

Page 1

1 UNITED STATES PATENT AND TRADEMARK OFFICE
 2 BEFORE THE PATENT TRIAL AND APPEAL BOARD
 3 -----x
 4 GARMIN INTERNATIONAL, INC., :
 5 ET AL :
 6 Petitioner, : Case
 7 v. : IPR2012-00001
 8 PATENT OF CUOZZO SPEED : Patent 6,778,074
 9 TECHNOLOGIES, LLC, :
 10 Patent Owner. :
 11 -----x
 12
 13 Videotaped Deposition of JAMES H. MORRIS, Ph.D.
 14 Pittsburgh, Pennsylvania
 15 Wednesday, May 15, 2013
 16 11:46 a.m.
 17
 18
 19
 20
 21
 22
 23
 24 Pages: 1 - 104
 25 Reported By: Lisa C. Nagy-Baker, RDR, CRR

Page 2

1 Videotaped Deposition of JAMES H. MORRIS,
 2 Ph.D., held at the offices of:
 3
 4
 5 Hilton Garden Inn
 6 The Ohio Boardroom
 7 3545 Forbes Avenue
 8 Pittsburgh, PA 15213
 9
 10
 11 Pursuant to Notice, before Lisa C.
 12 Nagy-Baker, Registered Diplomat Reporter,
 13 Certified Realtime Reporter, and Notary Public in
 14 and for the Commonwealth of Pennsylvania, who
 15 officiated in administering the oath to the
 16 witness.
 17
 18
 19
 20
 21
 22
 23
 24
 25

Page 3

1 A P P E A R A N C E S
 2 ON BEHALF OF PETITIONER:
 3 JASON R. MUDD, ESQUIRE
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 19
 20 ALSO PRESENT:
 21 Bradley D. Coble, Videographer
 22
 23
 24
 25

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1 C O N T E N T S
 2 EXAMINATION OF JAMES H. MORRIS, Ph.D.
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 4 By Mr. Mudd 6
 5 By Mr. Connor 82
 6 By Mr. Mudd 98
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 9 E X H I B I T S
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1 P R O C E E D I N G S
2 VIDEOGRAPHER: We are on the record.
3 Today's date is May 15, 2013, and the time is 11:46
4 a.m. This is the videotaped deposition of Professor
5 James Morris, Ph.D., in the matter of Garmin
6 International, Inc., et. al. versus Patent of
7 Cuozzo Speed Technologies, LLC, in the United
8 States Patent and Trademark Office, Case No.
9 IPR2012-00001.
10 This deposition is being held at 3454
11 Forbes Avenue, Pittsburgh, Pennsylvania, 15213.
12 The reporter's name is Lisa Baker. My name is Brad
13 Coble. I'm a Certified Legal Videographer. We are
14 with Midwest Litigation Services. Would the
15 attorneys present please introduce themselves.
16 MR. CONNOR: On behalf of the Patent of
17 Cuozzo Speed Technologies, LLC, and the witness,
18 Professor Morris, my name is Cabrach Connor.
19 MR. MUDD: My name is Jason Mudd, with
20 the law firm of Erise IP, appearing on behalf of
21 the Petitioner, Garmin International.
22 VIDEOGRAPHER: Would the court reporter
23 please swear in the witness.
24 JAMES H. MORRIS, Ph.D.
25 after having been first duly sworn, was examined

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1 and did testify under oath as follows:
2 EXAMINATION:
3 BY MR. MUDD
4 **Q Good morning, Professor Morris.**
5 A Good morning.
6 **Q Can you state your name for the record**
7 **and spell it?**
8 A James H. Morris, M-O-R-R-I-S.
9 **Q And can you state your current**
10 **occupation?**
11 A I'm a Professor of Computer Science at
12 Carnegie Mellon University.
13 **Q Have you had your deposition taken**
14 **before?**
15 A Yes.
16 **Q About how many times?**
17 A Once.
18 **Q And what was that situation?**
19 A It was a dispute between a former
20 employee and a corporation.
21 **Q And were you serving as an expert witness**
22 **in that case?**
23 A No.
24 **Q So you were deposed as a fact witness in**
25 **the case?**

Page 7

1 A Yes. I had been the person's previous
2 employer.
3 **Q I'll just briefly go through some of the**
4 **ground rules that we use today. I'll be asking**
5 **questions. You'll be answering them. We have a**
6 **court reporter here who's taking everything down to**
7 **create a written transcript, so because of that we**
8 **need to be careful not to talk over each other; so**
9 **I'll do my best to wait for you to finish your**
10 **answer, and I'll ask that you wait for me to finish**
11 **my question before you answer. Is that okay?**
12 A Certainly.
13 **Q The other effect of creating a written**
14 **record is we need to verbalize everything with**
15 **yeses and nos rather than uh-huhs or huh-uhs; is**
16 **that okay?**
17 A Yep.
18 **Q You understand that you're under oath**
19 **today. It's the same oath you would take if you**
20 **were testifying in a court?**
21 A Yes.
22 **Q At certain points I may ask questions**
23 **that are unclear to you. If my question is not**
24 **clear, will you let me know?**
25 A Yes.

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1 **Q And so I'll assume then that if you**
2 **answer the question, that you've understood it; is**
3 **that okay?**
4 A Yes.
5 **Q Your counsel may object at certain**
6 **points, but you understand unless he instructs you**
7 **not to answer, you're to answer the question?**
8 A Yes.
9 **Q And we have about an hour-and-15-minute**
10 **tape, so we'll try to operate on those increments;**
11 **but if you need to take a break sooner at any**
12 **point, just let me know. Is that okay?**
13 A Yes.
14 **Q Is there any reason why today you'd not**
15 **be able to testify truthfully and accurately?**
16 A No.
17 **Q What did you do to prepare for today's**
18 **deposition?**
19 A I read over my Declaration and the patent
20 and amendment briefly.
21 **Q Did you meet with counsel to prepare?**
22 A Yes, I met just an hour ago, two hours
23 ago.
24 **Q Okay. Did you do anything else to**
25 **prepare for the deposition today?**

Page 9	Page 11
<p>1 A No.</p> <p>2 Q I understand you've been retained as an</p> <p>3 expert witness on behalf of Cuozzo Speed</p> <p>4 Technologies in this IPR matter pending in the</p> <p>5 Patent Office; is that correct?</p> <p>6 A Yes.</p> <p>7 Q About when were you first contacted</p> <p>8 regarding the Cuozzo patent?</p> <p>9 A I believe it was in February of this</p> <p>10 year.</p> <p>11 Q And were you retained sometime shortly</p> <p>12 after that?</p> <p>13 A Yes.</p> <p>14 Q So were you retained in approximately</p> <p>15 February of this year?</p> <p>16 A Yes, yeah.</p> <p>17 Q Have you been retained by Cuozzo Speed</p> <p>18 Technologies in connection with any of the District</p> <p>19 Court cases that Cuozzo Speed has filed?</p> <p>20 A No.</p> <p>21 (Whereupon Exhibits 1 and 2 were marked.)</p> <p>22 Q Dr. Morris, I'm handing you what's been</p> <p>23 marked Morris Exhibit 1 and Morris Exhibit 2. I'll</p> <p>24 just represent for the record Morris Exhibit 1 is a</p> <p>25 copy of the Deposition Notice for your deposition</p>	<p>1 Declaration, in your opinion?</p> <p>2 A Yes.</p> <p>3 Q In Paragraph 2 of your Declaration, you</p> <p>4 state that you have studied human computer</p> <p>5 interaction extensively?</p> <p>6 A Yes.</p> <p>7 Q And can you describe for me what is human</p> <p>8 computer interaction?</p> <p>9 A Human computer interaction is the study</p> <p>10 of the design of computer systems, taking into</p> <p>11 account human psychology. It's a combination of</p> <p>12 the academic disciplines of computer science and</p> <p>13 psychology with a little bit of industrial design.</p> <p>14 Q Do you believe that the Cuozzo patent at</p> <p>15 issue in this matter pertains to human computer</p> <p>16 interaction?</p> <p>17 A Yes.</p> <p>18 Q In what way?</p> <p>19 A Well, the fundamental interaction of</p> <p>20 people with devices, whether computerized or not,</p> <p>21 is one of the things that we study naturally, even</p> <p>22 though today there's almost always a computer</p> <p>23 involved; but the understanding of the way people</p> <p>24 react to information presented to them and how to</p> <p>25 present it to them is really the primary study of</p>
Page 10	Page 12
<p>1 in this matter; and then Morris Exhibit 2 is a copy</p> <p>2 of a Declaration of James H. Morris in this matter,</p> <p>3 IPR2012-0001. It's dated February 21, 2013.</p> <p>4 You've submitted one Declaration in this</p> <p>5 matter; is that correct?</p> <p>6 A Yes.</p> <p>7 Q And Morris Exhibit 2, take a moment to</p> <p>8 look at it, but can you confirm that that is a copy</p> <p>9 of the Declaration you've submitted in this case?</p> <p>10 A Yes.</p> <p>11 Q And is that your signature on the last</p> <p>12 page of Morris Exhibit 2?</p> <p>13 A Yes.</p> <p>14 Q Do you still stand by all of the contents</p> <p>15 of your Declaration and the opinions set forth</p> <p>16 therein?</p> <p>17 A Yes.</p> <p>18 Q Is there anything you want to correct or</p> <p>19 amend in your Declaration?</p> <p>20 A No.</p> <p>21 Q Did you draft your Declaration?</p> <p>22 A It was drafted first by Attorney Harsha</p> <p>23 [sic], but then modified and edited by me.</p> <p>24 Q Are your qualifications to be an expert</p> <p>25 in this matter accurately set forth in your</p>	<p>1 human computer interaction, even more so than the</p> <p>2 engineering of computers.</p> <p>3 Q All right. Do you have any past</p> <p>4 experience working with or on GPS technology?</p> <p>5 A No.</p> <p>6 Q How about do you have past experience</p> <p>7 with vehicle instrument panel displays?</p> <p>8 A No, not specifically.</p> <p>9 Q And then do you have specific prior</p> <p>10 experience with speed limit warning systems?</p> <p>11 A No, not as a designer of them; just as a</p> <p>12 user.</p> <p>13 Q And what speed limit warning systems have</p> <p>14 you used?</p> <p>15 A I think sometime in the past I must have</p> <p>16 driven in a car with an audible tone where the tone</p> <p>17 was settable by manually; and I've used navigators,</p> <p>18 automobile navigators, extensively both from Garmin</p> <p>19 and from cell phone manufacturers. But I don't</p> <p>20 think any of those have ever said anything about</p> <p>21 speed limits.</p> <p>22 Q So the navigation devices you're</p> <p>23 referring to, you're saying that none of those</p> <p>24 particular navigation devices had speed limit</p> <p>25 warnings, to your recollection?</p>

Page 13

1 A That's correct.

2 **Q So to your knowledge, you've never used a**

3 **navigation device that includes a speed limit**

4 **warning?**

5 A To my knowledge. They might have, but

6 I've never noticed it before.

7 **Q What was the car that you drove that had**

8 **an audible tone that was settable?**

9 A I really don't remember specifically, but

10 I think it might have been a Cadillac.

11 **Q Do you recall what year model Cadillac it**

12 **was approximately?**

13 A No, but it was a long time ago.

14 **Q Would it have been before 2000?**

15 A Yes.

16 **Q Would it have been before 1999?**

17 A Yes.

18 **Q What's the closest approximate year that**

19 **you would estimate it was?**

20 A Maybe 1960.

21 **Q Did the car provide any kind of visual**

22 **indication of a speed limit or speed limit warning?**

23 A No, not that I recall.

24 **Q And to your recollection, did this car**

25 **emit an audible tone when the car speed had**

Page 14

1 **exceeded the speed limit?**

2 A Yes.

3 **Q Do you know how that system knew what the**

4 **speed limit was?**

5 A I really don't know specifically; but as

6 I understood the technology at the time, somebody

7 had to dial it in.

8 **Q The user had to input the speed limit?**

9 A Yes.

10 **Q Do you recall any other systems you've**

11 **used that had a speed limit warning?**

12 A No.

13 (Whereupon Exhibit 3 was marked.)

14 **Q Dr. Morris, I'm handing you what's been**

15 **marked Morris Exhibit 3, which I'll represent for**

16 **the record is a copy of your CV that I obtained**

17 **from your website.**

18 **If you could take a moment to review it,**

19 **and let me know if you believe that the information**

20 **contained in your CV, Exhibit 3, is accurate?**

21 A Yes.

22 **Q Do you know how recently you've updated**

23 **your CV and your website?**

24 A I believe in the past year.

25 **Q Have you served as a consultant in any**

Page 15

1 **patent matters in the past?**

2 A I don't believe so. I was an expert

3 witness for a company who was involved in

4 telephony, but I actually don't remember the

5 substance of it. There may have been a patent

6 involved; but in any case, I never wrote anything

7 about it or testified. The other expert witness

8 assignment I had was a tax matter related to

9 compact discs, but I don't think patents were

10 involved.

11 **Q So other than this case, the only other**

12 **cases or matters that you've served as an expert in**

13 **were the telephony company matter and the CD tax**

14 **matter?**

15 A Yes.

16 **Q Did you generate any written work product**

17 **or testify in the tax matter?**

18 A Yes.

19 **Q What did you do?**

20 A I wrote a report that was probably

21 somewhere between 10 and 20 pages long and then

22 subsequently testified about it.

23 **Q Was that at a deposition?**

24 A It was no deposition, no. It was in

25 front of a judge.

Page 16

1 **Q Is that the only time that you've**

2 **testified in a court?**

3 A Yes.

4 **Q Do you know how Cuozzo Speed Technologies**

5 **located you for this matter?**

6 A No.

7 **Q Have you worked with either Mr. Connor or**

8 **any of the law firms representing Cuozzo Speed**

9 **Technologies in the past?**

10 A No.

11 **Q I think I know the answer to this**

12 **already, but is it correct then you've not**

13 **previously served as an expert in the past on the**

14 **issue of patent claim construction; is that right?**

15 A That's right.

16 **Q Did you know either the inventor, Mr.**

17 **Cuozzo, or anyone affiliated with Cuozzo Speed**

18 **Technologies prior to this case?**

19 A No.

20 **Q Are you familiar with a Daniel Mitry or**

21 **Travis Salmon?**

22 A No.

23 **Q Do you know anyone who works for Garmin?**

24 A No.

25 **Q Have you ever owned any Garmin devices?**

Page 17

1 A Yes.

2 **Q What devices?**

3 A It was a navigator.

4 **Q Do you know what model?**

5 A No. So I owned this in around 2004,

6 2003; and as I recall, it was about \$400, and it

7 was about 4 inches across. Had a visual display on

8 it, and to my knowledge -- and it used GPS and

9 voice, but to my knowledge had no attachment for

10 speed limit -- speed-limit sensing.

11 **Q Do you still own that device?**

12 A No.

13 **Q When was the last time you used it?**

14 A Maybe 2007, 2008.

15 **Q Have you ever owned any other Garmin**

16 **devices besides that one?**

17 A No.

18 **Q Have you ever used any other Garmin**

19 **devices besides that one?**

20 A No, not to my knowledge.

21 **Q Besides Garmin devices, have you ever**

22 **owned or used any other personal navigation**

23 **devices?**

24 A Yeah. I've used Google maps on multiple

25 telephones.

Page 18

1 **Q Any others?**

2 A I don't believe so. I've used Mapquest

3 as a general mapping information device, but I

4 don't believe I've used it as a navigation device.

5 **Q In Paragraphs 3 through 5 of your**

6 **Declaration, you refer to some materials that**

7 **you've reviewed in connection with this case?**

8 A Yes.

9 **Q And in Paragraph 3 you say you've**

10 **reviewed the decision that -- first, you used the**

11 **term the Board, and I believe by the Board you're**

12 **referring to the Patent Trial and Appeal Board**

13 **before which this matter is pending?**

14 A Yes.

15 **Q So I believe you said you've reviewed the**

16 **Board's Decision to Initiate Trial for Inter Partes**

17 **Review in this matter; is that correct?**

18 A Yes.

19 **Q In addition to that decision, you've also**

20 **reviewed the '074 patent at issue in this matter;**

21 **is that correct?**

22 A Yes.

23 **Q You've also reviewed an amendment that**

24 **was made during prosecution of that patent on**

25 **January 9, 2004; is that correct?**

Page 19

1 A Yes.

2 **Q And then you've also reviewed the Awada**

3 **patent; is that correct?**

4 A Yes.

5 **Q Other than those four items, were there**

6 **any other materials you reviewed in connection with**

7 **your work on this matter?**

8 A Not that I recall, no.

9 **Q And other than that specific January 9**

10 **amendment from the file history, did you review the**

11 **other parts of the '074 patent's file history?**

12 A Not that I know of. I don't remember any

13 other documents.

14 (Whereupon Exhibit 4 was marked.)

15 **Q Mr. Morris, I'm handing you a copy of**

16 **what's been marked Morris Exhibit 4, which I'll**

17 **represent for the record is the U.S. Patent**

18 **6,778,074.**

19 MR. CONNOR: We're going to have to get

20 larger copies of this, counsel.

21 MR. MUDD: Yes, I know. I don't know how

22 this came out smaller.

23 MR. CONNOR: They keep getting smaller

24 and smaller.

25 **Q Is this a copy of the patent you reviewed**

Page 20

1 **for this matter, and specifically the '074 patent**

2 **at issue in this proceeding?**

3 A I believe so, yes, yes. I see. Yes.

4 (Whereupon Exhibit 5 was marked.)

5 **Q I'm going to hand you what's been marked**

6 **Morris Exhibit 5, which I'll represent for the**

7 **record is a copy of the '074 patent's file history.**

8 **Now, if you could take a moment to look**

9 **through this document, I believe you've testified**

10 **that you reviewed the January 9, 2004 amendment**

11 **that's contained in this document; but you don't**

12 **recall reviewing the rest of the contents of this**

13 **file history; is that correct?**

14 MR. CONNOR: Objection to form. You can

15 go ahead and answer that question.

16 A Yes, that's true. I recall the amendment

17 here, if it's the document, has some pencil or pen

18 edits on it; but I didn't see much of any of this

19 other information, as I recall. Yes, I see the

20 amendment, but I don't recall anything else from

21 this packet.

22 (Whereupon Exhibit 6 was marked.)

23 MR. MUDD: I apologize, counsel. For

24 some reason I don't have an extra copy of this next

25 one. It's what I've marked as Morris Exhibit 6,

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