job was?
- ⁷ A Benefits analyst.
- 8 Q Okay.
- 9 For what company?
- 10 A Mutual of America.
- 11 Q And is it accurate that you were with AT&T
- 12 Services or some other AT&T entity until just
- recently; is that right?
- 14 A Until today.
- ¹⁵ Q Until today?
- 16 A Correct.
- 17 Q Are you still with AT&T?
- 18 A Yes.
- ¹⁹ Q Okay.
- And when you started with AT&T in 1991, do
- you recall what your title was?
- ²² A Paralegal.
- Q Okay.
- And can you describe, in your own words,
- what your day-to-day activities were as a

- J. Sherman 6/16/16
- paralegal when you started with AT&T?
- 3 A I worked in the labor and employment law
- qroup. So I worked on litigation matters; EEOC
- 5 matters; arbitration cases; pre-litigation
- 6 matters; supported attorneys in a wide spectrum
- of, you know, tasks including discovery;
- 8 research; a lot of written legal research; fact
- finding; interviewed witnesses for different
- matters.
- 11 Q And for how long were you a paralegal with
- 12 AT&T Services?
- 13 A About seven or eight years.
- Q Okay.
- Did your -- after -- excuse me -- strike
- 16 that.
- 17 At the end of those seven or eight years,
- did your title change?
- 19 A Yes.
- Q And what was your new title at that time?
- 21 A I became a manager in the labor and
- employment law group.
- 23 Q And would you say that was approximately
- ²⁴ 1998, 1999?
- 25 A Yes.

- J. Sherman 6/16/16
- Q Okay.
- And how long were you a manager in labor
- 4 and employment group?
- ⁵ A Until 2009.
- 6 Q Okay.
- And did you get a new title in 2009?
- 8 A Yes.
- 9 Q Okay.
- What was your new title?
- 11 A I became the group manager for the
- intellectual property legal group at AT&T.
- 13 Q Is that the title you still hold today?
- 14 A Correct.
- 0 Okay.
- 16 A Yes.
- 17 Q As the IP legal group operations manager,
- what is your -- what are your day-to-day
- 19 activities?
- 20 A I'm responsible for budgeting; billing;
- client liaison; relationships with outside
- counsel; managing a team of support
- 23 professionals in the patent prosecution arena;
- responsible for processes and procedures; IT
- ²⁵ solutions.

- J. Sherman 6/16/16
- Q Okay.
- And in this matter, you provided a
- 4 declaration; is that correct?
- ⁵ A Yes.
- 6 Q And you have not been offered any payment
- ⁷ incentive or inducement to provide that
- 8 declaration; is that correct?
- ⁹ A That's correct. I have not.
- 10 Q Okay.
- 11 Are you being compensated for your time
- 12 here today?
- 13 A No.
- 14 O Okay.
- Do you recall who first reached out to you
- to provide this declaration in this matter?
- 17 A Yes.
- Q Can you identify that person?
- 19 A Raghav.
- Q Did you just gesture to Mr. Bajaj?
- 21 A Yes.
- Q Without identifying what you discussed,
- did you discuss the content of your declaration
- with Mr. Bajaj as you were drafting it?
- MR. SHIMOTA: The question is fine. I

- J. Sherman 6/16/16
- would just caution the witness you can answer
- but just don't disclose the substance of
- 4 communications with counsel.
- 5 THE WITNESS: Okay.
- 6 A Yes. I was asked various questions.
- ⁷ Q Okay.
- B Did you discuss the content of your
- 9 declaration with anyone at AT&T while you were
- ¹⁰ preparing it?
- 11 A In the same conversation, there were two
- other people on the phone and one was an AT&T
- attorney.
- Q Can you identify who the AT&T attorney
- 15 was?
- 16 A Mesh Desai.
- 17 O You said in the same conversation there
- were two other people on the phone. Who was
- the person who was not the AT&T attorney?
- 20 A David O'Brien.
- 21 Q Have you discussed the content of your
- deposition between signing it and today with
- 23 anyone at AT&T?
- 24 A No.
- ²⁵ Q Okay.

- J. Sherman 6/16/16
- Did you prepare for today's deposition?
- 3 A Yes.
- 4 Q For about how long did you prepare for
- 5 today's deposition?
- 6 A Forty-five minutes.
- ⁷ Q Did you prepare with anyone for today's
- deposition? Did you prepare with anyone?
- ⁹ A Yes.
- 10 Q And who did you prepare with?
- 11 A The three gentlemen in the room today.
- 12 Q Excluding me?
- 13 A Excluding you and the Court Reporter. Not
- a gentleman so...
- ¹⁵ Q All right.
- You have been handed a document that's
- pre-marked in the bottom right corner as
- Exhibit ATT-2046; is that correct?
- 19 A Yes.
- Q And do you recognize this document?
- 21 A (Witness views document.)
- Yes.
- Q Can you tell me what this document is?
- 24 A This is a declaration.
- ²⁵ Q Is this your declaration in this matter?

- J. Sherman 6/16/16
- 2 A Yes.
- ³ Q Okay.
- 4 And that's your signature on the back?
- ⁵ A Yes.
- 6 Q Okay.
- 7 In preparing this declaration, did you
- 8 review any documents?
- 9 A I reviewed the document that's marked as
- 10 Exhibit 2044.
- Q Okay.
- Did you review any other documents than
- 13 Exhibit 2044?
- 14 A No.
- 0 Okay.
- You have been handed a pre-marked exhibit
- labeled ATT-2044; is that correct?
- 18 A Yes.
- 19 Q And when you say you reviewed Exhibit 2044
- in preparing your declaration, is this the
- document that you reviewed?
- 22 A Yes.
- ²³ Q Okay.
- On the cover of Exhibit 2044, there's a
- title, "Requirements Document PC User

- J. Sherman 6/16/16
- Interface; is that correct?
- 3 A That's correct. It's in a different
- ⁴ order, but, yes.
- 5 Q Okay.
- If I refer to the requirements document
- this afternoon, can we understand that I'm also
- 8 referring to Exhibit 2044?
- ⁹ A Yes.
- 10 Q Okay.
- What I'd like to do is just step through
- some of your declaration now. You can keep
- both documents handy.
- In Paragraph 5 of your declaration marked
- 2046, you say: Exhibit 2044 is a copy of a
- document retrieved from AT&T Services paper
- files for patent docket number T00135.
- Did I read that correctly?
- 19 A Yes.
- ²⁰ Q Okay.
- When you say that Exhibit 2044 is a copy
- of a document retrieved from AT&T Services
- paper files, what do you mean by "retrieved"?
- 24 A The docket number T00135 is a paper file
- we have and the copy was retrieved and that it

- J. Sherman 6/16/16
- was taken from the paper file and made into an
- electronic file which was then provided to
- 4 counsel.
- 5 Q When you say that it was taken from the
- 6 paper file and made into an electronic file, do
- you mean that it was physically removed from a
- paper file and then scanned to become an
- 9 electronic file?
- 10 A The entire patent case folder was scanned.
- 11 Q Is the requirements document just a subset
- of the entire paper file that was scanned?
- 13 A It's a part of it, yes.
- 14 Q Okay.
- 15 Can you identify what other documents
- would have been part of that entire paper file?
- ¹⁷ A No.
- 18 Q Okay.
- Did you personally retrieve the
- requirements document from the paper file?
- 21 A Can you clarify if you're asking if I
- retrieved a copy?
- Q Were you the person who pulled the
- physical documents out of the paper file?
- ²⁵ A No.

- J. Sherman 6/16/16
- 2 Q Okay.
- 3 Can you identify who retrieved the paper
- 4 documents from the file?
- 5 A No.
- 6 Q Okay.
- Does AT&T Services keep paper patent
- 8 records for patents owned by all AT&T entities?
- 9 MR. SHIMOTA: Objection. Form.
- 10 Foundation.
- 11 A We do keep patent records for all AT&T
- entities, but they could be in paper or
- 13 electronic format.
- 14 Q When you say that they could be in paper
- or electronic format, do you mean one or the
- other or could it be both?
- 17 A It could be both.
- 18 Q Okay.
- 19 Is there a particular reason that they
- would be kept in both formats?
- 21 A Yes.
- 22 Q And what would that reason be?
- 23 A The timing of the record when it was
- created, its history, internal resources, needs
- of the business, cost.

- J. Sherman 6/16/16
- Q When you say "timing of the record," was
- there a certain time, a certain -- excuse me.
- 4 Strike that.
- When you say "timing of the record," was
- there a certain point in time where records
- 7 went from paper to electronic copies?
- 8 A Yes.
- 9 Q Can you identify that time?
- 10 A No, I cannot.
- 11 Q Okay.
- 12 If a new record were being created today,
- would it be made in an electronic form?
- 14 A Yes.
- MR. SHIMOTA: Objection. Outside the
- scope.
- 17 A Yes.
- Q Do you know how long AT&T Services
- typically retains a patent -- strike that.
- Do you know how long AT&T Services
- typically retains a paper patent record?
- MR. SHIMOTA: Objection to form. Outside
- the scope.
- 24 A We do have a record retention policy
- across the company and it does cover patent

- J. Sherman 6/16/16
- ² records.
- Q Does AT&T's record retention policy
- 4 identify a length of time that patent records
- 5 are to be retained?
- 6 A Yes.
- ⁷ Q Can you identify that length of time?
- 8 A It's my recollection that it is six years
- 9 from the last patent family member expiring or
- being abandoned.
- 11 Q Is there any reason that AT&T would retain
- 12 a record longer than the six years specified in
- the retention policy?
- MR. SHIMOTA: Objection. Foundation.
- Outside the scope.
- 16 A None that I'm personally aware of.
- 17 Q So back to Paragraph 5 of your declaration
- marked 2046, I read a docket number T00135. Is
- that the correct docket number?
- 20 A Yes.
- ²¹ Q Okay.
- Does docket number T00135 refer to a
- single patent application?
- 24 A It refers to a patent family.
- Q When you say that the docket number refers

- J. Sherman 6/16/16
- to a patent family, does it also include
- foreign filing information for that patent
- 4 family?
- MR. SHIMOTA: Objection to form.
- 6 A In terms of T00135, I do not know.
- ⁷ Q Is there a specific meaning to the
- 8 characters T-0-0-1-3-5 that make up the docket
- 9 number?
- 10 A I'm not aware of any significant
- particular meaning.
- 12 Q Does AT&T have a uniform numbering
- convention for its docket numbers?
- MR. SHIMOTA: Objection. Foundation.
- 15 A Yes.
- 16 Q Does docket number T00135 adhere to that
- uniform numbering convention?
- 18 A It is not -- it is not created in the way
- we create docket numbers today. It was not
- created in the same fashion.
- 21 Q Can you identify what patent family docket
- number T00135 corresponds with?
- 23 A No.
- Q = Q Okay.
- I'm going to move to Paragraph 6 of your

- J. Sherman 6/16/16
- declaration marked 2046.
- 3 Since this is just one long sentence, I'm
- going to read Paragraph 6 into the record.
- ⁵ A Okay.
- 6 Q It reads: The file containing the
- document now marked as Exhibit 2044 was located
- 8 using the associated patent docket number as
- 9 indicated above in AT&T Services' paper files
- for patent records, as I would expect for a
- document from this era (circa 1996) related to
- a patent owned by an AT&T entity.
- Did I read that correctly?
- 14 A Yes.
- 15 Q When you say "as I would expect for a
- document from this era," what do you mean by
- that?
- 18 A This pertains simply to the process of
- locating a docket number. No matter what date
- was attached to it, you would go about locating
- or at least searching for a particular docket
- number in the same fashion.
- Q When you say "the process of locating a
- docket number," is there a formal process for
- locating a docket number?

- J. Sherman 6/16/16
- 2 A I mean -- if you are given a docket
- number, there's a process by which you would
- 4 search for that particular patent or patent
- family. So to that question, yes.
- 6 Q If you are given a docket number, can you
- describe the process by which you would search
- 8 for that particular patent or patent family?
- 9 A Yes. We have an online database where you
- would have a metadata field for docket numbers
- and you would input the docket number, run the
- query, and if you get results, you would be
- able to see the manner/management record. And
- 14 at that point, there are two places you would
- check for the actual records associated with
- that patent.
- 17 Q And what are the two places you would
- check for the actual records associated with
- that patent?
- 20 A You would first check online in the system
- we call IP folders, which is essentially an
- online repository for era case folders. And,
- again, it's simply you can search by docket
- number itself and it would pull up, if they
- exist, any associated documents with those

- J. Sherman 6/16/16
- ² patent cases.
- If you don't get a hit in IP folders, you
- 4 would then go downstairs here in this building
- 5 and look in era paper collection to see if you
- 6 could locate it there.
- 7 And I guess the third tangent of that
- 8 would be if you strike out on those two fronts,
- 9 it's conceivable it could be offsite in
- storage.
- 11 Q So to perform this search, you would need
- the docket number; is that correct?
- 13 A You can locate a patent if you either have
- the docket number, the application number or
- the patent number in our systems.
- 16 Q I'm now going to move on to Paragraph 7 --
- 17 A Okay.
- 18 Q -- of your declaration marked
- ¹⁹ Exhibit 2046.
- In Paragraph 7, you say that Exhibit 2044
- bears the Southwestern Bell Telephone Company
- markings.
- 23 Is that correct?
- 24 A Yes.
- Q What is Southwestern Bell Telephone

- J. Sherman 6/16/16
- 2 Company?
- MR. SHIMOTA: Objection to form.
- ⁴ A It's a company that no longer exists
- 5 today. It bought AT&T probably about 10 or 11
- ⁶ years ago.
- ⁷ Q And when you say that the requirements
- document, Exhibit 2044, bears the Southwestern
- 9 Bell Telephone Company markings, including
- headers, logos and restricted proprietary
- information notices, what are you referring to
- on Exhibit 2044?
- 13 A The header logo, Southwestern Bell, with
- the logo next to it.
- Q And you've just pointed to that on
- 16 Exhibit 2044?
- 17 A Correct.
- 18 Q Okay.
- 19 A And the restricted language below in terms
- of proprietary information.
- O Is that in the footer section of 2044?
- 22 A Correct.
- 23 Q Okay.
- Are there any other markings on the cover
- of Exhibit 2044 that you would classify as

- J. Sherman 6/16/16
- Southwestern Bell Telephone Company markings?
- 3 A No.
- 4 0 Okay.
- So similar to Paragraph 6 here, again, in
- Paragraph 7, you say that "I would expect from
- a document from this era;" is that correct?
- 8 A Yes.
- 9 Q What do you mean in Paragraph 7 when you
- say that I would expect from a document from
- 11 this era?
- 12 A In terms of the Southwestern Bell logo and
- the date of the document that is the logo, I
- would expect to appear on a record that was
- created at that time in Southwestern Bell.
- 16 Q Why would you expect that logo to appear
- on a record that was created at that time at
- 18 Southwestern Bell?
- 19 A That's their company logo and I've seen it
- on letterhead and other communications and
- various files.
- Q Have you seen it on other documents like
- ²³ Exhibit 2044?
- 24 A No.
- 25 Q A moment ago we were talking about the

- J. Sherman 6/16/16
- 2 proprietary information notices down in the
- footer of Exhibit 2044; is that correct?
- 4 A Yes.
- ⁵ Q So in there I read: This is a
- 6 Southwestern Bell Telephone Company planning
- 7 document.
- 8 Is that correct?
- ⁹ A Yes.
- 10 Q Do you know what a planning document is?
- MR. SHIMOTA: Objection. Foundation.
- 12 A I do not.
- 13 O In the context of a document like
- Exhibit 2044, does the term "planning document"
- have any special meaning to you?
- 16 A It does not.
- 17 Q Okay.
- Are documents like Exhibit 2044 the type
- of document that would normally be kept in a
- paper file for a patent record by AT&T?
- MR. SHIMOTA: Objection. Form.
- 22 A If it was part of the patent record, it
- would have been kept in the regular course of
- 24 business.
- Q At the end of Paragraph 7, you say: When

- J. Sherman 6/16/16
- it would have been placed in its respective
- ³ paper file.
- 4 Is that correct?
- ⁵ A Correct. Yes.
- Q When you say "its respective paper file,"
- do you mean the file for docket number T00135?
- 8 A Yes.
- 9 Q Do you know when this requirements
- document in Exhibit 2044 was placed into its
- paper file?
- 12 A No.
- Q Do you keep a log of when documents are
- added to paper files?
- MR. SHIMOTA: Objection. Outside the
- scope.
- 17 A Yes.
- Q Did you consult that log in preparing your
- 19 declaration?
- ²⁰ A No.
- O Can documents like Exhibit 2044 be removed
- 22 from a paper file after they are added to the
- paper file?
- MR. SHIMOTA: Objection. Foundation.
- 25 A Yes.

- J. Sherman 6/16/16
- ² Q Is there a formal process in place
- governing the removal of a document from a
- 4 paper file?
- 5 A Yes.
- 6 Q Can you describe the formal process that
- is in place governing the removal of a document
- 8 from a paper file?
- ⁹ A Yes. There's a gentleman who works on my
- team who is responsible for maintaining the
- paper files and he would need to be contacted
- if someone wanted to retrieve a paper file.
- Q Can you identify that gentleman?
- 14 A Yes. Dudley Dedrick, D-E-D-R-I-C-K.
- Q When someone contacts Dudley Dedrick
- requesting to retrieve a paper file, what is
- the process that Mr. Dedrick follows?
- MR. SHIMOTA: Objection. Form.
- 19 Foundation.
- 20 A It's my understanding he would conduct a
- search, again, based on information provided to
- him, whether that's a docket number, patent
- number or application number. He would go into
- 24 a locked room where we keep paper files and
- locate a document or the patent file that's

- J. Sherman 6/16/16
- 2 kept in one of the cabinets in the locked room.
- 3 Q Is it part of the formal process that
- 4 Mr. Dedrick follows to log when a request is
- 5 made to retrieve a paper file?
- ⁶ A Not to my knowledge.
- 7 Q Is it part of the formal process that
- 8 Mr. Dedrick follows to log when a document is
- 9 removed from a paper file?
- 10 A I don't know.
- 11 Q Is there a policy to keep redundant copies
- of each paper file?
- MR. SHIMOTA: Objection. Form. Outside
- 14 the scope.
- 15 A There is not a policy.
- 16 Q Is physical access to paper files limited
- just to Mr. Dedrick?
- 18 A And one other person who backs him up.
- 19 Q And can you identify that person who backs
- him up?
- 21 A Glen Dorman, D-O-R-M-A-N.
- O Based on -- strike that.
- Based on your earlier answers to some of
- my questions about your background, is it fair
- 25 to say that your title at AT&T in 1996 was

1 J. Sherman - 6/16/162 paralegal? 3 Α Yes. In your time with AT&T Services, have you ever encountered a paper document in a patent record that you believed exhibited any signs of 7 modification or alteration? No. Α MR. BERTULLI: Mr. Sherman, I thank you 10 for your time. I have no further questions 11 today. 12 THE WITNESS: Thank you. 13 MR. SHIMOTA: Just give us five minutes 14 just to chat and then we'll come back. 15 MR. BERTULLI: Please. 16 (Whereupon, a short recess was taken.) 17 MR. SHIMOTA: Back on the record. 18 As for AT&T, we have no questions for the 19 witness at this time. 20 Thank you. 21 (Continued on next page to include jurat.) 22 23

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