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5 COURT REPORTER.

6 ATKINSON BAKER, INC.

7

8

9 Deponent ,

10 having been first duly sworn, was

11 examined and testified as follows:

12 Q. BY MR. ALEMANNI: Good morning. I apologize

13 if I get the pronunciation right. Is it Ramde?

14 A. Yes, that's right.

15 Q. And is it Mr. or Doctor?

16 A. It's just Mr.

17 Q. I want to make sure I get that right. My

18 name is John Alemanni. I'm an attorney with Kilpatrick

19 Townsend in Raleigh, North Carolina here on behalf of

20 Lenovo and are you -- do you know why you're here this

21 morning?

22 A. Yes.

23 Q. And why is that?

24 A. It's part of the deposition -- the

25 deposition is part of the IPR that was filed and it's



1 part of that process I think.
2 Q. So there are two proceedings. The first
3 proceeding is IPR2019-01278 and that concerns patent
4 number 802-0083. And then there's a second IPR and
5 that is IPR2019-01279 and the patent number at issue in
6 that case is A510407. Both of these proceedings are
7 between Lenovo and DoDots. Does that sound right to
8 you?
9 A. Yes.
10 Q. And so you submitted declarations in both
11 those proceedings; correct?
12 A. Correct.
13 Q. And do you have a copy of that declaration
14 in front of you?
15 A. I do.
16 Q. Okay. And in both of the two different
17 proceedings it's labeled Exhibit 2003. Do you see
18 that?
19 A. Yes.
20 Q. So I'll refer to -- I'll probably just refer

21 to one of them but I'll refer to it as Exhibit 2003 or
22 your declaration and those will mean the same thing.
23 Is that okay?
24 A. Okay.
25 Q. And are you familiar with referring to



1 patents by the last three digits?
2 A. I am.
3 Q. So if I say the 083 patent you'll understand
4 what I mean?
5 A. Yes.
6 Q. Okay. Great. Have you been deposed before?
7 A. I have.
8 Q. About how many times?
9 A. I think twice.
10 Q. Twice. Okay. So you know generally how
11 they run.
12 A. Yes.
13 Q. So you're under oath. You've already
14 provided your direct testimony so this is
15 cross-examination but you're under oath and you'll be
16 answering my questions unless your counsel instructs
17 you not to answer. He may object but if he objects but

18 doesn't instruct you not to answer I'll expect you to
19 answer the questions. Is there any reason why you
20 can't give your best testimony today?
21 A. No.
22 Q. One thing I will ask especially with the
23 phone and video I'll try hard not to talk over you.
24 I'd appreciate if you do the same. I apologize if I
25 interrupt you. If you have any trouble understanding a



1 question please let me know and I'll either state it
2 again or if I need to I can rephrase it. But if you
3 don't understand me please ask me, please let me know
4 you don't understand it and if you don't ask me to
5 restate it or you don't tell me that you don't
6 understand, then I'm going to assume you do understand
7 it. Okay?
8 A. Okay.
9 Q. Okay. And so there are two declarations
10 because there's two different proceedings. They are
11 almost exactly the same. Is that your recollection as
12 well?
13 A. The proceedings meaning the IPR proceedings

14 are the same?

15 Q. The two different IPR. You submitted two

16 declarations but they're almost the same. Is that your

17 recollection?

18 A. Yeah. My declarations -- my declarations

19 are the same or the IPRs are the same?

20 Q. The declaration that you submitted in each

21 of the two IPRs is essentially the same?

22 A. Yeah, they kind of cover the same material

23 and information, yes.

24 Q. And did you review anything in preparation

25 for your deposition?



1 A. I reviewed my declaration what I submitted.

2 Q. And your declaration includes exhibits;

3 correct?

4 A. Yes.

5 Q. And did you review those as well?

6 A. Not -- just briefly. Just to make sure that

7 I had them when I printed out the declaration, but

8 yeah.

9 Q. And is it your understanding that the

10 exhibits are the same for both declarations that are

11 submitted in each of the IPR proceedings?

12 A. That -- that is my understanding at this

13 time. I have them printed out in front of me just the

14 main four pages in the front and -- you know, where I

15 had my statement and the exhibits I have a print out of

16 the exhibits. My understanding -- my understanding is

17 that they are -- I'm going to be using both exhibits

18 for both of the declarations. So I understand that

19 they are the same. That's what my recollection is in

20 submitting the declarations.

21 Q. Okay. So you reviewed your declaration, you

22 reviewed the exhibits. Did you do anything else in

23 preparation for your deposition?

24 A. Not really. Just in terms of coordinating

25 and making sure I understood the set up for the



1 deposition being done by video and just understanding

2 that process.

3 Q. Okay. So did you speak to counsel in

4 preparation for your deposition other than for

5 logistics?

6 A. It was for the logistics for the -- for the

7 deposition and then just understanding kind of where
8 things are at in terms of where we are in the IPR and
9 just high level understanding that this was for the IPR
10 aspect.
11 Q. Okay. Did you speak to anyone other than
12 counsel in preparation for your deposition?
13 A. No.
14 Q. So I'm going to turn to your deposition and
15 I'm going to turn to the first paragraph. So this is
16 again for the record is Exhibit 2003. I'm on the -- I
17 don't think the pages are numbered but I'm on page --
18 the page after the cover page so we're at paragraph 1.
19 Do you see that?
20 A. For the 083 patent?
21 Q. For the 083 patent, yes.
22 A. Yes.
23 Q. And do you have both declarations in front
24 of you?
25 A. I do. 0487 and 083.



1 Q. I'm going to focus on the 083 and to the
2 extent there are any differences I May ask you about
3 the other one but for the most part I'll stick with the

4 083 to make it easier?

5 A. Okay.

6 Q. So paragraph 1 you talk about -- you discuss

7 that you were the sole in house counsel for DoDots and

8 then in paragraph 9 which is on the third page you talk

9 about your educational background. Do you see that?

10 A. Yes.

11 Q. So I'd like to start -- I'd like to start

12 with your background and I guess I'd rather do it in

13 chronological order so I'll you some questions about 9

14 and then ask you questions about 1 if that's okay.

15 A. Okay.

16 Q. So you state in paragraph 9 that you have a

17 bachelor of science in electrical engineering from

18 UCLA; right?

19 A. Correct.

20 Q. When did you get your bachelors in

21 electrical engineering?

22 A. In 1989.

23 Q. And what about the masters in engineering

24 from USC?

25 A. USC was 1991.

1 Q. And then you also mention in paragraph 9
2 that you have a JD degree, juris doctorate degree from
3 the University of Pittsburgh and an MBA from Carnegie
4 Mellon. Was that a joint JD MBA program?
5 A. That was, yes.
6 Q. And when did you receive the JD and MBA?
7 A. In 1996.
8 Q. Was that a four year program?
9 A. It was a four year program, yes.
10 Q. And so you start -- did you start the
11 program in 1992? Is that accurate?
12 A. It's a little -- it was a dual degree
13 program, a joint degree program. I did finish it a
14 little bit ahead of schedule than the full four years.
15 And so when I graduated Carnegie Mellon it was -- the
16 degree -- so I obtained separate degrees from Carnegie
17 Mellon and the University of Pittsburgh. Normally dual
18 degree programs are with the same school. This one was
19 with two different schools so it was a separate
20 process. I ended up graduating from each school at
21 different times within the 1996 time frame, so they
22 were both graduating in 1996 but just in different time
23 frames. When I started the program the first year was
24 at the University of Pittsburgh and it was just the

25 legal and then I started the Carnegie Mellon the second



1 year. So I didn't start at the same time. So I can't
2 really be sure what my official start year was for each
3 one. They just kind of happened. It was just kind of
4 a structured program. I don't know what my official
5 start year was for each of the programs but I can't
6 really say what my official, you know, time per was
7 other than what was written on the form. Sorry. It
8 was a long time ago.
9 Q. Your testimony is it fair to say it was '92,
10 '93. Somewhere in that range?
11 A. Yeah, that's right. That's right.
12 Q. Did you work as an engineer after you
13 graduated in 1989?
14 A. Yes.
15 Q. And where was that?
16 A. It was at Hughes Electronics, Hughes
17 Aircraft in 1989 as an engineer.
18 Q. And what did you do for Hughes aircraft?
19 A. I was a member of the technical staff which
20 was the title and it was essentially an engineer and I
21 was working on the direct TV satellite program and

22 different satellite programs building hardware and
23 simulation software for devices.
24 Q. Okay. Are you a software programmer as well
25 then?



1 A. At the time I was doing software
2 programming.
3 Q. And did you leave Hughes aircraft when you
4 started your degree program at USC?
5 A. Yes.
6 Q. So when did you leave Hughes aircraft?
7 A. It would have been 19 -- around 1993
8 time frame. I was with Hughes for four years. Yes.
9 Q. So did you leave Hughes when you started
10 your law studies?
11 A. I left Hughes to start my law studies, yes.
12 Q. So is it fair to say that you got your
13 masters while you were working for Hughes?
14 A. That's right. Yes.
15 Q. And you graduated with your JD MBA in '96,
16 injure JD and MBA in 1996 and then moving back to
17 paragraph 1 of your declaration you said you were

18 working for DoDots in 2000; correct?

19 A. Correct.

20 Q. So what did you do when -- strike that. Did

21 you begin a job with a law firm when you graduated from

22 University of Pittsburgh?

23 A. I started -- I had -- well, I was work at a

24 business consulting firm. More leveraging the MBA

25 aspect.



1 Q. Do you recall the name of the business

2 consulting firm you worked for?

3 A. Yeah. It goes by the initials PRTM. I can

4 spell that out but it's a long name. It's now part of

5 Pricewaterhouse.

6 Q. How long did you work for PRTM?

7 A. PRTM was for about -- I had worked there

8 over the summer before I graduated so it was probably

9 for around nine months total.

10 Q. Nine months. Okay. So from -- would it be

11 fair to say '95 to '97 in that time frame?

12 A. Yeah, '95 to '96 time frame. I had actually

13 started there before I graduated from the -- I had

14 graduated from the business school first and I had

15 continued so I started there before I had finished my
16 law degree.
17 Q. And then what did you do when you left PRTM?
18 A. Then I sat for the bar exam and I joined a
19 law firm.
20 Q. Which law firm did you join?
21 A. It was called Lyon and Lyon, L-y-o-n,
22 L-y-o-n, Lyon and Lyon. Patent boutique.
23 Q. And what did you do for Lyon and Lyon?
24 A. It was mostly doing -- like technical review
25 on patent -- I wasn't a patent attorney but it was



1 doing working with patent attorneys and filing office
2 actions and evaluating technology and differentiating
3 technology there.
4 Q. And how long were you with HRAO*EUPB and
5 HRAO*EUPB?
6 A. I was there for about three years. Yeah. I
7 think -- yeah, a little less than three years.
8 Q. Did you move from HRAO*EUPB and HRAO*EUPB to
9 DoDots?
10 A. No. I went to coolly.

11 Q. And when did you go to coolly?

12 A. That I believe would have been 1999.

13 Q. And what were you doing for coolly?

14 A. Just working in their technology group.

15 They had -- mostly within technology licensing.

16 Q. So are you familiar with the parts of a

17 patent, the claims specification et cetera?

18 A. Yes, I am.

19 Q. And then you left coolly to join DoDots; is

20 that correct?

21 A. Correct.

22 Q. Do you recall when you started with DoDots

23 in 2000?

24 A. I believe it was May.

25 Q. May.



1 A. Beginning of May.

2 Q. Okay. And what was your role at DoDots?

3 A. I was their counsel, just sole in-house

4 counsel.

5 Q. So the one difference that I observed in

6 your two declarations is in paragraph 8. And I'd like

7 to ask you about it briefly. In the 083 case you say

8 in paragraph 8 that you were counsel for DoDots.

9 A. Uh-huh.

10 Q. And if you turn to the 407 case I believe in

11 paragraph 8 you say you were general counsel?

12 A. General counsel, yeah.

13 Q. Are those both accurate?

14 A. Yeah, they're both accurate. I'm kind of

15 taking that role for the company, those roles, so kind

16 of used them interchangeably within the company.

17 Q. Okay.

18 Q. And how long were you with DoDots?

19 A. I was there until I believe February of --

20 February or so of 2001. About nine months.

21 Q. Let's go to paragraph 2 in your declaration.

22 Again, I'm looking at the 0883 patent, the declaration

23 in relation to that. You say -- you make the statement

24 here that led by twin brothers John and George Kembel,

25 K-e-m-b-e-l, and then you say that the team of



1 scientists from Stanford who invented the ground

2 breaking technology described in the 083 patent;

3 correct?

4 A. Correct.

5 Q. Did I read that correctly?

6 A. Yeah.

7 Q. I'm sorry. I didn't hear you.

8 A. Yes.

9 Q. You say the ground breaking technology

10 described in the 083 patent. Are you talking about the

11 specification or the claims?

12 A. Well, I'm looking at the entire 083 patent.

13 I'm generally referring to the 083 patent. And the

14 technology is described in the specification and the

15 claims and they're pioneers in the fact that they have

16 claims that were obtained, so that they are considered

17 to be new, novel ideas.

18 Q. And when you say the idea you're talking

19 about the Dots?

20 A. Just the claims. I'm referring in general

21 to the claims themselves.

22 Q. Do you know whether or not the term Dot

23 appears in the claims?

24 A. I don't believe it does appear in the

25 claims. I'd have to look -- I don't believe it appears

1 in the claims. I don't have the patent in front of me
2 but -- yeah.
3 Q. And in your other declaration for the 407
4 you make the same statement about the 407 patent;
5 correct?
6 A. Correct.
7 Q. Are the specifications and claims the same
8 in those two patents?
9 MR. PERRY: Objection. Foundation.
10 THE WITNESS: I don't have the patents in front
11 of me so I can't say the specifications are the same.
12 Q. BY MR. ALEMANNI: And you left DoDots in
13 February of 2001 if I understood your testimony; is
14 that correct?
15 A. That's what I recall, yes. That's my --
16 what I remember.
17 Q. Do you know when DoDots was formed?
18 A. I don't know the exact time it was formed.
19 Q. Do you have an idea generally when it was
20 formed?
21 A. You know, I really don't have any -- I
22 wasn't involved in the formation of the company so I
23 really can't speak to that.
24 Q. Do you know -- was DoDots dissolved?
25 A. I was not -- I don't know about -- I don't

1 know what happened on the formal proceedings with
2 regards to the company after I left.
3 Q. Was a DoDots an ongoing company when you
4 left it?
5 A. Yes, I believe it was.
6 Q. Approximately how many employees did DoDots
7 have when you joined in May of 2000?
8 A. I believe it had -- I don't know -- I
9 know -- I believe it had somewhere between 50 and 80
10 employees when I joined.
11 Q. What about when you left?
12 A. When I left it had fewer than 50. When I
13 left it had undergone a round of work force reduction
14 before I left. I don't remember how many people we let
15 go at that time and then there was a second round of
16 reductions and then that's when I was let go in
17 February.
18 Q. When you say under 50 do you have -- can you
19 be more specific about the number?
20 A. I can't remember how many were at that
21 point. After I joined it did grow to over a hundred

22 and then I just don't know what that actual number was
23 through the work force reduction stages.
24 Q. And then paragraph 3 you discuss evaluation
25 of the company and you referred to a website -- I'm



1 sorry. We can skip that. Let's talk about paragraph
2 4. So in paragraph 4 you identify a CNN article dated
3 April 7, 2000. Do you see that?
4 A. Yes.
5 Q. Can you turn to that CNN article for a
6 second for me, please.
7 A. Actually --
8 Q. It's Exhibit B?
9 A. Exhibit B I have -- I may need to pull that
10 up. The printout I had is from the exhibit -- it's the
11 graduate school of business.
12 MR. PERRY: Do you want to share your screen,
13 John?
14 MR. ALEMANNI: I can. Let's see.
15 THE WITNESS: I'm sorry.
16 MR. ALEMANNI: You're fine.
17 Q. Let's go back a step then. So you have -- I
18 just want to confirm. So you have a declaration that

19 you filed in both proceedings. The declaration, the
20 083 patent to confirm has a cover page; correct?
21 A. Correct.
22 Q. And then the declaration itself is ten
23 paragraphs covering three pages. Is that what you have
24 as well?
25 A. On the 083?



1 Q. Yes.
2 A. Yes.
3 Q. Okay. And then following your declaration
4 is Exhibit A. Do you see that?
5 A. Yeah. I have a printout of an Exhibit A and
6 B. But I just printed out the -- I can pull it up on
7 my computer.
8 Q. That might be easier for me pulling it up
9 and trying to walk through it. You can look at
10 whatever you want to.
11 A. I know they're slightly different. I'm just
12 not pulling up the exhibit.
13 Q. If it's helpful I can pull my screen up.
14 A. If it's okay. I'm sorry.

15 Q. No, you're fine. Let's see. Share screen.
16 Can you see Exhibit B now?
17 A. Yes.
18 Q. I don't know if you can control the screen
19 or not but if you need to see anything just let me
20 know. Okay?
21 A. Okay.
22 Q. This is Exhibit B to your first declaration
23 in the 083 patent. So do you recognize this document?
24 A. Yes.
25 Q. And what is it?



1 A. It was -- it's an article that was written
2 by DoDots back in the -- dated 2000.
3 Q. So DoDots authored this article?
4 A. It was written about DoDots. I don't know
5 who -- I believe it was written by -- yeah, I don't
6 know who the author is.
7 Q. So about a third of the way down the page it
8 says Chris Yurko. Do you see that?
9 A. Yes.
10 Q. Do you know Chris Yurko?
11 A. I don't.

12 Q. Okay. And it appears from the face of this
13 article that it was posted on a website on April 7,
14 2000. Do you see that?
15 A. Yes.
16 Q. Do you know if it was actually posted in
17 April 2000?
18 A. I have -- I just knew that this article -- I
19 don't know when it was actually posted. I'm just
20 relying on the date that is there. I mean, I don't
21 think I read it on that date to make sure that that was
22 the date that it was posted.
23 Q. And on the very top corner of this page do
24 you see that the date April 24, 2020?
25 A. Yes.



1 Q. Do you know what that signifies?
2 A. I don't.
3 Q. Did you find this article for your
4 declaration?
5 A. I made note that there was an article -- I
6 knew there were articles published on DoDots. I may
7 have made mention of this article, yes.

8 Q. And outside of communication with your
9 counsel I'm asking how you came into possession of the
10 article?
11 A. I don't recall exactly how.
12 Q. And I'm going to move down a little bit in
13 this article and again if you need me to more anywhere
14 else to see the context please don't hesitate to ask
15 me. I want to point out about midway through the page
16 that I have up now it says essentially it's a little
17 web application on your desk top. Do you see that?
18 A. Yes.
19 Q. And then it says -- it says there's a quote
20 from Jack Kembel. Do you see that?
21 A. Yes.
22 Q. And the next paragraph it's quoting his twin
23 brother George Kembel. Do you see that?
24 A. Yes.
25 Q. Are those the two inventors of the patents?



1 A. Yes.
2 Q. Let's see. The very last paragraph says
3 upon DoDots launch this week. Do you see that?
4 A. Yes.

5 Q. So is it your understanding that DoDots
6 product launched in April of 2000?
7 A. I don't know. I don't know the answer.
8 Q. And this article at least based on the face
9 of it was published before you joined DoDots; correct?
10 A. Correct.
11 Q. Let's see.
12 A. If that was the publish date, yes.
13 Q. I'm going to move down a little bit further
14 in this Exhibit B to your declaration. So I want to
15 draw your attention now to page 2 of 3 of that article,
16 Exhibit B of your declaration. The last two paragraphs
17 here I'd like to draw your attention to. The first one
18 begins DoDots are free of charge. Do you see that?
19 A. Yes.
20 Q. Is that your understanding that DoDots were
21 free? Strike that. Is it your understanding that Dots
22 were free of charge?
23 A. My understanding is that the Dots that were
24 identified there that were available at the time were
25 free of charge.

1 Q. And the sentence continues, but the beta 1
2 versions are now available only to users with Internet
3 Explorer 4 or later versions of the browser; correct?
4 Did I read at a correctly?
5 A. Yes.
6 Q. Was the -- let me back up. Strike that.
7 Were the Dots ever released in something other than a
8 beta version?
9 A. That I don't recall. I don't know how we
10 were identifying the versions of the software. And
11 oftentimes in the software world they call things beta
12 for a long time even though they make a lot of changes
13 and improvements to it.
14 Q. Was there a time when Dots were not free of
15 charge?
16 A. I can't recall. I can't recall that. I
17 know that there were some different plans and different
18 business models and I don't know -- in all cases there
19 may have been some scenarios where they were free to
20 the users to download but there may have been a charge
21 to the distributor so it's a matter of who was it free
22 for.
23 Q. I'm going to stop the share. Is there
24 anything else you need to look at in this document?
25 A. I'm good. Thank you.

1 Q. Normally you would be holding it so I
2 wouldn't have to say it. Let's move on. I want to go
3 back to your declaration itself and ask you some
4 questions about paragraph 6. So paragraph 6 you talk
5 about the industry wide Dot comp crash; correct?
6 A. Correct.
7 Q. And you say DoDots was forced to sell it's
8 patent portfolio. Do you see that?
9 A. Yes.
10 Q. Who did they sell the patent portfolio to?
11 A. I believe they sold it to light house
12 capital.
13 Q. Do you recall how many patents were in that
14 patent portfolio?
15 A. At the time there was -- it was just
16 applications.
17 Q. Do you recall how much the patent portfolio
18 was sold for?
19 A. I don't know how much it was sold for or if
20 it was in lieu of -- light source was an investor in
21 DoDots at some point and I believe they had either a
22 lien or some investment in the company so there may

23 have been some -- I don't know what the final price was
24 but there was an arrangement made between DoDots and
25 light source was assigned the patent portfolio.



1 Q. Do you recall when the patent portfolio was
2 sold to light source?
3 A. I don't know when that actually -- it may
4 have been -- I don't know when that actually took
5 place. It was after I left.
6 Q. How do you know that DoDots was forced to
7 sell its patent portfolio?
8 A. My understanding is that DoDots was going
9 through a proceeding called an assignment for the
10 benefit of creditors and winding down operations. And
11 in that process they dispose of different -- they
12 dispose of the assets of the company to creditors, so
13 DoDots agreed to -- when they entered into that
14 assignment to the benefit of creditors they agreed to
15 participate in that process and in that case what they
16 do is they agree to abide by if there's a creditor that
17 steps in to the company and this allows them to avoid
18 going through my understanding a formal bankruptcy

19 proceeding and then you're required to abide by the
20 determinations made by that ABC individual and the
21 different people, the creditors that the company, the
22 lien holders, they agree to abide by that process as a
23 way to efficiently dispose of the assets and DoDots
24 agreed to the ABC process. That's my understanding.
25 Q. And what's the basis of that understanding?



1 A. I had met with the -- while I was -- after I
2 was -- I believe it was after I was let go. At some
3 point I met with the -- I was made aware that there was
4 an ABC proceeding and that they wanted me to gather up
5 and identify what assets were there and that request of
6 me was being made for in support of that ABC process
7 that was going to be happening. And my understanding
8 is that that ABC process then did happen.
9 Q. Okay. You later in this paragraph say that
10 the patent portfolio remained dormant. Do you see
11 that?
12 A. Yes.
13 Q. What do you mean remained dormant?
14 A. So what I meant by that is that after the
15 patent portfolio that there was no activity on the

16 patents for some time. The patents were with the
17 patent office. They were submitted with the patent
18 office and from my experience we were expecting an
19 office action response in some time period. I was
20 curious as to -- well, I wanted -- occasionally I was
21 asked to just find out what the status was on the
22 patent portfolio and my inquiries were just following
23 up, looking on line and finding out when they were --
24 where they were in the those and it had been quite a
25 long time before the patent office provided a response



1 to the office action which had been in my opinion much
2 longer than what we were expecting.
3 Q. Okay. And so you say that it was dormant
4 for various reasons. And so in addition to the delay
5 in the patent prosecution process are there other
6 reasons that you're referring to with various reasons?
7 A. Well, and then it also was then after with
8 the patent office actions were initiated which were
9 quite some time we -- the discussions with the patent
10 office was on the initial office action responses just
11 seemed to be very difficult to explain and get the --

12 get an agreement with the patent office. I believe it
13 got handed off to multiple examiners throughout the
14 process until we were able to then get it into -- get
15 it to a situation where we were able to get the patents
16 evaluated on the merits. So my understanding it was
17 probably -- I mean, I'm -- looking in this period it's
18 like a six or seven year period which from my
19 experience was a very long time for you to get an
20 office action response on the merits for the first
21 time. That's my recollection. So that's kind of what
22 I was indicating there that there was really not much
23 activity going on there for a while.
24 Q. Do you recall when the patents issued?
25 A. I believe the first patent issued in 2009.



1 The first patent was 2009 from a priority date of 1999.
2 So that was just kind of a lengthy time period.
3 Q. And did the patents remain dormant after
4 they issued?
5 A. I don't know -- I think that -- well, they
6 remained dormant in that -- no, I don't think -- I
7 mean, we continued to prosecute the patents and tried
8 to continue to work -- when I say we, the patent

9 portfolio was continuing to be prosecuted in order to
10 get patents that really were covering the gist of what
11 the invention was. Additional aspects of the patent
12 that we felt were more representative -- captured more
13 aspects of the invention.
14 Q. So I'm just trying to understand when you
15 say they remained dormant for various reasons until
16 recent years, what do you mean by recent years?
17 A. Well, then I think what happened was that
18 there were -- we were able to -- when I say we at one
19 point a company that I was working with acquired the
20 portfolio and we weren't really able to, you know --
21 and my partner was a patent attorney and we were trying
22 to get patents to issue. Then we were -- then we ended
23 up hiring an outside patent law firm to handle the
24 process because we were having difficulty navigating --
25 not navigating but getting a response and getting it to



1 the right examiner so we hired a patent law firm to do
2 that. In terms of dormant I mean it wasn't something
3 where we were in a position to enforce the portfolio or
4 do anything like that. So we obviously wanted to -- we

5 looked at opportunities to sell the patent portfolio.
6 Until we sold it then the party we sold it to, they
7 were the ones that brought this case on.
8 Q. Okay. So when you say you were an owner of
9 a company that acquired it is that the company you're
10 referring to in paragraph 7?
11 A. Yes.
12 Q. And to what company are you referring to in
13 paragraph 7?
14 A. So the company that acquired the patent was
15 a company called innovation management sciences. IM
16 sciences and they acquired it from light source capital
17 and that's the company that I worked with and worked
18 with another partner. And then that company then, we
19 wound down operations of IM sciences but -- IM sciences
20 has since wound down but before that we assigned the
21 patents to mainstream scientific, a holding company.
22 Q. So you said that IM sciences acquired the
23 patents from the company that owned them prior. Do you
24 recall when IM sciences acquired the patents?
25 A. Well, we acquired them before the first



1 patent issued. So -- somewhere in the 2005, 2006

2 time frame. I'm just kind of guessing there about that
3 time. I'd have to go back to the assignment that would
4 officially declare that. But I'm talking about that
5 time frame.
6 Q. Do you recall how much IM sciences paid for
7 the patents in the 2005, 2006 time frame we're talking
8 about?
9 MR. PERRY: Objection. Outside the scope of
10 this deposition.
11 Q. BY MR. ALEMANNI: You can answer.
12 A. I do recall. The patents were just
13 applications at that time and they were I believe on
14 the first office action all the claims were rejected
15 and so I believe light source capital, they were not
16 familiar with the patent process and they did not want
17 to spend money on prosecuting the claims when they were
18 rejected and they asked if we would be willing -- I
19 think we had a conversation about well, we could buy
20 them and continue the prosecution and my familiarity
21 with the company, I knew that the technology was very
22 interesting and valuable and my partner being a patent
23 attorney we thought we could work on that so I believe
24 there was a lot of value even though at that time the
25 state of the patent applications were all being

1 rejected. So we bought them for $15,000 from light
2 source capital in the application stage, as a patent
3 application.
4 Q. And then I believe your testimony is you
5 then later sold them when IM sciences wound down; is
6 that correct?
7 A. We -- yeah, we transferred them to a holding
8 company. We didn't sell them when IM sciences --
9 Q. Was there any -- was there any payment made
10 at that transfer to the holding company?
11 A. No. It was the same members so there was no
12 change in -- there were no additional members or
13 anything like that. It was just for purposes of
14 holding it separately.
15 Q. And then -- and what my plan is we can
16 finish up this paragraph and then this isn't meant to
17 be a marathon we can take a quick break and I want to
18 walk through the case study in the last paragraph but
19 we can just finish this paragraph and then take a break
20 if that's okay.
21 A. Okay.
22 Q. You say the last portion of the sentence in

23 paragraph 7 you say I continue to have a stake under
24 certain circumstances in any eventual recovery. What's
25 your stake in any eventual recovery?



1 A. I put this in here to be clear that I did --
2 that in my declaration I do have some interest in here.
3 What that actual interest is going to be it would just
4 depend on if the company that acquired them would --
5 they would owe us some percentage. And I personally
6 based on the costs that were incurred and expenses that
7 would be involved were factored in would get a
8 percentage of that amount along with my partner, the
9 prosecutor through mainstream scientific.
10 Q. Let me try to state this. The patents are
11 eventually licensed you'll obtain some percentage of
12 net recovery? Would that be the way to say it?
13 A. Yeah. Net recovery.
14 Q. And what percentage are you slated to take
15 in the event of an eventual recovery?
16 A. I don't know what I would take in terms of
17 that because there would be other costs and experiences
18 and even mainstream scientific invested a lot into
19 this, so I know that even if there was a recovery back

20 to mainstream, mainstream would take recovery of that.
21 So the ultimate percentage I would get I'm not sure
22 what that would be.
23 Q. So is mainstream the current assignee of the
24 patents?
25 A. No. Mainstream is not the current assignee.



1 Q. So mainstream transferred them to someone
2 else; is that correct?
3 A. That's correct.
4 Q. And do you know who mainstream transferred
5 them to?
6 A. I believe it's the entity that's bringing
7 this case or controlled -- I'm sorry how they
8 structured it but the company that is managing this
9 case.
10 Q. Do you know if main stream received
11 compensation for the transfer from mainstream to the
12 current party?
13 MR. PERRY: Objection. Scope. And objection
14 confident shall. I don't know that we have a
15 protective order, John, that covers this. If we do I

16 would ask the witness whether he has any
17 confidentiality obligations because I don't want him to
18 break any confidentiality obligation that's he has. I
19 don't think you want him to do that either.
20 MR. ALEMANNI: That's fair, Perry.
21 Q. So Mr. Ramde, can you answer that question?
22 There is not a protective order in place here so I
23 don't want you to say anything that is not public.
24 A. I don't know that I can answer that due to
25 confidentiality.



1 Q. Okay. Do you know, do you have knowledge as
2 to whether or not there was an amount?
3 A. There was an amount, there was a payment.
4 Q. But you're just not able to express in the
5 absence of a confidentiality -- or protective order in
6 this case; correct?
7 A. Correct.
8 Q. Okay. Let's take a break.
9 (Recess taken.)
10 Q. BY MR. ALEMANNI: Welcome back, Mr. Ramde.
11 I just have a few additional questions about your
12 declaration. So if we turn back to your declaration,

13 Exhibit 2003 in relation to the 083 patent, in
14 paragraph 8 you refer to a Stanford business school
15 case study. Do you see that?
16 A. Yes.
17 Q. And it's referred to as Exhibit C of your
18 declaration; correct?
19 A. Correct.
20 Q. Do you have a paper copy of Exhibit C?
21 A. Yes, I do.
22 Q. I'm going to sort of walk through it with
23 you so if you can reference the paper copy that would
24 be great. And if I need to bring it up on screen I can
25 but hopefully we can make due with the paper. So your



1 testimony is that this was a case study put together in
2 July of 2000; correct?
3 A. Yes. According -- this was done -- I was
4 not involved with the preparation at all but I knew
5 this happened and I'm just looking at the date that
6 it's dated July 2000.
7 Q. Were you involved at all in putting it
8 together when you were at DoDots?

9 A. I was not.

10 Q. If you look at the bottom of page 1 it says

11 this case was prepared by Keith Sigg. It's right under

12 the bold horizontal line. Do you see that?

13 A. I do.

14 Q. Do you know who Keith Sigg is?

15 A. No, I don't.

16 Q. So what is Exhibit C?

17 A. So Exhibit C -- now I'm kind of going back

18 to my MBA days because in business school we would use

19 case studies similar to court case studies in law

20 school we had case studies in business school we were

21 put together by the University. A very popular one for

22 Stanford and Harvard and they would put case studies

23 around something to help their students understand some

24 business situation scenario just to introduce them to

25 some concepts and so they'd see it in the real world so



1 this was prepared as a document that highlighted and

2 summarized the scenario and in this case that scenario

3 involved DoDots.

4 Q. And so the case study begins it was May 5,

5 2000, Tony, Medrano, M-e-d-r-a-n-o. Do you see that?

6 A. Yes.

7 Q. Who's Mr. Medrano?

8 A. Medrano was the -- one of the founders I

9 believe of DoDots or my understanding one of the

10 founders. He was the president of DoDots and he was

11 the person actually that I worked with when I was at

12 DoDots. So he was the president of DoDots.

13 Q. Did you know Mr. Medrano before you joined

14 DoDots?

15 A. I knew him only through DoDots and I knew

16 him before I joined DoDots as I worked with him while I

17 was at Cooley and so that's how I knew him.

18 Q. So is it correct to say that you were at

19 Cooley and he was at DoDots and you were working as a

20 lawyer for him?

21 A. That's correct. For DoDots.

22 Q. And then the case study says if you look

23 about halfway down it says on April 17 and then six

24 weeks after the high flying company there's a sentence

25 here it that says the deal collapsed leaving the



1 company scrambling for financing. Is that your

2 understanding that the deal that's described in this
3 document collapsed on April 17, 2000?
4 A. I was not familiar with that actual deal,
5 but in reading this and according to the case study
6 they're showing that that second deal or that deal that
7 they're referring to did collapse; correct. But I was
8 not aware of this until -- I was never aware of that
9 happening or that deal collapsing.
10 Q. And I should back up a step. So are you
11 familiar with personally with the facts that are -- let
12 me strike that. Are you aware of the facts that are
13 presented in this case study separate and apart from
14 reading the case study?
15 A. So the -- I was aware that we were talking
16 valuations of around $275,000,000. And that was all
17 that -- and I was -- this document was just to verify
18 just that fact. It was only provided to verify that
19 fact that I knew that the valuations that were being
20 talked about were $275,000,000 for the investment
21 opportunities into DoDots. There were a number of
22 conversations that were going on that I was not
23 involved with, but I did know that that was the number
24 that was being discussed and so my declaration was only
25 to that fact that it was at 275 and that the case study

1 was provided to just show that fact and confirm as a
2 secondary source that information that was the fact
3 that I knew. In terms of the rest of the facts in
4 terms of raising the money and the different things
5 that Tony, the CAMs were going in terms of raising the
6 money I was not aware of any of these facts so I'm not
7 familiar with those goings on.
8 Q. So were you a participant in any of the
9 negotiations that occurred that were represented in
10 this case study?
11 A. I was not a participant. I knew that Cooley
12 was involved in handling this and my role in Cooley was
13 more in the technology licensing portion of it. I know
14 that there were other attorneys that were handling the
15 investment side so that was all my exposure was. I
16 know that this was going on but I was not a
17 participant, I was not involved in any of the
18 negotiations and I was not involved in any of the
19 drafting of any of the investment documents that were
20 going on along with this.
21 Q. So -- I'm sorry. I didn't mean to interrupt
22 you.
23 A. No. That's it.

24 Q. So is it fair to say that your only
25 understanding of the $275,000,000 figure was based on



1 conversations that you had with other folks rather than
2 any personal knowledge?
3 A. So I knew that in talking with Tony that
4 that number was the number our valuation number it was
5 understood that that was the valuation that was being
6 discussed because we were recruiting employees and we
7 were growing and it was one of the common numbers in
8 terms of when you are trying to show your company and
9 the strength of getting people to cover you want to
10 show there's something there and so it was understood
11 amongst the -- from the people that this was the range
12 that we were talking, that was being discussed, yes.
13 So my only way of knowing this was in discussing this
14 with other people, other executives at the company, but
15 in terms of these actual negotiations with chase or
16 with Softbank I knew that they were happening but I was
17 not involved in substantive discussions or
18 negotiations.
19 Q. Did you join before or after April 17, 2000?

20 A. I joined after April 17.

21 Q. So if the case study is correct that the

22 deal collapsed on April 17 then that had already

23 occurred before you joined the company.

24 A. Correct.

25 Q. Let's walk through this a little bit. Can



1 you turn to page 5. I'm sorry page 6. So this section

2 on page 6 that begins debt financing. Do you see that?

3 A. Yes.

4 Q. So there's a paragraph and then there's a

5 quote from something and then there's another

6 paragraph. Do you see that?

7 A. Yes.

8 Q. So this paragraph says rather than raising

9 $3,000,000 in the first round as originally intended,

10 the company raised 2,000,000 from Softbank at the

11 previously agreed upon 4.5 pre-money valuation. Do you

12 see that?

13 A. Yes.

14 Q. To make sure I understand does this mean

15 that generally Softbank owned around 44 percent,

16 45 percent of the company for a $2,000,000 investment?

17 Am I reading that correctly.

18 MR. PERRY: Objection. Foundation.

19 THE WITNESS: I don't know if that was actually

20 the case that they had -- my understanding that

21 generally that's the situation that when people invest

22 in that they're getting a percentage. I know there

23 could be other scenarios where they could have other

24 rights associated with that so the percentages may be

25 adjusted in some way but what you're suggesting is not



1 uncommon. It's fairly typical.

2 Q. BY MR. ALEMANNI: Is it fair to say that if

3 the case study is correct soft bank invested

4 $2,000,000 in the company?

5 A. Yes.

6 Q. And then the remainder of that paragraph or

7 at least the last sentence talks about someone named

8 Joseph Vetter?

9 A. That's right.

10 Q. Do you know Mr. Vetter?

11 A. I don't know him personally, no.

12 Q. If we flip the page the end of that first

13 paragraph at the top of page 7 says -- and it appears
14 to still be talking about Mr. Vetter. It says he
15 agreed and in early November purchased $1.25 million in
16 convertible debt. So is that a loan to DoDots
17 essentially?
18 A. Just in terms of debt financing that's
19 typically considered a loan in a way and sometimes it
20 gets converted over in a subsequent round with some
21 additional rights like it carries interest payment and
22 warrant coverage and the like.
23 Q. And then the next paragraph talks further
24 about the company. About halfway down -- I'm sorry.
25 Three lines down it says in December the company



1 negotiated an equipment line of credit from Western
2 Technology Investments in the amount of $1.5 million.
3 Do you see that?
4 A. Yes.
5 Q. And the next paragraph begins in
6 February 2000 the company further increased its
7 leverage by obtaining 2,000,000 in commercial debt from
8 light house capital partners. Do you see that?
9 A. Yes.

10 Q. And is light house capital partners the same
11 company that you referred to earlier in your testimony?
12 A. Yes, that's my belief and understanding,
13 it's the same.
14 Q. So if I understand this part of the case
15 study it's saying that the company DoDots obtained
16 $2,000,000 in equity and then borrowed $4.75 million?
17 Does that look accurate to you?
18 A. How did you get the 4.75? It was the
19 2,000,000 from light house and the one and a half from
20 western digital.
21 Q. And the 1.25 from Mr. Vetter?
22 A. So I'm seeing those three numbers as well so
23 debt financing -- 4.75, yes.
24 Q. Let's go forward to -- let's go to page 10.
25 And on page 10 about a little more than halfway down



1 the page there's a heading that says chase H and Q?
2 A. Yes.
3 Q. Do you know what H and Q stands for there?
4 A. I believe it's Hambrick and Quist which was
5 a banking -- investment bank out of San Francisco I

6 believe.

7 Q. And then in this first paragraph it refers

8 to -- it says a group of chase partners went to the

9 DoDots office on March 10, 2000. Do you see that?

10 A. Yes.

11 Q. And then if he skip the quote and we go to

12 the next paragraph which is the last paragraph on the

13 page it says the second sentence by the end of the

14 meeting the parties had agreed to a set of terms and it

15 refers to Exhibit 10 and a pre-money evaluation of

16 275,000,000. Do you see that?

17 A. Yes.

18 Q. And is this a $275,000,000 figure that you

19 referred to in your declaration?

20 A. Yes.

21 Q. So that valuation was arrived at on

22 March 10; correct?

23 A. Correct.

24 Q. And then if this case study is correct then

25 approximately five weeks later Chase walked away;



1 correct?

2 A. Yes.

3 Q. And the deal was never had; correct?

4 A. I'm not aware if -- in the case study that's

5 what it's saying. In terms of what ended up happening

6 but that was the valuation that was being discussed and

7 at one point there was an agreement or an understanding

8 that Chase would be -- agreed to a set of terms with

9 that valuation but in the end that deal didn't happen.

10 They pulled back.

11 Q. And that was according to case study that

12 was April of 2000 and you joined the company in May of

13 2000; correct?

14 A. Correct.

15 Q. Did Chase ever make an investment in the

16 company during the time you were at DoDots?

17 A. That I'm not sure if what investment they

18 made or if they made one.

19 Q. But you were general counsel of DoDots;

20 correct?

21 A. Yes.

22 Q. So is your testimony that you wouldn't have

23 not aware of an investment by Chase at the time you

24 were general counsel for the company?

25 A. I'm not aware of any investment that they

1 did in the company at that time. But I do know from my
2 recollection there were conversations that were always
3 going on with different parties and all I knew is that
4 there was an understanding of the 275,000,000 to do
5 that. At the time a lot of the investment documents
6 conversations were, you know, I was working with other
7 Cooley attorneys having come from there who were
8 handling a lot of that investment negotiation. So I
9 knew kind of just whatever I could find out and I just
10 don't remember what the final stock ownership was.
11 Q. But as you sit here today you don't recall
12 during the time you were general counsel of DoDots
13 whether or not Chase ever made an investment in DoDots.
14 A. Correct.
15 Q. Is that correct?
16 A. That's correct.
17 Q. Okay. And can I turn your attention to page
18 15 of that case study.
19 A. Yes.
20 Q. What is shown on page 15 of this case study?
21 MR. PERRY: Objection. Foundation.
22 THE WITNESS: Looks to be an income statement
23 for DoDots for March 2000 and April 2000.

24 Q. BY MR. ALEMANNI: And someone with an MBA
25 does this look like a typical income statement to you?



1 MR. PERRY: Objection. Overbroad.
2 THE WITNESS: It's a typical -- it's a simple
3 summary of a basic income statement, yes, with revenue
4 and offset value expenses to show a loss in that period
5 of time.
6 Q. BY MR. ALEMANNI: So this page appears to
7 show two income statements, one for March of 2000 and
8 one from April of 2000; correct?
9 A. Correct.
10 Q. So if I turn your attention to the income
11 statement from March of 2000 on the left-hand side do
12 you see that?
13 A. Yes.
14 Q. So what was DoDots revenue in March of 2000?
15 MR. PERRY: Objection. Foundation. Objection.
16 Scope.
17 THE WITNESS: So it's showing that there was no
18 revenue. It was forecasted to be $1,000 but it doesn't
19 look like they did a variance of 1,000 so that -- they
20 didn't have any revenue for March of 2000.

21 Q. BY MR. ALEMANNI: And then if we move down
22 what were the total operating expenses of DoDots
23
24 MR. PERRY: Objection. Foundation. Objection.
25 Scope.



1 THE WITNESS: As I'm reading it they had
2 1.1 million in expenses. And then they had an
3 additional 46,000 in interest expense so the total
4 expenses and their net loss is about 1.1, over
5 $1.1 million.
6 Q. BY MR. ALEMANNI: And just to be clear, so
7 this is the exhibit to your declaration. So am I
8 correct in saying that this income statement shows that
9 DoDots, Inc lost $1.1 million in the month of
10 March 2000; is that correct?
11 MR. PERRY: Objection. Foundation. Objection.
12 Scope.
13 THE WITNESS: Well, according to this exhibit
14 that's -- through this case study this case study is
15 showing that during that month they had an operating
16 loss of over 1.1 million; correct.

17 Q. BY MR. ALEMANNI: And do you have any basis
18 to think that anything in the case study that you
19 included with your declaration is incorrect?
20 MR. PERRY: Objection. Foundation. Objection.
21 Scope.
22 THE WITNESS: You know, I don't know on these
23 case studies just in a general -- this is kind of meant
24 for a teaching tool and I don't know how, you know, --
25 I have no reason to know one way or the other how



1 accurate all of these things always are. I'm sure they
2 may take lib at this to make it into a teaching tool
3 and then they summarize things. So I have no reason to
4 believe one way or the other but I take it for -- I
5 have no reason to approximate believe that these are
6 wrong in this case.
7 Q. Did you review this case study before you
8 included it in your declaration?
9 A. I did not -- I knew that -- I didn't review
10 this for that purpose. I just knew that this case
11 study was there and it had that information of the
12 275,000,000 and that's all that I -- that's all that I
13 was aware. Otherwise I did not look at -- I did not

14 look at this exhibit. And the only purpose of my
15 declaration was that hey, there was a valuation of 275
16 and this was provided as some sort of information to,
17 you know, validate in terms of my -- as another data
18 point that says the same thing as I recall and that's
19 all that this was provided for.
20 Q. So on the right-hand side of page 15 there's
21 in the income statement from April of 2000. Do you see
22 that?
23 A. Yes.
24 Q. Does that income statement also indicate
25 that DoDots one, had no revenue and two, was losing



1 approximately $1.1 million per month?
2 MR. PERRY: Objection. Compound. Objection.
3 Scope. Objection. Foundation.
4 THE WITNESS: Yes, it's showing the same thing.
5 Losing $1.1 million.
6
7 Q. BY MR. ALEMANNI: And if I recall your
8 testimony you joined DoDots in May of 2000; correct?
9 A. Yes.

10 Q. Do you recall whether DoDots, Inc. had any
11 revenue in May of 2000.
12
13 MR. PERRY: Objection. Foundation. Objection.
14 Scope.
15 A. I don't know to the level of May, what May
16 was.
17 Q. Do you have any recollection of whether
18 DoDots was operating at a net loss in May of 2000 when
19 you worked for DoDots as general counsel?
20 A. My understanding was that they were
21 operating at a net loss, but that was the gist -- and I
22 do believe that they did get revenue during some months
23 afterwards because we -- there were deals that,
24 you know, that I recall were generating some revenue,
25 not a lot at all and not at these levels to offset the



1 operating expenses, so I know we were operating at a
2 loss but at the time this was still the Dot com bubble
3 and this is kind of how things were going and how the
4 case study is showing people are trying to always find
5 sources of investment and that the key at that point
6 was to just get the product out and get -- just build

7 the company. So there were multiple things going on at
8 the same time in terms of building out staff, building
9 out the product. Those obviously came with tremendous
10 expenses as being shown here and the challenge for the
11 company was then to go out and be raising money as part
12 of the opportunity.
13 Q. Do the numbers shown on here for the two
14 income statements and the Exhibit to your declaration
15 accurately reflect your recollection as to what the
16 operating losses were for DoDots was on a monthly
17 basis?
18 A. I wasn't tracking them on a monthly basis
19 but I know -- I knew we were operating at a loss just
20 given -- I just knew we were operating at a loss and
21 that was just part of how things were being done, just
22 given the size of the team, the expenses with the
23 company. But, you know, we -- just kind of the
24 development and the growth potential and hope in that
25 era was driving the company.



1 Q. Is your recollection when you were working
2 for DoDots in May of 2000 that the expenses were on the

3 order of 1,000,000 or a little more per month?

4 A. I mean, if these numbers are accurate I

5 would say that May would probably be the same. It

6 continued to grow even after I joined.

7 MR. ALEMANNI: I think that's all I have. I'll

8 pass the witness.

9 MR. PERRY: No questions for me.

10 MR. ALEMANNI: We can go off the record,

11 Jeanine.

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