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UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SONY INTERACTIVE :
ENTERTAINMENT LLC, : Case No. IPR2020-00726
Petitioner : Patent No. 8,112,670
vs :
BOT M8, LLC, :
Patent Owner :

-----x

Videotaped Deposition of
ANDREW WOLFE, Ph.D.
Conducted Virtually
Thursday, January 14, 2021
11:03 a.m. EST

Job No.: 345138
Pages: 1 - 84
Reported by: Lisa V. Feissner, RDR, CRR, CLR

Transcript of Andrew Wolfe, Ph.D.
Conducted on January 14, 2021

1	3
1 UNITED STATES PATENT AND TRADEMARK OFFICE	1 ON BEHALF OF PATENT OWNER:
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD	2 JEFFREY H. PRICE ESQUIRE
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6 Petitioner : Patent No. 8,112,670	6 212.715.7502
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16 11:03 a.m. EST	16 A L S O P R E S E N T:
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19	19 JIM LEONG, ESQUIRE, Sony Interactive
20 Job No.: 345138	20
21 Pages: 1 - 84	21
22 Reported by: Lisa V. Feissner, RDR, CRR, CLR	22
2	4
1 A P P E A R A N C E S:	1 C O N T E N T S
2 ON BEHALF OF PETITIONER:	2 EXAMINATION OF ANDREW WOLFE, Ph.D. PAGE
3 ERIC A. BURESH, ESQUIRE	3 By Mr. Price 6
4 ERISE IP, P.A.	4
5 7015 College Boulevard	5 E X H I B I T S
6 Suite 700	6 (Attached to transcript)
7 Overland Park, KS 66211	7 DEPOSITION EXHIBIT PAGE
8 913.777.5610	8 (None marked.)
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10	10
11	11 P R E V I O U S L Y
12	12 M A R K E D E X H I B I T S
13	13 (Attached to transcript)
14	14 EXHIBITS PAGE
15	15 1001 United States Patent No. 8,112,670 30
16	16 1003 Declaration of Andrew Wolfe, Ph.D. 12
17	17 1005 Sugiyama patent (Japanese) 46
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<p>1 PROCEEDINGS</p> <p>2 VIDEOGRAPHER: This is the remote video</p> <p>3 deposition of Dr. Andrew Wolfe taken in the matter</p> <p>4 of Sony Interactive Entertainment LLC versus BOT M8</p> <p>5 LLC before the Patent Trial and Appeal Board of the</p> <p>6 United States Patent and Trademark Office, Case</p> <p>7 Number IPR2020-00726.</p> <p>8 Today's date is Thursday, January 14th,</p> <p>9 2021. The time on the video monitor is 11:03 a.m.</p> <p>10 My name is Thomas K. Feissner, CLVS, and I am the</p> <p>11 videographer. The court reporter is Lisa V.</p> <p>12 Feissner, RDR, CRR. We are here today on behalf of</p> <p>13 Planet Depos, Rockville, Maryland.</p> <p>14 All parties to this deposition are</p> <p>15 appearing remotely and have agreed to the witness</p> <p>16 being sworn in remotely. Due to the nature of</p> <p>17 remote reporting, please pause briefly before</p> <p>18 speaking to ensure all parties are heard completely.</p> <p>19 Counsel will now introduce themselves,</p> <p>20 beginning with counsel for the petitioner.</p> <p>21 MR. BURESH: Eric Buresh of Erise IP on</p> <p>22 behalf of petitioner.</p>	<p>1 Q By "this IPR matter," you're referring to</p> <p>2 IPR2020-00726?</p> <p>3 A Correct.</p> <p>4 Q And is it your understanding this</p> <p>5 proceeding is about U.S. Patent No. 8,112,670?</p> <p>6 A Yes.</p> <p>7 Q Have you ever been deposed before?</p> <p>8 A Yes.</p> <p>9 Q Roughly how many times?</p> <p>10 A Well over a hundred.</p> <p>11 Q Okay. And have you ever been deposed in</p> <p>12 an IPR proceeding before?</p> <p>13 A Yes.</p> <p>14 Q And how many times?</p> <p>15 A A couple dozen or more.</p> <p>16 Q So you're familiar with the mechanics</p> <p>17 here. I'm going to be asking you questions, and I'm</p> <p>18 going to need you to answer to the best of your</p> <p>19 ability and truthfully and to make sure that your</p> <p>20 answers are given verbally, correct?</p> <p>21 A Understood.</p> <p>22 Q Is there any reason that you cannot give</p>
6	8
<p>1 VIDEOGRAPHER: And counsel for the patent</p> <p>2 owner.</p> <p>3 MR. PRICE: This is Jeffrey Price on</p> <p>4 behalf of BOT M8 LLC, of Kramer Levin.</p> <p>5 COURT REPORTER: And Mr. Ma?</p> <p>6 MR. MA: Jerome Ma on behalf of Kramer</p> <p>7 Levin for patent owner.</p> <p>8 VIDEOGRAPHER: The court reporter will now</p> <p>9 swear in the deponent.</p> <p>10 ANDREW WOLFE, PH.D.,</p> <p>11 having been first duly sworn, was examined and</p> <p>12 testified as follows:</p> <p>13 EXAMINATION</p> <p>14 BY MR. PRICE:</p> <p>15 Q Good morning, Dr. Wolfe. How are you</p> <p>16 today?</p> <p>17 A I'm fine.</p> <p>18 Q Great. Do you understand why you're</p> <p>19 sitting in front of a computer today?</p> <p>20 A My understanding is, I'm going to answer</p> <p>21 some questions about my declaration in this IPR</p> <p>22 matter.</p>	<p>1 truthful testimony today?</p> <p>2 A No.</p> <p>3 Q Can you just -- before we dive into the</p> <p>4 real meat of the case here, would you mind just</p> <p>5 telling me a little bit about your background,</p> <p>6 starting with your educational background.</p> <p>7 A Sure. I mean, I've already given you</p> <p>8 extensive information about my background in the</p> <p>9 declaration and in my CV, so certainly, I don't want</p> <p>10 to suggest that any part of that's not important by</p> <p>11 not mentioning it in a single answer.</p> <p>12 But I have a bachelor's degree in</p> <p>13 electrical engineering and computer science that I</p> <p>14 got in 1985; a master's degree and a Ph.D. in</p> <p>15 engineering -- computer engineering; finally, I</p> <p>16 finished my Ph.D. work in '91, got my degree in '92.</p> <p>17 In '91, I became an assistant professor at</p> <p>18 Princeton University. '97, I moved to Silicon</p> <p>19 Valley to work in semiconductor and consumer</p> <p>20 electronics industries. Since then I've done some</p> <p>21 consulting.</p> <p>22 And then, again, if you look at my CV,</p>

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<p>1 there's been another -- many other jobs and 2 corporate affiliations. 3 Q What kind of work did you do in the 4 semiconductor industry? 5 A Various things. I was chief technology 6 officer at a company called S3, made graphics chips, 7 sound chips, communication chips, video chips, 8 motherboard core logic to interface with 9 microprocessors. 10 I also ran three engineering teams for a 11 while. And then I took on a business development 12 role as well, senior VP of business development. I 13 worked on strategic partnerships, mergers and 14 acquisitions. 15 And as part of that, I developed a 16 consumer electronics business. There, I was general 17 manager of a portion of that business for a while, 18 ran engineering and marketing and generally advised 19 the CEO and the board on strategy. 20 Q All right. And did you go to another 21 company after S3? 22 A Not really. S3 renamed itself SONICblue.</p>	<p>1 for a number of years, I think about eight years 2 right now. 3 And then about eight years as well, I 4 started teaching part-time at Santa Clara 5 University, and now I'm about 85 percent time there. 6 Q Very good. And what do you teach over at 7 Santa Clara? 8 A I teach a couple of imbedded systems 9 classes at the undergraduate level. I teach a 10 graduate realtime systems class. I teach the 11 mechatronics class, which is sensors and actuators 12 and microprocessors. I teach a community-based 13 engineering class where we go out and do engineering 14 projects for non-profit organizations. 15 And I'm not currently teaching a computer 16 architecture class, but I've taught both graduate 17 and undergraduate computer architecture classes, and 18 I expect to do that again next year. 19 Q How have you managed teaching in the time 20 of COVID? 21 A Just like this, sitting in this very chair 22 in front of this very machine.</p>
10	12
<p>1 At one point, I divested the majority of the 2 semiconductor business, so we sent that brand along 3 with that business, and we renamed the company 4 SONICblue. 5 Q And did -- you stayed at SONICblue for a 6 period of time? 7 A I did, as CTO and senior VP of business 8 development for a while. And then in late 2002, I 9 left and consulted back to the company for about 10 another six months. 11 Q And since then, have you worked at any 12 other companies, or have you essentially been a 13 consultant and -- or lecturing in that time since 14 2002? 15 A I have been consulting. Some of that 16 technical consulting; some of that business 17 development consulting; some of that 18 litigation-related consulting or IP 19 portfolio-related consulting. 20 I've also been on technical advisory board 21 for technology companies. And I have been a 22 director of a public consumer electronics company</p>	<p>1 Q Very good. Okay. I'd like you to turn to 2 your declaration, which has been marked Exhibit 1003 3 in this case. Let me know when you have it. 4 A Okay. 5 (Previously marked Exhibit 1003 attached 6 to the transcript.) 7 A/V TECH: Counsel, would you like me to 8 share my screen with the exhibit, or everyone has 9 hard copies? 10 MR. PRICE: I don't need it shown. 11 Dr. Wolfe, if it helps you. 12 THE WITNESS: It would not. 13 MR. PRICE: Not necessary. Thanks. 14 BY MR. PRICE: 15 Q Is that your signature on the very last 16 page of the declaration? 17 A Yes. 18 Q And is it correct that you executed the 19 declaration on March 27th, 2020? 20 A That's correct. 21 Q Was it your understanding that as of that 22 date, you were to include all of your opinions that</p>

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13	1 you had pertaining to this case? 2 A It was my understanding that I was to 3 provide all the opinions that were relevant to this 4 particular IPR petition. 5 Q And does your declaration include all of 6 your current opinions that are relevant to this 7 case? 8 A Not completely. It includes all the 9 opinions that were relevant to the petition, but 10 since then, I've read some responses from the patent 11 owner, and I am of the opinion that they're 12 incorrect. 13 Q Okay. We can get to that. 14 So just to be clear, you've read -- you've 15 read patent owner's preliminary response? 16 A Yes. 17 Q Have you read petitioner's reply to the 18 patent owner preliminary response? 19 A Yes. 20 Q And have you read patent owner's surreply 21 to petitioner's reply? 22 A Yes.	15	1 expressed my opinions as to the scope of the claim 2 and the reasons why the prior art renders the claims 3 obvious. 4 But at the very detailed level with 5 respect to individual statements, I may not have 6 addressed them because they weren't relevant at the 7 time of my declaration. 8 Q So in your answer just now, you mentioned 9 that you expressed your opinions as to the scope of 10 the claim. 11 Can you tell me what you mean by that? 12 A Yes. I explained that I didn't believe 13 that any of the terms in the claim needed explicit 14 construction; that from my perspective as a person 15 of ordinary skill in the art, the plain meaning of 16 the claim terms was sufficient; and in some cases, I 17 explained what the plain meaning would be to a 18 person of ordinary skill in the art, and then 19 offered extrinsic evidence that corroborated that. 20 Q Can you show me where in your declaration 21 you explain that you did not believe that any of the 22 terms in the claim needed explicit construction?
14	1 Q And have you read the institution 2 decision? 3 A Yes. 4 Q And so have you developed any new opinions 5 about the case that are not included in your 6 declaration, after reviewing those materials? 7 A A limited number, yes. I disagree with 8 some of the assertions made in the patent owner's 9 preliminary response, and I agree with some of the 10 conclusions that are in the institution decision. 11 Q Are there any conclusions in the 12 institution decision that you do not agree with? 13 A There are legal matters in there that I 14 have no opinion on because they're not within my 15 skill set. But other than that, there was nothing 16 that I disagreed with. 17 Q Is it your opinion that your declaration, 18 as it currently stands, is sufficient to express 19 your disagreement with the positions the patent 20 owner has taken? 21 A I haven't really done that analysis. I 22 think in a very general sense, yes, that I've	16	1 A I don't think I have an explicit statement 2 of that. I think I simply did not suggest any 3 explicit instructions were needed in order to render 4 my opinions and applied the plain meaning. 5 Q Are you familiar with the term "claim 6 construction"? 7 A I am, from the perspective of an engineer, 8 not from the perspective of an attorney. 9 Q Did your counsel explain to you what the 10 role of claim construction is in an IPR proceeding? 11 MR. BURESH: Objection and instruct the 12 witness not to answer to the extent that that calls 13 for privileged information. 14 A I don't think counsel wants me to get into 15 what counsel did or did not explain to me. 16 Q So can you turn to page 9 of your 17 declaration, paragraph 18. 18 A Yes. 19 Q Do you see where you say that, counsel has 20 informed me that in proceedings before the USPTO, 21 claim terms, and then it goes on from there? 22 A I do.

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