

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ERICSSON INC. and
TELEFONAKTIEBOLAGET LM ERICSSON
Petitioner,
v.
INTELLECTUAL VENTURES I LLC
Patent Owner

Case IPR2014-01185
Patent 7,269,127

ORAL DEPOSITION OF
ZYG MUNT J. HAAS, Ph.D.

May 14th, 2015

**

Reported By: Daniel Skur

Job No. 14186

TransPerfect Legal Solutions

ORAL DEPOSITION OF ZYGMUNT J. HAAS, Ph.D., produced as a witness at the instance of the Patent Owner, and duly sworn, was taken in the above-styled and numbered cause on the 14th of May, 2015, from 10:05 a.m. to 2:07 p.m., before Daniel J. Skur, Notary Public and Certified Shorthand Reporter in and for the State of Texas, reported by stenographic means, at the offices of Conley Rose, PC, 5601 Granite Parkway, Suite 500, Plano, Texas, pursuant to the Federal Rules of Civil Procedure.

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DEPOSITION EXHIBITS
 ZYGMUNT J. HAAS, Ph.D.
 May 14th, 2015

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Exhibit 1001	United States Patent Number 7,269,127 19 pages	7
Exhibit 1002	United States Patent Number 5,732,113 33 pages	68
Exhibit 1003	U.S. Patent Number 6,411,649 16 pages	119
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(All Exhibits Retained By Counsel.)

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P R O C E E D I N G S

ZYGMUNT J. HAAS, Ph.D.,

having been duly sworn, testified as follows:
 (10:05 a.m.)

EXAMINATION

BY MS. GORDON:

Q. Good morning.

A. Good morning.

Q. Would you please state your full name for the record?

A. Yes. My first name is Zygmunt, Z-Y-G-M-U-N-T, Haas, H-A-A-S.

Q. Thank you, Dr. Haas. And you understand you're here today regarding the testimony you provided by declaration in the United States Patent and Trademark Office in the inter partes review of patent number 7,269,127?

A. That's correct, ma'am.

Q. Okay. And so for purposes of today's deposition, would it be okay if I refer to that as the '127 patent?

A. Absolutely.

Q. Okay. So from your CV it appears that you've been deposed a few times before?

A. Yes, ma'am.

1 Q. Okay. So you're generally familiar with
2 the process?

3 A. Yes, ma'am.

4 Q. Okay. We're not going to go through
5 kind of all the groundrules then, but typically I
6 like to take a break around every hour, every hour
7 and a half.

8 A. Sure.

9 Q. If you need a break before that, just
10 let me know and we'll finish the question that's
11 pending, and we'll take a break as soon as we're
12 done.

13 A. Yes.

14 Q. Okay. Is there any reason today that
15 you cannot testify truthfully and accurately?

16 A. No, there's no reason.

17 Q. Okay. I'm going to hand you a few
18 exhibits that we'll be referring to throughout this
19 deposition, so handing you what's been marked as
20 Ericsson Exhibit 1009 to this proceeding, and this
21 is titled The Declaration of Zygmunt Haas, Ph.D.

22 A. Yes, ma'am.

23 (Exhibit 1009 introduced.)

24 BY MS. GORDON:

25 Q. Do you recognize this document?

1 today's date so to speak, but it was, of course,
2 updated at the time that I submitted it.

3 Q. Okay. So there's additional cases that
4 aren't listed here that you're involved in?

5 A. Yes.

6 Q. Okay. And what cases are those?

7 A. Well, it's actually pretty old. There
8 were -- without being 100 percent sure that I am
9 giving you all the information without checking it,
10 there was a testimony with respect to InterDigital
11 versus ZTE. This was -- there were two -- two
12 trials. One was end of 2014. Another one was just
13 recently in 2015. There were respective
14 depositions for those cases as well. There were
15 also -- wow, that's really not updated. So there
16 are also other depositions with respect to
17 IpLearn --

18 Q. Uh-huh.

19 A. -- versus -- this was -- versus Oracle.
20 Another one was versus K12. That's what I remember
21 right now, so you know, that's out of my
22 recollection right now.

23 Q. Uh-huh.

24 A. I cannot 100 percent tell you that
25 that's all without going to my records, but

1 A. Yes, I do.

2 Q. So I'm going to hand you now what's been
3 marked as Exhibit 1007 to this proceeding. It's
4 titled The Curriculum Vitae of Zygmunt Haas. Do
5 you recognize this document?

6 (Exhibit 1007 introduced.)

7 A. Yes, I do.

8 BY MS. GORDON:

9 Q. Okay. I'm going to hand you one more
10 document at this time. It's been marked as Exhibit
11 Number 1001 to this proceeding and it's labeled
12 U.S. Patent 7,269,127. Are you familiar with this
13 document?

14 A. Yes, I am.

15 (Exhibit 1001 introduced.)

16 BY MS. GORDON:

17 Q. Terrific. So let's turn -- if you could
18 get your CV and your declaration out together. I'd
19 like to ask you some questions about your
20 background section, so if I could turn to page --
21 start with page 38 of your CV.

22 A. Yes.

23 Q. So these are consulting engagements
24 related to intellectual property cases?

25 A. Yes. It's not 100 percent updated to

1 that's -- sitting here right now, that's my
2 recollection.

3 Q. Okay. And the K12 case, that was IP
4 learn versus K12?

5 A. This is IP learn versus K12, correct.

6 Q. I think earlier you said -- you
7 mentioned that this was old. Do you know about the
8 time frame of the CV?

9 A. I would have to say -- actually, it says
10 here, updated February 2014.

11 Q. Okay.

12 A. So it was updated to February 2014.

13 Q. Okay. And you have a more recent
14 version of the CV?

15 A. I don't have it here with me, of course,
16 but I'll be happy to provide it, of course.

17 Q. Okay.

18 MS. GORDON: So counsel, if we could --

19 MR. EMERSON: That's --

20 MS. GORDON: Sorry. Counsel, if we
21 could get an updated version of Dr. Haas's CV with
22 all his recent testimony, we would appreciate it.

23 A. Again, I want to emphasize what I told
24 you right now is out of my recollection --

25 BY MS. GORDON:

1 Q. Uh-huh.
 2 A. -- as I sit here right now. I don't
 3 want to sound that if I forgot something that I am
 4 trying to not tell you right now.
 5 Q. No, I understand. I appreciate that.
 6 It's hard to keep everything in your memory.
 7 So you mentioned the InterDigital versus
 8 ZTE case. Who did you represent in that case?
 9 A. InterDigital, ma'am.
 10 Q. Okay. And you said there were two
 11 trials, what form were those trials?
 12 A. This was the court in Delaware, Delaware
 13 court.
 14 Q. Okay. For both trials?
 15 A. For both trials.
 16 Q. Okay. And you -- you handled both --
 17 strike that.
 18 Did you handle the infringement analysis
 19 for those cases?
 20 A. I handled for the -- again, out of my
 21 recollection right now, for the 2014 I handled
 22 invalidity and infringement. For the 2015 case, I
 23 handled infringement.
 24 Q. Okay. And in general, without providing
 25 any confidential information, what was the

1 technology at issue in the cases?
 2 A. In the ZTE case, the technology was LTE.
 3 Q. Okay. And was there a specific piece of
 4 LTE that was involved in those litigations?
 5 A. I'm not sure what you mean by this.
 6 Q. So when you say "LTE," what does that
 7 acronym stand for?
 8 A. Long-term evolution.
 9 Q. Okay. And LTE encompasses a number of
 10 different technologies, correct?
 11 A. Well, LTE is a big standard. Is this
 12 what you mean?
 13 Q. Yes. Yes.
 14 A. It's...
 15 Q. So was there a specific part of the LTE
 16 standard that the trial focused on?
 17 A. I'm not exactly sure again what you mean
 18 by "specific part." There was LTE with respect to
 19 the patents that we referred to.
 20 Q. Uh-huh.
 21 A. And that was '151 patent that I
 22 discussed. A -- also in the 2014 trial, the
 23 technology was CDMA, wide band CDMA.
 24 Q. Uh-huh.
 25 A. And this was with respect to -- in

1 addition to the '151 with respect to a different
 2 set of patents.
 3 Q. Okay.
 4 A. So the WCDMA was with respect to
 5 different set of patents than the LTE which was
 6 with respect to the '151 patent.
 7 Q. Okay. So was the '151 patent related to
 8 wide band CDMA?
 9 A. No, the '151 was related to LTE.
 10 Q. Okay. Is there -- was it related to
 11 base station technology?
 12 A. No, it was related to handset
 13 technology.
 14 Q. Handset? And what specific part of
 15 handset technology?
 16 A. I don't know how much I can talk about
 17 it, of course, but since it was open trial, I
 18 assume I can talk about it.
 19 Q. You can just limit it to what the scope
 20 of the '151 patent which is in the public domain.
 21 A. It was with respect to PDCCH, physical
 22 downlink control channel.
 23 Q. Okay. And what protocol was that being
 24 used in?
 25 A. LTE.

1 Q. LTE. And was this the air interface
 2 control channel?
 3 A. It's part of the air interface, yes.
 4 Q. Okay. And what air interface protocol
 5 was being used in the '151?
 6 A. I'm not sure what you mean, LTE.
 7 Q. LTE?
 8 A. Long-term evolution standard.
 9 Q. But was it using wide band CDMA for
 10 communication between the phone and the base
 11 station?
 12 A. LTE uses OFDM.
 13 Q. OFDM. So the '151 patent involved OFDM?
 14 A. Correct.
 15 Q. Required? Did you say required?
 16 A. I don't know what you mean by required.
 17 LTE operates with OFDM.
 18 Q. Okay. And --
 19 A. Is based on OFDM.
 20 Q. Okay. And so the '151 patent, did it
 21 relate to OFDM?
 22 A. The '151 patent relates to -- not
 23 specifically to OFDM.
 24 Q. Okay. So what does it relate to
 25 specifically?

- 1 A. Relates to the physical downlink control
2 channel.
- 3 Q. Okay. Okay. And did the IpLearn cases
4 you mentioned, did they relate to wireless
5 communication?
- 6 A. No, they were -- they were more related
7 to distance learning technology.
- 8 Q. So did the InterDigital case involve any
9 massive input/massive output systems commonly
10 referred to as MIMO systems?
- 11 A. Oh, you don't mean massive. You mean
12 multiple input --
- 13 Q. Multiple, sorry. Sorry. Multiple
14 input/multiple output?
- 15 A. The '151 patent did not specifically
16 involve MIMO.
- 17 Q. Okay. So turning back to your CV then,
18 you have listed first a case, Motorola versus
19 Research in Motion. This is on page 38.
- 20 A. Yes, ma'am.
- 21 Q. Okay. And that was in 2010, correct?
- 22 A. Well, the IDC case was filed in the
23 2010.
- 24 Q. Uh-huh.
- 25 A. But it was so long ago, I don't --

- 1 couldn't tell you what was actual date I worked on
2 it.
- 3 Q. Okay. And did the technology at issue
4 in that case involve OFDM?
- 5 A. I really cannot speak to those cases,
6 ma'am.
- 7 Q. Did they involve patents?
- 8 A. They involved patents, yes.
- 9 Q. Okay. And did the patents involved in
10 those cases relate to OFDM?
- 11 A. I cannot speak about those cases. I
12 don't even remember.
- 13 Q. Okay.
- 14 A. Honestly.
- 15 Q. So you're saying you can't speak about
16 them because you don't remember.
- 17 A. I cannot speak with them because I don't
18 remember right now, and I also am bound by
19 confidentiality.
- 20 Q. Okay. But that doesn't cover the
21 disclosures of a public patent that was at issue --
- 22 A. I didn't testify in those cases.
- 23 Q. Okay. But you worked on those cases.
- 24 A. Yes, I did.
- 25 Q. Correct? Okay. But you don't remember,

- 1 sitting here today, what those patents at issue
2 related to?
- 3 A. I don't know.
- 4 Q. Okay. So if we turn to the next case C2
5 Communications versus AT&T, do you recall what the
6 patents at issue in that case related to?
- 7 A. Again, those cases were very -- which
8 are very old, and I couldn't tell you what were
9 specifically in those cases. I would have to go to
10 my records.
- 11 Q. Uh-huh.
- 12 A. And again, I want to emphasize that I'm
13 bound by confidentiality in all those cases not to
14 discuss anything with related to those cases.
- 15 Q. Well, I think you -- confidentiality --
16 confidentiality does not prevent you from answering
17 questions about publicly available information such
18 as the patents, so in the consulting agreements and
19 engagements that are listed here on your CV, did
20 any of them involve OFDM technology?
- 21 A. Some -- some of my consulting
22 engagements involved OFDM technology.
- 23 Q. Which ones in specific involved OFDM?
- 24 A. I cannot speak specifically about those
25 cases, I'm sorry.

- 1 Q. So we can go through individually, and
2 I'll ask you which patents involved OFDM because
3 the content of these patents are not covered by the
4 confidentiality so.
- 5 A. The identify of the patents is
6 confidential -- confidentiality agreement. I
7 promised in those cases not to disclose anything
8 with regard to the work on those cases.
- 9 Q. So the patents at issue in each of these
10 litigations are public record, as are the patents,
11 the content of the patents. So if you want at
12 break, we can go through and pull the patents in
13 each one of these cases, and then I can ask you
14 individually about them.
- 15 A. My answer will be the same. I cannot
16 discuss anything with respect to any of those cases
17 because my -- my agreement states that I'm not
18 going to disclose anything with regards to those
19 cases, including even the identity of my work.
- 20 Q. So I'm not -- I'm not asking about the
21 identity of your work. I'm asking you about the
22 publicly available information and, based on your
23 representations as being an expert, what each one
24 of those patents covered and that is not covered by
25 confidentiality. That's a matter of public record.

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