



Deposition of:
Dr. Apostolos K. Kakaes

May 10, 2021

In the Matter of:

**Dell Inc. ZTE Corporation et al. vs. 3G
Licensing S.A.**

Veritext Legal Solutions

800-462-2233 | calendar-de@veritext.com |

1 UNITED STATES PATENT AND TRADEMARK OFFICE

- - -

2 BEFORE THE PATENT TRIAL AND APPEAL BOARD

- - -

3 DELL, INC., ZTE CORPORATION

4 and

ZTE (USA) INC.

5 Petitioners

6 v.

7 3G LICENSING S.A.

Patent Owner

8 - - -

9 Case IPR2020-1157

10 Patent No. 7,274,933

11 Case IPR2020-01158

Patent No. 7,460,868

12 Case IPR2020-01159

13 Patent No. 7,596,375

14 Case IPR2020-01160

Patent No. 7,275,374

15 Case IPR2020-01161

16 Patent No. 8,472,955

17 Case IPR2020-01162

Patent No. 8,948,756

18 - - -

19 May 10, 2021

20 - - -

21 Oral deposition of DR. APOSTOLOS K.

22 KAKAES.

23

24

Page 2

1
2 - - -
3 Oral deposition of DR. APOSTOLOS
4 K. KAKAES taken at via Zoom, beginning at
5 10:01 a.m., before LINDA ROSSI-RIOS, a
6 Federally Approved Registered Professional
7 Reporter, Certified Court Reporter and Notary
8 Public.
9 - - -
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Page 4

1 A P P E A R A N C E S (cont'd.):
2
3 On behalf of the Patent Owner
4 DEVLIN LAW FIRM LLC
5 BY: STEPHANIE BERGER, ESQUIRE
6 ANDREW DEMARCO, ESQUIRE
7 and
8 NEIL A. BENCHELL, ESQUIRE
9 1526 Gilpin Avenue
10 Wilmington, DE 19806
11 302.449.9010
12 sberger@devlinlawfirm.com
13 ademarco@devlinlawfirm.com
14 nbenchell@devlinlawfirm.com
15
16
17
18
19
20
21
22
23
24

Page 3

1 A P P E A R A N C E S : (Via Zoom)
2
3 On behalf of the Petitioner, ZTE
4 Corporation and ZTE (USA) INC.
5 BANNER & WITCOFF, LTD.
6 BY: JOHN R. HUTCHINS, ESQUIRE
7 C. ANDY MU, ESQUIRE
8 and
9 WESLEY W. JONES, ESQUIRE
10 1100 13th Street, MW
11 Washington, DC 20005
12 202.824.3000
13 jhutchins@bannerwitcoff.com
14 amu@bannerwitcoff.com
15 wjones@bannerwitcoff.com
16
17 On behalf of the Petitioner, Dell, Inc.
18
19 GIBSON, DUNN & CRUTCHER LLP
20 BY: BRIAN M. BUROKER, ESQUIRE
21 1050 Connecticut Avenue, NW
22 Washington, DC 20036
23 202.955.8500
24 bburoker@gibsondunn.com
 and
 GIBSON, DUNN & CRUTCHER LLP
BY: NATHAN R. CURTIS, ESQUIRE
and
AUDREY YANG, ESQUIRE
2001 Ross Avenue
Suite 2100
Dallas, TX 75201
214.698.3100
ncurtis@gibsondunn.com
ayang@gibsondunn.com

Page 5

1 I N D E X
2
3 WITNESS PAGE
4 DR. APOSTOLOS K. KAKAES
5 By Ms. Berger 9
6
7 E X H I B I T S MARKED DESCRIPTION MARKED
8 Exhibit 0001 Declaration of Dr. 22
9 Apostolos K. Kakaes in
10 Support of Petition
11 for Inter Parties
12 Review of U.S. Patent
13 No. 7,724,933
14
15 Exhibit 0002 Declaration of Dr. 32
16 Apostolos K. Kakaes in
17 Support of Petition
18 for Inter Parties
19 Review of U.S. Patent
20 No. 7,460,868
21 Exhibit 0003 Declaration of Dr. 33
22 Apostolos K. Kakaes in
23 Support of Petition
24 for Inter Parties
 Review of U.S. Patent
 No. 7,596,375
25
26 Exhibit 0004 Declaration of Dr. 34
27 Apostolos K. Kakaes in
28 Support of Petition
29 for Inter Parties
30 Review of U.S. Patent
31 No. 7,275,374
32
33
34

			Page 6
1	E X H I B I T S (cont'd.)	MARKED	
2	Exhibit 0005 Declaration of Dr.	35	
3	Apostolos K. Kakaes in		
4	Support of Petition		
5	for Inter Parties		
6	Review of U.S. Patent		
7	No. 8,472,955		
8	Exhibit 0006 Declaration of Dr.	36	
9	Apostolos K. Kakaes in		
10	Support of Petition		
11	for Inter Parties		
12	Review of U.S. Patent		
13	No. 8,948,756		
14	Exhibit 0007 U.S. Patent 7,274,933	44	
15	Exhibit 0008 Patent Application	89	
16	Publication McElwain		
17	et al.		
18	Exhibit 0009 Patent Application	118	
19	Publication Uchida		
20	Exhibit 0010 Patent Application	139	
21	Publication Hicks et		
22	al.		
23	(Exhibits attached to transcript.)		
24			

Page 8

1 - - -

2 COURT REPORTER: The attorneys

3 participating in this deposition

4 acknowledge that I am not physically

5 present in the deposition room, and

6 that I will be reporting this

7 deposition remotely.

8 They further acknowledge that in

9 lieu of an oath administered in person,

10 I will administer the oath remotely.

11 The parties and their counsel

12 further agree that the witness may be

13 in a state where I am not a Notary and

14 stipulate to the witness being sworn in

15 by an out-of-state Notary.

16 If any party does have an

17 objection to this manner of reporting,

18 please state so now.

19 (No objections.)

20 MR. BUROKER: No objection on

21 behalf of Dell and other petitioners.

22 MS. BERGER: No objection on

23 behalf of patent owner.

24 - - -

			Page 7
1	DEPOSITION SUPPORT INDEX		
2	DIRECTION TO WITNESS NOT TO ANSWER		
3	Page Line		
4	(None)		
5			
6			
7			
8	REQUEST FOR PRODUCTION OF DOCUMENTS		
9	Page Line		
10	(None)		
11			
12			
13			
14	STIPULATIONS		
15	Page Line		
16	152 9		
17			
18			
19			
20	QUESTIONS MARKED		
21	Page Line		
22	(None)		
23			
24			

Page 9

1 DR. APOSTOLOS K. KAKAES, after

2 having been first duly sworn, was

3 examined and testified as follows:

4 - - -

5 EXAMINATION

6 - - -

7 BY MS. BERGER:

8 Q. Good morning, Dr. Kakaes. My

9 name is Stephanie Berger, and I'm representing

10 the patent owner 3G Licensing S.A. in this

11 matter. And this is your expert deposition in

12 IPRs 2020-01157, 01158, 01159, 01160, 01161

13 and 01162.

14 Dr. Kakaes, could you, please,

15 state your name and address for the record?

16 A. Sure. My name is Apostolos,

17 A-P-O-S-T-O-L-O-S, last name is Kakaes,

18 KAKAES. My address is 908 Park Street

19 Southeast, Vienna, Virginia 22180.

20 Q. Thank you. And are you currently

21 employed?

22 A. Yes, I am.

23 Q. And where is that?

24 A. That's the corporation that I

<p style="text-align: right;">Page 10</p> <p>1 have founded and the president of called 2 Cosmos Communications Consulting Corporation. 3 Q. Do you understand, Dr. Kakaes, 4 that you're here today for cross-examination 5 in six different IPR matters? 6 A. Yes, I do. 7 Q. And do you understand that the 8 1157 IPR concerns the '933 patent? 9 A. I don't remember the 10 identification of the IPR, but I do remember 11 the '933 patent as being one of them. 12 Q. Understood. I know -- I realize 13 there are a lot of IPRs today, that we're 14 doing all in one deposition. So if you have 15 any questions about what we're referring to at 16 any point, please let me know. I think we 17 can -- probably most of the questions will be 18 relevant to all of the IPRs. But if not, I'll 19 try to make that clear to you and just ask 20 that you let me know if anything is unclear. 21 Is that fine? 22 A. Yes. 23 Q. So just for clarity, you 24 understand that we're addressing all six IPRs</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. And were all of those cases 2 related to patent cases? 3 A. Yes. 4 Q. And you were deposed as an 5 expert witness in those cases. Correct? 6 A. Yes. I've been deposed as an 7 expert, but I've also testified in criminal 8 court that not related to patents, for 9 example. 10 Q. When was the last time you were 11 deposed before today? 12 A. I don't remember the exact date. 13 About a month ago give or take. One of your 14 colleagues did a deposition. 15 Q. So your last deposition was in 16 another IPR proceeding. Is that right? 17 A. Yes. 18 Q. Do you recall about how many 19 times you've been retained to assist in an IPR 20 proceeding? 21 MR. BUROKER: Objection. Form. 22 THE WITNESS: I don't remember. 23 BY MS. BERGER: 24 Q. I'm sorry, could you repeat the</p>
<p style="text-align: right;">Page 11</p> <p>1 in this one combined deposition today. Is 2 that right? 3 A. That's my understanding. 4 Q. Dr. Kakaes, have you ever been 5 deposed before? 6 A. Yes, I have. 7 Q. About how many times? 8 A. I don't recall the number of 9 times. Several times. 10 Q. Is it more than about 10 times? 11 A. I'd say yes, more than 10. 12 Q. More than 20? 13 A. I'm not sure. 14 Q. So it could be more than 20? 15 A. It could. 16 Q. What kinds of cases have you 17 given a deposition in? 18 A. I'm not sure what you mean by 19 what kind of cases. 20 Q. Did you give depositions in 21 Federal District Court litigations or other 22 IPRs? What type of proceedings? 23 A. I've given depositions in 24 District Court cases as well as in IPRs.</p>	<p style="text-align: right;">Page 13</p> <p>1 answer? 2 A. No, I do not. 3 Q. Have you ever been cross-examined 4 as an expert witness at a trial? 5 A. Yes, I have. 6 Q. When was that? 7 A. Several times. I don't remember 8 the dates. 9 Q. Do you remember the cases? 10 A. I don't remember all the cases, 11 no. 12 Q. Do you remember any of them? 13 A. Yes. 14 Q. Which ones do you remember? 15 A. There was one in the District of 16 Texas where I assisted the company that 17 attained -- that I was retained for called 18 Comscore. There was another in the District 19 of Texas where I was retained to -- on behalf 20 of HTC. I was retained in some ITC cases. 21 I'm not sure if you include those in your 22 question or not. So those are the ones that 23 come to mind right off the top. 24 Q. So you were cross-examined as an</p>

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.