

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD
3 STINGRAY DIGITAL)
4 GROUP, INC.,)
5) Case IPR2017-00888
6 Petitioner,) Patent 7,320,025 B1
7)
8 vs.)
9)
10 MUSIC CHOICE,)
11)
12 Patent Owner.)
13)

14 - - -
15 DEPOSITION OF
16 MICHAEL IAN SHAMOS
17 - - -

18 December 14, 2017

19 The Deposition of MICHAEL IAN SHAMOS, a
20 Witness herein, called by the Plaintiff, taken
21 pursuant to Notice of Deposition and the Texas
22 Rules of Civil Procedure, by and before Faye Ann
23 Lehman, a Notary Public in and for the Commonwealth
24 of Pennsylvania, at the Wyndham Pittsburgh
25 University Center, commencing at 9:00 a.m., on the
day and date above set forth.

- - -

1 APPEARANCES:

2 On behalf of the Plaintiff:

3 BRIAN ROSENBLOOM, ESQUIRE
4 JENNIFER MAISEL, ESQUIRE
5 ROTHWELL, FIGG, ERNST & MANBECK, P.C.
6 607 14TH STREET, NORTHWEST
7 SUITE 800
8 WASHINGTON, D.C., 20005
9 202.783.6040

10 On behalf of the Defendant:

11 ALLAN KASSENOFF, ESQUIRE
12 GREENBERG TRAUIG, LLP
13 MetLife Building
14 200 Park Avenue
15 New York, New York, 10166
16 212.801.3115

17 - - -

18 I N D E X

19 WITNESS: MICHAEL IAN SHAMOS	PAGE
20 Examination by Mr. Rosenbloom	3

21 EXHIBITS

22 Deposition Exhibit No. 1	6
23 Deposition Exhibit No. 2	7

24 - - -

1 PROCEEDINGS: (9:01 a.m.)

2 MICHAEL IAN SHAMOS

3 the witness, having been first duly sworn, was
4 further examined and testified as follows:

5 EXAMINATION

6 BY MR. ROSENBLOOM:

7 Q. Good morning.

8 A. Good morning.

9 Q. So I understand that you've been through
10 this deposition process a number of times before;
11 is that right?

12 A. Including with you, apparently.

13 Q. Well, we worked together once, but I don't
14 think we went through the deposition process
15 together.

16 A. Yeah, I have.

17 Q. So I presume you're familiar with the rules,
18 but I'll just briefly go over them.

19 A. Sure.

20 Q. As you know, the court reporter is making a
21 verbatim transcript of today's proceedings, so it's
22 important that you give audible responses to my
23 questions. And it's important that we don't talk
24 over each other. I assume this is all okay with
25 you?

1 A. Yes.

2 Q. And I'll be asking you a series of questions
3 today. If you don't understand a question, will
4 you agree to let me know, so that I can rephrase
5 it.

6 A. If I recognize that I don't understand it,
7 yes.

8 Q. Fair enough.

9 And you understand that you are to respond
10 to my questions to the best of your ability unless
11 you're specifically instructed not to answer,
12 correct?

13 A. Yes.

14 Q. And will you agree that if I ask you a yes
15 or no question, that you will answer either yes or
16 no, or that you can't answer yes or no?

17 A. Yes.

18 Q. Okay. Now, you've been retained on behalf
19 of Stingray Digital Group in this proceeding?

20 A. Yes.

21 Q. And who retained you?

22 A. Well, that I don't exactly recall. So I was
23 engaged through an expert witness agency, I believe
24 it's IMS, and I had preliminary conversations with
25 them and then they set up a telephone interview,

1 and I don't recall the counsel that were on the
2 other side of the call. It wasn't a video
3 conference. I don't recall.

4 Q. Do you recall the law firm that they were
5 from?

6 A. Greenberg Traurig, yes.

7 Q. So do you have any engagement with Greenberg
8 Traurig?

9 A. My recollection with this is that I have an
10 engagement with IMS, and normally those
11 arrangements are third-party arrangements. It's
12 IMS, Greenberg Traurig, and me.

13 Q. And in addition to being retained on behalf
14 of Stingray Digital Group -- and I'm going to
15 shorten it to Stingray; is that okay?

16 A. Yes.

17 Q. So in addition to being retained on behalf
18 of Stingray, you were also retained by Stingray on
19 several other proceedings; is that correct?

20 A. Yes.

21 Q. That includes a district court in Texas?

22 A. Yes.

23 Q. And it includes five other RPR proceedings
24 between Stingray and Music Choice?

25 A. I don't recall the five other. I thought

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.